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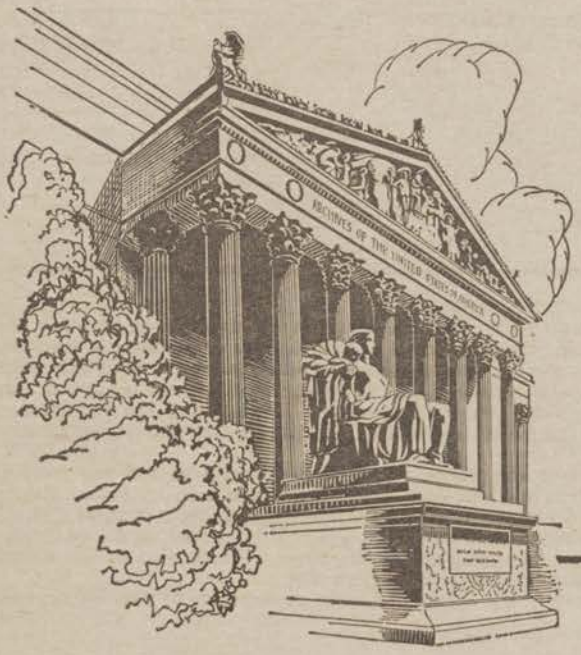
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Commerce Department
Consumer and Marketing Service
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THE NATIONAL ARCHIVES OF THE UNITED STATES
LITTERA SCRIPTA MANET
1934

Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of January 1, 1971)

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[A Cumulative checklist of CFR issuances for 1971 appears in the first issue of the Federal Register each month under Title 1]

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Title 3—The President

PROCLAMATION 4036

Loyalty Day, 1971

By the President of the United States of America

A Proclamation

In this time, as throughout our history, the American nation rests fully and finally upon the loyalty of the American people.

Every day Americans around the globe bear witness to their national allegiance. In doing so, some bear final witness by giving up their lives for the life of this Nation. Not all are called to that extremity. But all are called to that degree of devotion. For that reason it is fitting that we set aside one day in the year when every citizen may pause to reflect on his own debt to the devotion of other Americans, and to bear witness in every appropriate way to his own loyalty.

To that end the Congress by a joint resolution of July 18, 1958, has designated May 1 of each year as Loyalty Day and requested the President to issue a proclamation inviting the people of the United States to observe such day with appropriate ceremonies.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do call upon the people of the United States, and upon all patriotic, civic, and educational organizations, to observe Saturday, May 1, 1971 as Loyalty Day, with appropriate ceremonies in which all of us may join in a reaffirmation of our loyalty to the United States of America.

I also call upon appropriate officials of the Government to display the flag of the United States on all Government buildings on that day as a manifestation of our loyalty to the Nation which that flag symbolizes.

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

Richard Nixon

[FR Doc.71-3569 Filed 3-10-71;4:35 pm]

EXECUTIVE ORDER 11586

Amending the Selective Service Regulations

By virtue of the authority vested in me by the Military Selective Service Act of 1967 (62 Stat. 604, as amended), I hereby prescribe the following amendments of the Selective Service Regulations prescribed by Executive Orders Number 10001 of September 17, 1948; Number 10008 of October 18, 1948; Number 10202 of January 12, 1951; Number 10292 of September 25, 1951; Number 10420 of December 17, 1952; Number 10659 of February 15, 1956; Number 10714 of June 13, 1957; Number 10837 of September 14, 1959; Number 10984 of January 5, 1962; Number 11350 of May 3, 1967; Number 11360 of June 30, 1967; and constituting portions of Chapter XVI of Title 32 of the Code of Federal Regulations:

SECTION 1. Part 1632, Delivery and Induction, is amended as follows:

(a) Section 1632.1 Order to Report for Induction—is amended as follows:

The text of Section 1632.1 is redesignated as paragraph (a) thereof and new paragraphs (b) and (c) are added to Section 1632.1 to read as follows:

"(b) Any registrant who has been issued an Order to Report for Induction (SSS Form 252) and who is distant from his local board of origin, which issued the Order, must report at the time and place specified therein, unless he voluntarily submits to processing for induction at any Armed Forces Examining and Entrance Station and is actually inducted into the Armed Forces or found to be not qualified for induction into the Armed Forces on or before the third day prior to the day that he was required to report in accordance with the Order to Report for Induction (SSS Form 252).

"(c) If the registrant is inducted or if the registrant is found not qualified for induction pursuant to paragraph (b) hereof, the Armed Forces Examining and Entrance Station shall inform the local board which issued the Order to Report for Induction (SSS Form 252) of such event, and in either such event the registrant shall not be required to comply with the said Order."

(b) Section 1632.5 Preparing Records for a Group Ordered to Report for Induction—is amended by striking the letter designation "(a)" and all of paragraph (b).

(c) Section 1632.9 Certain Registrants May Request Transfer for Induction—is rescinded.

(d) Section 1632.10 Transfer for Induction Directed by Director of Selective Service—paragraph (c) is amended by substituting the words "such other action as prescribed by the Director" for the words "the other actions provided for in paragraphs (h) and (i) of Section 1632.9".

(e) Section 1632.14 Duty of Registrant to Report for and Submit to Induction—is amended as follows:

(1) Paragraph (a) is amended as follows: in the first sentence thereof the words "or an Order for Transferred Man to Report for Induction (SSS Form 253)" are deleted and in the last sentence thereof the words "and to each local board whose area he enters or in whose area he remains" are deleted.

(2) Paragraph (b) is amended by substituting the words "Upon reporting for his scheduled induction as ordered by his local board" for the words "Upon reporting for induction".

(f) Section 1632.15 Forwarding Registrants for Induction—paragraph (e) is amended by inserting after the word "group" in the first sentence the following words: "who are reporting for scheduled inductions as ordered by their local boards".

(g) Section 1632.20 Records Returned to Local Board—paragraph (b) is amended by substituting the word "section" for the words "section 1632.9 and" in the first sentence thereof.

SEC. 2. Section 1642.15 Continuous Duty of Certain Registrants to Report for Induction—is amended by deleting the words "or pursuant to an Order for Transferred Man to Report for Induction (SSS Form 253)" and the words ", and to each local board, whose area he enters or in whose area he remains".

Richard Nixon

THE WHITE HOUSE,
March 10, 1971.

[FR Doc.71-3570 Filed 3-11-71;8:56 am]

Rules and Regulations

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 71-CE-3-AD; Amdt. 39-1170]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models 99 and 99A Airplanes

Certain conditions hereinafter described exist in Beech Models 99 and 99A airplanes which constitute a hazardous condition that adversely affects the safe operation of these airplanes in air commerce. To correct these conditions the manufacturer has issued various Service Instructions but has been unable to obtain 100 percent compliance from the owners of these model airplanes. In order to make the requirements of the Service Instructions mandatory an Airworthiness Directive is being issued requiring modification of the flap selector panel, landing gear indicator and warning device, landing gear selector, instrument static air system, and inspection of the electrical power distribution system on certain serial numbered Beech Model 99 and 99A airplanes.

The flap selector installed on these model airplanes was not provided with a full up detent position. The lack of a detent at this position has contributed to inadvertent flap operations and flaps being rigged improperly. Paragraph A of this AD requires modification of the flap selector panel in accordance with Beechcraft Service Instruction 0328-158 by adding an "up" position detent and a positive pin for the flap position plate that prevents the plate from moving.

Inservice operations of these airplanes reveal that they are being landed with power and flap settings which do not activate the landing gear warning device. Paragarph B of this AD requires compliance with Beechcraft Service Instruction 0313-158 and 0318-350. Beechcraft Service Instruction 0313-158 provides instructions needed to adjust the throttle activating mechanism in order that the gear warning device will function at a higher engine power setting. Beechcraft Service Instruction 0318-350 provides information needed to modify the gear warning system so that the gear warning light remains on when the warning horn is silenced.

The landing gear selector on these model airplanes is so located that it may be bumped accidentally by the pilot's knee when the selector is in the down position, thereby causing the gear to retract. Paragraph C of this AD requires compliance with Beechcraft Service Instruction 0299-395 which provides for the addition of a gear selector guard that affords protection for the landing gear selector thereby preventing it from being inadvertently moved to the up position.

The instrument static air system on these model airplanes includes a source identified as the source which parallels the primary source. When the primary source changes from an open to closed condition, it has been determined that the altimeter readings provided by the alternate source will be incorrect and give the pilot misleading information as to his actual altitude and airspeeds. Paragraph D of this AD requires compliance with Beechcraft Service Instruction 0291-394, Rev. 1, which provides parts and instructions necessary to modify the instrument static air system by adding a valve that isolates the primary and alternate sources.

Undetected failure of isolation diodes located on the dual electrical buses in these model airplanes can result in loss of the complete electrical system when only one bus is shorted. Paragraph E of this AD requires inspection and testing of the power distribution system for undetectable failures of this type in accordance with Beechcraft Service Instruction 0348-351.

Since immediate action is required in the interest of safety, compliance with the notice and public procedures provisions of the Administrative Procedure Act is not practical and good cause exists for making this rule effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

BEECH. Applies to Models 99 and 99A (serial numbers as applicable) airplanes.

Compliance: Required as indicated, unless already accomplished.

To preclude the occurrence of faults, failures and improper operation, accomplish the following:

(A) On Models 99 and 99A (Serial Nos. U-1 through U-95, U-97 through U-127, U-130 through U-133, U-135 and U-136) airplanes within the next 100 hours' time-in-service after the effective date of this AD, modify the flap position selector in accordance with Beechcraft Service Instruction 0328-158 or later FAA-approved revision, or by any other method approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region, Kansas City, Mo.

(B) On Models 99 and 99A (Serial Nos. U-1 through U-133, U-135 and U-136) airplanes within the next 100 hours' time-in-service after the effective date of this AD, modify the landing gear indicator and warning device in accordance with Beechcraft Service Instruction 0313-158 and 0318-350, or later FAA-approved revision, or by any other method approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region, Kansas City, Mo.

(C) On Models 99 and 99A (Serial Nos. U-2 through U-103, U-105 through U-133, U-135, and U-136) airplanes within the next 75 hours' time-in-service after the effective date of this AD, modify the gear selector panel in accordance with Beechcraft Service Instruction 0299-395 or later FAA-approved revision, or by any other method approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region, Kansas City, Mo.

(D) On Models 99 and 99A (Serial Nos. U-1 through U-103 and U-106 through U-135) airplanes within the next 75 hours' time-in-service after the effective date of this AD, modify the instrument static air system in accordance with Beechcraft Service Instruction 0291-394, Rev. 1, or later FAA-approved revision, or by any other method approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region, Kansas City, Mo.

(E) On Models 99 and 99A (Serial Nos. U-1 through U-136) airplanes within the next 100 hours' time-in-service after the effective date of this AD and thereafter at 500-hour intervals from the date of initial inspection, inspect and test the electrical power distribution system in accordance with Beechcraft Service Instruction 0348-351 or later FAA-approved revision, or by any other method approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region, Kansas City, Mo.

This amendment becomes effective March 16, 1971.

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

Issued in Kansas City, Mo., on March 3, 1971.

DANIEL E. BARROW,
Acting Director, Central Region.

[FR Doc.71-3474 Filed 3-11-71;8:50 am]

[Airspace Docket No. 71-WE-1]

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

Alteration of Transition Area

On January 30, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 1485) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Fortuna, Calif., transition area.

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

Effective date. This amendment shall be effective 0901 G.m.t., May 27, 1971.

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

Issued in Los Angeles, Calif., on March 5, 1971.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.181 (36 F.R. 2140) the description of the Fortuna, Calif., transition area is amended to read as follows:

FORTUNA, CALIF.

That airspace extending upward from 700 feet above the surface within two miles each side of the Fortuna, California, VORTAC 327° radial, extending from the VORTAC to 8 miles northwest of the VORTAC; within 2 miles northeast and 4.5 miles southwest of the Fortuna, Calif., VORTAC 147° radial, extending from the VORTAC to 3.5 miles southeast of the VORTAC, and within 2.5 miles southwest and 3.5 miles northeast of the 309° and 129° bearings from the Rohnerville Airport, Calif. (latitude 40°33'15" N., longitude 124°07'53" W.) extending from 7.5 miles northwest to 3 miles southeast of the airport.

[FR Doc.71-3475 Filed 3-11-71;8:50 am]

[Airspace Docket No. 71-WE-2]

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

Alteration of Transition Area

On January 30, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 1485) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Arcata, Calif., transition area.

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

Effective date. This amendment shall be effective 0901 G.m.t., May 27, 1971.

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

Issued in Los Angeles, Calif., on March 5, 1971.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.181 (36 F.R. 2140) the description of the Arcata, Calif., transition area is amended to read as follows:

ARCATA, CALIF.

That airspace extending upward from 700 feet above the surface within 2 miles each side of the 323° bearing from the Arcata, Calif., RBN, extending from the RBN to 7.5 miles northwest of the RBN; that airspace bounded on the north by latitude 40°57'00" N., on the northeast by a line 2 miles northeast of and parallel to the ILS localizer southeast course, on the south by latitude 40°45'00" N., on the southwest by a line 2 miles southwest of and parallel to the 129° and 309° bearings from the Murray Airport latitude 40°48'18" N., longitude 124°06'52" W., on the west by a line 1 mile west of and parallel to the 219° bearing from the Arcata, Calif., RBN; that airspace extending upward from 1,200 feet above the surface, bounded on the north by latitude 41°16'00" N., on the east and south by a line 9 miles northeast of and parallel to the 333° and 153° bearings from the Arcata, Calif., RBN to latitude 40°34'00" N., thence to latitude 40°22'00" N., longitude 124°30'00" W., on the west by longitude 124°30'00" W., within 9 miles each side of the Fortuna, Calif., VORTAC 110° radial, extending from the VORTAC to 61 miles east of the VORTAC, and that airspace within an arc of a 28-mile radius circle centered on the Fortuna, Calif., VORTAC extending counterclockwise from the northeast edge of V27 to the south edge of V195.

[FR Doc.71-3476 Filed 3-11-71;8:50 am]

[Airspace Docket No. 70-WE-90]

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

Alteration of Control Zone and Transition Area

On January 28, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 1358) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Yakima, Wash., control zone and transition area.

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

Effective date. These amendments shall be effective 0901 G.m.t. May 27, 1971.

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

Issued in Los Angeles, Calif., on March 5, 1971.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.171 (36 F.R. 2055) the description of the Yakima, Wash., control zone is amended to read as follows:

YAKIMA, WASH.

Within a 5-mile radius of the Yakima Municipal Airport (latitude 46°33'55" N., longitude 120°32'25" W.), within 4 miles north and 2 miles south of the Yakima ILS localizer east course, extending from the 5-mile radius zone to 4 miles east of the Donald OM, and within 2.5 miles each side of the Yakima ILS localizer west course, extending from the 5-mile radius zone to 18.5 miles west of the Donald OM.

In § 71.181 (36 F.R. 2140) the description of the Yakima, Wash., transition area is amended to read as follows:

YAKIMA, WASH.

That airspace extending upward from 700 feet above the surface within 5 miles northeast and 10 miles southwest of the Yakima VORTAC 115° and 295° radials, extending from 1 mile northwest to 23 miles southeast of the VORTAC, and within 3.5 miles north and 5 miles south of the ILS localizer west course, extending from 11 to 27 miles northwest of the Donald OM; that airspace extending upward from 1,200 feet above the surface within 5 miles east and 8 miles west of the Ellensburg, Wash., VORTAC 191° radial, extending from 9 miles south to 13 miles north of the INT of the Ellensburg VORTAC 191° and the Yakima VORTAC 305° radials, within 9 miles northeast and 6 miles southwest of the Yakima VORTAC 129° radial, extending from the VORTAC to 33 miles southeast of the VORTAC; that airspace northeast and east of Yakima within a 16-mile radius of the Yakima VORTAC, extending clockwise from the east edge of V-25 to the northeast edge of V-4, within a 21-mile radius of the Yakima VORTAC, extending clockwise from the southwest edge of V-4 to the northwest edge of V-448, and within a 23-mile radius of the Yakima VORTAC extending clockwise from the northwest edge of V-448 to the south edge of V-204; that airspace extending upward from 7,500 feet MSL within 11 miles northwest and 16 miles southeast of the Yakima VORTAC 242° radial, extending from 8 miles southwest to 52 miles southwest of the VORTAC.

[FR Doc.71-3477 Filed 3-11-71;8:50 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 12B—Coast Guard, Department of Transportation

[CGFR 71-19]

PART 12B-1—GENERAL

PART 12B-50—CONTRACTS GENERAL

Distribution of Contracts

The purpose of this amendment to the Coast Guard procurement regulations is to revoke Subpart 12-1.10 and § 12B-50.104 of Subpart 12B-50.1 because they are matters of concern only to the Coast Guard and do not affect the members of the public to any extent.

Since this amendment concerns a matter relating to agency management, notice of proposed rule making and public procedure therein are not required and this amendment can be made effective less than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Parts 12B-1 and 12B-50 of Title 41 of the Code of Federal Regulations are amended as follows:

1. By revoking Subpart 12B-1.10.

2. By revoking § 12B-50.104 of Subpart 12B-50.1.

(Sec. 633, 63 Stat. 545, sec. 205(c), 63 Stat. 389, as amended, secs. 2301-2314 (ch. 137), 70A Stat. 127-133, as amended, sec. 6(b)(1), 80 Stat. 937; 14 U.S.C. 633, 40 U.S.C. 486(c), 10 U.S.C. 2301-2314, 49 U.S.C. 1655(b)(1); 41 CFR 12-1.008)

Effective date. This amendment shall become effective on March 12, 1971.

Dated: March 8, 1971.

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

[FR Doc.71-3491 Filed 3-11-71;8:51 am]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

RESTATEMENT OF REGULATIONS

With the exceptions noted below the following regulations supersede Part 614 of Subchapter H (as redesignated, 35 F.R. 18965); Subchapter K (Parts 811–813); Subchapter L (Parts 821–832); and Part 947 of Subchapter N.

This restatement is designed primarily to eliminate unnecessary detail in the existing regulations. To a large degree these regulations relate to agency management, organization and procedure and are not substantive rules. In other respects they are a restatement of existing regulations with no significant change in substance.

Since these regulations represent a comprehensive restatement of existing regulations with little change in substance, it is unnecessary and impracticable to publish them as proposed rules and to provide a delayed effective date. Accordingly, they are effective upon publication in the FEDERAL REGISTER (3–12–71).

The following sections of existing Part 821 of Subchapter L are not affected by this restatement and remain in full force and effect:

Sec.
821.3(c) Judicial Officer; Hearing Examiners; Board of Contract Appeals.
821.4 Executive Assistants to the Postmaster General.
821.5 Special Assistant to the Postmaster General (Public Information).
821.6 Office of International Postal Affairs.
821.9 Executive Assistant to the Deputy Postmaster General.

Delegations of authority contained in existing Part 822 of Subchapter L that have not been otherwise superseded or modified likewise remain in full force and effect.

In the daily issue of December 23, 1970 (35 F.R. 19399) the following regulations of former Subchapter A of Title 39, Code of Federal Regulations, were removed from the Code of Federal Regulations but retained in force as uncodified regulations of the Department. These uncodified regulations are hereby revoked.

Part
113 Information on postal service and records relating to operations of the Department.
116 Services performed for other agencies.
118 Cooperation with Red Cross during natural disasters.
145 Philately.

Subchapter D is set out below:

SUBCHAPTER D—ORGANIZATION AND ADMINISTRATION

GENERAL PRINCIPLES OF ORGANIZATION

PART 211—DISTRIBUTION OF RESPONSIBILITY

Sec.
211.1 Postmaster General and Deputy Postmaster General.
211.2 Departments.
211.3 Postal Field Service.

AUTHORITY: The provisions of this Part 211 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 211.1 Postmaster General and Deputy Postmaster General.

(a) The Postmaster General administers the Postal Service. He operates by delegation, except on matters which he may generally or specifically reserve for his personal decision, notwithstanding formal delegations.

(b) The Deputy Postmaster General acts as Postmaster General during the absence, disability, or vacancy in the office of the Postmaster General.

(c) During any period when, by reason of absence, disability, or vacancy in office, neither the Postmaster General nor the Deputy Postmaster General is available to exercise the powers or perform the duties of the office of Postmaster General, the first official on the list in § 212.1(c) who is available to do so shall perform the functions of the Postmaster General.

§ 211.2 Departments.

(a) The Postmaster General and the Deputy Postmaster General are assisted by six Assistant Postmasters General, the General Counsel, and the Chief Postal Inspector. Functions of these officers, within assigned areas, relate mainly to:

(1) Program planning, direction, and review.

(2) Establishment of policies, procedures, and standards.

(3) Operational determinations on matters not within the full jurisdiction of field officers.

(b) Each department, as affected, shall take part in selecting key officials in the regional offices; shall review personnel actions warranting Headquarters action; and shall deal with employee organizations on matters within its jurisdiction.

§ 211.3 Postal Field Service.

(a) *Regional offices.* There are 15 regional offices, each under a Regional Director responsible for:

(1) Operation of all postal installations (except those reserved to Headquarters) in his region under prescribed delegations, policies, procedures, and standards.

(2) Referral of matters requiring higher decision, with recommendations.

(3) Reporting performance, problems, trends, and information necessary for Headquarters' planning and action.

(b) *Postal data centers.* There are six postal data centers, each under a Director who is responsible for:

(1) Accounting and data processing for assigned areas.

(2) Adjudication of claims pursuant to authority delegated to them by the Assistant Postmaster General, Finance and Administration Department.

PART 212—DELEGATIONS OF AUTHORITY

Sec.
212.1 Authority for delegation.
212.2 Media of delegation.
212.3 Contents of delegations.
212.4 Redelegation.
212.5 Authority to approve personnel actions.
212.6 Authority to administer oaths.
212.7 Authority to designate certifying officers—Headquarters.
212.8 Authority to designate certifying officers—field.
212.9 Delegation of authority to the Assistant Postmaster General, Finance and Administration Department.

AUTHORITY: The provisions of this Part 212 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 212.1 Authority for delegation.

(a) The Postmaster General can delegate to any employee or agency of the Service, any function vested by law in him or in any other service employee.

(b) The Deputy Postmaster General is the full alternate to the Postmaster General.

(c) When, by reason of absence, disability, or vacancy in office, neither can act as Postmaster General, the first available official on the following list will do so as acting Postmaster General:

(1) Assistant Postmaster General, Operations Department.

(2) Assistant Postmaster General, Finance and Administration Department.

(3) Assistant Postmaster General, Facilities Department.

(4) Assistant Postmaster General, Personnel Department.

(5) General Counsel.

(6) Assistant Postmaster General, Research and Engineering Department.

(7) Assistant Postmaster General, Planning and Marketing Department.

(d) Each Assistant Postmaster General, the General Counsel, and the Chief Postal Inspector acts for the Postmaster General on assigned matters. In their absence, their deputies or other designated officers, next in line, shall take their places and sign documents in their own names as Acting Assistant Postmaster General, Acting General Counsel, etc. The Postmaster General or Deputy Postmaster General must approve an officer below a Deputy Assistant Postmaster General to act as head of a department.

(e) Each Assistant Postmaster General, the General Counsel, and the Chief Postal Inspector, are delegated the full authority of the Postmaster General to exercise the powers and functions of the Postal Service under the Postal Reorganization Act in respect to matters within the area of responsibility of his Department, except as limited by law or by the specific terms of his assignment.

§ 212.2 Media of delegation.

(a) Issue all delegations of authority through established media such as the Postal Service Manual or other official directives.

(b) Chapter 2 of the Postal Service Manual will be used to confer authority to organization units and their heads, to perform their duties. Other official issuance series may be used as media for conveying specific, related operating authorities. Individuals memoranda of delegation, numbered serially for record purposes, may be issued when required.

(c) In addition to publication in official directives, delegations shall be published in the FEDERAL REGISTER when required.

(d) Headquarters or regional officials shall not orally authorize postmasters to

deviate from published instructions, except in emergencies. Confirm an oral authorization by a memorandum or order dated subsequent to the issuance date of the most recently published instructions on the subject. Postal inspectors shall charge as deficiencies any improperly authorized deviations observed in inspections.

§ 212.3 Contents of delegations.

(a) Make delegations ordinarily by position title rather than by name. Do not use "chief or acting chief" or similar term. The officer acting in the absence of a principal has his full authority.

(b) When authority is delegated to an officer, the officers above him have the same authority. This authority shall not extend to aides, except on an acting basis as specified in § 212.3(a) or unless specifically authorized.

(c) A delegation must be legal with specific limiting conditions outlined.

§ 212.4 Redelegation.

(a) Except as otherwise prohibited by law, or by a regulation that expressly prohibits redelegation or by the terms of the delegation:

(1) The head of a department at headquarters may redelegate any authority vested in him.

(2) A regional director may redelegate any authority vested in him subject to the following:

(i) Issuance of letters of proposed adverse action against postmasters and the making of the initial decision in an adverse action proceeding involving postmasters may not be redelegated;

(ii) Redelegation to members of a regional office staff must be consistent with the current regional organizational structure; and

(iii) Redelegation to postmasters in his region requires the prior approval of the head of the appropriate department at headquarters.

(3) A Director, Postal Data Center, may redelegate any authority vested in him.

(4) Heads of other field installations may redelegate any authority vested in them.

(b) Other subordinate officers or employees in departments at headquarters and in field installations may not delegate any authority vested in them without the prior approval of the head of the department at headquarters, or head of the field installation, as appropriate, except when power of redelegation is granted in the delegation of authority.

§ 212.5 Authority to approve personnel actions.

(a) *Delegation.* The following officials and employees can approve and sign Forms 50, Notification of Personnel Action, for appointments, employment changes, and separations of employees under their jurisdiction in the postal field service, except as limited by the Postal Service Manual or by the Regional Director:

(1) *Inspection Service Divisions.*

Chief Postal Inspector.

(2) *Regional Headquarters.*

Regional Director.
Director, Personnel Division.
Deputy Regional Director.
Chief, Personnel Operations Branch.

(3) *Postal Data Centers.*

Director, Postal Data Center.

(4) *Postal Installations.*

Postmaster.
Assistant Postmaster.
Supervisor assigned to personnel office.
Area Supply Manager and Superintendent, Supply Center.
Manager and Assistant Manager, Mail Equipment Shops.

(b) *Redelegation.* The Regional Director or the Director, Postal Data Center, can redelegate the authority to approve and sign Forms 50 to officers and supervisors under his jurisdiction.

(c) *Administrative clearances and approval.* Authority delegated here does not eliminate securing administrative clearances and approvals required by instructions implementing this section issued in other media.

§ 212.6 Authority to administer oaths.

(a) *Delegation.* The following can administer oaths of office in connection with employment:

(1) *Regional Headquarters.*

Regional Director.
Deputy Regional Director.
Director, Personnel Division.
Director, Finance Division.
Chief, Personnel Operations Branch.
Employment and Placement Officers.
Personnel Assistant.
Postal Service Officer.

(2) *Postal Data Centers.*

Director, Postal Data Center.
Director, Systems and Planning Division.

(3) *Postal Installations.*

Postmasters.
Assistant Postmasters.
Chief, Administrative Service, or Director, Office of Administrative Services, only to contractors, contract stations and branches.
Superintendent and Administrative Assistant, Mail Bag Depository.
Superintendent, Assistant, Superintendent (where authorized) and Administrative Assistant of Combined Mail Bag Depository and Mail Bag Repair Center.
Supervisor assigned to personnel office in postal installation.
Executive Secretary, Postal Board of Civil Service Examiners.
Area Supply Manager; Deputy Area Supply Manager; Superintendent and Personnel Officer, Supply Center.
Manager, Assistant Manager, and Administrative Assistant, Mail Equipment Shops.
U.S. Stamped Envelope Agent.

(4) *Inspection Service.*

Postal Inspector in Charge.
Deputy Postal Inspector in Charge.
Assistant Postal Inspector in Charge.
Postal Inspector.
Area Manager, Internal Audit Division.

(5) *Automatic Data Processing Center.*

Director, Automatic Data Processing Center.

(b) *Prohibition on redelegation.* Authority delegated to officers and supervisors specified in § 212.6(a) cannot be redelegated by them.

(c) *Administering oaths.* (1) Use Forms 61. Appointment Affidavit, and 62, Oath of Office and Appointment Affidavit. No employee shall be assigned to duty if the forms indicate he does not meet requirements. Appointing officers shall especially guard against impersonation.

(2) Administer oath of office on entrance into the Postal Service(or to a conversion to career status) without charge or fee.

(3) Postal inspectors may administer oaths on matters coming before them in their official duties.

(4) Members of the Board of Appeals and Review of the Postal Service and each person assigned to conduct a hearing of an appeal from an adverse decision, may administer oaths.

NOTE: For administration of oaths by postmasters and assistant postmasters, see § 244.2.

§ 212.7 Authority to designate certifying officers—Headquarters.

(a) *Delegation.* The following can designate certifying officers at Headquarters for items specified:

(1) Chief Postal Inspector certificates (i) payment from his special deposit account; (ii) disbursements for rewards based on Postmaster General Notices of Reward; (iii) payments from confidential funds; (iv) salary payments to office division inspectors; (v) advances of funds for confidential purpose; (vi) inspection service, travel advances, transportation of things; and (vii) payments for special analyses and services.

(2) General Counsel certifies payments relating to tort claims and claims under 39 U.S.C. 2409.

(3) Assistant Postmaster General, Finance and Administration Department certifies all payments not covered by subparagraphs (1) and (2) of this paragraph.

(b) *Redelegation.* These officials can redelegate their authority to designate certifying officers. The redelegation shall be made by letter to the appropriate postal data center disbursing officer and must bear the specimen signature of the person to whom the authority is redelegated.

(c) *Designating certifying officers—*(1) *Chief Inspector's Department and Law Department.* Officials authorized to designate certifying officers (see § 212.7 (a)) will complete SF 210, Signature Card for Certifying Officer, in duplicate for each postal data center disbursing officer affected, to show:

(i) Name of department for which vouchers will be certified.

(ii) Signature of certifying officer written exactly as he will sign vouchers.

(iii) Class of vouchers to be certified.

(iv) His signature and effective date.

(2) *Other departments.* Other departments requiring certifying officers will complete SF 210 in duplicate as prescribed in subparagraph (1) of this paragraph, except for signature and date. Send both copies to the Assistant Postmaster General, Finance and Administration Department.

(3) *Submitting SF 210 to postal data center disbursing officers.* The Chief Postal Inspector, General Counsel and Assistant Postmaster General, Finance and Administration Department or their designees, will send signed originals of SF 210 to each of the disbursing officers affected and retain duplicates. These will be the official designations of the employees named on the SF 210 as certifying officers.

(d) *Maintaining designations.* Each department must keep current its designation of authorized certifying officers. As certifying officers die, retire, transfer, or otherwise leave, departments must inform the affected postal data center disbursing officers promptly so that signature cards may be removed from active files. When new or additional designations are made, follow procedures in § 212.7.

§ 212.8 Authority to designate certifying officers—field.

(a) *Delegation.* The following can designate certifying officers in postal data centers, inspection service divisions and internal audit areas:

(1) The Chief Postal Inspector for obligations of the Postal Inspection Service.

(2) Postal Data Center Directors for obligations of all other regional functions.

(3) The New York Postal Data Center Director for obligations for Headquarter's functions except those under § 212.7 (a) (1) and (2) and those certified by the Assistant Postmaster General, Finance and Administration Department, or his designee.

(b) *Redelegation.* These officials can redelegate their authority to designate certifying officers. Redelegate by letter to each disbursing officer affected, with the specimen signature of the person to whom authority is redelegated.

(c) *Designating certifying officers—* (1) *Inspectors in charge and internal audit area managers.* These officials, who are designated certifying officers, as limited by the Chief Postal Inspector, can designate certifying officers for obligations incurred by the Postal Inspection Service. They will complete SF 210, Signature Card for Certifying Officer, in duplicate to show:

(i) Inspection service division or internal audit area for which vouchers will be certified.

(ii) Signature of certifying officer written in the same manner that he will sign vouchers.

(iii) Class of vouchers to be certified.

(iv) His signature and effective date.

Inspectors in charge and internal audit area managers cannot redelegate their authority to designate authorized certifying officers.

(2) *Postal Data Center Directors.* Officers under direction of Postal Data Center Directors will complete SF 210 in duplicate as in paragraph (c) (1) of this section except for signature and date. Send both copies to him for completion.

(3) *Submitting SF 210 to disbursing officer.* The inspector in charge, internal audit area manager, and Postal Center Director (or his designees) will send the signed originals of SF 210 to each disbursing officer affected and keep the duplicates. These will be the official designations of the employees named on the SF 210 as certifying officers.

(d) *Maintaining designations.* Each office under jurisdiction of the officials named in § 212.8 must keep current its designation of authorized certifying officers. As certifying officers leave the certifying activity, send notices of termination and appointment through the offices of the named officials to each disbursing officer affected.

§ 212.9 Delegation of authority to the Assistant Postmaster General, Finance and Administration Department.

(a) *Delegation.* The Assistant Postmaster General, Finance and Administration Department, may take final action in his own name, on:

(1) Claims for overpayment of pay.

(2) Relief of accountable officers of liability for loss.

(3) Relief of accountable officers of liability for illegal, improper, or incorrect payments.

(4) Certifying officers; bonds, accountability; relief by Comptroller General.

(5) Deposit to and withdrawal from Postal Service fund.

(6) Collection of debts due the Postal Service with the exception of those falling under the jurisdiction of the Chief Postal Inspector or the General Counsel. This redelegation includes the settlement of debts not exceeding $20,000 that may be compromised, terminated, suspended or referred pursuant to the provisions of Public Law 89–508, with concurrence by General Counsel in cases involving doubtful questions of law or fact.

(7) Adjustment of claims of postmasters and Armed Forces postal clerks, including the loss of funds or valuable papers from their official custody resulting from burglary, fire, or unavoidable casualty, with concurrence by General Counsel in cases involving doubtful questions of law or fact.

(8) Certification on fourth-class mail revenue—cost relationship.

(b) *Redelegation.* Except for the authority described in § 212.9(a) (8), the Assistant Postmaster General, Finance and Administration Department can redelegate all or part of the authority vested in him by § 212.9(a) to:

(1) The Deputy Assistant Postmaster General and Controller.

(2) Assistant Controller for Accounting.

(3) Director, Accounting Systems Division.

(4) Director, Accounting Services Division.

(5) Director, Money Order Division.

(6) Directors, Postal Data Centers.

PART 213—RELATIONSHIPS AND CHANNELS OF COMMUNICATION

Sec.
213.1 Relationships.
213.2 Channels of communication.

AUTHORITY: The provisions of this Part 213 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 213.1 Relationships.

(a) *Between Headquarters departments.* Headquarters departments serve in a staff relationship to the Postmaster General and his Deputy in assigned functional areas.

(b) *Between Headquarters, regional offices and postal data centers.* Each Headquarters department shall provide guidance and policy interpretation to regional officials in its area of responsibility. Finance and Administration Department shall provide guidance and policy interpretation to postal data centers.

(c) *Between regional offices and postal installations.* The Regional Director shall provide guidance to the installation within his region with the assistance of his staff in their areas of specialization.

§ 213.2 Channels of communication.

(a) *Headquarters and regional offices.* (1) The heads of departments formulate the necessary directives to provide guidance to Regional Directors.

(2) Policy directives will be issued over the signatures of the heads of the departments, covering matters within their responsibility, except when the Postmaster General or Deputy Postmaster General may wish to personally issue such directives. Policy directives will be coordinated before issuance.

(3) Instructions and procedures not involving policy will ordinarily be issued over the signature of the bureau head having jurisdiction, and will have the same effect as though it were sent to the Regional Director by the Postmaster General or his Deputy.

(4) Field staff officers may communicate directly with the corresponding functional department in Headquarters on matters within their area of jurisdiction. In addition, where authorized, they may also directly contact supporting Headquarters offices, such as General Counsel, Chief Postal Inspector, and Office of Public Information on technical matters not requiring administrative judgment of the Regional Director.

(5) The Operations Department must be informed of communications from regional offices to Headquarters departments on policy or other important matters.

(b) *Regional offices and postal installations.* The regular channel of communication to and from the postmaster or the head of any postal installation is through the Regional Director and his staff specialists in the areas concerned. Direct communication between Headquarters' officials and the heads of postal installations will be kept to a minimum.

(c) *Headquarters, regional offices and post offices with postal data centers.* (1) The Finance and Administration Department provides the necessary directives to the postal data centers. All other Headquarters communications to and from the postal data centers will be processed through that department. The Law Department and the postal data centers shall maintain direct contact on matters

relating to professional and policy guidance on claims.

(2) Regional offices and postal data centers may communicate directly with each other. The director, regional finance division, is the coordinating point.

(3) Post offices and postal data centers may communicate directly on routine accounting matters. All other communications will be coordinated with the director, regional finance division.

ORGANIZATION STATEMENTS

PART 221—OFFICE OF THE POSTMASTER GENERAL AND DEPUTY POSTMASTER GENERAL

Sec.
221.1 Postmaster General.
221.2 Deputy Postmaster General.

AUTHORITY: The provisions of this Part 221 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 221.1 Postmaster General.

Administers the Postal Service in all its branches, the appointment of its personnel, its relationships with the Congress, and the management of its finances including the disbursement of appropriations. Determines appeals from the action of the bureau and office heads, except as delegated.

§ 221.2 Deputy Postmaster General.

Acts as full alternate to the Postmaster General. Delegates to any employee or agency of the Postal Service such of his authority as he considers appropriate. Resolves differences of opinions between departments on policies, programs, and areas of responsibility.

PART 222—DEPARTMENTS

Sec.
222.1 Chief Postal Inspector's Department.
222.2 Law Department.
222.3 Operations Department.
222.4 Finance and Administration Department.
222.5 Personnel Department.
222.6 Facilities Department.
222.7 Research and Engineering Department.
222.8 Planning and Marketing Department.

AUTHORITY: The provisions of this Part 222 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 222.1 Chief Postal Inspector's Department.

Directs the execution of policies, regulations, and procedures governing all investigations, including presentation of evidence to the Department of Justice and U.S. attorneys in those of a criminal nature, and directs operating inspections and audits for the Postal Service. Acts as security officer and defense coordinator for the Postal Establishment. Maintains liaison with other investigative and law enforcement agencies of the Government.

§ 222.2 Law Department.

(a) Serves as legal adviser to the Postmaster General, the Deputy Postmaster General and the entire Postal Service.

(b) Interprets laws in relation to the Postal Service.

(c) Administers the Contract Compliance Program, activities under the Freedom of Information Act, the Ethical Conduct Program and the Tort Claims Act and other personal injury and physical loss claims.

(d) Institutes and maintains administrative proceedings relating to mailability, false representation and similar matters.

(e) Prepares legislation and maintains liaison with the congressional committees and other agencies on legislative matters.

(f) Responsible for publication of regulations in the FEDERAL REGISTER and the regularity of their issuance.

(g) Manages the regional and field programs under jurisdiction of the General Counsel.

§ 222.3 Operations Department.

Provides direction for the execution of policies, programs, regulations, and procedures governing the operational activities of the field postal service including distribution, routing, transporting of domestic, international and military mail. Directs and coordinates with bureaus and offices the activities of the 15 regional offices.

§ 222.4 Finance and Administration Department.

Responsible for the policies and development and administration of the Postal Services financial management program, including budgeting; management information; accounting systems; automatic data processing; management studies; ratemaking; mail classification and special mail services (domestic and international); cost and statistical studies; and paperwork management.

§ 222.5 Personnel Department.

(a) Represents and acts for the Postmaster General and takes final action on all personnel management matters relating to industrial relations, compensation, administration, and employee training at professional and educational institutions.

(b) Represents and acts for the Postmaster General in dealings with employee organizations; maintains liaison with the legislative and executive branches and agencies of Government on personnel matters.

(c) Serves as Employment Policy Officer for the Postal Service. Has primary responsibility for equal employment opportunity in the Postal Establishment.

§ 222.6 Facilities Department.

(a) Directs development and execution of policies, programs, and procedures governing the acquisition, management, improvement, and disposal of postal real property.

(d) Directs development and execution of policies, programs, and procedures and exercises authority in the procurement, storage, distribution, and disposal of postal supplies and equipment.

(c) Directs development and execution of policies and procedures, and is responsible for accomplishing the Postal Services programs for all new postal facility design and construction, including management of lease construction projects; mechanization installation; and extension and modernization of existing facilities.

§ 222.7 Research and Engineering Department.

Provides leadership for and directs research, development and engineering activities of the Postal Service, using technical and professional skills and resources of other departments as required. Furnishes staff assistance to the Postmaster General and Deputy Postmaster General on research, development, and engineering matters; represents the Postal Service on such matters.

§ 222.8 Planning and Marketing Department.

Provides leadership in programs relating to long- and short-range planning; marketing of customer services; promoting public cooperation in the acceptance of improved postal service; the use of economic analysis to improve efficiency; reduce costs and upgrade the quality and variety of service; and systems analyses to evaluate methods and procedures and find ways to bring about postal excellence.

PART 223—OFFICE OF THE REGIONAL DIRECTOR

Sec.
223.1 Regional Director.
223.2 Administrative Officer.
223.3 Regional Counsel.
223.4 Deputy Regional Director, Operations.
223.5 Postal Service Officers.
223.6 Deputy Regional Director, Services.
223.7 Divisions.

AUTHORITY: The provisions of this Part 223 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 223.1 Regional Director.

(a) Directs the execution of policies, regulations and procedures and takes final action within his delegated authority on all matters relating to administration, operations and services within the region except National Headquarters field activities and other specific matters reserved to the Postmaster General and bureaus and offices of the National Headquarters.

(b) Manages, uses and controls manpower, allotted funds, facilities, and equipment within the authority delegated to the region.

(c) Directs management and operating surveys in post offices.

(d) Provides guidance and specialized assistance to post offices on mail processing, mail movement methods, and other postal operations.

(e) Exercises direct line authority over all officers and employees within the regions, except as provided in (a).

(f) Is responsible for the appraisal of performance and final rating of postmasters.

(g) Serves as Deputy Equal Employment Opportunity Officer under Executive Orders 11246 and 11375.

(h) May direct activities of individuals whose responsibilities extend into other regions.

§ 223.2 Administrative Officer.

(a) Assists and, as directed, acts for the Regional Director in matters of organization, management, budget and personnel administration, and other regional office staff activities, and performs such other duties as assigned by the Regional Director.

(b) Directs the paperwork management activity throughout the region.

§ 223.3 Regional Counsel.

Represents the General Counsel in furnishing a broad scope of legal services and counsel to the Regional Director, his staff, and postmasters within the region.

§ 223.4 Deputy Regional Director, Operations.

(a) Assists the Regional Director in the overall management of the region.

(b) Acts for the Regional Director in his absence or at his direction.

(c) Directs and coordinates all facets of mail operation within the region.

(d) Determines service approval for support projects, programs, and procedures connected with mail operation within region.

(e) Keeps the Regional Director informed of field operations as related to requirements, plans, and goals.

(f) Acts as the focal point for all communication—directives, policies, procedures, projects, surveys, and programs—between the regional office and the post offices within assigned region.

(g) Plans and directs Postal Service officer activities.

§ 223.5 Postal Service Officers.

(a) Provides to the Deputy Regional Director, Operations, a focal point of general management liaison with postmasters on a continuous basis.

(b) Guides and counsels postmasters on Postal Service matters and informs the regional office of problems and situations which require technical expertise in gaining solutions.

(c) Serves as a source of day-to-day information to the Deputy Regional Director, Operations, on needs and performance by postal installations.

(d) Contributes to the annual appraisal of postmasters.

(e) Maintains continuous observations of the Postal Service activities.

(f) Carries out special assignments of the Deputy Regional Director, Operations, and, as directed, special assignments for other regional officials.

§ 223.6 Deputy Regional Director, Services.

(a) Assists the Regional Director in overall management of the region.

(b) Acts for the Regional Director in his absence or at his direction.

(c) Interprets and translates postal operation service requirements, for both within and between communities, issued by Headquarters, into the planning guidance necessary to develop and process detail plans for the postal region.

(d) Provides policy, planning, procedure, program, and project support to the Regional Director and Deputy Regional Director, Operations, for operation of the postal system within the region on all matters relating to personnel, post office and delivery services, finance, facilities, logistics, industrial engineering and marketing.

§ 223.7 Divisions.

(a) *Personnel Division.* (1) Assists and advises the Regional Director and his deputies in all facets of personnel management to provide adequate and qualified employees to meet the postal operating requirements of the region.

(2) Controls and supervises all activities and functions necessary for a progressive personnel management program under Headquarters policies and procedures.

(3) Provides personnel services for the local regional headquarters and for such other independent installations as may be assigned for administrative support.

(4) Maintains liaison with various Federal, State, and local agencies having dealings with postal employees in the region, such as the U.S. Civil Service Commission, the Department of Labor, and the Department of Commerce.

(5) Gives technical advice and assistance to postmasters, operating officals, and employees in the region on matters of recruitment, selection, promotion, performance, training and development, position ranking, testing and examination, discipline, grievances, health, safety, awards, pay administration, benefits, labor relations, and Federal laws, regulations, and rules relating to civilian personnel.

(6) Provides professional guidance to regional and installation officials and supervisors on equal employment, civil rights, employment of the handicapped, and labor relations affecting field service personnel.

(7) Plans and directs the regional medical activities.

(8) Inspects and evaluates the performance and staffing of personnel office activities in local post offices and other installations in the region.

(9) Handles such special projects, field tests, and pilot studies as may be assigned by Headquarters.

(10) Assures the timely accomplishment of all functions and activities assigned to the personnel division.

(11) Participates with the Regional Director and other regional officials on programs and plans having personnel management implications.

(12) Serves as the principal point of contact for all communications, written and oral, with employee organizations.

(b) *Post Office and Delivery Services Division.* (1) Directs, coordinates and provides technical procedural guidance involving manpower and staffing in post offices and in all collection and delivery services, including general delivery, lock box, and window service requirements for the postal region.

(2) Develops and recommends post office and delivery service plans.

(3) Monitors, evaluates, reports, and, as directed, settles problems.

(4) Develops, coordinates and assists in implementing changes in organization and staffing postal installations under Headquarters policy and guidance.

(5) Reviews and coodinates complement and manhour allowances with appropriate regional organizational elements having a technical and functional interest; approves and releases allowances.

(6) Participates in the preparation of and recommends budget and program plans.

(7) Provides comments and operational concurrence on proposed methods improvements.

(8) Directs the regional program for plant maintenance, including the operation and maintenance of buildings and building mechanical equipment; and the maintenance of mail processing systems and customer service equipment.

(9) Directs the establishment, naming, operation, and discontinuance of classified and contract stations, branches and annexes within the postal region under Headquarters policy and guidance.

(10) Directs, coordinates and provides technical guidance on the delivery and vehicle services of the postal region.

(11) Directs the regional vehicle maintenance program, providing maintenance guidance, training, and technical direction to post offices. Directs analysis of cost reports and directs vehicle disposal program.

(12) Monitors, evaluates, reports, and as directed, settles problems in fulfilling delivery and vehicle service requirements.

(13) Reviews and provides comments on organization, staffing, complement, and man-hour allowances for carriers and vehicle services.

(14) Administers control of changes in city and rural routes, rural stations and assignment of vehicle utilization schedules.

(15) Reviews and gives service approval to proposed methods, carrier case diagrams, and plant improvement plans relating to delivery and vehicle services.

(16) Coordinates with transportation planning and distribution branch, logistics division, to provide technical guidance in scheme knowledge requirements for a well-qualified work force.

(17) Analyzes and recommends corrective action reports of delayed mail involving postal installation operating deficiencies.

(18) Develops, specifies, coordinates and approves operational requirements for postal installations.

(19) Studies, specifies, directs and coordinates the region operational plant utilization program.

(20) Approves from an operating standpoint, site size, site location, building, equipment, and equipment arrangements.

(21) Installs and reviews prescribed work measurement systems and appraises system effectiveness; determines need for expansion of work measurement systems and promotes effective manpower utilization in post offices.

(22) Establishes performance goals and monitors system effectiveness as a basis for improvement; develops controls for effective man-hour use.

(23) Identifies areas in operation when excessive manpower is evident and recommends corrective actions.

(24) Evaluates effectiveness of mail-handling systems as related to service requirements.

(25) Evaluates audit inspections of post offices by the Inspection Service and with postmaster appraisals, determines the need for adverse action and processes such actions.

(c) *Finance Division.* (1) Provides the Regional Director and his deputies advice and assistance in regional financial management matters.

(2) Advises and assists regional division directors as they develop programs and resource plans.

(3) Provides technical financial management guidance and assistance to the regional office and post offices in the three major areas of financial endeavor—accounting programs, budget programs, and costs and surveys.

(4) Conducts program and resource analyses and accummulates, interprets, and presents financial, statistical, and economic data; advises regional officials on trends for use of resources.

(5) Conducts costs and economic feasibility studies; prepares cost estimates of various sorts.

(6) Participates in developing resource plans for postal installations.

(7) Serves as regional office liaison with the postal data centers; gives technical direction and guidance to the chief accountant program through postmasters; and participates in management appraisals.

(8) Directs and installs revenue/cost analysis procedures, as well as other statistical requirements of programs of the Finance and Administration Department.

(9) Provides training necessary to carry out division functions.

(10) Directs the regional program on banking policy and procedures; authorizes post office cash reserves and establishment of inactive bank balances of less than $20,000.

(11) Develops, maintains, and operates a regional system of management information reporting, using latest techniques and all management data available.

(12) Performs review of contractors' claims for public law adjustments.

(d) *Facilities Division.* (1) Assists the Regional Director and his deputies by administering construction, leasing, procurement and supply, engineering, mechanization and developmental programs and maintains program controls within delegated authority.

(2) Develops long-range plans to meet space, supply and equipment requirements within overall postal objectives.

(3) Acquires, manages, and disposes of postal space, equipment and supplies and provides and maintains data for national related reporting systems.

(4) Develops Federal building extension and improvement requirements and develops requirements and designs leased facilities.

(e) *Logistics Division.* (1) Applies Headquarters directives pertaining to transportation service requirements and provides necessary guidance for developing, processing, implementing, and operating detailed transportation plans and programs for the postal region.

(2) Plans, directs, and coordinates regional trasnportation and mail processing services.

(3) Advises the Regional Director and and his deputies of the capability of the postal region to meet planned and assigned transportation requirements.

(4) Coordinates and recommends to the Deputy Regional Director, Services, facilities, equipment, organization, and manpower under post office management needed to meet transportation requirements.

(5) Develops and maintains an integrated regional pattern for transporting all classes of mail consistent with national patterns and plans, and coordinates with similar patterns in adjoining regions.

(6) Maintains liaison with common carriers; negotiates for the transportation of mail by railroads and highway vehicles and insures efficient use of these and air transportation, citing irregularities, and imposing penalties when warranted.

(7) Provides program and technical guidance to postmasters in planning and operating mobile units, transfer offices, airport facilities, and truck terminals and and determines the need for their establishment or discontinuance.

(8) Coordinates transportation service and cost studies and plans with the regional finance division for appropriate guidance and inputs to assure they are consistent with regional plans, budgets, and cost effectiveness analyses.

(9) Directs the preparation of schemes (incoming and outgoing) and schedules governing the distribution and dispatch of mail and issuance of instructions for labeling mail.

(10) Provides technical guidance in scheme knowledge requirements for a well-qualified work force.

(11) Develops and coordinates distribution and operating procedures to include the makeup, distribution, and dispatch of mail at all postal installations within the postal region.

(12) Issues criteria governing diagrams of letter cases and pouch- and sack-racks, with emphasis on the adequacy of makeup and effect on service.

(13) Directs the repair, storage, and distribution of mail bags; directs operation of the mail bag depositories and repair centers.

(14) Issues instructions on labeling, packing, makeup and dispatch of surplus mail equipment and makes periodic personal visits to insure that the instructions are being carried out.

(15) Directs and coordinates railway, highway, air and other transportation services for the postal region.

(16) Develops the technical aspects of the ZIP Code areas, and of ZIP Code directories.

(f) *Industrial Engineering Division.* (1) Develops and analyzes post office operational methods and procedures and recommends necessary changes.

(2) Identifies areas for improvement in physical environment, space layout, and equipment that will increase productive mail handling capacity.

(3) Participates in developing methods and techniques to insure, as applicable, orderly transition from manual to mechanized mail processing.

(4) Verifies the accuracy and reasonableness of common carrier claims for higher mail pay rates by analyzing the carriers' mail handling operations from the point of view of existence, necessity, and appropriate application and utilization of manpower, facilities, methods and procedures. Participates as necessary in such pay rate cases before Interstate Commerce Commission Hearing Examiners.

(g) *Marketing Division.* (1) Directs regional programs for promoting public cooperation in accepting new and improved mailing practices designed to reduce costs, improve mail handling, and furnish better service.

(2) Guides and coordinates the regional customer relations activities.

(3) Maintains contact with postmaster and other field units to assure effective implementation of the customer relations and public cooperation programs.

(4) Contacts large mailers, organizations and associations to promote interest in and acceptance of these programs; participates in meetings and conventions, upon invitation, to explain and promote the customer cooperation program.

(5) Investigates and recommends action on mail services complaints.

(6) Provides customer assistance in use of ZIP Code, presorting mail, NIMS, and similar efforts.

(7) Assures that services provided the public by postmasters are in keeping with effective customer relations practices and Headquarters policy.

(8) Cooperates with and participates in Headquarters programs to research and analyze current usage of postal services and the types of services needed by the users.

(9) Administers a regional program of service analysis through selective tests to determine overall quality of service; recommends areas for improvement.

PART 224—POSTAL DATA CENTERS

Sec.

224.1 Postal Data Center Director.
224.2 Disbursing Office.
224.3 Administrative Office.
224.4 Processing and Control Division.
224.5 Systems and Planning Division.
224.6 Data Operations Division.

AUTHORITY: The provisions of this Part 224 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 224.1 Postal Data Center Director.

(a) Administers the execution of policies, regulations, and procedures governing and takes action within his delegated authority on matters relating to management and operation of the postal data center.

(b) Is responsible for efficient management, use, and control of manpower, allotted funds, facilities, and equipment within the authority delegated to PDC.

(c) Directs activities and exercises overall supervision of employees of the postal data center to insure that effective performance of the activities of the postal data center is established and maintained.

(d) Maintains continuous surveillance over services provided regional offices, postal installations and other customers to insure that effective services are provided and customer relations maintained.

(e) Under technical guidance of the Finance and Administration Department and subject to policies and standards established bythe General Counsel:

(1) Adjudicates and settles personal or property damage claims less than $100;

(2) Adjusts and settles postmasters claims for losses for such amounts and types as redelegated to him;

(3) Makes determinations on behalf of the Postmaster General pursuant to section 3a of the Government Losses in Shipment Act.

§ 224.2 Disbursing Office.

Responsible for the control, signing, and disbursement of U.S. Treasury checks for all payments made by the data center. Receives and accounts for fund remittances and collections. Verifies deposits and acts as special agent for the Director, PDC for payroll savings bonds. Serves as liaison with regional distributing post offices on matters pertaining to accountable paper. Controls all other negotiable paper.

§ 224.3 Administrative Office.

Provides staff assistance to the Director, Postal Data Center, relating to administrative and service functions for the postal data center.

§ 224.4 Processing and Control Division.

(a) Reviews and certifies all input to the data operations division; processes payrolls and maintains controls over payroll deductions and receivables; prepares and certifies for payment all disbursements for which the postal data center is responsible, including but not limited to transportation claims, contract stations, torts and indemnity claims, uniform allowances, rents and leases, travel, etc. Audits financial accounts of all postmasters served by the postal data center to assure compliance with laws, regulations and Comptroller General decisions. Maintains technical liaison with postal installation being serviced by the postal data center. When technical liaison involves responsibilities of the regional finance division, new policy items of a controversial nature will be cleared through them.

(b) Maintains general ledger for the several geographical areas served and establishes controls for the data operations division, and reviews and approves all reports prior to release to consumers.

(c) Processes input data from new applications for data processing, such as transportation schemes and routing, inspection service workload data, procurement and supply transaction data, volume and performance data.

(d) Establishes and maintains accounting records for control of international money order services; provides information and reports to meet international money order service requirements (New York, Dallas, San Francisco).

(e) Branches and their functions under this Division are:

(1) *Postal Accounts Branch.* (i) Maintains general and subsidiary ledgers covering revenue, expenses, assets and liabilities.

(ii) Provides regional finance divisions with current statements of financial, operating, and statistical data.

(iii) Examines postmasters' statements of account to assure conformity with postal laws, policies, and regulations and Comptroller General decisions.

(iv) Establishes and maintains accounting records for property control; interprets and monitors application of property accounting instructions; provides information and reports to meet property management requirements.

(v) Designates and revokes post offices as U.S. savings bond issuing agents; establishes and discontinues international money order business at post offices, after coordinating with applicable post office and delivery services division.

(vi) Maintains a system of cost accounts and prepares cost and statistical reports on motor vehicle operations.

(vii) Reviews and approves postal accounts branch reports produced by data operations division before they are released to the consumer.

(viii) Reviews the accounts receivable program to determine that instructions are being followed in collection attempts and recommends to the Director, Postal Data Center, that uncollectible debts be declared "uncollectible."

(2) *Accounts Payable Branch.* (i) Examines and settles claims for payment of items such as indemnity, unpaid compensation for deceased postmasters or other employees and adjudicates physical losses of small tort claims.

(ii) Examines and settles claims for payment to railroads, airlines, contractors of vehicles, star route contractors, mail messengers, and contractors at stations and branches.

(iii) Examines and settles accounts for rents, leases, utilities, communication, supplies and equipment, and travel vouchers for postal employees.

(iv) Serves as authorized certifying officer.

(v) Reviews and approves accounts payable branch reports produced by data operations division before they are released to the consumer.

(3) *Personnel and Performance Branch.* (i) Maintains personnel pay records.

(ii) Verifies payments for personal services and related expenses.

(iii) Maintains individual and consolidated personnel pay and accounting control records for travel costs, vehicle allowance, retirement, tax, bond deductions, service leave, and performance reports and records.

(iv) Certifies as proper for payment all payrolls for the regions served.

(v) Establishes and maintains retirement accounts for all personnel in the regions served and answers inquiries; processes applications for service credits; and certifies records to the Civil Service Commission in separation cases.

(vi) Processes input data related to work performance applications as well as personnel data applications.

(vii) Reviews and approves personnel and performance branch reports produced by data operations division before they are released to the consumer.

§ 224.5 Systems and Planning Division.

Under technical guidance received from the Bureau of Finance and Administration directs the development, coordination and implementation of national integrated systems, plans and production schedules for the postal data center and participates in and performs data systems studies; keeps the Director, Postal Data Center informed of production against schedules and system activities of the division. Systems and planning division director acts for the Director, Postal Data Center in his absences. Branches and their functions under this division are:

(a) *Systems Branch.* (1) Develops and coordinates systems and procedures for internal operations of the postal data center.

(2) Participates in and performs data systems studies.

(3) Develops and provides detail specifications and analysis of problems and system components for preparation and programing data onto the computer.

(4) Prepares machines flow procedures and programs for processing data onto the computer.

(5) Maintains a system and programing surveillances over the effectiveness of the system processes of the PDC and recommends improvements.

(6) Provides consulting services to customers on source collection and preparation of data for movement to the postal data center.

(7) Maintains liaison with industry, educational institutions and other Government agencies to keep the postal data center abreast with advancing management sciences in the integration of systems, techniques and equipment for collecting, verifying and processing business data.

(8) Prepares replies to employee suggestions pertaining to the work of the postal data center where such suggestions have originated in regions or installations served by the postal data center. Refers suggestions worthy of adoption to Finance and Administration Department with detailed recommendations as to how suggestions may be implemented.

(b) *Production Scheduling Branch.* (1) Develops, coordinates and administers production schedules for the PDC.

(2) Develops and coordinates systems and production plans for new data activities to be performed by the postal data center.

(3) Develops and coordinates schedules for new system applications at PDC.

§ 224.6 Data Operations Division.

Operates the postal data center's automatic data processing facility and its associated equipment. Branches and their functions under this division are:

(a) *Data Preparation Branch.* (1) Maintain custody of magnetic tape reels, computer program documentation and input/output punch cards.

(2) Performs all keys punch operations.

(b) *Computer Operations Branch.* (1) When authorized, operates punched paper tape and communications terminal equipment.

(2) Operates electronic and electromechanical data processing equipment.

INSPECTION SERVICE REQUIREMENTS

PART 231—PROTECTION OF POST OFFICES

Sec.
231.1 Responsibility.
231.2 Security Control Officer.

AUTHORITY: The provisions of this Part 231 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 231.1 Responsibility.

(a) The protection of mail, postal funds, and property is a responsibility of every postal employee.

(b) The Chief Postal Inspector is designated as the Security Office for the U.S. Postal Service. That official is reponsible for the issuance of instructions and regulations pertaining to security requirements within the Postal Service.

§ 231.2 Security Control Officer.

The postmaster or a supervisor designated by the postmaster shall act as Security Control Office for each post office. The Security Control Officer shall be responsible for the general security of the post office, its stations and branches, in accordance with rules and regulations issued by the Chief Postal Inspector.

PART 232—POSTAL LOSSES AND OFFENSES

Sec.
232.1 Introduction.
232.2 Postal emergencies.
232.3 Serious offenses.
232.4 Routine loss or offense.
232.5 Arrest and subpena powers of postal inspectors.

AUTHORITY: The provisions of this Part 232 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 232.1 Introduction.

(a) Postmasters are required to report emergencies, serious and routine postal losses and offenses to the Inspection Service. Address reports to the inspector in charge of the division where the loss or offense took place. In emergencies, or when requested, report directly to the local postal inspector. Use the first available means of communications. Report any loss, damage, or casualty sustained. Reports of postal emergencies made by telephone should be confirmed in writing.

(b) Serious postal offenses should be reported to the postal inspector in charge by memorandum. Notify local law enforcement officers in criminal cases such as burglary, assault, and robbery.

(c) Routine losses and offenses may be reported by standard Postal Service forms.

(d) Do not discuss information concerning offenses or suspected offenses of postal employees with anyone outside the Inspection Service.

§ 232.2 Postal emergencies.

(a) Report by phone if:

(1) A fire, hurricane, flood, or other catastrophe damages a postal unit.

(2) A serious amount of Government funds, accountable paper, or property is lost.

(3) A postmaster or postal employee is assaulted or robbed while on duty or while in possession of mail, Government funds or property.

(4) A postal employee is threatened with death or serious injury.

(5) A rotary-lock pouch, valuable registered mail, or large quantity of other mail is lost.

(6) The possible location of a fugitive postal offender is discovered.

(7) A postal unit is broken into.

(8) An accident kills, injures, or causes extensive property damage to private persons. (See § 251.4 of this chapter.)

(9) An accident kills or seriously injures (loss of an eye or limb) a postal employee.

(10) Postal employees are involved in court actions, or require counsel as a result of accidents while on duty. (See § 251.5 of this chapter.)

(11) Embezzlement is indicated or suspected. (Make no further investigation or inquiry.)

(12) Explosives or blasting caps are discovered. (Use extreme caution. Keep explosive material dry, but away from flames and sparks. Call postal inspector in charge, local postal inspector, and local police for assistance. Should an explosion occur, cease all operations, exclude unauthorized persons, and collect all possible evidence.)

(13) Demonstrations, riots, or picketing are imminent or in progress. (Immediately notify the Regional Director, the local postal inspector (if absent, the inspector in charge), and the local police department or other local law enforcement body of any demonstration, riot, or picketing being staged or imminent at your installation or which might affect the Postal Service. Advise the Regional Director and the postal inspector of any of the following facts, if known:

(i) Approximate number of persons involved and their cause.

(ii) Interference with movement of mail.

(iii) Damage to post office property.

(iv) Blocking of entrances and exits.

(v) Inconvenience or criticism by customers.

(vi) Newspaper or other publicity.

(vii) Any action taken or contemplated by local, State, or Federal law enforcement officials.

(viii) Whether or not postal employees are involved and, if so, whether on or off duty.

(ix) Whether or not postal employee organizations are involved.

When individuals are not guilty of disorderly conduct, impeding postal business, or of otherwise breaking local ordinances or other laws, no action should be taken. Participants should not be permitted to remain in the post office after normal business hours. (A decision to eject participants at the conclusion of normal business hours should be cleared with the postal inspector.)

(b) Your telephone report should include:

(1) Date and nature of occurrence.

(2) Approximate loss; if none, so state.

(3) Serial numbers of blank money order forms, and whether postmarking or control amount stamps were lost or stolen.

(4) Action taken to obtain an emergency stock of items lost or stolen.

(5) Address of fugitive postal offenders and alias, if known.

(6) Remedial action taken if explosives are discovered, and whether local police were contacted.

(c) Your written confirmation should include the original information furnished plus:

(1) Serial numbers of Treasury checks, and serial numbers and denominations of U.S. savings bonds lost or stolen.

(2) Quantity and denomination of stamps and other accountable paper lost or stolen.

(3) Amount of Government funds and property lost or stolen.

(4) Nature and amount of any personal loss.

(5) Serial number of any mail keys lost or stolen.

(6) Full particulars of lost, stolen, or rifled registered mail.

(7) Additional information developed since the initial report was made.

§ 232.3 Serious offenses.

Report by memo all: (See § 114.2 of this chapter.)

(a) COD irregularities.

(b) Matters inciting to violence. (See § 123.7 of this chapter.)

(c) Attacks upon letterboxes or contents.

(d) Suspicious activities of boxholders.

(e) Willful or malicious damage or injury to Government property.

(f) Nonpostal offenses occurring in space assigned to postal activities.

(g) Forgery, or falsifications of postal records or securities.

(h) Illegal transportation of letters in violation of the Postal Service's monopoly. (See Part 152 of this chapter.)

(i) Intoxicating liquors. Withdraw from the mail, and await disposition instructions. (See § 123.3 of this chapter.)

(j) Libel, threats, extortion. Submit complaints with a statement of facts. (Promptly report by telephone and followup by memo.)

(k) Losses of Government funds, accountable paper, or property, not otherwise reported.

(l) Obscene and indecent matter. Submit complaints with a statement of facts. (See § 123.7 of this chapter.)

(m) Subversive matter. Submit complaints with a statement of facts.

(n) Concealable firearms. Withdraw concealable firearms mailed contrary to § 124.5 of this chapter, pending instructions from postal inspector in charge.

(o) Failure to pay postage, violations of the franking privilege, misuse of penalty mail, depositing of advertising material in mail boxes without payment of postage, and similar schemes to evade payment of postage.

(p) Lottery. If the matter is definitely unmailable, submit it with a statement of the facts. Also report any suspected lottery operations within the post office or on Government property. (See §§ 123.41 and 123.42 of this chapter.)

(q) Impersonation of a postal inspector, postal official or other employee.

(r) Missing keys and locks. Loss, improper possession, or finding of (1) regulation lookout keys, (2) special or stub keys for No. 91 locks, or (3) locks and keys for mail boxes and mailbags.

(s) Obstruction or desertion of mail. Report any willful obstruction of the passage of the mail as well as any case of voluntary desertion of the mail before delivery or return to the post office. (Promptly report by telephone and followup by memo.)

(t) Delay, damage, tampering, missending, and wrong delivery of registered mail; tampering with other mail; wrong or improper delivery of other mail when financial loss or criminality is involved.

(u) Accidents involving injury to a private person, or private property damage in excess of $500. See § 251.5 of this chapter when accidents result in court action against postal employees, and § 251.4 of this chapter when claim is filed by private party.

(v) Theft or mistreatment of mail. If theft, abandonment, or other mistreatment of mail by a postal employee, mail contractor, or employee of a contractor is suspected, report all known facts and make no investigation or inquiry. (Promptly report by telephone and followup by memo.)

(w) Poison and poisonous animals, insects, and reptiles. Destroy in order to protect postal employees. If there is any question that poison was mailed with the intent to kill or harm anyone, carefully retain the evidence, and report the facts. (See § 123.2 of this chapter.)

(x) Fraud. Request complainant to prepare a detailed statement of the facts and to furnish correspondence, advertising, or other literature, and envelopes in which such evidence was transmitted through the mail. Have complainant initial and date each separate piece of evidence for future identification. Transmit this material with your report (See § 123.4 of this chapter.)

(y) Illegal use of stamps, removal of stamps from wrapper (submit wrapper or other cover), unusual possession of stamps which might indicate illegal use, reuse, use by postal employees in payment of debts, over or undercharges of postage, alteration of meter stamps, tampering with meters, etc. (See §§ 142.8 and 144.3(b)(5) of this chapter.)

(z) Counterfeits and suspected counterfeits. If counterfeit postage stamps are presented by a customer, confiscate the stamps and give him a receipt. Submit the stamps with a statement of the facts. Report any knowledge of counterfeit mail locks and keys, badges, identification cards, postmarking stamps, postage meter impressions or money orders, and submit the counterfeit if available. (See § 142.8(b) of this chapter.)

§ 232.4 Routine loss or offense.

(a) For loss or rifling of domestic mail, including stamp stock and printed envelopes shipped by ordinary mail, use Form 1510.

(b) For loss and rifling of military mail, use Form 1510.

(c) For rifled parcels, use Form 673, Report of Rifled Parcel.

(d) For registered, insured, or COD mail found in supposedly empty equipment, send a report by letter to the post office of mailing, giving full mailing particulars, for check against the index record of claims.

(e) For mistreatment of Canal Zone mail, use forms required in Chapter 7, Publication 42, "International Mail."

(f) For mistreatment of international mail, use forms required in Publication 42, "International Mail."

(g) For any discrepancy (shortage or overage) of $50 or more in the official accountability of an employee or contractor handling Government funds or accountable paper, use Form 571, Discrepancy of $50 or more in Financial Responsibility (shortage or overage). Under Remarks shows results of the six previous checks of the employee's accountability, providing any overage or shortage in excess of $10 was disclosed incident to any one of those checks.

(h) For claims arising from accidents as required by § 251.4 of this chapter, use appropriate forms.

§ 232.5 Arrest and subpena powers of postal inspectors.

(a) *Authorization.* Postal Inspectors are authorized to perform the following functions in connection with any matter within their respective official duties as established by the Chief Postal Inspector.

(1) Serve warrants and subpenas issued under the authority of the United States;

(2) Make arrests without warrant for offenses against the United States committed in their presence; and

(3) Make arrests without warrant for felonies cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such a felony.

(b) *Limitations.* The powers granted by paragraph (a) of this section shall be exercised only in the enforcement of laws regarding property of the United States in the custody of the postal service, the use of the mails, and other postal offenses.

PART 233—INSPECTION SERVICE AUTHORITY

Sec.
233.1 Circulars and rewards
233.2 Mail covers

AUTHORITY: The provisions of this Part 233 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 233.1 Circulars and rewards.

(a) *Wanted circulars.* The Inspection Service issues wanted circulars to obtain evidence on the whereabouts of fugitive postal law violators. Post these circulars in the most conspicuous place available in the post office lobby and in other prominent places. Post near the "Notice of Reward" sign. Any information on the possible location of the person wanted must be telephoned or telegraphed immediately to the postal inspector in charge. Remove circulars immediately when notified.

(b) *Rewards.* (1) Rewards will be paid in the amounts and under the conditions stated in Sign 32, Notice of Reward, for the arrest and conviction of persons accused of the following postal offenses:

(i) Robbery or attempted robbery.

(ii) Mailing bombs or poison.

(iii) Post office burglary.

(iv) Stealing or unlawful possession of mail or money or other property of the United States.

(2) The postmaster or a designated employee should personally present reward signs to station agents, railroad detectives, police officers, sheriffs and their deputies, if practicable, and encourage their cooperation in protecting mail and Government property.

NOTE: The text of Sign 32, referred to in paragraph (b)(1) above, reads as follows:

Subject to the availability of funds, the Post Office Department pays a reward for the arrest and conviction of any person for the following offenses:

ROBBERY

1. Not to exceed $3,000 for robbery or attempted robbery of any custodian of any mail, or money or other property of the United States under the control and jurisdiction of the Post Office Department, if such custodian is wounded or his life jeopardized with a dangerous weapon; but not to exceed $1,500 if the custodian is not wounded, or his life jeopardized with a dangerous weapon.

MAILING OF BOMBS OR POISON

2. Not to exceed $3,000 for mailing or causing to be mailed any poison, bomb, device, or composition, with the intent to kill or harm another, or injure the mails or other property.

3. Not to exceed $300 for mailing or causing to be mailed any poison, bomb, device, or composition which may kill or harm another, or injure the mails or other property.

BURGLARY OF POST OFFICE

4. Not to exceed $300 for breaking into or attempting to break into a post office, station, branch, or building used wholly or partially as a post office with intent to commit a larceny or other depredation in that part used as a post office.

THEFT OF MAIL

5. Not to exceed $300 for the theft of any mail, the contents thereof, or money or any other property of the United States under the custody and control of the Post Office

Department from any custodian, postal vehicle, railroad depot, airport, or other transfer point, post office or station or receptacle or depository established, approved, or designated by the Postmaster General for the receipt of mail.

EMBEZZLEMENT OF MAIL

6. Not to exceed $300 for embezzlement of mail or the contents thereof by a mail carrier on a mail messenger or star route.

OFFENSES INVOLVING MONEY ORDERS

7. Not to exceed $300 for the altering, forging, uttering or passing of blank money order forms stolen from a post office, station, branch or postal custody.

GENERAL PROVISIONS

8. The Post Office Department also pays rewards as stated above for the arrest and conviction of any person:

(a) As an accessory to any of the above crimes;

(b) For receiving or having unlawful possession of any mail, money, or property secured through the above crimes;

(c) For conspiracy to commit any of the above crimes.

9. When a person has been adjudged a juvenile delinquent for having committed any of the above crimes the same reward may be paid as though such person had been convicted of such crime.

10. The term "custodian" as used herein includes any person having lawful charge, control, or custody of any mail matter, or any money or other property of the United States under the control and jurisdiction of the Post Office Department.

11. A reward may be paid for the conviction of a person for an offense listed above, even though arrested for committing another offense.

12. When an offender is killed while committing a crime listed above or in resisting lawful arrest, the same reward may be paid as though he had been convicted.

13. The amount of the reward to be paid will be based on the importance of services rendered, character of the offender, risks and hazards involved, time spent, and expenses incurred. Maximum rewards will be paid only when services were of the maximum value.

14. The Department will reject a claim where there has been collusion, or improper methods have been used to effect an arrest or to secure a conviction. It has the right to allow only one reward where several persons were convicted of the same offense, or one person was convicted of several offenses.

15. A written claim must be submitted to the Postal Inspector in Charge of the division in which the crime was committed within 6 months or the date of his death, if killed in committing a crime or resisting arrest. Applications for the filing of claims may be obtained from the Inspector in Charge.

PART 235—DEFENSE DEPARTMENT LIAISON

Sec.
235.1 Postal service to the Armed Forces.
235.2 Civil defense.

AUTHORITY: The provisions of this Part 235 issued under 5 U.S.C. 301; 39 U.S.C. 501, 505.

§ 235.1 Postal Service to the Armed Forces.

(a) Publication 38, Postal Agreement Between the Post Office Department and the Department of Defense, defines our responsibilities for providing postal service to the armed forces.

(b) The Chief Postal Inspector is responsible for military liaison.

(c) Postal inspectors provide liaison between postmasters and military commanders, visit military installations as required, and make any necessary recommendations.

§ 235.2 Civil Defense.

(a) *Mission.* The prime objective of postal civil defense planning is to maintain or restore essential postal service in a national emergency.

(b) *Defense Coordinator.* The Chief Postal Inspector is designated Defense Coordinator for the Postal Service. As Defense Coordinator, he provides general direction and coordination of the national civil defense and defense mobilization programs.

(c) *Postmaster General emergency line of succession.* (1) Deputy Postmaster General.

(2) Assistant Postmaster General, Operations Department.

(3) Assistant Postmaster General, Finance and Administration Department.

(4) Assistant Postmaster General, Facilities Department.

(5) Assistant Postmaster General, Personnel Department.

(6) General Counsel.

(7) Assistant Postmaster General, Planning and Marketing Department.

(8) Chief Postal Inspector.

(9) Assistant Postmaster General, Research and Engineering Department.

(d) *Department, and field lines of succession.* Each department shall establish its own internal line of succession to provide for continuity under emergency conditions. Each Regional Director, Postal Data Center Director, Inspector in Charge, and postmaster at first-class post offices will prepare a succession list of officials who will act in his stead in the event he is incapacitated or absent in an emergency. Orders of succession shall be shown by position titles; those of the inspection division by names.

(e) *Field responsibilities.* Postmasters and heads of other installations shall:

(1) Carry out civil defense assignments, programs, etc., as directed by regional officials.

(2) Comply with, and cooperate in community civil defense plans (including exercises) for evacuation, take cover, and other survival measures prescribed for local populations.

(3) Designate representatives for continuing liaison with local civil defense organizations where such activity will not interfere with normal duties.

(4) Endeavor to serve (at their own option) as members on the staff of the local civil defense director, provided such service will not interfere with their primary postal responsibility in an emergency.

(5) Authorize and encourage their employees to participate voluntarily in nonpostal preemergency training programs and exercises in cooperation with States and localities.

POST OFFICE ORGANIZATION AND ADMINISTRATION

PART 241—ESTABLISHMENT AND DISCONTINUANCE

Sec.
241.1 Post offices.
241.2 Stations and branches.
241.3 Military post offices.

AUTHORITY: The provisions of this Part 241 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 241.1 Post offices.

(a) *Establishment.* See § 113.1 of this chapter.

(b) *Classification.* As of July 1 each year, post offices are classified by the Postmaster General based on the allowable postal revenue units for the second preceding fiscal year as follows:

(1) *First Class.* Post offices having 950 or more revenue units.

(2) *Second Class.* Post offices having 190 but less than 950 revenue units.

(3) *Third Class.* Post offices having 36 but less 190 revenue units.

(4) *Fourth Class.* Post offices having less than 36 revenue units.

(c) *Discontinuance.* Post offices are discontinued only upon orders issued by the Operations Department. Form 1014, Instructions to Postmaster for Conversion or Discontinuance of Post Office, will be issued by the Regional Director for postmasters' guidance.

§ 241.2 Stations and branches.

(a) *Description.* (1) Stations are established within the corporate limits or boundary, and branches are established outside the corporate limits or boundary of the city, town, or village in which the main post office is located. Stations and branches may be designated by number, letter or name. As a general rule, branches are named.

(2) Stations and branches transact registry and money order business, sell postage supplies, and accept matter for mailing. Delivery service, post office boxes, and other services may be provided when directed by the postmaster.

(3) Stations and branches, except nonpersonnel rural stations and branches, are designated as independent when registered and other mail is received or dispatched without passing through the main office.

(b) *Classification*—(1) *Classified.* Operated by postal employees in quarters provided by the Federal Government.

(2) *Contract.* Operated under contract by persons who are not Federal Government employees. Persons operating contract stations and branches are independent contractors and neither the contractors nor any person employed by them to assist in the conduct of contract stations or branches shall be employees of the Federal Government for any purpose whatsoever.

PART 242—CHANGE IN NAME OR SITE

Sec.
242.1 Name.
242.2 Change of site—fourth-class offices.

AUTHORITY: The provisions of this Part 242 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 242.1 Name.

(a) *Place names.* The U.S. Board on Geographic Names approves names for all geographic places and features in the United States. The approved name of any locality can be changed for Federal usage only with concurrence of that Board.

(b) *Post office names.* A post office should bear the official name of the incorporated city, town, or borough in which located, as shown in its charter. A post office located in an unincorporated place should generally bear the approved name of the principal community served (generally the community in which located) or the approved name of the town or township, if it serves a number of communities within the town or township.

(c) *Requests for changes in name of post offices.* Submit requests for changes in the names of Post offices to the Regional Director for transmittal with a recommendation to the Organization and Management Division, Operations Department, for handling with the Board of Geographic Names. Report instances where the name of the post office does not now conform with the approved name of the community.

§ 242.2 Change of site—fourth-class offices.

Report by memorandum to chief, organization and management branch, when change in site is necessary. Complete Form 1021 when furnished. Retain one copy in files. If new location is one-fourth of a mile or more from existing location, furnish a statement signed by majority of customers approving change. When a change involves moving a post office from one county to another, notify the Bureau of Operations, Organization and Management Division, of the circumstances (including a sketch showing present and proposed sites), and await approval of that Division.

PART 243—CONDUCT OF OFFICES

Sec.
243.1 Hours of business.
243.2 Quarters.
243.3 Solicitation of funds.

AUTHORITY: The provisions of this Part 243 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 243.1 Hours of business.

See § 113.2 of this chapter.

§ 243.2 Quarters.

(a) *Bulletin boards*—(1) *Employee.* Bulletin boards may be placed in workroom and employees' lunchrooms for displaying notices as prescribed in this manual and Management Labor Organization Agreements.

(2) *Public.* For the convenience of customers, postmasters may allow bulletin boards to be placed in the post office or may set apart some convenient place where official Government notices, notices of public assemblies, judicial sales, official election notices issued by State or local government, and similar announcements may be displayed. These privileges shall be afforded without discrimination.

(3) *Prohibited items.* Private business advertisements, placards, cards or notices, photographs or likenesses of any member of State legislature or Congress; and political pictures, cartoons or other matter designed to influence an election may not be displayed.

(4) *Notices by Members of Congress.* Notices by Members of Congress shall be limited to public announcements of pending competitive civil service examinations and pertinent information for applicants for appointments to the U.S. service academics. Display these notices as long as they are current. They shall be displayed only within the district of the sponsoring Congressman or the State of the sponsoring Senator, and shall conform to the following specifications:

(i) They must be no more than 9 x 12 inches in size.

(ii) They must not contain a photograph, picture, or likeness of the Member of Congress.

(iii) The signature and/or printed name or the Member of Congress must be printed in no larger than one-half inch (48 point) type.

(iv) Notices must contain the closing date for submission of applications.

If, in the opinion of the postmaster, a notice does not conform to these specifications, he may display the poster pending a decision from the Regional Director. Return notices which include the Member's picture to the Member with an explanation.

(5) *Recruiting posters.* If space is available, one recruiting notice of each of the armed services may be placed on bulletin boards or displayed on "A" boards supplied by the service. Place "A" boards in lobbies or other locations where they will not interfere with the transaction of postal business or cause safety hazards. Recruiting banners may be displayed from a separate staff on the building, or below the national flag on the regular flagstaff.

(b) *Location of offices.* Postal units may not be located in, or directly connected to, a room in which intoxicating liquor is sold to be consummed on the premises.

(c) *Lost articles.* When articles are turned in to employees, the name and address of the finder shall be recorded so the article may be returned to him if not claimed by the loser. If the name of the finder cannot be obtained, and the article is not claimed within 30 days, it must be disposed of in the same manner as unidentified material found loose in the mail. Do not return postal money orders to the finder. Mail to Money Order Division, U.S. Postal Service, General Accounting Office Building, Washington, D.C. 20260, with a memorandum of explanation.

(d) *Public use of restrooms.* Restrooms off public corridors shall normally be kept open during regular hours of business for the benefit of the public. Where vandalism or loitering cannot be controlled, postmasters may lock restrooms, furnishing those agencies served by the restrooms, keys for employee use. This shall not be construed to permit access by nonpostal personnel to restrooms in restricted postal areas.

(e) *Letter drops.* At all except fourth-class post offices, provide a regulation letterbox for depositing mail in front of or next to the post office. Show collection time schedules on letterboxes. At fourth-class offices, if a letterbox is not supplied, provide a slot in the outer post office door. When messengers or star route carriers have access to lobbies, door slot deposits must lead to a locked box.

(f) *Hour signs.* Display hours of window service prominently at all first-, second-, and third-class post offices, classified stations and branches, and annexes. Use Sign 41, Hours decal set, available in supply centers.

(g) *Vending stands and vending machines*—(1) *Authorizations*—(i) *To certified blind persons.* Blind persons, when available and duly certified by a State licensing agency, designated by the Department of Health, Education, and Welfare, shall be authorized and have preference in the installation and operation of vending stands on property operated, maintained, and protected by the U.S. Postal Service: *Provided,* That in the judgment of the Postal Service, the installation and operation of the stands are considered practicable and will not unduly inconvenience the Postal Service or adversely affect the interest of the United States.

(ii) *Preparation and submission of applications.* Applications for installation and operation of vending stands, including vending machines operated in connection with the stands, to be operated by licensed blind persons, in post office lobbies or other public areas, shall be submitted by the State licensing agency in quadruplicate on the form provided by the Department of Health, Education, and Welfare to the postal official in charge of the building involved for his recommendation for approval or disapproval. If he recommends approval he shall sign all four copies on the line designated "Officer in charge of building" and transmit all copies to the director, facilities division for the region in which the building is located, for approval or disapproval. If an application by a State licensing agency for a permit to establish a vending stand under the Randolph-Sheppard Vending Stand Act is not recommended for approval by the official in charge, the transmittal shall show reasons for the disapproval. Applications submitted by postal officials will be reviewed by the director, facilities division. If approved by him, he will sign all four copies of the form on the line designated "Official of U.S. Department having jurisdiction over building" and will retain one copy. Three copies, indicating the action taken, will be returned to the official concerned. He shall retain one copy in his files and transmit the others to the State licensing agency making application. If the director, facilities division, disapproves the application, he shall advise the postmaster and applicant of the reasons.

(iii) *Appeals*—(a) *Installation, maintenance, and operation.* If an application by a State licensing agency for a permit to install and operate a vending stand is not approved by the director, facilities

division, the agency may appeal his decision. The appeal shall be made within 10 days to the Assistant Postmaster General, Facilities Department, through the Regional Director in the region denying the application. Upon appeal, the Regional Director will direct a full investigation obtaining a report from the director, facilities division and from the State licensing agency. The Regional Director will report his findings and make recommendation within 20 days after receipt of the appeal to the Assistant Postmaster General, Facilities Department, who will render a final decision for the Postal Service within 90 days of filing of the appeal. The appellate procedure is also available when the State licensing agency and the local installation's manager or the director, facilities division, fail to reach agreement concerning revocation or modification of a permit, suitability of a stand location, or method of operation of the stand. After a review of the findings, if in the judgment of the Regional Director the appeal should be allowed, he shall notify the State licensing agency without forwarding the case to the Assistant Postmaster General, Bureau of Facilities. If he determines the decision of the director, facilities division, or the local installations manager should be upheld, he must notify the Assistant Postmaster General, Facilities Department, who will make the final decision.

(b) *Services and assignment of proceeds.* If the local installation's manager and the State licensing agency fail to reach agreement concerning the assignment of proceeds or services to be rendered by the vending stand operator (including articles which may be sold), a State licensing agency may appeal the decision. The appeal shall be made within 10 days to the Assistant Postmaster General, Personnel Department, through the Regional Director in the region denying the application. Upon appeal the Regional Director will direct a full investigation, obtaining a report from the State licensing agency. The Regional Director will report his findings and make recommendation within 20 days after receipt of the appeal to the Assistant Postmaster General, Personnel Department who will render a final decision within 90 days of filing of the appeal. After a review of the findings, if in the judgment of the Regional Director the appeal should be allowed, he shall notify the State licensing agency without forwarding the case to the Assistant Postmaster General, Personnel Department.

(iv) *Approval of equipment plans.* Vending equipment shall be designed, arranged, and installed in a manner to facilitate sanitary operation. Plans of proposed vending stand equipment shall be submitted by the State licensing agency to the official in charge of the postal installation for approval prior to installation.

(b) *Installation, maintenance, and operation*—(1) *Installation and maintenance.* Installation, maintenance, repair, replacement, servicing, or removal of vending stand equipment or vending machines operated in connection with vending stands shall be without expense to the Postal Service except that the cost of utilities required to operate vending stands and vending machines under the control of blind persons authorized to operate such stands and machines will be borne by the Postal Service. In the case of vending machines operated by employees' committees, the Postal Service shall be reimbursed for utilities.

(2) *Operation*—(i) *Sanitation Standards.* Vending stands shall be operated in compliance with local health and sanitation standards and codes.

(ii) *Cleaning and Janitor Service.* The operator shall arrange for cleaning and janitor service sufficient to maintain vending areas at stands and machines in a clean and orderly condition.

(iii) *Violations.* Authorization for establishing a vending stand, with the regulations and policies established by the Postal Service and State licensing agency, shall govern the operation of each vending stand. Ordinarily, day-by-day matters concerning the operation of the stand can best be resolved on a local basis with the blind operator. Officials in charge should not confer with attorneys or others claiming to represent blind operators. Violations of regulations or policy, and other unresolved relevant matters, must be reported to the State licensing agency. If appropriate corrective action is not taken, the installation head shall notify the director, facilities division, who will resolve the matter or submit it to Headquarters with all facts so that it can in turn be resolved by Headquarters with the Department of Health, Education, and Welfare. If the matter concerns vending machines operated by postal employee committees or otherwise concerns postal employees, the director, facilities division, will coordinate with the director, personnel division, in resolving the issues.

(3) *Modification, relocation, or removal.* The Postal Service reserves the right to require State licensing agencies to arrange for modifications, removal, or relocation of vending stands established under the Randolph-Sheppard Vending Stand Act (20 U.S.C. 107–107f) when necessary because of changes in building operations or space requirements.

(4) *Articles to be sold or vended*—(i) *Approved articles.* Vending of the following at vending stands operated by licensed blind persons is approved: newspapers, periodicals, confections, tobacco products, articles in individual containers or wrappers in which they are placed before receipt by the vending stand operator, and such other suitable articles as may be approved for each location by the postal official in charge and State licensing agency. These articles may also be vended through vending machines, operated in connection with vending stands.

(ii) *Objectionable publications.* Licensed vending stand operators and State licensing agencies shall use diligence and good judgment and cooperate with postal authorities in preventing the keeping on the premises, for disposal to the public by sale or otherwise, of any so-called comic books or any other printed or written matter of an objectionable, subversive, or controversial nature which may subject the Postal Service to public criticism. Violations of this section shall be reported to the Finance and Administration Department, Office of Classification and Special Services, with a copy of the objectionable matter.

(5) *Survey of vending stand opportunities.* Postal officials shall cooperate with State licensing agencies in making surveys of vending stand opportunities for blind persons on properties under their control and in selecting locations, or relocations, for such stands and the types of stands to be provided.

§ 243.3 Solicitation of funds.

(a) *Special types.* (1) A number of established national health, welfare, and veterans' organizations engage in limited or specialized methods to solicit funds at the local community level, for worthy, humanitarian programs. The use of poppies or other tokens by established veterans' organizations is an example of a specialized method of solicitation.

(2) Postmasters or installation heads, at their discretion, may authorize these organizations to solicit funds by a limited or specialized method at entrances, or in concourses or lobbies. Enter into an agreement with the local representative of the organization to specify the locations, number of solicitors, and any other necessary limitations.

(3) National Health and Joint Crusade Agencies: Discretionary authority is granted to afford privileges similar to those mentioned in § 243.3(a)(2) to the following agencies:

(i) American Cancer Society.

(ii) American Heart Association.

(iii) The Arthritis and Rheumatism Foundation.

(iv) Muscular Dystrophy Association of America.

(v) National Association for Mental Health.

(vi) National Multiple Sclerosis Society.

(vii) National Society for Crippled Children and Adults.

(viii) National Society for the Prevention of Blindness.

(ix) National Tuberculosis Association.

(x) United Cerebral Palsy Association.

(xi) CARE.

(xii) Crusade for Freedom.

(xiii) The American-Korean Foundation.

(4) *The American Red Cross.* The American Red Cross may have stands in lobbies during its annual roll calls or special fund raising campaigns, providing they do not interfere with the transaction of postal business or require the expenditure of time or equipment by the Postal Service or its employees.

(5) *Prohibitions.* Soliciting subscriptions, canvassing for the sale of any article, or making collections except as provided above are prohibited in buildings operated by the Postal Service.

PART 244—POST OFFICE FUNCTIONS

Sec.
244.1 Postmaster.
244.2 Administering oaths.

AUTHORITY: The provisions of this Part 244 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 244.1 Postmaster.

(a) *Eligibility for appointment.* Any person eligible for other Federal employment may be appointed postmaster subject to the following:

(1) In the continental United States, must be a U.S. citizen or owe allegiance to the United States.

(2) Shall not be concerned in a contract for carrying the mail either as contractor, subcontractor, or surety, nor shall any of his immediate family, except as provided in § 522.3(c)(4) of this chapter.

(3) At first-, second-, and third-class offices, must actually reside within the delivery of the office to which appointment is sought (this includes area served by office, but outside State where office is located) for 1 year immediately preceding the date of appointment, if the appointment is made by noncompetitive examination, or for 1 year preceding the date fixed for the close of receipt of applications for examination if appointment is made after competitive examination.

§ 244.2 Administering oaths.

(a) *All postmasters and assistant postmasters.* Postmasters and assistant postmasters are required, empowered, and authorized, when requested, to administer oaths with a like force and effect as officials having a seal, as follows:

(1) *Expense accounts.* Accounts for travel or other expenses against the United States.

(2) *Customs documents.* At post offices where customs officers are not stationed, any oath required to be made to statements in customs documents by importers of merchandise by mail, not exceeding $100 in value.

(3) *Recruitments for Job Corps program.* Oaths of office to prospective Job Corps enrollees.

(4) *Fees.* Do not collect fees for these services. The United States will not reimburse postal employees for fees paid for administering oaths.

(b) *Postmasters in Alaska as notaries public.* (1) Administer oaths and affirmations; take acknowledgments and make and execute certificates thereof; and perform all other functions of a notary public within Alaska whenever a certification is necessary to comply with any Act of Congress or of the Legislature of Alaska.

(2) When executing certificates of oath, affirmation, or acknowledgment, add the title "Postmaster" after your signature and give the name of the post office and date document is executed. Place legible postmark impression of the post office on the document.

(3) Keep a record of all deeds and other instruments of writing acknowledged, relating to the title to or transfer of property. This record shall be available to your successors, and shall be subject to public inspection.

(c) *Fees for notarial service.* An officer or employee who is a notary public shall not charge or receive compensation for notarial services for another officer or employee regarding Government business; nor for notarial services for any person during the hours of the notary's services to the Government, including the lunch period.

GENERAL POSTAL ADMINISTRATION

PART 253—CONTRACT COMPLIANCE PROGRAM

SEC.
253.1 Introduction.
253.2 Nondiscrimination provisions required in contracts and contract modification.
253.3 Contracts exempt from section 202, Executive Order 11246, as amended.
253.4 Nondiscrimination posters.
253.5 Reporting contracts and proposed awards.
253.6 EEO employer information report.
253.7 Compliance review.
253.8 Complaints.

AUTHORITY: The provisions of this Part 253 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 253.1 Introduction.

(a) *Basic authority and responsibilities.* (1) Executive Order 11246, amended by Executive Order 11375, requires all Government contracting agencies to include in every nonexempt Government contract, clauses which require nondiscrimination by the contractor against any employee or applicant for employment because of race, color, religion, sex, or national origin.

(2) The Secretary of Labor, responsible for administering this program, created the Office of Federal Contract Compliance within the Department of Labor. He designated this Agency as a compliance agency, responsible for obtaining compliance by certain contractors with the provisions of the Executive order and the rules, regulations and orders of the Office of Federal Contract Compliance.

(b) *Definitions.* (1) Government contract means any agreement or modification thereof between any contracting agency and any person for the furnishing of supplies or services or for the use of real or personal property, including lease arrangements. The term services includes, but is not limited to, the following services: Utility, construction, transportation, research, insurance, and fund depository. The term Government contract does not include agreement in which the parties stand in the relationship of employer and employee.

(2) Modification means any alteration in the terms and conditions of a contract, including supplemental agreements, amendments, and extensions.

(3) Subcontract means any agreements or arrangement between a contractor and any person (in which the parties do not stand in the relationship of an employer and employee):

(i) For the furnishing of supplies or services or for the use of real or personal property, including lease arrangements, which, in whole or in part, is necessary to the performance of any one or more contracts; or

(ii) Under which any portion of the contractors obligation under any one or more contracts is performed, undertaken, or assumed.

§ 253.2 Nondiscrimination provisions required in contracts and contract modification.

(a) All contracts or contract modifications entered into by the Postal Service, except those in paragraph (3) of this section, must include the following provisions of section 202, Executive Order 11246 as amended:

During the performance of this contract, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to insure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer, recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

(3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under section 202 of Executive Order 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be canceled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order 11246 of September, 24, 1965, and such order sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The contractor will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued to section 204 pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions including sanctions for noncompliance: *Provided, however,* That in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the United States to enter into such litigation to protest the interest of the United States.

(b) Each nonexempt contractor or subcontractor shall include the clauses in paragraph (a) of this section in each of its nonexempt subcontracts. The clauses may be incorporated by reference in Government bills of lading, transportation requests, contract for deposit of Government funds, contracts for issuing and paying U.S. savings bonds and notes, and contracts and subcontracts less than $50,000.

§ 253.3 Contracts exempt from section 202, Executive Order 11246, as amended.

(a) Contracts, subcontracts, purchase orders, and other transactions not exceeding $10,000, other than Government bills of lading, are exempt. (Government bills of lading in any amount are subject to the order. For star route and other term contracts, only those not exceeding $10,000 for the full term are exempt. For indefinite term contracts, such as mail messenger and rural stations, only those where the payments, in a 4-year period from the inception of the contract, do not exceed $10,000 are exempt.)

(b) Contracts and subcontracts for work performed outside the United States by employees who were not recruited within the United States are exempt.

(c) Contracts, subcontracts, or purchase orders specifically exempted by the Director, Office of Federal Contract Compliance, are not subject to the order.

(d) Notwithstanding the inclusion in any contract of the provisions in section 202 of the order, the contractor shall be exempt under any exemptions in the rules, regulations, and orders issued by the Office of Contract Compliance.

§ 253.4 Nondiscrimination posters.

(a) Each contracting officer, upon award of a contract, shall furnish the contractor with an adequate supply of posters and inform each contractor that:

(1) Copies of posters must be furnished to a subcontractor.

(2) Posters must be displayed in all employment offices, on bulletin boards and other conspicuous places available to employees and applicants for employment, and must be similarly displayed by his subcontractor.

(3) Additional copies of the posters may be obtained from the contracting officer.

(b) The posters, in English or Spanish, are available in GSA stores depots. Supplies of posters may be requisitioned through usual channels.

§ 253.5 Reporting contracts and proposed awards.

(a) Contracting officers must furnish the Contract Compliance Division, Law Department, the following information on 5" x 8" cards for each nonexempt contract within 3 business days:

(1) Name and address of contractor.

(2) Amount of contract. (Total payment for term. For indefinite term contracts, use annual payment. For construction contracts, use Form 4839.)

(3) Identification number of contract, if any.

(4) Date contract entered into.

(5) Date of expiration of contract.

(6) One sentence explanation of nature of contract.

(b) The contracting officer shall notify the Contract Compliance Division of the proposed award of any supply contract in the amount of $1 million or more at least 20 working days prior to the proposed date of award, unless time does not permit. The Contract Compliance Division will then conduct a preaward compliance review. The contracting officer will be advised of the eligibility of the proposed contractor for the award.

§ 253.6 EEO employer information report.

(a) Each contractor and subcontractor having a contract containing a nondiscrimination clause set forth in § 253.2(a) shall file SF–100, Employer Information Report EEO–1 according to instructions accompanying the form. The form must be filed within 30 days after award of the contract or at such times as may be required by the form or order of the Office of Federal Contract Compliance.

(b) Contracting officers shall furnish an adequate supply of forms to each contractor when the contract is awarded. Order forms from supply centers on regularly scheduled requisition.

§ 253.7 Compliance review.

Routine compliance reviews will be made under the supervision of the Contract Compliance Division to ascertain the extent to which contractors and subcontractors are complying with the Executive order.

§ 253.8 Complaints.

(a) Any employee of any Government contractor or subcontractor or any qualified aplicant for employment with such contractor or subcontractor may by himself or by an authorized representative, file in writing a complaint of alleged discrimination in violation of the Equal Opportunity Clause.

(b) All complaints submitted to the Postal Service shall be forwarded immediately to the Contract Compliance Division, Law Department.

(c) Complaints will be processed in accordance with the rules, regulations and orders issued pursuant to Executive Order 11246, as amended.

PART 256—EMPLOYEE'S CLAIMS

Sec.

256.1 Purpose.
256.2 Proper claimants.
256.3 Claims.
256.4 Liability of third parties.
256.5 Assignment.
256.6 Recoveries.
256.7 Allowances.
256.8 Submission of claims.
256.9 Consideration of claims.

AUTHORITY: The provisions of this Part 256 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 256.1 Purpose.

The Military Personnel and Civilian Employees' Claims Act of 1964, authorizes the head of an Agency or Department to prescribe procedure for reimbusing employees for loss of or damage to their personal property suffered in connection with or incident to their employment duties; provided that possession of the lost or damaged property was reasonable, useful or proper under the circumstances. It does not contemplate insuring an employee against ordinary losses. Losses resulting from occurrences which could reasonably have been foreseen, avoided, or insured against by the employee, will not be compensated.

§ 256.2 Proper claimants.

(a) Claims may be filed by:

(1) Postal employees.

(2) Survivors of postal employees in the following order of precedence:

(i) Spouse;

(ii) Child or children;

(iii) Father or mother, or both, or

(iv) Brothers or sisters, or both.

(b) A claim presented by other than those listed in § 256.2(a) will not be considered. A claim may not be presented by or for the benefit of a subrogee, assignee, conditional vendor, or other third party.

§ 256.3 Claims.

(a) *Cognizable claims.* (1) Claims may be presented for damage to, or loss of, personal property by employees incident to their service. However, the following provisions reflect the basic conditions which determine a cognizable claim.

(2) The loss of or damage to personal property must have occurred subsequent to August 30, 1964.

(3) The Postal Service considers claims for loss or damage only to the extent that the possession of the personal property in question is determined to be reasonable, useful, or proper under the circumstances.

(4) Present the claim in writing not later than 2 years after it accrues. A claim is considered to accrue at the time of the incident causing the loss or damage or at such time as the loss or damage is or should have been discovered by the claimant through the exercise of due diligence. If the claim accrues in time of war or armed conflict in which any armed force of the United States is engaged or if such war or armed conflict intervenes within two years after it accrues, and if good cause is shown, the claim may be presented not later than 2 years after that cause ceases to exist, or 2 years after the war or armed conflict is terminated, whichever is earlier. The dates of beginning and ending of an armed conflict are established by concurrent resolution of Congress or by a determination of the President.

(5) A claim arising from one incident which is presented for an amount in excess of $6,500 may be considered, but no sum in excess of $6,500 may be allowed.

(b) *Claims payable.* Claims may be payable when the damage to or loss of the employee's personal property occurs incident to his service under any of the following or similar circumstances, provided the damage or loss was not caused in whole or in part by the negligent or wrongful act of the postal employee:

(1) *Property losses in quarters or other authorized places.* When property is damaged or lost either by fire, flood, hurricane, theft or other serious occurrence while the property is located at an assigned work station or other authorized place of employment.

(2) *Transportation losses.* When property, including baggage checked or in personal custody and including household effects, is damaged or lost incident to transportation or storage pursuant to orders, in connection with authorized travel or in the performance of duty, including property in the custody of any of the following:

(i) A common or contract carrier.

(ii) Any commercial concern under contract with the Government.

(iii) An agent or agency of the Government.

(iv) The claimant while in a private or public conveyance in which he is traveling in performance of his duty.

(3) *Enemy and belligerent action.* When property is lost, abandoned, damaged, or destroyed outside the United States by:

(i) Enemy, guerrilla, organized brigandage, or other belligerent activities.

(ii) Unjust confiscation by a foreign power or its nationals.

(4) *Property subjected to extraordinary risks.* When damage or loss is a direct result of extraordinary risks in the performance of official duties.

(5) *Property used for the benefit of the Government.* When damaged, or lost while being used, or held for use, for the benefit of the Government at the direction or request of superior authority.

(6) *Negligence of the Government.* When property is damaged or lost incident to the service of the claimant and the proximate cause was the negligent act or omission of agents or employees of the Government acting within the scope of their employment.

(7) *Theft from possession of claimant.* For stolen articles provided:

(i) Loss occurred at one of the locations specified in subparagraph (1) of this paragraph;

(ii) Claimant exercised due care in the protection of his property; and

(iii) The crime of larceny, burglary, or housebreaking, or similar offense under local law, did occur.

(8) *Clothing and articles being worn.* When lost, damaged, or destroyed under circumstances which are incidental to service, provided such loss resulted from an unusual occurrence, i.e., beyond the normal wear, tear, damage or destruction associated with day-to-day living and working. Claims include eyeglasses, hearing aids, dentures, and the like.

NOTE: Claims covered by the Federal Tort Claims Act do not come within this part.

(c) *Certain claims not payable.* Claims specified below are not allowed except as provided:

(1) *Money or currency.* (i) For damage to or loss of money or currency except when the loss results from fire, flood, hurricane, theft, or other serious occurrence. A claim for theft must conclusively show that the money or currency was in a locked container or afforded the best possible protection.

(ii) Reimbursement limited to an amount which the adjudicating authority determines reasonable for the claimant to have had in his possession at the time of the incident.

(2) *Unserviceable property.* For damage to or loss of worn out or unserviceable property.

(3) *Easily pilferable articles.* (i) For damage to or loss of easily pilferable articles of substantial value, which are usually worn or carried, when they are shipped with household goods by ordinary means or as unaccompanied baggage. Shipment includes storage. Examples are jewels, jewelry, rings, necklace, cameras and accessories, binoculars, and watches.

(ii) Subparagraph (3) (i) of this paragraph does not apply to articles shipped in baggage in the personal custody of the claimant or properly checked, provided reasonable protections or security measures have been taken.

(4) *Articles acquired for other persons.* For damage to or loss of articles intended directly or indirectly for persons other than the claimant or members of his immediate household. This includes articles acquired to be sold, given as gifts, or acquired at the request of others.

(5) *Articles of extraordinary value.* (i) Except as provided in subparagraph (3) (ii) of this paragraph, damage to or loss of expensive articles of gold, silver, other previous metal, paintings, relics authentic Oriental or similar expensive rugs, antiques which are not bulky furnishings, and other articles of extraordinary value when shipped with household effects by ordinary means or as unaccompanied baggage.

(ii) The above disallowance does not apply to such articles shipped in baggage in the personal custody of the claimant or his agent or properly checked, provided reasonable security measures have been taken.

(6) *Intangible property.* For damage to or loss of intangible property, i.e., bankbooks, checks, promissory notes, stock certificates, bonds, bills of lading, warehouse receipts, baggage checks, insurance policies, money orders, and travelers' checks.

(7) *Government property.* For damage to or loss of property owned by the United States except property for which the claimant must reimburse or is financially liable.

(8) *Motor vehicles.* For damage to or loss of motor vehicles or in exceptional cases when payment would be equitable, such as extraordinary risk in performance of duty as in connection with civil disturburance, common or natural disaster, or efforts to save Government property or human life.

(9) *Losses in unassigned quarters in the United States.* For property lost or damaged in quarters occupied by the claimant within the 50 States or the District of Columbia that were not assigned to the claimant or otherwise provided in kind by the United States.

(10) *Business property.* For damage to or loss of business property which is used by the claimant in a business or for profit.

(11) *Fees for obtaining estimates of repair.* (i) Except as provided below, fees paid to obtain estimates of repair of property subject to a claim under this order.

(ii) The above disallowance does not apply to reasonable estimate fees, which the claimant was compelled to pay, provided the fee paid is not deductible from the cost of repairs by the estimator.

(12) *Violations of law or regulations.* For property acquired, possessed, or transported in violation of law or regulations of competent authority. This does not apply to limitations imposed on weight of shipments of household effects.

(13) *Negligence of claimant, etc.* Damage to or loss of property which was caused wholly or partly by the negligent or wrongful act of a claimant, his agent, or his employee.

(14) *Property leased or rented to United States.* Property leased or rented to the United States (this does not preclude payments to the extent provided by the lease or rental contract).

(15) *Claims under $20.* For damage to or loss of property less than $20.

(16) *Items fraudulently claimed.* When investigation discloses that a claimant, his agent, or employee has intentionally misrepresented an item claimed, as to

cost, condition, cost to repair, etc., the item will be disallowed in its entirety even though some actual damage has been sustained. However, if the remainder of the claim is proper, it will be paid. This does not preclude appropriate disciplinary action if warranted.

§ 256.4 Liability of third parties.

Claims are not payable for loss or damage that is recovered or recoverable from an insurer or other third party. If such insurer or other third party is liable for the loss or damage, the claimant must make timely and proper demand for compensation against the third party. Failure to do so or to make reasonable effort to collect the amount recoverable from a third party may result in a disallowance of the claim or a reduction of the amount otherwise allowable.

§ 256.5 Assignment.

A claimant shall assign to the United States, to the extent of any allowance on a claim accepted by him, all right, title, and interest in any claim he may have against an insurer or other third party based on the incident which resulted in the loss or damage. Upon request, a claimant will also furnish any evidence required to enable the United States to enforce the claim against the third party.

§ 256.6 Recoveries.

(a) When compensation for property lost or damaged has been recovered or is recoverable from a third party with the exercise of due diligence, the amount otherwise allowable is reduced by the amount recovered or recoverable. However, no reduction will be made for any part of the recovery from a third party which represents an item for which allowance is precluded under regulations or which represents an amount received for a particular item over and above the Postal Service's allowance.

(b) When a claim has been paid by the Postal Service and the claimant thereafter receives compensation for the same claim from an insurer or other third party or property which was lost or stolen and subsequently returned, the claimant shall reimburse the Government to the extent of the amount paid. However, to enable the claimant to benefit from his private insurance or other contract, the reimbursement due the Government shall be determined by applying the principle that the compensation from a third part shall first be applied to any item for which allowance is precluded under regulations of the Postal Service and to any amount received for a particular item over and above the allowance.

(c) If the above provisions would permit a recovery by claimant from the third party and the Postal Service which exceeds the amount of claimant's loss or damage, the amount of any reduction by or reimbursement to the Postal Service shall be adjusted to the extent necessary.

(d) The claimant shall furnish to the General Counsel a copy of the itemized adjudication by the insurance company or other third party.

§ 256.7 Allowances.

(a) *Compensation for property lost or destroyed.* The allowable compensation for lost or destroyed property will normally be, but in no event shall exceed, the actual value of the property at the time of loss, and will be determined from a consideration of all relevant factors, including purchase price (or value at time of acquisition), the replacement cost, and the salvage value of the property involved. When appropriate, depreciation will be applied in accordance with the type of property lost and its age and condition at the time of loss.

(b) *Compensation for damaged property.* The allowable compensation for damaged items of property will normally be the cost of repairs, but not exceeding the actual value of the property at the time of damage, as set forth in paragraph (a) of this section. If any item is determined to have been damaged to the extent it is beyond economic repair, compensation will be the actual value at the time of damage, less any salvage value.

(c) *Guides for measuring allowances.* The General Counsel may promulgate and apply in the settlement of claims under the Act, guides for determining the allowable compensation for specific articles, the rates of depreciation to be applied to various items, and the maximum amounts allowable for certain types and quantities of property.

(d) *Replacement in kind.* When considered appropriate by the General Counsel, the property lost may be replaced in kind in lieu of a cash allowance.

§ 256.8 Submission of claims.

(a) *Form.* A written claim shall be presented through the employee's immediate supervisor to the Law Department, Claims Division, U.S. Postal Service, Washington, DC 20260, as soon as possible after discovery of the damage or loss, on Form 2146, Employee's Claims for Personal Property. Any writing received within the period allowed will be treated as a proper claim if it provides necessary information to substantiate a claim within the scope of the Act.

(b) *Supporting evidence.* (1) Support a claim with the information and documents required by the claim form. Ordinarily the Postal Service will accept as proof of ownership a statement of the claimant that he owned the property on the date of the incident giving rise to the claim, or a statement of his interest in the property. However, additional evidence of ownership shall be furnished when required by the General Counsel.

(2) When damaged property has been or can be economically repaired, furnish an itemized receipt for payment of necessary repair costs, or an itemized written statement or estimate of necessary repair costs with the claim.

(3) When damaged property cannot be economically repaired, or the property is lost or destroyed, claimant shall furnish a statement listing the date of purchase, purchase price of each item, and any salvage value.

(4) When a claim is presented by the survivor of an employee, it shall be accompanied by an affidavit or other evidence establishing claimant's relationship to the deceased employee and establishing that there are no survivors listed in § 256.2(a) who have precedence over the claimant survivor.

§ 256.9 Consideration of claims.

(a) *Disposition of claim.* When the General Counsel determines an allowance is proper under the Act, a settlement check will be forwarded to the claimant. When the General Counsel disallows a claim in whole or in part, the claimant will be given a written notice of such disposition and the reasons therefor.

(b) *Reconsideration.* The action of the General Counsel in settling a claim by a full or partial allowance, or by a disallowance, is final and conclusive for all purposes. However, the General Counsel may reconsider any settlement whenever the claimant presents a request thereof and establishes an error in the settlement or presents new evidence not available to the Postal Service at the time of settlement. A request for reconsideration must be submitted in writing within 60 days after the date of mailing of the written notice mentioned in paragraph (a) of this section. The claimant will be notified of the disposition of the request, for reconsideration. If a determination is made on reconsideration that a further amount is due the claimant, a supplemental payment will be made with an appropriate notice.

PART 257—PHILATELY

Sec.
257.1 Commemorative stamps.
257.2 New stamp issues.
257.3 Inaugural covers for first flights.
257.4 Cancellations for philatelic purposes.
257.5 Philatelic sales unit.
257.6 Stamp exhibits.
257.7 Stamp publication.

AUTHORITY: The provisions of this Part 257 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 257.1 Commemorative stamps.

(a) *Purpose.* Commemorative stamps are issued in limited quantities to focus attention on historical places, events, or personages. The Postal Service encourages the widespread use of these stamps to promote our ideals, progress, and heritage reflected by the stamps. They do not replace regular stamps of the same class, but are provided upon request, when available.

(b) *Commemorative stamp supplies.* Evaluate the philatelic demand and forward a separate requisition for stock needed in addition to the automatic distribution. Accountable paper depositories shall make certain less-than-bulk quantities of stamps are supplied to post offices to permit sales the day after the official first-day sale in accordance with instructions issued in the Postal Bulletin.

(c) *Sale of commemorative stamps.* Place commemorative stamps on sale at

all offices on the general release date in accordance with the following schedule:

(1) *Plate number blocks.* Plate number blocks are the stamps (usually requested in blocks of four) located on one corner of a sheet of stamps with a plate number printed on the margin. Do not remove plate number blocks in advance from a large number of sheets for the benefit of individual purchasers. Plate blocks may be laid aside, however, as sheets are broken for regular sale purposes and may be sold as an accommodation to local stamp collectors.

(2) *Regular stamp windows.* Place commemorative stamps on regular sale, holding aside only enough for the local philatelic demand. Sell all stock within 90 days if possible. Offer any remaining commemorative stamps, including those previously set aside for philatelic use, to all customers in place of other sheet stamps. An exception would be a commemorative stamp issued for a special areawide event which is being celebrated beyond the 90-day period. It is the Postal Services wish that all commemorative stamps be sold and none destroyed.

(3) *Philatelic windows*—(i) *Time on sale.* Those offices with full- or part-time philatelic windows may keep an issue on sale until a notice of its removal from sale in the Philatelic Sales Unit is published in the Postal Bulletin. Upon notification, immediately withdraw and sell the stock for regular postage purposes.

(ii) *Plate numbers.* The sale of plate numbers and marginal markings at philatelic windows shall be restricted as follows:

Denomination	*Minimum purchase*
1¢ to 20¢ inclusive	Full panes of each.
25¢ to 50¢ inclusive	Strips of 20 stamps each.
$1 to $5 inclusive	Four stamps each.

(iii) *Availability of back-issue commemoratives.* Post offices which maintain or establish special philatelic windows should notify the Accountable Paper Branch, Office of Procurement, U.S. Postal Service, Washington, DC 20260, to keep them informed of available back-issue commemoratives.

(iv) *Outside sales of commemorative stamps.* Do not accept mail orders for postage stamps from customers outside the limits of the area served by your post office. Return any such requests to the sender calling attention to the services provided by the Philatelic Sales Unit, City Post Office, Washington DC 20013.

§ 257.2 New stamp issues.

(a) *Notification.* New stamp issues are announced by notices displayed in the post office lobbies, in the Postal Bulletin and through the press and philatelic periodicals.

(b) *First-day sale.* A post office selected because of some historical connection with the person, event, or place is authorized to have exclusive sale of a new stamp on its first day of sale. All other post offices may sell the stamp the following day.

(c) *First-day covers*—(1) *Description.* First day covers are envelopes bearing a new stamp canceled on its first day of sale with a special die reading "First Day of Issue."

(2) *Requests.* (i) Customers who want first day cancellations of a new stamp should send addressed envelopes to the postmaster in the city where the new stamp is to be placed on sale, with remittance to cover the cost of the stamps. Remittance should preferably be made by money order, cashiers, or certified check made payable to the postmaster at the first day city. Postage stamps, personal checks, as well as foreign coins and currency, will not be accepted.

(ii) Cover envelopes should be of ordinary letter-size and each must be properly addressed. Place an enclosure of postal card thickness in each envelope, and either turn in the flap or seal it. Endorse the envelope, enclosing the covers to the postmaster, "First Day Covers." Put a pencil notation in the upper right corner of each cover to show the number of postage stamps to be placed there.

(iii) With orders for first day covers, do not include requests for uncanceled stamps.

(iv) The Philatelic Sales Unit does not service first day covers.

§ 257.3 Inaugural covers for first flights.

(a) *First flights.* (1) The Postal Service recognizes events such as new air service by applying cachets on inaugural covers. Notices of authorization for official cachets are published in the Postal Bulletin.

(2) Cachets are authorized for:

(i) Stop points on a new airmail route.

(ii) New stop points on an existing route or on an additional segment.

(iii) Events of national aviation interest.

(b) *Where cachets may be used.* (1) Use official cachets on covers actually dispatched on the inaugural flights.

(2) One or more of the following points may be authorized to use official cachets:

(i) *Terminal points.* Apply cachets to covers dispatched on the actual inaugural flight.

(ii) *Intermediate points.* Apply cachets to covers dispatched to the actual inaugural flights in each direction. If service is inaugurated in only one direction, do not use the cachet when service is established in the other direction at a later date.

(c) *Preparation of covers.* (1) Address covers individually to a post office.

(2) Covers must bear postage at the airmal letter rate.

(3) Include in each envelope a uniform enclosure of the approximate weight of a postal card to assure a good impression.

(4) Provide space on the address side, at least 4 inches to the left of the right end of the envelope and 1½ inches to the left of the innermost stamp to permit a clear impression of the postmark.

(5) Leave a clear space 2½ by 2½ inches to the left of the postmark and address area for application of the cachet. If this clear space is not provided, the cachet will not be applied.

(6) Aerogrammes and postal cards will not be accepted for inaugural international flights.

(d) *Submission of covers.* (1) Send the items for inaugural cachets under cover to the postmaster or superintendent, airport mail facility, at the point where service is to be inaugurated. Address envelopes with enclosed items for cachet to "First Flight Covers" or "Philatelic Mail."

(2) Include a letter requesting the holding of the covers for the inaugural service and stating the cachet desired.

(3) Indicate directional service desired, if applicable. (See paragraph (e) (1) of this section.)

(e) *Compliance with collectors requests*—(1) *Directional covers.* Comply with requests for dispatch in a particular direction to the greatest extent practicable. No directional service will be accorded for events of national aviation interest.

(2) *Point-to-point covers.* Do not observe requests of collectors for point-to-point covers. Do not request that a dispatching office send one each of several covers to each stop point.

(3) *Direction not specified.* In the absence of specific requests, dispatch covers on the actual first flight, regardless of direction.

(4) *Incomplete instructions.* If the collector's request is not clear, dispatch covers in accordance with the judgment of the dispatching office.

(5) *Color of ink.* Do not comply with requests for the use of a color of ink other than that authorized by the Postal Service. Use the authorized color of ink in applying the cachet to all covers.

(6) *Position of cachet.* Apply cachets legibly and neatly to left portion of address side of cover. Do not apply cachets to:

(i) Covers for immediate return to sender; covers must receive dispatch on first flight.

(ii) Covers bearing a previous official or unofficial cachet.

(iii) Covers lacking sufficient clear space for application of cachet without obscuring the address.

(iv) Double postal or post cards intended for return reply purposes.

(v) Covers received after first flight.

(vi) Covers on which postage is not fully prepaid.

(vii) Anything other than an inaugural cover.

(7) *Backstamping.* All inaugural covers will be backstamped at a designated post office and forwarded to address destination. Do not honor requests for additional or special backstamping.

§ 257.4 Cancellations for philatelic purposes.

(a) *How stamps are canceled.* Cooperate with stamp collectors by furnishing clean and legible postmarks. Give special attention to mail bearing an endorsement that is of philatelic value or to a request for a light cancellation. Stamps must be canceled sufficiently to protect the postal revenue.

(b) *Plain cards or slips of paper.* Do not place postmarks on plain slips of paper or plain cards submitted for philatelic or other purposes.

(c) *Picture post cards (maximum cards).* Picture post cards with the stamp placed on the face of the card rather than on the address side are known as maximum cards. Postmasters may cancel these cards and hand them back to the person presenting them. Maximum cards are considered to be collectors' items and must be given special care in canceling.

(d) *Preparation requirements.* Post cards, postal cards, and envelopes submitted for philatelic or other purposes must bear complete addresses, and postage at the applicable rate, to be postmarked. (See § 257.3 of this chapter for postage on mail to be canceled with a special cancellation.) After they are postmarked they may be either dispatched or handed back to the person presenting them. This does not apply to any arrangements made by the Postal Service under §§ 257.2 and 257.3 of this chapter.

(e) *Holding the mail.* Do not hold mail to comply with customers' requests that the mail be postmarked on a particular date, except as provided under §§ 257.2 and 257.3 of this chapter.

§ 257.5 Philatelic sales unit.

The Philatelic Sales Unit sells postage stamps of selected quality to stamp collectors. Stamps sold by the unit are selected for good centering and are the best available. Customers may obtain a list of items available by sending a self-addressed stamped envelope to Philatelic Sales Unit, City Post Office, Washington, DC 20013.

§ 257.6 Stamp exhibits.

The Postal Service has a set of valuable stamp exhibit frames available for display at stamp exhibitions and conventions. Address requests to the Director, Division of Philately, U.S. Postal Service, Washington, DC 20260.

§ 257.7 Stamp publication.

The U.S. Postal Service issues a looseleaf publication, "U.S. Postage Stamps," containing reproductions and information of interest to collectors on all U.S. stamps issued from 1847. It is sold by the Superintendent of Documents, Government Printing Office, Washington, DC 20402.

PART 258—SPECIAL CANCELLATIONS

Sec.

258.1 Authorization.
258.2 Revocation.
258.3 Requirements for obtaining special stamp cancellation die hubs.
258.4 Disposition.
258.5 Mail submitted for special cancellations.

AUTHORITY: The provisions of this Part 258 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 258.1 Authorization.

(a) Special canceling machine die hubs may used only in first- or second-class post offices. The special die hubs are placed on canceling machines through which a large volume of letter mail is canceled.

(b) Permission is granted for advertising purposes when the event is:

(1) For a national purpose for which Congress has made an appropriation, or

(2) Of general public interest and importance and is to endure for a definite period of time and is not to be conducted for private gain or profit.

(c) Special cancellations are not authorized for:

(1) Events of interest primarily to a particular local group.

(2) Fraternal, political, religious, commercial, or trade organizations.

(3) Campaigns or events promoting the sale or use of private products or services.

(4) Idea or slogan promotion not directly connected with an event of general public interest and importance.

(5) Events which occur during a period when all canceling machines in the post office have already been scheduled for the use of other special cancellation die hubs.

(d) Do not use the special cancellation longer than 6 months, plus the duration of the event.

§ 258.2 Revocation.

Permission to use any special cancellation die hubs may be curtailed or revoked when necessary to use special postmarking dies for Government purposes.

§ 258.3 Requirements for obtaining special stamp cancellation die hubs.

(a) *Application.* (1) If the event to be advertised meets the conditions in § 258.1, submit the application in writing to the postmaster at the post office where the cancellation die hub is to be used.

(2) Application must be submitted to the postmaster at least 3 months before the date the cancellation die hub is to be placed in operation.

(3) The application must provide the following information:

(i) Complete description and schedule of the event to be advertised, including evidence that it is not being conducted for private profit.

(ii) Wording of the proposed cancellation.

(iii) Name of the post office where the cancellation is to be used.

(iv) Period of use desired.

(v) Number of die hubs desired.

(vi) Name and address of the sponsor who will be billed for the cost.

(4) Space available for the wording is shown in the illustration below. Limit wording to 3 lines of not more than 20 letters, numbers or spaces each. The wording must relate directly to the event. Do not use illustrations or designs.

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(b) *Referral by postmaster.* Forward the application to the Office of Mail Classification, Finance and Administration Department, U.S. Postal Service, Washington, DC 20260. Furnish with the application the name of the manufacturer and model of the canceling machine on which the special die hub will be used, and state whether the machine is new or old (square or round type ring die). If the canceling machine is a Model Flier, M, or G, state the correct die hub part number (1207 or 1207–G for Flier and M machines, and 218 or 218–E for G machines). The base of the ring die on parts 218 and 1207 is round. The base of the ring die on parts 218–E and 1207–G is square. No die hub part number is required for Models D, K, H.D.2, and Mark II. Also state the effect the approval would have on the use of special cancellations already approved for your office.

(c) *Approval.* The sponsor is informed through the postmaster of the approval or denial of the application. If approved, Headquarters arranges for the manufacture of the die hub, and instructs the postmaster on its use.

(d) *Cost.* The sponsor must pay the cost of manufacturing the special cancellation die hub and any costs incurred in adapting canceling machines for its use or for installing the hub. The cost of a die hub is usually $55 to $65. The organization or persons assuming the cost of manufacturing the die hub are billed by the manufacturer.

§ 258.4 Disposition.

(a) *After use.* Do not return used die hubs to sponsors. Do not transfer a die hub to another post office. Send die hubs not retained for future use to the Mail Equipment Shops, 2135 Fifth Street NE., Washington, DC 20260 immediately after use.

(b) *Unserviceable die hubs.* (1) Authorized first-class post offices shall order replacement repair parts for a die hub that is used annually, from the Western Area Supply Center, Repair Parts Section, Topeka, KS 66601, on Form 4984, Repair Parts Requisition, if the die hub can be repaired at the post office. Include the model number of the machine with all requests. All other offices will order replacement parts for such die hubs on Form 4635, Repair Parts Requisition, from their local area maintenance office. Send die hubs that cannot be repaired to the Mail Equipment Shops, 2135 Fifth Street NE., Washington, DC 20260 with a memorandum requesting their disposal. No faciilties are available at the Shops for the repair of these die hubs.

(2) When the special cancellation die hub must be replaced, immediately notify the local sponsor so that he may, if he desires, apply for a replacement through the local postmaster.

§ 258.5 Mail submitted for special cancellations.

(a) *Postage.* Mailers requesting that their mail be canceled with a special cancellation must affix first-class postage to the mail. The mail must bear a complete address. Do not place stamps issued by foreign countries on the mail.

(b) *Holding the mail.* Do not hold mail to comply with customer's requests that the mail be postmarked with the special cancellation on a particular date.

PART 259—SERVICES PERFORMED FOR OTHER AGENCIES

Sec.
259.1 Government.
259.2 Red Cross.

AUTHORITY: The provisions of this Part 259 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 259.1 Government.

(a) *Policy.* The Postal Service cooperates with Federal Agencies whenever the overall costs to Government will be reduced. Assistance in a number of special projects and programs is provided when the knowledge and abilities of postal employees are helpful. Extra costs incurred are reimbursed by the agency for which the work is performed.

(b) *Approval of services.* Arrangements for Postal Service participation in special surveys, censuses and other activities must be made between the national headquarters of the requesting agencies and the Operations Department, U.S. Postal Service, Washington, DC 20260. Refer all requests to the Regional Director for forwarding to Headquarters. Authority to perform services for Government agencies is announced in the Postal Bulletin or by individual letters to the offices involved.

(c) *Unauthorized projects prohibited.* Do not conduct special surveys or otherwise participate in any cooperative projects without the authorization in paragraph (b) of this section.

§ 259.2 Red Cross.

(a) *General.* The Postal Service and the Red Cross cooperate to maintain communication between the individual and the community during times of disaster. This applies only to natural disasters such as those caused by floods, tornados, hurricanes, earthquakes, fires, explosions, etc., and not to those caused by enemy action.

(b) *Role of Postal Service.* (1) Postmasters are encouraged to participate in community and Red Cross disaster preparedness planning.

(2) Make available to the American National Red Cross, Form 3575, Change of Address Order.

(3) Maintain completed "Change of Address Order" forms following a disaster as a central locator file so mail may be promptly forwarded to individuals and families displaced by the disaster.

(4) Make the information on these "Change of Address Order" forms available to authorized Red Cross disaster workers.

(5) Regional Directors and postal inspectors in charge are responsible for seeing that post offices implement these cooperative arrangements in disaster situations.

(6) The instructions in this section serve as a broad framework within which field officials of both agencies may coordinate their facilities and resources. However, postal officials shall cooperate with Red Cross officials to the maximum feasible degree during times of natural disasters.

RELEASE OF INFORMATION

PART 261—PUBLIC INFORMATION ON POSTAL SERVICE AND RECORDS

Sec.
261.1 Policy.
261.2 Availability of records.

Authority: The provisions of this Part 261 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 261.1 Policy.

It is the policy of the Postal Service to make its records available to the public to the maximum extent consistent with the public interest and the rights of individuals. This policy requires a practice of full disclosure subject only to the specific exemptions and principles authorized by 5 U.S.C. 552(b).

§ 261.2 Availability of records.

(a) *Inquiries.* Inquiries regarding availability or location of Postal Service records, administrative manuals and other documents should be made to the head of the office at which the record is maintained, if known. In other cases, inquiries may be made to the local postmasters, Regional Directors, Directors, Postal Data Centers, or the Special Assistant to the Postmaster General for Public Information, U.S. Postal Service, Washington, DC 20260.

(b) *Office business hours.* Records may be inspected during regular business hours Monday through Friday (exclusive of legal holidays) and only at those postal installations where they are maintained, unless otherwise specifically authorized. Exception: the public will not be permitted to inspect records at the postal data centers. Records maintained at the postal data centers may, if made available, be inspected at the regional office designated by the Director, Postal Data Center.

(c) *Exemptions.* The following classes of identifiable records may be withheld from inspection or copying. Records which are:

(1) Specifically required by Executive order to be kept secret in the interest of national defense or foreign policy.

(2) Related solely to the internal personnel rules and practices of the Postal Service, for example, operating rules, guidelines, and manuals of procedure for postal inspectors.

(3) Specifically exempted from disclosure by statute. For example, contents of first-class mail.

(4) Trade secrets and commercial or financial information and other privileged or confidential information obtained from any person, for example, confidential, financial or proprietary data furnished by a prospective contractor during negotiations for a contract or to comply with a specification of an invitation for bids or a request for proposal.

(5) Interagency or internal memoranda or letters which would not be available by law to a private party in litigation with the Postal Service. For example, internal drafts and memoranda between officials of the Postal Service and legal memoranda from the General Counsel or Regional Counsel to postal officials. Civil Service Commission inspection reports or excerpts therefrom are internal memoranda.

(6) Personal in nature, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy or which is precluded by regulations of the Civil Service Commission or the Department of Labor. For example, official personnel folders, medical reports, Bureau of Employee Compensation case files, disciplinary files, and employee home addresses.

(7) Investigatory files compiled for law enforcement purposes except to the extent available by law to a private party, for example, inspection service reports.

(8) The names, addresses, and telephone numbers of post office box holders shall not be disclosed except to a recognized law enforcement agency or in compliance with a subpoena or court order. However, such information may be disclosed in the following manner with respect to any post office box being used for the purpose of doing or soliciting business with the public. When the business name, address, and telephone number is shown on the Application for Post Office Box, Form 1093, the postmaster may provide this information. When Form 1093 does not disclose whether a business is involved or when there is doubt, the postmaster shall refer all disclosure requests to the Regional Counsel for decision.

(9) Data pertaining to methods of handling valuable registered mail.

(10) Technical data concerning postage meters and prototypes submitted for Postal Service approval prior to leasing to mailers.

(11) Records of money orders, except as provided in Chapter 1.

(d) *Waiver of exemption.* A waiver of exemption is usually granted by the General Counsel:

(1) When good cause is shown, except as may be prohibited by law, Executive order or regulation of another Federal agency which is charged with the responsibility for the maintenance and control of such record; or

(2) When disclosure is not inconsistent with statutory or regulatory prohibitions; or

(3) When no significant purpose is served by withholding the information.

PART 262—OPINIONS, ORDERS, ADMINISTRATIVE MANUALS, AND INSTRUCTIONS TO STAFF

Sec.
262.1 Opinions.
262.2 Administration manuals and instructions to staff.
262.3 Public index.
262.4 Other matters.
262.5 Protection of right of privacy.
262.6 Procedure for inspection.
262.7 Schedule of fees.
262.8 Compliance with subpoena duces tecum court orders and summonses.

AUTHORITY: The provisions of this Part 262 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 262.1 Opinions.

All final opinions and orders made in the adjudication of cases involving contract appeals, fraud orders, mailability

matters, revocation or denial of second-class mailing privileges, disbarment proceedings, proceedings under Executive Order 11246 (Equal Employment Opportunity), and other matter except in cases or classes of cases which are not required to be made public, are on file and available for inspection and copying in the Library, Room 6012, U.S. Postal Service, Washington, DC 20260, unless otherwise specified.

§ 262.2 Administrative manuals and instructions to staff.

Supply Catalog, Publication 24, identifies those manuals, instructions, and other publications and issuances that are used by post offices and indicates how, where, and if they may be obtained. Those which are not listed for sale and are available to the public under the Freedom of Information Act may be inspected in the Library, Room 6012, U.S. Postal Service, Washington, DC 20260. Copies may be obtained by paying a fee in accordance with § 262.7 of this chapter, unless specifically stated that they are available free of charge or the cognizant bureau, office or installation head waives the fee. See § 262.7(d).

§ 262.3 Public index.

(a) *General.* (1) Headquarters Library maintains a public index of all final opinions and orders made in the adjudication of cases. Headquarters policy statements and interpretations not published in the FEDERAL REGISTER, and administrative staff manuals and instructions that affect the public.

(2) The index does not contain any material which the General Counsel exempts from disclosure.

(3) The index mainly contains matters issued after July 4, 1967. However, the Postal Service may include prior matters.

(b) *Public availability of materials.* (1) Any matter in the public index is available to the public subject to the limitation in § 262.5.

(2) Any person may arrange for the inspection of any matter in the public index in accordance with the procedures of § 262.6 of this chapter.

(3) Copies of the public index and of matters listed in the public index may be purchased from Headquarters Library, General Reference Section, Room 6012, U.S. Postal Service, Washington, DC 20260 in accordance with the schedule of fees in § 262.7.

§ 262.4 Other matters.

(a) *Records.* Includes all records not previously mentioned and not listed in § 261.2(c). The term records does not include articles such as furniture, paintings, models, vehicles, equipment, etc., whatever their value as evidence.

(b) *Organizational statements.* See Subchapter D of this chapter for a description of organizational and functional matters.

(c) *Addresses of prospective jurors.* Honor requests from the Administrative Office of the U.S. Courts, including judges, clerks, and other court officials, relating to addresses of prospective jurors, if known. Do not disclose residential addresses of lock box holders except in accordance with § 261.2(c)(8) of this subchapter.

(d) *Change of address.* (1) Furnish the change of address of a postal customer upon request in accordance with § 262.5 and upon payment of fee stated in § 262.7.

(2) Furnish the recorded post office box address of a customer whose mail is redirected to a post office box. This information is not exempt under § 261.2(c)(8).

(3) Direct requests for change of address information of civilian or military personnel stationed at any APO or FPO to the respective military establishment.

(i) If Army:

Office of the Adjutant General,
THE PENTAGON,
Washington, DC 20310.

(ii) If Navy:

Navy Directory Unit,
c/o Chief of Naval Personnel,
Washington, DC 20370.

(iii) If Air Force:

Director, Administrative Services,
HQ, Department of Air Force,
THE PENTAGON,
Washington, DC 20330.

§ 262.5 Protection of right of privacy.

If the release of the name or other identifying details of or concerning a private party would constitute an unwarranted invasion of personal privacy, any record required to be disclosed will be published or made available with such identifying details deleted and with a notice thereon such as: Names of parties and other identifying details have been removed to prevent an unwarranted invasion of the personal privacy of the individuals involved.

§ 262.6 Procedure for inspection.

(a) *General.* To inspect or copy records follow these procedures:

(1) Submit a written request to the local postmaster, or if known, to the head of the installation at which the record is maintained, identifying the material by name, subject matter or number. If the request is for inspection, include a statement that the private party inspecting the record will not make, alter or falsify a record, conceal, destroy, mutilate or remove any record or part thereof under penalty of law (18 U.S.C. 494 and 2071).

(2) Forward requests which describe records located elsewhere to the appropriate office or agency and send the requestor a copy of such referral.

(3) Inform requestors immediately when the information provided is insufficient to identify the record and, if possible, of the necessary additional information required.

(4) Responses to requests for inspection or copies of records will include:

(i) Whether the record or copy is available and, if not, why.

(ii) The fees, if any, for retrieval of the record and any copies requested, which must be paid in advance.

(iii) When the record is available for inspection (unless purchase of copy only is requested).

(iv) The place the record is available for inspection.

(5) Monitor the inspection and copying.

(b) *Denials.* If a request to inspect or copy a record is denied, the requestor may appeal to the General Counsel, U.S. Postal Service, Washington, DC 20260. The notice of denial shall advise the requesting party of his right to appeal to the General Counsel. The decision of the General Counsel or his designee shall be made promptly and shall constitute the final decision of the Postal Service on the legal right to inspect or copy a record. In those cases in which the General Counsel or his designee makes the initial decision upon a request, such decision shall likewise constitute the final decision.

(c) *Appeal procedure.* Submit the appeal to the General Counsel in writing within 10 days from the date of denial. The letter of appeal shall include:

(1) Complete identification of the material to which access was denied.

(2) A copy of the request and any related correspondence.

(3) The date of denial and a copy thereof.

§ 262.7 Schedule of fees.

(a) *Record retrieval.* (1) For computer data, the minimum charge is $120 for the first hour or any portion thereof and $30 for each 15 minutes or portion thereof in excess of the first hour.

(2) For other records, charge a minimum of $8 for the first hour or any portion thereof and $2 for each 15 minutes or portion thereof in excess of the first hour.

(3) Do not charge the fee in paragraph (a)(2) of this section for the first 4 man-hours expended in compiling and furnishing information manually (not by computer) concerning employees to postal employee organizations.

(b) *Reproduction.* (1) For each copy of a page of any record, publication, etc., charge $0.25 per page. Charge (a minimum) of $1 for any record reproduction regardless of number of pages requested.

(2) The Postal Service reserves the right to make available coin operated copy machines at any given location. In such event, the party desiring copies will make the copies at his own expense.

(3) The Postal Service is not required to furnish more than one copy of any record, publication, etc.

(c) *Change of address record.* The fee for searching or furnishing the last recorded change of address is $1 per change of address, except as provided in Chapter 1. The $1 charge is not refundable.

(d) *Waiver of fees.* (1) The fees set forth in paragraphs (a) and (b) of this section may be waived in the interest of the Postal Service.

(2) Specifically, the fee for change of address information is waived for:

(i) Telegraph companies when the sender of the telegram is the U.S. Government;

(ii) Federal, State, and local public health officials when the persons being sought are infected with or were exposed to contagious diseases;

(iii) Federal, State, and local law enforcement officials, upon certification that the change of address is required for law enforcement purposes (see § 261.2(c)(8), and

(iv) Federal agencies, upon certification that the change of address is required for official business and all other known sources for obtaining the change of addresses have been exhausted.

(e) *Accounting for fees.* (1) Deposit fees received as postal funds. Record the amounts collected as write-in entries to A/C 49299, Reimbursements—Miscellaneous, in the cashbook and statement of account. Record the manner paid, the amount received, and the hours used to compile lists or prepare copies of other records released on the request for this information. Attach written replies to the customer's request stating the number of hours required to prepare information and the amount to be charged in lieu of the above notation. File materials chronologically.

(2) Forward fees received for information furnished by postal data centers, automatic data processing centers (ADPC), and regional offices to the disbursing officer at the appropriate postal data center for deposit, specifying the proper account number to be used for recording the amounts collected. Postal data centers, ADPC's, and Headquarters offices providing record retrieval as described in paragraph (a)(1) of this section will enter five-sixths of the fee received in A/C 49579, Reimbursements to Facilities Appropriation—Miscellaneous. Enter the remaining one-sixth of the fee, plus the fees covered in paragraphs (a)(2), (b), and (c) and 262.73 in A/C 49199, Reimbursements to Administration and Regional Operations Appropriation—Miscellaneous; ADPC complexes will enter in A/C 49299, Reimbursements to Operations Appropriation—Other than U.S. Government Agencies. Other installations will enter all fees deposited in A/C 49199.

§ 262.8 Compliance with subpoena duces tecum court orders and summonses.

(a) *Compliance with subpoena duces tecum.* (1) Except as required by Part 262, produce other records of the Postal Service only in compliance with a subpoena duces tecum or appropriate court order.

(2) Time, leave, and payroll records of postal employees are subject to production when a subpoena duces tecum or appropriate court order has been properly served. The custodian of the records may designate a postal employee to present the records. The presentation by a designee rather than the employee named in the subpoena or court order must meet with the approval of the attorneys for each side. In addition, such records may be released if authorized in writing by the employee.

(3) If the subpoena involves a job-connected injury, the records are under the exclusive jurisdiction of the Bureau of Employees' Compensation, Department of Labor. Requests for authorization to produce these records shall be addressed to: Bureau of Employees' Compensation, U.S. Department of Labor, Washington, DC 20210. Also notify the attorney responsible for the issuance of the subpoena or court order.

(4) Employee medical records are primarily under the exclusive jurisdiction of the U.S. Civil Service Commission. The Commission has delegated authority to the Postal Service and to the Commission's Regional Directors to release medical information, in response to proper requests and upon competent medical advice, in accordance with the following criteria:

(i) Except in response to a subpoena or court order, do not release any medical information about an employee to any non-Federal entity or individual without authorization from the employee.

(ii) With authorization from the employee, the Regional Directors, Postal Data Center Directors, or regional counsels will respond as follows to a request from a non-Federal source for medical information:

(*a*) If, in the opinion of a Federal medical officer, the medical information indicates the existence of a malignancy, a mental condition, or other condition about which a prudent physician would hesitate to inform a person suffering from such a condition as to its exact nature and probable outcome, do not release the medical information to the employee or to any individual designated by him, except to a physician, designated by the employee in writing. If a subpoena or court order was issued, the responding official shall caution the moving party as to the possible dangers involved if the medical information is divulged.

(*b*) If, in the opinion of a Federal medical officer, the medical information does not indicate the presence of any condition which would cause a prudent physician to hesitate to inform a person of the exact nature and probable outcome of his condition, release it in response to a subpoena or court order, or to the employee or to any person, firm, or organization he authorizes in writing.

(*c*) If a Federal medical officer is not available, refer the request to the Civil Service Commission regional office with the medical certificates or other medical reports concerned.

(5) Do not release any records containing information as to the employee's security or loyalty.

(6) Honor subpoenas or court orders only when disclosure is authorized.

(7) When authorized to comply with a subpoena duces tecum, do not leave the original records with the court.

(b) *Compliance with summons.* (1) Comply with a summons requiring an appearance in court. Do not testify as to any matters for which an exemption under § 261.2(c) of this subchapter may be claimed. Call the Assistant General Counsel, Opinions Division Law Department, at Headquarters, for instructions relating to exemptions.

(2) Do not present inspectors' reports or Inspection Service records in either State or Federal courts in which the United States is not a party in interest, unless authorized by Headquarters. If an attempt is made to compel the production of matters, decline to produce the information or matter, and state it may be exempted and cannot be disclosed or produced without specific approval of Headquarters. The Postal Service will offer every possible assistance to the courts, but the question of disclosing information for which an exemption may be claimed is a matter of discretion.

PART 263—EMPLOYEE INFORMATION

Sec.
263.1 Policy
263.2 Fees.
263.3 Limitations.
263.4 Inquiries from taxing authorities.

AUTHORITY: The provisions of this Part 263 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 263.1 Policy.

(a) Prospective employers of a postal employee or a former postal employee may be furnished: (1) Tenure of employment; (2) Civil Service status; (3) length of service in the Postal Service and the Federal Government; and (4) when separated, the date and reason for separation. Release Standard Form 50, employee names, past and present, position titles, grades, salaries, and duty stations (which include the room number, shop designations, or other identifying information regarding the building or place of employment) in response to requests unless:

(1) The release is prohibited under law or Executive order or in the interest of national defense or foreign policy.

(2) The information is sought for purposes of commercial or other solicitation.

(3) There is reason to believe that the names would be used for purposes which may violate the political activity prohibitions in subchapter III of chapter 73 of title 5, United States Code, or which may violate other law.

(b) Release the home address of an employee to a police or court official on receipt of a proper request stating that an indictment has been returned against the employee or that a complaint, information, accusation, or other writ involving nonsupport or a criminal offense, has been filed against him and his address is needed for service of a summons, warrant, subpoena, or other legal process. Disclose social security numbers and place of actual residence to a State or local taxing authority or both, as provided in Bureau of the Budget Circular No. A–38, revised.

(c) Except as provided in paragraphs (a) and (b) of this section, information required to be included in an official personnel folder by the instructions of the Civil Service Commission is not available to the public.

(d) The Commission or other Government agency will disclose to the parties concerned any report of investigation under its control, or an extract of the

report, to the extent the report is involved in a proceeding under Part 352, 353, 771, or 772 of the Civil Service Commission regulations and the report of investigation or the written summary thereof in a proceeding under Part 713 of the Civil Service Commission regulations, except when the disclosure would violate the proscription against the disclosure of medical information in § 794.401 of the Civil Service Commission regulations. For the purpose of this paragraph, the "parties concerned" means the Government employee or former Government employee involved in the proceeding, his representative designated in writing, and the representative of the agency involved in the proceeding.

(e) Do not disclose any report of the investigation, or an extract of the report in any proceeding if it would violate a pledge of confidence.

(f) Do not make a report of investigation or information from a report available to the public, to witnesses, or except as provided in paragraph (e) of this section to the parties concerned in the investigation.

§ 263.2 Fees.

Notwithstanding the schedule of fees in § 262.7 of this chapter, employee information may be furnished to employee organizations without charge if the labor involved in the manual preparation of the list at the concerned installation does not require more than 4 man-hours. If more than 4 man-hours are required, the fee set forth in § 262.7 of this chapter is for application to all time expended beyond the first 4 man-hours in preparing the information manually. The fee in § 262.7 of this chapter is for application if the postal data center compiles the data by computer. In the discretion of the installation head, he may expend time in excess of 4 man-hours to prepare the information manually and apply the proper fee for such excess, or refer the request to the postal data center for preparation by computer.

§ 263.3 Limitations.

Do not furnish names for solicitation purposes, except as authorized by § 263.1 (a) (2) of this chapter.

§ 263.4 Inquiries from taxing authorities.

Refer any inquiries from taxing authorities concerning compensation of names of postal employees to the postal data center.

DAMAGE OR LOSS OF GOVERNMENT PROPERTY

PART 273—SETTLEMENTS

Sec.
273.1 Acceptance of payment.
273.2 Settlement of vehicle damage debt claims.

AUTHORITY: The provisions of this Part 273 issued under 5 U.S.C. 301, 39 U.S.C. 501, 505.

§ 273.1 Acceptance of payment.

(a) *Payments in full settlement.* Postmasters shall accept payments in full settlement of claims for damage or injury to property of the Postal Service including vehicle damage debt claims, execution of releases of further liability and the negotiation of checks and drafts, bearing language having the effect of releases. Releases in connection with settlements in full payment of claims cover only damage to postal property in the specific case being settled.

(b) *Adjustments to claims.* A claim may be submitted for damage to U.S. Postal Service property which was incorrectly calculated. Consider the tender of payment setting out the overstatement, if justified, as a payment in full settlement.

(c) *Compromise settlements.* Consider an offer of a lesser amount, not based on a justifiable overstatement of the damage, a compromise offer and refer it to the Regional Director for negotiation and further action, except those specified in § 273.2. Release forms and checks, or drafts, must accompany the settlement papers.

(d) *Offers in kind.* In cases of damage to Government-owned vehicles wherein the private party is responsible, he or his insurer may offer to reimburse the cost of repair of the damaged vehicle. In such cases, make the payment directly to the contractor or to the postmaster and contractor so that endorsement by the postmaster will constitute a release. If the private party or insurer insists on making payment to the postmaster only, deposit the check as postal funds and record it in the Trust Fund Account 16601 of the postmaster and draw a Treasury check in favor of the contractor who repaired the vehicle. The check issued will be recorded as a withdrawal from the Trust Fund Account 16602. Retain the repair invoice to support the details of the transaction. Refer all offers in excess of $75 to the manager, vehicle maintenance, for approval, listing in detail what is to be done, estimated repair time and recommendation of the postmaster. All offers should restore the vehicle to the condition existing immediately prior to the accident.

§ 273.2 Settlement of vehicle damage debt claims.

Refer vehicle damage debt claims to the Law Department for presentation to the Department of Justice when (a) amount of debt is $75 or more and all prior efforts to effect collection by the Director, Postal Data Center, or inspection service have failed; (b) there is an uncollectible balance of $75 or more; or (c) an offer in compromise is involved, regardless of the amount of the debt.

DAVID A. NELSON,
General counsel.

[FR Doc.71-3505 Filed 3-11-71;8:52 am]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—White-Fringed Beetle

REGULATED AREAS

Correction

In F.R. Doc. 71-3193 appearing at page 4471 in the issue for Saturday, March 6, 1971, the following changes should be made:

1. In amendment F the entry for Tunica County, Miss., should read, "*Tunica County.* Secs. 32 and 33, T. 4 S., R. 11 W.; and secs. 4 and 5, T. 5 S., R. 11 W."

2. In amendment H in the first line of the description for Pitt County, N.C., the word "is" should be deleted.

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 61; Docket No. AO-367-A2]

PART 1061—MILK IN THE SOUTHEASTERN MINNESOTA-NORTHERN IOWA (DAIRYLAND) MARKETING AREA

Order Amending Order

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

(a) *Findings upon the basis of the hearing record.* 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), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Southeastern Minnesota-Northern Iowa (Dairyland) marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

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

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Southeastern Minnesota-Northern Iowa (Dairyland) marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. Section 1061.10 is revised as follows:

§ 1061.10 Supply plant.

"Supply plant" means a plant from which a Grade A fluid milk product is shipped during the month to a distributing plant.

2. In § 1061.11, paragraph (b)(3) is revoked, and the introductory text, paragraph (a) (1) and (2), and paragraph (b)(2) are revised as follows:

§ 1061.11 Pool plant.

"Pool plant" means any plant meeting the conditions of paragraph (a) or (b) of this section except an exempt distributing plant, the plant of a handler exempted pursuant to § 1061.60 or the plant of a producer-handler: *Provided,* That if a portion of a plant is operated separately from the Grade A portion of such plant and is not approved by any health authority for the receiving, processing, or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section: *And provided further,* That facilities used only as a reload point for transferring bulk milk from one tank truck to another shall not be a pool plant or part of a pool plant pursuant to this section.

(a) * * *

(1) Not less than 10 percent of such receipts is disposed of from such plant as Class I milk in the marketing area either as route disposition or moved as packaged fluid milk products to other plants from which it is disposed of in the marketing area as route disposition. Such disposition is to be exclusive of receipts of packaged fluid milk products from other pool distributing plants; and

(2) Not less than 15 percent during the months of February–August and 20 percent during the months September–January of such receipts is disposed of as Class I milk either as route disposition or moved in the form of packaged fluid milk products to other plants. Such disposition is to be exclusive of receipts of packaged fluid milk products from other pool distributing plants.

(b) * * *

(2) In determining the pool plant qualifications of a cooperative association's plant, member producer milk of such association which is delivered directly to plants described in paragraph (a) of this section shall be considered for purposes of this paragraph as having been first received at the cooperative's plant subject to the following conditions:

(i) Written request is made to the market administrator by the cooperative association prior to or during the month, designating the plant to be a pool plant pursuant to this subparagraph for the month, and for each month thereafter, until such request is withdrawn or terminated pursuant to subdivision (ii) of this subparagraph;

(ii) Any such plant which in a succeeding month is pooled under the provisions of another order issued pursuant to the Act shall not be pooled under this subparagraph for the ensuing 12 months.

* * * * *

3. Section 1061.12(c) is revised as follows:

§ 1061.12 Nonpool plant.

* * * * *

(c) "Partially regulated distributing plant" means a nonpool plant that is not an other order plant, a producer-handler plant or an exempt governmental plant and from which fluid milk products eligible for sale as Grade A in consumer-type packages or dispenser units are disposed of as route disposition in the marketing area during the month.

* * * * *

4. Section 1061.13(e) is revised as follows:

§ 1061.13 Handler.

* * * * *

(e) Any person in his capacity as the the operator of an other order plant from which during the month fluid milk products are either disposed of as route disposition in the marketing area or shipped to a pool plant; and

* * * * *

5. Section 1061.14 is revised as follows:

§ 1061.14 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant from which Class I milk of his own production is disposed of as route disposition in the marketing area, and who receives no milk or fluid milk products from the farms of other dairy farmers nor from any other source, except receipts by plant transfer from pool plants and who receives no nonfluid milk products from any source for use in reconstituted fluid milk products: *Provided,* That such person provides proof satisfactory to the market administrator that the care and management of all dairy animals and other resources necessary to produce the entire volume of fluid milk and milk products handled (excluding receipts from pool plants) and the operation of the processing and packaging business are wholly the personal enterprise and risk of such person.

6. In § 1061.18, paragraph (b) is revised as follows:

§ 1061.18 Other source milk.

* * * * *

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed, converted into, or combined with another product in the plant during the month and any disappearance of products other than fluid milk products which are in a form in which they may be converted into fluid milk products and for which specific use cannot be verified by the market administrator.

§ 1061.22 [Amended]

7. In § 1061.22, paragraph (i) is revised as follows:

(i) On or before the 12th day after the end of each month, announce the uniform price computed pursuant to § 1061.71 and the producer butterfat differential pursuant to § 1061.81, and notify each handler of his obligations to the producer-settlement fund;

8. In § 1061.22, delete "and" at the end of paragraph (k), replace the period at the end of paragraph (l) with a semicolon, and add a new paragraph (m) as follows:

(m) On or before the 20th day of each month, report to each cooperative association which so requests the amount and class utilization of milk received by each handler during the immediately preceding month from such cooperative association in its capacity as a handler pursuant to § 1061.13(c) and directly from members of such cooperative association. For the purpose of this report, the milk so received shall be prorated to each class in proportion to the utilization by such handler in each class remaining after allocation pursuant to § 1061.46(a) (1) through (10) and the corresponding steps of § 1061.46(b).

9. Section 1061.30(b) is revised as follows:

§ 1061.30 Monthly reports of receipts and utilization.

* * * * *

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement showing the respective amounts of skim milk and butterfat disposed of as route disposition inside and outside the marketing area that are classified as Class I; and

* * * * *

10. In § 1061.44(d), subparagraph (3) is revised as follows:

§ 1061.44 Transfers.

* * * * *

(d) * * *

(3) The skim milk and butterfat so transferred or diverted shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any route disposition in the marketing area, then any transfers from such nonpool plant to pool plants which are assigned to Class I pursuant to § 1061.46(a)(8) and the corresponding step of § 1061.46(b), shall be assigned first to the skim milk and butterfat in fluid milk products so transferred or diverted from pool plants, and thereafter pro rata to such receipts from other order plants;

(ii) Any route disposition in the marketing area of another order issued pursuant to the Act, then any transfers from such nonpool plant to an other order plant which are assigned to Class I pursuant to the provisions of such other order, shall be assigned first to receipts of fluid milk products from plants fully regulated by such order, and thereafter pro rata to such receipts from pool plants and other order plants not regulated by such order.

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

* * * * *

§ 1061.46 [Amended]

11. In § 1061.46(a), subparagraphs (1), (3), (6), (7), (8), and the introductory text of (5)(i) are revised as follows:

(a) * * *

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

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

(ii) From Class II the pounds of skim milk classified as Class II pursuant to § 1061.41(b)(6);

* * * * *

(3) Subtract from the remaining pounds of skim milk in Class I, the pounds of skim milk in inventory of packaged fluid milk products on hand at the beginning of the month;

* * * * *

(5) * * *

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to subparagraph (1)(i) of this paragraph;

* * * * *

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of bulk fluid milk products on hand at the beginning of the month;

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

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (1)(i) or (5)(i) of this paragraph;

12. In subdivision (i) of paragraph (a)(9) of § 1061.46 change "1061.22(i)" to "§ 1061.22(j)".

13. Section 1061.60 is revised as follows:

§ 1061.60 Plants subject to other Federal orders.

The provisions of this order shall not apply with respect to the plant of a handler that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant pursuant to § 1061.11 and a greater volume of fluid milk products is disposed of from such plant as route disposition in this marketing area and to pool plants qualified on the basis of route disposition in this marketing area than is so disposed of in the marketing area regulated pursuant to such other order.

§ 1061.61 [Amended]

14. In § 1061.61, paragraphs (a)(1) and (2) and (b)(1) and (2) are revised as follows:

(a) * * *

(1) Determine the obligation that would have been computed pursuant to § 1061.70 for the partially regulated distributing plant if the plant had been a pool plant, subject to the following modifications:

(i) Receipts at the partially regulated distributing plant from a pool plant or an other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plants;

(ii) Transfers from the partially regulated distributing plant to a pool plant or an other order plant shall be classified at the nonpool plant in the class to which allocated at the fully regulated plant;

(iii) Any transfers described in subdivision (ii) of this subparagraph that are classified as Class I milk shall be priced as follows:

(*a*) Such Class I transfers shall not be subject to obligation at the partially regulated distributing plant if the operator of the transferee pool plant or other order plant is not obligated under the applicable order because such transfer is treated under such order as milk received at the partially regulated distributing plant from a plant fully regulated by an order issued pursuant to the Act where it has been priced as Class I milk and not used as an offset on any other payment obligation in this or any other order; and

(*b*) Remaining Class I transfers, to the extent that such do not exceed Grade A receipts from dairy farmers at the partially regulated distributing plant and at a plant described pursuant to subdivision (v) of this subparagraph shall be priced at the uniform price of the respective order (or at the weighted average price if the order provides such price).

(iv) Unless subdivision (v) of this subparagraph applies, the obligation for the partially regulated distributing plant shall include the charge specified in § 1061.70(f) and the credit specified in § 1061.83(b)(2) with respect to receipts of Class I milk from another nonpool plant (not another order plant) which serves as a supply plant for such partially regulated distributing plant: *Provided*, That if Class I transfers to fully regulated plants pursuant to subdivision (iii) of this subparagraph remain after the application of subdivision (iii)(*b*), the charge pursuant to § 1061.70(f) and the credit pursuant to § 1061.83(b)(2) shall not apply pursuant to this paragraph to such remaining amount.

(v) If the operator of the partially regulated distributing plant so requests, the obligation for such plant shall include a similar obligation for each nonpool plant (not another order plant) which serves as a supply plant for such partially regulated distributing plant by making shipments to such plant during the month equivalent to the requirements of § 1061.11(b), subject to the following conditions:

(*a*) The operator of the partially regulated distributing plant submits with his reports filed pursuant to § 1061.31(c) similar reports for such nonpool supply plant;

(*b*) The operator of such nonpool supply plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by

the market administrator for verification purposes; and

(c) The obligation for such nonpool plant shall be determined in the same manner prescribed for computing the obligation of such partially regulated distributing plant; and

(2) From the obligation computed pursuant to subparagraph (1) of this paragraph, subtract:

(i) The gross payments by the operator of such partially regulated distributing plant for Grade A milk received at the plant during the month from dairy farmers;

(ii) If subparagraph (1)(v) of this paragraph applies, the gross payments by the operator of such nonpool supply plant for Grade A milk received at the plant during the month from dairy farmers; and

(iii) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant and like payments by the operator of an unregulated supply plant if subparagraph (1)(v) of this paragraph applies to such plant.

(b) * * *

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I route disposition (other than to pool plants) in the marketing area;

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

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

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

15. In the introductory paragraph of § 1061.61, change "§ 1061.31(c)" to "§ 1061.31 (c) and (d)".

16. In § 1061.70, paragraph (f) is revised as follows:

§ 1061.70 Computation of the net pool obligation of each handler.

* * * * *

(f) Add the value at the Class I price with respect to skim milk and butterfat subtracted from Class I pursuant to § 1061.46(a)(8) and the corresponding step of § 1061.46(b), excluding such skim milk or butterfat in bulk receipts of fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order.

17. In § 1061.71, paragraph (a) is revised as follows:

§ 1061.71 Computation of uniform price.

* * * * *

(a) Combine into one total the values computed pursuant to § 1061.70 for all handlers who filed reports pursuant to §§ 1061.30 and 1061.31(b) for the month and who made payments pursuant to § 1061.83 for the preceding month;

* * * * *

18. Section 1061.90 is revised as follows:

§ 1061.90 Expense of administration.

As his pro rata share of the expense of administration, each handler shall pay to the market administrator on or before the 14th day after the end of the month, 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe with respect to milk handled during the month as follows:

(a) Each handler (excluding a cooperative association as the operator of a pool plant with respect to milk transferred in bulk to a pool plant of another handler) with respect to his receipts of producer milk (including such handler's own-farm production, and milk received in bulk from a pool plant owned and operated by a cooperative association) and other source milk allocated to Class I pursuant to § 1061.46(a) (4) and (8) and the corresponding steps of § 1061.46 (b);

(b) Each handler in his capacity as the operator of a partially regulated distributing plant with respect to his route disposition in the marketing area in excess of his receipts of Class I milk from pool plants, cooperative associations as handlers pursuant to § 1004.10(b), and other order plants assigned to such disposition.

19. Section 1061.92 is revised as follows:

§ 1061.92 Adjustment of overdue accounts.

The unpaid obligation of a handler pursuant to §§ 1061.61, 1061.83, and 1061.85 shall be increased three-fourths of 1 percent for each month or portion thereof that such obligation is overdue: *Provided*, That,

(a) The amounts payable pursuant to this section shall be computed monthly on each unpaid obligation, which shall include any unpaid charges previously made pursuant to this section; and

(b) For the purpose of this section, any obligation that was determined at a date later than prescribed by the order because of a handler's failure to submit a report to the market administrator when due, shall be considered to have been payable by the date it would have been due if the report had been filed when due.

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

Effective date: May 1, 1971.

Signed at Washington, D.C., on March 9, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-3501 Filed 3-11-71;8:52 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 33-5135]

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

General Registration Statements and Registration Statements for Certain Debt Securities and Real Estate Companies

The Securities and Exchange Commission has adopted certain amendments to Forms S-1 (17 CFR 239.11), S-9 (17 CFR 239.22), and S-11 (17 CFR 239.18) under the Securities Act of 1933. Form S-1 is a general form for registration of securities under the Act; Form S-9 is an optional form for registration of nonconvertible fixed interest, debt securities; and Form S-11 is used for registration of securities of certain real estate companies. Notice of the proposed amendments was published November 20, 1970, in Securities Act Release No. 5111 (35 F.R. 18477).

The amendments to Form S-1 include in the instructions as to financial statements provisions for the furnishings of source and application of funds statements for each fiscal year or other period for which a profit and loss statement is required. This amendment conforms the requirements of Form S-1 to those of revised Forms 10 (17 CFR 249.310) and 10-K (17 CFR 244.210) under the Securities Exchange Act of 1934.

The amendments to Form S-9 revise Item 3 of the form which requires the furnishing of a 5-year summary of earnings. The revision conforms the item and the instructions thereto to the corresponding item of the revised Form S-7, including a requirement for the furnishing of statements of source and application of funds. The language of General Instruction A(a)(4), rule as to use of Form S-9, has been amended to conform it to the language of Instruction 4(b) of the revised Item 3. Item 5(a) of the form has been amended to state specifically that the required balance sheets are to be prepared in accordance with Regulation S-X (17 CFR Part 210 et seq.).

The first paragraph of the instructions as to financial statements in Form S-11 has been amended to refer to "financial statements" rather than to "balance sheets and profit and loss statements," in order to include statements of source and application of funds.

The text of the amendments are set forth in Release 33-5135, copies of which have been filed as part of this document with the Office of the Federal Register. Additional copies of this release are available at the Securities and Exchange Commission, Washington, D.C. 20549.

The foregoing action, which was taken pursuant to the Securities Act of 1933, particularly sections 6, 7, 10, and 19(a) thereof, shall become effective March 26, 1971.

(Secs. 6, 7, 10, 19(a); 48 Stat. 78, 81, 85; secs. 205, 209, 48 Stat. 906, 908; sec. 8, 68 Stat. 685; 15 U.S.C. 77f, 77g, 77j, 77s(a))

By the Commission, February 26, 1971.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-3460 Filed 3-11-71;8:49 am]

Title 24—HOUSING AND HOUSING CREDIT

Subtitle A—Office of the Secretary, Department of Housing and Urban Development

PART 5—RENT SUPPLEMENT PAYMENTS

Miscellaneous Amendments

Sections 5.10, 5.15, and 5.20 are amended to implement the Housing and Urban Development Act of 1970 (Public Law 91-609) to provide for: (1) Rent supplement payments on existing structures financed by a State or local program providing assistance through loans, loan insurance or tax abatements, and on projects in which the dwelling units do not contain kitchen facilities; (2) tenant eligibility of a family whose head or spouse is a member of the Armed Forces on active duty; and (3) such preference for occupancy of lower income military personnel as the Commissioner determines is appropriate. In addition, § 5.10 is amended to provide for rent supplement payments on a limited basis on existing structures which are sold by the Secretary, and § 5.15 is amended to eliminate the necessity of a workable program for any project that has local official approval.

1. Section 5.10 is amended to read as follows:

§ 5.10 Projects eligible for benefits.

(a) Rent supplement payments shall be available in connection with multifamily projects which involve:

(1) New construction,

(2) Major rehabilitation of existing structures,

(3) The creation of standard units in structures previously containing substandard units,

(4) Existing structures financed by a state or local program providing assistance through loans, loan insurance or tax abatements,

(5) Existing structures which are sold by the Secretary, if rent supplement payments had been made in connection with the structures before acquisition by the Secretary and provided that the rent supplement assistance shall be limited to the maximum amount set forth in the original rent supplement contract, or

(6) On an experimental basis, existing structures in connection with certain housing projects for the elderly.

(b) The Commissioner may make rent supplement payments with respect to projects in which dwelling units do not contain kitchen facilities.

2. In § 5.15 paragraph (a)(2) is amended, and paragraph (d) is deleted as follows:

§ 5.15 Eligible housing owner.

(a) * * *

(2) By a state or local program providing assistance through loans, loan insurance, or tax abatements, if the project is approved by the Commissioner for receiving rent supplement payments.

* * * * *

(d) [Deleted]

3. In § 5.20 a new subdivision (vi) is added under paragraph (a)(4), and a new paragraph (c) is added as follows:

§ 5.20 Qualified tenant.

(a) * * *

(4) * * *

(vi) A family whose head, or spouse, is a member of the Armed Forces of the United States who is serving on active duty.

* * * * *

(c) Whenever the Commissioner determines that a project, because of its location or other considerations, could ordinarily be expected to substantially serve the family needs of military personnel who are serving on active duty and who meet the income requirements established by the Commissioner, such preference for occupancy shall be afforded to the family of such military personnel as the Commissioner determines is appropriate.

(Sec. 101(g), 79 Stat. 453; 12 U.S.C. 1701s)

Issued at Washington, D.C., March 8, 1971.

EUGENE A. GULLEDGE,
Federal Housing Commissioner.

[FR Doc.71-3458 Filed 3-11-71;8:49 am]

Chapter VII—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Designated Areas

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1914.4 List of designated areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
California	Tulare	Woodlake	E 06 107 4250 01	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	Office of the City Clerk, City of Woodlake, 350 North Valencia Blvd., Woodlake, CA 93286.	Mar. 12, 1971.
Do	Ventura	Simi Valley	E 06 111 3641 01 through E 06 111 3641 09	do	Public Services Department, City of Simi Valley, 3200 Cochran St., Simi Valley, CA 93065.	Do.
Florida	Brevard	Titusville	E 12 009 3000 01 through E 12 009 3000 08	Department of Community Affairs, State of Florida, 309 Office Plaza, Tallahassee, FL 32301. State of Florida Insurance Department, Treasurer's Office, State Capitol, Tallahassee, FL 32304.	Office of the City Engineer, City Hall, Titusville, FL 32780.	Do.
Do	Palm Beach	Lantana	I 12 099 1760 01 through I 12 099 1760 04	do	Lantana Town Hall, Greynolds Circle, Lantana, FL 33460.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Minnesota	Hennepin	Bloomington	E 27 053 0675 01 E 27 053 0675 02	Division of Waters, Soils, and Minerals, Minnesota Conservation Department, 345 Centennial Bldg., St. Paul, MN 55101. Minnesota Insurance Department, R-210 State Office Bldg., St. Paul, MN 55101.	Planning Department, 2215 West Shakopee Rd., Bloomington, MN 55431.	Mar. 12, 1971
South Carolina	Georgetown	Georgetown	E 45 043 0940 01 E 45 043 0940 02	South Carolina Water Resources Planning and Coordinating Committee, 1411 Barnwell St., Columbia, SC 29201. South Carolina Insurance Department, Federal Land Bank Bldg., 1401 Hampton St., Columbia, SC 29201.	City Hall, Front St., Georgetown, SC 29440.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969); and designation of Acting Federal Insurance Administrator effective July 22, 1970, 35 F.R. 12360, Aug. 1, 1970)

Issued: March 12, 1971.

CHARLES W. WIECKING,
Acting Federal Insurance Administrator.

[FR Doc.71-3499 Filed 3-11-71;8:45 am]

PART 1915—IDENTIFICATION OF FLOOD-PRONE AREAS

List of Flood Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of flood hazard areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
* * *	* * *	* * *	* * *	* * *	* * *	* * *
California	Tulare	Woodlake	T 06 107 4250 01	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	Office of the City Clerk, City of Woodlake, 350 North Valencia Blvd., Woodlake, CA 93286.	Mar. 12, 1971.
Do	Ventura	Simi Valley	T 06 111 3641 01 through T 06 111 3641 09	....do	Public Services Department, City of Simi Valley, 3200 Cochran St., Simi Valley, CA 93065.	Do.
Florida	Brevard	Titusville	T 12 009 3000 01 through T 12 009 3000 08	Department of Community Affairs, State of Florida, 309 Office Plaza, Tallahassee, FL 32301. State of Florida Insurance Department, Treasurer's Office, State Capitol, Tallahassee, FL 32304.	Office of the City Engineer, City Hall, Titusville, FL 32780.	Do.
Do	Palm Beach	Lantana	H 12 099 1760 01 through H 12 099 1760 04	....do	Lantana Town Hall, Greynolds Circle, Lantana, FL 33460.	Do.
Minnesota	Hennepin	Bloomington	T 27 053 0675 01 T 27 053 0675 02	Division of Waters, Soils, and Minerals, Minnesota Conservation Department, 345 Centennial Bldg., St. Paul, MN 55101. Minnesota Insurance Department, R-210 State Office Bldg., St. Paul, MN 55101.	Planning Department, 2215 West Shakopee Rd., Bloomington, MN 55431.	Do.
South Carolina	Georgetown	Georgetown	T 45 043 0940 01 T 45 043 0940 02	South Carolina Water Resources Planning and Coordinating Committee, 1411 Barnwell St., Columbia, SC 29201. South Carolina Insurance Department, Federal Land Bank Bldg., 1401 Hampton St., Columbia, SC 29201.	City Hall, Front St., Georgetown, SC 29440.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969); and designation of Acting Federal Insurance Administrator effective July 22, 1970, 35 F.R. 12360, Aug. 1, 1970)

Issued: March 12, 1971.

CHARLES W. WIECKING,
Acting Federal Insurance Administrator.

[FR Doc.71-3500 Filed 3-11-71;8:45 am]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 511—WAGE ORDER PROCEDURE FOR PUERTO RICO, THE VIRGIN ISLANDS, AND AMERICAN SAMOA

Compensation of Committee Members

Pursuant to authority in section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, as amended; 29 U.S.C. 205) and Reorganization Plan No. 6 of 1950 (3 CFR 1949–1953 Comp., p. 1004), I hereby amend 29 CFR 511.4 to read as set forth below. The purpose of this amendment is to increase the compensation of each member of an industry committee from $80 to $85 for each day spent in the work of the committee.

As this amendment concerns only a rule of agency practice, and is not substantive, notice of proposed rule making, opportunity for public participation, and delay in effective date are not required by 5 U.S.C. 553. It does not appear that such participation or delay would serve a useful purpose. Accordingly, this revision shall be effective immediately.

As amended, § 511.4 reads as follows:

§ 511.4 Compensation of committee members.

Each member of an industry committee will be allowed a per diem of $85 for each day actually spent in the work of the committee, and will, in addition, be reimbursed for necessary transportation and other expense incident to traveling in accordance with Standard Government Travel Regulations then in effect. All travel expenses will be paid on travel vouchers certified by the Administrator or his authorized representative. Any other necessary expenses which are incidental to the work of the committee may be incurred by the committee upon approval of, and shall be paid upon certification of, the Administrator or his authorized representative.

(Sec. 5, 52 Stat. 1062, as amended; 29 U.S.C. 205)

Signed at Washington, D.C., this 5th day of March 1971.

ROBERT D. MORAN,
Administrator,
Wage and Hour Division.

[FR Doc.71-3421 Filed 3-11-71;8:45 am]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 52—SPECIAL ASSIGNMENT POLICIES FOR FAMILY MEMBERS

Sole Surviving Sons

The following amendment to Part 52 has been approved:

Section 52.4(a), as amended, now reads as follows:

§ 52.4 Policy.

(a) *Sole surviving sons.* * * *

(2) *Discharges.* (i) Enlisted personnel who become sole surviving sons subsequent to enlistment or induction may apply for and be granted an administrative discharge, except where the individual qualifies as a sole surviving son on the basis of a captured or missing-in-action status of a father, brother, or sister (§ 52.3(a)(3)) and as precluded by subparagraph (3)(i) of this paragraph.

(ii) Enlisted personnel who qualify as sole surviving sons on the basis of the 100 percent disability status of a father, brother, or sister (§ 52.3(a)(4)) which occurred either prior to or subsequent to induction or enlistment may apply for and be granted an administrative discharge (see subparagraph (3)(i) of this paragraph, for members who have waived their status), but shall be required to complete at least six months of active duty prior to discharge in order to qualify for a veteran's exemption under the provisions of 50 App. U.S.C. 456(b)(3).

(iii) Commissioned officers (including warrant officers) will not be released from active duty based on their qualifications as sole surviving sons.

(iv) The discharge provisions of this subparagraph will not apply during the period of a war or national emergency hereafter declared by the Congress.

(3) *Waivers.* (i) Where the parent(s) of a qualified sole surviving son request application of the protective provisions of this policy on behalf of the member, the serviceman, himself, will be afforded the opportunity of waiving the parental request before a final determination is made.

(ii) A member who has waived his status as a sole surviving son may request reinstatement of that status at any time. Requests for reinstatement will be approved; however, reinstatement shall not provide a basis for discharge but will qualify an individual for the assignment limitations contained in subparagraph (1) of this paragraph.

(iii) All waivers will be in writing and will be signed by the serviceman concerned.

* * * * *

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

[FR Doc.71-3456 Filed 3-11-71;8:48 am]

Chapter XVI—Selective Service System

PART 1632—DELIVERY AND INDUCTION

PART 1642—DELINQUENTS

CROSS REFERENCE: For a document amending the Selective Service Regulations in Parts 1632 and 1642, see Title 3, Executive Order 11586, F.R. Doc. 71-3570, *supra*.

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 17—MEDICAL

Miscellaneous Amendments

1. In § 17.30, paragraph (f) is amended and paragraph (g-1) is added so that the amended and added material reads as follows:

§ 17.30 Definitions.

* * * * *

(f) *Period of war.* The term "period of war" means each of the Indian wars, the Spanish-American War, the Mexican border period, World War I, World War II, the Korean conflict, the Vietnam era and the period beginning on the date of any future declaration of war by the Congress and ending on a date prescribed by Presidential proclamation or concurrent resolution of the Congress.

* * * * *

(g-1) *Mexican border period.* The term "Mexican border period" means the period beginning on May 9, 1916, and ending on April 5, 1917, in the case of a veteran who during such period served for 90 days or more in Mexico, on the borders thereof, in the waters adjacent thereto, or any combination thereof.

2. In § 17.60d, paragraph (a) is amended to read as follows:

§ 17.60d Prescriptions filled.

* * * * *

(a) The prescription is for a person who is receiving housebound benefits or who, based on the need for regular aid and attendance, is receiving additional compensation or allowance (wartime or peacetime) under 38 U.S.C. chapter 11 or increased pension as a veteran of the Mexican border period, World War I, World War II, the Korean conflict, or the Vietnam era (or who is receiving a greater compensation benefit rather than such aid and attendance pension to which he has been adjudicated to be presently eligible). An aid and attendance pensioner who is eligible for drugs and medicines under this section whose pension has been discontinued because of excess income may continue to be provided with drugs and medicines even though his annual income exceeds the permissible income limitations, so long as it is no more than $500 above the maximum, and

* * * * *

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

These VA regulations are effective December 24, 1970.

Approved: March 8, 1971.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.71-3498 Filed 3-11-71;8:52 am]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart D—Administration of Educational Benefits; 38 U.S.C. Chapters 34, 35, and 36

PROFESSIONAL COURSES

Section 21.4275 is revised to read as follows:

§ 21.4275 Professional courses.

(a) *Internships and residencies.* (1) Medical, osteopathic, and dental internships and residencies will be recognized as full-time institutional courses when accredited and approved by an appropriate accrediting agency as leading to certification for a recognized professional objective. The appropriate accrediting agencies are the Council on Medical Education of the American Medical Association, the American Osteopathic Association, and the Council on Dental Education of the American Dental Association. Residency programs must lead to certification by an appropriate Specialty or Subspecialty Board of the American Medical Association, the American Osteopathic Association, or the American Dental Association. Residency programs will not be approved to include a period of practice following completion of the education requirements even though the practice is required by the accrediting agency. No other medical, osteopathic, or dental internship or residency will be recognized as institutional training.

(2) Any other internship program will be recognized as an institutional course when it is accredited by a nationally recognized accrediting agency. Such a course will be measured in semester hours of credit or clock hours of attendance per week, whichever is appropriate.

(3) Any nonaccredited internship program will be recognized as other on-the-job training when it meets the requirements of § 21.4262 and when the program is required for licensure by the State in which it is offered.

(b) *Nursing courses.* (1) Courses for the objective of registered nurse or registered professional nurse will be assessed as institutional training when they are provided in autonomous schools of nursing, hospital schools of nursing, or schools of nursing established in other schools or departments of colleges and universities, if they are accredited by a nationally recognized accrediting agency or if they meet the requirements of the licensing body of the State in which the school is located. The hospital or fieldwork phase of a nursing course, including a course leading to a degree in nursing, will be assessed as an institutional course when the hospital or fieldwork phase is an integral part of the course, the completion thereof is a prerequisite to the successful completion of the requisite to the successful completion of course, the student remains enrolled in the school during the period, and the training is under the direction and supervision of the school. Measurement of these courses will be on the basis of credit hours or clock hours of attendance, whichever is appropriate. The clock hours of attendance may include academic class time, clinical training, and supervised study periods.

(2) Courses offered by schools which lead to the objective of practical nurse, practical trained nurse, or licensed practical nurse will be assessed as institutional training including both the academic subjects and the clinical training if the clinical training is offered by an affiliated or cooperating hospital and the student is enrolled in and supervised by the school during the period of such clinical training if they are accredited by a nationally recognized accrediting agency or if they meet the requirements of the licensing body of the State in which the school is located. Measurement will be on credit hours or clock hours of attendance per week, whichever is appropriate.

(3) Enrollment in an institutional course for the objective of nurse's aid or in a nonaccredited nursing course which does not meet the licensing requirements in the State where the course is offered will not be authorized.

(c) *Medical and dental specialty courses.* (1) Medical and dental specialty courses such as X-ray technician, medical technician, medical records librarian, physical therapist, and dental technician courses offered by a school will be measured on the basis of credit hours or clock hours of attendance, whichever is appropriate. Required clinical training given in an affiliated hospital, clinic, laboratory or medical center will be assessed as institutional training when it is an integral part of the course, the completion thereof is a prerequisite to the successful completion of the course, the student remains enrolled in the course during the clinical training period, and the training is under the direction and supervision of the school. Practical training or on-the-job training or experience may not be included unless the program is approved as a cooperative course.

(2) Medical and dental specialty courses offered in hospitals, clinics, laboratories or medical centers which are accredited by a nationally recognized accrediting agency will be assessed as institutional training. These courses will be measured on the basis of clock hours of attendance per week.

(3) Nonaccredited courses offered in hospitals, clinics, laboratories, or medical centers will be considered on-the-job training when the courses meet the requirements of § 21.4262.

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

This VA regulation is effective the date of approval.

Approved: March 8, 1971.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.71-3484 Filed 3-11-71;8:50 am]

Title 49—TRANSPORTATION

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

[Docket No. 70-12; Notice 7]

PART 574—TIRE IDENTIFICATION AND RECORD KEEPING

Size Code for Motor Vehicle Tires

On January 26, 1971, the National Highway Traffic Safety Administration published Docket No. 70-12, Notice No. 5, a revised version of the Tire Identification and Record Keeping regulations, 49 CFR Part 574 (36 F.R. 1196). Table I of the regulation, starting at 36 F.R. 1200, lists the size codes for tires to which the regulation is applicable.

The National Highway Traffic Safety Administration has received requests that additional tire sizes be included in the table, and, therefore, Table I of Part 574 is hereby republished to include the additional tire sizes, as set forth below.

The notice is issued under the authority of sections 103, 112, 113, 119, 201, and 206 of the National Highway Traffic Safety Administration, as amended (15 U.S.C. 1392, 1401, 1407, 1421, and 1426) and the delegation of authority at 49 CFR 1.51 (35 F.R. 4955).

Effective date: May 22, 1971.

Because this amendment does not impose any additional burden on any person it is found that notice and public procedure thereon are unnecessary and impracticable, and that, for good cause shown, an effective date earlier than 180 days is in the public interest.

Issued on March 4, 1971.

DOUGLAS W. TOMS,
Acting Administrator.

TABLE I

SIZE CODE FOR MOTOR VEHICLE TIRES

Tire size code:	*Tire size designation*
AA	4.00-4
AB	3.50-4
AC	3.00-5
AD	4.00-5
AE	3.50-5
AF	6.90-6
AH	3.00-8
AJ	3.50-6
AK	4.10-6
AL	4.50-6
AM	5.30-6
AN	6.00-6
AP	3.25-8
AT	3.50-8
AU	3.00-7
AV	4.00-7
AW	4.80-7
AX	5.30-7
AY	5.00-8

[1] As used in this table the letters at the end of the tire size indicate the following: LT—Light Truck, ML—Mining & Logging, MH—Mobile Home, ST—Special Trailer, TR—Truck (comparable size in passenger car size).

Tire size code:	Tire size designation
A1	3.25–8
A2	4.00–8
A3	4.80–8
A4	5.70–8
A5	16.5 x 6.5–8 ST [1]
A6	18.5 x 8.5–8 ST
A7	5.00–8
A8	2.75–9
A9	4.80–9
BA	6.00–9
BB	6.90–9
BC	3.50–9
BD	4.00–10
BE	3.00–10
BF	3.50–10
BH	5.20–10
BJ	5.20 R 10
BK	5.9–10
BL	5.90–10
BM	6.50–10
BN	7.00–10
BP	7.50–10
BT	9.00–10
BU	20.5 x 8.0–10 ST
BV	145–10
BW	145 R 10
BX	145–10/5.95–10
BY	4.50–10 LT
B1	5.00–10 LT
B2	3.00–12
B3	4.00–12
B4	4.50–12
B5	4.80–12
B6	5.00–12
B7	5.00 R 12
B8	5.20–12
B9	5.20–12 LT
CA	5.20 R 12
CB	5.30–12
CC	5.50–12
CD	5.50–12 LT
CE	5.50 R 12
CF	5.60–12
CH	5.60–12 LT
CJ	5.60 R 12
CK	5.9–12
CL	5.90–12
CM	6.00–12
CN	6.00–12 LT
CP	6.2–12
CT	6.20–12
CU	6.90–12
CV	23.5 x 8.50–12 ST
CW	125–12
CX	125 R 12
CY	125–12/5.35–12
C1	135–12
C2	135 R 12
C3	135–12/5.65–12
C4	145–12
C5	145 R 12
C6	145–12/5.95–12
C7	155–12
C8	155 R 12
C9	155–12/6.15–12
DA	4.80–10
DB	3.25–12
DC	3.50–12
DD	4.50–12 LT
DE	5.00–12 LT
DF	7.00–12
DH	5.00–13
DJ	5.00–13 LT
DK	5.00 R 13
DL	5.20–13
DM	5.20 R 13
DN	5.50–13
DP	5.50–13 LT
DT	5.50 R 13
DU	5.60–13
DV	5.60–13 LT
DW	5.60 R 13
DX	5.90–13
DY	5.90–13 LT
D1	5.90 R 13
D2	6.00–13
D3	6.00–13 LT
D4	6.00 R 13
D5	6.2–13
D6	6.20–13
D7	6.40–13
D8	6.40–13 LT
D9	6.40 R 13
EA	6.50–13
EB	6.50–13 LT
EC	6.50–13 ST
ED	6.50 R 13
EE	6.70–13
EF	6.70–13 LT
EH	6.70 R 13
EJ	6.9–13
EK	6.90–13
EL	7.00–13
EM	7.00–13 LT
EN	7.00 R 13
EP	7.25–13
ET	7.25 R 13
EU	7.50–13
EV	135–13
EW	135 R 13
EX	135–13/5.65–13
EY	145–13
E1	145 R 13
E2	145–13/5.95–13
E3	150 R 13
E4	155–13
E5	155 R 13
E6	155–13/6.15–13
E7	160 R 13
E8	165–13
E9	165 R 13
FA	165–13/6.45–13
FB	165/70 R 13
FC	170 R 13
FD	175–13
FE	175 R 13
FF	175–13/6.95–13
FH	175/70 R 13
FJ	185–13
FK	185 R 13
FL	185–13/7.35–13
FM	185/70 R 13
FN	195–13
FP	195 R 13
FT	195/70 R 13
FU	D70–13
FV	B78–13
FW	BR78–13
FX	C78–13
FY	7.50–12
F1	140 R 12
F2	6.5–13
F3	185/60 R 13
F4	A70–13
F5	A78–13
F6	CR78–13
F7	2.25–14
F8	2.75–14
F9	3.00–14
HA	6.70–14 LT
HB	165–14 LT
HC	2.50–14
HD	5.00–14 LT
HE	5.20–14
HF	5.20 R 14
HH	5.50–14 LT
HJ	5.60–14
HK	5.90–14
HL	5.90–14 LT
HM	5.90 R 14
HN	6.00–14
HP	6.00–14 LT
HT	6.40–14
HU	6.40–14 LT
HV	6.45–14
HW	6.50–14
HX	6.50–14 LT
HY	6.70–14
H1	6.95–14
H2	7.00–14
H3	7.00–14 LT
H4	7.00 R 14
H5	7.35–14
H6	7.50–14
H7	7.50–14 LT
H8	7.50 R 14
H9	7.75–14
JA	7.75–14 ST
JB	8.00–14
JC	8.25–14
JD	8.50–14
JE	8.55–14
JF	8.85–14
JH	9.00–14
JJ	9.50–14
JK	135–14
JL	135 R 14
JM	135–14/5.65–14
JN	145–14
JP	145 R 14
JT	145–14/5.95–14
JU	155–14
JV	155 R 14
JW	155–14/6.15–14
JX	155/70 R 14
JY	165–14
J1	165 R 14
J2	175–14
J3	175 R 14
J4	185–14
J5	185 R 14
J6	185/70 R 14
J7	195–14
J8	195 R 14
J9	195/70 R 14
KA	205–14
KB	205 R 14
KC	215–14
KD	215 R 14
KE	225–14
KF	225 R 14
KH	620 R 14
KJ	690 R 14
KK	Not assigned
KL	195–14 LT
KM	185–14 LT
KN	A80–22.5
KP	B80–22.5
KT	C80–22.5
KU	D80–22.5
KV	E80–22.5
KW	F60–14
KX	G60–14
KY	J60–14
K1	L60–14
K2	F80–22.5
K3	G80–22.5
K4	H80–22.5
K5	J80–22.5
K6	A80–24.5
K7	B80–24.5
K8	Not assigned
K9	D70–14
LA	DR70–14
LB	E70–14
LC	ER70–14
LD	F70–14
LE	FR70–14
LF	G70–14
LH	GR70–14
LJ	H70–14
LK	HR70–14
LL	J70–14
LM	JR70–14
LN	L70–14
LP	LR70–14
LT	C80–24.5
LU	D80–24.5
LV	E80–24.5
LW	F80–24.5
LX	G77–14
LY	B78–14
L1	C78–14
L2	CR78–14
L3	D78–14
L4	DR78–14
L5	E78–14
L6	ER78–14
L7	F78–14
L8	FR78–14
L9	G78–14
MA	GR78–14

Tire size code:	Tire size designation
MB	H78–14
MC	HR78–14
MD	J78–14
ME	JR78–14
MF	205–14 LT
MH	G80–24.5
MJ	H80–24.5
MK	7–14.5
ML	8–14.5
MM	9–14.5
MN	6.60 R 15
MP	2.00–15
MT	2.25–15
MU	2.50–15
MV	3.00–15
MW	3.25–15
MX	5.0–15
MY	5.20–15
M1	5.0–15
M2	5.50–15 L
M3	5.50–15 LT
M4	5.60–15
M5	5.60 R 15
M6	5.90–15
M7	5.90–15 LT
M8	6.00–15
M9	6.00–15 L
NA	6.00–15 LT
NB	6.2–15
NC	6.40–15
ND	6.40–15 LT
NE	6.40 R 15
NF	6.50–15
NH	6.50–15 L
NJ	6.50–15 LT
NK	6.70–15
NL	6.70–15 LT
NM	6.70 R 15
NN	6.85–15
NP	6.9–15
NT	7.00–15
NU	7.00–15 L
NV	7.00–15 LT
NW	7.10–15
NX	7.10–15 LT
NY	7.35–15
N1	7.50–15
N2	7.60–15
N3	7.60 R 15
N4	7.75–15
N5	7.75–15 ST
N6	8.00–15
N7	8.15–15
N8	8.20–15
N9	8.25–15
PA	8.25–15 LT
PB	8.45–15
PC	8.55–15
PD	8.85–15
PE	8.90–15
PF	9.00–15
PH	9.00–15 LT
PJ	9.15–15
PK	10–15
PL	10.00–15
PM	7.50–15 LT
PN	7.00–15 TR
PP	8.25–15 TR
PT	9.00–15 TR
PU	7.50–15 TR
PV	125–15
PW	125 R 15
PX	125–15/5.35–15
PY	135–15
P1	135 R 15
P2	135–15/5.65–15
P3	145–15
P4	145 R 15
P5	145–15/5.95–15
P6	155–15
P7	155 R 15
P8	155–15/6.35–15
P9	165–15
TA	165–15 LT
TB	165 R 15
TC	175–15
TD	175 R 15
TE	175–15/7.15–15
TF	175/70 R 15
TH	180–15
TJ	185–15
TK	185 R 15
TL	185/70 R 15
TM	195–15
TN	195 R 15
TP	205–15
TT	205 R 15
TU	215–15
TV	215 R 15
TW	225–15
TX	225 R 15
TY	235–15
T1	235 R 15
T2	J80–24.5
T3	Not Assigned
T4	Not Assigned
T5	Not Assigned
T6	Not Assigned
T7	Not Assigned
T8	Not Assigned
T9	Not Assigned
UA	Not Assigned
UB	H60–15
UC	E60–15
UD	F60–15
UE	FR60–15
UF	G60–15
UH	GR60–15
UJ	J60–15
UK	L60–15
UL	4.60–15
UM	Not Assigned
UN	Not Assigned
UP	Not Assigned
UT	Not Assigned
UU	Not Assigned
UV	C70–15
UW	D70–15
UX	DR70–15
UY	E70–15
U1	ER70–15
U2	F70–15
U3	FR70–15
U4	G70–15
U5	GR70–15
U6	H70–15
U7	HR70–15
U8	J70–15
U9	JR70–15
VA	K70–15
VB	KR70–15
VC	L70–15
VD	LR70–15
VE	Not Assigned
VF	Not Assigned
VH	Not Assigned
VJ	Not Assigned
VK	BR78–15
VL	C78–15
VM	D78–15
VN	E78–15
VP	ER78–15
VT	F78–15
VU	FR78–15
VV	G78–15
VW	GR78–15
VX	H78–15
VY	HR78–15
V1	J78–15
V2	JR78–15
V3	L78–15
V4	LR78–15
V5	N78–15
V6	17–15 (17–380 LT)
V7	17–400 LT
V8	11–15
V9	11–16
WA	L84–15
WB	11.00–15
WC	2.25–16
WD	2.50–16
WE	3.00–16
WF	3.25–16
WH	3.50–16
WJ	5.00–16
WK	5.10–16
WL	5.50–16 LT
WM	6.00–16
WN	6.00–16 LT
WP	6.50–16
WT	6.50–16 LT
WU	6.70–16
WV	7.00–16
WW	7.00–16 LT
WX	7.50–16
WY	7.50–16 LT
W1	8.25–16
W2	9.00–16
W3	10–16
W4	8.25–16 LT
W5	9.00–16 LT
W6	11.00–16
W7	19–400 C
W8	165–400
W9	235–16
XA	185–16
XB	19–400 LT
XC	G45C–16
XD	E50C–16
XE	F50C–16
XF	7.00–16 TR
XH	7.50–16 TR
XJ	8.00–16.5
XK	8.75–16.5
XL	9.50–16.5
XM	10–16.5
XN	12–16.5
XP	Not Assigned
XT	4.50–17
XU	2.00–17
XV	2.25–17
XW	2.50–17
XX	2.75–17
XY	3.00–17
X1	3.25–17
X2	3.50–17
X3	6.50–17
X4	6.50–17 LT
X5	7.00–17
X6	7.50–17
X7	8.25–17
X8	7.50–17 LT
X9	Not Assigned
YA	G50C–17
YB	H50C–17
YC	Not Assigned
YD	Not Assigned
YE	8–17.5 LT
YF	11–17.5
YH	7–17.5
YJ	8–17.5
YK	8.5–17.5
YL	9.5–17.5
YM	10–17.5
YN	14–17.5
YP	9–17.5
YT	4.50–17
YU	2.25–18
YV	2.50–18
YW	2.75–18
YX	3.00–18
YY	3.25–18
Y1	3.50–18
Y2	4.00–18
Y3	4.50–18
Y4	6.00–18
Y5	7.00–18
Y6	7.50–18
Y7	8.25–18
Y8	9.00–18
Y9	10.00–18
1A	11.00–18
1B	6.00–18 LT
1C	6.00–20 LT
1D	L50C–18
1E	7.00–18 LT
1F	12–19.5
1H	2.00–19
1J	2.25–19
1K	2.50–19
1L	2.75–19

Tire size code:	Tire size designation
1M	3.00–19
1N	3.25–19
1P	3.50–19
1T	4.00–19
1U	11.00–19
1V	9.5–19.5
1W	10–19.5
1X	11–19.5
1Y	7–19.5
11	7.5–19.5
12	8–19.5
13	9–19.5
14	14–19.5
15	15–19.5
16	16.5–19.5
17	18–19.5
18	19.5–19.5
19	6.00–20
2A	6.50–20
2B	7.00–20
2C	7.50–20
2D	8.25–20
2E	8.5–20
2F	9.00–20
2H	9.4–20
2J	10.00–20
2K	10.3–20
2L	11.00–20
2M	11.1–20
2N	11.50–20
2P	11.9–20
2T	12.00–20
2U	12.5–20
2V	13.00–20
2W	14.00–20
2X	6.50–20 LT
2Y	7.00–20 LT
21	13/80–20
22	14/80–20
23	2.75–21
24	3.00–21
25	2.50–21
26	Not Assigned
27	10.00–22
28	11.00–22
29	11.1–22
3A	11.9–22
3B	12.00–22
3C	14.00–22
3D	11.50–22
3E	Not Assigned
3F	Not Assigned
3H	7–22.5
3J	8–22.5
3K	8.5–22.5
3L	9–22.5
3M	9.4–22.5
3N	10–22.5
3P	10.3–22.5
3T	11–22.5
3U	11.1–22.5
3V	11.5–22.5
3W	11.9–22.5
3X	12–22.5
3Y	12.5–22.5
31	15–22.5
32	16.5–22.5
33	18–22.5
34	Not Assigned
35	Not Assigned
36	Not Assigned
37	9.00–24
38	10.00–24
39	11.00–24
4A	12.00–24
4B	14.00–24
4C	Not Assigned
4D	Not Assigned
4E	12.5–24.5
4F	11–24.5
4H	12–24.5
4J	13.5–24.5
4K	7.00–20 ML
4L	7.50–20 ML
4M	8.25–20 ML
4N	9.00–20 ML
4P	10.00–20 ML
4T	10.00–22 ML
4U	10.00–24 ML
4V	11.00–20 ML
4W	11.00–22 ML
4X	11.00–24 ML
4Y	11.00–25 ML
41	12.00–20 ML
42	12.00–21 ML
43	12.00–24 ML
44	12.00–25 ML
45	13.00–20 ML
46	13.00–24 ML
47	13.00–25 ML
48	14.00–20 ML
49	14.00–21 ML
5A	14.00–24 ML
5B	14.00–25 ML
5C	10.3–20 ML
5D	11.1–20 ML
5E	12.5–20 ML
5F	9–22.5 ML
5H	9.4–22.5 ML
5J	10–22.5 ML
5K	10.3–22.5 ML
5L	11–22.5 ML
5M	11–24.5 ML
5N	14–17.5 ML
5P	15–19.5 ML
5T	15–22.5 ML
5U	16.5–19.5 ML
5V	16.5–22.5 ML
5W	18–19.5 ML
5X	18–22.5 ML
5Y	19.5–19.5 ML
51	23–23.5 ML
52	18–21 ML
53	19.5–21 ML
54	23–21 ML
55	6.00–13 ST
56	7.35–14 ST
57	8.25–14 ST
58	7.35–15 ST
59	8.25–15 ST
6A	Not Assigned
6B	Not Assigned
6C	Not Assigned
6D	Not Assigned
6E	4.25–18
6F	MP90–18
6H	3.75–19
6J	MM90–19
6K	Not Assigned
6L	Not Assigned
6M	Not Assigned
6N	Not Assigned
6P	25 x 7.50–15
6T	27 x 8.50–15
6U	27 x 9.50–15
6V	29 x 12.00–15
6W	31 x 13.50–15
6X	31 x 15.50–15
6Y	38 x 20.00–16.1
61	44 x 41.00–16.1
62	44 x 41.00–20
63	48 x 20.00–20
64	48 x 25.00–20
65	48 x 31.00–20
66	Not Assigned
67	Not Assigned
68	Not Assigned
69	Not Assigned
7A	11–14
7B	E78–14 LT
7C	G78–15 LT
7D	H78–15 LT
7E	Not Assigned
7F	Not Assigned
7H	Not Assigned
7J	Not Assigned
7K	F78–16 LT
7L	H78–16 LT
7M	L78–16 LT
7N	Not Assigned
7P	Not Assigned
7T	7–14.5 MH
7U	8–14.5 MH
7V	9–14.5 MH
7W	Not Assigned
7X	Not Assigned
7Y	Not Assigned
71	Not Assigned
72	Not Assigned
73	Not Assigned
74	Not Assigned
75	Not Assigned
76	Not Assigned
77	Not Assigned
78	Not Assigned
79	Not Assigned
8A	Not Assigned
8B	Not Assigned
8C	Not Assigned
8D	Not Assigned
8E	Not Assigned
8F	Not Assigned
8H	Not Assigned
8J	Not Assigned
8K	Not Assigned
8L	Not Assigned
8M	Not Assigned
8N	Not Assigned
8P	Not Assigned
8T	Not Assigned
8U	Not Assigned
8V	Not Assigned
8W	Not Assigned
8X	Not Assigned
8Y	Not Assigned
81	Not Assigned
82	Not Assigned
83	Not Assigned
84	Not Assigned
85	Not Assigned
86	Not Assigned
87	Not Assigned
88	Not Assigned
89	Not Assigned
9A	Not Assigned
9B	Not Assigned
9C	Not Assigned
9D	Not Assigned
9E	Not Assigned
9F	Not Assigned
9H	Not Assigned
9J	Not Assigned
9K	Not Assigned
9L	Not Assigned
9M	Not Assigned
9N	Not Assigned
9P	Not Assigned
9T	Not Assigned
9U	Not Assigned
9V	Not Assigned
9W	Not Assigned
9X	Not Assigned
9Y	Not Assigned
91	Not Assigned
92	Not Assigned
93	Not Assigned
94	Not Assigned
95	Not Assigned
96	Not Assigned
97	Not Assigned
98	Not Assigned
99	Not Assigned

[FR Doc.71-3338 Filed 3-11-71;8:45 am]

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Rev. S.O. 1065]

PART 1033—CAR SERVICE

Distribution of Boxcars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 5th day of March 1971.

It appearing, that an acute shortage of certain plain boxcars exists on the railroads named in paragraph (a)(1) herein; that shippers located on the lines of these carriers are being deprived of

such cars required for loading, resulting in a severe emergency and causing grain elevators to be unable to accept grain from farmers, thus creating economic loss; that present rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of boxcars owned by these railroads are ineffective; and that orders issued by the Association of American Railroads to promote more equitable distribution have proved ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1065 Service Order No. 1065.

(a) *Distribution of boxcars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Return to owner empty, except as otherwise authorized in subparagraphs (5) and (7) of this paragraph, all plain boxcars which are listed in the registration of the specific railroads named herein in the Official Railway Equipment Register, ICC R.E.R. 378, issued by E. J. McFarland, or successive issues thereof, as having mechanical designation XM, with inside length 44 feet 6 inches or less and equipped with doors less than 9 feet wide and bearing the identification marks shown:

The Atchison, Topeka and Santa Fe Railway Co.
Idenitfication marks—ATSF.
Burlington Northern Inc.
Identification marks—BN, CBQ, GN, NP, SPS.
Chicago & Eastern Illinois Railroad Co.
Identification marks—CEI.
Chicago and North Western Railway Co.
Identification marks—CGW, CMO, CNW, MSTL.
Chicago, Milwaukee, St. Paul and Pacific Railroad Co.
Identification marks—MILW.
The Colorado and Southern Railway Co.
Identification marks—C&S.
Forth Worth and Denver Railway Co.
Identification marks—FW&D.
Missouri-Illinois Railroad Co.
Identification marks—M-I.
Missouri-Kansas-Texas Railroad Co.
Identification marks—MKT.
Missouri Pacific Railroad Co.
Identification marks—MP.
Soo Line Railroad Co.
Identification marks—DSA, SOO.
The Texas and Pacific Railway Co.
Identification marks—T&P, TP.

(2) The following companies will be considered as one railroad in the application of subparagraphs (1), (5), (6), (7), (8), (9), and (10) of this paragraph.

Burlington Northern Inc.
The Colorado and Southern Railway Co.
Forth Worth and Denver Railway Co.

(3) The following companies will be considered as one railroad in the application of subparagraphs (1), (5), (6), (7), (8), (9), and (10) of this paragraph.

Chicago & Eastern Illinois Railroad Co.
Missouri-Illinois Railroad Co.
Missouri Pacific Railroad Co.
The Texas and Pacific Railway Co.

(4) Plain boxcars described in subparagraph (1) of this paragraph include both plain boxcars in general service and plain boxcars assigned to the exclusive use of a specified shipper.

(5) Except as otherwise provided in subparagraph (7) of this paragraph, boxcars described in subparagraph (1) of this paragraph may be loaded to stations on the lines of the owning railroad, or to any other station which is closer to the owner than the station at which loaded. After unloading at a junction with the car owner, such cars shall be delivered to the car owner at that junction, either loaded or empty.

(6) Boxcars described in subparagraph (1) of this paragraph shall not be back-hauled empty from a junction with the car owner.

(7) Boxcars described in subparagraph (1) of this paragraph located at a point other than a junction with the car owner shall not be back-hauled empty, except for the purpose of loading to a junction with the car owner or to a station on the lines of the car owner.

(8) The return to the owner of a boxcar described in subparagraph (1) of this paragraph shall be accomplished when it is delivered to the car owner, either empty, or loaded as authorized by subparagraph (5) or (7) of this paragraph.

(9) Junction points with the car owner shall be those listed by the car owner in its specific registration in the Official Railway Equipment Register, ICC R.E.R. No. 378, issued by E. J. McFarland, or successive issues thereof, under the heading "Freight Connections and Junction Points."

(10) In using plain boxcars owned by railroads not listed in subparagraph (1) of this paragraph, the railroads named therein will restrict the use of such cars to traffic destined to a station closer to the car owner than the station at which the car was last loaded.

(11) In determining distances to the car owner from the points of loading or unloading, tariff distances applicable via the lines of the carriers obligated under Car Service Rules 1 and 2 to move the car shall be used.

(12) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded boxcar for movements contrary to the provisions of subparagraph (5) or (7) of this paragraph.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(c) *Effective date.* This order shall become effective at 12:01 a.m., March 8, 1971.

(d) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1971, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this order and direction 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 notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-3486 Filed 3-11-71;8:50 am]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 15]

TEXTURED PROTEIN PRODUCTS

Extension of Time for Filing Comments on Proposed Standard of Identity

In the matter of establishing a definition and standard of identity for textured protein products:

The notice of proposed rule making in the above-identified matter, published in the FEDERAL REGISTER of December 5, 1970 (35 F.R. 18530), provided for the filing of comments thereon within 60 days after said date.

The Commissioner of Food and Drugs has received a request to extend such time and, good reason therefor appearing, the time for filing comments in this matter is extended to April 4, 1971.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (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 (21 CFR 2.120).

Dated: March 2, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-3420 Filed 3-11-71;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 70-CE-100]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the International Falls, Minn., transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA proposes to redesignate the International Falls transition area as:

That airspace extending upward from 700 feet above the surface within 4½ miles northeast and 9½ miles southwest of the International Falls VORTAC 140°T (134°M) and 320°T (314°M) radials, extending from 6 miles southeast to 18½ miles northwest of the VORTAC; and within 4½ miles southwest and 9½ miles northeast of the International Falls VORTAC 129°T (123°M) and 309°T (303°M) radials extending from 6 miles northwest to 18½ miles southeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the International Falls VORTAC; and within 4½ miles southwest and 9½ miles northeast of the International Falls ILS southeast localizer course extending from the 20-mile radius area to 18½ miles southeast of the outer marker, excluding the portions outside the United States.

The proposed redesignation would provide controlled airspace for aircraft conducting revised instrument approach procedures designed for the Falls International Airport utilizing the International Falls instrument landing system and the nondirectional radio beacon.

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

Issued in Washington, D.C., on March 4, 1971.

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

[FR Doc.71-3468 Filed 3-11-71;8:49 am]

[14 CFR Part 71]

[Airspace Docket No. 71-EA-14]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Wauseon, Ohio, transition area.

The NDB (ADF) RWY 27 instrument approach procedure for Fulton County Airport, Wauseon, Ohio, requires designation of a 700-foot floor transition area to provide controlled airspace protection for aircraft executing the instrument approach procedure.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Wauseon, Ohio, proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Wauseon, Ohio, 700-foot floor transition area described as follows:

WAUSEON, OHIO

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, 41°36'37" N., 84°07'33" W. of Fulton County Airport, Wauseon, Ohio, and within 3 miles each side of the 088° bearing from the Fulton RBN 41°36'33" N., 84°07'58" W., extending from the 6.5-mile radius area to 8.5 miles east of the RBN, excluding the portion within the Toledo, Ohio, transition area.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on February 9, 1971.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.71-3469 Filed 3-11-71;8:49 am]

[14 CFR Part 71]

[Airspace Docket No. 71-EA-16]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Manchester, N.H., control zone (36 F.R. 2101).

The U.S. Standard for Terminal Instrument Procedures requires alteration of the Manchester, N.H., control zone to provide controlled airspace protection for aircraft executing the instrument approach procedures for Grenier Field-Manchester Municipal Airport, Manchester, N.H.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Manchester, N.H., proposes the airspace action hereinafter set forth:

Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Manchester, N.H., control zone and insert the following in lieu thereof:

Within a 5-mile radius of the center, 42°56'00" N., 71°26'21" W. of Grenier Field-Manchester Municipal Airport, Manchester, N.H.; within 2.5 miles each side of the 157° bearing from the Manchester RBN, 42°52'12" N., 71°23'52" W., extending from the 5-mile radius zone to 8.5 miles south of the RBN and within 2.5 miles each side of the Manchester VORTAC 325° radial, extending from the 5-mile radius zone to 13 miles northwest of the VORTAC. This control zone is effective from 0600 to 2400 hours, local time, daily or during the specific dates and times established in advance by a Notice to Airmen, which thereafter will be continuously published in the Airman's Information Manual.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on February 9, 1971.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.71-3470 Filed 3-11-71;8:49 am]

[14 CFR Part 71]

[Airspace Docket No. 70-SO-103]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the McMinnville, Tenn., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Area Manager, Memphis Area Office, Air Traffic Branch, Post Office Box 18097, Memphis, TN 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The McMinnville transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 13-mile radius of Warren County Memorial Airport (lat. 35°42'00" N., long. 85°50'30" W.); within 9.5 miles northwest and 4.5 miles southeast of the 061° bearing from Warren County RBN (lat. 35°42'11" N., long. 85°50'40" W.), extending from the 13-mile radius area to 18.5 miles northeast of the RBN.

The proposed designation is required to provide controlled airspace protection for IFR operations at Warren County Memorial Airport. Prescribed instrument approach procedures to this airport, utilizing the Warren County (private) NDB, are proposed in conjunction with the designation of this transition area.

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

Issued in East Point, Ga., on February 26, 1971.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[FR Doc.71-3471 Filed 3-11-71;8:49 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SW-10]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at La Pryor, Tex.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the following transition area is added:

LA PRYOR, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Chaparrosa Ranch Airport (lat. 28°52'45" N., long. 99°59'25" W.) and within 3.5 miles each side of a 330° bearing from the (Chaparrosa Ranch) RBN (lat. 28°54'35" N., long. 100°00'19" W.) extending from the radio beacon to a point 11.5 miles northwest of the radio beacon.

The proposed transition area will provide controlled airspace for aircraft executing approach/departure procedures proposed at Chaparrosa Ranch Airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348)

and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on March 3, 1971.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.71-3472 Filed 3-11-71;8:49 am]

[14 CFR Part 75]

[Airspace Docket No. 71-WA-8]

AREA HIGH ROUTES

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would designate area high routes in the United States.

Amendments to Parts 71 and 75 of the Federal Aviation Regulations were published in the FEDERAL REGISTER (35 F.R. 10653) which established regulatory bases for the designation of specific area high and low routes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. All communications received within 60 days after publication of this notice in the FEDERAL REGISTER will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590.

The FAA proposes to amend Part 75 of the Federal Aviation Regulations by designating area high routes as follows:

J-930R SAN FRANCISCO, CALIF., TO SALT LAKE CITY, UTAH

Coaldale, Nev., 322.9°M/35.9 NM, lat. 38°33'55" N., long. 118°01'55" W.;
Wilson Creek, Nev., 327.8°M/69.3 NM, lat. 39°21'35" N., long. 114°48'37" W.;
Delta, Utah, 329°M/32.5 NM, lat. 39°49'31" N., long. 112°41'12" W.;
Delta, Utah, 011.7°M/44.2 NM, lat. 39°57'15" N., long. 112°03'33" W.;
Delta, Utah, 008°M/63.9 NM, lat. 40°16'30" N., long. 111°56'23" W.

J-931R SALT LAKE CITY, UTAH, TO SAN FRANCISCO, CALIF.

Delta, Utah, 080°M/63.9 NM, lat. 40°16'30" N., long. 111°56'23" W.;
Delta, Utah, 008°M/22 NM, lat. 39°38'15" N., long. 112°18'42" W.;
Wilson Creek, Nev., 323.3°M/45.6 NM, lat. 38°57'44" N., long. 114°44'17" W.;
Coaldale, Nev., VORTAC, lat. 38°00'12" N., long. 117°46'10" W.

J-922R HOUSTON, TEX., TO DALLAS, TEX.

Humble, Tex., VORTAC, lat. 29°57'24" N., long. 95°20'44" W.;
Humble, Tex., 354°M/20 NM, lat. 30°17'26" N., long. 95°19'55" W.;
Greater Southwest, Tex., 113.4°M/43 NM, lat. 32°26'13" N., long. 96°19'23" W.

J-924R LOS ANGELES, CALIF., TO SEATTLE, WASH.

Fresno, Calif., 170.6°M/74.7 NM, lat. 35°-38'49" N., long. 119°58'40" W.;
Reno, Nev., 244.3°M/46.7 NM, lat. 39°25'23" N., long. 120°39'06" W.;
Lakeview, Oreg., 242.8°M/32.9 NM, lat. 42°-24'45" N., long. 121°14'23" W.;
Portland, Oreg., 346.6°M/87.1 NM, lat. 47°-11'08" N., long. 122°18'30" W.

J-928R DENVER, COLO., TO SEATTLE, WASH.

Meeker, Colo., 058.1°M/90.4 NM, lat. 40°29'-23" N., long. 106°02'04" W.;
Rock Springs, Wyo., 017.8°M/23 NM., lat. 41°-54'33" N., long. 108°43'41" W.;
Malad City, Idaho, 014.6°M/75.5 NM., lat. 43°16'10" N., long. 111°32'54" W.;
McCall, Idaho, 010°M/25.2 NM, lat. 45°08'05" N., long. 115°55'04" W.;
Yakima, Wash., 283.9°M/72.5 NM, lat. 47°-15'12" N., long. 121°53'53" W.

J-923R ALBUQUERQUE, N. MEX., TO DENVER, COLO.

Las Vegas, N. Mex., 233.5°M/90.3 NM, lat. 35°02'38" N., long. 106°48'57" W.;
Pueblo, Colo., 278.8°M/37.6 NM, lat. 38°31'29" N., long. 105°10'12" W.;
Denver, Colo., 170°M/35 NM, lat. 39°16'40" N., long. 104°47'29" W.

J-932R NEW ORLEANS, LA., TO MEMPHIS, TENN.

McComb, Miss., 170.6°M/76.4 NM, lat. 30°-01'47" N., long. 90°10'20" W.;
McComb, Miss., 357.6°M/72.2 NM, lat. 32°-30'26" N., long. 90°10'03" W.;
Memphis, Tenn., VORTAC, lat. 34°56'34" N., long. 89°57'35" W.

J-921R DALLAS, TEX., TO HOUSTON, TEX.

Greater Southwest, Tex., VORTAC, lat. 32°-49'10" N., long. 97°02'28" W.;
Humble, Tex., 311°M/40 NM, lat. 30°27'37" N., long. 95°51'06" W.;
Humble, Tex., VORTAC, lat. 29°57'24" N., long. 95°20'44" W.

J-936R PHOENIX, ARIZ., TO CHICAGO, ILL.

Winslow, Ariz., 195.4°M/111.8 NM, lat. 33°-25'53" N., long. 111°53'17" W.;
Gallup, N. Mex., 090.8°M/104.3 NM, lat. 35°-02'38" N., long. 106°48'57" W.;
Las Vegas, N. Mex., 313.3°M/15.9 NM., lat. 35°52'40" N., long. 105°18'54" W.;
Garden City, Kans., 320°M/15 NM, lat. 38°-08'16" N., long. 100°52'42" W.;
Pawnee City, Nebr., 147.1°M/18.4 NM, lat. 39°55'09" N., long. 96°02'40" W.;
Kirksville, Mo., 288.1°M/68.9 NM, lat. 40°-35'48" N., long. 98°58'03" W.;
Bradford, Ill., 051.7°M/71.8 NM, lat. 41°49'37" N., long. 88°15'56" W.

J-925R MINNEAPOLIS, MINN., TO DENVER, COLO.

Minneapolis, Minn., VORTAC, lat. 45°08'45" N., long. 93°22'23" W.;
Sioux Falls, S. Dak., 320.3°M/6.6 NM, lat. 43°-44'40" N., long. 96°51'32" W.;
O'Neil, Nebr., 318.1°M/23.3 NM, lat. 42°27'59" N., long. 98°57'52" W.;
Sidney, Nebr., 132.3°M/13.7 NM, lat. 40°54'30" N., long. 102°48'39" W.;
Sidney, Nebr., 215.1°M/109.8 NM, lat. 39°-51'39" N., long. 104°45'08" W.

J-934R DALLAS, TEX., TO ATLANTA, GA.

Greater Southwest, Tex., VORTAC, lat. 32°-49'10" N., long. 97°02'28" W.;
Shreveport, La., 336.5°M/46.4 NM, lat. 33°-30'50" N., long. 94°04'23" W.;
Little Rock, Ark., 172.5°M/68.9 NM, lat. 33°31'38" N., long. 92°08'43" W.;
Meridian, Miss., 007.4°M/67.9 NM, lat. 33°-29'07" N., long. 88°30'49" W.;
Atlanta, Ga., 281°M/37 NM, lat. 33°38'02" N., long. 85°12'05" W.

J-927R CHICAGO, ILL., TO DALLAS, TEX.

Capitol, Ill., 053.9°M/78.8 NM, lat. 40°34'54" N., long. 88°09'51" W.;
Springfield, Mo., 110°M/73 NM, lat. 36°47'42" N., long. 91°59'03" W.;
Tulsa, Okla., 128.5°M/99.3 NM, lat. 34°59'05" N., long. 94°24'07" W.;
Ardmore, Okla., 135.1°M/65.8 NM, lat. 33°19'-09" N., long. 96°24'04" W.;
Ardmore, Okla., 166.6°M/83.6 NM, lat. 32°-49'10" N., long. 97°02'28" W.

J-929R ATLANTA, GA., TO HOUSTON, TEX.

Birmingham, Ala., 088°M/85.1 NM, lat. 33°-38'02" N., long. 85°12'05" W.;
Birmingham, Ala., VORTAC, lat. 33°40'12" N., long. 86°53'59" W.;
Birmingham, Ala., 228.7°M/123.2 NM, lat. 32°22'42" N., long. 83°48'15" W.;
McComb, Miss. 332.7°M/33.3 NM, lat. 31°49'-19" N., long. 90°29'40" W.;
Lake Charles, La., 258.1°M/117.2 NM, lat. 29°-57'24" N., long. 95°20'44" W.

J-937R HAWAII TO CHICAGO, ILL.

Ukiah, Calif., 221°M/142 NM, lat. 37°48'13" N., long. 123°49'57" W.;
Ukiah, Calif., 144.8°M/25.9 NM, lat. 38°38'25" N., long. 123°06'36" W.;
Reno, Nev., VORTAC, lat. 39°31'53" N., long. 119°39'18" W.;
Battle Mountain, Nev., 148.1°M/28.8 NM, lat. 40°08'12" N., long. 116°46'32" W.;
Bonneville, Utah, VORTAC, lat. 40°43'34" N., long. 113°45'24" W.;
Malad City, Idaho, 150.9°M/75.5 NM, lat. 40°-58'05" N., long. 112°06'09" W.;
Rock Springs, Wyo., 154.4°M/10.3 NM, lat. 41°25'15" N., long. 108°58'31" W.;
Cheyenne, Wyo., 338.7°M/40.9 NM, lat. 41°-53'12" N., long. 104°53'16" W.;
Sidney, Nebr., 341°M/57.1 NM, lat. 42°02'38" N., long. 103°07'04" W.;
O'Neil, Nebr., 166.9°M/8.9 NM, lat. 42°19'23" N., long. 98°40'33" W.;
Des Moines, Iowa, 353.3°M/59.4 NM, lat. 42°-25'43" N., long. 93°38'52" W.;
Dubuque, Iowa, 090.9°M/13.8 NM, lat. 42°22'-53" N., long. 90°23'60" W.;
Dubuque, Iowa, 086.7°M/102.1 NM, lat. 42°-21'31" N., long. 88°24'46" W.

J-918R HOUSTON, TEX., TO NEW ORLEANS, LA.

Humble, Tex., VORTAC, lat. 29°57'24" N., long. 95°20'44" W.;
Alexandria, La., 172.2°M/73.8 NM, lat. 30°01'-21" N., long. 92°28'52" W.;
New Orleans, La., VORTAC, lat. 30°01'47" N., long. 90°10'20" W.

J-935R TUCSON, ARIZ., TO ALBUQUERQUE, N. MEX.

San Simon, Ariz., 271°M/30 NM, lat. 32°23'-21" N., long. 109°50'08" W.;
St. Johns, Ariz., 119.1°M/57.4 NM, lat. 33°45'-60" N., long. 108°18'15" W.;

Albuquerque, N. Mex., VORTAC, lat. 35°02'-38" N., long. 106°48'57" W.

J-939R CHICAGO, ILL., TO SEATTLE, WASH.

Dubuque, Iowa, 096.3°M/127.5 NM, lat. 41°-59'16" N., long. 87°54'17" W.;
Dubuque, Iowa, 248°M/73 NM, lat. 42°00'53" N., long. 92°15'40" W.;
Fort Dodge, Iowa, 314°/117.3 NM, lat. 44°07'-06" N., long. 96°00'04" W.;
Aberdeen, S. Dak., 187.5°M/41.9 NM, lat. 44°-45'05" N., long. 98°39'52" W.;
Dickinson, N. Dak., 180.6°M/74.1 NM, lat. 45°-39'50" N., long. 103°12'58" W.;
Billings, Mont., 353.4°M/40 NM, lat. 46°27'-51" N., long. 108°26'58" W.;
Helena, Mont., 349.1°M/15.1 NM, lat. 46°51'-21" N., long. 111°54'03" W.;
Mullen Pass, Idaho, 165.6°M/17.4 NM, lat. 47°10'05" N., long. 115°41'12" W.;
Spokane, Wash., 163.3°M/16.9 NM, lat. 47°17'-02" N., long. 117°39'24" W.;
Seattle, Wash., VORTAC, lat. 47°26'08" N., long. 122°18'30" W.

J-940R SEATTLE, WASH., TO CHICAGO, ILL.

Seattle, Wash., VORTAC, lat. 47°26'08" N., long. 122°18'30" W.;
Spokane, Wash., 163.3°M/16.9 NM, lat. 47°-17'02" N., long. 117°39'24" W.;
Mullan Pass, Idaho, 165.6°M/17.4 NM, lat. 47°10'05" N., long. 115°41'12" W.;
Helena, Mont., 349.1°M/15.1 NM, lat. 46°51'-21" N., long. 111°54'03" W.;
Billings, Mont., 353.4°M/40 NM, lat. 46°27'-51" N., long. 108°26'58" W.;
Dickinson, N. Dak., 180.6°M/74.1 NM, lat. 45°39'50" N., long. 103°12'58" W.;
Aberdeen, S. Dak., 187.6°M/41.9 NM, lat. 44°45'05"N., long. 98°39'52" W.;
Aberdeen, S. Dak., 116.8°M/127.7 NM, lat. 44°07'06" N., long. 96°00'04" W.;
Mason City, Iowa, 012.1°M/22.9 NM, lat. 43°27'29" N., long. 93°09'59" W.;
Dubuque, Iowa, 096.3°M/127.5 NM, lat. 41°-59'16" N., long. 87°54'17" W.

J-941R DALLAS, TEX., TO LAS VEGAS, NEV.

Wichita Falls, Tex., 121.5°M/104.7 NM, lat. 32°49'10" N., long. 97°02'28" W.;
Wichita Falls, Tex., 269.4°M/59.1 NM., lat. 34°08'33" N., long. 99°45'50" W.;
Tucumcari, N. Mex., 125.5°M/55.7 NM, lat. 34°29'42" N., long. 102°50'21" W.;
Socorro, N. Mex., 356.9°M/46.8 NM, lat. 35°06'34" N., long. 106°39'24" W.;
St. Johns, Ariz., 354.5°M/60.2 NM, lat. 35°25'-02" N., long. 108°57'43" W.;
Prescott, Ariz., 352.6°M/65.2 NM, lat. 35°47'-03" N., long. 112°19'38' W.;
Peach Springs, Ariz., 274.4°M/60.1 NM, lat. 35°59'45" N., long. 114°51'46" W.

J-942R DALLAS, TEX., TO LUBBOCK, TEX.

Greater Southwest, Tex., VORTAC, lat. 32°-49'10" N., long. 97°02'28" W.;
Greater Southwest, Tex., 295.6°M/44.3 NM, lat 33°14'16" N., long. 97°45'58" W.;
Abilene, Tex., 021.2°M/90.4 NM, lat. 33°46'13" N., long. 98°55'41" W.;
Abilene, Tex., 333.1°M/81.2 NM, lat. 33°46'42" N., long. 100°20'09" W.;
Abilene, Tex., 295.9°M/126.7 NM, lat. 33°42'-18" N., long. 101°54'49" W.

J-943R ALBUQUERQUE, N. MEX., TO PHOENIX, ARIZ.

Albuquerque, N. Mex., VORTAC, lat. 35°02'-38" N., long. 106°48'57" W.;
St. Johns, Ariz., 145.2°M/4.9 NM, lat. 34°20'-53" N., long. 109°06'29" W.;
Phoenix, Ariz., VORTAC, lat. 33°25'53" N., long. 111°53'17" W.

J-938R CHICAGO, ILL., TO HAWAII

Iowa City, Iowa, 067.6°M/85.8 NM, lat. 41°-55'53" N., long. 89°47'00" W.;
Omaha, Nebr., 351.6°M/52 NM, lat. 42°02'05" N., long. 95°44'37" W.;
Wolbach, Nebr., 347.9°M/37.1 NM, lat. 41°59'-41" N., long. 98°22'59" W.;
Sidney, Nebr., 342.3°M/41.6 NM, lat. 41°47'-19" N., long. 103°03'32" W.;
Cheyenne, Wyo., 341.1°M/27.3 NM, lat. 41°-39'48" N., long. 104°50'04" W.;
Rock Springs, Wyo., 155.4°M/19.4 NM, lat. 41°16'13" N., long. 108°57'02" W.;
Fairfield, Utah, 333.5°M/36.3 NM, lat. 40°52'-15" N., long. 112°05'05" W.;
Bonneville, Utah, 146.9°M/3.6 NM, lat. 40°40'-06" N., long. 113°44'05" W.;
Battle Mountain, Nev., 148.3°M/28.6 NM, lat. 40°06'20" N., long. 116°46'29" W.;
Reno, Nev., VORTAC, lat. 39°31'53" N., long. 119°39'18" W.;
Ukiah, Calif., 144.8°M/25.9 NM, lat. 38°38'25" N., long. 123°06'36" W.;
Ukiah, Calif., 221°M/142 NM, lat. 37°48'13" N., long. 125°49'57" W.

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

Issued in Washington, D.C., on March 8, 1971.

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

[FR Doc.71-3384 Filed 3-11-71;8:45 am]

[14 CFR Part 75]

[Airspace Docket No. 71-WA-9]

AREA HIGH ROUTES

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would designate area high routes as a part of the overall program to establish an area navigation jet route structure.

Amendments to Parts 71 and 75 of the Federal Aviation Regulations were published in the FEDERAL REGISTER on July 1, 1970 (35 F.R. 10653), which established regulatory bases for the designation of specific area high and area low routes.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. All communications received within 60 days after publication of this notice will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590.

The FAA proposes to amend Part 75 of the Federal Aviation Regulations by designating area high routes as follows:

J-863R NEW YORK, N.Y., TO ATLANTA, GA.

Westminster, Md., 087.9M/119.6 NM, lat. 39°49'02" N., long. 74°25'55" W.;
Westminster, Md., 157.1M/45.8 NM, lat. 38°50'17" N., long. 76°28'38" W.;
Pulaski, Va., 190.0M/33.0 NM, lat. 36°32'27" N., long. 80°47'47" W.;
Spartanburg, S.C., 246.4M/96.7 NM, lat. 34°-19'21" N., long. 83°40'53" W.

J-864R CHICAGO, ILL., TO WASHINGTON, D.C.

Indianapolis, Ind., 322.7M/108.9 NM, lat. 41°16'11" N., long. 87°47'28" W.;
Indianapolis, Ind., 011.6M/79.3 NM, lat. 40°06'17" N., long. 85°59'10" W.;
Indianapolis, Ind., 073.4M/110.8 NM, lat. 40°17'16" N., long. 84°02'36" W.;
Bellaire, Ohio, 195.9M/20.1 NM, lat. 39°41'18" N., long. 80°54'27" W.;
Casanova, Va., 335.9M/31.2 NM, lat. 39°05'26" N., long. 78°12'02" W.;
Casanova, Va., 045.8M/29.6 NM, lat. 39°01'10" N., long. 77°27'42" W.

J-865R WASHINGTON, D.C., TO CHICAGO, ILL.

Philipsburg, Pa., 182.8M/92.0 NM, lat. 39°-23'08" N., long. 77°50'55" W.;
Cleveland, Ohio, 139.0M/72.1 NM, lat. 40°-29'20" N., long. 81°04'05" W.;
Cleveland, Ohio, 218.0M/30.0 NM, lat. 40°-56'51" N., long. 82°32'26" W.;
Northbrook, Ill., 136.4M/45.3 NM, lat. 41°-37'29" N., long. 87°15'57" W.

J-866R DENVER, COLO., TO CHICAGO, ILL.

Goodland, Kans., 282.1M/117.8 NM, lat. 40°-09'57" N., long. 104°01'47" W.;
O'Neill, Nebr., 156.5M/69.3 NM, lat. 41°20'45" N., long. 98°19'43" W.;
Des Moines, Iowa, 342.8M/32.8 NM, lat. 41°-58'33" N., long. 93°46'40" W.;
Bradford, Ill., 329.8M/81.8 NM, lat. 42°22'53" N., long. 90°24'00" W.;
Bradford, Ill., 037.8M/85.1 NM, lat. 42°12'39" N., long. 88°18'52" W.

J-867R CHICAGO, ILL., TO DENVER, COLO.

Iowa City, Iowa, 067.6M/85.8 NM, lat. 41°-55'53" N., long. 89°47'00" W.;
Pawnee City, Nebr., 321.7M/49.8 NM, lat. 40°-55'26" N., long. 96°44'30" W.;
Hayes Center, Nebr., 159.7M/13.9 NM, lat. 40°-13'31" N., long. 100°52'27" W.;
Denver, Colo., 090.1M/52.0 NM, lat. 39°39'32" N., long. 103°39'32" W.

J-868R KANSAS CITY, MO., TO ST. LOUIS, MO.

Kirksville, Mo., 224.3M/101.2 NM, lat. 39°-02'40" N., long. 94°15'26" W.;
Kirksville, Mo., 131.4M/115.0 NM, lat. 38°-42'35" N., long. 90°55'59" W.

J-869R ATLANTA, GA., TO CHICAGO, ILL.

Knoxville, Tenn., 196.6M/98.2 NM, lat. 34°-19'29" N., long. 84°25'39" W.;
Bowling Green, Ky., 074.1M/101.4 NM, lat. 37°19'02" N., long. 84°23'10" W.;
Indianapolis, Ind., 328.0M/73.0 NM, lat. 40°-51'20" N., long. 87°11'36" W.;
Indianapolis, Ind., 331.0M/115.6 NM, lat. 41°-30'36" N., long. 87°34'17" W.

J-870R ATLANTA, GA., TO TAMPA, FLA.

Macon, Ga., 253.8M/41.6 NM, lat. 32°30'22" N., long. 84°26'16" W.;
Gainesville, Fla., 297.3M/70.2 NM, lat. 30°-07'24" N., long. 83°33'01" W.;
Gainesville, Fla., 245.6M/34.9 NM, lat. 29°-20'20" N., long. 82°58'21" W.

J–871R ATLANTA, GA., TO ST. LOUIS, MO.

Chattanooga, Tenn., 182.3M/78.0 NM, lat. 33°-39'32" N., long. 85°12'55" W.;
Evansville, Ind., 227.4M/76.9 NM, lat. 37°-06'17" N., long. 88°59'48" W.;
Evansville, Ind., 275.4M/123.7 NM, lat. 38°-12'05" N., long. 90°21'00" W.

J–872R ATLANTA, GA., TO COLUMBIA, S.C.

Augusta, Ga., 274.9M/74.2 NM, lat. 33°37'10" N., long. 83°36'42" W.;
Augusta, Ga., 054.9M/45.1 NM, lat. 33°59'08" N., long. 81°24'07" W.

J–873R COLUMBIA, S.C., TO ATLANTA, GA.

Augusta, Ga., 055.4M/56.0 NM, lat. 34°05'10" N., long. 81°13'10" W.;
Augusta, Ga., 302.5M/90.2 NM, lat. 34°19'21" N., long. 83°40'53" W.

J–874R MEMPHIS, TENN., TO ATLANTA, GA.

Memphis, Tenn., 344.7M/6.5 NM, lat. 35°-03'00" N., long. 89°59'00" W.;
Birmingham, Ala., 064.8M/96.8 NM, lat. 34°-16'03" N., long. 85°05'51" W.

J–875R ATLANTA, GA., TO MEMPHIS, TENN.

Birmingham, Ala., 087.0M/84.4 NM, lat. 33°39'32" N., long. 85°12'55" W.;
Birmingham, Ala., VORTAC, lat. 33°40'12" N., long. 86°53'59" W.;
Memphis, Tenn., 109.0M/25.0 NM, lat. 34°-46'20" N., long. 89°29'51" W.

J–876R ATLANTA, GA., TO SAVANNAH, GA.

Augusta, Ga., 274.9M/74.2 NM, lat. 33°37'10" N., long. 83°36'42" W.;
Augusta, Ga., 159.5M/77.2 NM, lat. 32°20'35" N., long. 81°34'35" W.

J–877R SAVANNAH, GA., TO ATLANTA, GA.

Augusta, Ga., 151.6M/96.8 NM, lat. 32°08'00" N., long. 81°12'00" W.;
Augusta, Ga., 250.4M/76.3 NM, lat. 33°05'19" N., long. 83°33'03" W.

J–878R ATLANTA, GA., TO CLEVELAND, OHIO

Chattanooga, Tenn., 135.5M/52.4 NM, lat. 34°19'29" N., long. 84°25'39" W.;
Charleston, W. Va., 352.1M/69.3 NM, lat. 39°29'06" N., long. 82°03'08" W.;
Cleveland, Ohio, 141.0M/29.0 NM, lat. 40°-59'52" N., long. 81°44'06" W.

J–879R CLEVELAND, OHIO, TO ATLANTA, GA.

Charleston, W. Va., 343.8M/114.5 NM, lat. 40°09'04" N., long. 82°35'18" W.;
Charleston, W. Va., 277.4M/46.5 NM, lat. 38°24'16" N., long. 82°45'07" W.;
Spartanburg, S.C., 318.2M/73.5 NM, lat. 35°54'52" N., long. 82°58'18" W.;
Spartanburg, S.C., 246.4M/96.7 NM, lat. 34°19'21" N., long. 83°40'53" W.

J–856R ATLANTA, GA., TO PITTSBURGH, PA.

Chattanooga, Tenn., 135.5M/52.4 NM, lat. 34°19'29" N., long. 84°25'39" W.;
Charleston, W. Va., 352.1M/69.3 NM, lat. 39°29'06" N., long. 82°03'08" W.;
Charleston, W. Va., 028.1M/117.9 NM, lat. 40°07'30" N., long. 80°40'54" W.

J–860R MEMPHIS, TENN., TO LOUISVILLE, KY.

Memphis, Tenn., 009.0M/53.0 NM, lat. 35°-48'04" N., long. 89°41'49" W.;
Evansville, Ind., 096.7M/65.6 NM, lat. 37°44'-12" N., long. 86°24'16" W.

J–862R JACKSONVILLE, FLA., TO PITTSBURGH, PA.

Alma, Ga., 130.1M/68.5 NM, lat. 30°47'43" N., long. 81°29'38" W.;
Spartanburg, S.C., 150.2M/82.7 NM, lat. 33°51'26" N., long. 81°03'15" W.;
Charleston, W. Va., 069.2M/85.5 NM, lat. 38°54'52" N., long. 80°05'58" W.;
Elwood City, Pa., 153.8M/44.2 NM, lat. 40°11'39" N., long. 79°42'49" W.

J–880R JACKSONVILLE, FLA., TO CLEVELAND, OHIO

Jacksonville, Fla., 334.0M/30.0 NM, lat. 30°-54'00" N., long. 81°49'09" W.;
Columbia, S.C., 253.2M/57.2 NM, lat. 33°32'-40" N., long. 82°08'00" W.;
Pulaski, Va., 329.7M/90.8 NM, lat. 38°20'59" N., long. 81°46'12" W.;
Appleton, Ohio, 150.0M/47.0 NM, lat. 39°29'-06" N., long. 82°03'08" W.;
Appleton, Ohio, 039.3M/64.0 NM, lat. 40°59'-52" N., long. 81°44'06" W.

J–882R ATLANTA, GA., TO DETROIT, MICH.

Knoxville, Tenn., 196.6M/98.2 NM, lat. 34°19'29" N., long. 84°25'39" W.;
Louisville, Ky., 089.7M/53.7 NM, lat. 38°05'13" N., long. 84°26'39" W.;
Rosewood, Ohio, 226.1M/23.0 NM, lat. 40°00'59" N., long. 84°23'49" W.;
Rosewood, Ohio, 008.1M/106.6 NM, lat. 42°03'05" N., long. 83°44'55" W.

J–881R DETROIT, MICH., TO ATLANTA, GA.

Rosewood, Ohio, 014.9M/108.8 NM, lat. 42°02'53" N., long. 83°27'28" W.;
Rosewood, Ohio, VORTAC, lat. 40°17'16" N., long. 84°02'36" W.;
Louisville, Ky., 085.9M/79.2 NM, lat. 38°09'-46" N., long. 83°54'23" W.;
Chattanooga, Tenn., 116.3M/82.3 NM, lat. 34°19'21" N., long. 83°40'53" W.

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

Issued in Washington, D.C., on March 8, 1971.

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

[FR Doc.71–3385 Filed 3–11–71;8:45 am]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

DIAMOND TIPS FOR PHONOGRAPH NEEDLES FROM THE UNITED KINGDOM

Antidumping Proceeding Notice

MARCH 5, 1971.

On November 30, 1970, information was received in proper form pursuant to § 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), indicating a possibility that diamond tips for phonograph needles from the United Kingdom are being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows: The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[FR Doc.71-3478 Filed 3-11-71;8:50 am]

Internal Revenue Service

RICHARD L. BIXLER

Notice of Granting of Relief

Notice is hereby given that Mr. Richard L. Bixler, Post Office Box 224, Yakima, WA 98901, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on January 14, 1960, in the Yakima County Superior Court of the State of Washington, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Richard L. Bixler because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Richard L. Bixler to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Richard L. Bixler's application and:

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

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

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

Signed at Washington, D.C., this 1st day of March 1971.

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

[FR Doc.71-3479 Filed 3-11-71;8:50 am]

DAVID R. FULLER

Notice of Granting of Relief

Notice is hereby given that David R. Fuller, 723 North Liberty Road, Boise, ID 83704, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on December 19, 1966, in the Idaho District Court, County of Bonneville, Idaho Falls, Idaho, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for David R. Fuller because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for David R. Fuller to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered David R. Fuller's application and:

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

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

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

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

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

[FR Doc.71-3480 Filed 3-11-71;8:50 am]

KENNETH HENRY JENZEN

Notice of Granting of Relief

Notice is hereby given that Kenneth Henry Jenzen, 249 Bay 22d Street, Brooklyn, N.Y. 11214, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on June 23, 1960, in the Kings County Supreme Court, New York, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Kenneth Henry Jenzen because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44,

title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Kenneth Henry Jenzen to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Kenneth Henry Jenzen's application and:

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

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

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

Signed at Washington, D.C., this 1st day of March 1971.

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

[FR Doc.71-3481 Filed 3-11-71;8:50 am]

ERNEST HAMILTON JUDD

Notice of Granting of Relief

Notice is hereby given that Ernest Hamilton Judd, Route 1, Mitchell, NE 69357, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on or about March 19, 1960, in the District Court of Scotts Bluff County, Nebr., of a crime punishable by imprisonment for a term exceeding one year. Unless relief is granted, it will be unlawful for Ernest H. Judd, because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Ernest H. Judd to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Ernest H. Judd's application and:

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

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

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

Signed at Washington, D.C., this 4th day of March 1971.

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

[FR Doc.71-3482 Filed 3-11-71;8:50 am]

HERBERT AVERY MESSER, JR.

Notice of Granting of Relief

Notice is hereby given that Herbert Avery Messer, Jr., 3909 Keller Avenue, Alexandria, VA 22302, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on July 30, 1965, in the Corporation Court for the City of Alexandria in Virginia, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Herbert A. Messer, Jr., because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Herbert A. Messer, Jr., to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Herbert A. Messer, Jr.'s application and:

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

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

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

Signed at Washington, D.C., this 1st day of March, 1971.

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

[FR Doc.71-3483 Filed 3-11-71;8:50 am]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

[DOD Directive 5129.22]

DEFENSE SCIENCE BOARD CHARTER

Statement of Organization

FEBRUARY 17, 1971.

The Deputy Secretary of Defense approved the following organizational statement.

Refs.:

(a) DOD Directive 5129.1, "Director of Defense Research and Engineering," March 13, 1970.

(b) DOD Directive 5129.22, "Defense Science Board Charter," Apr. 10, 1961 (hereby canceled).

(c) DOD Directive 5030.13, "Regulations for the Formation and Use of Advisory Committees," Apr. 20, 1962.

I. *General.* In accordance with the general provisions of references (a) and (c),[1] the Defense Science Board is continued as the senior advisory group in the Office of the Director of Defense Research and Engineering (ODDR&E). The purpose, membership, scope and mode of operation are defined below.

II. *Purpose and membership.* A. The Defense Science Board, composed of members appointed from civilian life by the Secretary of Defense upon the recommendation of the Director of Defense Research and Engineering, advises the

[1] Filed as part of original. Copies available from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120, Code 300.

Secretary of Defense, through the Director of Defense Research and Engineering, on scientific and technical matters of interest to the Department of Defense.

B. The Board shall consist of not more than 24 Members at Large and the Chairmen of the public advisory bodies specified below:

1. The Members at Large will be selected on the basis of their preeminence in the fields of research and engineering as necessary to cover the interests of the respective offices of the Director of Defense Research and Engineering. This class of membership may include officials of other agencies or departments of the Government with expertise desired by the Director of Defense Research and Engineering. Members at Large will serve a term of 4 years, with the term of six members expiring each December 31. Having served a full term, a Member at Large will not ordinarily be reappointed until 1 year has elapsed after the terminal date of his original appointment.

2. The Chairman of each of the following public advisory bodies to the Department of Defense:

a. Army Scientific Advisory Panel;

b. Naval Research Advisory Committee; and the

c. Air Force Scientific Advisory Board.

C. The Secretary of Defense shall designate the Chairman and Vice Chairman of the Board from the above membership upon the recommendation of the Director of Defense Research and Engineering. An Executive Secretary, with necessary supporting staff, will be provided by the Director of Defense Research and Engineering upon recommendation of or with the concurrence of the Chairman of the Defense Science Board.

III. *Scope.* A. The mission of the Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long-range guidance in these areas to the Department of Defense.

B. In furtherance of this mission the Board shall concern itself with policy matters in the area of long-range planning. It shall render advice to the Secretary of Defense and to the Director of Defense Research and Engineering in areas useful to their offices as to specific systems and weapons only down to such details as fulfill the requirements of these offices. The Board shall be concerned with the pressing and complex problems of research management facing the Director of Defense Research and Engineering and his staff in terms of policy development and principles to be followed.

C. Specific advice will be rendered on Department of Defense research, development, engineering, test and evaluation programs, such as:

1. Preferred administrative practices and policies for the effective prosecution of these programs;

2. The desirable scope, internal balance and, where appropriate, the substance of research, development, engineering, test, and evaluation effort that should be pressed by the Department of Defense in answer to its valid interests viewed broadly from the national perspective and in full consideration of current programs in the civilian economy; and

3. The effectiveness of research and development in providing combat-worthy weapons systems, with attention to prompt and effective utilization of new knowledge; the rapid translation of new scientific opportunities into weapons; and the evaluation of the effectiveness of the projected weapons systems in meeting military requirements.

D. The Board shall be responsive to requests or assignments from the Secretary of Defense or the Director of Defense Research and Engineering.

IV. *Operations.* A. The Defense Science Board shall meet regularly three times each year and at such other times as may be called by the Chairman or the Director of Defense Research and Engineering.

B. The procedures for developing the advice and findings of the Board shall be as flexible as is consistent with the above purpose. The Board will work through the Chairman with the Director of Defense Research and Engineering by establishing ad hoc task forces to review and advise on problems which arise. Subject to the concurrence of the Director of Defense Research and Engineering, members may collaborate, as representatives of the Board, with the Military Departments and with civilian agencies in broad studies of relevance to the mission of the Board.

C. The Office of the Director of Defense Research and Engineering shall provide for such technical or administrative assistance as is needed by the Board or ad hoc task forces. In particular, the Executive Secretary shall be responsible to the Director of Defense Research and Engineering for the proper functioning of the Board in accordance with reference (c) and to the Chairman in connection with the planning, operation and coordination of the work of the Board.

V. *Cancellation.* Reference (b) is hereby superseded and cancelled.

VI. *Effective date.* This Directive is effective immediately.

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

[FR Doc.71-3457 Filed 3-11-71;8:49 am]

[DoD Directive 5160.61]

SECRETARY OF THE ARMY

Delegation of Authority Regarding Use of Civil Defense Communications System for Disaster Warnings

MARCH 6, 1971.

The Deputy Secretary of Defense approved the following delegation of authority:

Reference: (a) Executive Order 11575, "Providing for the Administration of the Disaster Relief Act of 1970" (Public Law 91-606), Dec. 31, 1970.

Pursuant to the authority vested in the Secretary of Defense by reference (a), there is hereby delegated to the Secretary of the Army, with authority to redelegate as appropriate, the responsibilities, functions, powers, and authorities vested in the Secretary of Defense concerning the utilization and availability of the civil defense communications system for the purpose of disaster warnings.

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

[FR Doc.71-3455 Filed 3-11-71;8:48 am]

POST OFFICE DEPARTMENT

ARTICLES BEING MAILED ABROAD FOR ALTERATIONS, REPAIR, OR REPLACEMENT

Certification

Section 61.5(h)(3) of Title 39, Code of Federal Regulations (36 F.R. 4117) (section 615.83, Publication 42—International Mail) states that a customer sending an article abroad for repair should submit the article to a Customs officer for issuance of a certificate of registration so that full customs duty will not be charged when the article is returned to the United States.

Due to the absence of Customs officers in many areas of the country, customers often are unable to have articles registered with the Customs Service before sending them abroad, or are able to do so only after considerable expense and inconvenience.

To alleviate this condition, the Postal Service has agreed that under certain conditions Postmasters or other designated postal employees may certify to the exportation of articles being mailed abroad for alterations, repairs, use, or replacement. The conditions under which this certification may be provided are as follows:

1. The customer must reside in an area which is outside a 20-mile radius of a Customs office. In addition to the offices listed in § 61.3(e), of Title 39 CFR, Customs officers are located at a number of additional points, and if the customer resides within a 20-mile radius of any of those Customs offices, he must continue to have the article certified to by Customs.

2. The customer presents the package containing the article to be exported at the post office in an open state, together with a set (original and duplicate) of Customs Form 4455, "Certificate of Registration," completed and signed by the owner of the article being exported. Customers may obtain the forms from any of the Customs offices listed in § 61.3(e). The customer must also present a completed postal customs declaration on

Form 2966, 2976, or 2976–A, as may be appropriate for the class of mail to be used, describing the article in the same terms as on the Customs form.

3. The Postmaster or other designated postal employee checks to see that the description of the article to be exported is the same on both the Customs and Postal Service forms, and if the description is the same he certifies to the mailing (lading) by signing the "Signature of Customs Officer" space on both copies of the Customs form. Certificate of mailing fees of 10 cents shall be charged and accounted for by affixing a 5-cent stamp to each of the two Customs forms and canceling with a legible impression of the post office date stamp.

4. Both copies of the Customs form are returned to the customer who inserts the original in the package so the foreign shipper can include it in his package and thus facilitate processing when the merchandise is returned. The customer retains the duplicate for possible use in clearing the merchandise on its return.

5. After the customer has inserted the original form he closes the package and presents it to the postal employee for mailing in the usual manner.

The changes announced in this notice relax requirements of the preexisting regulations. Accordingly, it is unnecessary and contrary to the public interest to publish these changes as proposed rules and to provide a delayed effective date. The changes announced in this notice, therefore, are effective upon publication in the FEDERAL REGISTER (3–12–71).

Regulations in Title 39 will be appropriately amended.

(5 U.S.C. 301, 39 U.S.C. 501, 505)

DAVID A. NELSON,
General Counsel.

[FR Doc.71–3504 Filed 3–11–71;8:52 am]

DEPARTMENT OF COMMERCE

Office of the Secretary

CEDARS-SINAI MEDICAL CENTER

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71–00115–33–46500. Applicant: Cedars-Sinai Medical Center, Medical Research Institute, Cedars of Lebanon Division, 4833 Fountain Avenue, Los Angeles, CA 90029. Article: Ultramicrotome, Model LKB.8800A. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used for research on cardiac hypertrophy and the mechanism by which it is achieved. Studies will be made of banding the pulmonary artery to produce various degrees of hypertrophy and noting the biochemical and ultrastructural alterations.

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

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

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69–00865–33–46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such (other) factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70–00077–33–46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT–2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT–2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of December 15, 1970, that cutting speeds in excess of 4 mm./sec. are pertinent to the applicant's histological and ultrastructural studies of cardiac changes involving a variety of techniques and tissue consistencies. HEW cites as a precedent its prior recommendation relating to Docket No. 71–00001–33–46500 which conforms in many particulars to the captioned application.

We, therefore, find that the Model MT–2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used, which is being manufactured in the United States.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71–3422 Filed 3–11–71;8:46 am]

CLEMSON UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71–00161–33–46040. Applicant: Clemson University, College of Agriculture and Biological Sciences, Clemson, SC 29631. Article: Electron microscope, Model HS–8. Manufacturer: Hitachi Ltd., Japan.

Intended use of article: The article will be used primarily for training graduate students and other researchers in the Biological Sciences and in the techniques and applications of electron microscopy. It will be utilized in the following courses: Biology 801, Electron Microscopy of Biological Materials, Dairy Science 801, Topical Problems, Biochemistry 810, and Biochemical Techniques.

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

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

Reasons: The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programing. The most closely comparable domestic instrument is the Model EMU–4C electron microscope manufactured by the Forgflo Corp. The Model EMU–4C electron microscope is a relatively complex instrument designed for research, which requires a

skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated January 8, 1971, that the relative simplicity of design and ease of operation of the foreign article is pertinent to the applicant's educational purposes. We, therefore, find that the Model EMU-4C electron microscope is not of equivalent scientific value to the foreign article for purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71-3423 Filed 3-11-71;8:46 am]

COLUMBIA UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71-00198-00-46040. Applicant: Columbia University Medical School, 630 West 168th Street, New York, NY 10032. Article: Universal cassette and two magazines. Manufacturer: Siemens A.G., West Germany.

Intended use of article: The article will be used to fit an existing Elmiskop 1A electron microscope, for studies concerning human eyes removed at surgery for various diseases.

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

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

Reasons: The application relates to accessories for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used. The Department of Commerce knows of no similar accessories being manufactured in the United States, which are interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71-3424 Filed 3-11-71;8:46 am]

HARVARD UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71-00154-33-46500. Applicant: Harvard Medical School, 25 Shattuck Street, Boston, Mass. 02115. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used for experiments on the normal, physiological behavior of cells and tissues in regard to the transport and ingestion of macromolecules. Variations in the behavior of cells and tissues under experimental pathological conditions will be studied. The development and utilization of new ultrastructural cytochemical tracers—e.g. enzymes, dextrans, inulin and colloidal particles—of varying size, charge and shape, is being studied for transport processes.

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

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

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such (other) factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. istics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of January 5, 1971, that cutting speeds in excess of 4 mm./sec. are pertinent to the ultrathin serial sectioning of soft tissue which is encountered in the applicant's study of the transport of macromolecules across cells and tissue at the ultrastructural level, including kidney tissue and the passage of proteins in urine. HEW cites as a precedent its prior recommendation relating to Docket No. 71-00001-33-4650 which conforms in many particulars to the captioned application.

We therefore find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used, which is being manufactured in the United States.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71-3425 Filed 3-11-71;8:46 am]

JERSEY CITY STATE COLLEGE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the

Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71–00020–33–46500. Applicant: Jersey City State College, 2039 Kennedy Boulevard, Jersey City, NJ 07305. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used to make ultrathin sections of rat tissues and tissue fraction pellets which exhibit the greatest uptake of radio isotopically labeled catecholamines and which have been fixed, dehydrated and embedded. Instructional programs include courses in electron microscopy for undergraduate and graduate students.

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

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

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness, etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69–00665–33–46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such (other) factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70–00077–33–46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness, etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT–2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT–2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of November 13, 1970, that cutting speeds in excess of 4 mm./sec. are pertinent to the applicant's research studies relating to tracing the uptake of labeled catecholamines which will involve sectioning soft materials, i.e., tissue fraction pellets and nervous tissue, with a wide range in consistency. HEW cites as a precedent its prior recommendation relating to Docket No. 70–00519–33–46500 which conforms in many particulars to the captioned application.

We, therefore, find that the Model MT–2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used, which is being manufactured in the United States.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71–3426 Filed 3–11–71;8:46 am]

LOUISIANA STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71–00149–33–46500. Applicant: Louisiana State University Medical Center, 1542 Tulane Avenue, New Orleans, LA 70112. Article: Ultramicrotome, Model "Om U2". Manufacturer: C. Reichert Optische Werke A.G., Austria.

Intended use of article: The article is to be used for sectioning several tissues in the study of (1) serial sections of uniform thickness of 50 angstroms or less in order to view the methods of secretion in the intestinal ameba Entamoeba histolytica in colonic lesions; (2) the relationship of fine lipid droplets to certain portions of cell membranes in the intestine of nematodes; and (3) radio isotopes which require thin sections less than 50 angstroms for maximum localization of the label in subcellular elements. These projects are involved with the elucidation of the role of the vacuolar system of individual cell types in secretion.

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

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

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69–00665–33–46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such (other) factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70–00077–33–46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domesttc instrument is the Model MT–2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT–2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of January 5, 1971, that cutting speeds in excess of 4 mm./sec. are pertinent to the applicant's research studies which involve the successful production of long series of ultrathin uniform sections of ameba's vacuolar system, a soft specimen.

We, therefore, find that the Model MT–2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used, which is being manufactured in the United States.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71–8427 Filed 3–11–71;8:46 am]

MASSACHUSETTS INSTITUTE OF TECHNOLOGY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific

article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71–00143–33–46500. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, Mass. 02139. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used to study rat brain in an investigation of the biological properties of nervous tissue by experiments in tracing of neutral connections. A course entitled Light and Electron Microscope Techniques in Neurobiology will use the ultramicrotome for the preparation of ultrathin sections and for the study of interneuronal connections.

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

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

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69–00665–33–46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such (other) factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70–00077–33–46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT–2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT–2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of January 5, 1971, that cutting speeds in excess of 4mm./sec. are pertinent to the successful ultrathin sectioning of the softer specimens encountered in the applicant's study of the ultrastructure, interneuronal and neural connections of rat brain and other nervous tissues. HEW cites as a precedent its prior recommendation relating to Docket No. 70–00733–33–46500 which conforms in many particulars to the captioned application.

We, therefore, find that the Model MT–2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used, which is being manufactured in the United States.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71–3428 Filed 3–11–71;8:46 am]

MEDICAL UNIVERSITY OF SOUTH CAROLINA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71–00147–33–46500. Applicant: Medical University of South Carolina, 80 Barre Street, Charleston, SC 29401. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used to prepare blocks, thick, and thin sections of animal tissues from several organs treated with poisons or toxic doses or drugs. Graduate and medical students will learn the techniques of ultramicrotomy in courses entitled Methods in Experimental Pharmacology, Electron Microscopy in Pharmacology and Electron Microscopy in Cell and Molecular Biology.

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

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

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69–00665–33–46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such (other) factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70–00077–33–46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT–2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT–2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of January 5, 1971, that cutting speeds in excess of 4 mm./sec. are pertinent to the sectioning of the softer specimens encountered in the applicant's study of ultrastructural lesions in cardiac tissue following doses of toxic drugs, which requires sectioning of tissue having a wide range of hardness. HEW cites as a precedent its prior recommendation relating to Docket No. 71–00001–33–46500 which conforms in many particulars to the captioned application.

We, therefore, find that the Model MT–2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used, which is being manufactured in the United States.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71–3429 Filed 3–11–71;8:46 am]

NASSAU COMMUNITY COLLEGE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71–00037–33–46040. Applicant: Nassau Community College, Stewart Avenue, Garden City, NY 11530. Article: Electron microscope, Model HS–8. Manufacturer: Hitachi, Ltd., Japan.

Intended use of article: The article will be used to improve and enhance instruction in physiology, parasitology, microbiology, histology, histochemical techniques, and in parasitology courses. Courses in electron microtomy and electron microscopy and advanced electron microtomy will be directed to producing students that are capable to go directly into hospitals and research electron microscope laboratories to work as electron microscopy technicians.

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

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

Reasons: The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programing. The most closely comparable domestic instrument is the Model EMU–4C electron microscope manufactured by the Forgflo Corp. The Model EMU–4C electron microscope is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated December 10, 1970, that the relative simplicity of design and ease of operation of the foreign article is pertinent to the applicant's educational purposes. We, therefore, find that the Model EMU–4C electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71–3430 Filed 3–11–71;8:46 am]

ST. LOUIS UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71–00170–33–46500. Applicant: St. Louis University, Department of Biology, 1504 South Grand Boulevard, St. Louis, MO 63104. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used for the purposes of studying the tentacular and oral-disc regeneration in the sea anemone, Aiptasia diaphana. Experiments will be conducted to determine the types of cells present in the nonregenerating anemones and to find out which of these cells participate in the regeneration of the oral-disc and tentacle crown.

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

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

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69–00665–33–46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting, (among such (other) factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70–00077–33–46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT–2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT–2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of January 8, 1971, that cutting speeds in excess of 4 mm./sec. are pertinent to the applicant's study involving ultrathin sectioning of the soft tissue and cells of sea anemone for fine structural observation and three dimensional reconstruction. HEW cites as precedent its prior recommendation relating to Docket No. 71–00001–33–46500 which conforms in many particulars to the captioned application.

We, therefore, find that the Model MT–2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used, which is being manufactured in the United States.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71–3431 Filed 3–11–71;8:46 am]

STATE UNIVERSITY COLLEGE, NEW PALTZ, N.Y.

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71–00065–88–46040. Applicant: State University College, Department of Geological Sciences, New Paltz, NY 12561. Article: Electron microscope, Model HS–8–1. Manufacturer: Hitachi, Ltd., Japan.

Intended use of article: The article will be used to identify various clay minerals and nannofossils and to study the ultrastructure of fungal and bacterial spores. The primary research use will be in connection with thesis research projects of graduate students following programs leading to the master of arts degree in geology, biology, chemistry, and physics. Undergraduate and graduate courses in the natural sciences will use the electron microscope as a teaching tool.

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

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

Reasons: The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programing. The most closely comparable domestic instrument is the Model EMU-4C electron microscope manufactured by the Forgflo Corp. The Model EMU-4C electron microscope is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation. We are advised by the National Bureau of Standards (NBS) in its memorandum dated November 20, 1970, that the relative simplicity of design and ease of operation of the foreign article is pertinent to the applicant's educational purposes. We, therefore, find that the Model EMU-4C electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71-3432 Filed 3-11-71;8:46 am]

TULANE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71-00119-33-46500. Applicant: Tulane University, Dept. of Biology, 6823 St. Charles Avenue, New Orleans, LA 70118. Article: Ultramicrotome, Model OmU2. Manufacturer: C. Reichert Optische Werke A.G., Austria.

Intended use of article: The article will be used to obtain thin tissues from amphibians. The two main studies are an investigation of the phenomenon of skin graft rejection of allografts in Rana pipiens at the ultrastructural level and a study of the fine structure of the lymphoid tissue associated with the kidney in the toad Bufo marinus.

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

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

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness, etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting, (among such (other) factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of December 22, 1970, that cutting speeds in excess of 4 mm./sec. are pertinent to the successful ultrathin serial sectioning of specimens having the different and variable mechanical characteristics encountered in the applicant's studies of skin graft rejection at the ultrastructural level and of kidney lymphoid tissue. HEW cites as a precedent its prior recommendation relating to Docket No. 70-00729-33-46500 which conforms in many particulars to the captioned application.

We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used, which is being manufactured in the United States.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71-3433 Filed 3-11-71;8:47 am]

UNIVERSITY OF CINCINNATI

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71-00086-65-46040. Applicant: University of Cincinnati, Department of Materials Science and Metallurgical Engineering, Cincinnati, OH 45221. Article: Electron microscope, Model JEM 200. Manufacturer: Japan Electron Optics Lab. Co., Ltd., Japan.

Intended use of article: The article will be used for teaching and research in materials science, metallurgical engineering and metallurgy, especially the high temperature refractory metals such as tungsten, tantalum, molybdenum, and columbium and their alloys. The nature and types of defects which appear in the substructure of metals and alloys as a result of plastic deformation, radiation effects, quenching and other metal thermo-mechanical processing will be studied.

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

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

Reasons: The foreign article provides a maximum accelerating voltage of 200 kilovolts. The most closely comparable

domestic instrument is the Model EMU–4B which was formerly manufactured by the Radio Corp. of America (RCA) and which is presently being supplied by the Forgflo Corp. The Model EMU–4B has a specified maximum accelerating voltage of 100 kilovolts. We are advised by the National Bureau of Standards (NBS) in its memorandum dated November 23, 1970, that the higher accelerating voltage provides proportionately greater penetrating power and, consequently, higher resolution for a specimen of a given thickness. NBS further advises that due to the nature of the material on which research will be conducted with the use of the foreign article, relatively thick specimens must be used in the experiments and, therefore, the higher accelerating voltage of the foreign article is a pertinent characteristic. For these reasons, we find that the Model EMU–4B is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument being manufactured in the United States, which is of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71–3434 Filed 3–11–71;8:47 am]

UNIVERSITY OF MASSACHUSETTS

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71–00124–33–46500. Applicant: University of Massachusetts Laboratory of Experimental Biology, East Wareham, MA 02538. Article: Ultramicrotome, Model LKB 4800. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used in studies where nematodes serve as models to study aging. The organisms involved are microscopic and multicellular and are reared axenically on a partially defined medium in the laboratory. Initial investigations will involve definition of changes in fine structure that occur as nematodes age.

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

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

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69–00665–33–46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such (other) factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70–00077–33–46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT–2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT–2 ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of December 22, 1970, that cutting speeds in excess of 4 mm./sec. are pertinent to the applicant's research studies involving the changes in cell fine structure and the biochemical pathways altered during aging which will utilize ultrathin serial sections of soft nematode tissue. HEW cites as a precedent its prior recommendation relating to Docket No. 70–00448–33–46500 which conforms in many particulars to the captioned application.

We, therefore, find that the Model MT–2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used, which is being manufactured in the United States.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71–3435 Filed 3–11–71;8:47 am]

UNIVERSITY OF MISSOURI

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71–00226–00–46070. Applicant: University of Missouri—Rolla, General Services Building, Purchasing Department, Rolla, MO 65401. Article: Goniometer Stage, Manufacturer: Japan Electron Optics Lab., Co., Ltd., Japan.

Intended use of article: The article is an accessory which will be used with an existing Model JSM–2 scanning electron microscope.

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

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

Reasons: The application relates to an accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used. The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71–3436 Filed 3–11–71;8:47 am]

UNIVERSITY OF TEXAS

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71–00304–00–46040. Applicant: The University of Texas at Austin, Box 7306, University Station, Austin, TX 78712. Article: Plate Changing Device with Airlock. Manufacturer: Siemens A.G., West Germany.

Intended use of article: The article is an accessory for an existing Elmiskop I electron microscope used for basic and applied research.

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

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

Reasons: The application relates to an accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used. The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71–3437 Filed 3–11–71;8:47 am]

UNIVERSITY OF WISCONSIN

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71–00267–00–61800. Applicant: University of Wisconsin, Marathon County Campus, 518 South Seventh Avenue, Wausau, WI 54401. Article: Geocentric Earth. Manufacturer: Goto Manufacturing Co., Japan.

Intended use of article: The article is an accessory for an existing planetarium in the applicant institution.

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

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

Reasons: The application relates to an accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used. The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71–3438 Filed 3–11–71;8:47 am]

UNIVERSITY OF WISCONSIN

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71–00265–00–61800. Applicant: University of Wisconsin, Marathon County Campus, 518 South Seventh Avenue, Wausau, WI 54401. Article: Projection orrery. Manufacturer: Goto Manufacturing Co., Japan.

Intended use of article: The article is an accessory for an existing planetarium instrument.

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

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

Reasons: The application relates to an accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used. The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

STANLEY NEHEMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71–3439 Filed 3–11–71;8:47 am]

VALPARAISO UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71–00199–00–54800. Applicant: Valparaiso University, Department of Psychology, Heritage Hall 201, Valparaiso, IN 46383. Article: Optical Bench components. Manufacturer: Precision Tool & Instrument Co., Ltd., United Kingdom.

Intended use of article: The articles will be used to replace parts of existing scientific instruments used in research on visual perception and teaching.

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

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

Reasons: The application relates to components for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used. The Department of Commerce knows of no similar components being manufactured in the United States, which are interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71–3440 Filed 3–11–71;8:47 am]

VETERANS ADMINISTRATION HOSPITAL, SAN FRANCISCO, CALIF.

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the

Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 71-00163-33-46500. Applicant: Veterans Administration Hospital, 4150 Clement Street, San Francisco, CA 94121. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produckter A.B., Sweden.

Intended use of article: The article will be used in the training of individual researchers in the techniques of ultramicrotomy suitable for investigations of central nervous system, peripheral nerves, and muscle tissue. The investigations of the applicant involve a study by phase and electron microscopy of experimental virus infections in animal brain. The course of the infections and the detailed neuropathogic features are then investigated in animals perfused with fixatives for obtaining optimum preservation of cellular detail at the electron microscopic level.

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

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

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness, etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such (other) factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness, etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of January 8, 1971, that cutting speeds in excess of 4 mm./sec. are pertinent to the production of long series of ultrathin uniform sections of soft tissue which will be required for the applicant's study of virus infections in animal brain including pathways by which viruses travel within nervous system tissue. HEW cites as a precedent its prior recommendation relating to Docket No. 71-00001-33-46500 which conforms in many particulars to the captioned application.

We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for the purposes of which such article is intended to be used, which is being manufactured in the United States.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71-3441 Filed 3-11-71;8:47 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 0084 NV]

CHLORAMPHENICOL

Drugs for Veterinary Use; Drug Efficacy Study Implementation

Correction

In F.R. Doc. 71-2164 appearing on page 3144 in the issue for Thursday, February 18, 1971, the figure "30" in the first complete paragraph in the third column should read "180".

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

SPECIAL PERMITS ISSUED

MARCH 8, 1971.

Pursuant to Docket No. HM-1, Rule-making Procedures of the Hazardous Materials Regulations Board, issued May 22, 1968 (33 F.R. 8277), 49 CFR Part 170, following is a list of new DOT Special Permits upon which Board action was completed during February 1971:

Special permit No.	Issued to—Subject	Mode or modes of transportation
6387	Shippers registered with this Board for shipments of large quantities of fissile radioactive materials, n.o.s. in WADCO Model No. 60 shipping container.	Water, Highway, Rail, Cargo-only aircraft.
6393	Shippers registered with this Board for shipments of fissile and large quantities of radioactive materials, n.o.s. in the JMTR Shipping Cask, Model No. JMTR W-5200.	Water, Highway, Rail.
6396	Industrial Welding Supply, Inc., to ship certain compressed gases in DOT-3A, 3AA cylinders having a 10-year hydrostatic retest period.	Highway, Rail.
6397	Shippers registered with this Board for shipments of a liquid herbicide, class B poison, in DOT-34 polyethylene containers not over 6½ gallons capacity.	Highway, Rail.
6398	Shippers registered with this Board for shipments of certain flammable liquids in non-DOT specification portable tanks approximately 5,250 gallons capacity.	Water, Highway.
6401	Alamo Welding Supply Co. to ship certain compressed gases in DOT-3A, 3AA cylinders having a 10-year hydrostatic retest period.	Highway, Rail.
6402	General Welding Supply Co. to ship certain compressed gases in DOT-3A, 3AA cylinders having a 10-year hydrostatic retest period.	Highway, Rail.
6403	Ethyl Corp. to ship liquefied ethylene in non-DOT specification aluminum cargo tank insulated with foamed-in-place polyurethane covered with a 1/16 inch aluminum jacket.	Highway.
6405	Shippers registered with this Board for shipments of Type B quantities of radioactive materials, special form, in National Lead Company's Model No. W-5158 Special Resin Shield Container.	Highway.
6407	Shippers registered with this Board for shipments of fissile radioactive materials, n.o.s. in package identified as UKAEA Design No. 1601/1602.	Water, Highway, Rail, Cargo-only aircraft.
6411	Shippers registered with this Board for shipments of certain corrosive liquids, in DOT-37M/2U composite package.	Highway, Rail.
6413	WADCO to ship metallic sodium in three shield test sections overpacked in wooden crates mounted on skids.	Highway.
6414	Shippers registered with this Board for shipments of a dry organic phosphate compound mixture containing not more than 10% active ingredient in DOT-12B fiberboard box with inside DOT-2D paper bags not over 16½ pounds capacity each.	Highway, Rail.
6415	Olin Corporation to ship hydrazine solutions in a MC 311 stainless steel cargo tank with a molybdenum concentration of not over 0.5% for the base metal and not over 1.0% in the welded areas.	Highway.
6416	Shippers registered with this Board for shipments of monochlorodifluoromethane in DOT-105A300W tank cars having tanks equipped with safety relief valves having start-to-discharge setting of 247.5 p.s.i.g.	Rail.

ALAN I. ROBERTS,
Secretary.

[FR Doc.71-3419 Filed 3-11-71;8:45 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-373, 50-374]

COMMONWEALTH EDISON CO.

Notice of Receipt of Application for Construction Permits and Facility Licenses; Time for Submission of Views on Antitrust Matters

Commonwealth Edison Co., 1 First National Plaza, Chicago, IL 60690, pursuant to the Atomic Energy Act of 1954, as amended, has filed an application dated November 3, 1970, for authorization to construct and operate two single-cycle, forced circulation, boiling water nuclear reactors at its site, located in Brookfield Township, La Salle County, Ill. The proposed site is located approximately 5 miles south-southwest of Seneca, Ill.

The proposed facilities are designated by the applicant as La Salle County Nuclear Power Station, Units 1 and 2. Each reactor is designed for initial operation at approximately 3,293 megawatts (thermal) with a net electrical output of approximately 1,078 megawatts.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after March 5, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and in the Office of the Chairman of the Board of Supervisors, La Salle County Courthouse, Ottawa, Ill.

Dated at Bethesda, Md., this 22d day of February 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-2623 Filed 3-4-71;8:45 am]

[Docket No. 50-341]

DETROIT EDISON CO.

Notice of Receipt of Application for Construction Permit and Operating License; Time for Submission of Views on Antitrust Matter

The Detroit Edison Co., 2000 Second Avenue, Detroit, MI 84226, pursuant to the Atomic Energy Act of 1954, as amended, has filed an application, dated April 29, 1969, for a permit to construct and license to operate a boiling water nuclear power reactor, having a gross electrical output of approximately 1,157 megawatts derived from a thermal capacity of approximately 3,293 megawatts.

The proposed reactor, designated by the applicant as the Enrico Fermi Atomic Power Plant, Unit No. 2, is to be located at the applicant's 915-acre site on the western shore of Lake Erie in Frenchtown Township, Monroe County, Mich., about 30 miles southwest of downtown Detroit, Mich. It will be adjacent to the nuclear facility owned and operated by the Power Reactor Development Co. and designated as the Enrico Fermi Atomic Power Plant, Unit No. 1.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within 60 days after February 19, 1971.

A copy of the application and the amendments thereto are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and the office of Delbert J. Hoffman, Supervisor, Frenchtown Township Hall, 2664 Vivian Road, Monroe, MI.

Dated at Bethesda, Md., this 11th day of February 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-2205 Filed 2-18-71;8:45 am]

[Docket No. 50-367]

NORTHERN INDIANA PUBLIC SERVICE CO.

Notice of Receipt of Application for Construction Permit and Facility License; Time for Submission of Views on Antitrust Matters

Northern Indiana Public Service Co., 5265 Hohman Avenue, Hammond, IN 46320, pursuant to the Atomic Energy Act of 1954, as amended, has filed an application dated August 24, 1970, for authorization to construct and operate a single-cycle, forced circulation, boiling water nuclear reactor at its Bailly Generating Station site, located in Westchester Township, Porter County, Ind. The proposed site is located on the south end of the shore of Lake Michigan, adjacent to the fossil-fueled Units 7 and 8 of the Bailly Generating Station, and is approximately 12 miles east-northeast of Gary, Ind.

The proposed nuclear reactor, designated by the applicant as Bailly Generating Station—Nuclear 1, is designed for initial operation at approximately 1,931 megawatts (thermal) with a net electrical output of approximately 657 megawatts.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after March 5, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the local office of Northern Indiana Public Service Co., 141 South Calumet Street, Chesterton, IN.

Dated at Bethesda, Md., this 22d day of February 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-2624 Filed 3-4-71;8:45 am]

CERTAIN RADIOISOTOPES

Withdrawal From Production and Distribution

The Commission has carefully considered the commercial availability of 28 radioisotopes and is now proposing to withdraw voluntarily from routine production and distribution of these radioisotopes. The AEC will continue to meet requests for these radioisotopes to the extent that the purchaser certifies in writing that he requires material which is not reasonably available commercially.

In accordance with the Commission's Statement of Policy published on March 9, 1965, in the FEDERAL REGISTER (30 F.R. 3247), the Commission has provisionally determined that reactor produced antimony-122, barium-131, barium-133, bismuth-210, carbon-14, cesium-131, chlorine-36, copper-67, gallium-72, iodine-130, iridium-194, nickel-63, osmium-191, palladium-109, praseodymium-142, rhenium-186, rubidium-86, samarium-153, scandium-46, silver-111, tantalum-182, tellurium-125m, thallium-204, thulium-170 (processed), thulium-171, tungsten-185, tungsten-187, and tungsten-188 are reasonably available from commercial firms.

This determination was based on the following findings:

a. There exists effective competition in the marketing of all 28 radioisotopes.

b. If private production of these 28 radioisotopes were discontinued, the AEC could resume production without significant delay.

c. The commercial prices of these 28 radioisotopes are reasonable and consistent with encouragement of research and development and use.

In connection with Government requirements, the AEC will maintain the right to produce these isotopes for Government use in those circumstances where the Government is a substantial user, or the use is of special programmatic interest to the AEC, and where procurement from industry would result in significantly higher cost to the Government.

All interested persons who desire to submit written comments for consideration in connection with the Commission's proposed action on withdrawing from production and distribution of these 28 radioisotopes should send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, within 45 days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified.

The Commission will make a final decision on the proposed withdrawal following receipt and evaluation of public comments.

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

Dated at Washington, D.C., this 9th day of March 1971.

For the Atomic Energy Commission.

W. B. McCool,
Secretary of the Commission.

[FR Doc.71-3571 Filed 3-11-71;9:34 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23171; Order 71-3-56]

AIR OVERSEAS CORP.

Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 9th day of March 1971.

By tariff revisions [1] filed February 8 and marked for effectiveness March 10, 1971, Air Overseas Corp. (Overseas), an air freight forwarder, proposes, among other things, to increase its excess valuation rate from 15 to 20 cents for each $100 (or fraction thereof) by which declared value exceeds 50 cents per pound or $50 per shipment, whichever is higher; and to increase the C.O.D. collection fee from one to one and one-half cents per dollar and the minimum charge from $2 to $3.

No complaints were received by the Board.

Overseas has provided no data in support of the proposed changes which would result in excess valuation charges and C.O.D. collection fees being increased significantly above the charges and fees generally applicable in domestic tariffs of other carriers. As the Board noted in Order 70-11-84, of November 19, 1970, it has consistently suspended, pending investigation, proposed increases in such circumstances. An identical excess valuation charge proposed by Satellite Air Freight, Inc. was suspended by the Board by Order 70-10-92.

Upon consideration of all relevant factors, the Board finds that the proposals to increase excess valuation charges and C.O.D. collection fees may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful, and should be investigated. We further conclude that the proposals should be suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. An investigation be instituted to determine whether the charges and provisions in Rule No. 90(B) on 1st Revised Page 7 and Rule No. 130(I)(1) on 2d Revised Page 10 of Air Overseas Corporation's CAB No. 2 and rules, regulations or practices affecting such charges and provisions are, or will be, unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful charges and provisions, and rules, regulations, or practices affecting such charges and provisions;

2. Pending hearing and decision by the Board, the charges and provisions in Rule No. 90(B) on 1st Revised Page 7 and Rule No. 130(I)(1) on 2d Revised Page 10 of Air Overseas Corporation's CAB No. 2 are suspended and their use deferred to and including June 7, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension, except by order or special permission of the Board;

3. The investigation instituted herein, designated Docket 23171, be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

4. A copy of this order shall be filed with the tariff and served upon Air Overseas Corporation, which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-3494 Filed 3-11-71;8:51 am]

[1] Revision to Air Overseas Corporation, Tariff CAB No. 2.

[Docket No. 21474]

INVESTIGATION OF PREMIUM RATES FOR LIVE ANIMALS AND BIRDS

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 27, 1971, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Louis W. Sornson.

Requests for information and evidence, proposed statements of issues, and of procedural dates shall be filed by counsel for the Bureau of Economics on April 12, 1971, and by other parties to the proceeding on April 19, 1971.

Dated at Washington, D.C., March 8, 1971.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[FR Doc.71-3492 Filed 3-11-71;8:51 am]

[Docket No. 22784]

PROPOSED MILITARY RESERVATION FARE INCREASES

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 29, 1971, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Richard M. Hartsock.

Requests for information and evidence, proposed statements of issues, and of procedural dates shall be filed by counsel for the Bureau of Economics on or before March 19, 1971, and similar documents shall be filed by the parties on or before March 25, 1971.

Dated at Washington, D.C., March 8, 1971.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[FR Doc.71-3493 Filed 3-11-71;8:51 am]

[Docket No. 23125; Order 71-3-53]

ROSS AVIATION, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority March 8, 1971.

The Postmaster General filed a notice of intent February 22, 1971, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 47 cents per great circle aircraft mile for the transportation of mail by aircraft between Amarillo and Dallas, Tex., based on five round trips per week.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft 18 aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Ross Aviation, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 47 cents per great circle aircraft mile between Amarillo and Dallas, Tex., based on five round trips per week.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly

[1] This order to show cause is not a final action and is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will be applicable to final action taken by the staff under authority delegated in § 385.16(g).

sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f):

It is ordered, That:

1. Ross Aviation, Inc., the Postmaster General, Braniff Airways, Inc., Continental Air Lines, Inc., Texas International Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Ross Aviation, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Ross Aviation, Inc., the Postmaster General, Braniff Airways, Inc., Continental Air Lines, Inc., and Texas International Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-3495 Filed 3-11-71;8:51 am]

[Docket No. 19789; Order 71-3-40]

SEDALIA, MARSHALL, BOONVILLE STAGE LINE, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority March 5, 1971.

A final service mail rate for the transportation of mail by aircraft, established by Order 70-2-52, issued February 12, 1970, in this docket, is currently in effect for the above-captioned air taxi, operating under 14 CFR Part 298. This rate is based on six round trips per week between Lufkin and Dallas, via Palestine, Tex.

The Postmaster General filed a petition on February 16, 1971, stating that the volume of mail involved does not justify weekend trips on this route and he has been authorized by the carrier to petition for a new rate of 50 cents per great circle aircraft mile, based on five round trips per week. The carrier and the Post Office Department have agreed that the proposed rate is a fair and reasonable rate for these services.

The Board finds it in the public interest to fix and determine the fair and reasonable rate of compensation to be paid by the Postmaster General for the transportation of mail by aircraft between the aforesaid points. Upon consideration of the petition and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid on and after February 16, 1971, to Sedalia, Marshall, Boonville Stage Line, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 50 cents per great circle aircraft mile between Lufkin and Dallas, via Palestine, Tex.;

2. This final rate, to be paid entirely by the Postmaster General, is based on five round trips per week flown with Piper PA-23 aircraft.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f):

It is ordered, That:

1. Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Braniff Airways, Inc., Texas International Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Sedalia, Marshall, Boonville Stage Line, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Braniff Airways, Inc., and Texas International Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-3496 Filed 3-11-71;8:51 am]

[Docket No. 19792; Order 71-3-39]

SEDALIA, MARSHALL, BOONVILLE STAGE LINE, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority March 5, 1971.

A final service mail rate for the transportation of mail by aircraft, established by Order 70-2-52, February 12, 1970, in this docket, is currently in effect for the above-captioned air taxi, operating under 14 CFR Part 298. This rate is based on six round trips per week between Longview, Tyler, and Dallas, Tex.

The Postmaster General filed a petition on February 16, 1971, stating that the volume of mail involved does not justify weekend trips on this route and he has been authorized by the carrier to petition for a new rate of 55.6 cents per great circle aircraft mile, based on five round trips per weeek. The carrier and the Post Office Department have agreed that the proposed rate is a fair and reasonable rate for these services.

The Board finds it in the public interest to fix and determine the fair and reasonable rate of compensation to be paid by the Postmaster General for the transportation of mail by aircraft between the aforesaid points. Upon consideration of the petition and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

[1] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

[1] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

1. The fair and reasonable final service mail rate to be paid on and after February 16, 1971, to Sedalia, Marshall, Boonville Stage Line, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 55.6 cents per great circle aircraft mile between Longview, Tyler, and Dallas, Tex.

2. This final rate, to be paid entirely by the Postmaster General, is based on five round trips per week flown with Piper PA–23 aircraft.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16 (f):

It is ordered, That:

1. Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Braniff Airways, Inc., Texas International Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Sedalia, Marshall, Boonville Stage Line, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Braniff Airways, Inc., and Texas International Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-3497 Filed 3-11-71;8:51 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 534]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

MARCH 8, 1971.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

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

[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

4535–C2–P–71—Waco Communications, Inc. (KKJ453), C.P. to replace transmitter operating on frequency 152.03 MHz and change the antenna system at location No. 1: 1200 block of North 46th Street, Waco, TX.

4536–C2–MP–71—North Shore Radio-Telephone, Inc. (KSB590), Modification of C.P. to add duplexer and change the transmission line operating on 152.09 MHz at location No. 2: 1741 South O'Plane Road, Warren Township, IL.

4537–C2–P–71—Tel-Page, Inc. (KMB305), C.P. for additional facilities to operate on 43.58 MHz at location No. 1: 450 Sutter Street, San Francisco, CA.

4586–C2–P–71—Radio Telephone Communications, Inc. (KIY726), C.P. to relocate control facilities operating on 454.35 MHz at location No. 2: 316 West Tennessee Street, Tallahassee, FL.

4587–C2–P–71—Continental Telephone Co. of California (KOF901), C.P. to replace transmitters operating on 152.63 and 152.75 MHz and change the antenna system located 2.5 miles northwest of Boulder City, Nev.

4668–C2–P–(2)71—Bair's Communication, Inc. (KIY520), C.P. to change the antenna system operating on frequencies 152.21 and 454.125 MHz located at 557 southeast Avenue E, Belle Glade, FL.

4751–C2–AL–71—Telephone Answering Service, Inc. Consent to assignment of license from Telephone Answering Service, Inc., Assignor, to: Airsignal International of Pittsburgh, Pa., Inc., Assignee. Station KGA805, Pittsburgh, Pa.

4752–C2–P–(2)71—Mobilfone (KKA403), C.P. to change the antenna system for the control station operating on 454.30 MHz at location No. 1: 2.5 miles north of U.S. Highway No. 83, McAllen, Tex., and change the antenna system for the repeater station operating on 459.30 MHz at location No. 3: 4.8 miles north of Edinburg, Tex.

4753–C2–P–71—Telephone Answering Service, Inc. (KLF539), C.P. for additional facilities to operate on 152.15 MHz at station located at 60 North Division Avenue, Grand Rapids, MI.

4754–C2–P–71—Seattle Radiotelephone Service (KLF604), C.P. to relocate facilities operating on 454.100 MHz to 313 West 76th Street, Everett, WA.

Major Amendment

1046–C2–P–70—Joseph H. Wofford, doing business as Radiophone of Houston (New), Amended to change the type of transmitter, length of transmission line and the antenna radiation pattern. All other particulars remain the same as reported on Public Notice dated Sept. 2, 1969, Report No. 455.

INFORMATIVE: It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reasons of potential electrical intereference.

Texas

1224–C2–P–(2)–70—Radio Dispatch, Inc. (KLB701).
3728–C2–P–70—Joseph H. Wofford, doing business as Radiophone of Houston (New).

RURAL RADIO SERVICE

4538–C1–P–71—Midland Telephone Co. (New), C.P. for a new rural subscriber station to be located at 5.5 miles southwest of La Sal Junction, Utah, to operate on 157.77 MHz communicating with station KOE515, Abajo Peak, Utah.

4588–C1–P–71—The Mountain States Telephone & Telegraph Co. (KSV88), C.P. to delete point of communication at Station KPI65, Sullivan Ranch, Wyo., operating on 454.400 MHz. Station location: Casper Mountain, 6 miles south-southwest of Casper, Wyo.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)

4539–C1–P–71—Northwestern Bell Telephone Co. (New), C.P. for a new station. Frequencies 5952.6 and 11,685 MHz. Location: First NE. and Central Avenue East, Garrison, ND.

4540–C1–P–71—Northwestern Bell Telephone Co. (KBT66), C.P. to add frequencies 6204.7 and 10,715 MHz toward Garrison, N. Dak., at its station between Third and Fourth Streets and Nebraska and Iowa Avenues, Riverdale, ND.

4541–C1–P–71—Southwestern Bell Telephone Co. (KOB53), C.P. to add frequencies 4050 and 4130 MHz toward Laredo Junction, Tex., at its station at 902 San Eduardo Avenue, Laredo, TX.

4542–C1–P–71—Southwestern Bell Telephone Co. (KOB54), C.P. to add 4090 and 4170 MHz directed toward Laredo, Tex., at its station Laredo Junction, 13.8 miles east-northeast of Laredo, Tex.

4543–C1–P–71—The Chesapeake & Potomac Telephone Co. of Virginia (KJG53), C.P. to replace transmitters operating on 5937.8 and 6056.4 MHz toward Hickory, Va., at its station 120 West Bute Street, Norfolk, VA.

4544–C1–P–71—Northwestern Bell Telephone Co. (KAV58), C.P. to correct coordinates and replace transmitters operating on 6256.5 and 6375.2 MHz toward Wannaska, Minn., at its station approximately 4 miles west of Warroad, Minn.

4545–C1–P–71—Northwestern Bell Telephone Co. (KAV59), C.P. to correct coordinates and replace transmitters operating on 6034.2 and 6152.8 MHz toward Warroad and frequencies 6004.5 and 6123.1 MHz toward Middle River, Minn., at its station approximately 0.5 mile south of Wannaska, Minn.

4546–C1–P–71—Northwestern Bell Telephone Co. (KAV60), same as above, except: Frequencies 6286.2 and 6404.8 MHz toward Wannaska and 6256.5 and 6375.2 MHz toward Thief River, Minn., at its station approximately 4 miles east of Middle River, Minn.

4547–C1–P–71—Northwestern Bell Telephone Co. (KAV61), C.P. to replace transmitters operating on 6034.2 and 6152.8 MHz toward Middle River, Minn., at its station First Street, 600 feet west of Brooks Avenue, Thief River Falls, Minn.

4548–C1–P/L–71—The Mountain States Telephone & Telegraph Co. (New), C.P. and license for a new station. Frequencies: 3730, 3810, 3890, and 3970 MHz. Location: 5 miles southeast of Craig, Mont. (These facilities are now authorized to American Telephone & Telegraph Co.—KOV55.)

4589–C1–P–71—The Bell Telephone Co. of Pennsylvania (KGP47), C.P. to add 10,835 MHz directed toward Roxborough, Pa. (WHYY–TV), at its station at 12 South 12th Street, Philadelphia, PA.

4591–C1–P–71—American Telephone & Telegraph Co. (KQE76), C.P. to add 4010 MHz toward Skyhigh, W. Va. at its station 1.5 miles northwest of Tyler, W. Va.

4592–C1–P–71—Southwestern Bell Telephone Co. (KLO81), C.P. to add 3950 MHz toward Pyron, Tex., at its Station 209–11 East Fourth Street, Sweetwater, TX.

4783–C1–P–71—The Bell Telephone Co. of Pennsylvania (KIL37), C.P. to add frequencies 6034.15 and 6152.75 MHz toward Wilkes-Barre, Pa., a new point of communication. Station location: 4.7 miles southeast of Dupont, PA (Lookout).

4784–C1–P–71—The Bell Telephone Co. of Pennsylvania (New), C.P. for a new station to be located at 222 South Main Street, Wilkes-Barre, Pa. Frequencies: 6286.19 and 6404.79 MHz toward Lookout, Pa.

4596–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 1: C.P. for a new fixed station at 100 Peach Tree Street, Atlanta, GA, at latitude 33°45′21″ N and longitude 84°23′19″ W. Frequencies 10,775 and 11,095 MHz on azimuth 145°12′.

4597–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 2: C.P. for a new fixed station 0.4 mile north-northeast of Stockbridge, Ga., at latitude 33°33′37″ N. and longitude 84°13′35″ W. Frequencies 11,585 and 11,345 on azimuth 325°18′, and 6034.2 and 6152.8 on azimuth 185°18′.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

4598–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 3: C.P. for a new fixed station at 107 West Taylor Street, Griffin, GA, at latitude 33°14′46″ N. and longitude 84°15′40″ W. Frequencies 6226.9 and 6345.5 on azimuth 05°17′, and 6226.9 and 6345.5 on azimuth 121°43′.

4599–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 4: C.P. for a new fixed station 2 miles northeast of Forsyth, Ga., at latitude 33°03′12″ N. and longitude 83°53′30″ W. Frequencies 6034.2 and 6152.8 MHz on azimuth 301°55′, and 6004.5 and 6123.1 MHz on azimuth 122°56′.

4600–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 5: C.P. for a new fixed station 10 miles west of Gordon, Ga., at latitude 32°51′07″ N. and longitude 83°31′28″ W. Frequencies 6226.9 and 6345.5 MHz on azimuth 303°08′, and 10,815 and 11,055 MHz on azimuth 260°44′, and 6197.2 and 6315.9 MHz on azimuth 45°48′, and 6226.9 and 6345.5 MHz on azimuth 171°10′.

4601–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 6: C.P. for a new fixed station at 577 Mulberry Street, Macon, Ga., at latitude 32°50′16″ N. and longitude 83°-37′37″ W. Frequencies 11,505 and 11,265 MHz on azimuth 80°40′.

4602–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 7: C.P. for a new fixed station at 4 miles west of Cochran, Ga., at latitude 32°23′48″ N. and longitude 83°26′28″ W. Frequencies 5974.8 and 6093.5 MHz on azimuth 351°13′, and 6034.2 and 6152.8 on azimuth 207°39′.

4603–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 8: C.P. for a new fixed station 8 miles southeast of Vienna, Ga., at latitude 32°02′46″ N. and longitude 83°39′-24″ W. Frequencies 6256.5 and 6375.2 MHz on azimuth 27°54′, and 6286.2 and 6404.8 MHz on azimuth 192°25′.

4604–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 9: C.P. for a new fixed station 5 miles west of Ashburn, Ga., at latitude 31°42′38″ N. and longitude 83°44′35″ W. Frequencies 5974.8 and 6093.5 on azimuth 134°08′.

4605–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 10: C.P. for a new fixed station at 249 Pine Street, Albany, Ga., at latitude 31°34′43″ N. and longitude 84°09′11″ W. Frequencies 3810.0 and 3970.0 on azimuth 68°50′.

4606–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 11: C.P. for a new fixed station 3.5 miles east of Tifton, Ga., at latitude 31°27′06″ N. and longitude 83°25′56″ W. Frequencies 6256.5 and 6375.2 MHz on azimuth 314°18′, and 6256.5 and 6375.2 MHz on azimuth 131°50′.

4607–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 12: C.P. for a new fixed station at 8.5 miles east of Nashville, Ga., at latitude 31°11′30″ N. and longitude 83°-05′42″ W. Frequencies 5960.0 and 6078.6 MHz on azimuth 312°01′, and 3930.0 and 4090.0 MHz on azimuth 203°37′, and 5945.2 and 6063.8 MHz on azimuth 113°57′.

4608–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 13: C.P. for a new fixed station 1.5 miles northeast of Homerville, Ga., at latitude 31°03′14″ N. and longitude 82°43′29″ W. Frequencies 6197.2 and 6315.9 MHz on azimuth 294°08′, and 3730.0 and 3890.0 MHz on azimuth 63°11′, and 6226.9 and 6345.5 MHz on azimuth 162°30′.

4609–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 14: C.P. for a new fixed station 0.3 mile east of Colon, Ga., at latitude 30°45′22″ N. and longitude 82°36′54″ W. Frequencies 5989.7 and 6108.3 MHz on azimuth 342°33′, and 6019.3 and 6137.9 MHz on azimuth 132°18′.

4610–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 15: C.P. for a new fixed station 0.7 mile northwest of Eddy, Fla., at latitude 30°32′48″ N. and longitude 82°20′58″ W. Frequencies 6271.4 and 6390.0 MHz on azimuth 312°26′, and 6212.0 and 6330.7 MHz on azimuth 93°43′.

4611–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 16: C.P. for a new fixed station 0.4 mile east of Kent, Fla., at latitude 30°31′26″ N. and longitude 81°57′22″ W. Frequencies 5945.2 and 6063.8 MHz on azimuth 273°55′, and 5989.7 and 6108.3 MHz on azimuth 129°07′.

4612–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 17: C.P. for a new fixed station at 841 Miami Road, Jacksonville, FL, at latitude 30°19′02″ N. and longitude 81°39′49″ W. Frequencies 6241.7 and 6360.3 MHz on azimuth 309°16′, and 6286.2 and 6404.8 MHz on azimuth 200°07′.

POINT-TO-POINT MICROWAVE SERVICE (TELEPHONE CARRIERS)—continued

4613–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 18: C.P. for a new fixed station at 1.2 miles north-northeast of Penney Farms, Fla., at latitude 30°00′17″ N. and longitude 81°47′41″ W. Frequencies 5989.7 and 6108.3 MHz on azimuth 20°00′, and 6019.3 and 6137.9 MHz on azimuth 266°17′.

4614–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 19: C.P. for a new fixed station at 2.9 miles northwest of Starke, Fla., at latitude 29°59′03″ N. and longitude 82°09′00″ W. Frequencies 6212.0 and 6330.7 MHz on azimuth 86°07′, and 6241.7 and 6360.3 MHz on azimuth 119°59′.

4615–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 20: C.P. for a new fixed station 2.9 miles west-northwest of Paradise, Fla., at latitude 29°42′49″ N. and longitude 82°23′34″ W. Frequencies 5960.0 and 6078.6 MHz on azimuth 37°58′, and 3730.0 and 3890.0 MHz on azimuth 119°59′.

4616–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 21: C.P. for a new fixed station 4.6 miles east-southeast of Lochloose, Fla., at latitude 29°31′44″ N. and longitude 82°01′40″. Frequencies 3850.0 and 4010.0 MHz on azimuth 300°10′, and 3930 and 4090.0 MHz on azimuth 195°47′.

4617–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 22: C.P. for a new fixed station at 108 North Magnolia Street, Ocala, FL, at latitude 29°11′15″ N. and longitude 82°08′16″ W. Frequencies 3970.0 and 4130.0 MHz on azimuth 15°44′, and 3950.0 and 4110.0 on azimuth 120°42′.

4618–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 23: C.P. for a new fixed station 4.9 miles northwest of Umatilla, Fla., at latitude 28°58′52″ N. and longitude 81°44′37″ W. Frequencies 3850.0 and 4010.0 MHz on azimuth 300°54′, and 6212.0 and 6330.7 MHz on azimuth 88°20′, and 4010.0 and 4170.0 azimuth 178°11′.

4619–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 24: C.P. for a new fixed station 2.3 miles northwest of Ferndale, Fla., at latitude 28°38′54″ N. and longitude 81°43′54″ W. Frequencies 3730.0 and 3890.0 MHz on azimuth 358°12′, and 6019.3 and 6137.9 MHz on azimuth 108°08′, and 3710.0 and 3870.0 on azimuth 196°25′.

4620–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 25: C.P. for a new fixed station 0.3 mile west of Eva, Fla., at latitude 28°19′34″ N. and longitude 81°50′20″ W. Frequencies 3990.0 and 4150.0 MHz on azimuth 16°22′, and 3990.0 and 4150.0 MHz on azimuth 200°03′.

4621–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 26: C.P. for a new fixed station at 329 East Main Street, Lakeland, FL, at latitude 28°02′40″ N. and longitude 81°57′17″ W. Frequencies 3710.0 and 3870.0 MHz on azimuth 20°00′, and 3790.0 and 3950.0 MHz on azimuth 246°38′, and 11,385.0 and 11,625.0 MHz on azimuth 96°34′.

4622–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 27: C.P. for a new fixed station at 316 West Central Avenue, Winterhaven, FL, at latitude 28°01′17″ N. and longitude 81°43′52″ W. Frequencies 10,975 and 10,735 MHz on azimuth 276°41′, and 10,975 and 10,735 on azimuth 133°36′.

4623–C1–P–71—MCI—Southeast Communications, Inc (New), Site 28: C.P. for a new fixed station at 115 north First Street, Lake Wales, FL, at latitude 27°54′07″ N. and longitude 81°35′24″ W. Frequencies 11,385.0 and 11,625.0 MHz on azimuth 313°40′, and 11.385.0 and 11,625.0 on azimuth 157°49′.

4624–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 29: C.P. for a new fixed station 5.6 miles east-southeast of Frostproof, Fla., at latitude 27°43′56″ N. and longitude 81°28′12″ W. Frequencies 10,975.0 and 10,735.0 MHz on azimuth 327°52′, and 3970.0 and 4130.0 MHz on azimuth 184°54′.

4625–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 30: C.P. for a new fixed station 2.1 miles west of Sebring, Fla., at latitude 27°30′24″ N. and longitude 81°29′30″ W. Frequencies 3770.0 and 3930.0 MHz on aizmuth 04°53′ and 3850.0 and 4010.0 MHz on azimuth 113°27′.

4626–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 31: C.P. for a new fixed station 3 miles southwest of Cornwell, Fla., at latitude 27°22′07″ N. and longitude 81°08′11″ W. Frequencies 3890.0 and 4050.0 MHz on azimuth 293°37′, and 3710.0 and 3870.0 MHz on azimuth 115°25′.

4627–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 32: C.P. for a new fixed station 5 miles west of Okeechobee, Fla., at latitude 27°14′52″ N. and longitude 80°51′09″ W. Frequencies 3910.0 and 4070.0 MHz on azimuth 295°32′, and 3990.0 and 4150 MHz on azimuth 123°08′.

POINT-TO-POINT MICROWAVE SERVICE (TELEPHONE CARRIERS)—continued

4628–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 33: C.P. for a new fixed station 0.3 mile northwest of Indiantown, Fla., at latitude 27°02′00″ N. and longitude 80°29′11″ W. Frequencies 3810.0 and 3970.0 MHz on azimuth 303°18′, and 5960.0 and 6078.6 MHz on azimuth 162°07′.

4629–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 34: C.P. for a new fixed station 1.5 miles northwest of Royal Palm Beach, Fla., at latitude 26°42′00″ N. and longitude 80°22′00″ W. Frequencies 6212.0 and 6330.7 MHz on azimuth 342°10′, and 3830.0 and 3990.0 MHz on azimuth 152°37′, and 3750.0 and 3910.0 MHz on azimuth 87°21′.

4630–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 35: C.P. for a new fixed station at 224 Detura Street, Palm Beach, FL, at latitude 26°42′46″ N. and longitude 80°03′07″ W. Frequencies 3970.0 and 4130.0 MHz on azimuth 267°29′.

4631–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 36: C.P. for a new fixed station 8 miles northwest of Boca Raton, Fla., at latitude 26°24′56″ N. and longitude 80°12′11″ W. Frequencies 3730.0 and 3890.0 MHz on azimuth 332°41′, and 3870.0 and 4030.0 MHz on azimuth 163°50′.

4632–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 37: C.P. for a new fixed station at 2455 Sunrise Boulevard, Fort Lauderdale, FL, at latitude 26°08′16″ N. and longitude 80°06′50″ W. Frequencies 3930.0 and 4090.0 MHz on azimuth 343°53′, and 3750.0 and 3910.0 MHz on azimuth 191°21′.

4633–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 38: C.P. for a new fixed station at 100 Biscayne Boulevard, Miami, FL, at latitude 25°50′35″ N. and longitude 80°14′13″ W. Frequencies 3870.0 and 4030.0 MHz on azimuth 11°19′.

4634–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 39: C.P. for a new fixed station 3.5 miles southwest of Milledgeville, Ga., at latitude 33°02′43″ N. and longitude 83°17′17″ W. Frequencies 5960.0 and 6078.6 MHz on azimuth 225°56′, and 5989.7 and 6108.3 MHz on azimuth 65°56′.

4635–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 40: C.P. for a new fixed station 5 miles west of Mitchell, Ga., at latitude 33°14′08″ N. and longitude 82°46′42″ W. Frequencies 6271.4 and 6390.0 MHz on azimuth 246°13′, and 6212.0 and 6330.7 MHz on azimuth 72°03′.

4636–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 41: C.P. for a new fixed station 4.2 miles south of Harlem, Ga., at latitude 33°21′27″ N. and longitude 82°19′37″ W. Frequencies 5989.7 and 6108.3 MHz on azimuth 252°18′, and 5989.7 and 6108.3 MHz on azimuth 81°05′.

4637–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 42: C.P. for a new fixed station 7.9 miles west of New Ellenton, S.C., at latitude 33°25′15″ N. and longitude 81°50′19″ W. Frequencies 6241.7 and 6360.3 MHz on azimuth 261°21′, and 11,385.0 and 11,625.0 MHz on azimuth 297°21′, and 6212.0 and 6330.7 MHz on azimuth 52°20′.

4638–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 43: C.P. for a new fixed station at 699 Broad Street, Augusta, GA, at latitude 33°28′29″ N. and longitude 81°57′47″ W. Frequencies 10,975.0 and 10,735.0 on azimuth 117°17′.

4639–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 44: C.P. for a new fixed station 4 miles southwest of New Holland, S.C., at latitude 33°37′55″ N. and longitude 81°30′40″ W. Frequencies 5989.7 and 6108.3 MHz on azimuth 232°31′, and 5989.7 and 6109.3 MHz on azimuth 63°24′.

4640–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 45: C.P. for a new fixed station 2.4 miles east of Pelion, S.C., at latitude 33°45′40″ N. and longitude 81°12′05″ W. Frequencies 6241.7 and 6360.3 MHz on azimuth 243°34′, and 6241.7 and 6360.3 MHz on azimuth 28°46′, and 6212.0 and 6330.7 MHz on azimuth 146°19′.

4641–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 46: C.P. for a new fixed station at 1801 Main Street, Columbia, SC, at latitude 34°00′33″ N. and longitude 81°02′16″ W. Frequencies 5960.0 and 6078.6 MHz on azimuth 208°52′.

4642–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 47: C.P. for a new fixed station 5.7 miles west-southwest of Orangeburg, S.C., at latitude 33°28′12″ N. and longitude 80°58′12″ W. Frequencies 5960.0 and 6078.6 MHz on azimuth 326°26′, and 5989.7 and 6108.3 MHz on azimuth 123°13′.

POINT-TO-POINT MICROWAVE SERVICE (TELEPHONE CARRIERS)—continued

4643–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 48: C.P. for a new fixed station 3.8 miles south-southeast of Bowman, S.C., at latiture 33°17'37" N. and longitude 80°39'00" W. Frequencies 6241.7 and 6360.3 MHz on azimuth 303°24' and 6241.7 and 6360.3 MHz on azimuth 116°51'.

4644–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 49: C.P. for a new fixed station 3 miles northeast of Dorchester, S.C., at latitude 33°09'54" N. and longitude 80°20'56" W. Frequencies 5989.7 and 6108.3 MHz on azimuth 297°01', and 5960.0 and 6078.6 MHz on azimuth 138°33'.

4645–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 50: C.P. for a new fixed station 0.9 mile south of Summerville, S.C., at latitude 33°00'01" N. and longitude 80°10'35" W. Frequencies 6212.0 and 6330.7 MHz on azimuth 318°39' and 6241.7 and 6360.3 MHz on azimuth 138°43'.

4646–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 51: C.P. for a new fixed station at Sgt. Jasper Apartments, West End of Broad Street, Charleston, SC, at latitude 32°46'33" N. and longitude 79°56'36" W. Frequencies 5989.7 and 6108.3 MHz on azimuth 318°50'.

4647–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 52: C.P. for a new fixed station at 111 East Hill Avenue, Valdosta, GA, at latitude 30°49'51" N. and longitude 83°16'42" W. Frequencies 3810.0 and 3970.0 on azimuth 23°31', and 6212.0 and 6330.7 MHz on azimuth 255°35'.

4648–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 53: C.P. for a new fixed station 2.6 miles southeast of Dixie, Ga., at latitude 30°44'45" N. and longitude 83°39'31" W. Frequencies 5960.0 and 6078.6 MHz on azimuth 75°23', and 5989.7 and 6108.3 MHz on azimuth 248°00'.

4649–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 54: C.P. for a new fixed station 4.3 miles south of Metcalf, Fla., at latitude 30°37'53" N. and longitude 83°59'60" W. Frequencies 6301.0 and 6419.6 MHz on azimuth 67°50', and 3730.0 and 3890.0 MHz on azimuth 233°26'.

4650–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 55: C.P. for a new fixed station at 201 South Monroe Street, Tallahassee, Fla., at latitude 30°26'26" N. and longitude 84°16'53" W. Frequencies 3850.0 and 4010.0 MHz on azimuth 53°17'.

4651–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 56: C.P. for a new fixed station at 513 Elizabeth Street, Waycross, GA, at latitude 31°12'34" N. and longitude 82°21'42" W. Frequencies 3850.0 and 4010.0 MHz on azimuth 243°22', and 3910.0 and 4070.0 MHz on azimuth 47°26'.

4652–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 57: C.P. for a new fixed station 0.5 mile southwest of Offerman, Ga., at latitude 31°24'20" N. and longitude 82°07'01" W. Frequencies 3790.0 and 3950.0 MHz on azimuth 227°34', and 6212.0 and 6330.7 MHz on azimuth 75°33'.

4653–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 58: C.P. for a new fixed station 1 mile northwest of Grangerville, Ga., at latitude 31°29'14" N. and longitude 81°44'41" W. Frequencies 5960.0 and 6078.6 MHz on azimuth 255°45', and 6019.3 and 6137.9 MHz on azimuth 147°15', and 5989.7 and 6108.3 MHz on azimuth 20°29'.

4654–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 59: C.P. for a new fixed station at corner of Amherst and First Avenue, Brunswick, GA, at latitude 31°08'17" N. and longitude 81°29'02" W. Frequencies 6241.7 and 6360.3 MHz on azimuth 327°24'.

4655–C1–P–71—MCI—Southeast Communications, Inc. (New) Site 60: C.P. for a new fixed station 1.1 miles southeast of Walthourville, Ga., at latitude 31°45'28" N. and longitude 81°37'35" W. Frequencies 6271.4 and 6390.0 MHz on azimuth 200°33', and 3850.0 and 4010.0 MHz on azimuth 55°27'.

4656–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 61: C.P. for a new fixed station 3 miles southwest of Richmond Hill, Ga., at latitude 31°55'06" N. and longitude 81°21'09" W. Frequencies 4050.0 and 3710.0 MHz on azimuth 235°36', and 3830.0 and 4010.0 MHz on azimuth 54°02'.

4657–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 62: C.P. for a new fixed station at 24 Drayton Street, Savannah, GA, at latitude 32°04'47" N. and longitude 81°05'27" W. Frequencies 3890.0 and 4050.0 MHz on azimuth 234°11'.

POINT-TO-POINT MICROWAVE SERVICE (TELEPHONE CARRIERS)—continued

4658–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 63: C.P. for a new fixed station 3 miles northwest of Lake Helen, Fla., at latitude 28°59'34" N. and longitude 81°15'15" W. Frequencies 5960.0 and 6078.6 MHz on azimuth 268°34', and 5989.7 and 6108.3 MHz on azimuth 43°01'.

4659–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 64: C.P. for a new fixed station at 118 Volusia Avenue, Daytona Beach, FL, at latitude 29°12'43" N. and longitude 81°01'15" W. Frequencies 6241.7 and 6360.3 MHz on azimuth 223°08'.

4660–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 65: C.P. for a new fixed station at 250 North Orange Avenue, Orlando, FL, at latitude 28°32'45" N. and longitude 81°22'44" W. Frequencies 6301.0 and 6419.6 MHz on azimuth 288°18', and 3870.0 and 4030.0 MHz on azimuth 77°24'.

4661–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 66: C.P. for a new fixed station 5.2 miles northeast of Bithlo, Fla., at latitude 28°36'37" N. and longitude 81°03'01" W. Frequencies 3910.0 and 4070.0 on azimuth 257°33', and 3850 and 4010 on azimuth 119°52'.

4662–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 67: C.P. for a new fixed station 4.3 miles north of Cocoa Beach, Fla., at latitude 28°22'57" N. and longitude 80°36'12" W. Frequencies 3890.0 and 4050.0 MHz on azimuth 300°05'.

4663–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 68: C.P. for a new fixed station 4.4 miles south-southwest of Plant City, Fla., at latitude 27°58'01" N. and longitude 82°09'23" W. Frequencies 3990.0 and 4150.0 MHz on azimuth 66°33', and 3990.0 and 4150.0 MHz on azimuth 266°49'.

4664–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 69: C.P. for a new fixed station at 905 Florida Avenue, Tampa, Fla., at latitude 27°57'06" N. and longitude 82°27'30" W. Frequencies 3710.0 and 3870.0 on azimuth 86°40', and 3710.0 and 3870.0 on azimuth 221°38'.

4665–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 70: C.P. for a new fixed station at Fourth Street at Central Avenue, St. Petersburg, FL, at latitude 27°46'17" N. and longitude 82°38'18" W. Frequencies 4010.0 and 4170.0 MHz on azimuth 41°33', and 3770.0 and 3930.0 MHz on azimuth 168°28'.

4666–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 71: C.P. for a new fixed station at corner of Sixth Avenue, and 13th Street West, Bradenton, FL, at latitude 27°29'36" N. and longitude 82°34'29" W. Frequencies 3730.0 and 3890.0 MHz on azimuth 348°30', and 3810.0 and 3970.0 MHz on azimuth 170°04'.

4667–C1–P–71—MCI—Southeast Communications, Inc. (New), Site 72: C.P. for a new fixed station at 1330 Main Street, Sarasota, FL, at latitude 27°20'05" N. and longiude 82°32'37" W. Frequencies 3990.0 and 4150.0 MHz on azimuth 350°05'.

(INFORMATIVE: C.P.'s (72) for a specialized communications common carrier system to serve the Florida, Georgia, and South Carolina area.)

Major Amendment

1012–C1–P–71—Mountain States Telephone and Telegraph Co. (KOS52), Change frequency 11,565 MHz toward Vail, Arizona to 11,245 MHz. Station location: 120 East Pennington Street, Tucson, AR. All other particulars same as reported in Public Notice dated August 31, 1970.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

4669–C1–P–71—Microwave Service Co. of Florida, Inc. (New), C.P. for a new station to be located 0.8 mile north of U.S. 41 at North Port Charlotte, Fla. Frequencies: 11,405 and 11,565 MHz toward Venice, Fla.

4778–C1–P–71—Pacific Telatronics, Inc. (KTG39), C.P. to power split frequencies 5937.8, 6056.4, 6219.5, and 6338.1 MHz on azimuth 216°35'. Location: Horse Mountain, 7 miles southwest of Willow Creek, Calif., at latitude 40°52'20" N., longitude 123°44'08" W.

(INFORMATIVE: Applicant proposes to provide the television signals of stations KGO–TV, KTVU, KBHK–TV of San Francisco and KTXL of Sacramento to Redwood Cablevision, Inc., in Fortuna and Rio Dell, Calif.)

4779–C1–P–71—Midwestern Relay Co. (New), C.P. for a new station 3.5 miles south of Austin, Minn., at latitude 43°36'12" N., longitude 92°57'01" W. Frequencies 10,815 and 11.135 MHz on azimuth 304°05'.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE CARRIERS)—continued

(INFORMATIVE: Applicant is proposing to carry the ABC network television signal to Austin, Minn.)

4780–C1–P–71—United Video, Inc. (New), C.P. for a new station 1.6 miles west of Flora, Ill., at latitude 38°39'45'' N., longitude 88°31'10'' W. Frequency: 11,055 MHz on azimuth 77°23', and frequencies 10,775, 10,935 and 11,055 MHz on azimuth 224°26'.

4781–C1–P–71—United Video, Inc. (New), C.P. for a new station 1 mile east of Effingham, Ill. at latitude 39°07'35'' N., longitude 88°31'06'' W. Frequency 11,225 MHz on azimuth 18°15', and frequency 11,305 MHz on azimuth 180°06'.

(INFORMATIVE: Applicant proposes to provide television service to CATV systems in Olney, Mount Vernon, Mattoon, and Flora, all in Illinois in conjunction with their Applications 2618/2619/2621 through 2624–C1–P–66, 4898 through 4902–C1–P–66, 5199 through 5203–C1–P–66, and 6587/6588–C1–P–66.)

Major Amendment

3650–C1–P–67—American Television Relay, Inc. (KKT80), Application amended to change frequency from 6360.3 MHz to 6241.7 MHz toward Boy Scout Mountain, N. Mex., on azimuth of 291°08'. Station location: 110 South Richardson Street, Roswell, NM.

(INFORMATIVE: In addition to changing frequency, applicant is modifying pending applications, files Nos. 3650 through 3654–C1–P–67, to the extent of carrying television signal XEPM–TV, Juarez, Mexico, in lieu of XEJ–TV, Juarez.)

Major Amendment

6017–C1–P–70—Microwave Service Co. of Florida, Inc. (New), Application amended to change frequency from 11,155 MHz to 11,115 MHz toward East Immokalee, Fla., on azimuth of 293°45'. Station location: Big Cypress, 22 miles northeast of Sunniland, Fla.

6018–C1–P–70—Microwave Service Co. of Florida, Inc. (New), Application amended (a) to change frequencies from 10,715, 10,795, 10,955, 11,035, and 11,115 MHz to 10,755, 10,835, 10,995, 11,075, and 11,155 MHz toward southwest Immokalee, Fla., on azimuth of 219°15'; and (b) to change frequencies from 10,795, 10,955, and 11,115 MHz to 10,835, 10,995, and 11,155 MHz toward Lehigh Acres, Fla., on azimuth of 301°30'. Station location: 1.6 miles northwest of Immokalee, Fla.

3141–C1–P–71—Microwave Service Co. of Florida, Inc. (New), Application amended to change station location from coordinates latitude 26°33'12'' N., longitude 81°39'18'' W. to latitude 26°33'23'' N., longitude 81°39'37'' W. Station location: 4.1 miles south of Lehigh Acres, Fla.

6020–C1–P–70—Microwave Service Co. of Florida, Inc. (New), Application amended (a) to change frequencies from 10,895, 11,035, and 11,155 MHz to 10,795, 10,955, and 11,115 MHz toward North Fort Myers, Fla., on azimuth of 330°30'; and (b) to change frequencies from 11,035 and 11,155 MHz to 10,955 and 11,115 MHz toward Acline, Fla., on azimuth of 330°30'. Station location: 1529 Lee Street, Fort Myers, Fla.

6021–C1–P–70—Microwave Service Co. of Florida, Inc. (KJG39), Application amended to change frequencies from 11,035, 11,155 MHz to 11,525, and 11,685 MHz toward Fort Ogden and Port Charlotte, Fla., on azimuths of 0°47' and 325°00' respectively. Station location: 5.3 miles southeast of Acline, Fla.

6022–C1–P–70—Microwave Service Co. of Florida, Inc. (KJG38), Application amended to change frequencies from 10,955 and 11,115 MHz to 10,995 and 11,155 MHz toward Cubitis, Fla., on azimuth of 28°00'. Station location: 1.1 miles south of Fort Ogden, Fla.

6024–C1–P–70—Microwave Service Co. of Florida, Inc. (New), Application amended to change frequencies from 11,035 and 11,155 MHz to 10,715 and 10,875 MHz toward Sebring, Fla., on azimuth of 55°30'. Station location: 5.7 miles east of Buchanan, Fla.

3142–C1–P–71—Microwave Service Co. of Florida, Inc. (New), Application amended to change frequencies from 11,075 and 11,155 MHz to 10,755 and 10,835 MHz toward North Port Charlotte, Fla., on azimuth of 299°40'. Station location: Edgewater Drive West, Port Charlotte, Fla.

(Other particulars are same as reported on Public Notices dated Apr. 13, 1970; July 13, 1970; Aug. 24, 1970; and Dec. 21, 1970.)

[FR Doc.71–3409 Filed 3–11–71;8:49 am]

FEDERAL MARITIME COMMISSION

[No. 71–17]

AMERICAN MAIL LINES ET AL.

Rescheduling of Filing Dates

Violations of Sections 14 Fourth, 16 First, and 17, Shipping Act, 1916, in the nonassessment of fuel surcharges on Military Sealift Command (MSC) rates under the MSC request for rate proposals (RFP) bidding system.

At the request of counsel for American Mail Lines, American President Lines, Pacific Far East Lines, and States Steamship Co., and good cause appearing, filing dates in this proceeding are rescheduled as follows:

(1) Affidavits of fact, memoranda of law and requests for hearing shall be filed on or before April 1, 1971.

(2) Replies thereto shall be filed on or before April 8, 1971.

By the Commission.

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

[FR Doc.71–3446 Filed 3–11–71;8:48 am]

[No. 70–52]

ATLANTIC CONTAINER LINE, LTD.

Publication of Discriminatory Rates; Enlargement of Time for Filing Reply

MARCH 8, 1971.

At the request of Hearing Counsel, and good cause appearing, time within which reply in this proceeding may be made is enlarged to and including March 15, 1971.

FRANCIS C. HURNEY, *Secretary.*

[FR Doc.71–3445 Filed 3–11–71;8:47 am]

CONTINENTAL NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

Notice of Agreement Filed

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

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

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

Notice of agreement filed by:

Elliott B. Nixon, Esq.,
Burlingham, Underwood, Wright, White & Lord,
25 Broadway,
New York, NY 10004.

Agreement No. 8210–11 modifies the conference's self-policing provisions to include the mandatory provisions required by the Commission's General Order No. 7 as revised October 27, 1970.

Dated: March 8, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY, *Secretary.*

[FR Doc.71–3447 Filed 3–11–71;8:48 am]

GERMANY-NORTH ATLANTIC PORTS 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:

Raymond P. de Member, Esq.,
Haight, Gardner, Poor & Havens,
Federal Bar Building,
1815 H Street, NW.,
Washington, DC 20006.

Agreement No. 9427-2 modifies the Agreement's self-policing provisions to include the mandatory provisions required by the Commission's General Order No. 7 as revised October 27, 1970.

Dated: March 8, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-3448 Filed 3-11-71;8:48 am]

GULF/SCANDINAVIAN AND BALTIC SEA PORTS CONFERENCE

Notice of Agreement Filed

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

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

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

Notice of agreement filed by:

John T. Crook, Chairman, Gulf/Scandinavian and Baltic Sea Ports Conference, Suite 927, Whitney Building, New Orleans, LA 70130.

Agreement No. 5400-11 amends the basic agreement to include the mandatory self-policing provisions required by the Commission's General Order 7 as revised on October 27, 1970.

Dated: March 8, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-3449 Filed 3-11-71;8:48 am]

GULF/UNITED KINGDOM CONFERENCE

Notice of Agreement Filed

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

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

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

Notice of agreement filed by:

John T. Crook, Chairman, Gulf/United Kingdom Conference, Suite 927, Whitney Building, New Orleans, LA 70130.

Agreement No. 161-26 amends the basic agreement to include the mandatory self-policing provisions required by the Commission's General Order 7 as revised on October 27, 1970.

Dated: March 8, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-3450 Filed 3-11-71;8:48 am]

HAPAG-LLOYD AKTIENGESELLSCHAFT AND SEATRAIN LINES, INC.

Notice of Agreement Filed

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

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

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

Notice of agreement filed by:

Mr. L. P. Kopley, Director of Pricing, European Services, Seatrain Lines, Inc., Container Division, Port Seatrain, Weehawken, NJ 07087.

Agreement 9933 provides for the interchange of containers and related equipment between Hapag-Lloyd AG and

Seatrain Lines, Inc., in connection with their operations between ports in the United States and Europe.

Dated: March 8, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-3451 Filed 3-11-71;8:48 am]

NORTH ATLANTIC/WEST EUROPE 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:

Raymond P. de Member, Esq., Haight, Gardner, Poor & Havens, Federal Bar Building, 1815 H Street NW., Washington, DC 20006.

Agreement No. 9552-1 modifies the Agreement's self-policing provisions to include the mandatory provisions required by the Commission's General Order No. 7 as revised October 27, 1970.

Dated: March 8, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-3452 Filed 3-11-71;8:48 am]

UNITED STATES GREAT LAKES AND ST. LAWRENCE RIVER PORTS/ WEST AFRICA 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:

John K. Cunningham, Secretary, United States Great Lakes and St. Lawrence River Ports/West Africa Agreement, 67 Broad Street, New York, NY 10004.

Agreement No. 9420-4, among the member lines of the United States Great Lakes and St. Lawrence River Ports/West Africa Agreement, will modify the basic agreement of the parties by updating the terms of its self-policing provisions to include language required by the Commission's General Order 7 (Revised).

Dated: March 8, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-3453 Filed 3-11-71;8:48 am]

WILHELMSENS DAMPSKIBSAKTIESELSKAB ET AL.

Notice of Agreement Filed

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

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

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

Wilhelmsens Dampskibsaktieselskab, Leitch Transport, Ltd., and Open Bulk Carriers Limited.

Notice of agreement filed by:

Alan F. Wohlstetter, Esq., Denning & Wohlstetter, 1 Farragut Square South, Washington, DC 20008.

Agreement No. 9934 between the above parties covers the trades from United States ports to ports in the United Kingdom and the Continent and from ports in the Continent to U.S. ports. Under the Agreement, Open Bulk will not compete with Wilhelmsen from U.S. South Atlantic and gulf ports and Wilhelmsen and Leitch will perform agency services and otherwise assist Open Bulk in the operation of its services both eastbound and westbound.

Dated: March 8, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-3454 Filed 3-11-71;8:48 am]

FOREIGN-TRADE ZONES BOARD

SPECIAL-PURPOSE FOREIGN-TRADE SUBZONE AT LA PORTE, TEX.

Notice of Public Hearing on Application

On December 18, 1970, public notice was given (35 F.R. 19543, Dec. 23, 1970) concerning the appointment of an Examiners Committee to investigate that part of an application made by McAllen Trade Zone, Inc., a Texas corporation (applicant), filed in May 1970, which requests a grant of authority from the Foreign-Trade Zones Board (Board) to permit the establishment of a special-purpose foreign-trade subzone at La Porte, Texas. The subzone would encompass a hydrofluoric acid manufacturing facility owned and operated by E. I. duPont de Memours & Co., located on a six acre site at Brinson Point in the city of La Porte, Harris County, Texas (about 15 miles from the center of Houston, which is a designated customs port of entry).

The general-purpose zone part of the application filed in May 1970 has been processed, and was approved by the Board in October 1970 (35 F.R. 16962, Nov. 3, 1970). That part of the application presently under consideration (application) asks that the above described hydrofluoric acid facility be permitted to operate as a foreign-trade subzone so as to utilize the customs privileges of the Foreign-Trade Zones Act of 1934, as amended (19 U.S.C. 81a et seq.), and the regulations of the Foreign-Trade Zones Board (15 CFR Part 400). Generally, these privileges permit the movement of foreign dutiable merchandise into U.S. foreign-trade zones without a formal customs entry and payment of duties unless and until the merchandise, or its product, is moved from the zone into U.S. customs territory for domestic consumption. Duties are then imposed on either the products withdrawn from the zone, or on the raw materials used in their production, at the option of the person liable for the payment of duties. The hydrofluoric acid facilities under consideration use as a raw material approximately 100,000 tons of fluorspar annually, most of which is imported from Mexico. Imported fluorspar is dutiable under Items 522.21 (acid grade) and 522.24, Tariff Schedules of the United States. Hydrofluoric acid is nondutiable (Item 416.20, TSUS).

The December public notice included an invitation for written comments. Six letters were received in response to the notice. They are available for public inspection at the places described below.

Notice is hereby given, pursuant to the Foreign-Trade Zones Act and Board regulations, that a public hearing on the application under consideration will be held by the Examiners Committee beginning at 10:00 a.m., local time, Tuesday, April 13, 1971, at Room 298, U.S. Customhouse, 701 San Jacinto Street, Houston, TX. The committee, designated "Examiners Committee (La Porte)", is composed of: Milton A. Berger (Chairman), Assistant Director, Office of International Investment, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C.; Cleburne M. Maier, Regional Commissioner of Customs, Region VI, Houston, Tex.; and, Colonel Nolan C. Rhodes, District Engineer, U.S. Army Engineer District Galveston, Galveston, Tex.

The purpose of the hearing is to inform interested persons concerning the application, to give them an opportunity to express their views relative thereto, and to obtain information useful to the Examiners Committee.

Interested persons and organizations or their representatives will be afforded the opportunity of being heard at the hearing. They should indicate their intention to attend in writing by April 2, 1971, and provide a written summary (10 copies) of their planned presentation. These papers should be addressed to Milton A. Berger, Chairman of the Examiners Committee (La Porte), Foreign-Trade Zones Board (Code 816) U.S. Department of Commerce, Washington, D.C. 20230. Persons not submitting advance written notice may be heard at the hearing at the discretion of the Examiners Committee.

As soon after the hearing as the transcript thereof is available, a copy will be placed for public inspection at the two locations described below for a period of 45 days from the close of the hearing. The hearing record will remain open for this same period during which time further submissions in writing may be made by interested persons. Submissions made during the last 15 days of this period shall be limited to letters commenting on submissions received during the first 30 days.

Copies of the application under consideration and the letters referred to above are available for public inspection at each of the following locations:

Office of the Director, U.S. Department of Commerce Field Office, (Old) Federal Office Building, Room 1017, 201 Fannin Street, Houston, TX 77002 (Edward T. Fecteau, Jr., Director).

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Washington, DC 20230, Phone (202) 967-2862.

Dated: March 8, 1971.

JOHN J. DA PONTE, Jr.,
Acting Executive Secretary,
Foreign-Trade Zones Board.

[FR Doc.71-3485 Filed 3-11-71;8:50 am]

SECURITIES AND EXCHANGE COMMISSION

[812-2897]

CONTINENTAL CAPITAL CORP.

Notice of Filing of Application for Order Permitting Proposed Transaction

MARCH 5, 1971.

Notice is hereby given that Continental Capital Corp. (applicant), 555 California Street, San Francisco, CA 94104, a California corporation registered as a closed-end, nondiversified investment company under the Investment Company Act of 1940 (Act) and licensed as a small business investment company under the Small Business Investment Act of 1958, has filed an application under section 17(d) of the Act and Rule 17d-1 thereunder. The application requests an order pursuant to Rule 17d-1 granting said application with respect to the participation of American Micro-systems, Inc. (American) and certain shareholders thereof, including the applicant, in proposed sales of common stock of American as described below. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

American, a California corporation is engaged in the design, development and manufacture of metal-oxide-silicon semiconductor circuits. Applicant owns 155,827 shares (8.1 percent) of the outstanding common stock of American and, accordingly, American is an affiliated person of applicant under section 2(a)(3) of the Act.

American has filed with this Commission under the Securities Act of 1933 a registration statement with respect to the proposed sale to underwriters and public offering of 565,500 shares of the common stock of American. Of these shares, American proposes to issue and sell 250,000 shares and stockholders of American propose to sell 315,500 shares. Applicant is one of the selling stockholders and proposes to sell 38,327 shares pursuant to this registration statement. The other selling shareholders include The Garrett Corp. and Small Business Enterprises Co., which own, respectively, 160,000 shares (8.3 percent) and 155,827 shares (8.1 percent) of the outstanding common stock of American and propose to sell pursuant to the registration statement 160,000 shares and 80,000 shares, respectively. Each of these companies, as a result of its ownership of 5 percent or more of the common stock of American, is an affiliate of American under section 2(a)(3) of the Act. American will, in general, pay all costs and expenses of the registration and offering of said 565,500 shares, except each selling stockholder's proportionate share of the underwriting commissions and any taxes upon the sale of the shares.

Some 60 days or more after the effective date of the registration statement described above, applicant proposes to distribute to its shareholders 67,500 shares of common stock of American. The distribution of these shares will be covered by a separate registration statement filed by American under the Securities Act of 1933. Applicant has no contractual right to request such registration and has agreed to pay all costs and expenses of the registration.

Rule 17d-1, adopted under section 17 (d) of the Act, provides, inter alia, that no affiliated person of any registered investment company, and no affiliated person of such affiliated person, shall, acting as principal, participate in, or effect any transaction in connection with, any joint enterprise or other joint arrangement in which such registered company is a participant, unless an application regarding such joint enterprise or arrangement has been filed with the Commission and has been granted by order, and that in passing upon such application the Commission will consider whether the participation of the registered company in the joint enterprise or arrangement on the basis proposed is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Notice is further given that any interested person may, not later than March 16, 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 set forth 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.

It is ordered, That the Secretary of the Commission shall send a copy of this notice by certified mail to the Associate Administrator for Investment, Investment Division, Small Business Administration, Washington, D.C. 20416.

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

By the Commission.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-3461 Filed 3-11-71;8:49 am]

[812-2893]

EVERYMAN FUND, INC.

Notice of Application and Order Granting Temporary Relief

MARCH 4, 1971.

Notice is hereby given that Everyman Fund, Inc. (Applicant), 1949 East 105th Street, Cleveland, OH 44106, a management, open-end, diversified investment company registered under the Investment Company Act of 1940 (Act) has filed an application for an order pursuant to section 22(e)(3) of the Act permitting (a) suspension of the right of redemption of its outstanding redeemable securities, and (b) suspension of payment for shares already submitted for redemption for which payment has not been made as of the date and time of the requested order, until either:

(1) 10 days after Applicant gives the Commission notice of intention to resume redemptions and payments therefor, or

(2) The Commission on its own initiative rescinds the order applied for herein.

All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Applicant states that on December 1, 1970, its directors authorized the liquidation of Applicant subject to shareholder approval. Management of Applicant proposes to solicit proxies to be voted in favor of the liquidation at a Special Meeting in Lieu of Annual Meeting of Shareholders, scheduled for March 2, 1971. Applicant states that the liquidation should be completed before April 30, 1971.

Applicant states that its liquidation will involve certain expenses, including legal and accounting fees, but because these expenses of liquidation have not yet been incurred, they do not yet appear on Applicant's books as a liability. Applicant therefore asserts that any shareholder who redeems his shares would not pay a pro rata portion of the expenses of liquidation, and in effect would receive a preference over the remaining shareholders. While it might be possible to establish a reserve for the expenses of liquidation as a current liability, this would be no more than a rough estimate. Applicant states that as a matter of fairness, it is essential that all shareholders be treated alike in the liquidation, and that any delay in redemption will not be substantial.

Applicant states, in addition, if the fund is required to continue redemptions, it will result in additional expense to the fund, and therefore a reduction of the amount to be distributed to shareholders in liquidation. Applicant has not had an investment adviser since April 6, 1969, and its distributor is in liquidation. Thus there are no clerical personnel competent to compute the daily net asset value. Applicant states that if redemptions are required, its independent public accountants will have to do the computations, and this will result in additional accounting charges.

Section 22(e)(3) of the Act provides that the Commission may by order, for the protection of the security holders of the company, permit a registered investment company to suspend the right of redemptions or postpone the date of payment or satisfaction upon redemption of any redeemable security in accordance with its terms for more than seven days after the tender of such security to the company or its agent designed for that purpose.

The Commission has considered the matter and hereby finds, on the basis of information stated in the application, that an immediate emergency exists as a result of which it is not reasonably practicable for Applicant to determine the value of its net assets. Furthermore, the Commission finds that it is necessary for the protection of security holders of Applicant that there be issued together with the notice of the application a temporary order permitting the suspension of the right of redemption and postponement of payment until the further order of the Commission.

Accordingly, it is ordered, Pursuant to section 22(e)(3) of the Act, that Applicant be and is hereby permitted (1) to suspend the right of redemption of its outstanding redeemable securities, effective at the opening of business this date and (2) to suspend payment for shares already submitted for redemption and on which payment has not been made prior to this date, both suspensions to continue pending further order of the Commission.

Notice is further given that any interested person may, not later than March 29, 1971 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application as described above, accompanied by a statement as to the nature of his interest, the reasons 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.71-3462 Filed 3-11-71;8:49 am]

[812-2800]

LaSALLE STREET CAPITAL CORP.

Notice of and Order for Hearing on Application To Exempt Certain Transactions

MARCH 3, 1971.

Notice is hereby given that LaSalle Street Capital Corp. (LaSalle Capital), 150 South Wacker Drive, Chicago, IL 60606, a Delaware corporation registered as a closed end, nondiversified, management investment company under the Investment Company Act of 1940 (Act) and licensed as a small business investment company under the Small Business Investment Act of 1958, has filed an application pursuant to section 17(b) of the Act requesting an order exempting from the provisions of section 17(a) of the Act

certain transactions incident to the proposed merger of LaSalle Capital and Atlanta/LaSalle Corp. (Atlanta/LaSalle), which is also registered as a closed end, nondiversified management investment company under the Act. The application also requests an order pursuant to section 6(c) for exemptions from certain provisions of the Act as follows:

a. From section 12(e) of the Act to permit Atlanta/LaSalle, following consummation of the proposed merger, to transfer more than 5 percent of the value of its assets to its wholly-owned subsidiary which is a registered investment company (hereinafter sometimes referred to as L.S.C.) which is permitted, within certain limits, to issue debt securities as well as common stock, and which will be the transferee of the license as a small business investment company now held by LaSalle Capital.

b. From section 17(a) of the Act to permit the proposed initial as well as any subsequent transfer by Atlanta/LaSalle, and acquisition by L.S.C., of a portion of the assets of Atlanta/LaSalle; and to permit any small business concern which may become an affiliated person of L.S.C. or of Atlanta/LaSalle to borrow from, or to sell securities issued by it, to L.S.C.

c. From section 17(d) of the Act and Rule 17d–1 thereunder to permit Atlanta/LaSalle and L.S.C. to participate in joint transactions or other joint arrangements involving third parties which are small business concerns.

All interested persons are referred to the application, which is on file with the Commission, for a statement of the representations therein, which are summarized below.

Six individuals who own approximately 49 percent (8.2 percent in the case of each individual) of the outstanding voting securities of Atlanta/LaSalle also own in the aggregate approximately 12 percent of the outstanding voting securities of LaSalle Capital. Therefore, Atlanta/LaSalle is an affiliated person of such individuals who, in turn, may be deemed to be affiliated persons of LaSalle Capital within the meaning of section 2(a)(3) of the Act.

As of August 31, 1970, LaSalle Capital, which was organized under the laws of Illinois in 1959 and reincorporated in Delaware in 1967, had assets, per books, of $8,298,709, of which $5,699,647 represented investments in small business companies and securities received in exchange for those of small business companies, less the portion of small business company investments maturing in 1 year and allowance for losses. Liabilities, including current liabilities, as of that date totaled $5,510,714, of which $5,365,000 was LaSalle Capital's long term indebtedness (less current maturities) to the U.S. Small Business Administration. LaSalle Capital has authorized 1,500,000 shares of common stock, $0.33⅓ par value, of which 1,126,750 shares were outstanding on August 31, 1970. The common stock is traded in the over-the-counter market. On December 22, 1970, LaSalle Capital had 677 stockholders of record.

Atlanta/LaSalle was originally incorporated in Illinois in 1962 under the name Milwaukee Braves Baseball Club, Inc. In 1966 its name was changed to Atlanta Braves Baseball Club, Inc.; in 1970 its name was changed to BBR Corporation; and subsequently, in July 1970, its present name was adopted in connection with its reincorporation in Delaware.

Atlanta/LaSalle owns 265,371 shares or approximately 86 percent of the outstanding shares of common stock of Atlanta Braves, Inc. (Braves, Inc.), a Delaware corporation. Braves, Inc., is the owner and operator of the Atlanta Braves baseball team of the National League. The Braves baseball team is one of the charter members of the National League of Professional Baseball Clubs which was formed in 1876. Braves, Inc., also owns all of the outstanding shares of four corporations which are engaged in operating a professional soccer team, a restaurant located in Atlanta Stadium and in producing concerts and similar theatrical activities in Atlanta Stadium.

As of August 31, 1970, Atlanta/LaSalle and its subsidiary companies had consolidated assets, per books, of $5,742,634, which includes cash of $680,434, short-term marketable securities (at cost) of $1,446,912, net receivables (including $360,000 of long-term receivables) in the amount of $1,511,890, player contracts (net of amortization) in the amount of $1,065,645, and property and equipment, less related reserves, of $492,051. Consolidated liabilities as of that date totaled $4,323,404, of which $2,350,509 was long-term debt.

Atlanta/LaSalle has authorized 5,000,000 shares of common stock $1 par value, of which 1,172,740 shares are outstanding. Atlanta/LaSalle's outstanding shares are closely held by 28 persons and there has been no public market for the stock.

The proposed merger. It is proposed that LaSalle Capital will be merged into Atlanta/LaSalle. On the effective date of the merger Atlanta/LaSalle will succeed to the rights, properties, and assets of LaSalle Capital and will be responsible for the debts and liabilities of LaSalle Capital.

Under the terms of the proposed merger each share of LaSalle Capital common stock outstanding shall be converted into one share of common stock of Atlanta/LaSalle; and each outstanding certificate which represented shares of LaSalle Capital common stock prior to the effective date of the merger shall be deemed from and after the effective date to evidence ownership of the number of shares of common stock of Atlanta/LaSalle into which the same shall have been converted. Notwithstanding the foregoing, the surviving corporation, Atlanta/LaSalle may, upon written notice to the record holders of such certificates, require that such certificates be surrendered to an agent designated by the surviving corporation in exchange for certificates of the surviving corporation.

Shares of common stock of Atlanta/LaSalle issued and outstanding on the effective date of the merger will remain issued and outstanding without change.

The merger agreement has been approved by the boards of directors of LaSalle Capital and Atlanta/LaSalle.

If the merger agreement is approved, present stockholders of Atlanta/LaSalle will own approximately 51 percent of the outstanding stock of Atlanta/LaSalle and present stockholders of LaSalle Capital will own approximately 49 percent of such stock. The affirmative vote of a majority of the total number of outstanding shares of common stock of LaSalle Capital and Atlanta/LaSalle are required for adoption of the merger.

Atlanta/LaSalle's investment in another investment company. The proposed transfer by Atlanta/LaSalle of a portion of its assets to a wholly-owned registered investment company (L.S.C.) which will also be licensed as a small business investment company is designed to enable Atlanta/LaSalle to devote a portion of its assets to the Small Business Administration program while leaving Atlanta/LaSalle in a position with respect to the major portion of its assets to seek and retain a wider range of investments than is contemplated under the small business investment company program.

Following the proposed merger and transfer of assets to L.S.C., it is contemplated that L.S.C. will engage in the business of furnishing, capital to industry, financing promotional enterprises, purchasing securities of issuers for which no ready market is in existence, and reorganizing companies or similar activities.

While Atlanta/LaSalle and L.S.C. will be registered as investment companies under the Act after the proposed merger and the transfer of assets to L.S.C., Atlanta/LaSalle contemplates attempting to change the nature of its business so as to cease to be an investment company and, if successful, to seek (a) deregistration for itself as an investment company under the Act and (b) exemption of L.S.C. from all provisions of the Act.

After LaSalle Capital is merged into Atlanta/LaSalle, L.S.C. is to receive by transfer from Atlanta/LaSalle the name LaSalle Street Capital Corp., and the small business investment company license now held by that company. In addition, Atlanta/LaSalle proposes to transfer to L.S.C. certain securities and other assets obtained from LaSalle Capital in the merger which at August 31, 1970, amounted to $8,799,805 on the basis of value as determined by the directors (including small business company investments valued at $6,102,862). In this connection, L.S.C. will assume certain obligations which will become liabilities of Atlanta/LaSalle as a result of the proposed merger, including $5,497,051 of indebtedness to the Small Business Administration at August 31, 1970. On this basis, Atlanta/LaSalle's proposed investment in L.S.C. would total $3,127,692.

In connection with L.S.C.'s proposed assumption of indebtedness to the Small Business Administration, Atlanta/LaSalle contemplates that the Small Business Administration will release Atlanta/LaSalle from primary liability to

repay such indebtedness and that Atlanta/LaSalle will guarantee the payment thereof, provided that, so long as Atlanta/LaSalle shall be registered as an investment company under the Act, Atlanta/LaSalle's liability as guarantor shall not exceed $1,040,000 in principal, plus accrued interest.

The application states that any order which the Commission may issue pursuant to the application may contain specified conditions restricting the amount of Atlanta/LaSalle's investment in L.S.C.; requiring that Atlanta/LaSalle, own and hold all of the outstanding capital stock of L.S.C.; prohibiting L.S.C. from changing its fundamental policies or taking prescribed action with respect to investment advisory or principal underwriting agreements or services without a vote of a majority of Atlanta/LaSalle's outstanding voting securities; and requiring the filing with the Commission and transmission to Atlanta/LaSalle's stockholders of certain reports of Atalanta/LaSalle, including as respects filing with the Commission, reports required to be filed by L.S.C. with the Small Business Administration. It has also been agreed that the Commission's order may contain conditions requiring a certain number of common officers and directors for Atlanta/LaSalle and L.S.C.; prescribing the manner for selecting and approving any independent public accountant who signs a financial statement filed by Atlanta/ LaSalle or L.S.C.; imposing asset coverage tests with respect to senior securities of Atlanta/LaSalle, Braves, Inc., L.S.C. and other subsidiaries of Atlanta/LaSalle; and limiting Atlanta/LaSalle, Braves, Inc., L.S.C. and other subsidiaries with respect to senior securities which may be issued or remain outstanding. Additional conditions which it is agreed may be included in the Commission's order would operate (a) to deny the exemption sought for a borrowing from, or a sale of securities to, L.S.C. by a small business concern which may become an affiliated person of L.S.C. unless specified requirements of Rule 17a–6 are met, and (b) to permit Atlanta/LaSalle and L.S.C. to participate in joint transactions involving a third party which is a small business concern provided certain requirements are met.

It appears to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the said application.

It is ordered, Pursuant to section 40(a) of the Act, that a hearing on the aforesaid application under the applicable provisions of the Act and the rules of the Commission thereunder be held on the 31st day of March 1971, at 10 a.m., in the offices of the Commission, 500 North Capitol Street NW., Washington, DC 20549. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person, other than the applicant, desiring to be heard or otherwise wishing to participate in the proceeding is directed to file with the Secretary of the Commission, on or before the 26th day of March 1971, his application pursuant to Rule 9(c) of the Commission's rules of practice. 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 noted above, and proof of service (by affidavit, or, in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request.

It is further ordered, That any officer or officers of the Commission to be designated by it for that purpose shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Act and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation has advised the Commission that it has made a preliminary examination of the application and that upon the basis thereof the following matters are presented for consideration, without prejudice to the specification of additional matters upon further examination:

1. Whether the terms of the proposed transaction involved in the merger, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned;

2. Whether such proposed transaction (merger) is consistent with the policy of LaSalle Capital and Atlanta/LaSalle as recited in their respective registration statements and reports filed under the Act;

3. Whether such proposed transaction (merger) is consistent with the general purposes of the Act, and whether the proposed issuance of senior securities representing indebtedness by Atlanta/LaSalle meets the requirements of section 18(a) of the Act;

4. Whether the requested exemptions from section 12(e) of the Act in order to permit Atlanta/LaSalle to invest more than 5 percent of its total assets on a corporate basis in L.S.C. 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;

5. Whether the requested exemption from section 17(a) in order to permit the proposed initial as well as any subsequent transfer by Atlanta/LaSalle, and acquisition by L.S.C., of a portion of the assets of Atlanta/LaSalle following merger 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;

6. Whether the requested exemption from section 17(d) of the Act and Rule 17d–1 thereunder in order to permit Atlanta/LaSalle and L.S.C. to participate in joint transactions or other joint arrangements involving third parties which are small business concerns 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;

7. Whether, if the Commission grants the requested exemptions, such exemptions should be subject to conditions, and, if so whether the conditions should be those proposed by Atlanta/LaSalle, or whether other or different conditions are required.

It is further ordered, That at the aforesaid hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That LaSalle Capital shall cause a copy of this notice and order to be mailed to each of the stockholders of LaSalle Capital and Atlanta/LaSalle at each stockholder's last known address at least 20 days prior to the date set for the hearing.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this notice and order by certified mail to LaSalle Capital and Atlanta/LaSalle and that notice to all persons shall be given by publication of this notice and order in the FEDERAL REGISTER, and that a general release of the Commission in respect of this notice and order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71–3463 Filed 3–11–71;8:49 am]

[70–4993]

MICHIGAN WISCONSIN PIPE LINE CO. AND AMERICAN NATURAL GAS CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding; Increase in Authorized Shares of Common Stock and Sale Thereof to Holding Company; and Issue and Sale of Notes to Banks

MARCH 5, 1971.

Notice is hereby given that American Natural Gas Co. (American Natural), 30 Rockefeller Plaza, Suite 4950, New York, NY 10020, a registered holding company, and one of its subsidiary companies, Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin), have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(b), 9, 10, and 12(f) of the Act and Rules 43 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Michigan Wisconsin proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 under the Act, $40 million principal amount of First

Mortgage Pipe Line Bonds, ------ percent Series due April 15, 1991. The interest rate on the bonds (which shall be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be received by Michigan Wisconsin (which shall be not less than 98½ percent nor more than 101½ percent of the principal amount thereof) are to be determined by the competitive bidding. The bonds are to be issued under Michigan Wisconsin's Mortgage and Deed of Trust dated as of September 1, 1948, between Michigan Wisconsin and First National City Bank, trustee, as heretofore supplemented and as to be further supplemented by a 23d Supplemental Indenture to be dated as of April 15, 1971, and which includes a prohibition until April 15, 1976, against refunding the issue with the proceeds of funds borrowed at lower interest cost.

Michigan Wisconsin also proposes to increase its authorized shares of common stock, par value $100 per share (all of which are owned by American Natural), from 1,495,000 to 1,695,000 shares. Michigan Wisconsin further proposes to issue and sell, and American Natural proposes to acquire, the 200,000 additional shares of common stock of Michigan Wisconsin at a price of $100 per share, or for an aggregate price of $20 million. In order to purchase Michigan Wisconsin's common stock, American Natural proposes to issue and sell its promissory notes to banks in the amount of $20 million. The terms of the notes and the names of the banks will be supplied by amendment.

Michigan Wisconsin presently has outstanding $40 million of notes payable to banks for temporary financing of construction. The net proceeds from the sale of the bonds and common stock will be applied to the retirement of said notes and for Michigan Wisconsin's 1971 cash requirements, including construction and advance payments for gas, estimated for 1971 to be $55 million and $57 million, respectively.

The fees and expenses to be paid in connection with the proposed transactions are to be filed by amendment. It is 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 30, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-3464 Filed 3-11-71;8:49 am]

[812-2563]

SCUDDER DUO-VEST, INC.

Notice of Filing of Application for Modification of Order of Exemption and for Order of Exemption

MARCH 3, 1971.

Notice is hereby given that Scudder Duo-Vest, Inc. (Applicant), 345 Park Avenue, New York, NY 10022, a Delaware corporation registered under the Investment Company Act of 1940 (Act) as a diversified, closed-end management investment company, has filed an application (i) pursuant to sections 6(c) and 18(i) for modification of an order of exemption (1967 Order) issued by the Commission on March 22, 1967 (Investment Company Act Release No. 4894), to permit Applicant to purchase its own shares on the New York Stock Exchange, and (ii) for an order pursuant to section 6(c) of the Act exempting Applicant's proposed purchases of its own shares from the provisions of section 18(a)(2)(B) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Applicant, as authorized by its certificate of incorporation, as amended, has two classes of stock outstanding, its 7-Percent Cumulative Income Preferred shares, $9.15 par value per share (Income Shares) and its Capital Shares, $1 par value per share (Capital Shares). The holders of the Income Shares are entitled to receive all of Applicant's net investment income earned through March 31, 1982. In addition, if the dividend paid on the Income Shares with respect to any quarter does not equal at least 16 cents, the deficiency is carried forward as an arrearage to be paid, together with the then current 16 cents quarterly dividend, from future net investment income. The arrearage per Income Share through February 11, 1971, was 18.3 cents. The Income Shares will be exchangeable on March 31, 1982, at the holder's option, into Capital Shares on the basis of the respective redemption and net asset values as at the close of business on such date. The call value of an Income Share, and also its liquidation preference, is equal to $9.15 plus any accrued and unpaid dividends (including any arrearages) plus its share of undistributed net investment income. It is the stated intention of management of Applicant to call on April 1, 1982, any Income Shares not converted into Capital Shares.

The holders of the Capital Shares are credited with any appreciation on the Applicant's portfolio, subject only to the cumulative 64-cent annual dividend right of the Income Shares. The holders of the Capital Shares will not receive any dividends from net investment income through March 31, 1982, nor will they receive any dividends from long-term capital gains. With the exception of any short-term capital gains that must be distributed in order to permit Applicant to continue to qualify as a regulated investment company under the Internal Revenue Code, all capital gains are to be reinvested. Following the conversion or call of the Income Shares in 1982, each holder of Capital Shares will have the right to receive the net asset value of his shares either upon termination of Applicant on May 31, 1982, pursuant to its Certificate of Incorporation, or otherwise as provided in an amendment to its Certificate of Incorporation adopted at that time.

A condition to the 1967 Order prohibits any purchases or acquisitions by Applicant of its Income or Capital Shares so long as the Income Shares are outstanding, except upon the call of the Income Shares or upon Applicant's liquidation. The Applicant requests modification of the 1967 Order to permit it to purchase its shares on the following terms:

1. Applicant will not permit the number of outstanding shares of either class at any time to exceed by more than 1,000 the number outstanding of the other class.

2. Applicant will not permit the number of shares outstanding of either class to be out of balance with the number of shares outstanding of the other class to any extent for more than 5 consecutive trading days (except that if at the expiration of such period a purchase to redress an imbalance would be inconsistent with requirement No. 3 hereunder, Applicant will not make such a purchase until it can do so consistent with such requirement).

3. Applicant will not purchase shares of either class unless the unit (one Income Share and one Capital Share) net asset value determined at the close of business of the prior day exceeds the sum of (a) the per share purchase price of the shares being purchased (plus the applicable brokerage commission), plus (b) the higher of (i) the most recent market price or (ii) the lowest current asked price for shares of the other class

(plus in either case an assumed brokerage commision). For this purpose, unit net asset value will be determined by dividing Applicant's total net assets (not including any assets representing undistributed net investment income) by the number of Income or Capital Shares outstanding, whichever is the greater.

4. Purchases of either class will not exceed on any day 20 percent of the average daily trading volume for such shares on the New York Stock Exchange in the 4 weeks preceding the current week. Applicant states that, on the basis of trading on the New York Stock Exchange for 1970, Applicant could be expected to purchase in a year a maximum of 125,500 shares of each class of its stock, or 2.3 percent of the 5,455,465 shares of each class outstanding.

5. Applicant will notify all stockholders of its proposed purchase program by letter or report which will discuss any discount of market value from net asset value. It will also inform the stockholders as to any current arrearage on the Income Shares; the right of the holders of the Income Shares to exchange them into Capital Shares on March 31, 1982, on the basis of their respective redemption and net asset values at the close of business on such date; the intention of management to redeem, on April 1, 1982, any Income Shares not so exchanged; and the right of the holders of both classes of the Capital Shares to receive net asset value soon after April 1, 1982.

6. In its quarterly reports to stockholders, the Applicant will provide information as to the aggregate number of shares of each class purchased and the price thereof.

In addition, Applicant has agreed that its proposed purchase program will be subject to a number of other conditions, as enumerated in its application. Applicant's shareholders have approved an amendment to its Certificate of Incorporation to permit Applicant to purchase its own shares.

Section 18(a)(2)(B) requires a closed-end investment company to make provisions to prohibit the purchase of any common stock at a time when it has a class of senior securities outstanding, unless at the time of such purchase the class of senior securities has an asset coverage of at least 200 percent after deducting the amount of the purchase price.

Applicant requests an order pursuant to section 6(c) of the Act exempting its proposed purchases from the provisions of section 18(a)(2)(B) of the Act. Applicant points out that purchases of units of Income and Capital Shares at a unit price less than unit net asset value will have the effect of increasing moderately the asset coverage for the remaining Income Shares.

Section 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 provision 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 intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than March 29, 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 any attorney at law by certificate) shall be filed contemporaneously with the request. At any time after such 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.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-3465 Filed 3-11-71;8:49 am]

[812-2828]

STANDARD SHARES, INC., ET AL.

Notice of Filing of Application

MARCH 4, 1971.

Notice is hereby given that Standard Shares, Inc. (Standard), a closed-end, non-diversified, management investment company registered under the Investment Company Act of 1940 (Act), its subsidiary, Pittway Corp. (Pittway), 40 Wall Street, New York, NY 10005, and George Barr (Barr) (referred to collectively as Applicants), a vice president and director of Pittway have filed an application under section 17(d) of the Act and Rule 17d-1 for an order of the Commission allowing the exercise by Barr of options to purchase 1,803 shares of Pittway common stock. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Standard owns 1,073,503 shares, in excess of 38 percent, of the total outstanding common stock of Pittway. Pittway, which is not an investment company, is engaged in, among other things, the business of aerosol and other packaging, the manufacture of aerosol valves and burglar and fire alarm devices, the publishing of trade magazines, and certain real estate ventures.

Barr has been a vice president and director of pittway or its predecessor company since 1962 when Pittway acquired the assets and business of G. Barr & Co., of which Barr had been president for the previous 5 years. In May 1963, Barr also became a director of Standard and served in that capacity until May 1970.

In 1964, Pittway adopted, with shareholder approval, a Stock Option Plan For Salaried Employees (the Plan) which authorized Pittway to grant salaried employees options to purchase shares of Pittway common stock. The Plan was amended in 1966, 1968, and 1969 to increase the number of shares with respect to which options could be granted. As a result of various stock dividends or splits, the total number of shares subject to the grant of options under the Plan is 371,933. As of June 30, 1970 options to purchase 97,965 shares had been granted and remained outstanding under the Plan.

All options granted under the Plan are intended to qualify as "qualified stock options" under section 422 of the Internal Revenue Code as amended. All options granted under the Plan are exercisable not later than 5 years from the respective dates of grant at option prices determined by Pittway's Board of Directors at the time the options are granted to be not less than the fair market value of the common stock stock at the time of grant; are exercisable only after the expiration of 2 years from the date of grant; and are exercisable cumulatively only with respect to one-third of the shares covered by the option in each of the remaining 3 years of the option term.

In 1964, 1965, and 1966 Pittway granted to Barr under the Plan, options to purchase 2,500, 5,000, and 2,500 shares of its common stock now represented (following a stock split and stock dividends) by 21,012 such shares. Prior to January 10, 1970, Barr exercised options to purchase an aggregate of 19,260. Barr, as a result of a 3 percent stock dividend, now holds options to purchase 1,803 shares at an exercise price of $10.40 per share which became exercisable on September 21, 1970. The closing price on the American Stock Exchange of Pittway's common stock on February 16, 1971 was $33 per share.

Section 17(d)(1) of the Act and Rule 17d-1 promulgated thereunder, as here pertinent, make it unlawful, for any affiliated person of a registered investment company, or any affiliated person of such person to effect any transaction in connection with a joint enterprise or other joint arrangement in which such registered investment company, or a company controlled by such registered investment company, is a participant unless an application regarding such joint enterprise has been filed with and an appropriate order has been granted by

the Commission. Rule 17d–1 provides that in passing upon such application the Commission will consider whether the participation of such registered or controlled company in such joint enterprise arrangement on the basis proposed is consistent with the provisions, policies and purpose of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Rule 17d–1 was amended, on August 10, 1970 (Investment Company Act Release No. 6154) specifically to include "any stock option or stock purchase plan." Because Barr was a director of Standard, the exemption is necessary.

Applicants state that prior to the acquisition by Pittway of Barr's business, Barr was affiliated with neither Standard nor Pittway. The options granted to Barr were granted solely in connection with his employment by Pittway. Options to purchase an equal number of shares were also granted in 1964, 1965, and 1966 to three other individuals, not affiliated with Standard, who had been and continued to be the chief operating personnel of other businesses acquired by Pittway. All options were granted at prices equal to 100 percent of the fair market value at the time the options were granted.

Applicants believe that the exercise by Barr of his option to purchase the 1,803 shares subject to such option, will be reasonable and fair, will not involve overreaching on the part of any person, will be consistent with the policy of Standard, and the general purposes of the Act and section 17(d) and Rule 17d–1 thereunder.

Notice is further given that any interested person may, not later than March 29, 1970, 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 set forth 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.71–3466 Filed 3–11–71;8:49 am]

[File Nos. 2–28254 (22–4895), 2–35229 (22–5779)]

UNION TANK CAR CO.

Notice of Application and Opportunity for Hearing

MARCH 8, 1971.

Notice is hereby given that Union Tank Car Co. (the applicant) has filed an application pursuant to section 310(b)(1)(ii) of the Trust Indenture Act of 1939, as amended (the Act), for a finding by the Securities and Exchange Commission (the Commission) that the trusteeship of The Bank of New York under an existing indenture and the proposed successor trusteeship of The Bank of New York under another existing indenture are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify The Bank of New York from acting as trustee under such indentures.

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

The Applicant alleges that:

1. The Applicant desires to appoint The Bank of New York to act as successor trustee to Bank of America National Trust and Savings Association, resigning trustee, under the Series 3 Equipment Trust Agreement.

2. The Bank of New York is presently acting as trustee for the Applicant's Series 5 Equipment Trust Certificates, which is one of the Applicant's 6 presently outstanding issues of Equipment Trust Certificates. The entire original principal amount of $25 million issued under the existing trusteeship of The Bank of New York is presently outstanding.

3. The Series 5 Equipment Trust Certificates issued under the present trusteeship of The Bank of New York and the Series 3 Equipment Trust Certificates for which it is proposed the Bank of New York shall act as successor trustee, are secured by a separate lot of identified railroad tank cars, so that, should be trustee have occasion to proceed against the security under either one of the Equipment Trusts, such action would not affect the security, or the use of any security, under the other Equipment Trust. Thus, the existence of the other trusteeship should in no way inhibit or discourage the trustee's actions.

4. The Applicant is not in default under any of its Equipment Trust obligations.

The Applicant has waived notice of hearing, hearing, and any and all rights to specify procedures under the rules of practice of the Commission with respect to the application.

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

Notice is further given that any interested person may, not later than April 1, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

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

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71–3467 Filed 3–11–71;8:49 am]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 9, 1971.

Protests to the granting of an application must be prepared in accordance with

Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42146—*Liquefied carbon dioxide from Saltville, Va.* Filed by O. W. South, Jr., agent (No. A6232), for interested rail carriers. Rates on carbon dioxide, liquefied, in tank carloads, as described in the application, from Saltville, Va., to Atlanta, Ga.

Grounds for relief—Market competition.

Tariff—Supplement 201 to Southern Freight Association, agent, tariff ICC S–517.

FSA No. 42147—*Sodium (soda) silicate to Chickasaw and Mobile, Ala.* Filed by Southwestern Freight Bureau, agent (No. –216), for interested rail carriers. Rates on sodium (soda) silicate, other than dry, in tank carloads, as described in the application, from Dallas, Mesquite and Scottdale, Tex., to Chicasaw and Mobile, Ala.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 150 to Southwestern Freight Bureau, agent, tariff ICC 4773.

FSA No. 42148—*Grain products between points in Indiana and Illinois and points in southern territory.* Filed by O. W. South, Jr., agent (No. A6233), for interested rail carriers. Rates on grain products, in carloads, as described in the application, between L&N points in Illinois and Indiana, on the one hand, and SCL points in Alabama, Florida, and Georgia, on the other.

Grounds for relief—Short-line distance formula and grouping, and operation through higher-rated territories.

Tariff—Supplement 193 to Southern Freight Association, agent, tariff ICC S–478.

By the Commission.

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

[FR Doc.71–3487 Filed 3–11–71;8:51 am]

[Notice 259]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 8, 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 59967 (Sub-No. 6 TA), filed March 2, 1971. Applicant: LASHAM CARTAGE CO., 2331 South Wood Street, Chicago, IL 60608. Applicant's representative: Bernard C. Pestcoe, Suite 708, City National Bank Building, 25 West Flagler Street, Miami, FL 33130. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value and classes A and B explosives, between Port Everglades and Port Laudania, Fla., on the one hand, and, on the other, points in Dade, Broward, and Palm Beach Counties, Fla., restricted to traffic having a prior or subsequent movement by water, for 180 days. Supporting shippers: Harrington & Co., Inc., Post Office Box 13028, Port Everglades Station, Fort Lauderdale, FL 33316; Blanchard Lumber Co., Port Everglades, Fort Lauderdale, FL 33316; Florida Motorships Corp., Post Office Box 13049, Port Everglades Station, Fort Lauderdale, FL 33316; Canadian Gulf Line of Florida, Inc., Post Office Box 4301, Miami, FL 33101; Strachan Shipping Co., Post Office Box 13131, Port Everglades Station, Fort Lauderdale, FL 33316; Futch Lumber Co., Box 724, Opa Locka, FL. Send protests to: Raymond E. Mauk, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 61231 (Sub-No. 56 TA), filed March 1, 1971. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, IA 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite of Granite City Steel Co. at Granite City, Ill., to points in Iowa and Nebraska, for 180 days. Supporting shipper: Granite City Steel Co., Granite City, Ill. 62040. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, IA 50309.

No. MC 88161 (Sub-No. 79 TA), filed March 1, 1971. Applicant: INLAND TRANSPORTATION CO., INC., 6737 Corson Avenue South, Seattle, WA 98108. Applicant's representative: Stephen A. Cole (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Yellowstone Pipe Line Co., located 3 miles north of Moses Lake, Wash., to points in Oregon, for 150 days. Supporting shipper: Husky Oil Co., 4040 East Louisiana Avenue, Denver, CO 80222. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, WA 98101.

No. MC 100449 (Sub-No. 20 TA), filed March 1, 1971. Applicant: MALLINGER TRUCK LINE, INC., Otho, IA 50569. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, IA 50309. 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 described in sections A, C, and D of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and facilities of Illini Beef Packers, Inc., at or near Joslin, Ill., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Texas, for 180 days. Supporting shipper: Illini Beef Packers, Inc., 221 North La Salle Street, Chicago, IL 60601. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, IA 50309.

No. MC 106022 (Sub-No. 10 TA), filed March 1, 1971. Applicant: V. B. MORGAN CO., 6106 Paramount Boulevard, Long Beach, CA 90805. Applicant's representative: Phil Jacobson, 510 West Sixth Street, Los Angeles, CA 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite*, in special dump transfer units, between New Discovery Mine, Beatty, Nev.; Blanco Mine, Coaldale Junction, Nev.; Vanderbilt Mine (20 miles east of Las Vegas), Lovelock, Nev.; on the one hand, and Dunn Siding at Rail Mill located 21 miles from Baker, Calif., for 180 days. Supporting shipper: Western Talc Co., Inc., Post Office Box 368, Yermo, CA 92398. Send protests to: Philp Yallowitz, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 107496 (Sub-No. 803 TA), filed March 1, 1971. Applicant: RUAN TRANSPORT CORPORATION, Post Office Box 855 (50304), Third and Keosauqua Way, Des Moines, IA 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid foundry facing*, in bulk, in stainless steel tank vehicles, from Highland, Inc., to H. K. Porter Co., Huntington, W. Va., for 150 days. Supporting shipper: Thermium, Inc., 2550 Industrial Drive, Highland, IN 46322. Send protests to: Ellis L. Annett, District Supervisor,

Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, IA 50309.

No. MC 107496 (Sub-No. 804 TA), filed March 1, 1971. Applicant: RUAN TRANSPORT CORPORATION, Post Office Box 855 (50304), Third and Keosauqua Way, Des Moines, IA 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, from Huntington, Ind., to points in Indiana, Illinois, Lower Michigan, and Ohio, for 180 days. Supporting shipper: American Oil Co., Post Office Box 5690, Chicago, IL 60680. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, IA 50309.

No. MC 112520 (Sub-No. 233 TA), filed March 1, 1971. Applicant: MCKENZIE TANK LINES, INC., New Quincy Road, Post Office Box 1200, Tallahassee, FL 32302. Applicant's representative: Sol H. Peoctor, 2501 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from points in Muscogee County, Ga., to points in Florida, for 180 days. Supporting shipper: Dixie Size and Chemical Co., Post Office Box 2335, Columbus, GA 31902. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 112822 (Sub-No. 184 TA), filed March 1, 1971. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little, Cushing, OK 74023. Applicant's representative: Joe W. Ballard (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in section A and C of appendix 1 to *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides) and (2) *Equipment, materials and supplies* used in the conduct of meat packing, between the plantsite and facilities of Illini Beef Packers, Inc., at or near Joslin, Ill., on the one hand, and on the other, points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, for 180 days. Supporting shipper: Herman C. Jacobsen, Illini Beef Packers, Inc., 221 North La Salle Street, Chicago, IL 60601. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 114273 (Sub-No. 80 TA), filed March 2, 1971. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, 3930 16th Avenue SW., Cedar Rapids, IA 52406. Applicant's representative: Robert E. Konchar, 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, C, and D of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides and commodities in bulk, in tank vehicles, from Omaha, Nebr., and Council Bluffs, Iowa, to points in Colorado, Connecticut, Delaware, Indiana, Kansas, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and Washington, D.C., for 180 days. Supporting shipper: Beefland International, Inc., 2700 23d Avenue, Council Bluffs, IA 55501. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, IA 52801.

No. MC 117815 (Sub-No. 171 TA), filed March 1, 1971. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, IA 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, IA 50309. 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 described in sections A, C, and D of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and facilities of Illini Beef Packers, Inc., at or near Joslin, Ill., to points in Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, and Wisconsin, for 180 days. Supporting shipper: Illini Beef Packers, Inc., 221 North La Salle Street, Chicago, IL 60601. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, IA 50309.

No. MC 120800 (Sub-No. 35 TA), filed March 3, 1971. Applicant: CAPITOL TRUCK LINE, INC., 2500 North Alameda Street, Compton, CA 90222. Applicant's representative: A. O'Malley (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid ethylene*, in specially designed vacuum jacketed trailers, from Baton Rouge or Taft, La., to Calvert City, Ky.; Decatur, Ill.; El Dorado, Ark.; Houston, Tex.; Memphis, Tenn.; Tarrant City, Ala.; Greenville, S.C.; Magnolia, Ark.; and Orangeburg, S.C., for 120 days. Supporting shipper: Enjay Chemical Co., Distribution Department, Post Office Box 201, Florham Park, NJ 07932. 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 125440 (Sub-No. 10 TA), filed February 23, 1971. Applicant: JULES TISCHLER, doing business as RARITAN MOTOR EXPRESS, 129 Lincoln Boulevard, Middlesex, NJ 08846. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete products, materials, supplies, and equipment* used in connection with the manufacture, delivery, installation, and erection thereof (except in bulk), from the plantsite of Concrete Systems, Inc., New Brunswick, N.J., to John F. Kennedy Airport, Stony Brook, Roslyn, East Hampton, and Purchase, N.Y., and Limerick, Pa., for 180 days. Supporting shipper: Concrete Systems, Inc., Triangle Road, Post Office Box 137, New Brunswick, NJ 08902. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 126276 (Sub-No. 44 TA), filed March 3, 1971. Applicant: EAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, IL 60463. Applicant's representative: Albert Andrin, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper cups and plates, plastic lids, cups, knives, forks, and spoons*, from the plant warehouse facilities of Continental Can Co. at Three Rivers, Mich., to Charlotte and Winston-Salem, N.C.; Atlanta and Decatur, Ga.; St. Louis and Kansas City, Mo.; Kansas City, Iola, and Topeka, Kans.; New Haven and Hartford, Conn.; Newport, Maine; Baltimore, Md.; Pittsburgh, Pa.; Buffalo, N.Y.; Erie, Pa.; Albany, N.Y.; Jersey City and Newark, N.J.; Boston, Mass.; Norfolk and Richmond, Va.; Bangor, Maine; and St. Albans, Vt., for 180 days. Supporting shipper: Continental Can Co., Inc., 150 South Wacker Drive, Chicago, IL. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 127699 (Sub-No. 6 TA), filed February 23, 1971. Applicant: LEE CARTAGE CO., 2026 Cleveland Avenue SW., Canton, OH 44707. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Component parts for steel buildings*, from Canton, Ohio, to points in Illinois, Wisconsin, Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York,

New Jersey, Delaware, Maryland, the District of Columbia, and points in Pennsylvania except Sharon, Pa., and that part bounded by a line beginning at Sharon and extending along U.S. Highway 62 to junction U.S. Highway 322, thence along U.S. Highway 322 to Clarion, thence along Pennsylvania Highway 66 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction Pennsylvania Highway 31 and thence along Pennsylvania Highway 31 to the Pennsylvania-West Virginia State line, for 180 days. Supporting shipper: Macomber, Inc., 1925 10th Street, Canton, OH 44701. Send protests to: A. M. Culver, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 255 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

No. MC 129657 (Sub-No. 7 TA), filed March 1, 1971. Applicant: KEN McCARVILLE DISTRIBUTING COMPANY, INC., 436 Rainbow Road, Spring Green, WI 53588. Applicant's representative: Michael J. Wyngaard, 125 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and advertising equipment, premiums, materials, and supplies*, when shipped therewith, from Chicago, Ill., to Waupaca, Wis., Rapids, Watertown, Tomah, Wisconsin Dells, Beaver Dam, Janesville, Winneconne, Sparta, Sheboygan, Manitowoc, Green Bay, and Pewaukee, Wis., for 180 days. Supporting shipper: Meister-Brau, Inc., 1000 West North Avenue, Chicago, IL 60622. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 206, Madison, WI 53703.

No. MC 133574 (Sub-No. 13 TA), filed March 2, 1971. Applicant: TERRILL TRUCKING COMPANY (Iowa corporation), 1016 Geneseo Street, Storm Lake, IA 50588. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packinghouse products*, from the plantsite and storage facilities of Wilson Certified Foods, Cherokee, Iowa; to points in Tennessee, Alabama, Georgia, Florida, North Carolina, and South Carolina, for 150 days. Supporting shipper: Wilson Certified Foods, Cherokee, Iowa. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 304 Post Office Building, Sioux City, IA 51101.

No. MC 134263 (Sub-No. 2 TA), filed March 2, 1971. Applicant: E. L. WARTHEN, doing business as REDWAY CARRIERS, Route 5, Box 100, Waukegan, IL 60085. Applicant's representative: Paul J. Maton, Suite 1620, 10 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cranberries and cranberry products* in containers; *machinery, materials, supplies, and equipment*, incidental to or used in the processing, canning, bottling, preserving, freezing, distribution, and sale of cranberries and cranberry products, between the plantsite and warehouse of Ocean Spray Cranberries, Inc., Kenosha County, Wis., and North Chicago, Ill., to St. Louis, Mo., and points in Indiana and Ohio, for 180 days. Supporting shipper: John R. Pascoe, Traffic Manager, Ocean Spray Cranberries, Inc., Hansen, Mass. 02341. Send protests to: William J. Gray, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 134922 (Sub-No. 5 TA), filed March 2, 1971. Applicant: B. J. MCADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts* as described in sections A and C of appendix 1 to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of Iowa Beef Processors, Inc., at Emporia, Kans., to Boston and Springfield, Mass.; Providence, R.I.; Philadelphia, Pa.; Baltimore, Md.; District of Columbia; and points in New Jersey, New York, Connecticut, Virginia, North Carolina, and South Carolina, for 180 days. Supporting shipper: Iowa Beef Packers, Inc., Dakota City, Nebr. 68731. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 135117 (Sub-No. 2 TA) (correction), filed February 16, 1971, and published FEDERAL REGISTER issue of February 25, 1971, and republished in part as corrected this issue. Applicant: SPECIALIZED HAULING, INC., 1500 Omaha Street, Sioux City, IA 51103. Applicant's representative: Wallace W. Huff, 314 Security Bank Building, Sioux City, IA 51101. NOTE: The purpose of this partial republication is to include an additional shipper, which was inadvertently omitted from previous publication. Supporting shipper: Phillips & Co., Inc., Post Office Box 473, Sioux City, IA 51101. The rest of the application remains the same.

No. MC 135233 (Sub-No. 1 TA) (Correction), filed February 18, 1971, published in the FEDERAL REGISTER issue of February 26, 1971, and republished in part, as corrected, this issue. Applicant: JOYCE H. MORTON AND ROYCE C. MORTON, a partnership, doing business as MORTON BROTHERS, Rural Route 1, Box 2000, Las Cruces, NM 88001. NOTE: The purpose of this partial republication is to correctly set forth the commodity description by including the underlined portion which was inadvertently omitted from previous publication to read as follows: Clay products, cinder, stone, grain, landscaping *aggregates and building materials*. The rest of the application remains the same.

No. MC 135320 TA (Correction), filed February 18, 1971, and published FEDERAL REGISTER issue of February 26, 1971, and republished in part as corrected, this issue. Applicant: OKLAHOMA ARMORED CAR, INC., 1005 Southwest Second Street, Oklahoma City, OK 73125. Applicant's representative: John M. Delaney, 2 Nevada Drive, Lake Success, NY 11040. NOTE: The purpose of this partial republication is to correctly set forth the territorial description in (2) below as follows, in lieu of previous publication: (2) *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising material* moving therewith (except motion picture film used primarily for commercial theatre and television exhibition); (a) between Dallas and San Antonio, Tex, on the one hand, and, on the other, points in Oklahoma; (b) between Dallas and San Antonio, Tex., on the one hand, and, on the other, points in Oklahoma, restricted to traffic having an immediately prior or subsequent movement by air. The rest of the application remains the same.

By the Commission.

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

[FR Doc.71-3489 Filed 3-11-71;8:51 am]

[Notice 260]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 9, 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 3094 (Sub-No. 18 TA), filed March 3, 1971. Applicant: SERVICE MOTOR FREIGHT, INC., Post Office Box 36, Barrington, NJ 08007, 133 East Atlantic Avenue, Lawnside, NJ 08045. Applicant's representative: Herbert Alan Dubin, Federal Bar Building West, 1819

H Street, NW., Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper products*, from Parkway Industrial Center, Anne Arundel County, Md., to points in Delaware, New Jersey, New York, Pennsylvania, Virginia, and Washington, D.C., for 180 days. Supporting shipper: International Paper Co., 220 East 42d Street, New York, NY 10017. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 59800 (Sub-No. 23 TA), filed March 1, 1971. Applicant: THE WEICKER TRANSFER & STORAGE COMPANY, 2900 Brighton Boulevard, Post Office Box 5207 (80217), Denver, CO 80216. Applicant's representative: Joseph F. Nigro, 1515 Cleveland Place, Denver, CO 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dow telone* (which is a soil fumigant), *solvents and caustic soda*, from Arvada, Colo., to points in Wyoming and Nebraska, for 180 days. Supporting shipper: The Dow Chemical Co., Midland, Mich. Send protests to: District Supervisor Roger L. Buchanan, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Building, Denver, CO 80202.

No. MC 107295 (Sub-No. 486 TA), filed March 1, 1971. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Post Office Box 146, Farmer City, IL 61842. Applicant's representative: Dale L. Cox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardwood flooring systems, hardwood flooring, lumber, lumber products, and accessories used in the installation thereof*, from Dollar Bay, Mich., to points in Illinois, Iowa, Missouri, Ohio, Kansas, and Oklahoma, for 180 days. Supporting shipper: Horner Flooring Co., Dollar Bay, Mich. 49922. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, IL 62704.

No. MC 107295 (Sub-No. 487 TA), filed March 1, 1971. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Post Office Box 146, Farmer City, IL 61842. Applicant's representative: Dale L. Cox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building construction sections, panels and component parts thereof, including wall, doors and window systems, door and window frames and sash, and parts and accessories used in the installation thereof*, from Lima, Ohio, to Bethlehem, Pa., for 90 days. Supporting shipper: Fenmark Corp., Division of the Marmon Group Inc., 39 South La Salle Street, Chicago, IL 60603. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, IL 62704.

No. MC 113828 (Sub-No. 187 TA), filed March 3, 1971. Applicant: O'BOYLE TANK LINES, INCORPORATED, Mail: Post Office Box 30006, Washington, DC 20014. Office: 5320 Mounelli Drive, Industrial Park, Rockville, MD 20852. Applicant's representative: John F. Grimm, Post Office Box 30006, Washington, DC 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol and alcoholic liquors*, in bulk, in tank vehicles, from Williamson, Pa., to Baltimore, Md., for 180 days. Supporting shipper: Joseph E. Seagram & Sons, Inc., 375 Park Avenue, New York, NY 10022. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, DC 20423.

No. MC 120800 (Sub-No. 34 TA), filed March 3, 1971. Applicant: CAPITOL TRUCK LINE, INC., 2500 North Alameda Street, Compton, CA 90222. Applicant's representative: A. O'Malley (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid nitrogen*, in specially designed vacuum jacketed trailers, from Savannah, Ga., to points in South Carolina, Tennessee, Alabama, and Florida, for 150 days. Supporting shipper: American Cryogenics, Inc., No. 1 Embarcadero Center, San Francisco, CA 94111. 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 120800 (Sub-No. 36 TA), filed March 3, 1971. Applicant: CAPITOL TRUCK LINE, INC., 2500 North Alameda Street, Compton, CA 90222. Applicant's representative: A. O'Malley (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid ethylene*, in specially designed vacuum jacketed trailers, from Clinton, Iowa and Institute, W. Va., to Whiting, Ind., for 150 days. Supporting shipper: Union Carbide Corp., Central Distribution, 1 California, San Francisco, CA 94111. 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, Calif. 90012.

No. MC 123993 (Sub-No. 18 TA), filed March 2, 1971. Applicant: FOGLEMAN TRUCK LINE, INC., Post Office Box 1504, 1724 West Mill Street, Crowley, LA 70526. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, in bags, and packages, from the plantsite of Southdown Lands, Inc., near Houma, La., to points in Alabama and Mississippi, for 180 days. Supporting shipper: Southdown Lands, Inc., Eighth Floor, Odeco Building, Post Office Box 52378, New Orleans, LA 70150. Send protests to: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, LA 70113.

No. MC 124796 (Sub-No. 82 TA), filed March 3, 1971. Applicant: CONTINENTAL CONTRACT CARRIER CORP., Post Office Box 1257, 15045 East Salt Lake Avenue, City of Industry, CA 91747. Applicant's representative: William J. Monheim (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Air-conditioning equipment, furnaces, and component parts and accesories for such items*, from the plantsites and/or warehouse facilities utilized by Carrier Corp. at or near Davidson County, Tenn., to points in the United States (except Alaska and Hawaii), restricted against the transportation of commodities in bulk or those which, by reason of size or weight, require the use of special equipment. All shipments are to originate at the plantsites and/or warehouse facilities utilized by Carrier Corp. at or near Davidson County, Tenn., for 180 days. Supporting shipper: Carrier Air Conditioning Co., Carrier Parkway, Syracuse, N.Y. 13201. 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 129653 (Sub-No. 2 TA), filed March 2, 1971. Applicant: SAM B. PAINE, doing business as PAINE BROTHERS TRUCKING COMPANY, 290 Strathmore Cl. East, Memphis, TN 38112. Applicant's representative: Sam B. Paine (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, dry, in dump vehicles, from the plantsite of Swift and Co., Memphis, Tenn., to points in Poinsett County, Ark., and Itawamba and Union Counties, Miss., for 180 days. Supporting shipper: Swift Agricultural Chemicals Corp., Post Office Box 12628, 152 North Collins, Memphis, TN 38112. Attention: Mr. H. G. Smoak, Area Sales 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 134387 (Sub-No. 3 TA), filed March 3, 1971. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Avenue, South Gate, CA 90280. Applicant's representative: David P. Christianson, 825 City National Bank Building, 606 South Olive Street, Los Angeles, CA 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty metal cans and can ends*, on pallets, from points in Los Angeles County, Calif., to points in Maricopa County, Ariz., for 180

days. Supporting shipper: Reynolds Metals Co., Can Plant Division, 500 Crenshaw Boulevard, Torrance, CA 90503. 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.

By the Commission.

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

[FR Doc.71-3490 Filed 3-11-71;8:51 am]

[Notice 660]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 9, 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-72466. By order of February 17, 1971, the Motor Carrier Board approved the transfer to Fleming's Express, Inc., Wrentham, Mass., of the operating rights in certificate No. MC-128401 (Sub-No. 3), issued January 3, 1969, to Rosborough Refrigerated Express Co., Inc., Wrentham, Mass., authorizing the transportation of frozen prepared foods and fish when moving at the same time and in the same vehicle with frozen prepared foods, from Gloucester and Boston, Mass., to a described area in New York. Neal Holland, 225 Franklin Street, Boston, MA 02110, attorney for applicants.

No. MC-FC-72492. By order of February 19, 1971, the Motor Carrier Board approved the transfer to Samuel Zieres, North Branch, N.Y., of the operating rights in certificates Nos. MC-93942 and MC-93942 (Sub-No. 3) issued November 4, 1958, and November 15, 1966, respectively, to William Nober, doing business as Nober's Sedan Service, Lake Huntington, N.Y., authorizing the transportation of passengers and their baggage, in special operations, subject to certain conditions, between New York, N.Y., on the one hand, and, on the other, points in Chochecton, Delaware, Mamkating, and Fallsburgh Townships, Sullivan County, and Warwarsing Township, Ulster County, N.Y. Frederick W. V. Schadt, Jeffersonville, NY 12748, attorney for applicants.

No. MC-FC-72567. By order of February 17, 1971, the Motor Carrier Board approved the transfer to Gary K. Wiggins, doing business as North Pacific Trucking & Contracting, Kodiak, Alaska, of the operating rights in certificate No. MC-126123 (Sub-No. 1) issued September 15, 1965, to Harry Felton, doing business as Felton & Tenny, Kodiak, Alaska, authorizing the transportation of general commodities, except those of unusual value, household goods as defined by the Commission. and classes A and B explosives, between points in Kodiak Island, Alaska. John M. Stern, Jr., Post Office Box 1672, Anchorage, AK 99501, attorney for applicants.

No. MC-FC-72615. By order of February 19, 1971, the Motor Carrier Board approved the transfer to Jones Transfer, Inc., Fairmont, N.C., of the operating rights in certificate No. MC-30655 issued August 27, 1965, to Mary S. Jones, doing business as Jones Transfer, Fairmont, N.C., authorizing the transportation of veneer and plywood, livestock and agricultural commodities, brick, tile, and lumber, fertilizer and fertilizer materials, leaf tobacco, and general commodities, with usual exceptions, from and to, or between points specified in North Carolina, Virginia, South Carolina, Delaware, Maryland, New Jersey, New York, and Pennsylvania, and household goods, between Fairmont, N.C., on the one hand, and, on the other, points in South Carolina. F. W. Pittman, Post Office Box 355, Fairmont, NC 28340, attorney for applicants.

No. MC-FC-72669. By order of February 18, 1971, the Motor Carrier Board approved the transfer to Russell Fleury, Ponca, Nebr. 68770, of the operating rights in certificates Nos. MC-839 and MC-839 (Sub-No. 1) issued October 20, 1961, and May 2, 1962, respectively, to Richard L. Doren and Floyd R. Doren, a partnership, doing business as Ponca Motor Express, Ponca, Nebr. 68770, authorizing the transportation of general commodities with specified exceptions between specified points in Iowa and Nebraska.

No. MC-FC-72688. By order of February 19, 1971, the Motor Carrier Board approved the transfer to Keith W. White and Keith W. White, Jr., doing business as The White Grain Co., Box 133, Second Street, Neligh, NE 68756, of the operating rights in certificate No. MC-46096 issued March 28, 1956, to Vernon L. Rader, Rural Route, Brunswick, NE 68720, authorizing the transportation of coal, salt, grain, and agricultural implements from Sioux City, Iowa, to Neligh, Nebr.; petroleum products, in containers, from Council Bluffs, Iowa, to Neligh, Nebr.; livestock and feed between Neligh, Nebr., and points within 50 miles thereof, on the one hand, and, on the other, Sioux City, Iowa.

No. MC-FC-72689. By order of February 19, 1971, the Motor Carrier Board approved the transfer to Produce Transport Dispatch, Inc., Portland, Oreg., of the operating rights in certificate No. MC-124603 issued October 1, 1962 to Frank P. Battaglia and Thomas Torchia, a partnership, doing business as Produce Transport Dispatch, Portland, Oreg., authorizing the transportation of various commodities from specified points in Oregon and Washington to specified points in California. Stephen Parker, 317 Franklin Building, Portland, OR 97204, attorney for applicants.

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

[FR Doc.71-3488 Filed 3-11-71;8:51 am]

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 8, 1971.

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

LONG-AND-SHORT HAUL

FSA No. 42145—*Grain and grain products from points in Iowa and Missouri.* Filed by Western Trunk Line Committee, agent (No. A-2637), for interested rail carriers. Rates on grain, grain products, and related articles, in carloads, as described in the application, from specified points in Iowa and Missouri, to specified points in Kansas, also from specified points in Iowa, to specified points in Missouri.

Grounds for relief—Market competition, modified short-line distance formula and grouping.

Tariff—Western Trunk Line Committee, agent, tariff ICC A-4803.

By the Commission.

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

[FR Doc.71-3406 Filed 3-10-71;8:50 am]

SMALL BUSINESS ADMINISTRATION

[License No. 12/13-5027]

ALYESKA INVESTMENT CO.

Notice of Application for License as Minority Enterprise Small Business Investment Company

Notice is hereby given concerning the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations Governing Small Business Investment Companies (33 F.R. 326, 13 CFR Part 107) under the name of Alyeska Investment Co., 1815 South Bragaw Street, Anchorage, AK 99504, for a license to operate in the State of Alaska as a minority enterprise small business investment company (MESBIC), under the provisions of the Small Business Investment Act of 1958 (13 U.S.C. 661 et seq.) (Act), License No. 12/13-5027.

The proposed officers and directors are as follows:

A. F. Morel, President and Director, 1815 South Bragaw Street, Anchorage, AK 99504.
L. E. Levely, Vice President, 1815 South Bragaw Street, Anchorage, AK 99504.
J. D. Knodell, Jr., Secretary, 1815 South Bragaw Street, Anchorage, AK 99504.
E. C. Buettner, Treasurer and Director, 1815 South Bragaw Street, Anchorage, AK 99504.
E. L. Patton, Director, 1815 South Bragaw Street, Anchorage, AK 99504.
E. W. Wellbaum, Director, 1815 South Bragaw Street, Anchorage, AK 99504.
David Henderson, Director, 1815 South Bragaw Street, Anchorage, AK 99504.

The owners of the Trans Alaska Pipeline System own 100 percent of the license applicant's voting stock in the following percentages:

	Percent
Atlantic Pipe Line Co	28.06
BP Pipe Line Corp	28.06
Humble Pipe Line Co	25.52
Mobil Pipe Line Co	8.68
Phillips Petroleum Co	3.32
Union Oil Company of California	3.32
Amerada Hess Corp	3.0

The company proposes to commence operations with a capitalization of $1 million. As a MESBIC, the company proposes to be licensed solely for the purpose of providing assistance which will contribute to a well-balanced national economy by facilitating the acquisition or maintenance of ownership of small business concerns by individuals whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the application include the general business reputation and character of the management, and the probability of successful operation of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is further given that any interested person may, not later than 10 days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the proposed company. Any communications should be addressed to: Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

A copy of this notice shall be published in a newspaper of general circulation in Anchorage, Alaska.

A. H. SINGER,
Associate Administrator for Investment.

[FR Doc.71-3584 Filed 3-11-71;10:58 am]

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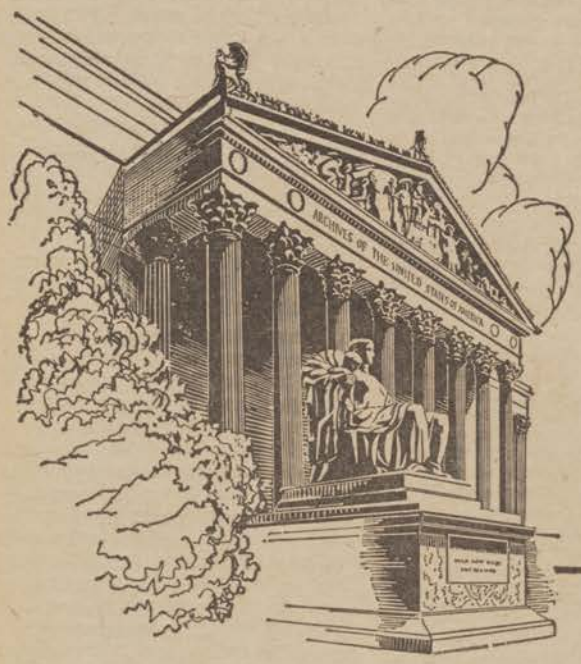
FEDERAL REGISTER

VOLUME 36 • NUMBER 49

Friday, March 12, 1971 • Washington, D.C.

PART II

SMALL BUSINESS ADMINISTRATION



SMALL BUSINESS SIZE STANDARDS

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Revision 10]

PART 121—SMALL BUSINESS SIZE STANDARDS

Revision of Small Business Size Standards Regulation Revision 10 of Part 121 rescinds Revision 9, including Amendments 1 through 15 thereof, of the Code of Federal Regulations. In addition to incorporating the amendments to Revision 9, this revision includes procedural changes and clarifying language as described below:

1. Section 121.3–1(b)(3) has been reworded to make it clear that procedures for "product" classification also apply to classification of "services."

2. In § 121.3–1(b)(4) and following, references to field office positions have been changed to reflect organizational changes.

3. Since § 121.3–2(b) has been amended to define the term "annual receipts," size definitions formerly appearing in terms of annual sales or annual sales and receipts have been amended to conform. The method to be utilized in computing annual receipts in the case of new concerns, new affiliates, and former affiliates also has been set forth in § 121.3–2(b). The rule for computing the annual sales and receipts of a new concern which has been in business less than a year was inadvertently left out when § 121.3–2(a) was amended on December 17, 1970 (35 F.R. 19077).

4. Section 121.3–2(s) has been augmented by including an explanation of the method for computing number of employees in the case of new and former affiliates.

5. Section 121.3–5(a) has been amended to permit a contracting officer to file a timely protest at any time before or after award, and to eliminate the rule under which only the head of a procuring agency can file a timely protest after award.

6. Section 121.3–8 has been amended to make it clear that if a contracting officer questions the size status of a bidder or offeror, he cannot refuse to accept the bid or offer, but instead must file a protest with the appropriate SBA regional director. It also has been amended to make it clear that a concern cannot self-certify as a small business if SBA has determined it to be ineligible and it has not applied for recertification on the basis of new facts and had its application granted. It also has been amended to provide that the contracting officer's determination as to the appropriate industry classification and the size standard for a particular Government procurement shall be set forth in the solicitation.

7. Because the new definition of "annual receipt" makes interpretation of the old definition unnecessary, § 121.3–14(a) has been deleted and the space reserved.

8. Section 121.3–14(g) has been amended to make it clear that the Size Appeals Board has jurisdiction to consider appeals from product and service classifications made by contracting officers.

Part 121 of Chapter 1 of Title 13 of the Code of Federal Regulations is hereby revised to read as follows:

Sec.
- 121.3 Statutory provisions.
- 121.3–1 Purpose and method of establishing size standards.
- 121.3–2 Definition of terms used in this part.
- 121.3–3 Organization—size functions.
- 121.3–4 Size determinations.
- 121.3–5 Protest of small business status.
- 121.3–6 Appeals.
- 121.3–7 Differentials.
- 121.3–8 Definition of small business for Government procurement.
- 121.3–9 Definition of small business for sales of Government property.
- 121.3–10 Definition of small business for SBA loans.
- 121.3–11 Definition of small business for assistance by small business investment companies or by development companies.
- 121.3–12 Definition of small business Government subcontractors.
- 121.3–13 Definition of small business for the purpose of lease guarantee.
- 121.3–14 Interpretations.

AUTHORITY: The provisions of this Part 121 issued under Public Law 85–536, sec. 5(b)6, 72 Stat. 385.

§ 121.3 Statutory provisions.

(a) *Small Business Act, as amended.*

SEC. 3. For the purpose of this Act, a small business concern shall be deemed to be one which is independently owned and operated and which is not dominant in its field of operation. In addition to the foregoing criteria the Administrator, in making a detailed definition, may use these criteria, among others. Number of employees and dollar volume of business. Where the number of employees is used as one of the criteria in making such definition for any of the purposes of this Act, the maximum number of employees which a small business concern may have under the definition shall vary from industry to industry to the extent necessary to reflect differing characteristics of such industries and to take proper account of other relevant factors.

* * * * *

SEC. 8(b). It shall also be the duty of the Administration and it is hereby empowered, whenever it determines such action is necessary—

* * * * *

(6) To determine within any industry the concerns, firms, persons, corporations, partnerships, cooperatives, or other business enterprises which are to be designated "small business concerns" for the purpose of effectuating the provisions of this Act. To carry out this purpose the Administrator, when requested to do so, shall issue in response to each such request an appropriate certificate certifying an individual concern as a "small business concern" in accordance with the criteria expressed in this Act. Any such certificate shall be subject to revocation when the concern covered thereby ceases to be a "small business concern." Offices of the Government having procurement or lending powers, or engaged in the disposal of Federal property or allocating materials or supplies, or promulgating regulations affecting the distribution of materials or supplies, shall accept as conclusive the Administration's determination as to which enterprises are to be designated "small business concerns," as authorized and directed under this paragraph.

(b) *Small Business Investment Act of 1958, as amended.*

SEC. 103. As used in this Act—

* * * * *

RULES AND REGULATIONS

(5) The term "small business concern" shall have the same meaning as in the "Small Business Act."

* * * * *

§ 121.3–1 Purpose and method of establishing size standards.

(a) *Purpose.* This part defines "small business concerns" and establishes standards, criteria, and procedures to determine which concerns are "small business concerns" within the meaning of the Small Business Act, as amended (hereinafter referred to as the "Act") and the Small Business Investment Act of 1958, as amended (hereinafter referred to as the "Investment Act").

(b) *Method of establishing size standards*—(1) *Use of Standard Industrial Classification Manual.* The Standard Industrial Classification (SIC) Manual, as amended, prepared and published by the Bureau of the Budget (now Office of Management and Budget), Executive Office of the President, will be used by SBA as a guide in defining industries. Its use therefore is advisory and not mandatory.

(2) *Factors in formulating size standards.* The following factors shall be considered in formulating industry size standards:

(i) Concentration of output; that is, the portion of the total output of an industry which is accounted for by a limited number of companies.

(ii) Coverage ratio; that is, the ratio of the industry's shipments of its primary products, to the total shipments by all industries of the primary products of the industry in question.

(iii) Specialization ratio; that is, the ratio of the industry's shipments of its primary products to its total shipments of primary and secondary products.

(iv) The total number of concerns in the industry.

(v) The size of industry leaders.

(vi) The SBA program for which the size standard is established.

In formulating industry size standards for the purpose of Government procurement, the additional factor of Government procurement history shall be used. The use of this additional factor may cause the size standards for the purpose of Government procurement and the size standards for the purpose of financial assistance to differ for the same industry.

(3) *Product classification.* For size standards purposes, a product or service shall be classified into only one industry, even though, for other purposes, it could be classified into more than one industry. In determining the SIC industry into which particular products shall be classified for size standard purposes, consideration shall be given to all appropriate factors including:

(i) Alphabetic indices published by the Bureau of the Budget (now Office of Management and Budget), Executive Office of the President, Bureau of the Census, and the Business and Defense Services Administration.

(ii) Description of the product under consideration.

(iii) Previous Government procurements for the same or similar products, and

(iv) Published information concerning the nature of companies which manufacture such products.

A product or service shall be classified in the industry whose definition best describes the principal nature of the product or service being procured. The end use of a product does not govern the industry into which it is to be classified. In a borderline situation the product or service shall be classified in the industry whose size standard would best serve to accomplish the purposes of the Small Business Act. When a procurement is for two or more items with different size standards a bidder must qualify as a small business under the definition of a small business applicable to any item on which it bids. If a multi-item procurement requires the successful bidder to deliver all items and/or perform all services being procured the applicable size standard is that for the industry whose products or services account for the greatest proportion of the contract price.

(4) *Product classification decision.* The SBA Regional Director or his delegatee of the SBA Region in which the principal office of the applicant, not including its affiliates, is located, shall determine the appropriate SIC classification, except that for procurement purposes the determination shall be made by the official specified in § 121.3–8, and for lease guarantee reinsurance purposes the determination shall be made by the Associate Administrator for Financial Assistance. Such determination shall be subject to appeal in the manner provided in § 121.3–6.

§ 121.3–2 Definition of terms used in this part.

(a) Affiliates: Concerns are affiliates of each other when either directly or indirectly (1) one concern (other than an investment company licensed under the Small Business Investment Act of 1958 or registered under the Investment Company Act of 1940, as amended), controls or has the power to control the other, or (2) a third party or parties (other than an investment company licensed under the Small Business Investment Act of 1958 or registered under the Investment Company Act of 1940, as amended), controls or has the power to control both. In determining whether concerns are independently owned and operated and whether or not affiliation exists, consideration shall be given to all appropriate factors, including common ownership, common management, and contractual relationships: *Provided, however,* That restraints imposed on a franchise by its franchise agreement shall not be considered in determining whether the franchisor controls or has the power to control and, therefore, is affiliated with the franchise, if the franchisee has the right to profit from his effort, commensurate with ownership, and bears the risk of loss or failure.

(b) "Annual receipts" means the gross income (less returns and allowances, sales of fixed assets and inter-affiliate transactions) of a concern (and its affiliates) from sales of products and services, interest, rents, fees, commissions, and/or from whatever other source derived, as entered on its regular books of account for its most recently completed fiscal year (whether on a cash, accrual, completed contracts, percentage of completion, or other acceptable accounting basis) and reported or to be reported to the U.S. Treasury Department, Internal Revenue Service, for Federal income tax purposes. If a concern has been in business less than a year its annual receipts shall be computed by determining its average weekly receipts for the period in which it has been in business and multiplying such figure by 52. Except as set forth in § 121.3–10, if a concern has acquired an affiliate during the applicable accounting period it is necessary in computing the applicant's annual receipts, to include the affiliates receipts during the entire applicable accounting period, rather than only its receipts during the period in which it has been an affiliate. The receipts of a former affiliate are not included even if such concern had been an affiliate during a portion of the applicable accounting period.

(c) "Appeal" means a written communication addressed to the Size Appeals Board requesting it to review a determination relating to a size matter made by a Regional Director or his delegatee, or by a Contracting Officer.

(d) "Area of substantial unemployment," for the purpose of small business size determination, means a geographical area within the United States which:

(1) Is classified by the Department of Labor either as an "Area of Substantial Unemployment," or an "Area of Substantial and Persistent Unemployment," and such classification has been listed in that Department's publication "Area Labor Market Trends" continuously from September 15, 1961, until a size determination is made; or

(2) Is individually certified by the Department of Labor as an "Area of Substantial Unemployment" and has been eligible for such certification continuously since September 15, 1961. If an area has been removed from the publication, "Area Labor Market Trends," or if an area becomes ineligible for certification at any time, such area is excluded from the above definition and cannot be reinstated for the purpose of size determinations unless it is designated as a Redevelopment Area by the Department of Commerce. (See paragraph (v) of this section.)

(e) "Base maintenance" means furnishing at an installation within the several States, Commonwealth of Puerto Rico, Virgin Islands, the Trust Territory of the Pacific Islands, or the District of Columbia, three or more services which may include but are not limited to such maintenance activities as janitorial and custodial services, protective guard services, commissary services, base housing maintenance, fire prevention services, safety engineering services, messenger services, grounds maintenance and landscaping services, and air conditioning and refrigeration maintenance: *Provided, however,* That whenever the contracting officer determines prior to the issuance of bids that the estimated value of one of the foregoing services constitutes more than 50 percent of the estimated value of the entire contract, the contract shall not be classified as base maintenance but in the industry in which such service is classified.

(f) "Bona fide feed stocks" means crude and any other hydrocarbon material actual charged to refinery processing units, as distinguished from materials used as components in products to be delivered after merely filtering, settling, or blending.

(g) "Crude-oil capacity" means the maximum daily average crude throughput of a refinery in complete operation, with allowance for necessary shutdown time for routine maintenance, repairs, etc. It approximates the maximum daily average crude runs to stills that can be maintained for an extended period.

(h) "Certificate of competency" means a certificate issued by SBA pursuant to the authority contained in section 8(b)(7) of the Act stating that the holder of the certificate is competent as to capacity and credit to perform a specific Government procurement or sales contract.

(i) "Concern" means any business entity organized for profit with a place of business located in the United States, including, but not limited to an individual, partnership, corporation, joint venture, association, or cooperative. For the purpose of making affiliation findings (see paragraph (a) of this section) any business entity, whether organized for profit or not, and any foreign business entity shall be included.

(j) "Contracting officer" means the person executing a particular contract on behalf of the Government and any other employee who is properly designated contracting officer; the term includes the authorized representative of a contracting officer acting within the limits of his authority.

(k) "Convalescent or nursing home" means those facilities for the accommodation of convalescents or other persons who are not acutely ill or not in need of hospital care but who may require nursing care and related medical services, which facility is privately owned and operated for the purpose of obtaining profits which shall inure to the benefit of its owners, stockholders, or members.

(l) "Department store" means a concern employing twenty-five (25) or more persons engaged in the retail sale of some items in each of the following merchandise lines: (1) Furniture, home furnishings, appliances, radio and tele-

vision sets; (2) a general line of apparel for the family; and (3) household linens and dry goods: *Provided, however,* That sales within any one of the preceding merchandise lines do not exceed eighty percent (80%) of the concern's total sales and the aggregate of such merchandise lines accounts for at least fifty percent (50%) of the concern's total sales.

(m) "Forest products industry" as used in § 121.3-9(b) means logging, wood preserving, and the manufacture of lumber and wood related products such as veneer, plywood, hardboard, particle board, or wood pulp, and of products of which lumber or wood related products are the principal raw material.

(n) "Gross leasable area" means the total floor area designed for tenant occupancy exclusive use, including basements, mezzanines, and upper floors, if any, expressed in square feet measured from the centerline of a joint partition and from outside wall faces.

(o) "Hospital" means a health facility duly licensed as a hospital providing in-patient medical or surgical care of the sick or injured, including obstetrics, which facility is privately owned and operated for the purpose of obtaining profits which shall inure to the benefits of its owner, stockholders, or members.

(p) "Industry" means a grouping of establishments primarily engaged in similar lines of activity as listed and described in the Standard Industrial Classification Manual, as amended (SIC Manual), prepared and published by the Bureau of the Budget (now Office of Management and Budget), Executive Office of the President.

(q) "Medical and dental laboratory" means those facilities which provide services to doctors, dentists, hospitals, and similar health facilities, which facilities are privately owned and operated for the purpose of obtaining profits which shall inure to the benefit of its owners, stockholders, or members.

(r) "Nonmanufacturer" means any concern which in connection with a specific Government procurement contract, other than a construction or service contract, does not manufacture or produce the products required to be furnished by such procurement. Nonmanufacturer includes a concern which can manufacture or produce the products referred to in the specific procurement but does not do so in connection with that procurement.

(s) A concern is "not dominant in its field of operation" when it does not exercise a controlling or major influence on a national basis in a kind of business activity in which a number of business concerns are primarily engaged. In determining whether dominance exists, consideration shall be given to all appropriate factors, including volume of business, number of employees, financial resources, competitive status or position, ownership or control of materials, processes, patents, license agreements, facilities, sales territory, and nature of business activity.

(t) "Number of employees" means the average employment of any concern, including the employees of its domestic and foreign affiliates, based on the number of persons employed on a full-time, part-time, temporary, or other basis during the pay period ending nearest the last day of the third month in each calendar quarter for the preceding four quarters. If a concern has not been in existence for four full calendar quarters, "number of employees" means the average employment of such concern and its affiliates during the period such concern has been in existence based on the number of persons employed during the pay period ending nearest the last day of each month. If a concern has acquired an affiliate during the applicable accounting period it is necessary in computing the applicant's number of employees, to include the affiliate's number of employees during the entire applicable accounting period rather than only its employees during the period in which it has been an affiliate. The employees of a former affiliate are not included even if such concern had been an affiliate during a portion of the applicable accounting period.

(u) "Protest" means a statement in writing from any bidder or offeror on a particular procurement or disposal (or from any other party interested therein) alleging that another bidder or offeror on such procurement is not a small business concern. Such statement shall contain the basis for the protest, together with specific detailed evidence in support of the protestant's claim. A protest received after the time limits set forth in § 121.3-5(a) shall be acted on but such determination shall not apply to the procurement in question.

(v) "Redevelopment area" for the purpose of small business size determinations means a geographical area within the United States which has been designated as a "redevelopment area" in accordance with the Public Works and Economic Development Act of 1965 (Public Law 89-136, sec. 401, 75 Stat. 48).

(w) "Shopping center" means a group of commercial establishments planned, developed, owned, and managed as a unit with off-street parking provided on the property.

(x) "Size determination" means an SBA ruling, in writing, that a concern is or is not, or was or was not, a small business within the meaning of this part. An opinion rendered by SBA to a contracting officer on the basis of published or commonly known information and without the benefit of a formal SBA inquiry, is not a "size determination" as that term is used in this part.

(y) "United States" as used in this part includes the several States, the territories and possessions of the United States, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and the District of Columbia.

§ 121.3-3 Organization—size functions.

The Associate Administrator for Procurement and Management Assistance shall:

(a) Develop and recommend small business size standards to the Administrator of SBA for promulgation;

(b) Conduct industry hearings pertaining to size matters;

(c) In concert with the Office of General Counsel, issue interpretations of the Size Standards Regulation;

(d) Consider and take appropriate action on written petitions objecting to or requesting amendments or recision of a published size standard;

(e) Establish procedures for the implementation of all size programs; and

(f) Perform such other related functions as may be appropriate to administer the SBA size program.

§ 121.3-4 Size determinations.

Original size determinations shall be made by the Regional Director, or his delegatee, serving the region in which the principal office of the concern (not including its affiliates) whose size is in question is located, except that for lease guarantee reinsurance purposes such determinations shall be made by the Associate Administrator for Financial Assistance. The Regional Director, or his delegatee, or the Associate Administrator for Financial Assistance, promptly shall notify, in writing by certified mail, return receipt requested, the concern in question and other interested persons of his decision. Such determination shall be final unless appealed in the manner provided in § 121.3-6. For the purpose of Government procurements a size determination shall be made only in the event of a protest pursuant to §121.3-5, a request for a redetermination pursuant to § 121.3-14(e), a request for a Certificate of Competency, or on request by the U.S. General Accounting Office.

§ 121.3-5 Protest of small business status.

(a) How to protest: Any bidder or offeror or other interested party may challenge the small business status of any other bidder or offeror on a particular procurement or disposal. Such challenge shall be made by delivering a protest to the contracting officer responsible for the particular procurement involved. Such protest must be filed prior to the close of business on the fifth day, exclusive of Saturdays, Sundays, and legal holidays, after bid or proposal opening, except that in the case of negotiated procurements, a protest may be filed by any other offeror or other interested party within five (5) days exclusive of Saturdays, Sundays, and legal holidays after receipt from the contracting officer of notification of the identity of the offeror being protested. *Provided, however,* That a protest received after such time shall be deemed to be timely for the purpose of the procurement in question, if, in the case of mailed protest, such protest is sent by registered or certified mail and the postmark thereon indicates that the protest would have been delivered within this time limit but for delays beyond the control of the protestant or, in the case of telegraphed protests, the telegram date and time line indicate that the protest would have been delivered within this time limit but for delays beyond the control of the protestant. Any contracting officer who receives

a protest shall promptly forward such protest to the SBA district office serving the geographical area in which the principal office of the protested concern, not including its affiliates, is located. A contracting officer may at any time after bid opening question the small business status of any bidder or offeror for the purpose of a particular procurement by filing a protest with the SBA district office serving the area in which the principal office of the protested concern, not including its affiliates, is located. A protest by a contracting officer shall be timely for the purpose of the procurement in question whether filed before or after award.

(b) Notification of protest: Upon receipt of such protest, the SBA district director or his delegatee shall immediately notify the Contracting Officer and the protestant of the date such protest has been received and that the size of the concern being protested is being considered by SBA. The district director or his delegatee shall also advise the protested bidder or offeror of the receipt of the protest and shall forward to the protested bidder or offeror a copy of the protest and a blank SBA Form 355, Application for Small Business Size Determination, by certified mail, return receipt requested. Such bidder must, within three (3) working days after receipt of the copy of the protest and SBA Form 355, file the completed form as directed by SBA, and must attach thereto a statement in answer to the allegations of the letter of protest, together with evidence to support such position. If such bidder or offeror does not submit the completed SBA Form 355 within the filing period provided above, or within any additional period of time granted by SBA for cause, SBA will rule the protested concern is other than a small business.

(c) Notification of determination: After receipt of a protest and responses thereto, SBA shall determine the small business status of the protested bidder or offeror and, by certified mail, return receipt requested, notify the Contracting Officer, the protestant, and the protested bidder or offeror of its decision within 10 working days if possible.

(d) If SBA has determined that a concern is ineligible as a small business for the purpose of a particular procurement, it cannot thereafter become eligible for the purpose of such procurement by taking affirmative acts to constitute itself a small business.

§ 121.3–6 Appeals.

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

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

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

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

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

(ii) Any concern or other interested party which has been adversely affected by a decision of a Regional Director or his delegatee or by the Associate Administrator for Financial Assistance pursuant to §§ 121.3–4 and 121.3–5;

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

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

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

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

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

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

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

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

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

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

(iv) A concise and direct statement of the reasons why the decision of a Regional Director, or his delegatee, the Contracting Officer or the Associate Administrator for Financial Assistance is alleged to be erroneous;

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

(vi) Action sought by the appellant.

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

(d) *Statement of interested parties.* After an appeal has been filed, any other interested parties may file with the Board a signed statement, together with four legible copies thereof, as to why the appeal should or should not be denied. Such statement shall be accompanied by appropriate evidence. Such statements and supporting evidence shall be mailed or delivered to the Chairman, Size Appeals Board, Small Business Administration,

Washington, D.C. 20416, within five (5) days of the receipt of appropriate notification of appeal or other action in the proceeding unless an extension is for cause granted by the Chairman of the Size Appeals Board. If the appellant is the concern whose size status is in question, the Board will provide copies of such statements and appropriate evidence submitted in connection with the appeal or a reconsideration thereof to such appellant.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 121.3–7 Differentials.

(a) *Alaska.* If an applicant for a size determination is a concern which has fifty percent (50%) or more of its annual sales or receipts attributable to business activity within Alaska then, whenever "annual sales or annual receipts" are used in any size definition contained in this part, said dollar limitation is increased by twenty-five percent (25%) of the amount set forth therein.

(b) *Substantial or persistent unemployment areas; areas of concentrated unemployment or underemployed; certified eligible concerns; and redevelopment areas*—(1) *Assistance under sections 7(a) and 8(a) of the Small Business Act.* Notwithstanding any other provision of this part, the applicable size standards for the purposes of assistance under sections 7(a) and 8(a) of the Act are increased by twenty-five percent (25%) whenever the concern maintains or operates a plant, facility, or other business establishment within an Area of Substantial Unemployment or Underemployment or Redevelopment Area as defined in § 121.3–2 (d) and (v) or is designated as a Certified Eligible concern by the Department of Labor and agrees to use the assistance within such area or, if it does not maintain a plant, facility, or other business establishment within such area, agrees to utilize the assistance for the establishment and/or operation of a plant, facility, or other business establishment within such area.

(2) *Small business investment companies and development companies.* Notwithstanding any other provision of this part, the size standard for a small business concern receiving assistance from a small business investment company or receiving assistance from a development company in connection with section 501 or section 502 loan is increased by twenty-five percent (25%) whenever such concern qualifies for a similar differential under subparagraph (1) of this paragraph.

(3) *Government procurement assistance, sales of Government property and Government subcontracting.* Except as is provided in subparagraphs (1) and (2) of this paragraph, this paragraph is not applicable to size determinations for the purpose of Government procurement assistance, sales of Government property or Government subcontracting.

§ 121.3–8 Definition of small business for Government procurement.

A small business concern for the purpose of Government procurement is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts and can further qualify under the criteria set forth in this section. When computing the size status of a bidder or offerer, the number of employees, annual receipts, or other applicable standards of the bidder or offerer and all of its affiliates shall be included. In the submission of a bid or proposal on a Government procurement, a concern which meets the criteria provided in this section and which either has not been determined by SBA to be ineligible, or has been determined to be ineligible but subsequently has on the basis of a significant change in ownership, management or contractual relations, applied for recertification and had its application granted, may represent that it is a small business. In the absence of a written protest or other information which would cause him to question the veracity of the self-certification, the Contracting Officer shall accept the self-certification at face value for the particular procurement involved. If the contracting officer has cause to question the veracity of a self-certification and elects to do so, he shall refer the eligibility issue to SBA by filing a formal protest pursuant to § 121.3–5. If a procurement calls for more than one item and the bidder can bid on any or all items, the bidder must meet the size standard for each item for which it submits a bid. If the procurement calls for more than one item and a bidder is required to bid on all or none of such items, the bidder can qualify as small business for such procurement if it meets the size standard for the item accounting for the greatest percentage of the total contract

value. The determination of the appropriate classification of a product or service shall be made by the contracting officer. Both classification and the applicable size standard (number of employees, average annual receipts, etc.) shall be set forth in the solicitation and such determination of the contracting officer shall be final unless appealed in the manner provided in § 121.3–6. If no standard for an industry, field of operation or activity (e.g., animal specialty; fin fish; management-logistics support to be performed outside of the several States, Commonwealth of Puerto Rico, Virgin Islands, the Trust Territory of the Pacific Islands, or the District of Columbia) has been set forth in this section, a concern bidding on a Government contract is a small business, if including its affiliates, it is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts, and has 500 employees or less.

(a) *Construction.* Any concern bidding on a contract for work which is classified in Division C, Contract Construction of the Standard Industrial Classification Manual, as amended, prepared and published by the Bureau of the Budget (now Office of Management and Budget), Executive Office of the President, is:

(1) Small if its average annual receipts for its preceding three (3) fiscal years do not exceed $7½ million.

(2) Small if it is bidding on a contract for dredging and its average annual receipts for its preceding three (3) fiscal years do not exceed $5 million.

(b) *Manufacturing.* Any concern bidding on a contract for a product it manufactured is classified:

(1) As small if it is bidding on a contract for food canning and preserving and its number of employees does not exceed 500 persons, exclusive of agricultural labor as defined in section (k) of the Federal Unemployment Tax Act, 68A Stat. 454, 26 U.S.C. (I.R.C. 1954) 3306.

(2) As small if it is bidding on a contract for a product classified within an industry set forth in Schedule B of this part and its number of employees does not exceed the size standard established for that industry.

(3) As small if it is bidding on a contract for a product classified within an industry not set forth in Schedule B of this part and its number of employees does not exceed 500 persons.

(4) As small if it is bidding on a contract for pneumatic tires within Census Classification Codes 30111 and 30112: *Provided,* That (i) the value of the pneumatic tires within Census Classification Codes 30111 and 30112 which it manufactured in the United States during the preceding calendar year is more than 50 percent of the value of its total worldwide manufacture, (ii) the value of the pneumatic tires within Census Classification Codes 30111 and 30112 which it manufactured worldwide during the preceding calendar year was less than five percent (5%) of the value of all such tires manufactured in the United States during said period, and (iii) the value of the principal products which it manufactured or otherwise produced or sold worldwide during the preceding calendar year is less than ten percent (10%) of the total value of such products manufactured or otherwise produced or sold in the United States during said period.

(5) As small if it is bidding on a contract for passenger cars within Census Classification Code 37171: *Provided,* That (i) the value of the passenger cars within Census Classification Code 37171 which it manufactured or otherwise produced in the United States during the preceding calendar year is more than fifty percent (50%) of the value of its total worldwide manufacture or production of such passenger cars, (ii) the value of the passenger cars within Census Classification Code 37171, which it manufactured or otherwise produced during the preceding calendar year was less than five percent (5%) of the total value of all such manufactured or produced in the United States during the said period, and (iii) the value of the principal products which it manufactured or otherwise produced or sold during the preceding calendar year is less than ten percent (10%) of the total value of such product manufactured or otherwise produced or sold in the United States during said period.

(6) Rebuilding on a factory basis or equivalent: As small if it is bidding on a contract for rebuilding machinery or equipment on a factory basis, the purpose of which is to restore such machinery or equipment to as serviceable and as like new condition as possible and its number of employees does not exceed the number of employees specified for the classification code applicable to the manufacturer of the original item.

NOTE: The size standard contained herein is not limited to concerns who are manufacturers of the original item but it is applicable to all bidders or offerers. The term "rebuilding on a factory basis" as used in this subsection does not include ordinary repair services such as those involving minor repair and/or preservation operations.

(c) *Nonmanufacturing.* Any concern which submits a bid or offer in its own name, other than on a construction or service contract, but which proposes to furnish a product not manufactured by said bidder or offerer, is deemed to be a small business concern when:

(1) Its number of employees does not exceed 500 persons, and

(2) (i) In the case of Government procurement reserved for or involving the preferential treatment of small businesses, such nonmanufacturer furnishes in the performance of the contract the products of a small business manufacturer or producer which products are manufactured or produced in the United States: *Provided, however,* If the goods to be furnished are woolen, worsted, knitwear, duck, and webbing, dealers and converters shall furnish such products which have been manufactured or produced by a small weaver (small knitter for knitwear), and if finishing is required, by a small finisher. If the procurement is for thread, dealers and converters shall furnish such products which have been finished by a small finisher. (Finishing of thread is defined as all "dyeing, bleaching, glazing, mildew proofing, coating, waxing, and other applications required by the pertinent specifications but excluding, mercerizing, spinning, throwing or twisting operations.")

(ii) If the procurement is for a refined petroleum product, other than a product classified in Standard Industrial Classification Industries No. 2951, Paving Mixtures and Blocks; No. 2952, Asphalt Felts and Coatings; No. 2992, Lubricating Oils and Greases; or No. 2999, Products of Petroleum and Coal, Not Elsewhere Classified; paragraph (g) of this section is for application.

(d) *Research, development, and testing.* Any concern bidding on a contract for research, development, and/or testing is classified:

(1) As small if it is bidding on a contract for research and/or development which requires delivery of a manufactured product and (i) it qualifies as a small business manufacturer within the meaning of paragraph (b) of this section for the industry into which the product is classified, or (ii) it qualifies as a small business nonmanufacturer within the meaning of paragraph (c) of this section.

(2) As small if it is bidding on a contract for research and/or development which does not require delivery of a manufactured product or on a contract for testing and its number of employees does not exceed 500 persons.

(e) *Services.* Any concern bidding on a contract for services, not elsewhere defined in this section, is classified as small if its average annual receipts for its preceding three (3) fiscal years do not exceed $1 million.

(1) Any concern bidding on a contract for engineering services other than marine engineering services is classified as small if its average annual receipts for its preceding three (3) fiscal years do not exceed $5 million.

(2) Any concern bidding on a contract for motion picture production or motion picture services is classified as small if its average annual receipts for its preceding three (3) fiscal years do not exceed $5 million.

(3) Any concern bidding on a contract for janitorial and custodial services is classified as small if its average annual receipts for its preceding three (3) fiscal years do not exceed $3 million.

(4) Any concern bidding on a contract for base maintenance is classified as small if its average annual receipts for its preceding three (3) fiscal year do not exceed $5 million.

(5) Any concern bidding on a contract for marine cargo handling services is classified as small if its annual receipts do not exceed $5 million for the preceding three (3) fiscal years.

(6) Any concern bidding on a contract for naval architectural and marine engineering services is classified as small if its average annual receipts for its pre-

ceding three (3) fiscal years do not exceed $6 million.

(7) Any concern bidding on a contract for food services is classified as small if its average annual receipts for its preceding three (3) fiscal years do not exceed $4 million.

(8) (i) Any concern bidding on a contract for laundry services including linen supply, diaper services, and industrial laundering is classified as small if its average annual receipts for its preceding three (3) fiscal years do not exceed $3 million.

(ii) Any concern bidding on a contract for cleaning and dyeing including rug cleaning services is classified as small if its average annual receipts for the preceding three (3) fiscal years do not exceed $1 million.

(9) Any concern bidding on a contract for computer programming services is classified as small if its average annual receipts for its preceding three (3) fiscal years do not exceed $1 million.

(10) Any concern bidding on a contract for flight training services is classified as small if its average annual receipts for its preceding three (3) fiscal years do not exceed $5 million.

(11) Any concern bidding on a contract for motorcar rental and leasing services or truck rental and leasing services is classified as small if its average annual receipts for its preceding three (3) fiscal years do not exceed $5 million.

(12) Any concern bidding on a contract for tire recapping services is classified as small if its average annual receipts for its preceding three (3) fiscal years do not exceed $3 million.

(13) Any concern bidding on a contract for data processing services is classified as small if its average annual receipts for its preceding three (3) fiscal years do not exceed $3 million.

(14) Any concern bidding on a contract for computer maintenance services is classified as small if its average annual receipts for its preceding three (3) fiscal years do not exceed $5 million.

(f) *Transportation.* Any concern bidding on a contract for passenger or freight transportation, not elsewhere defined in this section, is classified:

(1) As small if its number of employees does not exceed 500 persons.

(2) As small if it is bidding on a contract for air transportation and its number of employees does not exceed 1,000 persons.

(3) As small if it is bidding on a contract for either trucking (local and long-distance), warehousing, packing, and crating, and/or freight forwarding, and its annual receipts do not exceed $5 million.

(g) *Refined petroleum products.* Any concern bidding on a contract for a refined petroleum product other than a product classified in Standard Industrial Classification Industries No. 2951, Paving Mixtures and Blocks; No. 2952, Asphalt Felts and Coatings; No. 2992, Lubricating Oils and Greases; or No. 2999, Products of Petroleum and Coal, Not Elsewhere Classified; is classified as small if (1) (i) its number of employees does not exceed 1,000 persons; (ii) it does not have more than 30,000 barrels-per-day crude oil or bona fide feed stock capacity from owned or leased facilities or from facilities made available to such concern under an arrangement such as, but not limited to, an exchange agreement (except one on a refined product for refined product basis), or a throughput or other form of processing agreement, with the same effect as though such facilities had been leased; and (iii) the product to be delivered in the performance of the contract will contain at least 90 percent componets refined by the bidder from either crude oil or bona fide feed stocks: *Provided, however,* That a petroleum refining concern which meets the requirements in subdivisions (i) and (ii) of this subparagraph may furnish the product of a refinery not qualified as small business if such product is obtained pursuant to a bona fide exchange agreement, in effect on the date of the bid or offer, between the bidder or offeror and the refiner of the product to be delivered to the Government which requires exchanges in a stated ratio on a refined petroleum product for a refined petroleum product basis, and precludes a monetary settlement, and that the products exchanged for the products offered and to be delivered to the Government meet the requirement in subdivision (iii) of this subparagraph: *And, provided further,* That the exchange of products for products to be delivered to the Government, will be completed within 90 days after the expiration of the delivery period under the Government contract; and that any product furnished pursuant to a bona fide exchange agreement must be for delivery in the same Petroleum Administration for Defense (PAD) District pursuant to Schedule G of this Part 121, as that in which the small refinery is located; or (2) its number of employees does not exceed 500 persons and the product to be delivered to the Government has been refined by a concern which qualifies under subparagraph (1) of this paragraph.

§ 121.3-9 Definition of small business for sales of Government property.

In the submission of a bid or proposal for the purchase of Government-owned property, a concern which meets the criteria provided in this section may represent that it is a small business. In the absence of a written protest or other information which would cause him to question the veracity of the self-certification, the contracting officer shall accept the self-certification at face value for the particular sale involved.

(a) *Sales of Government-owned property other than timber.* A small business concern for the purpose of the sale of Government-owned property other than timber is a concern, including its affiliates, which is independently owned and operated, is not dominant in its field operation, and can further qualify under the following criteria.

(1) *Manufacturers.* Any concern which is primarily engaged in manufacturing is small if its number of employees does not exceed 500 persons: *Provided, however,* That a concern primarily engaged in SIC Industry 2911, Petroleum Refining, is small if its number of employees does not exceed 1,000 persons and it does not have more than 30,000 barrels-per-day crude oil or bona fide stock capacity from owned and/or leased facilities, or from facilities made available to such concern under an arrangement such as, but not limited to, an exchange agreement (except one on a refined product for refined product basis) or a throughput or other form of processing agreement, with the same effect as though such facilities had been leased.

(2) *Other than manufacturers.* Any concern which is primarily not a manufacturer (except as specified in subparagraph (3) of this paragraph) is small if its annual receipts for its preceding three (3) fiscal years do not exceed $5 million.

(3) *Stockpile purchasers.* Any concern primarily engaged in the purchase of materials which are not domestic products is small if its annual sales or annual receipts for its preceding three (3) fiscal years do not exceed $25 million.

(b) *Sales of Government-owned timber.* (1) In connection with sale of Government-owned timber a small business is a concern that:

(i) Is primarily engaged in the logging or forest products industry;

(ii) Is independently owned and operated;

(iii) Is not dominant in its field of operation; and

(iv) Together with its affiliates, its number of employees does not exceed 500 persons.

(2) In the case of Government sales of timber reserved for or involving preferential treatment of small businesses, when the Government timber being purchased is to be resold, a concern is a small business when:

(i) It is a small business within the meaning of subparagraph (1) of this paragraph, and

(ii) It agrees that it will not sell to a concern which is not a small business within the meaning of this paragraph more than thirty percent (30%) of such timber or, in the case of timber from certain geographical areas set forth in Schedule E of this part, more than the percentage established therein for such area.

(3) In the case of Government sales reserved for or involving preferential treatment of small businesses, when the Government timber purchased is not to be resold in the form of sawlogs to be manufactured into lumber and timbers, a concern is a small business when:

(i) It meets the criteria contained in subparagraph (1) of this paragraph, and

(ii) It agrees that in manufacturing lumber or timbers from such sawlogs cut from the Government timber, it will do so only with its own facilities or those of concerns that qualify under subparagraph (1) of this paragraph as a small business.

§ 121.3–10 Definition of small business for SBA loans.

A small business concern for the purpose of receiving an SBA loan is a concern, including its affiliates, which is independently owned and operated, is not dominant in its field of operation, and can further qualify under the criteria set forth below. A concern which is a small business under § 121.3–8 which has applied for or received a Certificate of Competency is a small business eligible for an SBA loan to finance the contract covered by the Certificate of Competency. If no standard for an industry, field of operation, or activity has been set forth in this section, a concern seeking a size determination shall submit SBA Form 355 to the Associate Administrator for Procurement and Management Assistance, Washington, D.C. 20416. If an applicant for an SBA loan has one or more affiliates primarily engaged in industries different than that of the applicant, the applicant's size status shall be determined by computing the percentage that the applicant's size is of the size standard for the industry in which it is primarily engaged and adding it to the percentage that the size of each of its affiliates is of the size standard for the industry in which each affiliate is primarily engaged. In order for the applicant to be eligible under this revision, the total of such percentages must not exceed one hundred percent (100%). A concern's primary industry is that which produced the greatest percentage of gross receipts for its past fiscal year.

(a) *Construction.* Any construction concern is small if its average annual receipts do not exceed $5 million for the preceding three (3) fiscal years.

(b) *Manufacturing.* Any manufacturing concern is clasified:

(1) As small if its number of employees does not exceed 250 persons;

(2) As large if its number of employees exceeds 1,500 persons;

(3) Either as small or large depending on its industry and in accordance with the employment size standards set forth in Schedule "A" of this part, if its number of employees exceeds 250 persons, but not more than 1,500 persons;

(4) As small if it is primarily engaged in the food canning and preserving industry and its number of employees does not exceed 500 persons exclusive of agricultural labor as defined in subsection (k) of the Federal Employment Tax Act, 68A Stat. 454, 26 U.S.C. (I.R.C. 1954) 3306.

(c) *Retail.* (1) Any retailing concern is classified:

(i) As small if it is primarily engaged in an industry or subindustry set forth in Schedule D of this part and its annual receipts do not exceed the size standard established therein for that industry or subindustry.

(ii) As small if it is primarily engaged in an industry or subindustry not set forth in Schedule D of this part and its annual sales do not exceed $1 million.

(d) *Services.* Any service concern is classified:

(1) As small if its annual receipts do not exceed $1 million;

(2) As small if it is primarily engaged in the hotel and motel industry and its annual receipts do not exceed $2 million;

(3) As small if it is primarily engaged in the power laundry industry and its annual receipts do not exceed $2 million;

(4) As small if it is primarily engaged in the trailer court and parks industry and its annual receipts do not exceed $1 million: *Provided,* That a minimum of fifty percent (50%) of the annual receipts is derived from the rental of space to tourist trailers for periods not in excess of thirty (30) days.

(5) As small if it is primarily engaged in owning and operating a hospital and its capacity does not exceed 150 beds (excluding cribs and bassinets);

(6) As small if it is primarily engaged in owning and operating a convalescent or nursing home and its annual receipts do not exceed $1 million;

(7) As small if it is primarily engaged in owning and operating a medical or dental laboratory and (i) it is operated in connection with an eligible proprietary hospital or (ii) it is not operated in connection with an eligible proprietary hospital and its annual receipts do not exceed $1 million;

(8) As small if it is primarily engaged in the motion picture production industry and its annual receipts do not exceed $5 million;

(9) As small if it is primarily engaged in the motion picture services industry and its annual receipts do not exceed $5 million;

(10) As small if it is primarily engaged in rendering engineering services and its annual receipts do not exceed $2.5 million.

(e) *Shopping centers.* (1) Any concern primarily engaged in operating shopping centers is small if (i) it does not have assets exceeding $5 million, (ii) it does not have net worth in excess of $2½ million, (iii) it does not have an average net income, after Federal Income Taxes, for the preceding two (2) fiscal years in excess of $250,000 (average net income to be computed without benefit of any carryover loss), and (iv) it does not lease more than twenty-five percent (25%) of the gross leasable area to concerns which do not meet the small business definitions contained in this section.

(2) For the purpose of size determinations, shopping center operators will not be considered affiliated with their tenants merely because of lease agreements.

(f) *Transportation and warehousing.* Any concern primarily engaged in passenger and freight transportation or warehousing is classified:

(1) As small if its annual receipts do not exceed $1 million;

(2) As small if it is primarily engaged in the air transportation industry and its number of employees does not exceed 1,000 persons;

(3) As small if it is primarily engaged in the storage of grain and it does not have more than 1 million bushels capacity in owned and leased facilities, and its annual receipts do not exceed $1 million;

(4) As small if it is primarily engaged in trucking, warehousing, packing, and crating and/or freight forwarding and its annual receipts do not exceed $5 million.

(g) *Wholesale.* (1) Any wholesaling concern is classified:

(i) As small if it is primarily engaged in an industry or subindustry set forth in Schedule C of this part and its annual receipts do not exceed the size standard established therein for that industry or subindustry.

(ii) As small if it is primarily engaged in an industry or subindustry not set forth in Schedule C of this part and its annual receipts do not exceed $5 million.

(2) Any concern primarily engaged in wholesaling, but also engaged in manufacturing, is not a "small business concern" unless it qualifies under both the manufacturing and wholesaling standards.

§ 121.3–11 Definition of small business for assistance by small business investment companies or by development companies.

A small business concern for the purpose of receiving financial or other assistance from small business investment companies or development companies is a concern which:

(a) Together with its affiliates, is independently owned and operated, is not dominant in its field of operation, does not have assets exceeding $5 million, does not have net worth in excess of $2½ million, and does not have an average net income, after Federal income taxes, for the preceding 2 years in excess of $250,000 (average net income to be computed without benefit of any carryover loss); or

(b) Qualifies as a small business concern under § 121.3–10.

§ 121.3–12 Definition of small business Government subcontractors.

(a) Any concern in connection with subcontracts of $2,500 or less which relate to Government procurements will be considered a small business concern if, including its affiliates, its number of employees does not exceed 500 persons.

(b) Any concern in connection with subcontracts exceeding $2,500 which relate to Government procurements will be considered a small business concern if it qualifies as such under § 121.3–8: *Provided, however,* That a nonmanufacturer is considered as small business for the purpose of Government subcontracting if, including its affiliates, its number of employees does not exceed 500 persons.

§ 121.3–13 Definition of small business for the purpose of lease guarantee.

A small business concern for the purpose of lease guarantee is a concern

that qualifies as a small business under § 121.3–11.

§ 121.3–14 Interpretations.

(a) [Reserved]

(b) *Section 121.3–9(b) "Sales of Government-owned timber."* Any concern which self-certifies as a small business concern for the purpose of the sale of Government-owned timber is expected to maintain sufficient documentary evidence to show that it did so in good faith. This means that a concern which sells more than 30 percent (30%) of the purchased timber will have to maintain the names and addresses of the concerns to whom the timber is sold and the size status of such concerns, unless an exemption has been granted on sales of mixed stumpage of hardwood and softwood species. Further, if the timber purchased is not to be resold in the form of sawlogs, but is to be manufactured into lumber and timber by a concern other than the bidder, the bidder must maintain records to show the name, address, and size status of the concern manufacturing the timber into lumber or timbers.

(c) *Section 121.3–2(a) "Affiliates"*—(1) *Nature of control.* Every business concern is considered as having one or more parties who directly or indirectly control or have the power to control it. Control may be affirmative or negative and it is immaterial whether it is exercised so long as the power to control exists.

Example. A party owning 50 percent of the voting stock of a concern would have negative power to control such concern since he can block any action of the other stockholders. Also, the bylaws of a corporation may be drawn up in such a manner which would permit a stockholder with less than 50 percent of the voting stock to block any actions taken by the other stockholders. Affiliation exists when one or more parties have the power to control a concern while at the same time another party, or other parties, may be in control of the concern at the will of the party or parties with the power to control.

(2) *Meaning of "party or parties."* The term "party or parties" includes, but is not limited to, two or more persons with an identity of interest such as members of the same family or persons with common investments in more than one concern. In determining who controls or has the power to control a concern, persons with an identity of interest may be treated as though they were one person.

(3) *Control through stock ownership.* (i) A party is considered to control or have the power to control a concern if he controls or has the power to control 50 percent or more of its voting stock.

(ii) A party is considered to control or have the power to control a concern even though he owns, controls, or has the power to control less than 50 percent of the concern's voting stock if the block of stock he owns, controls, or has the power to control is large as compared with any other outstanding block of stock. If two or more parties each own, control or have the power to control less than 50 percent of the voting stock of a concern and such minority blocks are (*a*) equal or substantially equal in size, and (*b*) large as compared with any other block outstanding, there is a presumption that each of such parties controls or has the power to control such concern; however, such presumption may be rebutted by a showing that such control or power to control, in fact, does not exist.

(iii) If a concern's voting stock is distributed other than as described above, its management (officers and directors) is deemed to be in control of such concern.

Example. In a corporation where the officers and directors own various size blocks of stock totalling 40 percent of a concern's voting stock but no officer or director has a block sufficient to give him control or the power to control and remaining 60 percent is widely distributed with no individual stockholder having a stock interest greater than 10 percent, management has the power to control.

(4) *Stock options, convertible debentures, and agreements to merge.* Stock options and convertible debentures exercisable at the time of, or within a relatively short time after a size determination, and agreements to merge in the future, are considered as having a present effect on the power to control the concern. Therefore, in making a size determination, such options, debentures, and agreements are treated as though the rights held thereunder had been exercised prior to the date of the determination.

Example. If, on the date of the determination, Company "A" holds an option to purchase a controlling interest in Company "B" and such option can be exercised at any time by Company "A", the situation is treated as though Company "A" had exercised its rights and had become owner of a controlling interest in Company "B" prior to the determination. Further, if, as of the date of a determination, Company "A" has entered into an agreement to merge with Company "B" in the future, the situation is treated as though the merger had taken place prior to the date of the determination.

(5) *Voting trusts.* If the purpose of a voting trust or similar agreement is to separate voting power from beneficial ownership of voting stock, for the purpose of shifting control of, or the power to control a concern, in order that such concern or another concern may qualify as a small business within the size regulation, such voting trust shall not be considered valid for this purpose, regardless of whether the trust is or is not valid within the appropriate jurisdiction. However, if a voting trust is entered into for a legitimate purpose other than that described above, and it is a valid trust within the appropriate jurisdiction, it may be considered valid for the purpose of a size determination, provided such consideration is determined to be in the best interest of the small business program.

(6) *Control through common management.* A concern is considered as controlling or having the power to control another concern when one or more of the following circumstances are found to exist, and it is reasonable to conclude that under the circumstances, such concern is directing or influencing, or has the power to direct or influence the operation of such other concern.

(i) *Interlocking management.* Officers, directors, employees, or principal stockholders of one concern serve as a working majority of the board of directors or officers of another concern.

(ii) *Common facilities.* One concern shares common office space and/or employees and/or other facilities with another concern, particularly where such concerns are in the same or related industry or field of operation, or where such concerns were formerly affiliated.

(iii) *Newly organized concern.* Former officers, directors, principal stockholders, and/or key employees of one concern organize a new concern in the same or a related industry or field of operation, and serve as its officers, directors, principal stockholders, and/or key employees, and one concern is furnishing or will furnish the other concern with subcontracts, financial or technical assistance, and/or other facilities, whether for a fee or otherwise.

(7) *Control through contractual relationships*—(i) *Definition of a joint venture for size determination purposes.* A joint venture, for size determination purposes, is an association of persons or concerns with interest in any degree or proportion by way of contract, express or implied, consorting to engage in and carry out a single business venture, such as a Government contract, for joint profit, for which purpose they combine their efforts, property, money, skill, or knowledge, but without creating a corporation or partnership in the legal or technical sense of the term.

(ii) *Joint ventures—financial assistance.* For the purpose of financial assistance to a joint venture, the parties thereto are considered as controlling or having the power to control each other and are considered as being affiliated. For the purpose of financial assistance to a concern which has requested assistance for its own use, but which is incidentally a party to a joint venture, such concern is not considered as being affiliated with its joint venturer.

(iii) *Joint venture—procurement assistance.* Concerns bidding on a particular procurement as joint venturers are considered as controlling or having the power to control each other with regard to performance of the contract, and therefore are considered as being affiliated. However, a concern which is a party to one or more joint ventures, but which is bidding on a procurement as an individual concern, is not considered as being affiliated with its joint venturers since they have no power to control its performance of the contract being bid on. Where a concern is not considered as being an affiliate of a concern with which it is participating in a joint venture, it is necessary, nevertheless, in computing annual receipts, etc., for the purpose of applying size standards to include such concern's share of the joint venture re-

ceipts (as distinguished from its share of the profits of such venture).

(iv) *Franchise and license agreements.* If a concern operates or is to operate under a franchise (or a license) agreement, the following policy is applicable: In determining whether the franchisor controls or has the power to control and, therefore, is affiliated with the franchisee, the restraints imposed on a franchisee by its franchise agreement shall not be considered provided that the franchisee has the right to profit from its effort and the risk of loss or failure, commensurate with ownership. Even though a franchisee may not be controlled by the franchisor by virtue of the contractual relationship between them, the franchisee may be controlled by the franchisor or others through common ownership or common management, in which case they would be considered as affiliated.

(d) *Section 121.3–8, "Definition of small business for Government procurement*—(1) *Sawmills.* For the purpose of a size determination, a sawmill is considered as the manufacturer of treated lumber, even if it contracts out the treatment of the lumber. Therefore, a small business sawmill can deliver in the performance of a set-aside procurement lumber which has been treated by a concern which does not qualify as a small business concern.

(2) *Oxygen converters.* For the purpose of a size determination, a concern which converts liquid oxygen to gaseous oxygen with or without additives, is a nonmanufacturer of the gaseous oxygen and therefore must furnish gaseous oxygen converted from liquid oxygen manufactured by a small business concern.

(e) *Section 121.3–8.* Section 121.3–8 provides that, in the submission of a bid or proposal on a Government procurement, a concern which meets the size standards criteria provided in § 121.3–8, may represent that it is a small business: *Provided further, however,* That a concern which has been determined by SBA to be ineligible as a small business under a particular size standard: (1) Shall, if it has self-certified as a small business on a pending procurement subject to the same or lower number of employees or annual receipts size standard (whichever is applicable), immediately notify the contracting officer of such adverse size determination and, (2) shall not thereafter self-certify on a procurement subject to the same or a lower employee or annual receipts size standard (whichever is applicable) until it has applied for recertification based on a significant change in its ownership, management or contractural relations, and has been determined eligible as a small business under such size standards by either the regional office which issued the adverse determination or the Small Business Size Appeals Board.

(f) *Section 121.3–4 "Application for small business size status determination."* Contracting officers, in order to determine whether to set particular contracts aside for exclusive award to small business concerns or whether to send invitations for bids to particular concerns, may require information from SBA concerning the small business size status of such concerns and be unable to wait for a formal small business size determination. In such cases, informal advice or information may be given based on the best evidence available concerning the small business size of such a concern. However, such informal advice is not a small business size determination within the meaning of that term in the Small Business Size Standards Regulation and is not binding with respect to eligibility as a small business for the purpose of a particular Government procurement. Further, an opinion as to a concern's future small business size status, based on proposed but unexecuted changes in its organization, management or contractual relations, is not a small business size determination.

(g) *Section 121.3–6 "Appeals."* The Size Appeals Board only has jurisdiction to consider appeals from formal determinations as to a concern's small business size status and appeals from product or service classification determination made by contracting officers for the purpose of Government procurements. It has no jurisdiction to consider an appeal from an informal opinion or advice concerning a company's small business size status, an opinion as to a company's future small business size status based on proposed but unexecuted change in its organization, management or contractural relations, or an appeal based on an allegation that the small business size standard established by SBA for a particular industry or field of operation is improper for the purpose intended.

(h) *Sections 121.3–2(r) and 121.3–8 (c) "Definition of nonmanufacturer."* For size determination purposes there can only be one manufacturer of the end item being procured. The manufacturer of the end item being procured is the concern which with its own forces transforms inorganic or organic substances including raw materials and/or miscellaneous parts or components into such end item.

(i) *Section 121.3–8(g) "Refined petroleum products."* The proviso in § 121.3–8 (g) (1) (iii) that the product to be delivered in the performance of the contract will contain at least 90 percent components refined by the bidder from either crude oil or bona fide feed stocks, contemplates that, in accomplishing such refining, the bidder will utilize its own employees and facilities which it owns or obtains under a bona fide lease as distinguished from any other arrangement having the same effect as a lease. The proviso in § 121.3–8(g) (1) permitting a concern which meets the requirements in subdivisions (i) and (ii) of § 121.3–8(g) to furnish the product of a refinery not qualified as small business if such product is obtained pursuant to a bona fide exchange agreement which meets prescribed requirements, contemplates that the product exchanged by the bidder for the product to be furnished, shall have been refined by the bidder utilizing only its own employees and its own facilities or facilities obtained through a bona fide lease.

(j) *Section 121.3–10 Definition of Small Business for SBA Loans.* Following is an example of the method to be utilized in computing a diversified concern's size status for the purpose of an SBA loan:

Concern A applies for an SBA loan. It is affiliated with Concern B. Concern A has 15 employees and $2.5 million in receipts and is primarily engaged in the retail sale of groceries (Industry No. 5411) for which the size standard is $5 million in annual receipts. Concern B has 100 employees and $3 million in receipts and is primarily engaged in the manufacture of macaroni (Industry No. 2098) for which the size standard is 250 employees. The receipts of Concern A are only 50 percent of the size standard for its industry and the employment of Concern B is only 40 percent of the size standard for its industry. Since the combined percentages are less than 100 percent, Concern A can qualify for an SBA loan.

(k) *Section 121.3–8(e) (12).* The Small Business Size Appeals Board has interpreted this section to apply only to procurements requiring the services of tire retreading and repair shops (Standard Industrial Classification Industry No. 7534, Tire Retreading and Repair Shops) and not to procurements for the repairing and/or retreading of pneumatic aircraft tires which, by reason of the extent and nature of the equipment and operations required, is considered for size standards purposes to be manufactured within the meaning of Standard Industrial Classification Industry No. 3011, Tires and Inner Tubes.

(l) *Section 121.3–8(c) "Definition of Nonmanufacturer."* The Government often purchase items in the form of kits such as, but not limited to, tool kits and survival kits, which are not manufactured items but merely assemblages of separate manufactured items. Accordingly, a concern which purchases some or all of such items and packages them into kit form is considered to be a nonmanufacturer for size determination purposes. Such a concern can qualify as a small business only if it meets all other qualifications of a small nonmanufacturer set forth in this part and if more than 50 percent of the total value of the kit and its contents is accounted for by items manufactured by small business.

Effective date. This revision shall become effective upon publication in the FEDERAL REGISTER (3–12–71).

Dated: March 2, 1971.

THOMAS S. KLEPPE,
Administrator.

SCHEDULE A—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MANUFACTURING

(The following size standards are to be used when determining the size status of applicants for SBA business loans, displaced business loans, economic opportunity loans, and as alternate standards for sections 501 and 502 loans, and SBIC assistance)

Census classification code	Industry or class of products	Employment size standard (number of employees) [1]
	Major Group 23—Apparel and Related Products (except men's dress shirts and nightwear)	250
2321	Men's dress shirts and nightwear	500
	Major Group 28—Chemicals and Allied Products:	
2879	Agricultural chemicals, n.e.c.	500
2873	Agricultural pesticides and other agricultural chemicals, n.e.c.	500
2812	Alkalies and chlorine	1,000
2831	Biological products	250
2895	Carbon, black	500
2823	Cellulose man-made fibers	1,000
2899	Chemicals and chemical preparations, n.e.c. (except fatty acids)	250
28151	Cyclic (coal tar) crudes	500
2815	Cyclic intermediates, dyes, organic pigments (lakes and toners) except cyclic (coal Tar) crudes	750
2892	Explosives	750
28992	Fatty acids	500
2871	Fertilizers	500
2872	Fertilizers, mixing only	500
2891	Glue and gelatin	250
2861	Gum and wood chemicals	500
2813	Industrial gases	1,000
2819	Industrial inorganic chemicals, n.e.c.	1,000
2818	Industrial organic chemicals, n.e.c.	1,000
2816	Inorganic pigments	1,000
2833	Medicinal chemicals and botanical products	750
2851	Paints, varnishes, lacquers, enamels and allied products	250
2844	Perfumes, cosmetics, and other toilet preparations	500
2834	Pharmaceutical preparations	750
2821	Plastics materials, synthetic resins, and nonvulcanizable elastomers	750
2893	Printing ink	250
2841	Soap and other detergents, except specialty cleaners	750
2842	Specialty cleaning, polishing, and sanitation preparations, except soap and detergents	500
2843	Surface active agents, finishing agents, sulfonated oils and assistants	250
2824	Synthetic organic fibers, except cellulosic	1,000
2822	Synthetic rubber (vulcanizable elastomers)	1,000
	Major Group 36—Electrical Machinery, Equipment, and Supplies:	
3624	Carbon and graphite products	750
3672	Cathode ray picture tubes	750
3643	Current carrying wiring devices	500
3634	Electric housewares and fans	750
3641	Electric lamps	1,000
3611	Electric measuring instruments and test equipment	500
3694	Electrical equipment for internal combustion engines	750
3629	Electrical industrial apparatus, n.e.c.	500
3699	Electrical machinery, equipment and supplies, n.e.c.	500
3679	Electronic components and accessories, n.e.c.	500
3639	Household appliances, n.e.c.	500
3631	Household cooking equipment	750
3633	Household laundry equipment	1,000
3632	Household refrigerators and home and farm freezers	1,000
3635	Household vacuum cleaners	750
3622	Industrial controls	750
3642	Lighting fixtures	250
3621	Motors and generators	1,000
3644	Noncurrent carrying wiring devices	500
3652	Phonograph records	750
3621	Power, distribution and specialty transformers	750
3692	Primary batteries, dry and wet	1,000

See footnotes at end of table.

SCHEDULE A—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MANUFACTURING—Continued

Census classification code	Industry or class of products	Employment size standard (number of employees [1]
3651	Radio and television receiving sets, except communication types	750
3671	Radio and television receiving type electron tubes, except cathode ray	1,000
3662	Radio and television transmitting-signaling, and detection equipment, and apparatus	750
3693	Radiographic X-ray, fluoroscopic X-ray, therapeutic X-ray, and other X-ray apparatus and tubes	500
3674	Semiconductors and related devices	500
3636	Sewing machines	750
3691	Storage batteries	500
3613	Switchgear and switchboard apparatus	750
3661	Telephone and telegraph apparatus	1,000
3673	Transmitting, industrial and special purpose electron tubes	750
3623	Welding apparatus	250
	Major Group 34—Fabricated Metal Products, Except Ordnance, Machinery, and Transportation Equipment:	
3446	Architectural and ornamental metal work	250
3452	Bolts, nuts, screws, rivets and washers	500
3479	Coating, engraving, and allied services, n.e.c.	250
3496	Collapsible tubes	250
3421	Cutlery	500
3471	Electroplating, plating, polishing, anodizing and coloring	250
3431	Enameled iron and metal sanitary ware	750
3499	Fabricate metal products, n.e.c.	250
3498	Fabricated pipe and fabricated pipe fittings	250
3443	Fabricated platework (boiler shops)	250
3441	Fabricated structural steel	250
3423	Hand and edge tools, except machine tools and hand saws	250
3425	Hand saws and saw blades	250
3429	Hardware, n.e.c.	250
3433	Heating equipment, except electric	500
3411	Metal cans	1,000
3442	Metal doors, sash, frames, molding, and trim	250
3497	Metal foil and leaf	500
3491	Metal shipping barrels, drums, kegs, and pails	500
3461	Metal stampings	250
3481	Miscellaneous fabricated wire products	250
3449	Miscellaneous metal work	250
3432	Plumbing fixture fittings and trim (brass goods)	500
3492	Safes and vaults	500
3451	Screw machine products	250
3444	Sheet metal work	250
3493	Steel springs	500
3494	Valves and pipe fittings, except plumbers' brass goods	500
	Major Group 20—Food and Kindred Products:	
2094	Animal and marine fats and oils	250
2063	Beet sugar	750
2052	Biscuit, cracker, and pretzels	750
2045	Blended and prepared flour	500
2086	Bottled and canned soft drinks and carbonated waters	250
2051	Bread and other bakery products, except biscuit, cracker, and pretzels	250
2071	Candy and other confectionery products	250
2061	Cane sugar, except refining only	250
2062	Cane sugar refining	750
2031	Canned and cured seafoods	250
2033	Canned fruits, vegetables, preserves, jams and jellies	500
2032	Canned specialties	1,000
2043	Cereal preparations	1,000
2022	Cheese, natural and processed	250
2073	Chewing gum	500
2072	Chocolate and cocoa products	500
2023	Condensed and evaporated milk	500
2091	Cottonseed oil mills	250
2021	Creamery butter	250
2085	Distilled, rectified, and blended liquors	750

SCHEDULE A—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MANUFACTURING—Continued

Census classification code	Industry or class of products	Employment size standard (aumber of employees [1]
2034	Dried and dehydrated fruits and vegetables	500
2087	Flavoring extracts and flavoring sirups, n.e.c.	500
2041	Flour and other grain mill products	500
2026	Fluid milk	500
2099	Food preparations, n.e.c.	250
20991	Desserts (ready-to-mix)	500
20994	Baking powder and yeast	500
2036	Fresh or frozen packaged fish	250
2037	Frozen fruits, fruit juices, vegetables and specialities	500
2024	Ice cream and frozen desserts	500
2098	Macaroni, spaghetti, vermicelli, and noodles	250
2083	Malt	250
2082	Malt liquors	500
2097	Manufactured ice	250
2011	Meatpacking plants	500
2035	Pickled fruits and vegetables; vegetable sauces and seasonings; salad dressings	250
2015	Poultry and small game dressing and packing, wholesale	250
2042	Prepared feeds for animals and fowls	250
2044	Rice milling	250
2095	Roasted coffee	250
2013	Sausage and other prepared meat products	500
2096	Shortening, table oils, margarine, and other edible fats and oils, n.e.c.	750
2092	Soybean oil mills	500
2093	Vegetable oil mills, except cottonseed and soybean	1,000
2046	Wet corn milling	750
2084	Wines, brandy, and brandy spirits	250
	Major Group 25—Furniture and Fixtures:	
2599	Furniture and fixtures, n.e.c.	250
2519	Household furniture, n.e.c.	250
2515	Mattresses and bedsprings	250
2514	Metal household furniture	250
2522	Metal office furniture	500
2542	Metal partitions, shelving, lockers, and office and store fixtures	250
2531	Public building and related furniture	250
2591	Venetian blinds and shades	250
2511	Wood household furniture, except upholstered	250
2512	Wood household furniture, upholstered	250
2521	Wood office furniture	250
2541	Wood partitions, shelving, lockers, and office and store fixtures	250
	Major Group 31—Leather and Leather Products:	
3131	Boot and shoe cut stock and findings	250
3141	Footwear, except house slippers and rubber footwear	500
3142	House slippers	250
3121	Industrial leather belting and packing	250
3151	Leather dress, semidress, and work gloves	250
3199	Leather goods, n.e.c.	250
3111	Leather tanning and finishing	250
3161	Luggage	250
3172	Personal leather goods, except handbags and purses	250
3171	Women's handbags and purses	250
	Major Group 24—Lumber and Wood Products, Except Furniture	250
	Major Group 35—Machinery, Except Electrical:	
3581	Automatic merchandising machines	250
3562	Ball and roller bearings	750
3564	Blowers, exhaust and ventilating fans	250
3574	Calculating and accounting machines, except electronic computing equipment	1,000
3582	Commercial laundry, dry-cleaning and pressing machines	250
3531	Construction machinery and equipment	750
3535	Conveyors and conveying equipment	250
3573	Electronic computing equipment	1,000
3534	Elevators and moving stairways	500

SCHEDULE A—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MANUFACTURING—Continued

Census classification code	Industry or class of products	Employment size standard (number of employees [1])
3522	Farm machinery and equipment	500
3551	Food products machinery	250
3569	General industrial machinery and equipment, n.e.c.	250
3536	Hoists, industrial cranes and monorail systems	500
3565	Industrial patterns	250
3567	Industrial process furnaces and ovens	250
3537	Industrial trucks, tractors trailers, and stackers	750
3519	Internal combustion engines, n.e.c.	1,000
3545	Machine tool accessories and measuring devices	250
35452	Precision-measuring tools	500
3541	Machine tools, metal cutting types	500
3542	Machine tools, metal forming types	500
3586	Measuring and dispensing pumps	500
3566	Mechanical power transmission equipment, except ball and roller bearings	500
3548	Metal working machinery, except machine tools	500
3532	Mining machinery and equipment, except oilfield machinery and equipment	500
3599	Miscellaneous machinery, except electrical	250
3579	Office machines, n.e.c.	500
3533	Oilfield machinery and equipment	500
3554	Paper industries machinery	250
3555	Printing trades machinery and equipment	500
3561	Pumps, air and gas compressors, and pumping equipment	500
3585	Refrigerators; refrigeration machinery, except household; and complete air-conditioning units	750
3576	Scales and balances, except laboratory	250
3589	Service industry machines, n.e.c.	250
3544	Special dies and tools, die sets, jigs, and fixtures	250
3559	Special industry machinery, n.e.c.	250
3511	Steam engines; steam, gas, and hydraulic turbines; and steam, gas, and hydraulic turbine generator set units	1,000
3552	Textile machinery	250
3572	Typewriters	1,000
3553	Woodworkingw machinery	250
	Major Group 39—Miscellaneous Manufacturing Industries:	
3991	Brooms and brushes	250
3963	Buttons	250
3955	Carbon paper and inked ribbons	250
3943	Children's vehicles, except bicycles	250
3961	Costume jewelry and costume novelties, except precious metal	250
3942	Dolls	250
3962	Feathers, plumes and artificial flowers	250
3941	Games and toys, except dolls and children's vehicles	250
3912	Jewelers' findings and materials	250
3911	Jewelry; precious metal	250
3913	Lapidary work and cutting and polishing diamonds	250
3952	Lead pencils, crayons, and artists' materials	250
3996	Linoleum, asphalted-felt base, and other hard surface floor coverings, n.e.c.	750
3999	Manufacturing industries, n.e.c.	250
3953	Marking devices	250
39993	Matches	500
3994	Morticians' goods	250
3031	Musical instruments and parts	500
3964	Needles, pins, hooks and eyes, and similar notions	250
3951	Pens, penpoints, fountain pens, ballpoint pens, mechanical pencils and parts	500
3993	Signs and advertising displays	250
3914	Silverware and plated ware	500
3949	Sporting and athletic goods, n.e.c.	250

See footnotes at end of table.

SCHEDULE A—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MANUFACTURING—Continued

Census classification code	Industry or class of products	Employment s.ze standard (number of employees [1])
	Major Group 19—Ordnance and Accessories:	
1929	Ammunition, except for small arms, n.e.c.	1,000
1955	Guided missiles and space vehicles, completely assembled	250
1911	Guns, howitzers, mortars, and related equipment	250
1999	Ordnance and accessories n.e.c.	250
1941	Sighting and fire-control equipment	250
1951	Small arms	1,000
1961	Small arms ammunition	1,000
1931	Tanks and tank components	1,000
	Major Group 26—Paper and Allied Products:	
2643	Bags, except textile bags	500
2661	Building paper and building board mills	750
2649	Converted paper and paperboard products, n.e.c.	500
2653	Corrugated and solid-fiber boxes	250
2645	Die cut paper and paperboard; and cardboard	250
2642	Envelopes	250
2655	Fiber cans, tubes, drums, and similar products	250
2651	Folding paperboard boxes	250
2641	Paper coating and glazing	500
2621	Paper mills, except building-paper mills	750
2631	Paperboard mills	750
2646	Pressed and molded pulp goods	750
2611	Pulp mills	750
2654	Sanitary food containers	750
2647	Sanitary paper products	500
2652	Set-up paperboard boxes	250
2644	Wallpaper	250
	Major Group 29—Petroleum Refining and Related Industries:	
2952	Asphalt felts and coatings	750
2992	Lubricating oils and greases	500
2951	Paving mixtures and blocks	250
2911	Petroleum refining [3]	1,000
2999	Products of petroleum and coal, n.e.c.	250
	Major Group 33—Primary Metal Industries:	
3361	Aluminum castings	250
3312	Blast furnaces (including coke ovens) steel works, and rolling, mills	1,000
3362	Brass, bronze, copper, copper base alloy castings	250
3316	Cold rolled sheet, strip and bars	1,000
3357	Drawing and insulating of nonferrous wire	1,000
3313	Electrometallurgical products	750
3321	Gray iron foundries	500
3391	Iron and steel forgings	500
3322	Malleable iron foundries	500
3369	Nonferrous castings, n.e.c.	250
3392	Nonferrous forgings	250
3399	Primary metal industries, n.e.c.	750
3334	Primary production of aluminum	1,000
3331	Primary smelting and refining of copper	1,000
3332	Primary smelting and refining of lead	1,000
3339	Primary smelting and refining of nonferrous metals, n.e.c.	750
3333	Primary smelting and refining of zinc	750
3352	Rolling, drawing, and extruding of aluminum	750
3351	Rolling, drawing, and extruding of copper	750
3356	Rolling, drawing, and extruding of nonferrous metals, except copper and aluminum	750
3341	Secondary smelting, refining, and alloying of nonferrous metals and alloys	250
3323	Steel foundries	500
3317	Steel pipe and tubes	1,000
3315	Steel wire drawing and steel nails and spikes	1,000
	Major Group 27—Printing and Publishing Industries	250
	Major Group 38—Professional, Scientific and Controlling Instruments: Photographic and Optical Goods: Watches and Clocks:	
3822	Automatic temperature controls	500
3843	Dental equipment and supplies	250

SCHEDULE A—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MANUFACTURING—Continued

Census classification code	Industry or class of products	Employment size standard (number of employees [1])
3811	Engineering, laboratory, and scientific and research instruments and associated equipment	500
3821	Mechanical measuring and controlling instruments, except automatic temperature controls	500
3851	Ophthalmic goods	250
3831	Optical instruments and lenses	250
3842	Orthopedic, prosthetic, and surgical appliances and supplies	250
3861	Photographic equipment and supplies	500
3841	Surgical and medical instruments and apparatus	250
3872	Watchcases	250
3871	Watches, clocks, and parts except watchcases	500
	Major Group 30—Rubber and Miscellaneous Plastics Products:	
3069	Fabricated rubber products, n.e.c.	500
3079	Miscellaneous plastics products	250
3031	Reclaimed rubber	750
3021	Rubber footwear	1,000
3011	Tires and inner tubes	1,000
	Major Group 32—Stone, Clay, and Glass Products:	
3291	Abrasive products	250
3292	Asbestos products	750
3251	Brick and structural clay tile	250
3241	Cement, hydraulic	750
3253	Ceramic wall and floor tile	500
3255	Clay refractories	250
3271	Concrete block and brick	250
3272	Concrete products, except block and brick	250
3281	Cut stone and stone products	250
3263	Fine earthenware (whiteware), table and kitchen articles	500
3211	Flat glass	1,000
3221	Glass containers	750
3231	Glass products, made of purchased glass	250
3275	Gypsum products	1,000
3274	Lime	500
3296	Mineral wool	750
3295	Minerals and earths, ground or otherwise treated	250
3297	Nonclay refractories	750
3299	Nonmetallic mineral products, n.e.c.	250
3264	Porcelain electrical supplies	500
3269	Pottery products, n.e.c.	250
3229	Pressed and blown glass and glassware, n.e.c.	750
3273	Ready-mixed concrete	250
3293	Steam and other packing and pipe and boiler covering	500
3259	Structural clay products, n.e.c.	250
3261	Vitreous china plumbing fixtures and china and earthenware fittings and bathroom accessories	750
3262	Vitreous china table and kitchen articles	500
	Major Group 22—Textile Mill Products:	
2295	Artificial leather, oilcloth, and other impregnated and coated fabrics, except rubberized	250
2211	Broad-woven fabric mills, cotton	1,000
2221	Broad-woven fabric mills, manmade fiber and silk	500
2231	Broad-woven fabric mills, wool: including dyeing and finishing	250
2279	Carpets, rugs, and mats, n.e.c.	500
2298	Cordage and twine	250
2269	Dyeing and finishing textiles, n.e.c.	250
2291	Felt goods, except woven felts and hats	250
2261	Finishers of broad-woven fabric of cotton	500
2262	Finishers of broad-woven fabrics of manmade fiber and silk	500
2251	Full-fashioned hosiery mills	250
2256	Knit fabric mills	250
2253	Knit outwear mills	250
2254	Knit underwear mills	250
2259	Knitting mills, n.e.c.	250
2292	Lace goods	250
2241	Narro wfabrics and other smallwares mills: cotton, wool, silk, and man-made fiber	250

SCHEDULE A—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MANUFACTURING—Continued

Census classification code	Industry or class of products	Employment size standard (number of employees [1])
2293	Paddings and upholstery filling	250
2294	Processed waste and recovered fibers and flock	250
2252	Seamless hosiery mills	250
2299	Textile goods, n.e.c	250
2284	Thread mills	500
2296	Tire cord and fabric	1,000
2272	Tufted carpets and rugs	500
2297	Wool scouring, worsted combing and tow to top mills	250
2271	Woven carpets and rugs	750
2283	Yarn mills, wool, including carpet and rug yarn	250
2281	Yarn spinning mills, cotton, man-made fibers and silk	500
2282	Yarn throwing, twisting, and winding mills, cotton, man-made fibers and silk	250
	Major Group 21—Tobacco Manufactures:	
2111	Cigarettes	1,000
2121	Cigars	500
2131	Tobacco (chewing and smoking) and snuff	500
2141	Tobacco stemming and redrying	500
	Major Group 37—Transportation Equipment:	
3721	Aircraft [4]	1,500
3722	Aircraft engines and engine parts [2]	1,000
3729	Aircraft parts and auxiliary equipment, n.e.c. [2]	1,000
3723	Aircraft propellers and propeller parts	1,000
3732	Boat building and repairing	250
3741	Locomotives and parts	1,000
3717	Motor vehicles and parts [4]	1,000
3751	Motorcycles, bicycles, and parts	500
3742	Railroad and street cars	750
3731	Shipbuilding and repairing	1,000
3791	Trailer coaches	250
3799	Transportation equipment, n.e.c	250
3713	Truck and bus bodies	250
3715	Truck trailers	500

[1] The "number of employees" means the average employment of any concern and its affiliates based on the number of persons employed during the pay period ending nearest the last day of the third month in each calendar quarter for the preceding four quarters.

[2] Guided missile engines and engine parts are classified in SIC 3722. Missile control systems are classified in SIC 3662.

[3] Together with its affiliates does not employ more than 1,000 persons and does not have more than 30,000 barrels-per-day crude oil or bona fide feed stock capacity from owned and/or leased facilities or from facilities made available to such concern under an arrangement such as, but not limited to, an exchange agreement (except one on a refined product for refined product basis) or a throughput or other form of processing agreement, with the same effect as though such facilities had been leased.

[4] Includes maintenance as defined in the Federal Aviation Regulations (14 CFR 1.1) but excludes contracts solely for preventive maintenance as defined in 14 CFR 1.1. As defined in the Federal Aviation Regulations "'Maintenance' means inspection, overhaul, repair, preservation, and the replacement of parts, but excludes preventive maintenance. 'Preventive maintenance' means simple or minor preservation operations and the replacement of small standard parts not involving complex assembly operations."

[5] The three Standard Industrial Classification industries (3711, 3712, and 3714) have been combined because of a major problem of defining the reporting unit in terms of these industries. This difficulty arises from the fact that many large establishments have integrated operations which include the production of parts or bodies and the assembly of complete vehicles at the same location.

SCHEDULE B—INDUSTRY EMPLOYMENT SIZE STANDARDS FOR THE PURPOSE OF GOVERNMENT PROCUREMENT (MANUFACTURING)

Census classification code	Industry	Employment size standard (number of employees) [1]
	Major Group 19—Ordnance and Accessories:	
1925	Guided missiles and space vehicles, completely assembled	1,000

SCHEDULE B—INDUSTRY EMPLOYMENT SIZE STANDARDS FOR THE PURPOSE OF GOVERNMENT PROCUREMENT (MANUFACTURING)—Continued

Census classification code	Industry	Employment size standard (aumber of employees [1]
1929	Ammunition, except for small arms, n.e.c	1,500
1931	Tanks and tank components	1,000
1951	Small Arms	1,000
1961	Small arms ammunition	1,000
	Major Group 20-Food and Kindred Products:	
2011	Meat packing plants	750
2026	Fluid milk	750
2032	Canned specialties	1,000
2043	Cereal preparations	1,000
2046	Wet corn milling	750
2052	Biscuits, cracker, and pretzels	750
2062	Cane sugar refining	750
2063	Beet sugar	750
2085	Distilled, rectified, and blended liquors	750
2093	Vegetable oil milk, except cottonseed and soybean	1,000
2096	Shortening, table oils, margarine and other edible fats and oils, n.e.c	750
	Major Group 21—Tobacco Manufactures:	
2111	Cigarettes	1,000
	Major Group 22—Textile Mill Products:	
2211	Broad-woven fabric mills, cotton	1,000
2261	Finishers of broad-woven fabrics of cotton	1,000
2271	Woven carpets and rugs	750
2295	Artificial leather, oilcloth, and other impregnated and coated fabrics, except rubberized	1,000
2296	Tire cord and fabric	1,000
	Major Group 26—Paper and Allied Products:	
2661	Building paper and building board mills	750
2621	Papermills, except building papermills	750
2631	Paperboard mills	750
2646	Pressed and molded pulp goods	750
2611	Pulp mills	750
2654	Sanitary food containers	750
	Major Group 28—Chemicals and Allied Products:	
2812	Alkalies and Chlorine	1,000
2823	Cellulose man-made fibers	1,000
2815	Dyes, dye (cyclic) intermediates and organic pigments (lakes and toners)	750
2892	Explosives	750
2813	Industrial gases	1,000
2819	Industrial inorganic chemicals, n.e.c	1,000
2818	Industrial organic chemicals, n.e.c	1,000
2816	Inorganic pigments	1,000
2833	Medicinal chemicals and botanical products	750
2834	Pharmaceutical preparations	750
2821	Plastics materials, synthetic resins, and nonvulcanizable elastomers	750
2841	Soap and other detergents, except specialty cleaners	750
2824	Synthetic organic fibers, except cellulosic	1,000
2822	Synthetic rubber (vulcanizable elastomers)	1,000
	Major Group 29—Petroleum Refining and Related Industries: [3]	
2952	Asphalt felts and coatings	750
	Major Group 30—Rubber and Miscellaneous Plastics Products:	
3011	Tires and innertubes	1,000
30111	Passenger car and motorcycle pneumatic tires (casings)	(3)
30112	Truck and bus (and off-the-road) pneumatic tires	(3)
3031	Reclaimed rubber	750
3021	Rubber footwear	1,000
	Major Group 32—Stone, Clay, and Glass Products:	
3211	Flatglass	1,000
3221	Glass containers	750
3229	Pressed and blown glass and glassware, n.e.c	750
3241	Cement, hydraulic	750
3261	Vitreous china plumbing fixtures and china and earthenware fittins and bathroom accessoriesg	750
3275	Gypsum products	1,000
3292	Asbestos products	750
3296	Mineral wool	750
3297	Nonclay refractories	750

SCHEDULE B—INDUSTRY EMPLOYMENT SIZE STANDARDS FOR THE PURPOSE OF GOVERNMENT PROCUREMENT (MANUFACTURING)—Continued

Census classification code	Industry	Employment size standard (number of employees [1]
	Major Group 33—Primary Metal Industries:	
3312	Blast furnaces (including coke ovens), steel works, and rolling mills	1,000
3313	Electrometallurgical products	750
3315	Steel wire drawing and steel nails and spikes	1,000
3316	Cold rolled sheet, strip and bars	1,000
3317	Steel pipe and tubes	1,000
3331	Primary smelting and refining of copper	1,000
3332	Primary smelting and refining of lead	1,000
3333	Primary smelting and refining of zinc	750
3334	Primary production of aluminum	1,000
3339	Primary smelting and refining of nonferrous metals, n.e.c	750
3351	Rolling, drawing, and extruding of copper	750
3352	Rolling, drawing, and extruding of aluminum	750
3356	Rolling, drawing, and extruding of nonferrous metals, except copper and aluminum	750
3357	Drawing and insulating of nonferrous wire	1,000
3399	Primary metal industries; n.e.c	750
	Major Group 34—Fabricated Metal Products, Except Ordnance, Machinery, and Transportation Equipment:	
3411	Metal cans	1,000
3431	Enameled iron and metal sanitary ware	750
	Major Group 35—Machinery, Except Electrical:	
3511	Steam engines: steam, gas, and hydraulic turbines; and steam, gas, and hydraulic turbine-generator set units	1,000
3519	Internal combustion engines, n.e.c	1,000
3531	Construction machinery and equipment	750
3537	Industrial Trucks, Tractors, Trailers, and Stackers	750
3562	Ball and roller bearings	750
3574	Calculating and accounting machines, except electronic computing equipment	1,000
3573	Electronic computing equipment	1,000
3572	Typewriters	1,000
3585	Refrigerators; refrigeration machinery, except household; and complete air-conditioning units	750
	Major Group 36—Electrical Machinery, Equipment and Supplies:	
3612	Power, distribution, and specialty transformers	750
3613	Switchgear and switchboard apparatus	750
3621	Motors and generators	1,000
3622	Industrial controls	750
3624	Carbon and graphite products	750
3631	Household cooking equipment	750
3632	Household refrigerators and home and farm freezers	1,000
3633	Household laundry equipment	1,000
3634	Electric housewares and fans	750
3635	Household vacuum cleaners	750
3636	Sewing machines	750
3641	Electric lamps	1,000
3651	Radio and television receiving sets, except communication types	750
3652	Phonograph records	750
3661	Telephone and telegraph apparatus	1,000
3662	Radio and television transmitting, signaling, and detection equipment and apparatus [4]	750
3672	Cathode ray picture tubes	750
3694	Electrical equipment for internal combustion engines	750
3692	Primary batteries, dry and wet	1,000
3671	Radio and television receiving type electron tubes, except cathode ray	1,000
3673	Transmitting, industrial, and special purpose electron tubes	

See footnotes at end of table.

SCHEDULE B—INDUSTRY EMPLOYMENT SIZE STANDARDS FOR THE PURPOSE OF GOVERNMENT PROCUREMENT (MANUFACTURING)—Continued

Census classification code	Industry	Employment size standard (number of employees [1])
	Major Group 37—Transportation Equipment:	
3721	Aircraft [2]	1,500
3722	Aircraft engines and engine parts [4] [5]	1,000
3723	Aircraft propellers and propeller parts	1,000
3729	Aircraft parts and auxiliary equipment, n.e.c.	1,000
3741	Locomotives and parts	1,000
3717	Motor vehicles and parts [6]	1,000
37171	Passenger cars (knocked down or assembled)	(3)
3742	Railroad and street cars	750
3731	Shipbuilding and repairing	1,000
	Major Group 39—Miscellaneous Manufacturing Industries:	
3996	Linoleum, asphalted-felt-base, and other hard surface floor coverings, n.e.c.	750

[1] The "number of employees" means the average employment of any concern and its affiliates based on the number of persons employed during the pay period ending nearest the last day of the third month in each calendar quarter for the preceding four quarters.

[2] The size standard for SIC 2911 is set forth in Section 121.3-8(g).

[3] The size standards for SIC 30111, 30112, and 37171 are set forth in §121.3-8(b)(4) and §121.3-8(b)(5), respectively of this part.

[4] Guided missile engines and engine parts are classified in SIC 3722. Missile control systems are classified in SIC 3662.

[5] Includes maintenance as defined in the Federal Aviation Regulations (14 CFR 1.1) but excludes contracts solely for preventive maintenance as defined in 14 CFR 1.1. As defined in the Federal Aviation Regulations: "'Maintenance' means inspection, overhaul, repair, preservation, and the replacement of parts, but excludes preventive maintenance. 'Preventive maintenance' means simple or minor preservation operations and the replacement of small standard parts not involving complex assembly operations."

[6] The three Standard Industrial Classification industries (3711, 3712, and 3714) have been combined because of a major problem of defining the reporting unit in terms of these industries. This difficulty arises from the fact that many large establishments have integrated operations which include the production of parts or bodies and the assembly of complete vehicles at the same location.

SCHEDULE C—ANNUAL RECEIPTS SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN WHOLESALING

(The following size standards are to be used when determining the size status of wholesaling concerns for the purpose of SBA Business loans, displaced business loans, economic opportunity loans, and as alternate standards for sections 501 and 502 loans and SBIC assistance.) (Where code is followed by letter, size standard applies only to class of product designated.)

Industry or subindustry code	Industry, subindustry or class of products	Annual sales size standard (maximum) (in millions)
5099a	Amusement, sporting goods	$10
5091a	Coal	10
5098b	Construction materials (excluding lumber and millwork)	10
5082	Construction and mining machinery and equipment	10
5043	Dairy products	10
5022	Drugs, drug proprietaries, druggists' sundries	10
5064	Electrical appliances, televisions and radio sets	$10
5039	Footwear	10
5053	Grain	10
5049	Groceries and related products, not elsewhere classified	10
5097b	Home furnishings, floor coverings	10
5084	Industrial machinery and equipment	10
5085	Industrial supplies	10
5054	Livestock (except horses and mules)	10
5047	Meats and meat products	10
5091b	Metal service centers	10
5034	Notions and other dry goods	10
5033	Piece goods (woven fabrics)	10
5096a	Printing and writing paper	10
5094	Tobacco and its products	10
5012	Automobiles and other motor vehicles	15
5029	Chemicals and allied products, not elsewhere classified	15
5081	Commercial machines and equipment-Cotton	15
5063	Electrical apparatus and equipment, wiring supplies and construction materials	15
5083	Farm machinery and equipment	15
5042	Frozen foods	15
5041	Groceries, general line	15
5096b	Industrial and personal service paper only	15
5091c	Metal sales offices	15
5028	Paints and varnishes	15
5092	Petroleum and petroleum products	15
5014	Tires and tubes	15
5095b	Wines and distilled alcoholic spirits	15

SCHEDULE D—ANNUAL RECEIPTS SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN RETAILING

(The following size standards are to be used when determining the size status of retailing concerns for the purpose of SBA loans, displaced business loans, economic opportunities loans, and as alternate standards for sections 505 and 502 loans SBIC assistance.) Where code is followed by letter size standard applies only to class of product designated.

Industry or subindustry code	Industry, subindustry or class of products	Annual sales size standard (maximum) (in millions)
	Major Group 56—Apparel and Accessory Stores:	
5651	Family clothing stores	$1.5
5611	Men's and boys' clothing and furnishings	1.5
5661	Shoe stores	1.5
5621	Women's ready-to-wear stores	1.5
	Major Group 55—Automotive Dealers and Gasoline Service Stations:	
5599a	Aircraft (a part of aircraft and automotive dealers, not elsewhere classified	3.0
5511	Motor vehicle dealers (new and used cars)	5.0
5521	Motor vehicle dealers (used cars only)	5.0
	Major Group 54—Food Stores:	
5411	Grocery Stores	5.0
5421a	Meat markets (a part of meat and fish (seafood) markets)	5.0
	Major Group 57—Furniture, Home Furnishings and Equipment Stores:	
5722	Household appliance stores	$1.5
5732	Radio and Television stores	1.5
	Major Group 53—General Merchandise:	
5311	Department stores	5.0
5321	Mail order houses	5.0
5331	Variety stores	2.0
	Major Group 52—Material, Hardware and Farm Equipment Dealers:	
5252	Farm equipment dealers	3.0

SCHEDULE E—GOVERNMENT-OWNED TIMBER RESALE STANDARDS FOR SPECIFIC GEOGRAPHICAL AREAS

Area from which timber is cut	*Percentage of timber purchased that may be sold to other than small business*
Alaska	50 percent.

SCHEDULE F—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MINING AND MINING SERVICES

(The following size standards are to be used when determining the size status of mining and mining services concerns for the purpose of SBA business loans (or loan gurantees), displaced business loans, economic opportunity loans, and as alternate standards for sections 501 and 502 loans and Small Business Investment Company assistance.)

Census classification code	Industry or class of products	Employment size standard (number of employees)
1111	Anthracite	250
1112	Antracite Mining Services	250
1211	Bituminous Coal	500
1213	Bituminous Coal and Lignite Mining Services	250

SCHEDULE G—PETROLEUM ADMINISTRATION FOR DEFENSE (PAD) DISTRICTS AS UTILIZED BY THE DEFENSE FUEL SUPPLY CENTER IN THE PROCUREMENT OF REFINED PETROLEUM PRODUCTS

PAD District and States included in PAD District:

1. Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, North Carolina, South Carolina, Georgia and Florida.

2. North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, Ohio, Kentucky, and Tennessee.

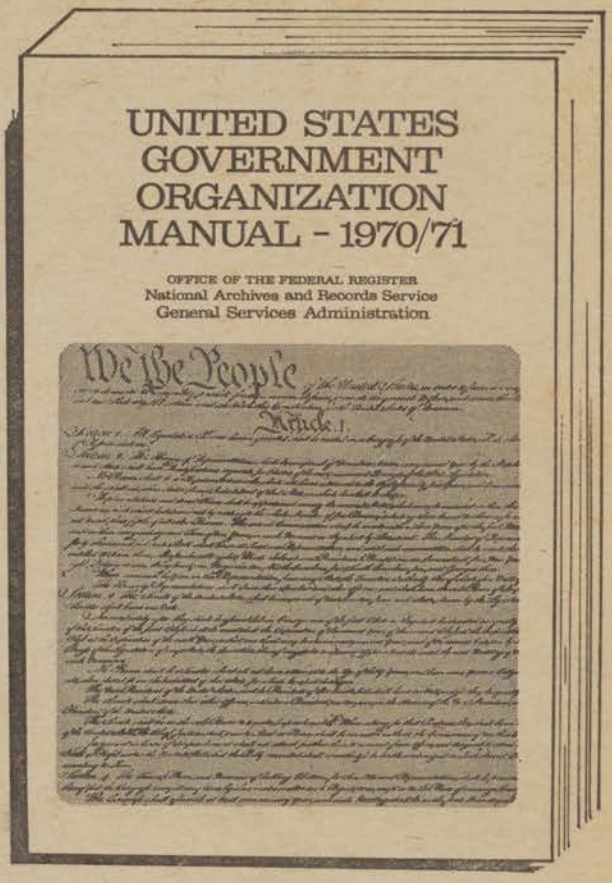
3. New Mexico, Texas, Arkansas, Louisiana, Mississippi, and Alabama.

4. Montana, Idaho, Wyoming, Utah, and Colorado.

5. Alaska, Hawaii, Washington, Oregon, Nevada, California, and Arizona.

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