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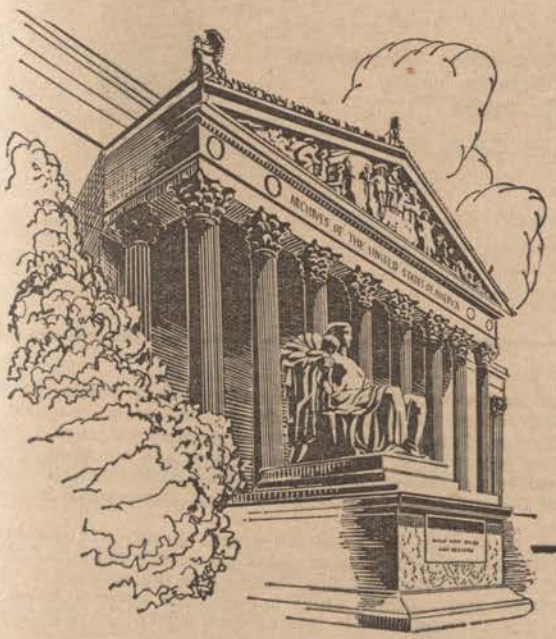

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Title 3—The President

PROCLAMATION 4038

National Week of Concern for Americans Who Are Prisoners of War or Missing in Action

By the President of the United States of America

A Proclamation

The first American still being held by the enemy was captured in South Vietnam on March 26, 1964. Now, with the seventh anniversary of that event approaching, the number of Americans missing in action or known captured in the Vietnamese conflict has grown to about 1,600. Most of these men are officers and enlisted men of the Army, the Navy, the Air Force, and the Marine Corps; some are civilians. Even in captivity, they continue to serve our Nation in the highest sense of honor and duty to country. We owe them, in turn, no less than our strongest support and our firmest pledge that we will neither forget them nor abandon them.

This Government has made and will continue to make strenuous efforts in behalf of these Americans who are prisoners of war or missing in action. In the face of the enemy's callous indifference to the plight of these men and their families, we have sought to focus the attention of the world on the barbaric attitude of North Vietnam and its agents throughout Indochina. We have conducted vigorous diplomatic efforts to resolve the prisoner of war problem on a purely humane basis for the prisoners we hold as well as for our brave men held prisoner.

The Geneva Prisoner of War Convention of 1949 sets forth the minimum standards for humanitarian treatment applying to all prisoners of war. Some 125 nations including all of those involved on both sides in the Southeast Asia hostilities have acceded to the Geneva Convention and have pledged to observe its humane standards. And on a moral plane above and apart from these formal rules, all civilized peoples are subject to the basic humanitarian standards long established in international law and custom.

In view of the continuing disregard of this Convention and basic humane standards by North Vietnam and its agents—their refusal to identify all of the Americans being held, to permit impartial inspection of their camps, to release the seriously sick and wounded prisoners, to provide humane treatment, and to permit prisoners to correspond regularly with their families—and in view of their adamant refusal to consider negotiation regarding the release of prisoners, the Congress of the United States has, by House Joint Resolution 16, requested the President to designate the period beginning March 21, 1971, and ending March 27, 1971, as "National Week of Concern for Prisoners of War/Missing in Action."

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the period March 21, 1971, through March 27, 1971, as National Week of Concern for Americans Who Are Prisoners of War or Missing in Action. I call upon all the people of the United States to observe this week in heartfelt prayer, and in ceremonies and activities appropriate to voice deep concern for the prisoners and missing men, to inspire their loved ones with new courage and hope, and to hasten the day when their ordeal may end.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth 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.71-3993 Filed 3-19-71;2:32 pm]

Rules and Regulations

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Siting of Fuel Reprocessing Plants and Related Waste Management Facilities

On November 14, 1970, the Atomic Energy Commission published in the FEDERAL REGISTER (35 F.R. 17530), to be effective 90 days after publication, a statement of policy, in the form of a new Appendix F to 10 CFR Part 50, concerning the siting of reactor fuel reprocessing plants and related waste management facilities. The statement of policy dealt, among other things, with the question of ultimate disposal of high-level liquid radioactive fission product wastes generated in the operation of licensed fuel reprocessing plants. The policy requires that such wastes be solidified by the fuel reprocessor and transferred to a Federal repository for disposal and perpetual surveillance.

Paragraph 6 of the statement of policy provided that "With respect to fuel reprocessing plants already licensed, the licenses will be appropriately conditioned to carry out the purposes of the policy stated above." The only fuel reprocessing plant presently licensed by the Commission for operation is located at West Valley, N.Y., about 30 miles south of Buffalo, on land owned by the State of New York. The plant has been operated since 1966 by Nuclear Fuel Services, Inc. (NFS). The high-level liquid radioactive wastes generated at the NFS plant are stored underground in steel tanks which are covered by about 8 feet of soil.

In a letter to the Commission dated January 7, 1971, NFS requested that the Commission consider—in addition to solidification and offsite shipment—three alternative methods for long-term storage or disposal. These alternatives are: (1) Continued storage of the wastes in liquid form with possible transfer of the property from New York State to the United States after closing of the plant; (2) solidification of the wastes in existing tanks with appropriate conditions concerning time of solidification, permanent marking after solidification, and such other measures as may be necessary to protect the public health and safety; and (3) conversion of the wastes to AEC-approved solid form and burial thereof, with appropriate safeguards, in the silty till at West Valley, or in the underlying shales.

The Commission agrees that the matter of ultimate disposal of existing high-level liquid wastes at the West Valley facility presents complex technical problems which may require considerable time for study and resolution. Pending ultimate disposal, the present storage method will continue to provide reasonable assurance that the health and safety of the public will be protected.

In view of the foregoing considerations, the Commission has amended paragraph 6 of the statement of policy (1) to indicate that its application to existing wastes will be the subject of a further rule making proceeding, and (2) to provide more specificity regarding its application to future high-level wastes generated at the NFS facility.

Inasmuch as the amendment is clarifying in nature the Commission has found that good cause exists for omitting notice of proposed rule making and public procedure thereon as unnecessary and for making the amendment effective without the customary 30-day notice.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendment to 10 CFR Part 50 is published as a document subject to codification, to be effective upon publication in the FEDERAL REGISTER (3-23-71).

Paragraph 6 of Appendix F is amended to read as follows:

6. With respect to fuel reprocessing plants already licensed, the licenses will be appropriately conditioned to carry out the purposes of the policy stated above with respect to high-level radioactive fission product wastes generated after installation of new equipment for interim storage of liquid wastes, or after installation of equipment required for solidification without interim liquid storage. In either case, such equipment shall be installed at the earliest practicable date, taking into account the time required for design, procurement and installation thereof. With respect to such plants, the application of the policy stated in this appendix to existing wastes and to wastes generated prior to the installation of such equipment, will be the subject of a further rule making proceeding.

(Secs. 161, 187, 68 Stat. 948, 955; 42 U.S.C. 2201, 2237)

Dated at Washington, D.C., this 19th day of March 1971.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary of the Commission.

[FR Doc.71-3966 Filed 3-22-71;8:50 am]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter I—Bureau of the Census, Department of Commerce

PART 30—FOREIGN TRADE STATISTICS

Delivery of the Shipper's Export Declaration to Exporting Carrier

In a notice of proposed rule making published in the FEDERAL REGISTER of September 10, 1970, it was proposed to amend §§ 30.12 and 30.42 of the Foreign Trade Statistics Regulations (15 CFR Part 30) to provide that Shipper's Export Declarations must be authenticated, where authentication is required, or presented to the carrier under the NAR procedure prior to exportation or departure instead of prior to loading the merchandise onto the exporting carrier as is presently required.

As a result of comments received pursuant to the notice of proposed rule making, it has been decided to incorporate this change in the pertinent provisions of §§ 30.12 and 30.42 of the Foreign Trade Statistics Regulations but also to put a provision in § 30.20 stating that where for reasons beyond the control of the exporting carrier, a given declaration (or declarations) has not been received and the merchandise has been laden, such carrier shall not, as a result of this circumstance be required to off-load the merchandise, or to delay its clearance (where clearance is required) or departure (if clearance is not required), subject to the provisions of § 30.24. Moreover §§ 30.12 and 30.42 are also being amended to make it clear that failure on the part of the exporter (or his agent) to deliver the Shipper's Export Declaration to the exporting carrier prior to exportation (where required) is a violation of the regulations and renders such exporter (or his agent) liable to penalties as provided in § 30.95. Accordingly §§ 30.12, 30.20, and 30.42 of the Foreign Trade Statistics Regulations are amended to read as follows:

1. The third sentence of § 30.12 is hereby deleted, and the following sentences substituted therefor:

§ 30.12 Time and place Shipper's Export Declarations required to be presented.

* * * For shipments by vessel or aid to foreign countries, except Canada, the Shipper's Export Declaration must be presented to the Customs Director for authentication in accordance with the procedure outlined in § 30.14(a), and an authenticated copy of the Shipper's Export Declaration delivered to the exporting carrier prior to exportation. With respect to such vessel or air shipments, it is the duty of the exporter (or his agent) to deliver the required number of copies of the Shipper's Export Declaration to the exporting carrier prior to exportation; failure of the exporter (or his agent) to do so constitutes a violation of the provisions of these regulations, and renders such exporter (or his agent) subject to the penalties provided for in § 30.95.

2. Section 30.20 is amended by the addition of the following sentence at the end thereof:

§ 30.20 General statement of requirement for the filing of manifests and Shipper's Export Declarations by carriers.

* * * Where for reasons beyond the control of the exporting carrier, a given declaration (or declarations) has not been received prior to exportation or departure, and the merchandise has been laden, such carrier shall not as a result of this circumstance be required to offload the merchandise, or to delay its clearance (where clearance is required) or departure (if clearance is not required). However, the provisions of § 30.24 remain applicable.

3. The first sentence of § 30.42(a)(1)(ii) is hereby deleted, and the following sentences substituted therefor:

§ 30.42 Authorization for waiver of the requirements for advance presentation and authentication of Shipper's Export Declarations.

(a) General procedure:

(1) Scope:

* * * * *

(ii) Except as otherwise required by the Export Control Regulations, only two copies of the Shipper's Export Declaration need be prepared by the exporter or his agent and delivered to the exporting carrier before the departure of the exporting carrier. With respect to those shipments covered under subdivision (i) of this subparagraph it is the duty of the exporter (or his agent) to deliver the required number of copies of the Shipper's Export Declaration to the exporting carrier prior to exportation; failure of the exporter (or his agent) to do so constitutes a violation of the provisions of these regulations, and renders such exporter (or his agent) subject to the penalties provided for in § 30.95.

These regulations are issued under the authority of title 13, United States Code, section 302; and 5 U.S.C. 301; Reorganization Plan No. 5 of 1950, Department of Commerce Organization Order No. 35-2A, April 8, 1969, 34 F.R. 6703. In accordance with administrative procedure, 5 U.S.C. 553, postponement of the effective date of these amendments is unnecessary because (1) the amendment is a change in the substantive rules which grant or recognize exmptions or relieve restrictions, and (2) is an interpretive rule and statement of policy.

Effective date. These regulations are effective on the date of publication in the FEDERAL REGISTER (3-23-71).

GEORGE H. BROWN,
Director, Bureau of the Census.

I concur:

EUGENE ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-3928 Filed 3-22-71;8:47 am]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 36—LOAN GUARANTY

Recasting

Section 36.4506 is revised to read as follows:

§ 36.4506 Recasting.

In the event of default or to avoid imminent default, the Veterans' Administration may at any time enter into an agreement with the borrower which will permit the latter temporarily to repay his obligation on a basis appropriate to his apparent current ability to pay or may enter into an appropriate recasting or extension agreement: *Provided*, That no such agreement shall extend the ultimate repayment of a loan beyond the expiration of 30 years from the date of the loan, or 40 years in the case of a loan for the construction or improvement of a farmhouse. *Provided further*, That nothing in this section shall be deemed to limit the forbearance or indulgence which the Administrator may extend in an individual case pursuant to the provisions of 38 U.S.C. 1820(f).

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

This VA Regulation is effective upon publication in the FEDERAL REGISTER (3-23-71).

Approved: March 17, 1971.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.71-3910 Filed 3-22-71;8:46 am]

Title 39—POSTAL SERVICE

Chapter III—Postal Rate Commission

SUBCHAPTER A—PERSONNEL

PART 3000—STANDARDS OF CONDUCT

Pursuant to and in conformity with Executive Order No. 11570 of November 24, 1970 (35 F.R. 18183); Executive Order No. 11222 of May 8, 1965, 3 CFR 1964-1965, Comp., p. 306; Title 5, Chapter I, Part 735 of the Code of Federal Regulations; and sections 201 through 209 of title 18 of the United States Code, Title 39 of the Code of Federal Regulations is amended by adding a new Chapter III composed of Subchapter A and Part 3000. The new Part 3000 contains the Standards of Conduct regulations applicable to the Postal Rate Commission prepared and issued by the Civil Service Commission pursuant to Executive Order No. 11570.

Subpart A—Policy and Purpose

Sec.

Subpart B—General Provisions

Subpart C—Conflicts of Interest and Ethical Conduct

Subpart D—Reporting Outside Employment and Financial Interests

Subpart E—Ex Parte Communications

AUTHORITY: The provisions of this Part 3000 issued under Executive Order 11222 of May 8, 1965, 3 CFR 1964-1965 Comp., p. 306; Executive Order 11570 of Nov. 24, 1970, 35 F.R. 18183; and 5 CFR Part 735.

Subpart A—Policy and Purpose

§ 3000.735-101 Policy.

The Postal Reorganization Act assigns to the Postal Rate Commission the responsibility of holding fair and impartial

public hearings, consistent with the requirements of the Administrative Procedure Act, and of making recommended decisions based on such hearings, as to postal rates, fees for postal services, and the classification of mail. Essential to the performance of the functions of the Postal Rate Commission and the U.S. Postal Service in the establishment of such rates, fees, and classifications under the Postal Reorganization Act, is the confidence of the American public in the honesty and integrity of the Commissioners and employees of the Postal Rate Commission. Their personal conduct must at all times be unquestionably free from taint or suspicion of partiality, favoritism, or any indicia of conflicting interests. Compliance with the legal requirements of procedural fairness in the conduct of the public hearings will not be sufficient to maintain public confidence in the rate-setting machinery authorized by the Postal Reorganization Act if doubts exist as to the personal conduct standards of the individuals who hold the hearings, and make recommended decisions based thereon, and their employees. It is, accordingly, the policy that the Commissioners and employees of the Commission shall at all times maintain the highest standards of official and personal conduct and shall scrupulously avoid every situation which may result in an actual or apparent loss of the complete independence and impartiality which is essential to command the respect and confidence of the American public. By reason of the particular trust imposed on the Commissioners and employees of the Postal Rate Commission they have a positive obligation to inform themselves of the policy in this section and the standards of conduct in this Part 3000 and to live within the letter and spirit of that policy and those standards.

§ 3000.735–102 Purpose.

(a) This Part 3000 sets forth the standards of conduct required of Commissioners, employees, and special Government employees of the Postal Rate Commission. In addition, the standards of conduct in this part are applicable to members of the uniformed services and employees of other Government agencies who are serving on assignment or detail in the Postal Rate Commission, but the applicability of this part to such members and employees does not relieve them of their responsibilities under the regulations of the service or agency from which they were assigned or detailed.

(b) This part reflects prohibitions and requirements imposed by the laws of the United States. However, the paraphrased restatements of the laws contained in this part are designed for informational purposes only and in no way constitute an interpretation or construction thereof that is binding on the Government. Moreover, this part does not purport to paraphrase or enumerate all restrictions and requirements imposed by law, Executive order, regulation, or otherwise upon Federal officers and employees and former Federal officers and employees. The omission of a reference to any such restriction or requirement in no way alters the legal effect of that restriction or requirement and any such restriction or requirement continues to be applicable to officers and employees and former officers and employees in accordance with its terms. Furthermore, attorneys employed by the Postal Rate Commission are subject to the Code of Professional responsibility of the American Bar Association.

Subpart B—General Provisions

§ 3000.735–201 Definitions.

In this part:

(a) "Commission" means the Postal Rate Commission.

(b) "Commissioner" means a Commissioner of the Postal Rate Commission, including the Chairman of the Commission.

(c) "Employee" or "regular employee" means an employee of the Commission, including a Commissioner of the Commission, but does not include a special Government employee.

(d) "Special Government employee" means an individual who is retained, designated, appointed, or employed by the Commission to perform with or without compensation, for not to exceed 130 days during any period of 365 consecutive days, temporary duties, either on a full-time or intermittent basis.

(e) "Person" means an individual, a corporation, a company, an association, a firm, a partnership, a society, a joint stock company, or any other organization or institution.

(f) "Counselor" means the official of the Commission designated in § 3000.735–203 to carry out the responsibilities referred to in that section and in § 735.105 (a) of the regulations of the Civil Service Commission (5 CFR 735.105(a)).

(g) "United States Postal Service" or "Postal Service" means the U.S. Postal Service established under title 39, United States Code, by the Postal Reorganization Act, Public Law 91–375, 84 Stat. 719, and, prior to the effective date of the commencement of operations by the U.S. Postal Service, means the Post Office Department.

(h) "Uniformed services" has the meaning given that term by 5 U.S.C. 2101.

§ 3000.735–202 Special Government employees; applicability of part.

Except where specifically provided otherwise, or where limited in terms or by the context to regular employees, all provisions of this Part relating to employees are applicable also to special Government employees.

§ 3000.735–203 Counseling and advisory services.

(a) The General Counsel of the Commission is the Counselor for the Commission. The Counselor shall advise employees as to the applicability and interpretation of this part, and laws and regulations referred to in this part, to factual situations for the purpose of aiding employees in avoiding conflicts of interest situations or acts or conduct that may reflect adversely on the Commission. The Counselor shall serve as the Commission's liaison with the Civil Service Commission on matters covered by this part and on related laws and regulations.

(b) Communications between the Counselor and an employee shall be confidential and used only for the purpose of this part, except as determined by the Chairman of the Commission.

(c) The Counselor shall notify all employees and special Government employees of the availability of counseling services, and of how and where such services are available. Such notification shall be made within 30 days after the effective date of this part and periodically thereafter. In the case of a new employee or special Government employee appointed after the date of such notification, notification shall be given at the time of his entrance on duty.

(d) The Counselor shall have copies of this Part distributed to each employee and special Government employee within 30 days after the effective date thereof. In the case of a new employee or special Government employee entering on duty after the date of such distribution, a copy shall be furnished at the time of his entrance on duty.

(e) The Counselor shall maintain copies of Executive Orders Nos. 11222 and 11570, applicable regulations of the Civil Service Commission, the statutes referred to in this Part, and necessary explanatory materials including Part 735 of the Federal Personnel Manual for examination by employees and special Government employees during regular business hours.

§ 3000.735–204 Responsibilities of employees.

(a) Each employee and special Government employee has a positive obligation to read and become familiar with this part and with House Concurrent Resolution 175, 85th Congress, second session, 72 Stat. B12, the "Code of Ethics for Government Service," which is attached to this part as Appendix A.

(b) An employee or special Government employee who is uncertain as to the application of any regulation in this part, or of any provision of law, to any particular situation in which he is or may be involved, is obligated to contact the Counselor for advice and guidance. If an employee or special Government employee believes that the application of any regulation in this part, or any provision of law, will cause him undue hardship, he should consult the Counselor as to the possibility of obtaining a waiver of other relief under § 3000.735–302(f) or § 3000.735–304.

(c) An employee or special Government employee shall report immediately to the Counselor (1) any instance in which a person either within or outside the Commission uses or attempts to use a bribe, undue influence, or coercion to induce or attempt to induce the employee to act or neglect to act in regard to his official responsibilities, and (2) any information that causes him to believe that there has been a violation of a Federal criminal statute, the regulations in this part, or any law or regulation directly or indirectly related to the

responsibilities of the Commission. A report made under this paragraph shall be prepared in triplicate and a copy shall be sent by the employee or special Government employee to (i) the Attorney General, Department of Justice, Washington, D.C. 20530, and (ii) to the Chairman, Civil Service Commission, Washington, D.C. 20415. The report shall be sent in a sealed envelope clearly marked "Administratively Confidential—To Be Opened by Addressee Only".

§ 3000.735–205 Disciplinary action.

(a) A violation of any provision of this Part by an employee or special Government employee may be cause for appropriate disciplinary action which may be in addition to any penalties prescribed by law. (As to other remedial action in cases where an employee's or special Government employee's financial interests result in a conflict or apparent conflict of interest, see § 3000.735–405(b).)

(b) Any disciplinary or remedial action taken pursuant to this part shall be effected in accordance with applicable laws, Executive orders, and regulations.

Subpart C—Conflicts of Interest and Ethical Conduct

§ 3000.735–301 Conflicts of interest.

(a) A criminal conflict of interest may exist when an employee, his spouse, minor child, partner, or person with whom he is associated or is negotiating for future employment, has a personal, private, or financial interest in a matter that involves his official duties or responsibilities.

(b) The maintenance of public confidence in the Commission clearly demands that an employee take no action which would constitute the use of his official position to advance his personal or private interests or those of his spouse, minor child, or person with whom he is associated or is negotiating for future employment. It is equally important that each employee avoid becoming involved in situations which present the possibility, or even the appearance, that his official position might be used to the private advantage of himself, his spouse, minor child, or person with whom he is associated or is negotiating for future employment.

(c) Neither the pertinent statutes nor the standards of conduct prescribed in this part are to be regarded as entirely comprehensive. Each employee must, in each instance involving a personal or private interest in a matter which also involves his duties and responsibilities as an employee, make certain that his actions do not have the effect or the appearance of the use of his official position for the furtherance of his own interests or those of his family or a person with whom he is associated or is negotiating for future employment. An employee should never act on an official matter for the Commission when there exists a personal interest incompatible with the unbiased exercise of official judgment.

(d) The principal statutory provisions relating to bribery, graft, and conflicts of interest are contained in 18 U.S.C. 201–224. Severe penalties are provided for violations, including, variously, fine, imprisonment, dismissal from office, voiding transactions, and disqualification from holding any office of honor, trust, or profit under the United States.

(e) Employees shall at all times, in both their official and private lives, conduct themselves so as to exemplify the highest standards of integrity. An employee shall avoid any action, whether or not specifically prohibited by law or regulation including this part, which might result in, or create the appearance of:

(1) Using public office for private gain;

(2) Giving preferential treatment to any person;

(3) Impeding Government efficiency or economy;

(4) Losing complete independence or impartiality;

(5) Making a Commission decision outside official channels; or

(6) Affecting adversely the confidence of the public in the integrity of the Commission.

§ 3000.735–302 Financial interests.

(a) An employee shall not, either directly or indirectly, have any financial interest (whether by ownership of any stock, bond, security, or other obligation or otherwise) in any entity or person whose interests may be significantly affected by rates of postage, fees for postal services, the classification of mail, or the operation of the Postal Service; but this paragraph does not proscribe interests in an entity or person whose use of the mails is merely an incidental or minor factor in the general conduct of its business.

(b) An employee shall not participate personally and substantially as a Government employee in a particular matter in which, to his knowledge, he has a financial interest (18 U.S.C. 208(a)), except as provided in paragraph (f) of this section.

(c) For the purposes of this section:

(1) An employee participates personally and substantially in a particular matter through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise;

(2) A particular matter is a judicial or other proceeding, application, request for ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter; and

(3) A financial interest includes the financial interest of the employee himself or of his spouse, minor child, partner, organization in which he is serving as officer, director, trustee, partner, or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment.

(d) An employee may not have financial interests which:

(1) Establish a substantial personal or private interest in a particular matter which involves his duties and responsibilities as an employee, except as provided in paragraph (f) of this section or § 3000.735–304; or

(2) Are entered into in reliance upon, or as a result of, information obtained through his employment; or

(3) Result from active and continuous trading (as distinguished from the making of bona fide investments) which is conducted on such a scale as to interfere with the proper performance of his duties or as to create the appearance of speculative dealings. Frequency of trading, the use of credit, and particularly transactions to take advantage of short-term price fluctuations, are significant indications of speculative dealings.

(e) Aside from the restrictions prescribed or cited in this part, employees are free to engage in lawful financial transactions to the same extent as private citizens. Employees should be aware that the financial interests of their wives or minor children and blood relatives who are full-time residents of their households, and interest of partners or a person or entity with whom they are associated or are negotiating for future employment, may be regarded, for the purpose of this section, as financial interests of the employees themselves.

(f) An employee who has a financial interest in a particular matter which is within the scope of his official duties shall make a full disclosure of that interest to the Counselor in writing. He shall not participate in such matter unless and until he receives a written determination by the Chairman of the Commission pursuant to section 208(b)(1) of title 18, United States Code, that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect of him. If the Chairman of the Commission does not make such a determination, he shall direct such remedial action as may be appropriate under the provisions of § 3000.735–405(b).

(g) This section does not apply to special Government employees, who are subject to the provisions of § 3000.735–314.

§ 3000.735–303 Additional prohibitions—regular employees.

(a) In addition to the disqualifications described in § 3000.735–302, a regular employee is subject to the following major prohibitions.

(1) He may not, except in the discharge of his official duties, represent anyone else before a court or Government agency in a matter in which the United States is a party or has an interest. This prohibition applies both to paid and unpaid representation of another (18 U.S.C. 203 and 205).

(2) He may not, after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and in which he participated personally and substantially for the Government (18 U.S.C. 207(a)).

(3) He may not, for one year after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and which was within the boundaries of his official responsibility during the last year of his Government service (18 U.S.C. 207(b)). (This temporary restraint is permanent if the matter is one in which he participated personally and substantially. See subparagraph (2) of this paragraph.)

(4) He may not receive any salary, or supplementation of his Government salary, from a private source as compensation for his services to the Government (18 U.S.C. 209). (See § 3000.735–305.)

(b) Exemptions or exceptions from the prohibitions described in paragraph (a) of this section are permitted under certain circumstances. For the method of obtaining such exemptions or exceptions, see § 3000.735–304.

§ 3000.735–304 Exemptions and exceptions from prohibitions of conflict of interest statutes.

(a) Nothing in this part prohibits an employee, if it is not otherwise inconsistent with the faithful performance of his duties, from acting without compensation as agent or attorney for any person in a disciplinary, loyalty, or other Federal personnel administration proceeding involving such person.

(b) Nothing in this part prohibits an employee from acting, with or without compensation, as agent or attorney for his parents, spouse, child, or any person for whom, or for any estate for which, he is serving as guardian, executor, administrator, trustee, or other personal fiduciary, except in those matters in which he has participated personally and substantially as a Government employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, or which are the subject of his official responsibility, as defined in section 202(b) of title 18 of the United States Code, provided the Chairman of the Commission approves.

(c) Nothing in this part prohibits an employee from giving testimony under oath or from making statements required to be made under penalty for perjury or contempt.

(d) In addition to the exemptions and exceptions described in this section and in § 3000.735–302(e), the conflict of interest statutes permit certain exemptions and exceptions in specific circumstances. The procedure for effecting such exemptions or exceptions is as follows:

(1) Any regular employee or special Government employee who desires approval or certification of his activities as provided for by section 205 of title 18, United States Code, shall make application therefor in writing to the Counselor.

(2) A former employee, including a former special Government employee, who desires certification with regard to his activities under section 207 of title 18, United States Code, shall make application therefor in writing to the Counselor.

(3) The Counselor shall report promptly to the Chairman of the Commission and the Chairman of the Civil Service Commission all matters reported to him under this part which require consideration of approvals, certifications, or determinations provided for in section 205, 207, or 208 of title 18, United States Code.

§ 3000.735–305 Salary payable only by United States.

(a) No employee, other than a special Government employee or an employee serving without compensation, shall receive any salary, or any contribution to or supplementation of salary, as compensation for his services as an employee, from any source other than the Government of the United States, except as may be contributed out of the treasury of any State, county, or municipality (18 U.S.C. 209).

(b) Nothing in this section prohibits an employee from continuing to participate in a bona fide pension, retirement, group life, health, or accident insurance, profit-sharing, stock bonus, or other employee welfare or benefit plan maintained by a former employer, nor from accepting contributions, awards, or other expenses under Chapter 41 of title 5, United States Code, relating to employee training.

§ 3000.735–306 Gifts, entertainment, and favors.

(a) Except as provided in paragraphs (b) and (c) of this section, an employee shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, honorarium, travel or accommodation expense or the like, loan, or any other thing of value from a person who:

(1) Has, or is seeking to obtain, contractual or other business of financial relations with the Commission or the Postal Service;

(2) Conducts operations or activities which are regulated or controlled by the Commission; or

(3) Has interests which may be substantially affected by the performance or nonperformance of his official duty or the duties and responsibilities of the Commission.

(b) Notwithstanding paragraph (a) of this section, an employee may:

(1) Accept a gift, gratuity, favor, entertainment, honorarium, travel or accommodation expense or the like, loan, or other thing of value from a close personal friend, parent, spouse, child, or other close relative when the circumstances make it clear that the family or personal relationships involved are the motivating factors; and

(2) Participate (together with his wife or a member of his immediate family) as a guest speaker at a conference or convention or as a guest in an inaugural flight, a ship launching, or similar event, and accept meals, accommodations, and entertainment incidental thereto, provided there is no reasonable way to ascertain the cost thereof and the invitation is addressed to the Chairman of the Commission and the employee is selected for such participation by the Chairman after a determination that his participation is in the interest of the Commission and the Government.

(3) Accept unsolicited advertising or promotional items such as a pen, pencil, note pad, or calendar of nominal value not in excess of $2 per item.

(c) In an instance in which an employee, due to circumstances beyond his control, cannot graciously and without undue embarrassment decline food or refreshment at a meeting or gathering where he is properly in attendance as a part of his official responsibilities, he shall, within 48 hours thereafter, submit a written report to the Counselor concerning the matter with a description of the incident and an explanation as to why declination was not reasonable. The Counselor shall personally review each report submitted under this paragraph and when the acceptance of the food or refreshment was not justified, or when such acceptances by one particular employee are frequent, the Counselor shall submit a written report on the matter to the Chairman of the Commission and the Chairman of the Civil Service Commission with a recommendation for corrective action.

(d) A gift to or from an official superior or a subordinate fellow employee is prohibited by 5 U.S.C. 7351. However, this provision does not prohibit a voluntary gift of nominal value or a donation in a nominal amount made on a special occasion such as marriage, illness, or retirement.

(e) A gift or gratuity, the receipt of which is prohibited by paragraph (a) of this section shall be returned to the donor with a written explanation why the return is necessary. A copy of the written explanation shall be submitted to the Counselor for filing in the employee's Official Personnel Folder. When return of a gift is not possible, the gift or gratuity shall be submitted to the Counselor with a written explanation why the return is not feasible. The Counselor shall turn the gift or gratuity over to a public or private charity or charitable institution and make a record of its disposition.

(f) The Constitution (Art. 1, sec. 9, par. 8) prohibits an employee's acceptance from a foreign government, except with the consent of Congress, of any emolument, office, or title. The Congress has provided for the receipt and disposition of foreign gifts and decorations in 5 U.S.C. 7342 which applies to each employee by reason of 39 U.S.C. 410 and 3604(d). See also Executive Order 11320, 31 F.R. 15789, and the regulations pursuant thereto in 22 CFR Part 3 (as added, 32 F.R. 6569). Any such gift or thing which cannot appropriately be refused shall be submitted to the Counselor for transmittal to the State Department.

§ 3000.735–307 Outside employment and other activity.

(a) An employee whose annual rate of basic compensation from the Commission is $20,000 or more shall not engage in any outside employment or professional practice, either on a paid or unpaid basis, other than teaching, lecturing, or writing

as provided in paragraph (d) of this section.

(b) An employee shall not engage in outside employment or professional practice, either on a paid or unpaid basis, with or for a person whose business or other interests (1) are substantially dependent on, or may be significantly affected by, postal rates, fees, or classifications, or (2) are substantially dependent on providing property, a product, or service to, or for use in connection with, the Postal Service. The proscription in this paragraph applies whether the employee is employed by or associated with another person or is in business or practice by himself.

(c) An employee shall not engage in outside employment or other outside activity not clearly compatible with the full and proper discharge of the duties and responsibilities of his employment with the Commission. Incompatible activities include, but are not limited to:

(1) Acceptance of a fee, compensation, gift, payment of expense, or any other thing of value in circumstances in which acceptance may result in, or create the appearance of, a conflict of interest, including the receipt of any thing of value for the sale or leasing of real or personal property to the Commission or the Postal Service or for service as a consultant to a contractor or other person who has, or who the employee knows is apt to have, business with the Commission or the Postal Service;

(2) Outside employment which tends to impair the employee's mental or physical capacity to perform his Commission duties and responsibilities in an acceptable manner;

(3) Outside employment or activity that is likely to result in criticism of, or cause embarrassment to, the Commission;

(4) Contracting with the Government either directly or through an organization controlled or directed by Government employees, except when advance, express, written permission is obtained from the Counselor on the basis of a finding that the case is exceptional in that the needs of the Government cannot reasonably be otherwise obtained (see 41 CFR 1–1.302–3);

(5) Outside employment or activity including the endorsement of a commercial or business product, which involves the use or exploitation of the employee's official title, role, position, or authority, or the use of Government resources such as space, personnel, supplies, equipment, or vehicles; or

(6) Outside employment or activity involving Federal taxes if the work on such taxes extends beyond the mere preparation of a tax return or the furnishing of information to the Internal Revenue Service obtained solely from the records of a taxpayer. An employee shall not become involved either directly or indirectly in advocating a taxpayer's position, other than his own or that of his spouse.

(d) Within the limitations imposed by this section, employees are encouraged to engage in teaching, lecturing, and writing. However, an employee shall not, either on a paid or unpaid basis, engage in teaching, lecturing, or writing, including teaching, lecturing, or writing for the purpose of the special preparation of a person or class of persons for an examination of the Civil Service Commission or Board of Examiners for the Foreign Service, or for appointment in the U.S. Postal Service or the Commission, that is dependent on information obtained as a result of his employment with the Commission, except when that information has been made available to the general public or will be made available on request, or when the Counselor gives written authorization for the use of nonpublic information on the basis that the use is in the public interest. In addition, a Commissioner shall not receive compensation or anything of monetary value for any consultation, lecture discussion, writing, or appearance the subject matter of which is devoted substantially to the responsibilities, programs, or operations of the Commission or the U.S. Postal Service, or which draws substantially on official data or ideas which have not become part of the body of public information.

(e) Neither this section nor § 3000.735–306 precludes an employee from:

(1) Receipt of bona fide reimbursement, unless prohibited by law or given under conditions that would compromise or appear to compromise the integrity of the employee or the Commission, for actual expenses for travel and such other necessary subsistence as is compatible with this Part and for which no Government payment or reimbursement is made. However, an employee may not be reimbursed, and payment may not be made on his behalf, for excessive personal living expenses, gifts, entertainment, or other personal benefits, nor may an employee be reimbursed by a person for travel on official business under agency orders when reimbursement is proscribed by Decision B–128527 of the Comptroller General, 46 Comp. Gen. 689. (See § 3000.735–313(q) regarding reimbursement by a private foundation.) When an employee travels on official business he should use commercial transportation at Government expense and not accept free transportation from any person. In the event commercial transportation is not reasonably available for the needed travel, an employee may accept private transportation provided the person providing such transportation is reimbursed therefor at the standard commercial rate.

(2) Participation in the activities of national or State political parties not proscribed by law.

(3) Participation, other than as an officer at a national, statewide, regional, or comparable responsible level, in the affairs of, or acceptance of an award for a meritorious public contribution or achievement given by, a charitable, religious, professional, social, fraternal, nonprofit educational or recreational, public service, or civic organization. However, an employee may accept an award from an organization described in this paragraph only when the Counselor determines in advance of the acceptance of the award that the award is in no way related to the employee's services with the Commission.

(f) An employee who wishes to engage in outside employment or activity, including teaching, lecturing, writing, or serving as an officer at a national, statewide, regional, or other responsible level of an organization described in paragraph (e)(3) of this section, shall obtain the prior written approval of the Counselor. A request for such approval shall be submitted to the Counselor in writing with sufficient description of the employment or activity to enable him to make an informed determination as to whether a conflict of interest or the appearance of a conflict of interests may be involved. A record of approval or disapproval made under this paragraph shall be filed in the employee's Official Personnel Folder. As a matter of general policy, outside or private professional work or practice (e.g., legal or accounting activities) by employees is discouraged and only in unusual circumstances will it be approved.

(g) The Commission may employ a person on extended leave of absence from a private employer when that is the way most advantageous to the Commission to obtain a needed, highly-qualified employee. When it is proposed to employ such a person, a written statement of the exact conditions of the leave of absence shall be submitted to the Counselor for an advanced determination as to employability in the light of the conflicts of interest statutes and this part. If employed, such an employee shall not be allowed to handle or have access to, either directly or indirectly, confidential business data of the private employer's competitors. The necessity for the continued employment of such an employee shall be reviewed annually by the Counselor.

(h) An employee who discusses or negotiates for outside employment with any person which has business or other interests of the type described in paragraph (b) of this section, shall report that discussion or negotiation to the Counselor within 24 hours after the discussion or negotiation.

(i) This section does not apply to special Government employees who are subject to the provisions of § 3000.735–315.

§ 3000.735–308 Use of Government services and property.

An employee shall not directly or indirectly use, or allow the use of, Government services or property of any kind, including property leased to the Government, for other than officially approved activities. An employee has a positive duty to protect and conserve Government property including equipment, supplies, and other property entrusted or issued to him.

§ 3000.735–309 Misuse of official information.

(a) An employee shall not, particularly for the purpose of furthering a private

interest, directly or indirectly use, or allow the use of, official information obtained through or in connection with his Government employment which has not been made available to the general public, except as provided in § 3000.735–307 (d) relating to teaching, lecturing, and writing.

(b) An employee shall not divulge restricted official information outside the Commission, except as permitted under the instructions pertaining thereto and at the time authorized for its release.

§ 3000.735–310 Indebtedness.

An employee shall pay each just financial obligation in a proper and timely manner, especially one imposed by law such as Federal, State, or local taxes. For the purpose of this section, a "just financial obligation" means one acknowledged by the employee, or reduced to judgment by a court, and "in a proper and timely manner" means in a manner which the Commission determines does not, under the circumstances, reflect adversely on the Commission as his employer. In the event of dispute between an employee and an alleged creditor, this section does not require the Commission to determine the validity or amount of the disputed debt.

§ 3000.735–311 Gambling, betting, and lotteries.

An employee shall not participate, while on Government-owned or leased property or while on duty for the Commission, in any gambling activity, including the operation of a gambling device, in conducting a lottery or pool, in a game for money or property, or in selling or purchasing a numbers slip or ticket.

§ 3000.735–312 General standards of conduct; prejudicial conduct.

(a) An employee shall conduct himself on the job in such a manner that the work of the Commission is efficiently accomplished and courtesy, consideration, and promptness are observed in dealings with the Congress, the public, and other governmental agencies.

(b) An employee shall conduct himself off the job in such a manner as not to reflect adversely on the Commission or the Federal service.

(c) An employee, whether on or off the job, shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the Commission or the Federal service.

(d) An employee shall not, other than as required by his official duties, recommend or suggest the use of any non-Governmental person offering services as an intermediary, consultant, agent, attorney, expediter, specialist, or the like for the purpose of assisting in any negotiations, transactions, or other business with the Commission or the U.S. Postal Service. Acceptance of a forwarding or finder's fee from such a person is deemed to be within the prohibition in this subsection.

(e) Discrimination on the basis of race, color, religion, sex, or national origin is conduct prejudicial to the Government. An employee, while acting in his official capacity, shall not directly or indirectly authorize, permit, or participate in any action, event, or course of conduct which subjects any person to discrimination, or results in any person being discriminated against, on the basis of race, color, religion, sex, or national origin.

§ 3000.735–313 Miscellaneous statutory provisions.

Each employee shall acquaint himself with each statute that relates to his ethical and other conduct as an employee of the Commission and of the Government. In particular, attention of employees is directed to the following statutory prohibitions which are applicable to employees of the Commission:

(a) Chapter 11 of title 18, United States Code, relating to bribery, graft, and conflicts of interest, as appropriated to the employees concerned.

(b) Lobbying with appropriated funds (18 U.S.C. 1913).

(c) Striking against the Government (5 U.S.C. 7311, 18 U.S.C. 1918).

(d) Disclosure of classified information (18 U.S.C. 798) and the disclosure of confidential information (18 U.S.C. 1905).

(e) Misuse of the franking privilege (18 U.S.C. 1719).

(f) Fraud or false statements in a Government matter (18 U.S.C. 1001).

(g) Mutilating or destroying a public record (18 U.S.C. 2071).

(h) Counterfeiting and forging transportation requests (18 U.S.C. 508).

(i) The (1) embezzlement of Government money or property (18 U.S.C. 641); (2) failing to account for public money (18 U.S.C. 643); and (3) embezzlement of the money or property of another person in the possession of an employee by reason or his employment (18 U.S.C. 654).

(j) Unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(k) Political activities, solicitations, and contributions (subchapter III of chapter 73 of title 5, United States Code, and 18 U.S.C. 602, 603, 607, and 608).

(l) Acting as the agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).

(m) Deceit in an examination or personnel action in connection with Government employment (18 U.S.C. 1917).

(n) Employment of an individual convicted of felonious rioting or a related offense (5 U.S.C. 7313).

(o) Habitual use of intoxicants to excess (5 U.S.C. 7352).

(p) A public official appointing or promoting a relative, or advocating such an appointment or promotion (5 U.S.C. 3110).

(q) Self-dealing with a private foundation (26 U.S.C. 4941, 4946). "Self-dealing" is defined in the statute to include certain transactions involving an employee's receipt of pay, a loan, or reimbursement for travel or other expenses from, or his sale to or purchase of property from, a private foundation.

§ 3000.735–314 Statutory provisions prescribed for the Commission.

Pursuant to Executive Order No. 11570 and consistent with 39 U.S.C. 3604(d) and 410, the following regulations are prescribed for employees of the Commission on the basis of the statutory authority identified in each paragraph:

(a) Passenger motor vehicles and aircraft owned by the Commission or the Government shall be used exclusively for official purposes; and "official purposes" shall not include the transportation of employees between their domiciles and places of employment, except in cases of medical officers on out-patient medical service and except in cases of employees engaged in fieldwork the character of whose duties makes such transportation necessary and then only as to such latter cases when the same is approved by the Chairman of the Commission. An employee who willfully uses or authorizes the use of any passenger motor vehicle or aircraft owned by the Commission or the Government, or of any passenger motor vehicle or aircraft leased by the Commission or the Government, for other than official purposes or otherwise violates the provisions of this paragraph shall be suspended without compensation, for not less than 1 month, and shall be suspended for a longer period or removed from the Commission if circumstances warrant. (Source: 31 U.S.C. 638a(c)(2)).

(b) It shall be unlawful for any employee to communicate in any manner or by any means, to any other person whom the employee knows or has reason to believe to be an agent or representative of any foreign government or an officer or member of any Communist organization as defined in 50 U.S.C. 782(5), any information of a kind which shall have been classified by the President (or the Chairman of the Commission, the Postmaster General, or the head of an executive agency as defined in 5 U.S.C. 105 with the approval of the President) as affecting the security of the United States, knowing or having reason to know that such information has been so classified, unless the employee shall have been specifically authorized by the President or the Chairman of the Commission to make such disclosure of such information. An employee who violates this paragraph is subject to the penalties provided in 50 U.S.C. 783 and legal actions under this paragraph are governed by that section. (Source: 50 U.S.C. 783).

(c) When there is in effect a final order of the Subversive Activities Control Board determining any organization to be a Communist-action organization or a Communist-front organization, it shall be unlawful for any member of such organization, with knowledge or notice of such final order of the Board in seeking, accepting, or holding any office or employment with the Commission, to conceal or fail to disclose the fact that he is a member of such organization; or to hold an office or employment with the Commission. Also, it shall be unlawful for any employee of the Commission, with

knowledge or notice of such final order of the Subversive Activities Control Board, to contribute funds or services to such organization; or to advise, counsel or urge any person, with knowledge or notice that such person is a member of such organization, to perform, or to omit to perform, any act if such act or omission would constitute a violation of any provision of this paragraph. (Source: 50 U.S.C. 784.)

§ 3000.735–315 Conduct and responsibilities of special Government employees.

(a) A special Government employee shall not use his employment with the Commission for a purpose that is, or gives the appearance of being, motivated by the desire for private gain for himself or another person, particularly one with whom he has family, business, or financial ties.

(b) A special Government employee shall not use inside information obtained as a result of his employment with the Commission for private gain for himself or another person whether by direct action on his part or by counsel, recommendation, or suggestion to another person, particularly one with whom he has family, business, or financial ties. For the purposes of this section, "inside information" means information obtained under Government authority which has not become part of the body of public information.

(c) A special Government employee who engages in teaching, lecturing, or writing, whether for or without compensation, shall not for such purposes make use of information obtained as a result of his employment with the Commission, except when that information has been made available to the general public or will be made available on request, or when the Counselor gives written authorization for the use of nonpublic information on the basis that such use is in the public interest.

(d) A special Government employee shall not use his employment with the Commission to coerce, or give the appearance of coercing, a person to provide financial benefit to himself or another person, particularly one with whom he has family, business, or financial ties.

(e) Except as provided in paragraph (f) of this section, a special Government employee, while so employed or in connection with his employment, shall not receive or solicit from a person having business with the Commission anything of value as a gift, gratuity, loan, entertainment, or favor for himself or another person, particularly one with whom he has family, business, or financial ties.

(f) Notwithstanding paragraph (e) of this section, a special Government employee shall be allowed the same latitude as is authorized for regular employees by paragraphs (b) and (c) of § 3000.735–306.

(g) Attention of special Government employees is directed to the provisions of § 3000.735–202, making the provisions of this Part generally applicable to their activities.

§ 3000.735–316 Additional prohibitions—special Government employees.

(a) In addition to the disqualification described in § 3000.735–302, a special Government employee is subject to the following major prohibitions:

(1) He may not, except in the discharge of his official duties:

(i) Represent anyone else before a court or Government agency in a matter in which the United States is a party or has an interest and in which he has at any time participated personally and substantially for the Government (18 U.S.C. 203 and 205), or

(ii) Represent anyone else in a matter pending before the Commission unless he served there no more than 60 days during the previous 365 (18 U.S.C. 203 and 205). He is bound by this restraint despite the fact that the matter is not one in which he has ever participated personally and substantially.

(2) He may not, after his employment with the Commission has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and in which he participated personally and substantially for the Government (18 U.S.C. 207(a)).

(3) He may not, for 1 year after his employment with the Commission has ended, represent any one other than the United States in connection with a matter in which the United States is a party or has an interest and which was within the boundaries of his official responsibility during the last year of his employment with the Commission (18 U.S.C. 207(b)). (This temporary restraint is permanent if the matter is one in which he participated personally and substantially. See subparagraph (2) of this paragraph.)

(b) Exemptions or exceptions from the prohibitions described in paragraph (a) of this section are permitted under certain circumstances; for the method of obtaining such exemptions or exceptions, see § 3000.735–304.

Subpart D—Reporting Outside Employment and Financial Interests

§ 3000.735–401 General standards.

The provisions in this Subpart D are in addition to the general standards relative to outside employment and other activity in § 3000.735–307. Regardless of whether or not a regular employee is required to file a statement of employment and financial interests under this subpart, a regular employee shall not engage in outside employment without obtaining the approval of the Counselor required by § 3000.375–307(f).

§ 3000.735–402 Reporting employment and financial interests—regular employees.

(a) Each Commissioner and the Counselor shall file a statement of employment and financial interests with the Chairman of the U.S. Civil Service Commission, Washington, D.C. 20415. The statement shall be submitted on the date of entrance on duty on a form and in a manner prescribed by the Chairman of the Civil Service Commission.

(b) (1) At the time of entrance on duty of an employee designated in paragraph (h) of this section, he shall submit a statement of employment and financial interest (referred to hereinafter in this subpart as the "statement") as provided in subparagraph (2) of this paragraph on the form "Confidential Statement of Employment and Financial Interests—Regular Employees" which shall be furnished by the Counselor. Changes in, or additions to, the information contained in an employee's statement shall be reported in a supplementary statement as of June 30 each year. If no changes or additions occur, a negative report is required. Notwithstanding the filing of the supplementary statement required by this subparagraph, each employee shall at all times avoid acquiring a financial interest that could result, or taking an action that would result, in a violation of the conflicts-of-interest provisions of 18 U.S.C. 208 or this part.

(2) The statement shall be submitted in duplicate, the original to the Counselor and the copy to the Chairman of the Civil Service Commission, Washington, D.C. 20415. The statement shall be submitted in an envelope marked "Administratively Restricted—To Be Opened Only By Authorized Reviewer".

(c) When completing a statement, an employee shall include both his own employment and financial interests, debts, and interests in real property and those of his spouse, minor child, and other member of his immediate household. For the purpose of this paragraph "member of his immediate household" means a full-time resident of the employee's household who is related to him by blood.

(d) Precise amounts of financial interests, indebtedness, and the value of real property need not be included on a statement; however, when the reviewer determines that such precise amounts are needed to make an adequate review, the employee shall disclose the precise amounts.

(e) If any information required to be included on a statement or supplementary statement, including holdings placed in trust, is not known to the employee but is known to another person, the employee shall request that other person to submit the information in his behalf, except when the trust is a blind, no-control trust in which case a copy of the trust shall be submitted for review.

(f) This section does not require an employee to submit any information relating to his connection with, or interest in, a professional society or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or a similar organization not conducted as a business enterprise. For the purpose of this section, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed "business enterprises" and are required to be included in an employee's statement.

(g) The statements and supplementary statements required of employees are in addition to, and not in substitution for, or in derogation of, any similar requirement imposed by law, order, or regulation. The submission of a statement by an employee does not permit him or any other person to participate in a matter in which his or the other person's participation is prohibited by law, order, or regulation.

(h) Each of the following designated employees shall submit a statement:

(1) An employee, other than a Commissioner and the Counselor who file separately under paragraph (a) of this section, who is paid basic compensation at a rate equivalent to or greater than the first step of grade GS–13 as adjusted under 5 U.S.C. 5305.

(2) An employee not required to submit a statement under subparagraph (1) of this paragraph whose position is listed in Appendix B to this part as a position which has been determined to have duties and responsibilities which require the incumbent to report employment and financial interests in order to avoid involvement in a possible conflicts-of-interest situation and to carry out the purpose of law, Executive order, and this part.

(i) An employee who believes that his position has been improperly included as one requiring the submission of a statement is entitled to obtain a review of his complaint under the Commission's grievance procedure.

(j) The Counselor shall hold each statement of employment and financial interests in confidence. The Counselor is responsible for maintaining the statement in confidence and shall not allow access to, or allow information to be disclosed from, a statement except to carry out the purpose of this subpart. The Counselor may not disclose information from a statement outside the Commission except as the Civil Service Commission or the Chairman of the Commission may determine for good cause shown.

(k) A statement and any supplementary statements thereto shall be destroyed (1) 4 years after the employee is separated from the position which required the submission of the statement, (2) or 4 years after the employee leaves the Commission, or (3) when a position is deleted from Appendix B, 4 years after such deletion. The Counselor shall report to the Chairman of the Civil Service Commission when a statement and supplementary statements are destroyed.

§ 3000.735–403 Reporting employment and financial interests—special Government employees.

(a) At the time of appointment each special Government employee shall submit a satement as provided in § 3000.735–402(b)(2) on the form "Confidential Statement of Employment and Financial Interests—Special Government Employees" which shall be furnished by the Counselor. A special Government employee shall keep his statement current during the period of his employment and shall submit a supplementary statement at the time of any reappointment. A negative report will suffice for the supplementary statement if no changes have occurred since the submission of the statement.

(b) Paragraphs (c), (d), (e), (f), (g), (j), and (k) of § 3000.735–402 are applicable to statements submitted under this section.

§ 3000.735–404 Reporting employment and financial interests—detailees.

(a) When a member of the uniformed services or an employee of a Government agency other than the Commission is assigned or detailed to the Commission to perform duties of a type that would require the submission of a statement if performed by an employee of the Commission, the individual so assigned or retailed (referred to in this section as a "detailee") shall submit a statement as provided in § 3000.735–402(b)(2) on the form "Confidential Statement of Employment and Financial Interests—Regular Employee" which shall be furnished by the Counselor. The detailee shall submit the statement at the start of the detail and shall submit supplementary statements as required under § 3000.735–402(b)(1).

(b) Paragraphs (c), (d), (e), (f), (g), (i), (j), and (k) of § 3000.735–402 are applicable to statements submitted under this section.

§ 3000.735–405 Reviewing statements; remedial action.

(a) Each statement submitted under this subpart shall be reviewed by the Counselor and by the Chairman of the Civil Service Commission, or the designee of the Counselor or the Chairman of the Civil Service Commission. The review is for the purpose of determining whether there exists a conflict, or appearance of conflict, between the interests of the employee or special Government employee concerned and the performance of his service for the Commission. If either the Counselor or the Chairman of the Civil Service Commission, or the designee of either, believes that such a conflict or appearance of conflict exists, the Counselor shall provide the employee with an opportunity to explain the conflict or appearance of a conflict. If the Counselor concludes that remedial action should be taken, he shall refer the statement to the Chairman of the Commission through the Chairman of the Civil Service Commission, with his recommendation for such action. The Chairman of the Commission, after consideration of the employee's explanation and such investigation as he considers appropriate, shall direct appropriate remedial action if he considers it necessary. If the Counselor concludes that remedial action is not necessary he may, with the concurrence of the Chairman of the Civil Service Commission, close the matter. If the Chairman of the Civil Service Commission concludes that remedial action is necessary, he shall recommend such action to the Chairman of the Commission.

(b) Remedial action pursuant to paragraph (a) of this section, or by reason of the violation of any provision in this part, may include, but is not limited to:

(1) Changes in assigned duties.

(2) Divestment by the employee of his conflicting interest.

(3) Disqualification for a particular action.

(4) Exemption pursuant to § 3000.735–302(f).

(5) Disciplinary action. (See § 3000.-735–205.)

(6) Termination of assignment or detail in the case of a detailee under § 3000.735–404.

Subpart E—Ex Parte Communications

§ 3000.735–501 Ex parte communications prohibited.

An employee shall not, either in an official or unofficial capacity, participate in any ex parte communication—either oral or written—with any person regarding (a) a particular matter (substantive or procedural) at issue in contested proceedings before the Commission or (b) the substantive merits of a matter that is likely to become a particular matter at issue in contested proceedings before the Commission. A particular matter is at issue in contested proceedings before the Commission when it is a subject of controversy in a hearing held under 39 U.S.C. 3624 or 3661(c). However, this section does not prohibit participation in off-the-record proceedings conducted under regulations adopted by the Commission for hearings held under 39 U.S.C. 3624 or 3661(c).

§ 3000.735–502 Public record of ex parte communications.

As ex parte communications (either oral or written) may occur inadvertently notwithstanding § 3000.735–501, the employee who receives such a communication, shall—within 2 workdays after the receipt of such a communication—prepare a written report concerning the communication. The report shall identify the employee and the person or persons who participated in the ex parte communication; the circumstances which resulted in the communication; the substance of the communication; and the relationship of the communication to a particular matter at issue or likely to become at issue in contested proceedings before the Commission. When the ex parte communication concerns a particular matter at issue in a proceeding before the Commission, a copy of the report shall be submitted to each party to the proceeding. The report is a public record of the Commission and a copy thereof shall be available to any member of the public on request.

Effective date. This part shall be effective upon publication in the FEDERAL REGISTER (3–23–71).

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

APPENDIX A—CODE OF ETHICS FOR GOVERNMENT SERVICE

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the following Code of Ethics should be adhered to by all Government employees, including office-holders:

CODE OF ETHICS FOR GOVERNMENT SERVICE

Any person in Government service should:

1. Put loyalty to the highest moral principles and to country above loyalty to persons, party, or Government department.
2. Uphold the Constitution, laws, and legal regulations of the United States and of all governments therein and never be a party to their evasion.
3. Give a full day's labor for a full day's pay; giving to the performance of his duties his earnest effort and best thought.
4. Seek to find and employ more efficient and economical ways of getting tasks accomplished.
5. Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept, for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.
6. Make no private promises of any kind binding upon the duties of office, since a Government employee has no private word which can be binding on public duty.
7. Engage in no business with the Government, either directly or indirectly, which is inconsistent with the conscientious performance of his governmental duties.
8. Never use any information coming to him confidentially in the performance of governmental duties as a means for making private profit.
9. Expose corruption wherever discovered.
10. Uphold these principles, ever conscious that public office is a public trust.

Passed July 11, 1958.

[FR Doc.71-3970 Filed 3-22-71;8:50 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 71-184]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Availability of Frequencies for Use by Amateur Service on Shared Basis With Loran Stations

Correction

In F.R. Doc. 71-2904 appearing at page 4264 in the issue of Thursday, March 4, 1971, under § 2.106 the second line of paragraph (1) of footnote NG15 (a) should be deleted and the following substituted therefor: "Amateur Service shall not be a bar to the ".

[Docket No. 19028; FCC 71-150]

PART 73—RADIO BROADCAST SERVICES

Main Studio Location of FM and Television Broadcast Stations

Correction

In F.R. Doc. 71-2366 appearing at page 3264 in the issue of Saturday, February 20, 1971, in § 73.613(b) the 17th and 18th lines reading "the community to another, may be made without first securing a modification of" should be transferred to appear following the 12th line.

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

[OST Docket No. 1; Amdt. No. 1-46]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Delegation of Authority With Respect to Railroad Safety and Hazardous Materials Control

The purpose of this amendment is to delegate certain of the Secretary's functions under the Federal Railroad Safety Act of 1970 (Title II of Public Law 91-458) and the Hazardous Materials Transportation Control Act of 1970 (Title III of Public Law 91-458) to the Federal Railroad Administrator and the Assistant Secretary for Safety and Consumer Affairs, respectively.

Since this amendment relates to departmental management, procedures, and practices, notice and public procedure thereon is unnecessary and it may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, effective March 12, 1971, Part 1 of Title 49, Code of Federal Regulations is amended as follows:

a. Section 1.49 is amended by adding the following new paragraph at the end thereof:

§ 1.49 Delegations to Federal Railroad Administrator.

* * * * *

(n) Carry out the functions vested in the Secretary by the Federal Railroad Safety Act of 1970 (Title II of Public Law 91-458; 84 Stat. 971, 45 U.S.C. 421 et seq.), except section 204(b) (84 Stat. 972, 45 U.S.C. 433(b)) with respect to highway, traffic, and motor vehicle safety and highway construction.

b. Section 1.58 is amended by adding the following new paragraph at the end thereof:

§ 1.58 Delegations to Assistant Secretary for Safety and Consumer Affairs.

* * * * *

(e) Carry out the functions vested in the Secretary by the Hazardous Materials Transportation Control Act of 1970 (Title III of Public Law 91-458, 84 Stat. 977, 49 U.S.C. 1761 et seq.).

(Sec. 9, Department of Transportation Act, 49 U.S.C. 1657)

Issued in Washington, D.C., on March 12, 1971.

JOHN A. VOLPE,
Secretary of Transportation.

[FR Doc.71-3843 Filed 3-22-71;8:45 am]

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM-29; Amdts. 172-8, 173-44]

PART 172—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 170-189 OF THIS CHAPTER

PART 173—SHIPPERS

Carbon Monoxide in Cylinders and Increased Filling Limitations

The purpose of this amendment to the Hazardous Materials Regulations of the Department of Transportation is to authorize shipments of carbon monoxide in manifolded cylinders and to extend the filling limitation for carbon monoxide cylinders under specified conditions.

On July 25, 1969, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket No. HM-29; Notice No. 69-21 (34 F.R. 12291), proposing to amend the regulations as stated above.

Interested parties were invited to give their views on this proposal. Although the proposed change was based on several years of experience with a number of special permits, some commenters expressed reluctance to amend the rules, preferring instead that the permits be continued in effect. No specific data was submitted. Air Products and Chemicals, Inc., however, advised they were in the midst of a test project aimed at developing specific information on the corrosive effects of carbon monoxide on certain steels. The Board delayed action to see if this project, because of its greater specificity, would develop adverse information not discovered under the special permits.

On the basis of information it now has on file, including data from Air Products, the Board is satisfied that the permit, as issued, constitute a safe method of transportation. From the data received, it appears that the charging pressure to service pressure ratio originally proposed for manifolded cylinders is quite conservative. However, on the basis of the operating pressures authorized under permits, and the pressures used in testing, charging of cylinders is being limited to five-sixths the cylinder service pressure or 2,000 p.s.i., whichever is the lesser. The Board notes that Air Products and Chemicals, Inc., has not completed testing and may develop information justifying higher filling pressures in later rule making action.

Accordingly, 49 CFR Parts 172 and 173 are amended as follows:

I. *Part 172.* In § 172.5 paragraph (a), the Commodity List is amended as follows:

§ 172.5 List of hazardous materials.

(a) * * *

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
(Change)				
* * *	* * *	* * *	* * *	* * *
Carbon monoxide	F.G	173.306, 173.302(f)	Red Gas	150 pounds.
* * *	* * *	* * *	* * *	* * *

II. *Part 173.* (A) In § 173.301, paragraph (d)(2) is amended to read as follows:

§ 173.301 General requirements for shipment of compressed gases in cylinders.[1]

* * * * * *

(d) * * *

(2) Manifolding is authorized for cylinders of the following nonliquefied gases: Boron trifluoride, carbon monoxide, ethylene, hydrogen, hydrocarbon gases, and methane, provided individual cylinders are equipped with approved safety relief devices as required by § 173.34(d) or § 173.315(i): *And provided further,* That each cylinder is equipped with individual shutoff valve, or valves, that must be tightly closed while in transit. Manifold branch lines to these and individual shutoff valves must be sufficiently flexible to prevent injury to the valves which otherwise might result from the use of rigid branch lines. A temperature measuring device may be inserted in one cylinder of a manifold installation in place of the shutoff valve.

* * * * *

(B) In § 173.302, paragraph (f) is added to read as follows:

§ 173.302 Charging of cylinders with nonliquefied compressed gases.

* * * * *

(f) *Carbon monoxide.* Carbon monoxide must be shipped in specification 3A, 3AA, 3, or 3E (§§ 178.36, 178.37, 178.42) cylinders having minimum service pressure of 1,800 p.s.i.g. The pressure in the cylinder must not exceed 1,000 pounds per square inch gage at 70° F. except that if the gas is dry and sulfur free then cylinders may be charged up to five-sixths the cylinder service pressure or 2,000 p.s.i. whichever is the lesser.

(C) In § 173.304 paragraph (a)(2) the table is amended as follows:

§ 173.304 Charging of cylinders with liquefied compressed gas.

(a) * * *

(2) * * *

Kind of gas	Maximum permitted filling density (see note 1)	Containers marked as shown in this column or of the same type with higher service pressure must be used except as provided in § 173.34 (a), (b), § 173.301(j) (See notes following table).
Cancel		
* * *	* * *	* * *
Carbon monoxide		DOT-3A1800; DOT-3AA1800, DOT-3; DOT-3E1800; The pressure in the cylinder must not exceed 1,000 pounds per square inch at 70° F.
* * *	* * *	* * *

* * * * * *

(Secs. 831–835 of title 18, United States Code, sec. 9, Department of Transportation Act, 49 U.S.C. 1657, Title VI and sec. 902(h), Federal Aviation Act of 1958, 49 U.S.C. 1421–1430 and 1472(h))

This amendment is effective June 10, 1971, however, compliance with the regulations, as amended herein, is authorized immediately.

Issued in Washington, D.C., on March 17, 1971.

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

CARL V. LYON,
Acting Administrator, Federal Railroad Administration.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety Federal Highway Administration.

SAM SCHNEIDER,
Board Member, for the Federal Aviation Administration.

[FR Doc.71-3905 Filed 3-22-71;8:45 am]

[Docket No. HM-72; Amdt. 173-45]

PART 173—SHIPPERS

Phosphorus Oxychloride and Phosphorus Trichloride in Cargo Tanks

The purpose of this amendment to § 173.271 of the Department's Hazardous Materials Regulations is to authorize the use of specifications MC 310, MC 311, MC 312 cargo tanks fabricated wholly of type 316 stainless steel for the shipment of phosphorus oxychloride, to make some editorial changes, and to authorize phosphorus trichloride in these same specification tanks when clad with type 316 stainless steel.

On December 17, 1970, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket No. HM-72; Notice No. 70-27 (35 F.R. 19121) proposing to amend the regulations for phosphorus oxychloride as stated above. In this proposal, the Board recommended use of tanks clad with type 316 stainless steel for phosphorus oxychloride only.

One commenter pointed out that since phosphorus oxychloride is more corrosive than phosphorus trichloride, the tank clad with type 316 stainless steel should also be adequate for phosphorus trichloride service. The Board agrees and has incorporated the change in this amendment.

In consideration of the foregoing, 49 CFR Part 173 is amended as follows:

In § 173.271 paragraph (a)(8) is amended; paragraphs (a)(13), (14), and (15) are canceled as follows:

§ 173.271 Phosphorus oxybromide, phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride.

(a) * * *

(8) Specification MC 310,[1] MC 311,[1] or MC 312 (§§ 178.340, 178.343). Tank motor vehicles, subject to the following conditions:

(i) Lead-lined or nickel-lined tanks. If nickel-lined, the lining must consist of at least one thirty-second inch of uncontaminated nickel at all points including rivets, welds and other joints, and edges of tank plates.

(ii) Tanks fabricated from type 316 stainless steel, or clad with type 316 stainless steel having a minimum thickness of 0.2 times the design thickness of the parent metal, are authorized only for phosphorus oxychloride and phosphorus trichloride.

(iii) Tanks made from type 304 or 347 stainless steel. Authorized only for phosphorus trichloride.

(iv) Specification MC 311[1] or MC 312 tank motor vehicles only. Tanks must be constructed of nickel at least 99 percent pure with all cast metal parts of the tank in contact with the lading having a minimum nickel content of approximately 96.7 percent. Authorized only for phosphorus oxychloride and phosphorus trichloride.

* * * * * *

(13) [Canceled]

(14) [Canceled]

(15) [Canceled]

* * * * * *

This amendment is effective June 10, 1971, however, compliance with the regulations, as amended herein, is authorized immediately.

(Secs. 831–835 of title 18, U.S.C., sec. 9, Department of Transportation Act, 49 U.S.C. 1657)

Issued in Washington, D.C., on March 17, 1971.

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

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety, Federal Highway Administration.

[FR Doc.71-3906 Filed 3-22-71;8:45 am]

[1] Use of existing cargo tanks authorized, but tanks of new construction not authorized for use

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

[Docket No. 70-12; Notice No. 8]

PART 574—TIRE IDENTIFICATION AND RECORD KEEPING

Applicability

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 Recordkeeping regulations, 49 CFR Part 574 (36 F.R. 1196). Section 574.4 of Part 574 is amended as set forth below to make it clear that the regulation is not applicable to retreaders who retread tires exclusively for their own use.

§ 574.4 Applicability.

This part applies to manufacturers, brand name owners, retreaders, distributors, and dealers of new and retreaded tires for use on motor vehicles manufactured after 1948 and to manufacturers and dealers of motor vehicles manufactured after 1948. However, it does not apply to persons who retread tires solely for their own use.

(Secs. 103, 112, 113, 119, 201, and 206, National Highway Traffic Safety Administration, as amended, 15 U.S.C. 1392, 1401, 1407, 1421, and 1426; 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 17, 1971.

DOUGLAS W. TOMS,
Acting Administrator.

[FR Doc.71-3926 Filed 3-22-71;8:47 am]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Hagerman National Wildlife Refuge, Tex.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (3-23-71).

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

TEXAS

HAGERMAN NATIONAL WILDLIFE REFUGE

The public hunting of rabbits and squirrels on the Hagerman National Wildlife Refuge, Tex., is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,644 acres, is delineated on maps available at refuge headquarters, 15 miles northwest of Sherman, Tex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State regulations governing the hunting of rabbits and squirrels subject to the following special conditions:

(1) The open season for hunting rabbits and squirrels on the refuge extends from May 1 through July 31, 1971, inclusive.

(2) Hunting with rifles or handguns is not permitted. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through July 31, 1971.

RONALD S. SULLIVAN,
Refuge Manager, Hagerman National Wildlife Refuge, Sherman, Tex.

MARCH 2, 1971.

[FR Doc.71-3921 Filed 3-22-71;8:47 am]

PART 33—SPORT FISHING

Tishomingo National Wildlife Refuge, Okla.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (3-23-71).

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

OKLAHOMA

TISHOMINGO NATIONAL WILDLIFE REFUGE

Sport fishing on the Tishomingo National Wildlife Refuge, Tishomingo, Okla., is permitted only on the area designated by signs as open to fishing. These open areas, comprising 10,000 acres, are delineated on maps available at refuge headquarters, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following condition:

(1) The open seasons for sport fishing on the refuge extend from January 1 through December 31, 1971, inclusive, on the waters of Lake Texoma east of the north-south centerline of secs. 19, 30, and 31, T. 4 S., R. 7 E., and in Rock Creek, Polecat Creek, Bell Creek, Big Sandy Creek, Dick's Pond, and Goose Pen Pond; and from April 1 through September 30, 1971, inclusive, for waters of Lake Texoma west of the north-south centerline of secs. 19, 30, and 31, T. 4 S., R. 7 E.

(2) The open season for sport fishing on the Tishomingo Management Unit extends from March 1, 1971, through September 30, 1971, inclusive. Fishing with trotlines in Lost Lake, Bobcat Gulch, and McAdams Pond is prohibitive during open season.

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

ERNEST S. JEMISON,
Refuge Manager, Tishomingo National Wildlife Refuge, Tishomingo, Okla.

MARCH 1, 1971.

[FR Doc.71-3920 Filed 3-22-71;8:46 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Special Rules for Determining Foreign Tax Credit in the Case of Certain Interest Income

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] RANDOLPH W. THROWER,

Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) to section 904(f) of the Internal Revenue Code of 1954, as added by section 10 of the Revenue Act of 1962 (76 Stat. 1002) and amended by section 106(c) of the Foreign Investors Tax Act of 1966 (80 Stat. 1570), such regulations are amended as follows:

PARAGRAPH 1. Section 1.904 is amended by redesignating subsection (f) of section 904 as subsection (g) and revising such subsection, by adding a new subsection (f) to section 904 and revising such subsection, and by revising the historical note, as follows:

§ 1.904 Statutory provisions; limitation on credit.

SEC. 904. *Limitation on credit.* * * *

(f) *Application of section in case of certain interest income*—(1) *In general.* The provisions of subsections (a), (c), (d), and (e) of this section shall be applied separately with respect to—

(A) The interest income described in paragraph (2), and

(B) Income other than the interest income described in paragraph (2).

(2) *Interest income to which applicable.* For purposes of this subsection, the interest income described in this paragraph is interest other than interest—

(A) Derived from any transaction which is directly related to the active conduct of a trade or business in a foreign country or a possession of the United States,

(B) Derived in the conduct of a banking, financing, or similar business,

(C) Received from a corporation in which the taxpayer (or one or more includible corporations in an affiliated group, as defined in section 1504, of which the taxpayer is a member) owns, directly or indirectly, at least 10 percent of the voting stock,

(D) Received on obligations acquired as a result of the disposition of a trade or business actively conducted by the taxpayer in a foreign country or possession of the United States or as a result of the disposition of stock or obligations of a corporation in which the taxpayer owned at least 10 percent of the voting stock.

For purposes of subparagraph (C), stock owned, directly or indirectly, by or for a foreign corporation shall be considered as being proportionately owned by its shareholders.

(3) *Overall limitation not to apply.* The limitation provided by subsection (a)(2) shall not apply with respect to the interest income described in paragraph (2). The Secretary or his delegate shall by regulations prescribe the manner of application of subsection (e) with respect to cases in which the limitation provided by subsection (a)(2) applies with respect to income other than the interest income described in paragraph (2).

(4) *Transitional rules for carrybacks and carryovers*—(A) *Carrybacks to years prior to Revenue Act of 1962.* Where, under the provisions of subsection (d), taxes (i) paid or accrued to any foreign country or possession of the United States in any taxable year beginning after the date of the enactment of the Revenue Act of 1962 [October 16, 1962] are deemed (ii) paid or accrued in one or more taxable years beginning on or before the date of enactment of the Revenue Act of 1962, the amount of such taxes deemed paid or accrued shall be determined without regard to the provisions of this subsection. To the extent the taxes paid or accrued to a foreign country or possession of the United States in any taxable year described in clause (i) are not, with the application of the preceding sentence, deemed paid or accrued in any taxable year described in clause (ii), such taxes shall, for purposes of applying subsection (d), be deemed paid or accrued in a taxable year beginning after the date of the enactment of the Revenue Act of 1962, with respect to interest income described in paragraph (2), and with respect to income other than interest income described in paragraph (2), in the same ratios as the amount of such taxes paid or accrued with respect to interest income described in paragraph (2), and the amount of such taxes paid or accrued with respect to income other than interest income described in paragraph (2), respectively, bear to the total amount of such taxes paid or accrued to such foreign country or possession of the United States.

(B) *Carryovers to years after Revenue Act of 1962.* Where under the provisions of subsection (d), taxes (i) paid or accrued to any foreign country or possession of the United States in any taxable year beginning on or before the date of the enactment of the Revenue Act of 1962 [October 16, 1962] are deemed (ii) paid or accrued in one or more taxable years beginning after the date of the enactment of the Revenue Act of 1962, the amount of such taxes deemed paid or accrued in any year described in clause (ii) shall, with respect to interest income described in paragraph (2), be an amount which bears the same ratio to the amount of such taxes deemed paid or accrued as the amount of the taxes paid or accrued to such foreign country or possession for such year with respect to interest income described in paragraph (2) bears to the total amount of the taxes paid or accrued to such foreign country or possession for such year; and the amount of such taxes deemed paid or accrued in any year described in clause (ii) with respect to income other than interest income described in paragraph (2) shall be an amount which bears the same ratio to the amount of such taxes deemed paid or accrued for such year as the amount of taxes paid or accrued to such foreign country or possession for such year with respect to income other than interest income described in paragraph (2) bears to the total amount of the taxes paid or accrued to such foreign country or possession for such year.

* * * * *

[Sec. 904 as amended by sec. 42(a), Technical Amendments Act 1958 (72 Stat. 1639); sec. 1, Act of Sept. 14, 1960 (Public Law 86-780, 74 Stat. 1010); secs. 10 and 12(b)(2), Rev. Act 1962 (76 Stat. 1002, 1031); sec. 234(b)(6), Rev. Act 1964 (78 Stat. 116); sec. 106(c), Foreign Investors Tax Act 1966 (80 Stat. 1570)]

PAR. 2. Section 1.904-1 is amended by revising paragraphs (a)(1) and (b)(1) to read as follows:

§ 1.904-1 Limitation on credit for foreign taxes.

(a) *Per-country limitation*—(1) *General.* In the case of any taxpayer who does not elect the overall limitation under section 904(a)(2), the amount allowable as a credit for income or profits taxes paid or accrued to a foreign country or a possession of the United States is subject to the per-country limitation prescribed in section 904(a)(1). Such limitation provides that the credit for such taxes paid or accrued (including those deemed to have been paid or accrued other than by reason of section 904(d)) to each foreign country or possession of the United States shall not exceed that proportion of the tax against which credit is taken which the taxpayer's taxable income from sources within such country or possession (but not in excess of the taxpayer's entire taxable income) bears to his entire taxable income for the same taxable year. For special rules regarding the application of

the per-country limitation when the taxpayer has derived section 904(f) interest, see § 1.904–4.

* * * * *

(b) *Overall limitation*—(1) *General.* In the case of any taxpayer who elects the overall limitation provided by section 904(a)(2), the total credit for taxes paid or accrued (including those deemed to have been paid or accrued other than by reason of section 904(d)) shall not exceed that proportion of the tax against which such credit is taken which the taxpayer's taxable income from sources without the United States (but not in excess of the taxpayer's entire taxable income) bears to his entire taxable income for the same taxable year. Special rules which prohibit the applicability of the overall limitation in the case of section 904(f) interest are provided in section 904(f) and § 1.904–4.

* * * * *

PAR. 3. Section 1.904–2 is amended by revising paragraph (a) to read as follows:

§ 1.904–2 Carryback and carryover of unused foreign tax.

(a) *Credit for foreign tax carryback or carryover.* A taxpayer who chooses to claim a credit under section 901 for a taxable year is allowed a credit under that section not only for taxes otherwise allowable as a credit but also for taxes deemed paid or accrued in that year as a result of a carryback or carryover of an unused foreign tax under section 904(d). However, the taxes so deemed paid or accrued shall not be allowed as a deduction under section 164(a). The following paragraphs of this section provide rules for the computation of carryovers and carrybacks under section 904(d). For special rules regarding the application of section 904(d) and this section in the case of taxes paid or accrued with respect to section 904(f) interest see section 904(f) and § 1.904–4.

* * * * *

PAR. 4. Section 1.904–3 is amended by revising paragraph (e) to read as follows:

§ 1.904–3 Carryback and carryover of unused foreign tax by husband and wife.

* * * * *

(e) *Amounts carried from or through a joint return year to or through a separate return year.* It is necessary to allocate to each spouse his share of an unused foreign tax or excess limitation for any taxable year for which the spouses filed a joint return if—

(1) The husband and wife file separate returns for the current taxable year and an unused foreign tax is carried thereto from a taxable year for which they filed a joint return;

(2) The husband and wife file separate returns for the current taxable year and an unused foreign tax is carried to such taxable year from a year for which they filed separate returns but is first carried through a year for which they filed a joint return; or

(3) The husband and wife file a joint return for the current taxable year and an unused foreign tax is carried from a taxable year for which they filed joint returns but is first carried through a year for which they filed separate returns.

In such cases, the separate carryback or carryover of each spouse to the current taxable year shall be computed in the manner described in § 1.904–2 but with the modifications set forth in paragraph (f) of this section. Where applicable, appropriate adjustments shall be made to take into account the fact that, for any taxable year involved in the computation of the carryback or the carryover, either spouse has interest income described in section 904(f)(2) with respect to which the provisions of section 904(f) and § 1.904–4 apply.

* * * * *

PAR. 5. The following new section is inserted immediately after § 1.904–3:

§ 1.904–4 Separate limitation for section 904 interest.

(a) *Separate limitation*—(1) *In general.* For taxable years beginning after October 16, 1962, but only with respect to interest resulting from transactions consummated after April 2, 1962, the provisions of subsections (a), (c), (d), and (e) of section 904 shall be applied separately with respect to the taxpayer's income consisting of—

(i) Section 904(f) interest (as defined in subparagraph (2) of this paragraph), and

(ii) Income other than section 904(f) interest.

The provisions of section 904(f) and this section do not alter the rules provided by section 904(b) and paragraph (d) of § 1.904–1 for the election of the overall limitation upon the amount of the foreign tax credit. If the taxpayer has not elected the overall limitation, the per-country limitation prescribed in section 904(a)(1) which is applicable to any foreign country or possession of the United States shall be applied separately with respect to the taxpayer's taxable income from sources within that country or possession which is attributable to the income other than the section 904(f) interest, and a separate limitation computed in the same manner shall be applied separately with respect to his taxable income from sources within that country or possession which is attributable to the section 904(f) interest. If the taxpayer has elected the overall limitation prescribed in section 904(a)(2), such limitation shall be applied with respect to all of the taxpayer's taxable income from sources without the United States other than his taxable income from such sources which is attributable to the section 904(f) interest, and, in addition, a separate limitation computed in the same manner as the per-country limitation prescribed in section 904(a)(1) shall be applied separately with respect to the taxpayer's taxable income from sources within each foreign country or possession of the United States which is attributable to the section 904(f) interest from sources within that country or possession. For such purposes, the separate limitation with respect to section 904(f) interest from sources within a foreign country or possession of the United States shall be applied only to the taxes paid or accrued to such country or possession with respect to such interest, and the separate limitation with respect to income other than section 904(f) interest, whether the per-country or overall limitation, shall be applied only with respect to the foreign income taxes paid or accrued (including those deemed to have been paid or accrued other than by reason of section 904(d)) with respect to the income, other than the section 904(f) interest, which is taken into account for purposes of such separate limitation. In no case may the overall limitation prescribed in section 904(a)(2) be applied with respect to section 904(f) interest or with respect to foreign income taxes paid or accrued with respect to such interest.

(2) *Section 904(f) interest defined.* For purposes of this section, section 904(f) interest shall be all interest income of the taxpayer for the taxable year other than interest—

(i) Derived from any transaction which, in accordance with paragraph (b) of this section, is directly related to the active conduct of a trade or business in a foreign country or a possession of the United States,

(ii) Derived in the conduct of a banking, financing, or similar business within the meaning of paragraph (c) of this section,

(iii) Received, before January 1, 1966, from a corporation, domestic or foreign, in which the taxpayer owns at least 10 percent of the voting stock,

(iv) Received, after December 31, 1965, in taxable years ending after such date, from a corporation, domestic or foreign, in which the taxpayer (or one or more includible corporations in an affiliated group, as defined in section 1504 and the regulations thereunder, of which the taxpayer is a member) owns, directly or indirectly, at least 10 percent of the voting stock, or

(v) Received on obligations acquired as a result of the disposition of a trade or business actively conducted by the taxpayer in a foreign country or possession of the United States or as a result of the disposition of stock or obligations of a corporation, domestic or foreign, in which the taxpayer owned at least 10 percent of the voting stock.

For purposes of subdivisions (iii) and (iv) of this subparagraph, the 10-percent ownership requirement must be satisfied only at the time the interest is received. For purposes of subdivision (iv) of this subparagraph, stock owned, directly or indirectly, by or for a foreign corporation shall be considered as being proportionately owned its shareholders. For purposes of subdivision (v) of this subparagraph, an obligation shall include any

bond, note, debenture, certificate, or other evidence or indebtedness and the 10-percent ownership requirement must be satisfied only at the time of the disposition of the stock or obligations of the corporation.

(3) *Date transaction is consummated*—(i) *In general.* The determination for purposes of subparagraph (1) of this paragraph of whether a transaction has been consummated after April 2, 1962, shall be made based upon the facts and circumstances in a particular case. A transaction shall be considered consummated on or before April 2, 1962, if it is made pursuant to an agreement all the significant terms of which have been agreed upon on or before that date by all the parties to the agreement. The mere signature after April 2, 1962, by one or more parties to an agreement, all the significant terms of which have been agreed upon on or before that date by all the parties to the agreement, shall not in and of itself prevent such transaction from being considered consummated on or before April 2, 1962. Generally, a transaction which results from an agreement for which the negotiations commenced on or before April 2, 1962, but the significant terms of which were agreed upon after such date, shall be considered consummated after April 2, 1962.

(ii) *Performance under contract.* Where there is performance on or before April 2, 1962, under any contract, or after that date under a contract all the significant terms of which have been agreed upon on or before that date, the transaction shall be considered consummated on or before April 2, 1962. Thus, for example, domestic corporation M enters into a contract with B, a resident of foreign country Z, on March 1, 1962, to deliver in the United States certain merchandise to B. M is not engaged in trade or business in country Z but agrees to finance the purchase of the merchandise by B. Delivery is made on September 1, 1962, and the final payment is due 18 months after delivery. For purposes of this section, the transaction is consummated before April 2, 1962. In further illustration, if M were to make delivery on March 1, 1962, under terms which are not finally agreed upon until June 1, 1962, the transaction shall be considered consummated before April 2, 1962.

(iii) *Options.* An option shall, for purposes of this section, be considered consummated on the date the option is exercised. Thus, for example, if domestic corporation N purchases on March 21, 1962, a 30-day option to purchase certain securities issued by a resident of foreign country X and then purchases such securities on April 5, 1962, the transaction shall be considered consummated on April 5, 1962.

(4) *Characterization of income as interest*—(i) *In general.* For purposes of section 904(f) and this section, the determination as to whether an item of income is to be treated as an item of interest shall be made based upon the applicable provisions of U.S. law and any administrative or judicial interpretations made under such law. A provision of the laws of a foreign country or possession of the United States regarding the characterization of an item of income as interest and any judicial or administrative interpretations made under such laws shall not be controlling for purposes of this section.

(ii) *Unstated interest.* Any amount which is treated as interest under section 483 and the regulations thereunder shall be considered interest for purposes of this section.

(5) *Illustrations.* The application of this paragraph may be illustrated by the following examples:

Example (1). Domestic corporation M, a calendar year taxpayer to which the per-country limitation applies, has for 1969 $50,000 of taxable income consisting of section 904(f) interest from sources within foreign country X, $100,000 of other taxable income from sources within that country, and $150,000 of taxable income (none of which is interest income) from sources within foreign country Y. M has no other income (or losses) from sources without the United States in 1969 and has total taxable income from all sources (including countries X and Y) of $2 million. M pays income tax for 1969 to country X of $15,000 with respect to section 904(f) interest and $60,000 with respect to other income; and $75,000 income tax to country Y. M's U.S. tax (before credit) is assumed to be $1 million. M's foreign tax credit limitation under section 904(a)(1) is determined as follows:

Country X:

Limitation with respect to section 904(f) interest from sources within country X

$$\left\{\$1{,}000{,}000 \times \frac{\$50{,}000}{\$2{,}000{,}000}\right\} \text{-----} \$25{,}000$$

Limitation with respect to other income from sources within country X

$$\left\{\$1{,}000{,}000 \times \frac{\$100{,}000}{\$2{,}000{,}000}\right\} \text{-----} 50{,}000$$

Country Y:

Limitation with respect to income from sources within country Y

$$\left\{\$1{,}000{,}000 \times \frac{\$150{,}000}{\$2{,}000{,}000}\right\} \text{-----} 75{,}000$$

Example (2). Assume the same facts as in example (1) except that M elects the overall limitation for 1969 and also has for that year $80,000 of taxable income consisting of section 904(f) interest from sources within country Y on which M pays to country Y $12,000 income tax. The limitation under section 904(a)(2) on M's credit for foreign taxes is determined as follows, assuming U.S. tax (before credit) of $1,040,000 and total taxable income of $2,080,000:

Country X: Limitation with respect to section 904(f) interest from sources within country X

$$\left\{\$1{,}040{,}000 \times \frac{\$50{,}000}{\$2{,}080{,}000}\right\} \text{----------} \$25{,}000$$

Country Y: Limitation with respect to section 904(f) interest from sources within country Y

$$\left\{\$1{,}040{,}000 \times \frac{\$80{,}000}{\$2{,}080{,}000}\right\} \text{----------} 40{,}000$$

Overall limitation with respect to other income from countries X and Y

$$\left\{\$1{,}040{,}000 \times \frac{\$250{,}000}{\$2{,}080{,}000}\right\} \text{----------} 125{,}000$$

Example (3). Assume the same facts as in example (2) except that M does not elect the overall limitation and that during 1969 M also received a dividend of $30,000 from its wholly owned subsidiary N, a corporation organized under the laws of country Y which is not a less developed country corporation and which does not meet the tests of section 245. An income tax of $1,500 imposed by country Y is withheld by N from the dividend paid to M; in addition, on receipt of the dividend, M is deemed under section 902(a)(1) to have paid $10,000 foreign income tax to country Y. Assuming a U.S. tax (before credit) of $1,060,000 and total taxable income of $2,120,000, M's total credit for foreign income taxes for 1969 is $163,500, determined as follows:

Country X:

Taxes paid to country X with respect to section 904(f) interest from sources within country X		$15,000
Limitation with respect to such section 904(f) interest	$\left\{\$1{,}060{,}000 \times \frac{\$50{,}000}{\$2{,}120{,}000}\right\}$	25,000
Credit allowed under section 901(b)(1) with respect to section 904(f) interest from sources within country X		15,000
Taxes paid to country X with respect to other income from sources within country X		60,000
Limitation with respect to such other income	$\left\{\$1{,}060{,}000 \times \frac{\$100{,}000}{\$2{,}120{,}000}\right\}$	50,000
Credit allowed under section 901(b)(1) with respect to other income from sources within country X		50,000
Country Y:		
Taxes paid to country Y with respect to section 904(f) interest from sources within country Y		12,000
Limitation with respect to such section 904(f) interest	$\left\{\$1{,}060{,}000 \times \frac{\$80{,}000}{\$2{,}120{,}000}\right\}$	40,000
Credit allowed under section 901(b)(1) with respect to section 904(f) interest from sources within country Y		12,000
Taxable income (other than section 904(f) interest) from sources within country Y:		
Dividend ---------- $30,000		
Gross-up under section 78---------- 10,000		
Other income--------- 150,000		190,000
Taxes paid (and deemed paid under section 902(a)(1) with respect to other income from sources within country Y ($75,000+$1,500+$10,000) ----		86,500
Limitation with respect to such other income	$\left\{\$1{,}060{,}000 \times \frac{\$190{,}000}{\$2{,}120{,}000}\right\}$	95,000
Credit allowed under section 901 with respect to other income from sources within country Y----------		86,500
Summary of allowable credit:		
County X tax with respect to:		
Section 904(f) interest ----------	$15,000	
Other income---------	50,000	
Country Y tax with respect to:		
Section 904(f) interest ----------	12,000	
Other income---------	86,500	
Total allowable credit-------		163,500

(b) *Transactions directly related to the active conduct of a trade or business*—(1) *Definition of active conduct of a trade or business.* For purposes of applying section 904(f) and this section, a determination of whether a taxpayer is engaged in the active conduct of a trade or business in a foreign country or possession of the United States shall be made based upon the facts and circumstances in the particular case. However, in no case shall the mere purchasing, holding, or disposing of investment properties, such as stocks or securities, by a taxpayer for his own account be considered, for such purposes, as the active conduct of a trade or business. The fact that a taxpayer is considered or is not considered, for purposes of a section of the Code other than section 904(f), to be engaged in the active conduct of a trade or business in a foreign country or possession of the United States may be taken into account, but shall not necessarily be controlling, for purposes of this subparagraph. Thus, for example, if a corporation is considered, for purposes of section 355 and the regulations thereunder, to be engaged in the active conduct of a trade or business in a foreign country or possession of the United States, this factor may be taken into account for purposes of determining if such corporation is so engaged for purposes of this subparagraph. The period of time for which a taxpayer has conducted a trade or business in a foreign country or possession of the United States may be taken into account in determining whether the conduct of such trade or business is the active conduct of a trade or business for purposes of this subparagraph, particularly if the acquisition of such trade or business was for the principal purpose of avoiding income tax by securing the benefit of the exclusion provided by section 904(f)(2)(A) and paragraph (a)(2)(i) of this section.

(2) *Direct relationship of transaction*—(i) *In general.* A transaction shall be considered directly related to a trade or business which, in accordance with subparagraph (1) of this paragraph, constitutes the active conduct of a trade or business in a foreign country or possession of the United States if, for example, such transaction results from, or arises because of—

(*a*) The sale, exchange, or other disposition of (*1*) property which is purchased, manufactured, produced, constructed, grown, or extracted in the ordinary course of such trade or business or (2) an asset which is used in, or held for use in, the conduct of such trade or business,

(*b*) The performance in the ordinary course of such trade or business of technical, managerial, engineering, architectural, scientific, skilled, industrial, commercial, or similar services,

(*c*) The performance of any activity which is an ordinary and necessary incident to the conduct of such trade or business, or

(*d*) The satisfaction of any requirement or condition for carrying on such trade or business.

Thus, for example, if credit is extended or money is advanced by a taxpayer in the ordinary course of his trade or business in order to enable the recipient of such credit of money to purchase goods or services furnished by the taxpayer, then such extension or advance shall, for purposes of this section, be considered a transaction which is directly related to the active conduct of that trade or business. In further illustration, if, pursuant to the laws of a foreign country or possession of the United States or a judicial or administrative interpretation made under such laws, a taxpayer who is engaged in the active conduct of a trade or business in that country or possession is required, as a condition to the conduct of that trade or business, to acquire bonds issued by such country or possession, such acquisition shall, for purposes of this section, be considered a transaction which is directly related to the active conduct of that trade or business.

(ii) *Assets used in trade or business.* For purposes of subdivision (i)(*a*)(2) of this subparagraph an asset shall be treated as used in, or held for used in, the active conduct of a trade or business in a foreign country or possession of the United States if the asset is—

(*a*) Held for the principal purposes of promoting the present conduct of that trade or business,

(*b*) Acquired and held in the ordinary course of that trade or business, as, for example, in the case of an account or note receivable arising from that trade or business, or

(*c*) Otherwise held in a direct relationship to that trade or business, as determined under subdivision (iii) of this subparagraph.

(iii) *Relationship between holding of asset and trade or business.* In determining for purposes of subdivision (ii)(*c*) of this subparagraph whether an asset is held in a direct relationship to a trade or businesss actively conducted in a foreign country or possession of the United States, principal consideration shall be given to whether the asset is needed in that trade or business. An asset shall be considered needed in a trade or business, for this purpose, only if the asset is held to meet the present needs of that trade or business and not its anticipated future needs. An asset shall be considered as needed in the trade or business actively conducted in a foreign country or possession of the United States if, for example, the asset is held to meet the operating expenses of that trade or business. Conversely, an asset shall be considered as not needed in the trade or business conducted in a foreign country or possession of the United States if, for example, the asset is held for the purpose of providing for (*a*) future diversification into a new trade or business, (*b*) expansion of the taxpayer's trade or business activities conducted outside such country or possession, (*c*) future plant replacement, or (*d*) future business contingencies. Notwithstanding the foregoing provisions of this subdivision, an asset shall be treated as held in a direct relationship to the trade or business conducted in a foreign country or possession if the asset was acquired with funds generated by the trade or business conducted in such country or possession, the income from the asset is retained or reinvested in the trade or business conducted in such country or possession, and the asset is managed and controlled by personnel who are present in such country or possession and actively involved in the conduct of the trade or business conducted in such country or possession.

(c) *Banking, financing, or similar business*—(1) *In general.* A taxpayer will be considered to be engaged in the conduct of a banking, financing, or similar business for purposes of paragraph (a)(2)(ii) of this section if he is engaged in business, whether within the United States or in a foreign country or possession of the United States, and the activities of such business consist of any one or more of the following activities carried on in transactions with persons situated within or without the United States:

(i) Receiving deposits of money from the public,

(ii) Making personal, mortgage, industrial or other loans to the public,

(iii) Purchasing, selling, discounting, or negotiating, notes, drafts, checks, bills of exchange, acceptances, or other evidences of indebtedness,

(iv) Issuing letters of credit and negotiating drafts drawn thereunder,

(v) Providing safe deposit facilities for the public,

(vi) Accepting trust accounts from the public,

(vii) Handling foreign exchange transactions, or

(viii) Carrying on an insurance company business.

Although the fact that the taxpayer is subjected to the banking and credit laws of a foreign country or possession of the United States shall be taken into account in determining whether he is engaged in the conduct of a banking, financing, or similar business in that country or possession, the character of the business actually carried on during the taxable year shall determine whether the taxpayer is conducting a banking, financing, or similar business. This paragraph shall be applied without reference to paragraph (b) of this section.

(2) *Relation of asset to the business.* If securities are acquired as an ordinary and necessary incident to the conduct of a banking, financing, or similar business, as defined in subparagraph (1) of this paragraph, interest income from such securities shall be considered to be derived in the conduct of a banking, financing, or similar business for purposes of this section but only so long as the retention of such securities remains an ordinary and necessary incident to the conduct of such business. Thus, the acquisition of a security acquired as a result of, or in order to prevent, a loss in a banking, financing, or similar business upon a loan contracted in the ordinary course of such business shall be considered ordinary and necessary to the conduct of such business, but interest on such security shall be considered derived

in the conduct of a banking, financing, or similar business only so long as the holding of such security remains an ordinary and necessary incident to the conduct of such business. Also, for example, if cash in excess of immediate business requirements is retained as an ordinary and necessary incident to the conduct of a banking, financing, or similar business to provide for peak requirements resulting from seasonal fluctuations or similar occurences, interest from short-term securities in which such cash is invested shall be considered to be derived in the conduct of such business for purposes of this section. The term "securities", as used in this subparagraph, means any note, bond, debenture, or other evidence of indebtedness, or any evidence of an interest in or right to subscribe to or purchase any of the foreging.

(3) *Income from other business activity.* If, in addition to conducting a banking, financing, or similar business, a taxpayer carries on other business activities (for example, the business of selling or manufacturing, goods or merchandise, from which it realizes income, gain, or loss) only the interest derived in the conduct of the banking, financing, or similar business shall be excluded under section 904(f)(2)(B) and paragraph (a)(2)(ii) of this section (see, however, paragraph (a)(2)(i) of this section).

(d) *General rules for carryback and carryover of unused foreign tax applicable to section 904(f) interest—(1) Modifications in use of § 1.904–2.* For purposes of applying the provisions of § 1.904–2 in conjunction with this section, and except as otherwise provided in paragraph (e) of this section—

(i) The term "unused foreign tax", when used with respect to section 904(f) interest for any taxable year, means, with respect to a particular foreign country or possession of the United States, the excess of (*a*) the income, war profits, and excess profits taxes paid or accrued in such year to such foreign country or possession with respect to such interest, as determined under subparagraph (2) of this paragraph, over (*b*) the separate limitation for such year with respect to such interest. Any unused foreign tax for such year with respect to income other than section 904(f) interest shall be determined under subdivision (i) or (ii), whichever applies, of § 1.904–2(b)(2) without taking into account any amounts used in applying the preceding provisions of this subdivision.

(ii) The amount of an unused foreign tax for any taxable year with respect to section 904(f) interest, in the case of a particular foreign country or possession of the United States, which shall be deemed paid or accrued in any other taxable year to which such unused foreign tax may be carried under paragraph (b) of § 1.904–2 shall be equal to the smaller of—

(*a*) The portion of such unused foreign tax which, under paragraph (b) of § 1.904–2, is carried to such other taxable year, or

(*b*) Any excess limitation for such other taxable year with respect to such unused foreign tax (as determined under subdivision (iii) of this subparagraph).

The amount of an unused foreign tax for any taxable year with respect to income other than section 904(f) interest which is deemed paid or accrued in such other taxable year shall be determined under subparagraph (1) or (2), whichever applies, of § 1.904–2(c) without taking into account any amounts used in applying the preceding provisions of this subdivision.

(iii) The excess limitation for any taxable year (hereinafter called the "excess limitation year") applicable to an unused foreign tax with respect to section 904(f) interest, in the case of a particular foreign country or possession of the United States, for another taxable year (hereinafter called the "year of origin") shall be the amount, if any, by which the limitation for the excess limitation year in the case of that foreign country or possession with respect to section 904(f) interest exceeds the sum of—

(*a*) The income, war profits, and excess profits taxes actually paid or accrued to such foreign country or possession in the excess limitation year with respect to section 904(f) interest, and

(*b*) The portion of the unused foreign tax with respect to section 904(f) interest, in the case of such foreign country or possession for any taxable year earlier than the year of origin, which is absorbed as taxes deemed paid or accrued in the excess limitation year under subdivision (ii) of this subparagraph.

The excess limitation for such excess limitation year with respect to income other than section 904(f) interest shall be determined under subparagraph (1)(ii) or (2)(ii), whichever applies, of § 1.904–2(c) without taking into account any amounts used in applying the preceding provisions of this subdivision.

(iv) Notwithstanding section 904(e)(2) and subparagraphs (1)(iii) and (2)(iii) of § 1.904–2(c), but subject to the limitations of this subparagraph—

(*a*) An unused foreign tax with respect to section 904(f) interest for any taxable year may be deemed paid or accrued in another taxable year for which the overall limitation provided in section 904(a)(2) applies, even though the taxable year from which such tax is carried is a taxable year for which the per-country limitation provided in section 904(a)(1) applies,

(*b*) An unused foreign tax with respect to section 904(f) interest for any taxable year may be deemed paid or accrued in another taxable year for which the per-country limitation provided in section 904(a)(1) applies, even though the taxable year from which such tax is carried is a taxable year for which the overall limitation provided in section 904(a)(2) applies, and

(*c*) An unused foreign tax for any taxable year with respect to income other than section 904(f) interest may be deemed paid or accrued in another taxable year for which the separate limitation with respect to section 904(f) interest applies, if the same limitation applies for both of such taxable years with respect to income other than section 904(f) interest.

(v) In applying this subparagraph—

(*a*) No portion of an unused foreign tax with respect to section 904(f) interest for any taxable year may reduce the excess limitation for any other taxable year with respect to income other than section 904(f) interest,

(*b*) No portion of an unused foreign tax for any taxable year with respect to income other than section 904(f) interest may reduce the excess limitation for any other taxable year with respect to section 904(f) interest, and

(*c*) If an unused foreign tax with respect to section 904(f) interest for any taxable year is not deemed paid or accrued in another taxable year to which such unused foreign tax may be carried under paragraph (b) of § 1.904–2, such other taxable year is to be counted as one of the years to which such unused foreign tax may be carried.

The application of this subdivision may be illustrated by the following example:

Example. Domestic corporation D, a calendar year taxpayer, does not elect the overall limitation for 1963, 1964, and 1965, in each of which years it chooses the benefits of section 901. For 1965 D has an unused foreign tax of $100 with respect to section 904(f) interest. For 1963 D has an excess limitation of $200, but only with respect to income other than section 904(f) interest. Since the unused foreign tax for 1965 consists only of income taxes imposed on section 904(f) interest and an excess limitation does not exist with respect to such taxes for 1963, the unused foreign tax for 1965 shall not be deemed paid or accrued under section 904(d) in 1963.

(2) *Amount of taxes paid with respect to section 904(f) interest—*(i) *In general.* Except as provided in subdivision (ii) of this subparagraph, the amount of taxes paid or accrued with respect to section 904(f) interest for purposes of this section shall include only those foreign income taxes which are actually paid or accrued by a taxpayer to a foreign country or possession of the United States with respect to such interest. Thus, for such purposes, the amount of taxes a taxpayer is deemed to have paid for a taxable year under a section of the Code other than section 904(d) shall not be considered taxes paid with respect to section 904(f) interest.

(ii) *Taxes not specifically allocable to included interest.* If a taxpayer has paid or accrued for a taxable year an amount of foreign income taxes with respect to income which consists only in part of section 904(f) interest, but such taxes cannot be specifically allocated to the section 904(f) interest, the amount of such taxes which may be taken into account for purposes of subdivision (i) of this subparagraph is that amount which bears the same ratio to the total of such foreign income taxes as the section 904(f) interest bears to the total amount of such income. If, however, such an apportionment does not result in a proper allocation of the foreign income taxes to the section 904(f) interest, the apportionment of the foreign income taxes to such

interest shall be made on a reasonable basis considering the facts and circumstances in the particular case. For purposes of this section, the term "foreign income taxes" means income, war profits, and excess profits taxes, and taxes included in the term "income, war profits, and excess profits taxes" by reason of section 903, imposed by a foreign country or a possession of the United States.

(3) *Illustration.* The application of this paragraph may be illustrated by the following example:

Example. N, a calendar year taxpayer using the cash receipts and disbursements method of accounting, pays foreign income taxes for the first time in 1965. For each of the taxable years set forth below N chooses the benefits of section 901 and elects the overall limitation. N has section 904(f) interest only from foreign countries X and Y for the years involved. Based upon the taxes actually paid to foreign countries X and Y for each of the taxable years with respect to section 904(f) interest, and the foreign income taxes paid with respect to the other income from sources without the United States, the unused foreign tax deemed paid under section 904(d) is as follows:

Taxable years	1965	1966	1967	1968	1969	1970
Separate limitation with respect to sec. 904(f) interest:						
Country X	$50	$130	$70	$90	$50	$60
Country Y	240	190	180	120	150	250
Taxes actually paid with respect to sec. 904(f) interest:						
Country X	50	100	70	90	80	40
Country Y	300	190	180	200	110	100
Overall limitation with respect to other income	150	250	200	300	500	400
Taxes actually paid with respect to other income	150	200	600	250	300	400
Unused foreign tax with respect to—						
Sec. 904(f) interest from:						
Country X					30	
Country Y	60			80		
Other income			400			
Excess limitation with respect to—						
Sec. 904(f) interest from:						
Country X		30			40	20
Country Y					200	150
Other income		50		50		
Unused foreign tax absorbed as taxes deemed paid under sec. 904 (d) with respect to—						
Sec. 904(f) interest from:						
Country X						20
Country Y and carried:						
From 1965					40	20
From 1968						80
Other income		50		50	200	

(e) *Transitional rules for carrybacks and carryovers with respect to pre-1962 years*—(1) *Carrybacks to years before Revenue Act of 1962.* (i) Where, under the provisions of section 904(d), taxes paid or accrued to any foreign country or possession of the United States in any taxable year beginning after October 16, 1962, are deemed paid or accrued in one or more taxable years beginning on or before that date, the amount of the taxes so deemed paid or accrued shall be determined without regard to the provisions of section 904(f) and this section.

(ii) To the extent the taxes paid or accrued to a foreign country or possession of the United States in any taxable year beginnning after October 16, 1962 (hereinafter referred to as the "year of origin") are not, after applying subivision (i) of this subparagraph, deemed paid or accrued in any taxable year beginning on or before that date, such taxes shall, for purposes of applying section 904(d) and this section, be deemed paid or accrued in another taxable year beginning after that date—

(*a*) With respect to section 904(f) interest, in the same ratio as the amount of taxes paid or accrued to such country or possession with respect to such interest for the year of origin (to the extent in excess of the applicable limitation for that year) bears to the total amount of taxes paid or accrued to such country or possession for the year of origin (to the extent in excess of the applicable limitation for that year), and

(*b*) With respect to other income, in the same ratio as the amount of taxes paid or accrued to such country or possession with respect to such other income for the year of origin (to the extent in excess of the applicable limitation for that year) bears to the total amount of taxes paid or accrued to such country or possession for the year of origin (to the extent in excess of the applicable limitation for that year).

(iii) The apportionment provided by subdivision (ii) of this subparagraph shall not apply if, after applying section 904 (d) and (e) and paragraph (d) of § 1.904–2 in respect of any unused foreign tax for a taxable year beginning after October 16, 1962, no taxes are in fact deemed paid or accrued in any taxable year beginning on or before that date to which such unused foreign tax may be carried back. Thus, no taxes are deemed paid or accrued in any taxable year beginning on or before October 16, 1962, and the apportionment provided by subdivision (ii) of this subparagraph shall not apply if—

(*a*) There is no excess limitation for any such taxable year beginning on or before that date;

(*b*) The per-country limitation provided by section 904(a)(1) applies to each such year, and the unused foreign tax is carried back from a taxable year beginning after October 16, 1962, for which the overall limitation provided by section 904(a)(2) applies; or

(*c*) The overall limitation provided by section 904(a)(2) applies to each such year, and the unused foreign tax is carried back from a taxable year beginning after October 16, 1962, for which the per-country limitation provided by section 904(a)(1) applies.

(iv) The application of this subparagraph may be illustrated by the following examples:

Example (1). M, a calendar year taxpayer using the cash receipts and disbursements method of accounting, chooses to claim a credit under section 901 for 1962 through 1965, foreign income taxes being paid for the first time in 1962. Based upon the taxes actually paid to foreign country X, and the use of the per-country limitation in each of such years, the unused foreign tax deemed paid under section 904(d) is as follows:

Taxable years	1962	1963	1964	1965
Per-country limitation	$100			
Taxes actually paid to country X	90			
Limitation with respect to—				
Sec. 904(f) interest		$50	$50	$50
Other income		80	50	60
Taxes actually paid to country X with respect to—				
Sec. 904(f) interest		20	20	50
Other income		80	90	10
Unused foreign tax with respect to—				
Sec. 904(f) interest				
Other income			40	
Excess limitation with respect to—				
Sec. 904(f) interest		30	30	
Other income				50
Total income	10			
Unused foreign tax absorbed as taxes deemed paid under sec. 904(d) with respect to—				
Sec. 904(f) interest				
Other income ($30×$40/$40)				30
Total income	10			

Example (2). The facts are the same as in example (1) except for the changes in the amounts of the limitation and of the taxes actually paid. The unused foreign tax deemed paid under section 904(d) is as follows:

Taxable years	1962	1963	1964	1965
Per-country limitation	$100			
Taxes actually paid to country X	90			
Limitation with respect to—				
Sec. 904(f) interest		$50	$50	$60.00
Other income		80	50	50.00
Taxes actually paid to country X with respect to—				
Sec. 904(f) interest		20	60	25.00
Other income		80	90	10.00
Unused foreign tax with respect to—				
Sec. 904(f) interest			10	
Other income			40	
Excess limitation with respect to—				
Sec. 904(f) interest		30		35.00
Other income				40.00
Total income	10			
Unused foreign tax absorbed as taxes deemed paid under sec. 904(d) with respect to—				
Sec. 904(f) interest:				
($40×$10/$50)		8		
($32×$10/$50)				6.40
Other income ($32×$40/$50)				25.60
Total income	10			

Example (3). A, a calendar year taxpayer using the cash receipts and disbursements method of accounting, chooses to claim a credit under section 901 for each of the taxable years set forth below, foreign income taxes being paid for the first time in 1962. Based upon the taxes actually paid to foreign country X, and the use of the per-country limitation in each of such years, the unused foreign tax deemed paid under section 904(d) is as follows:

Taxable years	1962	1963	1964	1965	1966	1967	1968
Per-country limitation	$350						
Taxes actually paid to country X	250						
Per-country limitation with respect to—							
Sec. 904(f) interest		$100	$200	$150	$300	$225	$250.00
Other income		200	400	195	400	450	430.00
Taxes actually paid to country X with respect to—							
Sec. 904(f) interest		300	200	100	150	200	200.00
Other income		600	250	275	400	400	300.00
Unused foreign tax with respect to—							
Sec. 904(f) interest		200					
Other income		400		80			
Excess limitation with respect to—							
Sec. 904(f) interest				50	150	25	50.00
Other income			150			50	130.00
Total income	100						
Unused foreign tax for 1963 absorbed as taxes deemed paid under sec. 904(d) with respect to—							
Sec. 904(f) interest:							
($350×$200/$600; or limitation, if less)				50			
($300×$200/$600; or limitation, if less)					100		
($200×$200/$600; or limitation, if less)						25	
($125×$200/$600; or limitation, if less)							41.67
Other income:							
($500×$400/$600; or limitation, if less)			150				
($200×$400/$600; or limitation, if less)						50	
($125×$400/$600; or limitation, if less)							83.33
Total income	100						
Unused foreign tax for 1965 absorbed as taxes deemed paid under sec. 904(d) with respect to—							
Sec. 904(f) interest							
Other income ($130−$83.33)							46.67

Example (4). D, a calendar year taxpayer using the cash receipts and disbursements method of accounting, pays foreign income taxes for the first time in 1962. For each of the taxable years set forth below D chooses the benefits of section 901 and elects the overall limitation. D has section 904(f) interest only from foreign country X for the years indicated. Based upon the taxes actually paid to foreign countries X and Y for each of the taxable years with respect to income other than section 904(f) interest, and the taxes paid to country X with respect to section 904(f) interest, the unused foreign tax deemed paid under section 904(d) is as follows:

Taxable years	1962	1963	1964	1965	1966	1967	1968
Separate limitation with respect to sec. 904(f) interest		$100	$200	$150	$300	$233	$250
Taxes actually paid to country X with respect to sec. 904(f) interest		300	200	100	150	200	200
Overall limitation with respect to other income	$350	300	400	195	400	490	430
Taxes actually paid with respect to other income	250	600	250	275	500	400	300
Unused foreign tax with respect to—							
Sec. 904(f) interest		200					
Other income		300		80	100		
Excess limitation with respect to—							
Sec. 904(f) interest				50	150	33	50
Other income			150			90	130
Total income	100						
Unused foreign tax for 1963 absorbed as taxed deemed paid under sec. 904(d) with respect to—							
Sec. 904(f) interest:							
($250×$200/$500; or limitation, if less)				50			
($200×$200/$500; or limitation, if less)					80		
($120×$200/$500; or limitation, if less)						33	
($15×$200/$500; or limitation, if less)							6
Other income:							
($400×$300/$500; or limitation, if less)			150				
($120×$300/$500; or limitation, if less)						72	
($15×$300/$500; or limitation, if less)							9
Total income	100						
Unused foreign tax with respect to other income absorbed as taxes deemed paid under sec. 904(d) and carried from:							
1965						18	62
1966							59

Example (5). N, a calendar year taxpayer using the cash receipts and disbursements method of accounting, pays foreign income taxes for the first time in 1962. N chooses the benefits of section 901 for each of the taxable years set forth below and for 1962 elects the overall limitation, which, with the Commissioner's consent, is revoked for 1966. N has section 904(f) interest only from foreign country X for the years involved. Based upon the taxes actually paid to foreign countries X and Y for each of the taxable years with respect to income other than section 904(f) interest, and the taxes paid to country X with respect to section 904(f) interest, the unused foreign tax deemed paid under section 904(d) is as follows:

Taxable years	Overall				Per-country		
	1962	1963	1964	1965	1966	1967	1968
Separate limitation with respect to sec. 904(f) interest		$100	$200	$150	$300	$233	$250.00
Taxes actually paid to country X with respect to sec. 904(f) interest		300	200	100	150	200	200.00
Limitation with respect to other income:							
Country X					100	200	100.00
Country Y					300	290	330.00
Aggregate	$350	300	400	195			
Taxes actually paid with respect to other income to—							
Country X					100	200	100.00
Country Y					400	200	200.00
Aggregate	250	600	250	275			
Unused foreign tax with respect to—							
Sec. 904(f) interest		200					
Other income from:							
Country X							
Country Y					100		
Aggregate		300		80			
Excess limitation with respect to—							
Sec. 904(f) interest				50	150	33	50.00
Other income from:							
Country X							
Country Y						90	130.00
Aggregate	100		150				

Taxable years	Overall				Per-country		
	1962	1963	1964	1965	1966	1967	1968
Unused foreign tax for 1963 absorbed as taxes deemed paid under sec. 904(d) with respect to—							
Sec. 904 (f) interest:							
($250×$200/$500; or limitation, if less)				50			
($200×$200/$500; or limitation, if less)					80		
($120×$200/$500; or limitation, if less)						33	
($87×$200/$500; or limitation, if less)							34.80
Other income:							
($400×$300/$500; or limitation, if less)				150			
Aggregate income			100				
Unused foreign tax with respect to other income absorbed as taxes deemed paid under sec. 904(d) and carried from:							
1965						90	10.00
1966 (country Y)							

Example (6). B, a calendar year taxpayer using the cash receipts and disbursements method of accounting, pays foreign income taxes for the first time in 1962. For each of the taxable years set forth below, B chooses the benefits of section 901 and elects the overall limitation. B has section 904(f) interest only from foreign country X for the years indicated. Based upon the taxes actually paid to foreign countries X and Y for each of the taxable years with respect to income other than section 904(f) interest, and the taxes paid to country X with respect to section 904(f) interest, the unused foreign tax deemed paid under section 904(d) is as follows, after taking into account the prohibition provided in subdivision (iii) of this subparagraph against the apportionment of the unused foreign tax for 1964:

Taxable years	1962	1963	1964	1965	1966
Separate limitation with respect to sec. 904(f) interest		$200	$100	$300	$150
Taxes actually paid to country X with respect to sec. 904(f) interest		175	250	250	50
Overall limitation with respect to—					
Other income		300	150	350	200
Total income	$500				
Taxes actually paid with respect to—					
Other income		270	200	330	160
Total income	500				
Unused foreign tax with respect to—					
Sec. 904(f) interest			150		
Other income			50		
Total income					
Excess limitation with respect to—					
Sec. 904(f) interest		25		50	100
Other income		30		20	40
Total income					
Unused foreign tax for 1964 absorbed as taxes deemed paid under sec. 904(d) with respect to—					
Sec. 904(f) interest		25		50	75
Other income		30		20	0
Total income					

(2) *Carryover to years after Revenue Act of 1962.* (i) Where, under the provisions of section 904(d), taxes paid or accrued to any foreign country or possession of the United States in any taxable year beginning on or before October 16, 1962, are deemed paid or accrued in one or more taxable years beginning after that date, the amount of such taxes which shall be deemed paid or accrued in any taxable year beginning after that date (hereinafter referred to as the "later year") shall be—

(*a*) With respect to section 904(f) interest, an amount which bears the same ratio to the amount of such taxes deemed paid or accrued in the later year as the amount of the foreign income taxes paid or accrued to such country or possession for the later year with respect to section 904(f) interest bears to the total amount of the foreign income taxes paid or accrued to such country or possession for such later year, and

(*b*) With respect to other income, an amount which bears the same ratio to the amount of such taxes deemed paid or accrued in the later year as the amount of the foreign income taxes paid or accrued to such country or possession for the later year with respect to income other than section 904(f) interest bears to the total amount of the foreign income taxes paid or accrued to such country or possession for such later year.

(ii) The apportionment provided by subdivision (i) of this subparagraph shall not apply to any taxable year beginning after October 16, 1962, if, after applying section 904 (d) and (e) and paragraph (d) of § 1.904–2 in respect of any unused foreign tax for a taxable year beginning on or before that date, no taxes are in fact deemed paid in the taxable year beginning after October 16, 1962, even though there may be an excess limitation with respect to section 904 (f) interest for that year. Thus, no taxes are deemed paid or accrued in the taxable year beginning after October 16, 1962, and the apportionment provided by subdivision (i) of this subparagraph shall not apply if—

(*a*) There is no excess limitation for the taxable year beginning after October 16, 1962;

(*b*) The per-country limitation provided by section 904(a)(1) applies to such taxable year, and the unused foreign tax is carried over from a taxable year beginning on or before October 16, 1962, for which the overall limitation provided by section 904(a)(2) applies; or

(*c*) The overall limitation provided by section 904(a)(2) applies to such taxable year, and the unused foreign tax is carried over from a taxable year beginning on or before October 16, 1962, for which the per-country limitation provided by section 904(a)(1) applies.

(iii) The application of this subparagraph may be illustrated by the following examples:

Example (1). N, a calendar year taxpayer using the cash receipts and disbursements method of accounting, chooses to claim a credit under section 901 for 1962 through 1965, foreign income taxes being paid for the first time in 1962. Based upon the taxes actually paid to foreign country X, and the use of the per-country limitation in each of such years, the unused foreign tax deemed paid under section 904(d) is as follows:

Taxable years	1962	1963	1964	1965
Per-Country limitation	$100			
Taxes actually paid to country X	350			
Limitation with respect to—				
Sec. 904(f) interest		$140	$40	$100
Other income		30	85	95
Taxes actually paid to country X with respect to—				
Sec. 904(f) interest		20	40	40
Other income		30	20	40
Unused foreign tax with respect to—				
Sec. 904(f) interest				
Other income				
Total income	250			
Excess limitation with respect to—				
Sec. 904(f) interest		120		60
Other income			65	65
Unused foreign tax absorbed as taxes deemed paid under sec. 904(d) with respect to—				
Sec. 904(f) interest:				
($250×$20/$50)		100		
($100×$40/$80)				50
Other income:				
($150×$20/$60)			50	
($100×$40/$80)				50

Example (2). B, a calendar year taxpayer using the cash receipts and disbursements method of accounting, chooses to claim a credit under section 901 for each of the taxable years set forth below, foreign income taxes being paid for the first time in 1961. Based upon the taxes actually paid to foreign country X, and the use of the per-country limitation in each of such years, the unused foreign tax deemed paid under section 904(d) is as follows after taking into account the 5-year limit on the carryover from 1961 and the prohibition provided in subparagraph (1)(iii) of this paragraph against the apportionment of the unused foreign tax for 1963:

Taxable years	1961	1962	1963	1964	1965	1966	1967	1968
Per-country limitation	$200	$350						
Taxes actually paid to country X	900	250						
Limitation with respect to—								
Sec. 904(f) interest			$100	$200	$150	$300.00	$425.00	$250
Other income			200	400	195	400.00	750.00	480
Taxes actually paid to country X with respect to—								
Sec. 904(f) interest			300	200	100	150.00	200.00	200
Other income			600	250	275	500.00	400.00	300
Unused foreign tax with respect to—								
Sec. 904(f) interest			200					
Other income			400		80	100.00		
Total income	700							
Excess limitation with respect to—								
Sec. 904(f) interest					50	150.00	225.00	50
Other income				150			350.00	180
Total income		100						
Unused foreign tax for 1961 absorbed as taxes deemed paid under sec. 904(d) with respect to—								
Sec. 904(f) interest:								
($450×$100/$375; or limitation, if less)					50			
($400×$150/$650; or limitation, if less)						92.31		
Other income:								
($600×$250/$450; or limitation, if less)				150				
Total income		100						
Unused foreign tax for 1963 with respect to sec. 904(f) interest absorbed as taxes deemed paid under sec. 904(d)						57.69	142.31	
Unused foreign tax with respect to other income absorbed as taxes deemed paid under sec. 904(d) and carried from:								
1963							350.00	50
1965								80
1966								50

Example (3). C, a calendar year taxpayer using the cash receipts and disbursements method of accounting, pays foreign income taxes for the first time in 1962 and chooses the benefits of section 901 for each of the taxable years set forth below. For 1962, C uses the per-country limitation and in 1963 elects the overall limitation. C's only section 904(f) interest income for the years indicated is from foreign country X. Based upon the taxes actually paid for each of the taxable years with respect to income other than section 904(f) interest, and the taxes paid to country X with respect to the section 904(f) interest, no unused foreign tax is deemed paid under section 904(d), determined as follows:

Taxable years	1962	1963	1964	1965
Separate limitation with respect to sec. 904(f) interest		$100	$300	$150
Taxes actually paid with respect to sec. 904(f) interest		50	200	100
Limitation with respect to other income:				
Per-country limitation	$100			
Overall limitation		250	280	315
Taxes actually paid with respect to other income	160	200	220	280
Unused foreign tax with respect to—				
Sec. 904(f) interest				
Other income	60			
Excess limitation with respect to—				
Sec. 904(f) interest		50	100	50
Other income		50	60	35
Unused foreign tax absorbed as taxes deemed paid under sec. 904(d) with respect to—				
Sec. 904(f) interest				
Other income				

PAR. 6. Section 1.905–2 is amended by adding thereto the following new paragraph:

§ 1.905–2 Conditions of allowance of credit.

* * * * *

(c) *Special schedule.* Any taxpayer claiming the benefit of paragraph (a)(2) (iv) or (v) of § 1.904–4 must attach to the Form 1118 required by this section a schedule showing in sufficient detail the manner in which the taxpayer satisfies the requirement of owning, directly or indirectly, 10 percent of the voting stock in each corporation from which such taxpayer receives an interest payment, or in which the taxpayer owned 10 percent of the voting stock, and with respect to which such benefit is claimed.

[FR Doc.71–3871 Filed 3–22–71;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

[33 CFR Part 209]

PERMITS FOR DISCHARGES OR DEPOSITS INTO NAVIGABLE WATERS

Proposed Policy, Practice and Procedure

Proposed regulations prescribing the policy, practice, and procedure to be followed by all Corps of Engineers installations and activities in connection with applications for permits authorizing discharges or deposits into navigable waters of the United States or into any tributary from which discharged matter shall float or be washed into a navigable water (33 U.S.C. 407) were published in the FEDERAL REGISTER of December 31, 1970 (35 F.R. 20005). Public comment received on the proposed regulations is now being considered.

The draft permit set forth below is being considered for use in the permit program being instituted pursuant to 33 U.S.C. 407 and Executive Order 11574 (35 F.R. 19627).

Comments, suggestions, or objections to the proposed permit form should be submitted in writing to the Office of Chief of Engineers, Washington, D.C. 20314, Attention: ENGCW–ON, within 30 days of publication of this notice in the FEDERAL REGISTER.

Dated: March 18, 1971.

F. P. KOISCH,
Major General, U.S. Army,
Director of Civil Works.

DEPARTMENT OF THE ARMY

PERMIT

(Discharge Only)

Referring to written request dated _____ upon the recommendation of the Chief of Engineers, and under the provisions of section 13 of the Act of Congress approved March 3, 1899 (33 U.S.C. 407), entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," you are hereby authorized by the Secretary of the Army—

to

(Here identify the nature of the discharge or deposit approved, including, if applicable, limitations with respect to chemical content, water temperature differentials, toxins, sewage, type and quantity of solids, amount and frequency of discharge.)

at

(Here to be named the nearest well-known locality—preferably a town or city—and the distance in miles and 10ths from some definite point in the same, stating whether above or below or giving direction by points of compass.)

In accordance with the plans and drawings attached hereto

(On drawings: give file number or other definite identification marks.)

subject to the following:

I. *General conditions.* (a) That all discharges or deposits shall be consistent with the terms and conditions of this permit; the discharge or deposit of any material or substance not specifically identified and authorized herein or the discharge or deposit of any material or substance more frequently than or at a level in excess of that identified and authorized herein shall constitute a violation of the terms and conditions of this permit; any violation of the terms and conditions of this permit shall be unlawful and may result in the institution of such legal proceedings as the Government may consider appropriate, whether or not this permit has been previously modified, suspended or revoked; a violation of any of the terms and conditions of this permit may also lead to the modification, suspension or revocation of this permit.

(b) That, except as provided in (c), below, the discharge or deposit authorized by this permit shall at all times be consistent with

applicable water quality standards (including implementing schedules adopted in connection with water quality standards or abatement proceedings) whether established pursuant to section 10(c) of the Federal Water Pollution Control Act, as amended, or pursuant to State law. In the event that two or more sets of standards are applicable to the discharge or deposit, the discharge or deposit must be consistent with the more stringent standard.

(c) That if applicable water quality standards are upgraded during the term of this permit the discharge or deposit authorized by this permit will, within 6 months of the effective date of any upgrading of water quality standards or within such other period of time as the District Engineer, in consultation with the Regional Representative of EPA, may determine, be given additional treatment or will otherwise be modified, if necessary, to be consistent with such upgraded water quality standards.

(d) That permittee shall promptly comply with any regulations, orders, or other directives affecting the discharge or deposit authorized herein which may be issued by the Administrator of the Environmental Protection Agency and with the recommendations of any enforcement conference held pursuant to the Federal Water Pollution Control Act.

(e) That the permittee shall permit authorized representatives and designees of the Army Corps of Engineers to visit such plants or facilities as may be related to the discharge or deposit atuhorized by this permit for the purpose of inspecting discharge or deposit records, taking samples of discharges or deposits or conducting such other onsite inspection as they may deem necessary to monitor compliance with the terms and conditions of this permit. Such visits as are contemplated by this provision shall be at reasonable times and within reasonable limits and shall follow the presentation of appropriate credentials to the owner, operator or agent in charge of the plants or facilities. If a sample is taken, the representative making the inspection shall, upon completion of the inspection and before leaving the premises, give to the owner, operator, or agent in charge a receipt describing the sample obtained. Permittee shall provide such assistance as may be necessary to effectively and safely conduct such sampling or inspection.

(f) That permittee shall maintain detailed records as to the nature and frequency of all discharges or deposits from the plant or other facility identified herein and shall provide the District Engineer and the Regional Representative of the Environmental Protection Agency with periodic reports concerning such discharges or deposits. Such reports shall be provided annually unless the District Engineer, in consultation with the Regional Representative, determines that they should be provided at more frequent intervals.

(g) That in issuing this permit, the Government has relied on the information and data which the permittee has provided in connection with his permit application. If, subsequent to the issuance of this permit, such information proves to be false or inaccurate this permit may be modified, suspended or revoked and/or the Government may institute such legal proceedings as it considers to be appropriate. Attention is directed to the provisions of 18 U.S.C. 1001 which provides for possible fines and imprisonment in the case of false statements.

(h) Water quality certifications pursuant to section 21(b) of the Federal Water Pollution Control Act, the comments of all governmental agencies on a permit application, and all information and data provided by an applicant or a permittee identifying the nature and frequency of a discharge or deposit shall be available to the public without restriction. All other information or data which may be submitted by an applicant in connection with a permit application or which may be furnished by a permittee in connection with required periodic reports shall also be available to the public unless the applicant or permittee specifically identifies and is able to demonstrate to the satisfaction of the Secretary of the Army or his authorized representative that the disclosure of such information or data to the general public would divulge methods or processes entitled to protection as trade secrets.

(i) That the Federal Government shall not be precluded by the issuance of this permit from imposing in the future such taxes or other charges relating the discharge or deposit authorized herein as may be authorized or required by Federal law or regulation.

(j) That this instrument does not convey any property rights either in real estate or material, or any exclusive privileges; and that it does not authorize any injury to private property or invasion of rights, or any infringement of Federal, State, or local laws or regulations, nor does it obviate the necessity of obtaining State or local assent required by law for the discharge or deposit authorized.

(k) That unless specifically provided herein this permit does not authorize or approve the construction of physical structures or facilities or the undertaking of any work in any navigable waters of the United States or tributaries thereof.

(l) That this permit may not be transferred to a third party without the prior written approval of the District Engineer.

(m) That this permit may be modified, suspended or revoked if the Secretary of the Army or his authorized representative, after consultation with the Environmental Protection Agency, determines that discharges or deposits undertaken pursuant to the terms of this permit may pose an imminent hazard to public health or safety. Such modification, suspension, or revocation shall be effective upon receipt by the permittee of a notice indicating the action which has been taken and the permittee shall take immediate steps to comply with directives contained in the notice received. Following receipt of the notice and after complying with its terms, the permittee may submit to the Secretary of the Army or his authorized representative a request for a public hearing at which the permittee and other interested persons shall be afforded an opportunity to present oral and written evidence on the basis for the modification, suspension, or revocation. Following the public hearing to be held before authorized representatives of the Secretary of the Army and the Administrator of the Environmental Protection Agency, the Secretary or his authorized representative shall, after considering the record developed at the public hearing and the recommendations of the presiding officials, and after consulting with the Administrator or his authorized representative, make a final decision either affirming, rescinding, or modifying the action previously taken.

(n) That this permit may be either suspended or revoked if the Secretary of the Army or his authorized representative determines that there has been a violation of any of the terms or conditions of this permit. Any such suspension or revocation will become effective 30 days after receipt by the permittee of written notice issued by the Secretary of the Army or his authorized representative unless, within the 30-day period (1) the permittee is able to demonstrate to the satisfaction of the Secretary or his authorized representative either (a) that the alleged violation of permit conditions did not, in fact, occur or that (b) the violation was accidential, that the permittee has been operating in compliance with the terms and conditions of the permit and provides assurances satisfactory to the Secretary or his authorized representative that future operations will be in full compliance with the terms and conditions of the permit, or (2) the permittee requests the holding of a public hearing at which the permittee and other interested persons will be afforded the opportunity to present oral and written evidence on the basis for suspension or revocation. Following the public hearing to be held before authorized representatives of the Secretary of the Army and the Administrator of the Environmental Protection Agency, the Secretary or his authorized representative shall, after considering the record developed at the public hearing and the recommendations of the presiding officials, and after consulting with the Administrator of his authorized representative, make findings of fact and a final determination as to whether the permit is or is not to be suspended or revoked. If the final determination is made that the permits should be suspended or revoked, such suspension or revocation will be effective upon receipt by the permittee of an appropriate notice signed by the Secretary or his authorized representative.

(o) That any modification, suspension, or revocation of this permit shall not be the basis for any claim for damages against the United States.

II. *Special conditions.*

This permit expires ------ years from the date of the permittee's signature unless revalidated or specifically extended.

By authority of the Secretary of the Army.

---------- ----------
(District Engineer) (Date)

Permittee hereby accepts the terms and conditions of this permit.

---------- ----------
(Permittee) (Date)

[FR Doc.71-3938 Filed 3-22-71;8:48 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 51]

STANDARDS FOR GRADES OF SWEET CHERRIES [1]

Notice of Proposed Rule Making

Notice is hereby given that U.S. Department of Agriculture is considering the revision of U.S. Standards for Grades of Sweet Cherries (7 CFR 51.2646-51.2657). These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621-1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Official grading services are also provided under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposal should file the same, in duplicate, not later than April 25, 1971, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, DC 20250, where they will be available for public review during official hours of business (7 CFR 1.27(b).)

Statement of considerations leading to the proposed revision of the grade standards. The U.S. Standards for Sweet Cherries have been in effect since May 14, 1956.

In December 1969, the Northwest Cherry Growers, representing producers and handlers of sweet cherries in Washington, Oregon, Idaho, and Utah, requested revision of the standards to increase the tolerances for defects applicable en route or at destination. They asked that no change be made in the tolerances applicable at shipping point. They requested that the tolerance for total defects be increased from 10 percent to 15 percent, for serious damage from 5 to 7.5 percent and for decay from 1 to 3 percent. The request was supported by grower and shipper organizations in Washington, Oregon, Idaho, Utah, and California, and by State officials in Washington, Oregon, and Idaho.

During the next several months, there were numerous discussions and some correspondence between USDA staff members and industry representatives. Observations and investigations were made at points of origin and in the markets.

Subsequently, the request for changes in the tolerances was amended. The requested destination tolerance for decay was reduced from 3 percent to 2 percent. The request to increase the tolerances for total defects and serious damage was withdrawn.

In connection with the request for increased tolerances, industry spokesmen stated that since the time the present standards were put into effect, trading practices have changed. Formerly a large proportion of cherry shipments were sold at auction where terminal market buyers had the opportunity for visual inspection before purchase. A majority of the shipments are now sold on an f.o.b. basis, and final acceptance is determined by the receiver's inspection at destination. Shippers in the Pacific Northwest stated that nearly all such sales during the 1970 season were based on an informal 2 percent tolerance for decay at destination. In support of this, they presented statements and copies of sales memoranda indicating that receivers were accepting cherries showing up to 2 percent decay.

Cherries are one of the more perishable fruits on the market, chiefly grown in Western States, with a large proportion shipped to eastern markets. Shippers claim that rail freight service, the most commonly used method of transportation, has deteriorated and shipments are often en route 1 to 6 days longer than usual. This increase in transit time allows condition defects a chance to develop or increase despite the improvements in packaging and refrigeration.

Shortly after receipt of the initial request for revision of the standards, USDA began a detailed study of destination market inspection certificates on sweet cherries. The study included all certificates for 1967, 1968, and 1969 seasons and later was extended to include the 1970 season. Data on the occurrence of both permanent quality factors and various types of condition defects were gathered in order to determine whether increased tolerances were justified. The survey covered 2,650 lots of cherries inspected over the 4-year period, representing about one-fourth of the total shipments. The data obtained are necessarily biased and are not representative of the total shipments because the majority of the lots inspected were "trouble lots" which the receiver knew or suspected would not meet the specified grade. However, they do reflect some of the difficulties encountered in delivering cherries to the markets in good condition.

The study indicates the average of total defects has increased from 10 to 15 percent during the 4-year period. Of this amount, permanent defects have remained fairly constant at about 4 percent. The average for decay has also failed to increase to any great extent, fluctuating between 2¼ and 3¾ percent and averaging about 2¾ percent. The increase in total defects is mainly due to steady increases in other condition defects. The major condition defect showing a steady increase was pitting, the average of which increased more than 1 percent during this period. Other condition defects, such as bruising and soft cherries, also increased to a lesser degree.

Results of the survey became available early in 1971 and were furnished to industry representatives and discussed with them. It was pointed out that the tolerance for defects in the grade standards contained a built-in tolerance for condition defects developing in transit. An example of this is the fact that permanent grade defects, those present at time of packing, consistently averaged about 4 percent, but the available tolerance for such defects is 10 percent. Consequently, any increase in tolerances provided at destination should be accompanied by a decrease in tolerances applicable at shipping point.

Following these discussions, the Northwest Cherry Growers again revised their request for additional tolerances. They asked that tolerances for defects in the U.S. No. 1 grade, en route or at destination, be increased to 12 percent, including 6 percent serious damage and 2 percent decay. The tolerances requested appear reasonable, based on the results of USDA's survey of market inspection certificates. They are being proposed, together with corresponding increased destination tolerances for the U.S. Commercial grade. However, in both grades, tolerances applicable at shipping point would be reduced inasmuch as the survey results indicate that the average percentage of permanent defects is well below the tolerance. The policy of reducing tolerances at shipping point when destination tolerances are increased has been followed in the revision of grade standards for several perishable commodities in recent years.

These tolerances should have no adverse effect on quality to the consumer. Under present conditions, the consumer has complete freedom of choice in purchasing, since most sweet cherries are sold directly from the shipping container where visual inspection of the fruit is possible. In fact, in the self-service fruit and vegetable departments of most stores, the ultimate buyer is permitted to select, one by one, the cherries desired.

The principal changes being proposed are:

Tolerances. Following is a comparison of present tolerances and those which are proposed:

Present	*Proposed*
U.S. No. 1 grade: At shipping point: 10 percent grade defects, including 5 percent seriously damaged, including 1 percent decay. En route or at destination: 10 percent grade defects, including 5 percent seriously damaged, including 1 percent decay.	U.S. No. 1 grade: At shipping point: 8 percent grade defects, including 4 percent seriously damaged, including one-half of 1 percent decay. En route or at destination: 12 percent grade defects, including 8 percent permanent grade defects; or 6 percent seriously damaged, including 4 percent seriously damaged by permanent defects; and, 2 percent decay.
U.S. Commercial grade: At shipping point: 20 percent grade defects, including 5 percent seriously damaged, including 1 percent decay. En route or at destination: 20 percent grade defects, including 5 percent seriously damaged, including 1 percent decay.	U.S. Commercial grade: At shipping point: 16 percent grade defects, including 4 percent seriously damaged, including one-half of 1 percent decay. En route or at destination: 24 percent grade defects, including 16 percent permanent grade defects; or 6 percent seriously damaged, including 4 percent seriously damaged by permanent defects; and, 2 percent decay.

Application of tolerances. This section would be reworded and changed to permit double the tolerance specified in any package, except that at least two defective and two off-size specimens would be permitted in any package: *Provided,* That the average for the entire lot is within the specified tolerance. This change would take into consideration the increasing automation of fruit packing while continuing to provide protection against excessive defects in individual packages.

Fairly well colored. This section would be reworded and slightly changed to require each cherry to have at least 95 percent of its surface showing characteristic color for mature cherries of the variety. This would admit to the grades mature cherries having small areas of lighter shades of color due to shading by dense foliage or which are characteristic of desirable newer varieties.

Unclassified. This term, seldom used and often misunderstood, would be deleted.

Other proposed changes include an improved format, a separate section for tolerances, revised general definitions of damage and serious damage, definitions for the terms "permanent defects" "condition defects" and "shipping point" and minor changes in wording for clarification.

The proposed standards, as revised, are as follows:

GRADES

TOLERANCES

APPLICATION OF TOLERANCES

DEFINITIONS

METRIC CONVERSION TABLE

AUTHORITY: The provisions of this subpart issued under sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624.

GRADES

§ 51.2646 U.S. No. 1.

"U.S. No. 1" consists of sweet cherries which meet the following requirements:

(a) Similar varietal characteristics;

(b) Mature;

(c) Fairly well colored;

(d) Well formed; and

(e) Clean.

(f) Free from:

(1) Decay;

(2) Insect larvae or holes caused by them;

(3) Soft, overripe or shriveled;

(4) Undeveloped doubles; and,

(5) Sunscald.

(g) Free from damage by any other cause. (See § 51.2655.)

(h) Size: Unless otherwise specified, the minimum diameter of each cherry shall be not less than three-fourths inch. The maximum diameter of the cherries in any lot may be specified in accordance with the facts.

(i) For tolerances see § 51.2648.

§ 51.2647 U.S. Commercial.

"U.S. Commercial" consists of sweet cherries which meet the requirements for the U.S. No. 1 grade except for minimum diameter and except for increased tolerances.

(a) Size: Unless otherwise specified, the diameter of each cherry shall be not less than five-eighths inch. The maximum diameter of the cherries in any lot may be specified in accordance with the facts.

(b) For tolerances see § 51.2648.

TOLERANCES

§ 51.2648 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances, by count, are provided as specified:

(a) *For defects at shipping point*[2]—(1) *U.S. No. 1.* 8 percent for cherries which fail to meet the requirements for this grade: *Provided,* That included in this amount not more than 4 percent shall be allowed for defects causing serious damage, including in this latter amount not more than one-half of 1 percent for cherries which are affected by decay.

(2) *U.S. Commercial.* 16 percent for cherries which fail to meet the requirements for this grade: *Provided,* That included in this amount not more than 4 percent shall be allowed for defects causing serious damage, including in this latter amount not more than one-half of 1 percent for cherries affected by decay.

(b) *For defects en route or at destination*—(1) *U.S. No. 1.* 12 percent for cherries in any lot which fail to meet the requirements for this grade: *Provided,* That included in this amount not more than the following percentages shall be allowed for defects listed:

(i) 8 percent for cherries which fail to meet the requirements for this grade because of permanent defects; or,

(ii) 6 percent for cherries which are seriously damaged, including therein not more than 4 percent for cherries which are seriously damaged by permanent defects and not more than 2 percent for cherries which are affected by decay.

(2) *U.S. Commercial.* 24 percent for cherries in any lot which fail to meet the requirements for this grade: *Provided,* That included in this amount not more than the following percentages shall be allowed for defects listed:

(i) 16 percent for cherries which fail to meet the requirements for this grade because of permanent defects; or,

(ii) 6 percent for cherries which are seriously damaged, including therein not more than 4 percent for cherries which are seriously damaged by permanent defects and not more than 2 percent for cherries which are affected by decay.

(c) *For off-size.* 5 percent for cherries which fail to meet the specified minimum diameter and 10 percent for cherries that fail to meet any specified maximum diameter.

APPLICATION OF TOLERANCES

§ 51.2649 Application of tolerances.

Individual packages shall have not more than double the tolerances specified, except that at least two defective and two off-size specimens may be permitted in any package: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade.

DEFINITIONS

§ 51.2650 Similar varietal characteristics.

"Similar varietal characteristics" means that the cherries in any container are similar in color and shape.

§ 51.2651 Mature.

"Mature" means that the cherries have reached the stage of growth which will insure the proper completion of the ripening process.

§ 51.2652 Fairly well colored.

"Fairly well colored" means that at least 95 percent of the surface of the cherry shows characteristic color for mature cherries of the variety.

§ 51.2653 Well formed.

"Well formed" means that the cherry has the normal shape characteristic of the variety, except that mature well developed doubles shall be considered well formed when each of the halves is approximately evenly formed.

§ 51.2654 Clean.

"Clean" means that the cherries are practically free from dirt, dust, spray residue, or other foreign material.

§ 51.2655 Damage.

"Damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or marketing quality of the fruit. The following specific defects shall be considered as damage:

(a) Cracks within the stem cavity when deep or not well healed, or when the appearance is affected to a greater extent than that of a cherry which has a superficial well healed crack one-sixteenth inch in width extending one-half the greatest circumference of the stem cavity;

[2] Shipping point, as used in these standards, means the point of origin of the shipment in the producing area or at port of loading for ship stores or overseas shipment, or, in the case of shipments from outside the continental United States, the port of entry into the United States.

(b) Cracks outside of the stem cavity when deep or not well healed, or when the crack has weakened the cherry to the extent that it is likely to split or break in the process of proper grading, packing, and handling, or when materially affecting the appearance;

(c) Hail injury when deep or not well healed, or when the aggregate area exceeds the area of a circle three-sixteenths inch in diameter;

(d) Insects when scale or more than one scale mark is present, or when the appearance is materially affected by any insect;

(e) Limbrubs when affecting the appearance of the cherry to a greater extent than the amount of scarring permitted;

(f) Pulled stems when the skin or flesh is torn, or when the cherry is leaking;

(g) Russeting when affecting the appearance of the cherry to a greater extent than the amount of scarring permitted;

(h) Scars when excessively deep or rough or dark colored and the aggregate area exceeds the area of a circle three-sixteenths inch in diameter, or when smooth or fairly smooth, light colored and superficial and the aggregate area exceeds the area of a circle one-fourth inch in diameter;

(i) Skin breaks when not well healed or when the appearance of the cherry is materially affected; and,

(j) Sutures when excessively deep or when affecting the shape of the cherry to the extent that it is not well formed.

§ 51.2656 Diameter.

"Diameter" means the greatest dimension measured at right angles to a line from the stem to the blossom end of the cherry.

§ 51.2657 Serious damage.

"Serious damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, and other defect, or any combination of defects which seriously detracts from the appearance or the edible or marketing quality of the fruit. The following specific defects shall be considered as serious damage:

(a) Decay;

(b) Insect larvae or holes caused by them;

(c) Skin breaks which are not well healed;

(d) Cracks which are not well healed; and,

(e) Pulled stems with skin or flesh of cherry torn or which causes the cherry to leak.

§ 51.2658 Permanent defects.

"Permanent defects" means defects which are not subject to change during shipping or storage; including, but not limited to factors of shape, scarring, skin breaks, injury caused by hail or insects, and mechanical injury which is so located as to indicate that it occurred prior to shipment.

§ 51.2659 Condition defects.

"Condition defects" means defects which may develop or change during shipment or storage; including, but not limited to decayed or soft cherries and such factors as pitting, shriveling, sunken areas, brown discoloration and bruising which is so located as to indicate that it occurred after packing.

METRIC CONVERSION TABLE

§ 51.2660 Metric conversion table.

Inches:	*Millimeters (mm)*
8/64 equals	3.2
16/64 equals	6.4
24/64 equals	9.5
32/64 equals	12.7
40/64 equals	15.9
48/64 equals	19.1
51/64 equals	20.2
52/64 equals	20.6
54/64 equals	21.4
56/64 equals	22.2
1 equals	25.4
1 8/64 equals	28.6
1 16/64 equals	31.8
1 24/64 equals	34.9

Dated: March 18, 1971.

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

[FR Doc.71-3908 Filed 3-22-71;8:45 am]

[7 CFR Part 59]

INSPECTION OF EGGS AND EGG PRODUCTS

Notice of Proposed Rule Making

Correction

In F.R. Doc. 71-3459 appearing at page 5178 in the issue for Wednesday, March 17, 1971, the following changes should be made:

1. In § 59.136(a) the reference to "1/16 inch" in the sixth line should read "11/16 inch".

2. In § 59.148 the second sentence should read "The service shall not be liable in damages accruing through acts of commission or omission in the administration of this part."

3. In § 59.417(b) the word "limitations" should read "imitations".

4. In the first line of § 59.539(d) the comma should be deleted after the word "whites".

5. In the third line of § 59.546(d) the word "pulverized" should read "pulverizing".

6. In the fifth line of § 59.610(a) the word "plan" should read "plant".

[9 CFR Parts 316, 317]

MEAT INSPECTION

Use of Common or Usual Names

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Consumer and Marketing Service of this Department has been petitioned by a group of Texas meat packers, primarily involved in the slaughter of goats, to consider proposals to allow goat meat to be marked and/or labeled as required by Parts 316 and 317 of the Federal meat inspection regulations (9 CFR Parts 316 and 317) with the name "Mutton" and/or "Chevon."

The Federal Meat Inspection Act prohibits the distribution of meat and meat food products that are misbranded. The Act (21 U.S.C. 601(m)) provides that any meat or meat food product is misbranded, among other things, (1) if its labeling is false or misleading in any particular, (2) if it is offered for sale under the name of another food, or (3) if it is not a food for which a standard of identity or composition has been prescribed, unless its label bears (a) the common or usual name of the food, if any there be, and (b) in the case it is fabricated from two or more ingredients, the common or usual name of each such ingredient.

Review of Department policy with respect to the common or usual name for meat derived from goats reveals that the name "Goat Meat" has been required on labels identifying goat meat since 1907. Therefore, the Department assumes that the common or usual name is "Goat Meat."

The petitioners have asked the Consumer and Marketing Service of this Department to approve markings and labels to identify goat meat which bears the names "Mutton" and "Chevon." The petitioners have produced evidence that these names have been used on goat meat and meat food products containing goat meat to identify products distributed in intrastate commerce in several States in the southwestern area of the United States for several years. In addition, the petitioners have evidence, in the form of publications and personal statements, that the terms "Mutton" and "Chevon" are commonly understood by consumers and industry as common or usual names for flesh derived from goats.

The petitioners further claim that the name "Goat Meat" is discriminatory since meat from other species of animals does not have to be identified by names that include reference to the common name of the species of animals from which they are derived; for example, cattle meat, pig meat, and sheep meat.

Any person who wishes to submit written data, views, or comments pertaining to the above described subject may do so by filing them with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 30 days after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours in a manner convenient to public business (7 CFR 1.27 (b)). Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on March 18, 1971.

L. V. SANDERS,
Acting Deputy Administrator,
Meat and Poultry Inspection Program.

[FR Doc.71-3940 Filed 3-22-71;8:48 am]

DEPARTMENT OF LABOR

Bureau of Labor Standards

[29 CFR Part 1504]

SAFETY AND HEALTH REGULATIONS FOR LONGSHORING

Containerized Cargo; Cranes

Pursuant to authority in section 41 of the Longshoremens' and Harbor Workers' Compensation Act (33 U.S.C. 941) it is proposed to amend 29 CFR Part 1504 as set forth below. This proposal represents a substantial revision of the notice of proposed rule making to amend Part 1504 published on June 26, 1970, at 35 F.R. 10455.

Interested persons are invited to submit written data, views, or arguments regarding the proposed amendments in duplicate to the Director, Bureau of Labor Standards, U.S. Department of Labor, 400 First Street NW., Washington, DC 20210, within 20 days following the publication of this document in the FEDERAL REGISTER. Upon consideration of all relevant matter submitted and of any other information available to him, the Secretary of Labor will issue such regulations as he may deem appropriate.

It is proposed to amend Part 1504 of Title 29, Code of Federal Regulations, as follows:

1. Section 1504.6 is proposed to be revised to read as follows:

§ 1504.6 Reference specifications, standards, and codes.

(a) The standards listed below are hereby incorporated by reference in this part:

(1) American National Standard (USAS) Practice for Occupational and Educational Eye and Face Protection, Z87.1 (1968), American National Standards Institute, 1430 Broadway, New York, NY 10018. See Subpart J, § 1504.101(a).

(2) American National Standard Safety Requirements for Industrial Head Protection, Z89.1 (1969), American National Standards Institute, 1430 Broadway, New York, NY 10018. See Subpart J, § 1504.105(a).

(b) The specifications, standards and code of agencies of the U.S. Government and organizations which are not agencies of the U.S. Government, to the extent they are legally incorporated by reference in this part, have the same force and effect as other standards in this part. The locations where these specifications, standards, and codes may be examined are as follows:

(1) Offices of the Bureau of Labor Standards, U.S. Department of Labor, Railway Labor Building, Washington, DC 20210.

(2) The Regional and Field Offices of the Bureau of Labor Standards which are listed in the U.S. Government Manual 1970–71, at page 324.

(c) Any changes in the specifications, standards and codes incorporated by reference in this part and an official historic file of such changes are available at the offices referred to in paragraph (b) of this section. All questions as to the applicability of such changes should also be referred to these offices.

2. In § 1504.74 paragraph (a)(9) is proposed to be revised to read as follows:

§ 1504.74 Cranes and derricks other than vessel's gear.

(a) * * *

(9) Unless exempted by the provisions of subdivision (viii) of this subparagraph, every crane used to load or discharge cargo into or out of a vessel shall be fitted with a load indicating device or alternative device in proper working condition which shall meet the following criteria:

(i) The type or model of any load indicating device which is used may be such as to provide (*a*) a direct indication of actual weight hoisted or a means of determining this by reference to crane ratings posted and visible to the operator, except that the use of a dynamometer or simple scale alone will not meet this requirement; or (*b*) an automatic weight-moment device or computer providing indications according to the radius and load at the moment; or alternatively (*c*) a device may be used which shall prevent an overloaded condition.

(ii) Accuracy of the load indicating device or weight-moment device shall be such that any indicated load (or limit), including the sum of actual weight hoisted and additional equipment or "add ons" such as slings, sensors, blocks, etc., is within the range from no less than 95 percent of the actual true total load (5 percent overload) to 110 percent of the actual true total load (10 percent underload). Such accuracy shall be required over the range of the daily operating variables to be expected under the conditions of use.

(iii) The device shall permit the operator to determine before making any lift that the indicating or substitute system installed is operative. In the alternative, if the device is not so mounted or attached and does not include such means of checking, it shall be certified by the manufacturer to remain operable within the limits stated in subdivision (ii) of this subparagraph for a specific period of time. Checks for accuracy, using known values of load, shall be performed at the time of every certification survey (see § 1504.13) and at such additional times as may be recommended by the manufacturer.

(iv) When the load indicating device or alternative system is so arranged in the supporting system (crane structure) that its failure could cause the load to be dropped, its strength shall not be the limiting factor of the supporting system (crane structure).

(v) Marking shall be conspicuously placed on any actual weight indicating system readout giving (*a*) units of measure in pounds or both pounds and kilograms, (*b*) capacity of the indicating system, (*c*) accuracy of the indicating system, and (*d*) operating instructions and precautions. Data providing (*a*) the means of measurement, (*b*) capacity of the system, (*c*) accuracy of the system and (*d*) operating instructions and precautions shall similarly be provided in the case of systems utilizing indications other than actual weights. If the system used provides no readout but is such as to automatically cease crane operation when the rated load limit under any specific condition of use is reached, marking shall be provided giving the make and model of device installed, a description of what it does, how it is operated, and any necessary precautions regarding the system. All weight indications, other types of loading indications, and other data required shall be readily visible to the operator.

(vi) All load indicating devices shall be operative over the full operating radius. Overall accuracy shall be based on actual applied load and not on full scale (full capacity) load. For example, if accuracy of the load indicating device is based on full scale load and the device is arbitrarily set at plus or minus 10 percent, it would accept a reading between 90,000 and 110,000 pounds, at full capacity of a machine with 100,000 pounds, maximum rating, but would also allow a reading between zero and 20,000 pounds, at that outreach (radius) at which the rating would be 10,000 pounds, capacity—an unacceptable figure. If, however, accuracy is based on actual applied load under the same conditions, the acceptable range would remain the same with the 100,000-pound load but becomes a figure between 9,000 and 11,000 pounds, a much different and acceptable condition, at the 10,000-pound load.

(vii) When the device uses the radius as a factor in its use or in its operating indications, the indicated radius shall be a figure which is within the range of a figure greater than the actual radius to a figure which is no less than 97 percent of the actual (true) radius.

(viii) The load indicating device requirements of this subparagraph do not apply to a crane (*a*) while handling containers known to be and identified as empty, or loaded, and in either case in compliance with the provisions of § 1504.85(b); (*b*) while handling bulk commodities or cargoes by means of clamshell bucket or magnet; (*c*) while used to handle or hold hoses in connection with transfer of bulk liquids or other hose handled products; or (*d*) while the crane is used exclusively to handle loads which have the total actual gross weight marked thereon, when such total actual gross weight never exceeds 10,000 pounds, and when 10,000 pounds, is less than the rated capacity of the crane at the maximum outreach that is possible under the conditions of use at the time.

(ix) *Effective date of subparagraph (9).* The provisions of this subparagraph (9) shall become effective on the 24th day of September 1971 or at the time of the next regular certification survey subsequent to that date.

* * * * *

3. Section 1504.85 is proposed to be revised to read as follows:

§ 1504.85 Containerized cargo.

(a) On every cargo container there shall be permanently marked in pounds (1) the weight of the container when empty, (2) the maximum cargo weight that the container is intended and designed by its manufacturer to carry, and (3) the sum of these two weights.

(b) No container shall be loaded abroad or discharged from any vessel by means of hoisting by ship's cargo handling gear or by shore crane or derrick unless the following conditions have been met:

(1) In the case of an empty container, it shall be ascertained from the carrier that such is the case and the container shall be identified before loading or discharge either by marking, in cargo stowage plans, by both means, or otherwise in such manner that every supervisor and foreman in charge of loading or discharging, and every crane or other hoisting equipment operator, and signalman if any, shall be enabled to know that such container is empty.

(2) In the case of a loaded container, either the actual gross weight shall be plainly marked so as to be visible to the crane or other hoisting equipment operator or signalman, if any, and to every supervisor and foreman in charge of loading or discharging; or the cargo stowage plan or similar document serving the same purpose shall be provided to the crane or other hoisting equipment operator and signalman if any, and to every supervisor and foreman in charge of loading or discharging, and contain the actual gross weight, the exact stowage position, and the serial number or other positive identification of that specific container.

(3) Every outbound loaded container received at a marine terminal ready to load aboard a vessel without further consolidation or loading shall be weighed to obtain a certified actual gross weight, either at the terminal or elsewhere before loading aboard a vessel. The open type vehicle carrying container and those built specifically and used solely for the carriage of compressed gases are excepted from this subparagraph and from subparagraphs (4) and (5) of this paragraph.

(4) When container weighing scales are located at a marine terminal, any outbound container with a load consolidated at that terminal shall be weighed to obtain an actual certified gross weight before loading aboard a vessel.

(5) When there are no container weighing scales located at a marine terminal at which outbound containers are loaded with cargo, or where container loads are completed or consolidated there or elsewhere, and no weighing facility is available and located in a reasonably accessible location, the actual gross weight may be calculated, providing that accurate weights of all contents are known and a list of same, including the empty container weight, is totalled and posted on the container in a conspicuous place with identification of the source and date of calculation. Such list of contents may refer to cartons, cases, or other means of packaging but need not specifically identify the commodity or commodities involved except as otherwise required by law. Container weights so arrived at shall be subject to random sample weight checks at the nearest weighing facility. In cases where such weight checks or experience otherwise indicate consistently inaccurate weights arrived at by this means, the weight of containers so calculated at the source from which the inaccurate weights originated may no longer be recognized as true gross weights, in which case such containers may not be loaded aboard a vessel unless certified actual gross weights have been obtained by weighing. This procedure shall be continued until the Bureau is satisfied by reasonable experience thereunder that correct weights will be furnished.

(6) In the case of loaded inbound containers from foreign ports, they shall, if they have not been weighed, have the calculated weight posted in the manner prescribed by subparagraph (5) of this paragraph. All loaded inbound containers from foreign ports shall be subject to random sample weight checks. When such checks indicate a pattern of significant and continuing inaccuracy or when the provisions of subparagraph (7) of this paragraph are not met, such suitable means as are acceptable to the Bureau to protect the safety of the workers involved shall be taken during discharge to assure safety and such means shall be continued until the Bureau is satisfied by experience thereunder that correct weights will be furnished.

(7) The identification and documentation provisions of subparagraph (1) and (2) of this paragraph shall apply to containers originating from foreign ports.

(8) Any scale used with the United States to weigh containers for the purpose of the requirements of this section shall meet the accuracy standards of the State or local public authority in which the scale is located.

(c) No container shall be hoisted if its actual gross weight exceeds the weight marked as required in paragraph (a)(3) of this section, or if it exceeds the capacity of the crane or other hoisting device intended for use, under the conditions in which said crane or other hoisting device is used. All hoisting of containers shall be by means which will safely do so without probable damage to the container, and using the lifting fittings provided.

(d) All outbound containers shall be inspected before loading for any visible defects in structural members and fittings, which would render unsafe their handling in loading. To the extent it is practicable, inbound containers shall be similarly inspected before discharge. Any outbound container found to have such a defect shall not be loaded unless the defect is first corrected. Any inbound container found to have such a defect shall either be discharged by such special means as insure safety or shall be emptied before discharge.

(e) For the purpose of this section, the term "container" means a reusable cargo container of rigid construction and rectangular configuration, intended to contain one or more articles of cargo or bulk commodities for shipment aboard a vessel, and capable of utilization for this purpose by one or more other modes of transport without intermediate reloading. The term includes completely enclosed units, open top units, half or other fractional height units, units incorporating liquid or gas tanks, and any other variations serving the same basic purpose and fitting into the container system, demountable or with attached wheels. The terms, however, does not include cylinders, drums, crates, cases, cartons, packages, sacks, unitized loads or any other of the usual forms of packaging.

(f) The provisions of paragraph (a) of this section shall become effective on the 24th day of March 1972, those of paragraph (b) on the 24th day of September 1971, and those of the remainder of this section upon publication in the FEDERAL REGISTER.

4. In § 1504.101, paragraph (a) is proposed to be revised to read as follows:

§ 1504.101 Eye protection.

(a) When, because of the nature of the cargo being handled, an eye hazard from flying particles or heavy dust exists, employees shall be protected by eye protection equipment meeting the specifications prescribed by the American National Standard (ANSI) Practice for Occupational and Educational Eye and Face Protection, Z87.1 (1968).

* * * * *

5. In § 1504.105, paragraph (a) is proposed to be revised to read as follows:

§ 1504.105 Head protection.

(a) Employees shall be protected by protective hats meeting the specifications contained in the American National Standard Safety Requirements for Industrial Head Protection, Z89.1 (1969).

* * * * *

(Sec. 41, 44 Stat. 1444, as amended; 33 U.S.C. 941)

Signed at Washington, D.C., this 16th day of March 1971.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.71-3909 Filed 3-22-71;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Parts 101, 104, 105, 141, 201, 204, 205, 260]

[Docket No. R-412]

UNIFORM SYSTEM OF ACCOUNTS AND CERTAIN ANNUAL REPORTS

Accounting Treatment To Account for Gains and Losses on the Disposition of Utility Property That Had Been Classified in Utility Service and Consolidation of Certain Depreciation Accounts; Extension of Time

MARCH 16, 1971.

On February 16, 1971, the American Gas Association filed a request for an extension of time to and including May 24, 1971, within which to file comments in the above-designated matter. On March 5, 1971, the Independent Natural Gas Association of America joined in the request of the American Gas Association. On March 10, 1971, the Edison Electric Institute requested a 60-day extension of time. On March 12, 1971, Puget Sound Power & Light Co. requested an extension of time to and including June 22, 1971.

Upon consideration, notice is hereby given that the time is extended to and including May 24, 1971, within which any interested person may submit data, views, comments, or suggestions in writing to the notice of proposed rulemaking (36 F.R. 2803), issued February 4, 1971, in the above-designated matter.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-3933 Filed 3-22-71;8:48 am]

Notices

DEPARTMENT OF STATE

[Public Notice 339]

TRAVEL INTO OR THROUGH NORTH KOREA

Restriction on the Use of U.S. Passports

Pursuant to the authority of Executive Order 11295 and in accordance with 22 CFR 51.72(c), use of U.S. passports for travel into or through North Korea is restricted as unrestricted travel into or through North Korea would seriously impair the conduct of U.S. foreign affairs. In view of the dangerous tensions in the Far East, the expressed and virulent hostility of the North Korean regime toward the United States, the occurrence of incidents along the military demarcation line, the seizure by North Korea of a U.S. naval vessel and its crew, and the special position of the Government of the Republic of Korea which is recognized by resolution of the United Nations General Assembly as the only lawful government in Korea, the Department of State believes that wholly unrestricted travel by American citizens to North Korea would seriously impair the conduct of U.S. foreign affairs.

U.S. passports shall not be valid for travel into or through North Korea unless specifically validated for such travel under the authority of the Secretary of State.

This public notice shall expire at the end of 6 months from the date of publication in the FEDERAL REGISTER unless extended or sooner revoked by public notice.

Effective date. This notice becomes effective on March 16, 1971.

Dated March 16, 1971.

[SEAL] WILLIAM P. ROGERS,
Secretary of State.

[FR Doc.71-3946 Filed 3-22-71;8:49 am]

[Public Notice 337]

TRAVEL INTO OR THROUGH CUBA

Restriction on the Use of U.S. Passports

Pursuant to the authority of Executive Order 11295 and in accordance with 22 CFR 51.72(c), use of U.S. passports for travel into or through Cuba is restricted as unrestricted travel into or through Cuba would seriously impair the conduct of U.S. foreign affairs. To permit unrestricted travel would be incompatible with the resolutions adopted at the Ninth Meeting of Consultation of Ministers of Foreign Affairs of the Organization of American States, of which the United States is a member. At this meeting, held in Washington from July 21 to 26, 1964, it was resolved that the governments of the American states not maintain diplomatic, consular, trade, or shipping relations with Cuba under its present government. This resolution was reaffirmed in the Twelfth Meeting of Ministers of Foreign Affairs of the OAS held in September 1967, which adopted resolutions calling upon Member States to apply strictly the recommendations pertaining to the movement of funds and arms from Cuba to other American nations. Among other things, this policy of isolating Cuba was intended to minimize the capability of the Castro government to carry out its openly proclaimed programs of subversive activities in the Hemisphere.

U.S. passports shall not be valid for travel into or through Cuba unless specifically validated for such travel under the authority of the Secretary of State.

This public notice shall expire at the end of 6 months from the date of publication in the FEDERAL REGISTER unless extended or sooner revoked by public notice.

Effective date. This notice becomes effective on March 16, 1971.

Dated March 16, 1971.

[SEAL] WILLIAM P. ROGERS,
Secretary of State.

[FR Doc.71-3945 Filed 3-22-71;8:49 am]

[Public Notice 338]

TRAVEL INTO OR THROUGH NORTH VIET-NAM

Restriction on the Use of U.S. Passports

Pursuant to the authority of Executive Order 11295 and in accordance with 22 CFR 51.72(b), use of U.S. passports for travel into or through North Viet-Nam is restricted as this is "a country or area where armed hostilities are in progress."

U.S. passports shall not be valid for travel into or through North Viet-Nam unless specifically validated for such travel under the authority of the Secretary of State.

This public notice shall expire at the end of 6 months from the date of publication in the FEDERAL REGISTER unless extended or sooner revoked by public notice.

Effective date. This notice becomes effective on March 16, 1971.

Dated: March 16, 1971.

[SEAL] WILLIAM P. ROGERS,
Secretary of State.

[FR Doc.71-3947 Filed 3-22-71;8:49 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

HANSEL ANDERSON

Notice of Granting of Relief

Notice is hereby given that Hansel Anderson, 3121 Dartmouth, Detroit, MI 48217, 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 10, 1940, in the Fulton Superior Court, Fulton County, Ga., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Hansel Anderson because of such conviction, to ship, transport, or receive in interstate of 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 Hansel Anderson to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Hansel Anderson'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 Hansel Anderson 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 11th day of March, 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-3911 Filed 3-22-71;8:46 am]

WILLIAM J. DEWARS

Notice of Granting of Relief

Notice is hereby given that William J. Dewars, 3012 Aldrich South, Minneapolis, MN 55408, 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 convictions on April 3, 1951 and March 13, 1957, in the Hennepin County District Court, Minneapolis, Minn., of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for William J. Dewars because of such convictions, 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 convictions, it would be unlawful for William J. Dewars to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered William J. Dewars' application and:

(1) I have found that the convictions were made upon charges 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 convictions 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 William J. Dewars 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 convictions hereinabove described.

Signed at Washington, D.C., this 11th day of March 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-3912 Filed 3-22-71;8:46 am]

NEIL LOUIS MASSIE

Notice of Granting of Relief

Notice is hereby given that Neil Louis Massie, 12 Sexton Drive, Xenia, OH 45385, 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 February 28, 1963, in the U.S. District Court, Southern District of Ohio, Western Division, Dayton, OH, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Neil Louis Massie 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 Neil Louis Massie to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Neil Louis Massie'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 Neil Louis Massie 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 11th day of March 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-3913 Filed 3-22-71;8:46 am]

HAROLD FREDRICK SCHULTZ

Notice of Granting of Relief

Notice is hereby given that Harold Fredrick Schultz, 20 Northwest Second Avenue, Portland, OR 97209, 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 April 25, 1933, in the District Court in and for the County of Dakota, Minn., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Harold F. Schultz 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 Harold F. Schultz to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Harold F. Schultz'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 Harold F. Schultz 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 11th day of March, 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-3914 Filed 3-22-71;8:46 am]

NORMAN DALE SMITH

Notice of Granting of Relief

Notice is hereby given that Norman Dale Smith, 3201 East 25th Street, Des Moines, IA 50317, 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 October 13, 1961, in the Polk County District Court, in and for Des Moines, Iowa, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Norman D. Smith 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 Norman D. Smith to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Norman D. Smith'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 Norman D. Smith 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 10th day of March 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-3915 Filed 3-22-71;8:46 am]

JAMES DANIEL THOMAS

Notice of Granting of Relief

Notice is hereby given that James Daniel Thomas, Route 1, Cooper, TX 75432, 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 14, 1937, in the District Court of Delta County, Tex., of a crime punishable by imprisonment for a term exceeding one year. Unless relief is granted, it will be unlawful for James Daniel Thomas 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 James Daniel Thomas to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered James Daniel Thomas'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 James Daniel Thomas 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 10th day of March 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-3916 Filed 3-22-71;8:46 am]

ERNEST RONALD WRIGHT

Notice of Granting of Relief

Notice is hereby given that Ernest Ronald Wright, 1018 Early Street, Lynchburg, VA 24503, 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 20, 1965, in the Circuit Court of the County of Bedford, Va., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Ernest R. Wright 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 R. Wright to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Ernest R. Wright'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 R. Wright 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 11th day of March 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-3917 Filed 3-22-71;8:46 am]

POST OFFICE DEPARTMENT

SELECTION OF POSTMASTERS

Areas of Consideration

The following is an excerpt from the Postal Service Order No. 71-3 issued by the Postmaster General on March 11, 1971, effective as to appointment made on or after April 1, 1971.

1. *Selection of postmasters at first-, second-, and third-class post offices.* (a) Consideration in the selection of postmasters at first-, second-, and third-class post offices shall be given first to employees in the post office where the vacancy occurs, regardless of residence, except for postmaster positions at salary levels of PMS-16 and above.

(b) If an employee in the post office where the vacancy occurs is not selected as postmaster, or if the postmaster position is at a salary level of PMS-16 or above, then consideration in the selection of postmasters at first-, second-, and third-class post offices shall be given to postal employees in accordance with the following guidelines as to work location, regardless of residence:

(i) An employee shall be eligible for consideration for selection as postmaster at a salary level of PMS-16 or above without regard to his work location.

(ii) An employee shall be eligible for consideration for selection as postmaster at a salary level of PMS-15 or below provided he has actually worked for 6 months immediately preceding his appointment within the applicable work location area specified in the following table:

Salary level of postmaster position:	*Work location*
PMS-14 and 15	Postal region in which post office is located.
PMS-9 through 13	State in which post office is located.
PMS-6 through 8	Postal section center in which post office is located.

(c) The work location areas provided in subsection 1(b)(ii) may be expanded whenever the Postmaster General finds that such an expansion is in the interest of the Postal Service. Such expansion shall authorize consideration of employees working within a broader work location area set forth in subsection 1(b)(ii) or consideration of employees without regard to work location, as the Postmaster General finds appropriate.

(d) Consideration of individuals not postal employees: Whenever the Postmaster General finds that consideration in the selection of postmasters of individuals who are not postal employees would be in the interest of the Postal Service, consideration shall be given to such individuals in accordance with the requirement of actual residence for 6 months immediately preceding appointment in areas of residence corresponding to the areas of work location set out in subsection 1(b) above. These residence areas may be expanded by the Postmaster General in the manner provided in subsection 1(c) for the expansion of work location areas.

2. *Selection of postmasters at fourth-class post offices.* An individual shall be eligible for consideration for selection as postmaster at a fourth-class post office provided he has actually resided for 6 months immediately preceding his appointment within the delivery of the post office or in the city or town where the post office is located. This residence area may be expanded by the Postmaster General in the manner provided in subsection 1(c) for the expansion of work location areas.

3. *Definition of "State".* As used in this order, the word "State" includes any State of the United States, the District of Columbia, Puerto Rico, and the Virgin Islands, and the Pacific Islands. If a State falls within two or more Postal Regions, only that part of the State which is within the Region in which the postmaster vacancy exists will be considered to be a "State in which post office is located" for the purposes of subsection 1(b)(ii).

4. *Military service.* No person shall be considered as not meeting these guidelines as a result of working or residing outside the specified area during military service if he actually worked or resided within the specified area during the 6 months, exclusive of the period of military service, immediately preceding his appointment.

Sections 244.1(a) (3) and (4) of Title 39, Code of Federal Regulations will be amended to conform with the Postal Service Order No. 71-3.

(5 U.S.C. 301, 39 U.S.C. 501, 1001, sec. 15(a), Public Law 91-375)

DAVID A. NELSON,
General Counsel.

[FR Doc.71-3922 Filed 3-22-71;8:47 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

NUMBER OF EMPLOYEES, TAXABLE WAGES, GEOGRAPHIC LOCATION, AND KIND OF BUSINESS FOR ESTABLISHMENTS OF MULTIUNIT COMPANIES

Notice of Determination for Surveys

In conformity with title 13, United States Code, sections 181, 224, and 225, and due Notice of Consideration having been published on February 4, 1971 (36 F.R. 2417), I have determined that a First Quarter 1971 Survey of selected multiunit companies is needed to collect information for the 1971 County Business Patterns Report. The survey is similar to those conducted for previous County Business Patterns Reports and is designed to collect information on number of employees, taxable wages, geographic location, and kind of business for establishments of selected multiunit companies. The data will have significant application to the needs of the public and to governmental agencies and are not publicly available from nongovernmental or governmental sources.

Report forms will be furnished to firms included in the survey and additional copies of the forms are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

I have, therefore, directed that a survey be conducted for the purpose of collecting these data.

GEORGE H. BROWN,
Director, Bureau of the Census.

[FR Doc.71-3928 Filed 3-22-71;8:47 am]

Bureau of International Commerce

[Case No. 415]

WOODHAM TRADING LTD. ET AL.

Order Denying Export Privileges

In the matter of Woodham Trading Ltd., Gerald M. Hammerson, 13 Upper Berkeley Street, London, W. 1, England; William R. Rumbold, 13 Upper Berkeley Street, London, W.1, England, and 56 Albert Hall Mansions, Kensington Gore, London, S.W. 7, England; Commodity Export Ltd., 27 Queen Anne Street, London, W.1, England; Politprude Ltd., 6 Stratton Street, London, W.1, England; respondents. Glovet Traders Ltd., 13 Upper Berkeley Street, London, W.1, England; J.P.M. Spares Co. Ltd., 6 Stratton Street, London, W.1, England; G.M.T. Friction Materials Ltd., 2 Doughty Street, London, W.C.1, England; Associated Electronics Buying Services Ltd., 27 Queen Anne Street, London, W.1, England; related parties.

ORDER DENYING EXPORT PRIVILEGES

The Director, Investigations Division, Office of Export Control, on June 23, 1970, issued a charging letter against the above respondents in which violations of the Export Control Act of 1949[1] and the regulations thereunder[2] are charged. It is alleged that on June 10, 1966, an order temporarily denying U.S. export privileges was issued against the respondent Woodham Trading Ltd. (Woodham) and Glovet Traders Ltd. (Glovet) and that under this order a determination was made that Commodity Export Ltd. (Commodity Export) was a related party to Glovet and that by reason of extensions the temporary denial order is to remain in effect until the completion of compliance proceedings. The restrictions of said order, as they apply to the respondents therein and to related parties, are set forth in the charging letter and are those that are customarily included in orders denying U.S. export privileges.

The allegations cover details of the transaction in which respondents participated and in which it is charged they violated the Export Control Regulations. Briefly, without reciting all the details,[3] it is alleged that respondents Hammerson and Rumbold, acting individually and on behalf of respondents Woodham, Commodity Export, and Politprude, ordered from a Dutch firm parts (more specifically gears) for Mack Trucks valued at $121,000, which the respondents knew were of U.S. origin; the Dutch firm ordered the parts from a Canadian firm and the latter firm obtained the parts from a U.S. supplier; two shipments of the parts (having a total value of $77,000) were made (January 26, 1968, and February 9, 1968) from New York to the Dutch firm in Rotterdam; on instructions from respondents the Dutch firm turned the goods over to a frieght forwarded who repacked and re-marked the goods for reexport to Cuba; the goods were then delivered to a shipping company, which, on instructions from respondents, shipped the goods to Cuba on February 22, 1968. It is alleged that these exportations were made by respondents with knowledge on their part that (1) United States law prohibits delivery to Cuba of U.S.-origin goods without prior authorization from the U.S. Government, and (2) such acts were in violation of the aforementioned order and determination.

It is charged that respondents violated the aforementioned denial order and related party determination and also violated §§ 387.2, 387.3, 387.4, 387.6, and 387.8 of the Export Control Regulations.

The charging letter was duly served on each of the respondents. The only answer filed was by Rumbold individually and in his capacity, where relevant, as a director of Commodity Export and Woodham. He did not request a hearing. No answers were filed by Hammerson, Woodham, Commodity Export, or Politprude and these respondents were held in default pursuant to § 388.4(a) of the Export Control Regulations.

There was an informal presentation of documentary evidence on behalf of the Investigations Division on January 28,

[1] This Act has been succeeded by the Export Administration Act of 1969, Public Law 91-184, approved Dec. 30, 1969, 50 U.S.C. App. secs. 2401-2413. Section 13(b) of the new Act provides, "All outstanding delegations, rules, regulations, orders, licenses or other forms of administrative action under the Export Control Act of 1949 * * * shall, until amended or revoked remain in full force and effect, the same as if promulgated under this Act."

[2] The regulations were revised on June 1, 1969, and the sections pertinent to these proceedings were given new section numbers but no significant changes were made therein. The section references herein are to the new numbers.

[3] In general, the substantive allegations in the charging letter are supported by the evidence and essential details are included in the Findings of Fact of this order.

1971. The Compliance Commissioner, after considering the record in the case, submitted to the undersigned a report which summarizes the essential evidence, considers the various charges, and which includes findings of fact and conclusions. The Compliance Commissioner recommended sanctions that should be imposed.

After considering the record in the case, I adopt the findings of fact made by the Compliance Commissioner, which are as follows:

FINDINGS OF FACT

1. The respondents Woodham Trading Ltd., Commodity Export Co. Ltd., and Politprude Ltd., are all limited liability companies located in London, England. Included within the business operations of the three companies is the importing and exporting of machinery and automotive parts and equipment. The respondents Hammerson and Rumbold are directors of Woodham and Commodity Export and they control these two companies. While it does not appear that these individual respondents are directors of Politprude, they control the company and its operations. As between these two individuals, Hammerson is the more dominant in the three companies.

2. On June 10, 1966, the Director, Office of Export Control, issued an order against Woodham Trading Ltd. (Woodham) and Glovet Traders Ltd. (Glovet) also of London, temporarily denying them all U.S. export privileges. This order and subsequent extensions were published in the FEDERAL REGISTER (31 F.R. 8501, 31 F.R. 10902, 31 F.R. 13359, 31 F.R. 15708). Under the last extension the order was continued in effect until the completion of compliance proceedings and the order is still in effect. In the extension order dated August 9, 1966, that was published in the FEDERAL REGISTER (31 F.R. 10902) a determination was made that Commodity Export Ltd. was, within the meaning of § 388.1(b) of the Export Control Regulations, a related party to Glovet. This determination has been in effect to the present time and all of the restrictions of the denial order have been and are applicable to Commodity Export.

All of the respondents were aware of the denial order of June 10, 1966, and also of the determination relating to Commodity Export Ltd. They were also aware of the terms and restrictions in said order.

3. The order of June 10, 1966, among other things, prohibited respondents from participating, directly or indirectly, in any manner or capacity, in any transactions involving commodities or technical data exported or to be exported from the United States. By the terms of said order such prohibitions extended to agents and representatives of the named respondents and to any party with whom the respondents were related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

4. On December 21, 1965 Commodity Export Ltd. entered into a contract with Transimport of Havana, Cuba, to supply it with substantial quantities of gears for Mack Trucks. Mack Truck gears are manufactured only in the United States.

5. In May 1966, Woodham and another company acting for it, requested price quotations on the Mack Truck gears desired by the Cuban customer from two different suppliers in Chicago, Ill. The said suppliers furnished such quotations. No orders resulted from these quotations and the matter was not pursued because of the temporary denial order of June 10, 1966.

6. Early in June 1966, one Frank C. Beven of London, as representative of Woodham, visited one of the suppliers in Chicago and conducted negotiations on several matters including the transaction relating to the purchase of the Mack Truck gears.

7. Notwithstanding the denial order of June 10, 1966, one Jack Meerloo and another individual, both of London, England, as representatives of respondent Hammerson, acting in the name of G.M.T. Friction Materials Ltd., London, in November 1966 visited automotive parts dealers in New York and California indicating an interest to purchase large quantities of U.S. automotive spare parts for various types of machines of U.S. manufacture.

8. In May 1967, said Jack Meerloo, acting for Hammerson and the companies he controlled, visited suppliers of automotive and truck parts in Canada to negotiate for the purchase of such commodities. He visited a firm in Edmonton, Alberta, to arrange to purchase the Mack Truck gears for which price quotations had been obtained from the two Chicago suppliers in May 1966.

9. As a result of this visit a representative of the Edmonton firm visited Meerloo in London and through him met Hammerson and became acquainted with the firm Politprude.

10. On November 2, 1967, Politprude placed an order with the Edmonton firm for a long list of parts described as "Mack Gears". The list of parts ordered was substantially the same as the list submitted to the two Chicago suppliers in May 1966 (see Finding 5). The order was signed on behalf of Politprude by Beven (see Finding 6).

11. The Edmonton firm did not wish to deal directly with Politprude and in December 1967 the firm Hakru N.V., a Dutch company was established in Amsterdam, The Netherlands. In December Politprude placed the same order with Hakru as it had placed with the Edmonton firm. Hakru in turn placed the order with the Edmonton firm.

12. In the middle part of December 1967 the Edmonton firm ordered the gears from a New York supplier. The total value of the parts ordered was approximately $121,000. The order showed that shipment of the gears was to be made by the New York supplier to the Edmonton company in Canada. These instructions were later changed for shipment to be made to Hakru N.V. c/o a shipping agency in Rotterdam.

13. The Edmonton firm made two shipments of the Mack Truck gears from New York to Hakru c/o the shipping agency in Rotterdam. One shipment of 17 cases invoiced at $58,000 was made on January 26, 1968, and the other of six cases invoiced at $21,000 was made on February 9, 1968. The bills of lading bore destination control notices showing Holland as country of ultimate destination. Before additional shipments were made under the order, OEC learned of the transaction and prevented further shipments.

14. Woodham opened a letter of credit in favor of Hakru to pay for the parts. Hakru in turn opened a letter of credit in favor of the Edmonton firm.

15. Woodham gave instructions to Hakru and the shipping agency that on arrival of the goods in Rotterdam they were to be placed under control of a named freight forwarder. On February 15, 1968, Rumbold, on the letterhead of Commodity Export, instructed the freight forwarder to re-mark the goods for shipment to Cuba and to load them on a vessel scheduled to sail from Rotterdam to Cuba on February 20, 1968. The freight forwarder complied with these instructions. The goods were shipped to Cuba on February 22, 1968.

16. Hammerson and Rumbold, and through them the other respondents, had knowledge of the restrictions under the U.S. Export Control Regulations on the shipment of U.S.-origin commodities to Cuba.

17. Hammerson and Rumbold, and through them the other respondents, knew or had reason to know that the Mack Truck gears that were obtained by Politprude through Hakru were of U.S. origin.

18. The respondents knowingly participated in the purchase of U.S.-origin commodities in Canada and knowingly participated in the reexportation of such commodities from Holland to Cuba.

Based on the foregoing, I have concluded that the respondents:

(a) Violated § 387.2 of the Export Control Regulations in that without authorization from the Office of Export Control they procured another party to order and buy U.S.-origin commodities in violation of said regulations and contrary to the restrictions of the Bureau of International Commerce denial order of June 10, 1966 (31 F.R. 8501), as extended and of the related part determination made thereunder.

(b) Violated § 387.4 of said regulations and the above mentioned denial order and related party determination in that without specific authorization from the Office of Export Control they carried on negotiations with respect to and in the ordering of U.S. commodities to be exported and which were exported from the United States with knowledge that such conduct was prohibited by said regulations and the aforesaid denial order and determination.

(c) Violated § 387.6 of said regulations in that without specific authorization from the Office of Export Control they knowingly diverted, transshipped and reexported commodities to a destination in violation of and contrary to the terms of related export control documents and of the general license under which the said goods were exported from the United States.

I also adopt the recommendation of the Compliance Commissioner that determinations be made that the following firms are related parties to one or more of the respondents for the reasons stated. All of the terms, restrictions, and prohibitions of the order against respondents are applicable to the related parties.

Glovet Traders Ltd., 13 Upper Berkeley Street, London. The respondents Hammerson and Rumbold are directors of this firm which is located at the same address as the Woodham firm. The firms are closely connected in a business sense. The Glovet firm is a related party to Hammerson, Rumbold, and Woodham.

J.P.M. Spares Ltd., 6 Stratton Street, London. This company was formed to complete certain contracts left by a firm that traded as J.P.M. Spares Co., and which was in the hands of a Receiver. Woodham Trading Ltd., was acting as Manager of J.P.M. Spares Ltd. On this basis, J.P.M. Spares Ltd. is a related party to Woodham.

G.M.T. Friction Materials Ltd., 2 Doughty Street, London. This firm was organized about November 1966. The purpose was to buy machinery equipment obtainable only in the United States. In November 1966 Hammerson/Woodham financed a trip to the United States from London by Jack Meerloo and another individual for the purpose of making inquiries about materials that could not be obtained in the U.K. Hammerson was behind G.M.T. G.M.T. is a related party to Hammerson and Woodham.

Associated Electronics Buying Services Ltd., 27 Queen Anne Street, London. Hammerson and Rumbold are directors of this firm which is located at the same address as Commodity Export Ltd. This firm is a related party to Hammerson, Rumbold, and Commodity Export.

The Compliance Commissioner stated that the evidence shows that Jack Meerloo and Frank C. Beven, both of London, have acted as agents of Hammerson and Rumbold and of companies controlled by them. He recommended that these two individuals be named in the order as such agents and representatives. I adopt this recommendation.

Concerning certain aspects of the evidence, the Compliance Commisioner stated as follows:

> It is clear from the record that this transaction was directed by Hammerson and Rumbold who acted through their individual agents and through the companies they controlled, namely, Woodham, Commodity Export, and Politprude.
>
> It is also clear from the record that Hammerson and Rumbold were fully aware of the restrictions on the shipment of U.S.-origin commodities to Cuba. All through 1967 negotiations were in progress between Woodham and Commodity Export on the one hand, and representatives of the U.S. Government on the other, to dispose of the temporary denial order. The principal point involved was the restriction on the reexportation of U.S.-origin commodities to Cuba. At the very same time that such negotiations were in progress the transaction in question regarding the purchase of the U.S.-origin Mack Truck gears was also in progress. In connection with another transaction, Politprude, in a letter to a Canadian firm dated June 16, 1967, made clear its understanding that U.S.-origin commodities could not be shipped to Cuba.
>
> It is admitted that in December 1965 Commodity Export entered into a contract with a customer in Cuba to supply Mack Truck gears. In May 1966, the respondents obtained quotations for the gears from at least two U.S. suppliers. I do not accept the claim that these quotations were sought merely for the purpose of price checking. No order or exportation resulted from these inquiries because the denial order of June 10, 1966, prevented consummation of the transaction by U.S. suppliers.
>
> The respondents continued their efforts to obtain the gears in order to fulfill their contract with the Cuban customer. In May 1967, Meerloo, on behalf of respondents, visited a Canadian firm. The negotiations continued for several months thereafter, first between Politprude and the Canadian firm and later between Hakru (after it received Politprude's order) and the Canadian firm. If the respondents were sincere in their desire to comply with U.S. requirements regarding reexportation of U.S.-origin commodities, they would have made some effort to learn whether the Mack Truck gears in question were of U.S. origin. They made no such inquiry.
>
> Mack Truck gears are manufactured only in the United States. Both Rumbold and Hammerson had had extensive experience in trading in automotive and machinery parts. From their background, experience, and general knowledge of this business, they should have known, or at least strongly suspected that the gears they were purchasing were of U.S. origin. They failed to make inquiries or obtain assurances that the gears in question were not of U.S. origin. Of particular significance is the fact that the negotiations to dispose of the proceedings pending against them for violations of the Export Control Regulations were in progress concurrently with the transaction relating to the purchase of the Mack Truck gears.

In discussing the point as to whether respondents acted with knowledge that the gears were of U.S. origin, the Compliance Commissioner said:

> It is well settled by numerous court decisions that to show that a person acted "knowingly" or "with knowledge" does not necessarily require proof of actual knowledge. "Knowingly", according to such decisions, "means knowing or having reason to know. A person has reason to know when he has such information as would lead a person exercising reasonable care to acquire knowledge of the fact in question or to infer its existence." U.S. v. Sweet Briar, 92 F. Supp. 777 (W.D.S.C. 1950). "The law imputes knowledge when opportunity and intent, combined with reasonable care would necessarily impart it." Ives v. Sargent, 119 U.S. 652, 661. "If a person has actual knowledge of facts which would lead an ordinary prudent man to make further investigation, the duty to make inquiry arises and the person is charged with knowledge of facts which inquiry would have disclosed." Nettles v. Childs, 100 F. 2d. 952, 957 (4th Cir. 1939). The failure to make such inquiry in these circumstances has been described as "negligent ignorance", which, it is said "frequently has the same effect as actual knowledge." Greenspan v. Seagram, 186 F. 2d. 616, 620 (2d Cir. 1951).

The principles applicable were stated in Zdunek v. Thomas, 254 N.W. 382, 385 (Wis. 1934) as follows:

> It is a general rule of law sustained by the authority of many cases that whatever fairly puts a person on inquiry with respect to an existing fact is sufficient notice of that fact if the means of knowledge are at hand. If under such circumstances one omits to inquire, he is then chargeable with all the facts which, by proper inquiry, he might have ascertained.
>
> If a person confronted with a state of facts closes his eyes in order that he may not see that which would be visible and therefore known to him if he looked, he is chargeable with "knowledge" of what he would have seen had he looked. A person by closing his eyes for the purpose of preventing knowledge by that act brings himself within the field of knowledge as that term is used in the law.

The same principles have been applied by the Privy Council in England. See The Zamora No. 2, (1921) 1 A.C. 801 (P.C.)

In considering the sanction that should be imposed the Compliance Commissioner stated:

> It is apparent from the record in this case that Hammerson controls several companies. He is able to obtain the services of individuals and the assistance of other companies to further his business purposes. In the instant case he obtained the services of Meerloo and Beven. The firms Woodham, Politprude and Commodity Export participated in the transaction. Hammerson, acting through other parties, evaded the denial order that was issued against companies controlled by him. We have no assurance that through the use of other individuals or companies there will not be evasion or attempted evasion of the denial order that will be issued in this case. This should not deter us, to the extent that we can, from using the means at our disposal to enforce the law that Congress has enacted, the enforcement of which is the responsibility of the Office of Export Control.
>
> In permitting exportations from the United States this Government has authority to impose restrictions as to their destination and it does so. Parties in foreign countries (and indeed, some in this country) may not be in accord with the policy of this Government regarding its restrictions on the shipment, directly or indirectly, of U.S.-origin goods to Cuba. However, this is U.S. policy and has been for several years. Whether or not a party agrees with this policy, if he knows of the U.S. restrictions and participates in U.S. export transactions or deals in U.S. goods, it is expected that he will abide by those restrictions. We feel that this is a reasonable requirement for an individual to meet if he desires to continue to participate in U.S. export transactions or to deal in U.S. goods.
>
> A party who knowingly violates the restrictions on reexportation demonstrates a disdainful attitude towards our law. It is our purpose to deter violations and bring about compliance with our law. The most effective means we have of doing this is to prohibit such parties from participating in transactions involving exportations from the United States.
>
> I recommend that respondents be denied United States export privileges for the duration of export controls. Having in mind the period that some of the respondents have been subject to a denial order, I would afford

them the opportunity after 5 years to apply for restoration of export privileges. If at the time they can show that they have complied with the terms of the order and have not attempted to evade its restrictions, their export privileges may be restored under such conditions as may be considered appropriate.

I have considered the record in the case and the report and recommendation of the Compliance Commissioner. I concur in his comments as above set forth. I am of the opinion that the Compliance Commissioner's recommendation as to the sanctions that should be imposed are fair and just and calculated to achieve effective enforcement of the law. *Accordingly, it is hereby ordered:*

I. This order is effective forthwith and supersedes the order temporarily denying export privileges issued against Woodham Trading Limited and Glovet Traders Limited on June 10, 1966 (31 F.R. 8501) and extended on August 9, 1966, October 6, 1966, and December 16, 1966 (31 F.R. 10902, 13359, 15708). This order also supersedes the restrictions imposed on Commodity Export Ltd., under the related party determination of August 9, 1966 (31 F.R. 10902)

With respect to (1) the above named respondents, (2) the above named related parties, and (3) Jack Meerloo and Frank C. Beven of London, agents and representatives of one or more of the respondents, all outstanding validated licenses in which they appear or participate in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. Except as qualified in Paragraph IV hereof, the respondents and the other parties subject to this order, as set forth in Paragraph III hereof for the duration of export controls are hereby denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States, in whole or in part, or to be exported, or which are otherwise subject to the Export Control Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control documents; (d) in the carrying on of negotiations with respect to, or in the receiving ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data; (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their successors, representatives, agents, and employees, and also to any person, firm, corporation, or other business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

Determinations have been made that the following firms are related parties to one or more of the respondents. All of the terms and restrictions of this order are applicable to and with respect to such firms: Glovet Traders Ltd.; J.P.M. Spares Ltd.; G.M.T. Friction Materials Ltd.; Associated Electronics Buying Services Ltd., all of London, England.

This order is also applicable to Jack Meerloo and Frank C. Beven, both of London, who have participated in export transactions as agents of representatives of one or more of the respondents.

IV. Five years after the effective date of this order, the respondents may apply to have the effective denial of their export privileges held in abeyance while they remain on probation. Such application as may be filed by said respondents shall be supported by evidence showing their compliance with the terms of this order and such disclosure of their import and export transactions as may be necessary to determine their compliance with this order. Such application will be considered on its merits and in the light of conditions and policies existing at that time. The respondents' export privileges may be restored under such terms and conditions as appear to be appropriate.

V. During the time when any respondent or other party subject to this order is prohibited from engaging in any activity within the scope of Part II hereof, no person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to, and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with any respondent or other person denied export privileges within the scope of this order, or whereby any such respondent or such other person may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or other person denied export privileges within the scope of this order; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

Dated: March 2, 1971.

RAUER H. MEYER,
Director, Office of Export Control.

[FR Doc.71-3992 Filed 3-22-71;8:50 am]

National Oceanic and Atmospheric Administration

[Docket No. B-510]

HAROLD A. LOFTES

Notice of Loan Application

MARCH 17, 1971.

Harold A. Loftes, 16 Tarlton Road, Wakefield, RI 02879, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new 79-foot length overall steel vessel to engage in the fishery for herring and herring-like species, mackerel, whiting, flounders, fish for industrial uses, and lobsters.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, DC 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Chief,
Division of Financial Assistance.

[FR Doc.71-3919 Filed 3-22-71;8:46 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING REGIONAL ADMINISTRATOR, REGION I (BOSTON)

Designation

The officials appointed to the following positions in Region I (Boston) are designated to serve as Acting Regional Administrator, Region I (Boston), during the absence of the Regional Administrator, with all the powers, functions, and duties redelegated or assigned to the Regional Administrator: *Provided*, That no official is authorized to serve as Acting Regional Administrator unless all other officials whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Regional Administrator.
2. Assistant Regional Administrator for Administration.
3. Assistant Regional Administrator for Housing Management and Community Services.

4. Assistant Regional Administrator for Renewal Assistance.

5. Regional Counsel.

Redelegation of authority to take final action with respect to certain positions and employees effective as of May 4, 1969.

Effective date. This designation is effective as of October 16, 1970.

JAMES J. BARRY,
Regional Administrator,
Region I (Boston).

[FR Doc.71-3941 Filed 3-22-71;8:48 am]

CIVIL AERONAUTICS BOARD

[Docket No. 22628; Order 71-3-61]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreements Adopted Relating to Fare Matters

Issued under delegated authority March 10, 1971.

Agreements adopted by the Traffic Conferences of the International Air Transport Association relating to fare matters; Docket 22628, Agreement CAB 22051,[1] Agreement CAB 22122,[2] Agreement CAB 22185,[3] Agreement CAB 22222.[4]

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA), and adopted at Geneva meetings subsequent to the recessed Honolulu Worldwide Passenger Fare Conference. The agreements have been assigned the above-designated CAB Agreement numbers.

For the most part, the resolutions incorporated in the subject agreements relate to fares and provisions which either are not applicable or are not directly applicable in air transportation as defined by the Act and, therefore, are of primary interest to other governments. For example, the agreements, inter alia, establish fare levels to apply within the Europe/Africa/Middle East geographical area generally for a 1-year period of effectiveness beginning April 1, 1971, and the basic provisions governing their use preclude combination with other fares including those pertaining to travel to/from the United States. To the extent that certain resolutions would apply in air transportation, these involve procedural or technical provisions not affecting basic fare levels.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14:

1. It is not found, on a tentative basis, that the following resolutions, which are incorporated in the agreement indicated, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA number	Title	Application
22122: R-1	001b	North Atlantic-Special Effectiveness Resolution (Tie-in)	1/2/3 (North Atlantic).
22185: R-2	001b	JT23 Special Effectiveness Resolution (Tie-in)	2/3.
R-3	001b	JT123 Special Effectiveness Resolution (Tie-in)	1/2/3.
22222: R-1	001b	South Atlantic Special Effectiveness Resolution (Tie-in)	1/2; 1/2/3 (South Atlantic).
22185: R-145	011	Mileages and Routes for Tariff Purposes (Amending)	Worldwide.
R-8	011a	Mileage Manual—Non-IATA Sectors (Revalidating and Amending)	2; 2/3.
R-146	012c	Definition of South West Pacific (New)	Worldwide.
R-9	014a	Construction Rule for Passenger Fares (Revalidating and Amending).	2; 2/3.
22222: R-4	014a	Construction Rule for Passenger Fares (Amending)	1/2; 1/2/3 (South Atlantic).
22185: R-10	014e	Computer Constructed Fares (Revalidating and Amending)	2; 2/3.
22122: R-4	014i	Special JT123 Escape Construction Rule (Revalidating and Amending).	1/2/3 (North Atlantic).
22222: R-16	014i	Special JT123 Escape Construction Rule (Revalidating and Amending).	1/2; 1/2/3 (Mid & South Atlantic).
R-5	014n	JT123 Construction Rule for Fares between the South Atlantic Area and TC3 (Revalidating and Amending).	1/2/3.
22122: R-5	014q	Adjustment of Fares (Revalidating and Amending)	1/2/3 (North Atlantic).
22185: R-17	047	General Applicability Resolution (New)	2; 2/3.
R-67	076z	Form of Application for Affinity Group Fares (New)	2; 2/3.
R-112	102	Passenger Expenses En Route (Revalidating and Amending)	2; 2/3; 1/2/3.
R-116	200h	Free and Reduced Fare Transportation for Inaugural Flights (Revalidating and Amending).	2; 2/3.

2. It is not found that the following resolutions, which are incorporated in the agreement indicated and which do not directly affect air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA number	Title	Application
22185: R-1	001b	TC2 Special Effectiveness Resolution (Tie-in)	2.
R-124	001b	TC2 Special Effectiveness Resolution (Tie-in)	2.
22222: R-2	002	Standard Revalidation-South Atlantic	1/2.
22185: R-4	002e	Standard Revalidation Resolution	2.
R-6	002e	Standard Revalidation Resolution	1/2/3.
22222: R-15	002e	Standard Revalidation Resolution	1/2; 1/2/3 (Mid and South Atlantic).
22185: R-7	002g	Standard Revalidation Resolution	2.
R-12	021f	Special Conversion Rates (Revalidating and Amending)	2.
R-20	052	TC2 First Class Fares	2.
22222: R-6	054c	South Atlantic Normal First Class Fares	1/2 (South Atlantic).
22185: R-27	060b	TC2 Mixed Class Aircraft Night Service (Readopting)	2.
R-29	062	TC2 Economy Class Fares	2.
22222: R-8	064c	South Atlantic Economy Class Fares	1/2 (South Atlantic).
22185: R-39	071j	TC2 10-Day Excursion Fares—TC2 to Shiraz (New)	2.
R-110	096a	TC2 Class "B" Fares, Within Europe (Readopting and Amending).	2.
R-111	096c	TC2 Middle East Class "B" Fares (Revalidating and Amending)	2.
22222: R-17	310	Free Baggage Allowance (Revalidating and Amending)	1/2; 1/2/3 (South Atlantic).
22185: R-121	311d	Charges for Golfing Equipment (Readopting)	2.
R-122	311e	Charges for Bulky Baggage (Readopting)	2.
R-123	311g	Charges for Angling Equipment—United Kingdom/Ireland (Readopting).	2.

3. It is not found that the following resolutions, incorporated in the agreement indicated, affect air transportation as defined by the Act.

[1] Agreement CAB 22051, R-8 and R-28.

[2] Agreement CAB 22122, R-1; R-4; and R-5.

[3] Agreement CAB 22185, R-1 through R-4; R-6 through R-12; R-17; R-20; R-27; R-29; R-34 through R-39; R-41 through R-62; R-65 through R-67; R-69; R-70; R-73, R-74; R-76 through R-84; R-86; R-87; R-89, R-90; R-92; R-94 through R-103; R-105 through R-112; R-115; R-116; R-119; and R-121 through R-146.

[4] Agreement CAB 22222, R-1 through R-6; R-8; and R-9 through R-17.

Agreement CAB	IATA number	Title	Application
22222:			
R-3	002s	Special Revalidation Resolution—South Atlantic (New)	1/2 (South Atlantic).
22185:			
R-11	014s	Special Fares to/from U.K. (Revalidating and Amending)	2.
R-34	070c	TC2 Calais/Southend Air-Sea Excursion Fares (Readopting)	2.
R-35	070g	TC2 14-Day Holiday Fares, Switzerland to England (Readopting and Amending).	2.
22051:			
R-8	070i	TC1 21-Day Excursion Fares, Canada-Bermuda/Caribbean (Revalidating and Amending).	1.
R-28	070iII	TC1 21-Day Excursion Fares, Canada-Bermuda/Caribbean (Amending).	1.
22185:			
R-125	070j	TC2 90-Day Excursion Fares, Southern Africa to Europe/Middle East (Revalidating and Amending).	2.
R-126	070k	TC2 90-Day Excursion Fares-U.K./Ireland to Southern Africa (Revalidating and Amending).	2.
R-127	070m	TC2 45-Day Excursion Fares Europe/Middle East to Mozambique (Revalidating and Amending).	2.
R-36	070q	TC2 8-Day Round Trip Fares, Ireland to U.K. (Readopting)	2.
R-128	070r	TC2 45-Day Excursion Fares Southern Africa to Europe/Middle East (Revalidating and Amending).	2.
R-129	070rr	TC2 45-Day Excursion Fares Europe/Middle East to Southern Africa (Revalidating and Amending).	2.
R-130	070s	TC2 40- and 45-Day Excursion Fares, Africa to Europe/Middle East (Revalidating and Amending).	2.
R-131	070w	TC2 90-Day Excursion Fares, U.K./Ireland-Central Africa (Revalidating and Amending).	2.
22222:			
R-9	070y	South Atlantic 60-Day Economy Class Excursion Fares (Revalidating and Amending).	1/2.
22185:			
R-37	071a	JT23 120-Day Creative Fares from Bahrein, Basra, Dhahran, Doha, Dubai and Kuwait to India, Pakistan and Ceylon (Revalidating and Amending).	2/3.
R-38	071c	JT23 90-120-Day Excursion Fares, U.K. to India/Pakistan/Ceylon/Afghanistan/Nepal (New).	2/3.
R-132	071g	TC2 30-Day Excursion Fares, Madrid/Santa Isabel (New).	2.
R-133	071h	TC2 65-Day Excurison Fares, East Africa/Mauritius to Europe (New).	2.
R-134	071k	TC2 50-Day Excursion Fares—Africa to Europe (New).	2.
R-135	071m	TC2 30-Day Excursion Fares—Africa/Middle East to Europe (New).	2.
R-41	072b	TC2 Creative Fares—Except Europe (Revalidating and Amending).	2.
R-42	072d	TC2 Creative Fares, Europe-Middle East (Readopting and Amending).	2.
R-43	072e	TC2 Creative Fares, U.K./Ireland to Israel (Readopting).	
R-44	072g	TC2 Creative Fares Board—Europe (Readopting and Amending).	2.
R-45	072h	TC2 Fly/Drive Package, United Kingdom-Ireland (Revalidating and Amending).	2.
R-46	072i	TC2 Creative and Inclusive Tour Fares to Spain/Portugal (New).	2.
R-47	073a	TC2 Night Fares, Salisbury-Bulawayo-Johannesburg (Revalidating and Amending).	2.
R-48	073b	TC2 Night Emigrant Fares, Nicosia to London (Readopting and Amending).	2.
R-49	073c	TC2 Creative Fares, U.K./Ireland-Nicosia (Readopting and Amending).	2.
R-50	073e	TC2 35-Day Individual and Group Fares, U.K. to Nicosia (Readopting and Amending).	2.
R-51	073f	TC2 Night Creative Fares, London-Amman/Beirut/Cairo/Damascus (Readopting and Amending).	2.
R-52	073g	TC2 Night Creative Fares, Nicosia-Czechoslovakia (New)	2.
R-53	075a	TC2 Common Interest Group Fares (Readopting)	2.
R-54	075b	TC2 Common Interest Group Fares (Amending)	2.
R-55	075c	TC2 Common Interest Group Fares (Readopting)	2.
R-56	075d	TC2 Group Travel Discount for Artists, Sportsmen and Supporters (Revalidating and Amending).	2.
R-136	075e	East Africa-Aden Group Fares (Revalidating and Amending)	2.
R-57	075k	TC2 30-Day Group Night Fares, Nicosia to London (New)	2.
R-58	075n	TC2 Common Interest Group Fares, Iceland-Scandinavia, Finland (New).	2.
R-59	075p	JT23 45-Day Group Fares, Mauritius to Bombay (Revalidating and Amending).	2/3.
R-60	075q	TC2 Common Interest Group Fares-Europe (New)	2.
R-61	076b	TC2 8-Day Affinity Winter Group Fares-Europe to Israel (Readopting).	2.
R-62	076bb	TC2 8-Day Affinity Winter Group Fares-Europe to Middle East (Readopting and Amending).	2.
R-65	076k	Affinity Group Fares, Ethiopia to Europe/Middle East and Within Africa (Revalidating and Amending).	2.
R-66	076L	TC2 1-Month Affinity Group Fares-Athens/Nicosia (New)	2.
22222:			
R-10	076r	South Atlantic Affinity Group Fares (New)	1/2 (South Atlantic).
22185:			
R-69	077a	TC2 Group Fares for Seamen (Revalidating and Amending)	2.
22222:			
R-11	077e	South Atlantic Individual Fares for Seamen (New)	1/2 (South Atlantic).
22185:			
R-70	077g	TC2 Individual Fares for Seamen (New)	2.
R-137	080	TC2 45-Day Individual Inclusive Tour Fares—Europe/Middle East to West Africa (Revalidating and Amending).	2.
R-138	080a	TC2 1-Month Individual Inclusive Tours—Europe/Middle East to West Africa (Revalidating and Amending).	2.
R-73	080c	TC2 Individual Inclusive Tour Fares—East European (Readopting and Amending).	2.
R-74	080g	TC2 1-Month Individual Inclusive Tour Fares—Europe to Middle East (Readopting and Amending).	2.
R-76	080j	TC2 1-Month Individual Inclusive Tour Fares, Europe to Israel (Readopting and Amending).	2.
R-77	081a	TC2 45-Day Group Inclusive Tour Fare, Israel to Europe (Readopting and Amending).	2.
R-78	081b	45-Day Group Inclusive Tour Fares—Scandinavia/Finland to TC3 (Revalidating and Amending).	2.
R-79	081c	TC2 Group Inclusive Tour Fares, Europe to Israel/Iran (Readopting).	2.
R-80	081cc	TC2 Group Inclusive Tour Fares, Europe to Middle East (Excluding Israel) (Readopting).	2.
R-81	081d	TC2 Group Inclusive Tour Fares, Europe to Israel (Readopting and Amending).	2.
R-82	081e	TC2 Group Inclusive Tour Fares, Europe to Middle East (Excluding Israel).	2.
R-83	081f	TC2 Group Inclusive Tour Fares—Within Africa (New)	2.
R-84	081g	TC2 Group Inclusive Tour Fares, Europe to Greece/Turkey (Readopting and Amending).	2.
22222:			
R-12	081k	South Atlantic 28-Day Group Inclusive Tour Fares	1/2 (South Atlantic).
22185:			
R-86	081m	TC2 Group Inclusive Tour Fares, Scandinavia/Finland to Israel (Readopting and Amending).	2.
R-87	081mm	TC2 Group Inclusive Tour Fares, Scandinavia/Finland to Points in the Middle East (Excluding Israel) (Readopting and Amending).	2.
R-139	081p	TC2 1-Month Group Inclusive Tour Fares—Europe/Middle East to Africa (Revalidating and Amending).	2.
R-140	081pp	One-Month Special Group Inclusive Tour Fares-Europe/Middle East to Africa (Revalidating and Amending).	2.
R-141	081q	TC2 1-Month Group Inclusive Tour Fares, Europe/Middle East to West Africa and West Central Africa (Revalidating and Amending).	2.
R-89	081r	TC2 45-Day Group Inclusive Tour Fares, Middle East to Europe (Readopting and Amending).	2.
R-90	081s	TC2 45-Day Group Inclusive Tour Fares, Iran to Europe (Readopting and Amending).	2.
R-142	081u	TC2 1-Month Group Inclusive Tour Fares, Europe/Middle East to West Africa and West Central Africa (Revalidating and Amending).	2.
22185:			
R-143	081v	One-Month Group Inclusive Tour Fares-Africa to Middle East (Revalidating and Amending).	2.
R-144	081w	TC2 1-Month Group Inclusive Tour Fares-Southern Africa to Europe/Middle East (Revalidating and Amending).	2.
R-92	081x	30-Day Group Inclusive Tour Fares-Afghanistan to East Africa and Ethiopia (Revalidating and Amending).	2/3.
R-94	085	TC2 Night Bulk Inclusive Tour Fares, Ireland and U.K. to Europe, and return (Readopting).	2.
R-95	086	Tour Operators' Package (TOP) Fares to Europe (New)	2.

Agreement CAB	IATA number	Title	Application
R-96	086a	TC2 Inclusive Tour Arrangements from U.K. to Spain (Excluding Madrid) (New).	2.
R-97	090a	TC2 60-Day Pilgrim Fares—Middle East (Revalidating)	2.
R-98	090b	JT23 35- and 60-Day Pilgrim Fares (Revalidating and Amending)	2/3.
R-99	091b	TC2 Family Fares between Points in Middle East and between Libya and the Middle East (Revalidating and Amending).	2.
R-100	091e	TC2 Family Fares, Ireland to United Kingdom (Readopting and Amending).	2.
R-101	091g	TC2 Family Fares—Within Africa (Revalidating and Amending)	2.
R-102	091h	JT23 Family Fares—Mauritius to India (Revalidating and Amending).	2/3.
R-103	091i	TC2 Family Fares—Europe to Middle East (New)	2.
22222:			
R-13	092	Student Fares (Revalidating and Amending)	1/2; 1/2/3 (South Atlantic).
22185:			
R-105	092b	TC2 Student Fares, London-Nicosia (Readopting and Amending)	2.
R-106	092c	TC2 Youth Fares—Europe (Readopting and Amending)	2.
R-107	092d	JT23 Youth Fares, Australia/New Zealand-Europe (Revalidating and Amending).	2/3; 1/2/3.
R-108	093	TC2 Teachers Fare (Revalidating and Amending)	2.
R-109	094b	Emigrant Fares—Malta-London (Readopting and Amending)	2.
22222:			
R-14	094c	Emigrant Fares—Portugal to Brazil (Revalidating and Amending)	1/2 (South Atlantic).
22185:			
R-115	154a	Air/Surface Transportation Charges (Revalidating and Amending)	2.
R-119	311a	Charges for Specific Baggage Items (Readopting)	2.

Accordingly, it is ordered, That:

1. Action on those portions of Agreements CAB 22122, 22185, and 22222 set forth in finding paragraph 1 above be and hereby is deferred with a view toward eventual approval; and

2. Those portions of Agreements CAB 22051, 22185, and 22222 set forth in finding paragraphs 2 and 3 above be and hereby are approved.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-3898 Filed 3-22-71;8:45 am]

[Dockets Nos. 19563, 21857; Order 71-3-83]

ROSS AVIATION, INC.

Order To Show Cause

Issued under delegated authority March 15, 1971.

A final service mail rate for the transportation of mail by aircraft, established by Order 70-5-104, May 21, 1970, in Docket 21857, 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 Poteau and Oklahoma City, via McAlester, Okla.

The Postmaster General filed a petition on March 1, 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 47.15 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 March 1, 1971, to Ross Aviation, 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 47.15 cents per great circle aircraft mile between Poteau and Oklahoma City, via McAlester, Okla.

2. This final rate, to be paid entirely by the Postmaster General, is based on five round trips per week flown with Piper PA-30 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. Ross Aviation, Inc., the Postmaster General, 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 fixed 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., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-3942 Filed 3-22-71;8:49 am]

[Dockets Nos. 19567, 21857; Order 71-3-96]

ROSS AVIATION, INC.

Order To Show Cause

Issued under delegated authority March 17, 1971.

A final service mail rate for the transportation of mail by aircraft, established by Order 70-5-104, May 21, 1970, in Docket 21857, 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 Ponca City and Oklahoma City, via Enid, Okla.

The Postmaster General filed a petition on March 1, 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 58 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 March 1, 1971, to Ross Aviation, Inc. pursuant to

[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).

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 58 cents per great circle aircraft mile between Ponca City and Oklahoma City, via Enid, Okla.

2. This final rate, to be paid entirely by the Postmaster General, is based on five round trips per week flown with Piper PA-23-250 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. Ross Aviation, Inc., the Postmaster General, Frontier 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 ten 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 ten 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 and Frontier Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-3943 Filed 3-22-71;8:49 am]

[Docket 23208; Order 71-3-94]

TRANS-AIR FREIGHT SYSTEM

Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of March 1971.

By tariff revision[1] filed February 16, 1971, and marked to become effective March 19, 1971, Trans-Air Freight System, Inc. (Trans-Air), an air freight forwarder, proposes to increase its domestic excess valuation charge on all commodities from 15 to 30 cents for each $100 (or fraction thereof) by which the declared value of the shipment exceeds 50 cents per pound or $50 per shipment, whichever is greater. Most major forwarders have an excess valuation charge of 15 cents per $100. The Board has consistently suspended, pending investigation, proposed increases above this level, absent a showing that excess valuation charges do not cover the losses stemming from excess valuation declarations.[2]

Trans-Air has provided no data on the relationship between revenues and losses attributable to declarations of excess valuation or otherwise supported the proposed increases.

Upon consideration of all relevant factors, the Board finds that the proposed excess valuation charges may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. We further conclude that the proposed rule 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. 15(E)(2) on Second Revised Page 7 of Trans-Air Freight Systems Inc.'s CAB No. 9 (Trans-Air System Inc. Series) 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. 15(E)(2) on Second Revised Page 7 of Trans-Air Freight System Inc.'s CAB No. 9 (Trans-Air System Inc. Series) are suspended and their use deferred to and including June 16, 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 proceeding herein designated as Docket 23208, be assigned before an examiner of the Board at a time and place hereafter to be designated; and

4. Copies of this order shall be filed with the tariffs and served upon Trans-Air Freight Systems, Inc., who 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.71-3944 Filed 3-22-71;8:49 am]

[1] Revision to Trans-Air Freight System (Trans-Air Freight System, Inc. Series) Tariff CAB No. 9.

[2] In recent actions, the Board suspended, pending investigation, increased excess valuation charges proposed by: (1) Shulman Air Freight (Order 69-5-78, May 19, 1969, and Order 69-9-107, Sept. 18, 1969); (2) Eagle Air Dispatch, Inc. (Order 69-10-155, Oct. 31, 1969); (3) Satellite Air Freight, Inc. (Order 70-10-92, Oct. 19, 1970); (4) Hop Air Freight Forwarder, Inc. (Order 70-11-84, Nov. 19, 1970), and (5) L.T.C. Air Cargo Inc. (Order 71-2-117, Feb. 26, 1971).

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 849]

J. S. ROSS CO.

Order of Revocation

By letter dated February 10, 1971, The J. S. Ross Co., d.b.a. John S. Ross, 17 Battery Place, New York, NY 10004, was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 849 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before March 10, 1971.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

The J. S. Ross Co. has failed to furnish a surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No 1 (revised) section 7.04(g) (dated 9-29-70).

It is ordered, That the Independent Ocean Freight Forwarder License of The J. S. Ross Co., John S. Ross d.b.a. be returned to the Commission for cancellation.

It is further ordered, That the Independent Ocean Freight Forwarder License of The J. S. Ross Co. be and is hereby revoked effective March 10, 1971.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon The J. S. Ross Co.

AARON W. REESE,
Managing Director.

[FR Doc.71-3930 Filed 3-22-71;8:47 am]

[Independent Ocean Freight Forwarder License No. 1283]

NEW VISTA CORP.

Order of Revocation

By letter dated January 8, 1971, Marshall Brownfield, President, New Vista

Corp., 5967 West Madison Street, Chicago, IL 60644, advised the Commission that New Vista Corp. had suspended operations and requested that Independent Ocean Freight Forwarder License No. 1283 be terminated without prejudice. On February 8, 1971, New Vista Corp. returned its Independent Ocean Freight Forwarder License.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised) section 7.04(g) (dated 9-29-70);

It is ordered, That the Independent Ocean Freight Forwarder License No. 1283 of New Vista Corp. be and is hereby revoked effective February 8, 1971, without prejudice to reapplication at a later date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon New Vista Corp., Post Office Box 1002, Santa Monica, CA 90406.

AARON W. REESE,
Managing Director.

[FR Doc.71-3931 Filed 3-22-71;8:47 am]

FEDERAL POWER COMMISSION

[Docket No. G-3732 etc.]

GETTY OIL CO. ET AL.

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

MARCH 12, 1971.

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

Any person desiring to be heard or to make any protest with reference to said applications should on or before April 8, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Acting Secretary.

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

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-3732 C 2-8-71 [1]	Getty Oil Co., Post Office Box 1404, Houston, TX 77001.	Natural Gas Pipeline Co. of America, La Gloria Field, Jim Wells and Brooks Counties, Tex.	[2] 16.48	14.65
G-3732 C 2-25-71 [1]	do	do	[2] 16.48	14.65
G-9357 C 2-26-71 [1]	Monsanto Co., 1300 Post Oak Tower Bldg., Houston, TX 77027.	do	16.7338	14.65
G-10033 C 2-18-71	Petroleum, Inc. (Operator) et al., 300 West Douglas, Wichita, KS 67202.	Cities Service Gas Co., Driftwood Field, Barber County, Kans.	15.0	14.65
G-11090 D 2-11-71	Gulf Oil Corp., Post Office Box 1589, Tulsa, OK 74102.	Panhandle Producing Co., West Panhandle Field, Hutchinson County, Tex.	Assigned	
G-11869 D 2-19-71	Mobil Oil Corp., Post Office Box 1774, Houston, TX 77001.	Lone Star Gas Co., Katie Field, Garvin County, Okla.	Assigned	
G-13828 E 2-24-71	Ashland Oil, Inc. (successor to Summit Energy, Inc.[3]), Post Office Box 18695, Oklahoma City, OK 73118.	Colorado Interstate Gas Co., a Division of Colorado Interstate Corp., Northwest Eva Field, Texas County, Okla.	[4] 18.015	14.65
G-14359 D 2-16-71	Texaco, Inc., Post Office Box 52332, Houston, TX 77052.	Northern Natural Gas Co., North Hutchinson and E. Spearman Fields, Hutchinson and Hansford Counties, Tex.	[5]	
G-16139 C 2-22-71	Gulf Oil Corp	Transwestern Pipeline Co., Panhandle Area, Hemphill County, Tex.	[6] 19.0 [7] [8] 20.5	14.65
G-16139 D 2-22-71	do	do	[9]	
CI61-735 D 2-8-71	Mobil Oil Corp	Texas Gas Transmission Corp., East Blackburn Field, Claiborne Parish, La.	Assigned	
CI62-872 E 12-17-70 as amended 1-22-71 [9]	Mallard Exploration, Inc. (successor to Mallard Petroleum, Inc.), 1306 V & J Tower, Midland, TX 79701.	Transwestern Pipeline Co., Atoka Field, Eddy County, N. Mex.	16.95	14.65
CI63-1049 D 2-12-71	Northern Natural Gas Producing Co., Post Office Box 1774, Houston, TX 77001.	El Paso Natural Gas Co., Basin-Dakota Field, San Juan County, N. Mex.	Assigned	
CI63-1049 D 2-19-71	do	do	Assigned	
CI63-1050 D 2-12-71	do	do	Assigned	
CI63-1050 D 2-19-71	do	do	Assigned	
CI63-1051 D 2-8-71	do	do	Assigned	
CI63-1051 D 2-12-71	do	do	Assigned	
CI64-385 [10] C 2-16-71 [1]	Grampian Co., Ltd., Suite 1300, 1407 Main St., Dallas, TX 75202.	Natural Gas Pipeline Co. of America, La Gloria Field, Jim Wells and Brooks Counties, Tex.	16.45	14.65
CI64-783 E 2-10-71	Aztec Oil & Gas Co., (successor to N. A. Steed (Operator) et al.), 2000 First National Bank Bldg., Dallas, TX 75202.	El Paso Natural Gas Co., San Juan Basin, San Juan County, N. Mex.	[11] 14.0536	15.025
CI64-1124 [10] C 2-16-71 [1]	Ruth Phillips Bisiker, Suite 1300, 1407 Main St., Dallas, TX 75202.	Natural Gas Pipeline Co. of America, La Gloria Field, Jim Wells and Brooks Counties, Tex.	16.45	14.65
CI66-438 [10] D 2-18-71	Shell Oil Co., 1 Shell Plaza, Houston, TX 77002 (partial abandonment).	Michigan Wisconsin Pipe Line Co., West Gueydan Field, Vermilion Parish, La.	Depleted	
CI66-794 D 2-10-71	Texaco, Inc	Transwestern Pipeline Co., Mendota-Cree Field, Roberts County, Tex.	[12]	
CI67-977 D 2-16-71	Mobil Oil Corp	Panhandle Eastern Pipe Line Co., Mocane Field, Beaver County, Okla.	Assigned	
CI67-1850 E 2-4-71	Read & Stevens, Inc. (successor to Charles B. Read (Operator) et al.), Box 2126, Roswell, NM 88201.	Transwestern Pipeline Co., Atoka Penn Pool, Eddy County, N. Mex.	[13] 14.89 [14] 17.11	14.65
CI70-295 (G-17206) F 1-28-71 [15]	Odessa Natural Corp.[16] (successor to El Paso Products Co.), Post Office Box 3986, Odessa, TX 79760.	El Paso Natural Gas Co., Basin Dakota Pool, San Juan County, N. Mex.	[17] 14.0536	15.025
CI70-655 [10] 1-27-71 [18]	Ada Land Co. (Operator) et al., Post Office Box 844, Houston, TX 77001.	Southern Natural Gas Co., Kokomo Field, Walthall County, Miss.	20.6	15.025
CI71-462 (G-13416) F 12-4-70 [19]	Suerte Oil Co. et al. (successor to Skelly Oil Co.), 3734 South Darlington, Tulsa, OK 74135.	Northern Natural Gas Co., acreage in Meade County, Kans.	16.0	14.65
CI71-573 (G-6600) A&E 2-8-71	Emmett J. Rahm (successor to Francitas Gas Co. (Operator) et al.), 714 Alamo National Bldg., San Antonio, TX 78205.	United Gas Pipe Line Co., Hordes Creek Field, Goliad County, Tex.	[20] 18.3	14.65

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

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI71-578 (G-17977) F 2-8-71	Davis Oil Co. (successor to Pan American Petroleum Corp.), 340 Oil and Gas Bldg., New Orleans, LA 70112.	Transco ntinental Gas Pipe Line Corp., Thibodaux Field, Lafourche Parish, La.	[21] 22.375	15.025
CI71-579 (G-13233) F 2-8-71	do	do	[21] 22.375	15.025
CI71-580 B 2-8-71	Getty Oil Co	Transcontinental Gas Pipe Line Corp., La Gloria Field, Brooks and Jim Wells Counties, Tex.	[22]	
CI71-581 A 2-10-71	W. A. Moncrief, Moncrief Bldg., 9th and Commerce, Fort Worth, TX 76102.	El Paso Natural Gas Co., Moncrief-Masten Devonian Field, Cochran County, Tex.	[23] 22.0	14.65
CI71-582 A 2-16-71	Petrodynamics, Inc. (Operator) et al., c/o Robert E. McCormack, Attorney, Suite 102, 5963 East 31st St., Tulsa, OK 74135.	Panhandle Eastern Pipe Line Co., Northwest Avard Field, Woods County, Okla.	[24] 20.0	14.65
CI71-584 A 2-16-71	J. Lee Youngblood (Operator) et al., 1965 First National Bank Bldg. Dallas, TX 75202.	Northern Natural Gas Co., Tiger Ridge Field, Hill County, Mont.	15.5	14.65
CI71-585 A 2-16-71	Prentice Oil & Gas Co., Post Office Box 1030, Houma, LA 70360.	United Gas Pipe Line Co., acreage in Terrebonne Parish, La.	26.0	15.025
CI71-586 B 2-16-71	Sun Oil Co., Post Office Box 2880, Dallas, TX 75221.	Lone Star Gas Co., Katie Field, Garvin County, Okla.	Depleted	
CI71-587 B 2-17-71	Gulf Oil Corp	Cities Service Gas Co., North Waterloo Field, Logan County, Okla.	Depleted	
CI71-588 (CI67-1693) F 2-12-71	Hall-Jones Oil Corp. (successor to Union Texas Petroleum, a division of Allied Chemical Corp.), 1704 Liberty Bank Bldg., Oklahoma City, OK 73102.	Panhandle Eastern Pipe Line Co., Waynoka Field, Woods County, Okla.	[25] 17.0	14.65
CI71-589 B 2-16-71	Grampian Co., Ltd., Suite 1300, 1407 Main St., Dallas, TX 75202.	Transcontinental Gas Pipe Line Corp., La Gloria Field, Jim Wells and Brooks Counties, Tex.	[22]	
CI71-590 B 2-16-71	Ruth Phillips Bisiker, Suite 1300, 1407 Main St., Dallas, TX 75202.	do	[22]	
CI71-591 A 2-18-71	Jones & Pellow Oil Co., 101 Northeast 26th St., Oklahoma City, OK 73105.	Michigan Wisconsin Pipe Line Co., acreage in Harper County, Okla.	[24] 20.0	14.65
CI71-593 A 2-19-71	The California Co., a division of Chevron Oil Co. (Operator) et al., 1111 Tulane Ave., New Orleans, LA 70112.	Texas Gas Transmission Corp., South Bosco Field, Acadia, Lafayette, and St. Landry Parishes, La.	26.0	15.025
CI71-594 A 2-19-71	Tenneco Oil Co., Post Office Box 2511, Houston, TX 77001.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., South Timbalier Block 196 Field, Offshore Louisiana.	[24] 26.0	15.025
CI71-595 A 2-19-71	do	Tennessee Gas Pipeline Co., a division of Tenneco Inc., East Cameron Block 265 Field, Offshore Louisiana.	[26] 26.0	15.025
CI71-596 A 2-19-71	do	Trunkline Gas Co., Block 196 Field, South Timbalier Area, Offshore Louisiana.	[24] 26.0	15.025
CI71-597 (G-16224) F 2-18-71	Texaco, Inc. (successor to Skelly Oil Co.).	Northern Natural Gas Co., Hugoton-Friend Field, Finney County, Kans.	10.13	14.65
CI71-598 (G-14959) F 2-22-71	do	do	10.13	14.65
CI71-599 B 2-22-71	Freddie Morgan Field, Administratrix (Operator) et al., c/o Morgan Petroleum Co., Liberty Bank Bldg., Oklahoma City, OK 73102.	Northern Natural Gas Co., Gate Lake Field, Beaver County, Okla.	Depleted	
CI71-600 A 2-22-71	Lario Oil & Gas Co. (Operator) et al., 301 South Market St., Wichita, KS 67202.	El Paso Natural Gas Co., acreage in Pecos County, Tex.	22.0	14.65
CI71-601 B 2-22-71	Isaac Arnold et al., 500 Jefferson Bldg., Houston TX 77002.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Lower Mud Lake Field, Cameron Parish, La.	Depleted	
CI71-602 B 2-19-71	American Petrofina Co. of Texas (Operator) et al., c/o Walker W. Smith, Attorney, Post Office Box 2159, Dallas, TX 75221.	Banquete Gas Co., a division of Crestmont Oil & Gas Co., Plymouth and East Taft Fields, San Petricio County, Tex.	[27]	
CI71-603 A 2-22-71	Davis Oil Co. et al	United Fuel Gas Co., Valentine Field, Lafourche Parish, La.	27.5	15.025
CI71-604 B 2-23-71	Edwin L. Cox (Operator) et al., 3800 First National Bank Bldg., Dallas TX 75202.	United Gas Pipe Line Co., South Bancroft Field, Beauregard Parish, La.	Depleted	
CI71-605 A 2-23-71	Hanson Oil Corp., Post Office Box 1515, Roswell, NM 88201.	El Paso Natural Gas Co., Pecos Valley (McKee) Field, Pecos County, Tex.	[28] 22.0 [29] 16.0	14.65
CI71-606 (CI65-534) (G-15516) F 2-25-71	Jerome P. McHugh et al. (successor to Thomas A. Dugan and Occidental Petroleum Corp.), 930 Petroleum Club Bldg., Denver, CO 80202.	El Paso Natural Gas Co., San Juan Basin, Rio Arriba County, N. Mex.	[30] 13.0 [31] 15.0619	15.025
CI71-607 A 2-24-71	The Louisiana Land and Exploration Co., Post Office Box 60350, New Orleans, LA 70160.	Transwestern Pipeline Co., acreage in Ward and Winkler Counties, Tex.	[24] 27.5	14.65
CI71-608 A 2-25-71	Diamond Shamrock Corp., Post Office Box 631, Amarillo, TX 79605.	Northern Natural Gas Co., acreage in Hemphill County, Tex.	[32] 20.5 [24 33] 21.5	14.65
CI71-609 (CI63-1388) F 2-22-71	Davis Oil Co. et al. (successor to Mobil Oil Corp.).	United Fuel Gas Co., Valentine Field, Lafourche Parish, La.	21.1	15.025
CI71-610 (CI70-520) F 2-24-71	Oleum Inc. (Operator) et al. (successor to Nichols Drilling Co. et al.), Post Office Drawer 2232, Longview, TX 75601.	Panhandle Eastern Pipe Line Co., Rhoades Field, Barber County, Kans.	16.0	14.65
CI71-611 B 2-26-71	Monsanto Co. et al	Transcontinental Gas Pipe Line Corp., La Gloria Field, Brooks and Jim Wells Counties, Tex.	[22]	

[1] Amendment to certificate filed to increase daily contract quantities.
[2] Includes 0.25 cent per Mcf dehydration charge.
[3] Successor in interest to Western Oil Fields, Inc.
[4] Rate in effect subject to refund in Docket No. RI65-641.
[5] Deletes acreage due to expiration of lease.
[6] Casinghead gas.
[7] Gas-well gas.
[8] Contract provides for rate of 26.1138 cents per Mcf; however, by letter filed Mar. 1, 1971, applicant agreed to accept certificate authorization conditioned to initial rates consistent with Opinion No. 586.
[9] Change in operator.
[10] No permanent certificate issued—temporary authorization granted only.
[11] Rate in effect subject to refund in Docket No. RI64-566.
[12] Deletes nonproductive acreage.
[13] Old gas-well gas.
[14] New gas-well gas.
[15] Partial succession and name change.
[16] Formerly El Paso Oil & Gas Co.
[17] Rate in effect subject to refund in Docket No. RI64-460.
[18] Amendment to application filed to include interest of coowners.
[19] Application previously noticed Jan. 12, 1971, in Docket No. G-4616, et al. at a total initial rate of 15 cents per Mcf.
[20] Predecessor's rate is 13.1664 cents per Mcf.
[21] Rate in effect subject to refund in Docket No. RI71-638. Contract provides for rate of 27.5 cents per Mcf.
[22] Terms of contract with Transcontinental terminates Apr. 1, 1971, and applicant's reserves have been dedicated to a contract with Natural Gas Pipeline Company of America.
[23] Contract provides for rate of 26.5 cents per Mcf; however, Applicant states its willingness to accept certificates at 22 cents per Mcf.
[24] Subject to upward and downward B.t.u. adjustment.
[25] Subject to upward B.t.u. adjustment.
[26] Contract provides for rate of 27.5 cents per Mcf; however, applicant agrees to accept certificate at 26 cents per Mcf.
[27] Uneconomical for purchaser to operate gathering system.
[28] Gas-well gas.
[29] Casinghead gas.
[30] For acreage acquired from Occidental Petroleum Corp.
[31] For acreage acquired from Thomas A. Dugan. Rate in effect subject to refund in Docket No. RI69-627.
[32] For gas delivered at the wellhead.
[33] For gas delivered at the central delivery point after gathering by applicant. Price includes 1 cent per Mcf gathering charge.

[FR Doc.71-3851 Filed 3-22-71;8:45 am]

[Docket No. CS71-218, etc.]

PEARL G. CAMPBELL ET AL.

Notice of Applications for "Small Producer" Certificates [1]

MARCH 16, 1971.

Take notice that each of the applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from areas for which just and reasonable rates have been established, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before April 9, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Acting Secretary.

Docket No.	Date filed	Name of applicant
CS71-218	10-30-70	Pearl G. Campbell, Valle Verde, Apartment 1202C, 900 Calle de Los Amigos, Santa Barbara, CA 95103.
CS71-219	2-12-71	R. W. Adams & Son, 701 Amarillo Bldg., Amarillo, TX 79101.
CS71-220	2-12-71	Adams & McGahey, 701 Amarillo Bldg., Amarillo, TX 79101.
CS71-221	2-22-71	C. A. Powell and D. J. Stone d.b.a. Powell & Stone, 217 Town & Country Village, Palo Alto, CA 94301.
CS71-222	2-22-71	R. J. Bean, c/o Jerry F. Lyons, Attorney, Post Office Box 9158, Amarillo, TX 79105.
CS71-223	2-22-71	Deck Oil Co., 2702 Fourth National Bank Bldg., Tulsa, OK 74119.
CS71-224	2-26-71	E. D. Propps, 13163 Rummel Creek, Houston, TX 77024.
CS71-225	2-26-71	Haynie-Mayer, 260 Lincoln Tower Bldg., 1860 Lincoln St., Denver, CO 80203.
CS71-226	2-26-71	Betty M. Dean, 406 Wall Towers East, Midland, TX 79701.
CS71-227	2-26-71	American Gas Engineering Inc., Post Office Drawer O, San Antonio, TX 78211.
CS71-228	3- 1-71	Ferguson Oil Co., Inc., Suite 1115, 100 Park Ave. Bldg., Oklahoma City, OK 73102.
CS71-229	3- 2-71	Holt Brothers, Post Office Box 236, Pampa, TX 79065.
CS71-230	3 2-71	Minco Oil & Gas Co., Post Office Box 2317, Pampa, TX 79065.
CS71-231	3- 2-71	Danden Petroleum, Inc., Post Office Box 5084, Borger, TX 79007.
CS71-232	3- 2-71	R. W. Lange, Post Office Box 1034, Garden City, KS 67846.
CS71-233	3- 4-71	Paul E. Plummer, Jr., Agent for Paul E. Plummer et al., Post Office Box 236, Johnson, KS 67855.
CS71-234	3- 8-71	A. E. Herrmann Corp., 301 Amarillo Bldg., Amarillo, TX 79101.
CS71-235	3- 8-71	Nomoc Oil Co., Inc., 1041 Southeast 26th St., Box 94447, Oklahoma City, OK 73109.
CS71-236	3- 9-71	Hugh A. Hawthorne, Box 52429, OCS, Lafayette, LA 70501.

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

[FR Doc.71-3936 Filed 3-22-71;8:48 am]

[Docket No. RP71-91]

GRANITE STATE TRANSMISSION, INC.

Order Approving Rate Increase Without Suspension

MARCH 16, 1971.

On January 26, 1971, Granite State Transmission, Inc. (Granite State), proposed changes in its FPC Gas Tariff, Original Volume No. 1,[1] to become effective on March 17, 1971, without suspension. The proposed rate changes would increase jurisdictional revenues by $432,958 annually, based on sales for the 12-month period ended September 30, 1970, as adjusted.

Granite State asserts that the proposed rate increase is required to recoup an increase in the cost of purchased gas resulting from Tennessee Gas Pipeline Co.'s (Tennessee) rate filing in Docket No. RP71-6, which was suspended until March 17, 1971, by order issued October 13, 1970.

The cost of service data, filed with this application, utilizes a 7.72 percent overall rate of return, which Granite State claims is the overall return from actual operations for the 12 months ended September 30, 1970. On the capitalization as of January 15, 1971, an overall return of 7.72 percent results in a return of 8.33 percent on equity.[2]

In addition to the proposed changes in rates, Granite State has reflected certain minor changes in its proposed revised tariff sheets and has requested a waiver of the requirement of filing Statement P (testimony) and of any other requirement of section 154, which is necessary to permit the proposed increased rates to become effective on March 17, 1971.

Granite State asserts that the proposed rate increase is required to recoup an increase in the cost of purchased gas resulting from Tennessee Gas Pipeline Co.'s (Tennessee) rate filing in Docket No. RP71-6, which was suspended until March 17, 1971, by order issued October 13, 1970, and states that it will flow-through the jurisdictional portion of any refunds or rate reductions received from Tennessee as a result of further Commission action in Tennessee's rate proceedings in Dockets Nos. RP71-6 and RP71-57.

Upon analysis and review of the data contained in Granite State's filing, it has been determined that there is no basis for making any adjustment to Granite State's cost of service.

We are of the view that a 7.72 percent overall rate of return for Granite State is not unreasonable and the proposed rates should be permitted to go into effect as requested on March 17, 1971.

The Commission orders:

(A) The rates proposed by Granite State are approved, and the revised tariff sheets contained in the application are permitted to go into effect on March 17, 1971: *Provided, however,* That Granite State shall flow through the jurisdictional portion of any refunds, together with interest received thereon, and any rate reduction received from Tennessee.

(B) The requirements of section 154 are hereby waived to the extent necessary to permit the proposed revised tariff sheets to become effective as provided above.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[1] First Revised Sheets Nos. 2, 3, 18, 21, and 51; Second Revised Sheets Nos. 5 and 6; Third Revised Sheets Nos. 4, 7, 8, and 9.

[2] See the following table:

	Outstanding	Percent	Cost (percent)	Weighted cost (percent)
Long-term debt	$1,170,000	59.37	7.30	4.34
Common equity	800,639	40.63	8.33	3.38
Total	1,970,639	100.00		7.72

[FR Doc.71-3932 Filed 3-22-71;8:48 am]

[Docket No. CP71-219]

MONTANA-DAKOTA UTILITIES CO.

Notice of Application

MARCH 17, 1971.

Take notice that on March 15, 1971, Montana-Dakota Utilities Co., 400 North

Fourth Street, Bismarck, ND 58501, filed in Docket No. CP71-219 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon 36.2 miles of 12¾-inch pipeline in North Dakota and 9.4 miles of 12¾-inch pipeline in Montana and pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of equal lengths of 16-inch pipeline in North Dakota and Montana, the addition of one 1,100-horsepower compressor unit in Montana and two mainline regulator installations in North Dakota, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to replace 36.2 miles of 12¾-inch pipeline on its Cabin Creek to Bismarck Line, located in North Dakota, with an equal length of 16-inch pipeline, and to replace 9.4 miles of 12¾-inch pipeline on its Elk Basin to Billings Line, located in Montana, with an equal length of 16-inch pipeline. Applicant also proposes the installation and operation of one 1,100-horsepower centrifugal compressor unit at the Cabin Creek Compressor Plant, Montana, and two mainline regulator installations on the aforementioned Cabin Creek to Bismarck Line.

Applicant states that the purposes of the facilities proposed herein are to reduce maintenance costs, to provide for increased operating pressures and to increase gas flow capacity to existing markets. The estimated cost of the facilities proposed herein is $1,838,600 which cost applicant states will be financed by internally generated funds and/or short-term bank loans.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 12, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-3934 Filed 3-22-71;8:48 am]

[Docket No. E-7613]

OTTER TAIL POWER CO.

Notice of Application

MARCH 17, 1971.

Take notice that on March 8, 1971, Otter Tail Power Co. (applicant) of Fergus Falls, Minn., filed an application seeking an order, pursuant to section 204 of the Federal Power Act, authorizing the issuance of $16 million principal amount of First Mortgage Bonds, Series Due 2001.

The bonds are to be issued under the applicant's Indenture of Mortgage dated July 1, 1936, as amended and supplemented and as to be supplemented by a 29th Supplemental Indenture to be dated as of May 1, 1971. The interest rate of the bonds will be determined by competitive bidding pursuant to the Commission's regulations under the Federal Power Act. The bonds will not be redeemable prior to May 1, 1976, at the option of the company through a refunding which has an interest cost to the company less than the interest cost of the bonds.

A portion of the proceeds realized from the issuance and sale of the bonds will be used for the refunding of short-term borrowings from commercial banking institutions incurred in 1970 and 1971 to pay the expense of the company's construction program, with the remaining proceeds to be used to defray a portion of the company's construction program during the balance of 1971.

Any person desiring to be heard or to make any protest with reference to such application should, on or before April 6, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-3935 Filed 3-22-71;8:48 am]

[Docket No. CP68-208]

SOUTHWEST GAS CORP.

Notice of Petition To Amend

MARCH 16, 1971.

Take notice that on March 10, 1971, Southwest Gas Corp. (petitioner), Post Office Box 1450, Las Vegas, NV 89101, filed in Docket No. CP68-208 a petition to amend the Commission's order issued August 20, 1968 (40 FPC 321), issuing a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, in said docket by authorizing certain modifications in design to one of the compressor stations and extending the time in which to complete the authorized facilities and place them into actual operation, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The aforementioned order authorized, inter alia, the construction of a new compressor station at Paradise Valley, Nev. This station was to include two 1,100-horsepower compressor units. Petitioner proposes herein to install one 2,200-horsepower compressor unit in place of the two units heretofore authorized. Petitioner states that the operation of this 2,200-horsepower unit will increase the engine efficiency with an attendant lower horsepower unit cost. Petitioner also requests an extension of time until October 31, 1971, of the time within which to complete and place into actual operation the subject facilities.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 6, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-3937 Filed 3-22-71;8:48 am]

FEDERAL RESERVE SYSTEM

FIRST BANC GROUP OF OHIO, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of First Banc Group of Ohio, Inc., Columbus, Ohio, for approval of acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The Citizens National Bank of Wooster, Wooster, Ohio.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First Banc Group of Ohio, Inc., Columbus, Ohio (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of a new national bank into which would be merged The Citizens National Bank of Wooster, Wooster, Ohio (Bank). The new national bank has significance only as a means of acquiring all of the shares of the bank to be merged into it; the proposal is therefore treated as one to acquire shares of The Citizens National Bank of Wooster.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and requested his views and recommendation. The Comptroller offered no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on January 30, 1971 (36 F.R. 1495) providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

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

Applicant, the eighth largest banking organization is Ohio, controls seven banks with deposits of approximately $584 million, representing less than 3 percent of total commercial bank deposits in the State. (All banking data are as of June 30, 1970, adjusted to reflect holding company formations and acquisitions approved by the Board to date.) The acquisition of Bank, with deposits of $19.3 million, would increase applicant's control of deposits in the State less than 0.1 percent.

Bank is located 60 miles south-southwest of Cleveland, in Wayne County, and is the fourth largest bank in the county controlling about 14 percent of its deposits. Applicant's nearest subsidiary to Bank is located 32 miles to the west and one county, served by 12 offices of five banks, intervenues between the two. It apppears that no present competition exists between any of applicant's subsidiaries and Bank. On the facts of record and in the light of Ohio's branching restrictions, it appears unlikely that consummation of the proposal herein would foreclose potential competition. Based upon this record, the Board concludes that consummation of the proposed acquisition would have no significant adverse effect on competition in any relevant area.

The banking factors as they pertain to Applicant and Bank are consistent with approval of the application. Considerations relating to the convenience and needs of banking customers in Wayne County lend some weight in favor of approval of the application. Although the needs of those customers are presently being served, consummation of the acquisition will enable Bank to offer an additional competitive alternative for such services as trust and credit card services. It is the Board's judgment that the proposed transaction would be in the public interest and should be approved.

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

By order of the Board of Governors,[1] March 17, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-3918 Filed 3-22-71;8:46 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4192]

CANADIAN JAVELIN LTD.

Order Suspending Trading

MARCH 17, 1971.

The common stock, no par value, of Canadian Javelin Ltd. being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin Ltd. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15 (c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange, and trading otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 17, 1971, through March 26, 1971.

By the Commission.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-3923 Filed 3-22-71;8:47 am]

[812-2801]

CONNECTICUT GENERAL LIFE INSURANCE CO. ET AL.

Notice of Application for Order Granting Exemption

MARCH 17, 1971.

In the matter of Connecticut General Life Insurance Co., CG Variable Annuity Account I and CG Equity Sales Co., Hartford, Conn. 06115; 812-2801.

Notice is hereby given that Connecticut General Life Insurance Co. (CG Life), CG Variable Annuity Account I (VAA-I), and CG Equity Sales Co. (Equity Sales) (hereinafter collectively called Applicants) have filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (Act), for an order of the Commission exempting Applicants from section 22(d) of the Act to the extent specified herein. VAA-I is a unit investment trust registered under 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.

CG Life has established VAA-I as a separate account under the laws of Connecticut in order to issue certain variable annuity contracts designed for use in connection with pension, profit-sharing or annuity purchase plans qualifying for special tax treatment under sections 401 or 403(b) of the Internal Revenue Code of 1954, as amended (Code). Equity Sales, a registered broker-dealer under the Securities Exchange Act of 1934, is the principal underwriter of the variable annuity contracts participating in VAA-I.

Under VAA-I's periodic payment individual variable annuity contracts used in connection with an annuity purchase plan adopted pursuant to section 403(b) of the Code (Individual 403(b) Contract), a combined sales and administration charge is deducted from each purchase payment. During the first contract year, the charge is 12.50 percent

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

(11.50 percent sales and 1 percent administration expenses); during the second through fourth contract years the charge is 5.50 percent (4.50 percent sales and 1 percent administration expenses). Additional charges are made for administration expenses and for mortality and expense risks.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter shall sell any redeemable security to the public except at a current public offering price described in the prospectus. Exemption is requested from section 22(d) to permit a purchaser of an Individual 403(b) Contract to pay a sales and administration charge based upon the duration of his participation under both the Individual 403(b) Contract and any previously issued group variable annuity contract participating in VAA–I and purchased in connection with an annuity plan adopted pursuant to section 403(b) (Group 403(b) Contract).

Applicants assert that participants under Group 403(b) Contracts (primarily school teachers and employees of nonprofit organizations) frequently change employment and are thereby no longer eligible to continue to have payments made under the group contract. The requested exemption would permit such participants who wish to continue to have payments allocated to VAA–I through the purchase of an Individual 403(b) Contract to avoid the higher first year charges under such contract. Applicants state that imposition of such higher charges would serve as a deterrent to the participant's continuing his retirement plan with VAA–I.

Applicants further assert that the granting of the requested exemption would neither disrupt the orderly distribution of the Individual 403(b) Contracts nor create unfair price discrimination. Applicants state that the reduction in sales charge would be appropriate in view of their expectation that expenses associated with selling the Individual 403(b) Contracts to persons who have participated under Group 403(b) Contracts would be significantly less.

Section 6(c) of the Act authorizes the Commission to exempt any person, security or transaction from the provisions of the Act or any rule or regulation thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 5, 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 to the 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 Applicants at the address stated above. Proof of service (by affidavit or in case of an 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 matter 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.

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

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71–3924 Filed 3–22–71;8:47 am]

[70–5003]

POTOMAC EDISON CO.

Notice of Proposed Amendment of Charter, and Issue and Sale of First Mortgage Bonds and Cumulative Preferred Stock at Competitive Bidding

MARCH 17, 1971.

Notice is hereby given that the Potomac Edison Co. (Potomac), Downsville Pike, Hagerstown, MD 21740, a registered holding company and an electric utility subsidiary company of Allegheny Power System, Inc. (Allegheny), also a registered holding company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6 and 7 of the Act and Rule 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.

Potomac proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $20 million principal amount of First Mortgage and Collateral Trust Bonds, ------ percent series due 2001. The interest rate (which shall be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be paid to Potomac (which shall be not less than 100 percent or more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under an Indenture dated as of October 1, 1944, between Potomac and Chemical Bank, as trustee, as supplemented and as to be further supplemented by a supplemental indenture to be dated as of May 1, 1971, which includes a 5-year prohibition against redemption with or in anticipation of moneys borrowed at lower interest costs.

Potomac also proposes to amend its charter to increase the authorized shares of its Cumulative Preferred Stock by 50,000 shares and to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 50,000 shares of its authorized but unissued $---------- Cumulative Preferred Stock, Series F, par value $100 per share. The dividend rate (which shall be a multiple of 4 cents) and the price (exclusive of accrued dividends) to be paid to Potomac (which shall be not less than $100 or more than $102.75 per share), will be determined by the competitive bidding. The terms of the preferred stock include a 5-year prohibition against refunding the preferred stock, directly or indirectly, with funds derived from the issuance of debt securities at a lower effective interest cost or other preferred stock at a lower effective dividend cost.

The net proceeds from the issue and sale of the bonds and stock will be used for the construction program of Potomac and its subsidiary companies (including payment of $21,500,000 of short-term bank loans incurred therefor). Construction expenditures for the years 1971 and 1972 are currently estimated at $53 million and $50 million, respectively.

It is stated that the Maryland Public Service Commission has jurisdiction over the proposed issue and sale of the bonds and preferred stock by Potomac, and a copy of that Commission's order authorizing the same will be filed by amendment. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be incurred in connection with the transactions are estimated at $66,000 for the bonds and $26,000 for the preferred stock, including legal fees of $10,000 for the bonds and $6,000 for the preferred stock. The fees of counsel for the successful bidders, estimated at $9,500 with respect to the bonds and $5,500 with respect to the preferred stock, are to be paid by such bidders.

Notice is further given that any interested person may, not later than April 6, 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 applicant-declarant 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.71-3925 Filed 3-22-71;8:47 am]

TARIFF COMMISSION

[22-29]

CERTAIN CHEESES AND SUBSTITUTES FOR CHEESE

Notice of Investigation and Date of Hearing

At the request of the President (reproduced herein), the U.S. Tariff Commission, on the 17th day of March 1971, instituted an investigation under subsections (a) and (d) of section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624), to determine whether certain cheeses and substitutes for cheese described in the President's letter are being, or are practically certain to be, imported into the United States under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, the price-support programs of the U.S. Department of Agriculture for milk or to reduce substantially the amount of products processed in the United States from domestic milk, and to determine related questions as outlined in the President's letter.

The text of the President's letter of March 12, 1971, to the Commission follows:

I have been advised by the Secretary of Agriculture, and I agree with him, that there is reason to believe that certain Swiss or Emmenthaler cheese, Gruyere-process cheese, and cheese classified for tariff purposes as "Other" cheese are being imported, and are practically certain to be imported, under such conditions and in such quantities as to render or tend to render ineffective or materially interfere with the price support programs now conducted by the Department of Agriculture for milk, or to reduce substantially the amount of products processed in the United States from domestic milk.

Specifically, reference is made to the following articles:

1. Swiss or Emmenthaler cheese with eye formation; Gruyere-process cheese; and cheese and substitutes for cheese containing, or processed from, such cheeses; all the foregoing, if having a purchase price of 47 cents per pound or more.

2. Cheese, and substitutes for cheese, provided for in items 117.75 and 117.85, subpart C, part 4, schedule 1 of the TSUS (except cheese not containing cow's milk; cheese except cottage cheese, containing no butterfat or not over 0.5 percent by weight of butterfat; and articles within the scope of other import quotas provided for in part 3 of the appendix to the TSUS); all the foregoing, if having a purchase price of 47 cents per pound or more.

3. Cheese, and substitutes for cheese, containing 0.5 percent or less by weight of butterfat, provided for in items 117.75 and 117.85, subpart C, part 4, schedule 1 of the TSUS (except articles within the scope of other import quotas provided for in part 3 of the appendix to the TSUS); all the foregoing, if having a purchase price of 47 cents per pound or more.

("Purchase price" as used in the above descriptions refers to a price determined in accordance with headnote 3(a)(iii) of part 3 of the appendix to the Tariff Schedules of the United States.)

The U.S. Tariff Commission is therefore directed to make an immediate investigation under section 22 of the Agricultural Adjustment Act, as amended, to determine whether the above-described articles are being, or are practically certain to be, imported under such conditions and in such quantities as to render or tend to render ineffective or materially interfere with the price support programs now conducted by the Department of Agriculture for milk or to reduce substantially the amount of products processed in the United States from domestic milk.

It is also requested that the Commission consider the effects of imports of the above-described articles in various purchase price categories of 47 cents or more per pound. It is further requested that the Commission determine, in the event quantitative restrictions should be placed upon the importation of any such articles not now subject to quantitative limitations under section 22 of the Agricultural Adjustment Act, whether the contemplated action—

(a) Should establish separate quotas for such articles having a purchase price of 47 cents or more per pound; or

(b) Should combine the new restrictions with the existing provisions of items 950.10B through 950.10E of part 3 of the appendix to the Tariff Schedules of the United States with an increase in the existing quotas by the amounts of the quotas for any or all of the articles having a purchase price of 47 cents or more per pound; or

(c) Should adjust upward the level of any or all of the purchase prices specified in the existing provisions of items 950.10B through 950.10E with an increase in the existing quotas by the amounts of the quotas for any or all of the articles having a purchase price of 47 cents or more per pound.

In connection with (a) and (c) it is requested that the Commission determine whether the purchase prices should be derived from and fluctuate with the support price for milk rather than remain fixed as in the existing provisions.

The Commission should report its findings and recommendations on these matters to me at the earliest practicable date.

Hearing. A public hearing in connection with this investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, DC, beginning at 10 a.m., e.s.t., on April 20, 1971. All parties will be given opportunity to be present, to produce evidence, and to be heard at such hearing. Interested parties desiring to appear at the public hearing should notify the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., at least 5 days in advance of the date set for the hearing.

Issued: March 18, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-3929 Filed 3-22-71;8:47 am]

INTERSTATE COMMERCE COMMISSION

[Notice 667]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 18, 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-72544. By order of March 16, 1971, the Motor Carrier Board approved the transfer to Charter Express, Inc., Akron, Ohio, of certificate No. MC-123279, issued December 11, 1962, to The Berrodin Transport, Inc., Akron, Ohio, authorizing the transportation of plastic, rubber, chemicals, scrap tires, plastic flakes, as well as certain other specified commodities, from, to, and between points in Ohio, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Connecticut, and Delaware. Bernard S. Goldfarb, 1625 The Illuminating Building, 55 Public Square, Cleveland, OH 44113, attorney for applicants.

No. MC-FC-72591. By order of March 12, 1971, the Motor Carrier Board approved the transfer to Maverick Coach Lines, Ltd., 7393 19th Street, Burnaby, 3 BC, Canada, of the operating rights in certificate No. MC-94109, issued January 15, 1965, to Mairs Charter Buses, Ltd., 7393 19th Street, Burnaby, 3 BC, Canada, collectively authorizing the transportation of passengers and their baggage in charter operations between specified points in Washington, Oregon,

Nevada, Idaho, and California restricted to traffic originating in British Columbia, Canada.

No. MC–FC–72716. By order of March 12, 1971, the Motor Carrier Board approved the transfer to Affiliated Van Lines, Inc., Lawton, Okla., of the operating rights in Certificate No. MC–14948 (Sub-No. 1) issued September 27, 1962, to Hershel Lewis and Noal Lewis, a partnership, doing business as Duncan Van & Storage, Duncan, Okla., authorizing the transportation of household goods, as defined by the Commission, between points in Carter County, Okla., on the one hand, and, on the other, points in Texas. Rufus H. Lawson, 106 Bixler Building (Post Office Box 75124), Oklahoma City, OK 73107, attorney for applicants.

No. MC–FC–72722. By order of March 12, 1971, the Motor Carrier Board approved the transfer to Lawrence-Mayflower Moving & Storage Co., a corporation, Sacramento, Calif., of the operating rights in certificates Nos. MC–40497 and MC–40497 (Sub-No. 1) issued November 18, 1952, and October 8, 1969, respectively, to William Euart Hibbitt and David Macaulay, a partnership, doing business as Lawrence Moving & Storage Co. and Lawrence Warehouse & Distributing Co., Sacramento, Calif., authorizing the transportation of household goods, as defined by the Commission, and general commodities, with exceptions, between points in Sacramento, North Sacramento, and Broderick, Calif., and those within 1 mile of Sacramento, North Sacramento, and Broderick; used household goods between points in Sacramento, San Joaquin, Yolo, Placer, El Dorado, Yuba, Sutter, Nevada, Butte, and Colusa Counties, Calif.; and catalogues from Sacramento, Calif., to points in Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity, Yolo, and Yuba Counties, Calif. Edward J. Hegarty, 10 Bush Street, 21st Floor, San Francisco, CA 94104, attorney for applicants.

No. MC–FC–72728. By order of March 12, 1971, the Motor Carrier Board approved the transfer to Vincent Frappolli, Jr., doing business as Ro-Lynn Carrier Co., Wayne, N.J., of the operating rights in Permit No. MC–92366 issued January 18, 1954, to Samuel Vacca, doing business as Ro-Lynn Carrier Co., Wayne, N.J., authorizing the transportation of textiles and textile machinery, not requiring special handling or equipment, between Haledon, N.J., and New York, N.Y., over specified highways, serving the intermediate point of Paterson, N.J., restricted to traffic moving to and from New York, N.Y. Edward F. Bowes, 744 Broad Street, Newark, NJ 07102, attorney for applicants.

No. MC–FC–72729. By order of March 12, 1971, the Motor Carrier Board approved the transfer to Larson and Larson, Ltd., Marinette, Wis., of permit No. MC 102915 issued to Glenn Larson, Marinette, Wis., authorizing the transportation of: Such merchandise as is dealt in by retail department stores, between points in Wisconsin and Michigan. Francis M. Boyle, Jr., attorney, Dunlap Square Building, Marinette, WI 54143.

No. MC–FC–72730. By order of March 12, 1971, the Motor Carrier Board approved the transfer to Midwest Refrigerated Express, Inc., Sioux City, Iowa, of the operating rights in certificate No. MC–124774 and subs thereunder issued to Nebraska-Iowa Refrigerated Express, Inc., Omaha, Nebr., authorizing the transportation of various commodities from and to points in the United States except Arkansas, Louisiana, Mississippi, California, Alaska, and Hawaii. Donald E. Leonard, Box 82028, 605 South 14th Street, Lincoln, NE 68501, attorney for applicants.

No. MC–FC–72732. By order of March 12, 1971, the Motor Carrier Board approved the transfer to Metts Trucking, Inc., Jacksonville, Fla., of the operating rights in certificates Nos. MC–117675, MC–117675 (Sub-No. 1), MC–117675 (Sub-No. 2), MC–117675 (Sub-No. 4), and MC–117675 (Sub-No. 5) issued November 19, 1959, May 15, 1964, February 26, 1965, February 28, 1966, and March 7, 1968, respectively, to Felton Metts, doing business as Metts Trucking Co., Jacksonville, Fla., authorizing the transportation of bananas, from Miami, Tampa, Fort Lauderdale, and Port Everglades, Fla., and Charleston, S.C., to Jacksonville, Fla.; bananas from Jacksonville, Fla., to Savannah, Ga., and Charleston, S.C.; fresh fruits, berries, and vegetables from Jacksonville, Fla., to Savannah, Ga., and Charleston, S.C.; bananas, fresh fruits, fresh berries, and fresh vegetables from Gulfport, Miss., to points in Florida; and bananas from Charleston, S.C., to points in Florida. Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, FL 32207, attorney for applicants.

No. MC–FC–72736. By order of March 12, 1971, the Motor Carrier Board approved the transfer to H. H. Omps, Inc., Winchester, Va., of certificate No. MC–128133 (Sub-No. 2), MC–128133 (Sub-No. 3), MC–128133 (Sub-No. 4), and MC–128133 (Sub-No. 5), issued to H. Herschel Omps, doing business as H. H. Omps, Winchester, Va., authorizing the transportation of: Coal, in bulk in dump vehicles, agricultural lime, fertilizer, in bulk, and oil, between points in Virginia, West Virginia, and Maryland. S. Harrison Kahn, Attorney, Suite 733, Investment Building, Washington, DC 20005.

No. MC–FC–72748. By order of March 16, 1971, the Motor Carrier Board approved the transfer to Hugh F. Gannon Trucking, Inc., Philadelphia, Pa., of certificate No. MC–73865 issued to Hugh F. Gannon Trucking Corp., Philadelphia, Pa., authorizing the transportation of: Paper and paper products, between specified points in Pennsylvania and New Jersey. Bayard M. Graf, Attorney, 2124 Philadelphia National Bank Building, Philadelphia, PA 19107.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–3939 Filed 3–22–71;8:48 am]

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