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List of CFR Parts Affected

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

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

Rules and Regulations

Title 7—AGRICULTURE

Chapter II—Food and Nutrition Service, Department of Agriculture

SUBCHAPTER B—GENERAL REGULATIONS AND POLICIES—COMMODITY DISTRIBUTION

[Amdt. 13]

PART 250—DONATION OF FOOD COMMODITIES FOR USE IN UNITED STATES, ITS TERRITORIES AND POSSESSIONS AND AREAS UNDER ITS JURISDICTION

Operating Expense Funds

The regulations for the operation of the Commodity Distribution Program (31 F.R. 14297), as amended, are further amended for the purpose of providing for the payment of funds by means of Letters of Credit, as follows:

1. In § 250.15, paragraph (e) is revised to read as follows:

§ 250.15 Operating expense funds for expanding and improving distribution to households.

* * * * *

(e) *Payment of funds.* Upon receiving notification of the amount of funds available to it, each State distributing agency shall advise FNS of the amount estimated to be required for the fiscal year. FNS will, upon concurrence, issue a Letter of Credit to the appropriate Federal Reserve Bank in favor of the State distributing agency. The State distributing agency shall obtain funds needed through presentation by designated State officials of a Payment Voucher on Letter of Credit to a local commercial bank for transmission to the appropriate Federal Reserve Bank, in accordance with procedures prescribed by FNS and approved by the U.S. Treasury Department. The State distributing agency shall draw only such funds as are needed to pay claims certified for payment and shall use such funds without delay to pay the claims. State distributing agencies shall report information on the status of program funds on a monthly basis to FNS on Form FNS-60.

* * * * *

2. In § 250.15, the third sentence of paragraph (g) is deleted.

Effective date. This amendment shall be effective on publication in the FEDERAL REGISTER (3-25-71).

Dated: March 18, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-4054 Filed 3-24-71;8:47 am]

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—European Chafer

REVOCATION OF QUARANTINE AND REGULATIONS

The European chafer quarantine and regulations thereunder, in 7 CFR 301.77, 301.77-1 through 301.77-10, are hereby revoked effective June 30, 1971. However, such provisions shall be deemed to continue in full force and effect for the purpose of sustaining any action or other proceeding with respect to any right that accrued, liability that was incurred, or violation that occurred prior to said date.

Pesticides used to combat other insects also are effective in controlling the European chafer; therefore, it is unnecessary in many situations to apply a specific treatment to control this pest. Based on a review of the economic impact of pests subject to Federal quarantines, it has been determined that other programs have higher priorities. In view of this information, it has been decided that Federal funding for this program should be discontinued and, therefore, the quarantine is to be revoked.

It does not appear that public participation in rulemaking procedures concerning this action would make additional relevant information available to the Department. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such procedures are impracticable and unnecessary.

(Secs. 8 and 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended)

This revocation of quarantine and regulations thereunder shall become effective June 30, 1971.

Done at Washington, D.C., this 22d day of March 1971.

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

[FR Doc.71-4111 Filed 3-24-71;2:51 am]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Soybean Cyst Nematode

REVOCATION OF QUARANTINE AND REGULATIONS

The soybean cyst nematode quarantine and regulations thereunder, in 7 CFR 301.79, 301.79-1 through 301.79-10, are hereby revoked effective June 30, 1971. However, such provisions shall be deemed to continue in full force and effect for the purpose of sustaining any action or other proceeding with respect to any right that accrued, liability that was incurred, or violation that occurred prior to said date.

The soybean cyst nematode has now spread throughout most of the area where monocultural practices are followed in soybean production. This nematode can be controlled through a crop rotation system and in some areas through the use of resistant varieties. In view of this information and the fact that other programs have a higher priority, it has been decided that Federal funding for this program should be discontinued; therefore, the soybean cyst nematode quarantine is to be revoked.

It does not appear that public participation in rulemaking procedures concerning this action would make additional relevant information available to the Department. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such procedures are impracticable and unnecessary.

(Secs. 8 and 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended)

This revocation of quarantine and regulations thereunder shall become effective June 30, 1971.

Done at Washington, D.C., this 22d day of March 1971.

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

[FR Doc.71-4110 Filed 3-24-71;8:51 am]

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

[Navel Orange Reg. 231]

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

Limitation of Handling

§ 907.531 Navel Orange Regulation 231.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 35 F.R. 16359), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted

by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effecuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 23, 1971.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period March 26, 1971, through April 1, 1971, are hereby fixed as follows:

(i) District 1: 887,000 Cartons;

(ii) District 2: 363,000 Cartons;

(ii) District 3: Unlimited.

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

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

Dated: March 24, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71–4272 Filed 3–24–71;11:23 am]

[Valencia Orange Reg. 340]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.640 Valencia Orange Regulation 340.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 35 F.R. 16625), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 23, 1971.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period March 26, 1971, through April 1, 1971, are hereby fixed as follows:

(i) District 1: 523 Cartons;

(ii) District 2: Unlimited;

(iii) District 3: 123,227 Cartons.

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

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

Dated: March 24, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71–7473 Filed 3–24–71;11:23 am]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order No. 11]

PART 1011—MILK IN THE APPALACHIAN MARKETING AREA

Order Terminating Certain Provisions

This termination order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Appalachian marketing area.

Notice of proposed rulemaking was published in the FEDERAL REGISTER (36 F.R. 3527) concerning a proposed termination of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon. None was filed in opposition.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that the following provisions of the order no longer tend to effectuate the declared policy of the Act:

1. Sections 1011.16 and 1011.17.

2. In § 1011.22(k)(2) ", or the uniform prices for base milk and excess milk".

3. In § 1011.30(a)(1) "and the aggregate quantities of base milk and excess milk".

4. In § 1011.32(a)(2) delete: ", including, for the months of April through July, the total pounds of base and excess milk".

5. In the preliminary text preceding paragraph (a) of § 1011.71 "for each of the months of August through March".

6. In § 1011.71(f) "in each of the months of August through March".

7. Section 1011.72.

8. In § 1011.73 paragraph (b).

9. In § 1011.73(c) "and 1011.72".

10. The subheading "Base Rating" following § 1011.73 and §§ 1011.80, 1011.81, 1011.82, and 1011.83.

11. In § 1011.90(d)(2) delete: ", including, for the months in which base

12. In § 1011.92(a) delete: "and the uniform price to be paid for base milk."

13. In § 1011.94(b)(1) "and 1011.72".

Statement of consideration. This termination of specified provisions will eliminate the base and excess plan used in paying producers for their milk in the Appalachian marketing area. The termination was requested by a cooperative association which represents 99 percent of the producers on the Appalachian market. The cooperative association recently adopted a base and excess method of paying producer members which differs considerably from the base and excess provisions currently in the order. To keep the present base-excess plan in the order would not contribute to the orderly marketing of milk in the area.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This termination is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area;

(b) This termination order does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this termination.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provisions of the order are hereby terminated.

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

Effective date: Upon publication in the FEDERAL REGISTER (3–25–71).

Signed at Washington, D.C., on March 19, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71–4053 Filed 3–24–71;8:47 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1468—MOHAIR

Subpart—Payment Program for Mohair (1971–1973)

Sec.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, sec. 5, 62 Stat. 1072, secs. 702–708, 68 Stat. 910–912, as amended, secs. 401–403, 72 Stat. 994–995, sec. 151, 75 Stat. 306, sec. 201, 79 Stat. 1188, 82 Stat. 996, sec. 301, 84 Stat. 1362; 15 U.S.C. 714b, 714c, 7 U.S.C. 1781–1787, as amended.

§ 1468.1 General.

This subpart sets forth the policies, procedures, and requirements governing price support payments by the Commodity Credit Corporation (referred to in this subpart as "CCC") for mohair for the 1971, 1972, and 1973 marketing years.

§ 1468.2 Administration.

The program will be carried out by the Agricultural Stabilization and Conservation Service (referred to in this subpart as "ASCS") under the general supervision and direction of the Executive Vice President of CCC. In the field, the program will be administered through the ASCS State and county offices. ASCS State and county offices do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements thereto unless the power to modify or waive is expressly included in the pertinent provision.

§ 1468.3 Support price.

In accordance with section 703 of the National Wool Act of 1954, as amended by the Agricultural Act of 1970 (Public Law 91–524), for each of the 3 marketing years 1971, 1972, and 1973, the support price for mohair shall be 80.2 cents a pound, grease basis. The Department of Agriculture will, to the extent practicable, give publicity to the support price for mohair sufficiently in advance of each marketing year as will permit producers to plan their production for such marketing year.

§ 1468.4 Definitions.

As used in the regulations in this subpart and in the forms and documents related thereto, the following terms shall have the meanings assigned to them in this section:

(a) "Financing agency" means any bank, trust company, or Federal lending agency. It also includes any other financing institution which customarily makes loans or advances to finance production of goats or mohair.

(b) "Goats" means an Angora goat and the term also includes a kid of an Angora goat.

(c) "Joint producers" means two or more producers who are joint owners of mohair, or who are producers of mohair under a caretaking agreement pursuant to which one producer owns the goats and the other producer furnishes labor in connection with mohair production in return for which he is entitled to share either in the mohair produced or in the proceeds from the sale of such mohair.

(d) "Joint owners" means two or more persons who own the mohair in question, regardless of the special nature of their relationship or how it came into being, and shall include owners in common.

(e) "Local shipping point" means the point at which the producer delivers his mohair to a common carrier for further transportation or, if his mohair is not delivered to a common carrier, the point at which he delivers it to his marketing agency or a purchaser. The term "common carrier" includes any carrier that serves the public in transporting goods for hire whether or not he is required to be licensed by some Government authority to do so.

(f) "Marketing agency" with reference to mohair means a person who sells a producer's mohair for his account.

(g) "Marketing year" means the period beginning January 1 and ending the following December 31, both dates inclusive.

(h) "Mohair" means the hair of the Angora goat and also includes the hair of a kid of an Angora goat.

(i) "Person" means an individual, partnership, association, business trust, corporation, or any organized unincorporated group of individuals, and includes a State and any subdivision thereof.

(j) "Producer" of mohair means a person who either owns, individually or jointly, the goats from which the mohair is shorn or is a joint producer of the mohair under a caretaking agreement described in paragraph (c) of this section.

(k) "Sales document" means the account of sale, bill of sale, invoice, and any other document evidencing the sale by the producer of mohair.

(l) "Specified marketing year" is the marketing year as to which the Department of Agriculture has announced that marketings of mohair by a producer during that year will entitle him to a payment under this program.

§ 1468.5 Price support payments.

Price support on mohair will be furnished for each specified marketing year in accordance with the provisions of this subpart by means of payments to the producer on the mohair he markets in that specified marketing year. Payments will not be made on marketings of the pelts of goats or on the marketings of mohair removed from such pelts.

§ 1468.6 Eligibility for payments.

Before payments under this subpart can be approved pursuant to any application for payment covering any lot or lots of mohair, the following requirements must be satisfied:

(a) Except as provided in § 1468.15, the applicant must be the producer, and

in the case of a joint application each applicant must be a producer, of the mohair which must have been marketed during the specified marketing year.

(b) The mohair must have been shorn in the United States.

(c) The producer, or in the case of joint producers at least one of the producers, must have owned the mohair at the time of shearing and must have owned in the United States the goats from which the mohair was shorn for not less than 30 days at any time prior to the filing of the application. Ownership of mohair or goats as used in this paragraph does not include the ownership which in some States is held by a person having a security interest, such as a mortgage or other lien.

(d) Beneficial interest in the mohair must always have been in the producer from the time the mohair was shorn up to the time of its sale. A producer has beneficial interest in mohair (1) when he owns it and has not authorized any other person to sell or otherwise dispose of it, or (2) when he has, by transfer of legal title to such other person or otherwise, authorized another person to sell or otherwise dispose of the mohair but continues to be entitled to the proceeds from any such sale or other disposition thereof. Such beneficial interest is not changed by a mortgage or other lien on the mohair.

§ 1468.7 Marketing within a specified marketing year.

(a) Marketing shall be deemed to have taken place in a specified marketing year if, pursuant to a sale or contract to sell in the process of marketing, the last of the following three events, in whatever order they occur, was completed in that marketing year: (1) Title passed to the buyer; (2) the mohair was delivered to the buyer (physically or through documents which transfer control to the buyer); and (3) the last of the factors (price per pound, weight, etc.) needed to determine the total purchase price payable by the buyer is known to the applicant's marketing agency, if he markets through a marketing agency, or is known to the applicant, if he markets directly.

(b) Payments under this subpart shall only be made on bona fide marketings in a specified marketing year. A sale by one producer to another shall not constitute such a marketing unless (1) the selling producer usually markets his mohair in that way, or (2) the buying producer is also engaged in the business of buying and selling mohair and buys the mohair in the course of that business. An exchange of mohair between the producers thereof or a sale of mohair conditioned on the acquisition by the selling producer from the buyer of the same mohair or other mohair shall not constitute a bona fide marketing. A sale of mohair by a producer to a person not previously engaged in the business of buying mohair also shall not constitute such a marketing unless evidence is submitted to the satisfaction of CCC that there was a bona fide sale. Any document representing a sale, transfer, or other arrangement with respect to the mohair which is fictitious or not legally binding or solely a scheme or device for obtaining a price support payment shall not constitute such evidence.

(c) Delivery of mohair on consignment to a marketing agency to be sold for the producer's account does not constitute a marketing, whether or not a minimum sales price is guaranteed or an advance against the prospective sales price is given by the consignee, except that the mohair is deemed marketed if the marketing agency has guaranteed a minimum sales price, is unable to sell the mohair for more, and with the producer's consent takes it over at the minimum sales price. The producer shall be deemed to have consigned the mohair when the transfers to a marketing agency title to his mohair and provides that such agency shall market the mohair and that he shall be entitled to the proceeds of such marketing.

(d) The exchange of mohair for merchandise or services (for instance, shearing) will be considered a marketing, provided a definite price for the mohair is established by the parties to the exchange. Such price, or whatever other price the ASC county committee establishes as a fair market price for such mohair, whichever is lower, shall be utilized for the purpose of computing the net sales proceeds pursuant to § 1468.9 upon which payment under this subpart is based.

§ 1468.8 Rate of payment.

At the end of a specified marketing year and after the Department of Agriculture has determined the national average price for mohair received by producers in that marketing year, the Department will announce the rate of the payment under this subpart. The rate of payment will be the percentage of the national average price per pound received by producers in a specified marketing year which is required to bring such national average price up to the support price for mohair.

§ 1468.9 Computation of payment.

(a) The amount of the payment due to a producer shall be computed by applying the rate of payment to the net sales proceeds for the mohair marketed during the specified marketing year.

(b) Except as provided in § 1468.11 (a)(6) with respect to a guaranteed minimum sales price, the net sales proceeds shall be determined by deducting from the gross sales proceeds of the mohair all marketing expenses, such as any charges paid by or for the account of the producer for transportation, handling (including commissions), grading, scouring, or carbonizing. The figure so arrived at will express the net proceeds received by the producer at his farm, ranch, or local shipping point. Charges for furnishing bags or storing the mohair, as well as any other charges not directly related to the marketing of the mohair, such as interest on advances, shall not be considered marketing charges.

(c) All applications filed by a producer in the same county office for payments due on mohair marketed during the specified marketing year shall be considered together for the purpose of determining the total amount of payment due him.

§ 1468.10 Preparation of application.

(a) *Preparation.* The application for payment on the sale of mohair shall be prepared on Form CCC–1155, "Application for Payment (National Wool Act)". Marketing agencies may assist producers in filling out applications by inserting the information on sales of mohair and sending the sales documents to the appropriate ASCS county office, but the producer must sign the application and is responsible for the requirements as to the time and manner of filing his application. If the producer paid marketing charges not shown on the sales document, such charges shall be considered with the marketing charges shown on the sales document in arriving at the net proceeds.

(b) *Supporting documents.* The application shall be supported by the original sales documents covering the mohair sold.

(c) *Original sales document retained.* If the applicant does not wish the original sales document to remain with the ASCS county office, he may submit a photostat, carbon or other copy of the original document. However, he must show the original document to the ASCS county office where the statements on the copy will be confirmed by comparison with the original. The original sales document will be appropriately stamped or marked to indicate that it had been used in support of an application for payment under this program and will be returned to the applicant, who shall retain it in accordance with § 1468.22.

(d) *Practice of issuing carbon or photostat copies.* If it is the practice of the person or firm preparing the sales document to furnish a carbon or other copy to the seller in the place of the original, the producer may submit that copy in support of his application, provided the copy bears a signature, in accordance with § 1468.11(a)(10), of the person or of the representative of the firm preparing the original sales document. Such copy shall be treated as an original for the purposes mentioned in this section.

(e) *Lost or destroyed sales document.* If the original sales document has been lost or destroyed, the applicant may submit a copy, certified by the buyer or the applicant's marketing agency, and such certified copy shall be treated as an original for the purposes mentioned in this section.

§ 1468.11 Contents of sales documents.

The sales documents attached to each application for payment must contain a final accounting and meet the requirements of paragraph (a) or (b) of this section, for the mohair covered by the sales document. Contracts to sell as well as tentative or pro forma settlements will

not be acceptable as sales documents meeting such requirements. Except as provided in § 1468.15, sales documents must cover mohair sold by the producer.

(a) *Sales other than at farm, ranch, or local shipping point.* Each sales document, except a document covering an outright sale at the producer's farm, ranch, or local shipping point, must be prepared by the purchaser or the applicant's marketing agency and must contain at least the following information:

(1) Name and address of seller.

(2) Date of sale. In case the producer's shipment to a marketing agency is sold in parts within a marketing year, the date when final settlement is made within that marketing year for the mohair that was sold within that marketing year may be shown on the sales document as the date of sale instead of the various dates on which the sales actually took place.

(3) Net weight of mohair sold. If the mohair was sold as scoured mohair, the original grease weight must be shown as well as the scoured weight.

(4) Except as otherwise provided in subparagraph (5) of this paragraph, the gross sales proceeds or sufficient information from which the gross sales proceeds can be determined.

(5) Marketing deductions, if any (see § 1468.9(b)), except as otherwise provided in this subparagraph. The marketing deductions may be itemized or they may be shown on the sales document as a composite figure for all marketing charges with an explanation of what services are included in that figure. If it is the practice of a marketing agency to show, on the sales document, only the net proceeds after marketing deductions, the gross sales proceeds and the amount of the marketing deductions need not be shown, provided the sales document contains a statement reading substantially as follows: "The net sales proceeds after marketing deductions shown herein were computed by deducting from the gross sales proceeds charges for the following marketing services: _____. Details of these charges will be furnished on request." All the services for which deductions are made shall be enumerated in the blank space indicated. If a sales document shows charges without specifying their nature, they will be considered marketing charges and will thus diminish the net proceeds on which the payment is computed. Association dues are to be considered marketing deductions if they include compensation for marketing services.

(6) Net proceeds after marketing deductions. If a sales document contains a figure for net proceeds after marketing deductions, computed for a location other than the producer's farm, ranch, or local shipping point, the person preparing the sales document shall show thereon the name of the location for which the net proceeds have been computed. If a marketing agency has guaranteed a minimum sales price for the mohair, is unable to sell the mohair for a higher price, and therefore settles with the producer on the basis of such guaranteed minimum price, the sales document should be on the basis of such guaranteed minimum price, regardless of a lower price at which the agency may sell the mohair. In such a case, the marketing agency may indicate on the sales document that the price is the guaranteed minimum sales price.

(7) Additional deductions, such as charges for bags, storage, interest, association dues which do not include compensation for marketing services, or other charges not directly related to the marketing of the mohair.

(8) Amount paid to the seller.

(9) Name and address of the purchaser or marketing agency, whichever issues the sales document.

(10) Signature. The sales document must bear a handwritten signature by or on behalf of the person or firm issuing the sales document. Acceptable signatures will consist of at least one initial or name by which the person is generally known, followed by his last name in full. A carbon impression or facsimile of a handwritten signature is not acceptable.

(11) A sales document issued by a marketing agency and covering sales made on various dates within a specified marketing year shall contain a statement that the mohair was marketed during that marketing year.

(b) *Sales at farm, ranch, or local shipping point.* Each sales document covering an outright sale at the producer's farm, ranch, or local shipping point, and attached to an application for payment shall be prepared by the purchaser and must contain at least the following information:

(1) Name and address of seller.

(2) Date of sale.

(3) Net weight of mohair sold.

(4) Net amount received by the seller for the mohair at his farm, ranch, or local shipping point.

(5) Any applicable nonmarketing deductions, such as charges for bags, storage, interest, association dues which do not include compensation for marketing services, or other charges not directly related to the marketing of the mohair.

(6) Name and address of the purchaser.

(7) Signature. The sales document must bear a handwritten signature by or on behalf of the person or firm issuing the sales document. Acceptable signatures will consist of at least one initial or name by which the person is generally known, followed by his last name in full. A carbon impression or facsimile of a handwritten signature is not acceptable.

§ 1468.12 Filing application for payment.

(a) *Place of filing.* Applications for payment shall be filed by the applicant with the ASCS county office serving the county where the headquarters of the producer's farm or ranch, as the case may be, is located. If the producer has more than one farm or ranch, with headquarters in more than one county, separate applications for payment shall be filed with the ASCS county office serving each such headquarters covering only the mohair produced at each such farm or ranch, except that if the producer sells his entire clip of mohair in a single sale or if his entire clip is sold for his account by one marketing agency, he may file his application(s) for payment on mohair in any one of those ASCS county offices. In the event the producer conducts all his business transactions from his residence or office, and his farm or ranch has no other headquarters, his office or residence may be considered the farm or ranch headquarters.

(b) *Time of filing.* An application for payment shall be filed as soon as possible after completion of the producer's sales of mohair in a specified marketing year, but in no event shall an application be filed later than 3 years after the end of that specified marketing year.

§ 1468.13 Signature of applicant.

No payment will be made unless an application for payment on mohair is signed. Each person who signs an application for payment in a representative or fiduciary capacity as agent, attorney-in-fact, officer, executor, etc., must be properly authorized to sign in such capacity.

§ 1468.14 Joint applicants.

When the applicant for a mohair payment is a joint producer of the mohair, all of the joint producers (except those who sign a release as provided below in this section) must sign an application based on the sale of such mohair regardless of whether the mohair was divided among such producers prior to sale or was sold without division. CCC will not be responsible for a division among the applicants of a payment made to all of them jointly. When the application shows such joint production, and one or more of the joint producers refuses to join in the application, if each such joint producer signs a form prescribed by CCC releasing CCC from any obligation to make a payment to him, CCC shall make payment of the amount due the remaining joint producers who sign the application. Such release(s) shall be attached to the application. When any joint producer is entitled to join in an application but fails to do so, and the application does not show his interest as a joint producer, he shall have no claim against CCC for any portion of the payment made pursuant to the application.

§ 1468.15 Disability.

(a) If a producer who is otherwise eligible to receive a payment under this subpart dies, disappears, or is declared incompetent, before marketing the mohair or before filing an application, his successors or representatives authorized to receive payment in the order of precedence set forth in Part 707 of this title may complete the eligibility requirements and make application for such

payment on Form CCC–1155. The applicant shall also file Form ASCS–325, "Application for Payment of Amounts Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent," in accordance with Part 707 of this title.

(b) If a producer who earned a payment under this subpart and filed an application therefor dies, disappears, or is declared incompetent, either before CCC has issued a draft in payment or after CCC has issued a draft in payment but before the draft is negotiated, his successors or representatives authorized to receive such payment in the order of precedence set forth in Part 707 of this title may apply therefor on Form ASCS–325, in accordance with Part 707 of this title.

(c) If an Indian who is incompetent earned a payment under this subpart, an application therefor may be filed on his behalf by the Superintendent of the Indian Field Service of the reservation on which the Indian resides or by the authorized representative of such Superintendent. Such application for payment will be filed in the ASCS county office where the headquarters of the Indian's farm or ranch is located.

(d) In all other cases of disability, including bankruptcy and dissolution, payments will be made to a representative only in accordance with specific directions issued by CCC.

§ 1468.16 Payment.

(a) Payment will be made under this subpart after the ASCS county office has reviewed the application and attached supporting documents and has approved payment in whole or in part, and after the appropriate rate of payment for the specified marketing year has been announced by the Department of Agriculture.

(b) Payments under this subpart shall be made only on the basis of the net sales proceeds received for mohair. No payment shall be made on that part of any sale which has been canceled or on the basis of prices or weights which have been fraudulently increased for the purpose of obtaining higher payments. No payment shall be made on sales to a mohair growers association (as distinguished from a cooperative marketing association) by its producer-members on the basis of net sales proceeds in excess of the fair market value of the mohair (grease basis) as determined by CCC.

(c) If it is determined by the ASCS State or county office that an applicant knowlingly made a false statement in his application, no payment shall be made to him with respect to such application.

(d) If CCC subsequently determines that available evidence does not sustain the applicant's right to all or any part of the payment made, the amount of the payment not so sustained shall immediately become due and repayable to CCC, and CCC may, without limitation upon any of the Government's rights in the matter, deduct such amount from any other payment due the applicant under this subpart. If the right to such amount becomes involved in a lawsuit between the Government and the applicant or his assignee, he or his assignee shall have the burden of proving that he was entitled to such amount.

(e) If the ASCS county office rejects in whole or in part an application for payment on mohair, or, after a payment has been made, determines that the available evidence does not sustain the applicant's right to the payment or any part thereof, the ASCS county office shall mail a notice to the applicant, or, in the case of a joint application, to each applicant, that the application has been rejected, specifying the reason therefor, or that the available evidence does not sustain the applicant's right to the payment or any part thereof, as the case may be.

§ 1468.17 Deductions for promotion.

If the Department of Agriculture has approved deductions for an advertising and sales promotion program in accordance with section 708 of the National Wool Act of 1954, as amended, the rate of such deductions for the specified marketing year will be announced and the appropriate deduction will be made from each payment due under this subpart for such specified marketing year.

§ 1468.18 Set off.

If the county office records show that the producer is indebted to CCC, to any other agency within the United States Department of Agriculture, or to any other agency of the United States, such indebtedness will be set off against the payment due to the producer in accordance with Part 13 of this title.

§ 1468.19 Liens on goats or mohair.

If a producer grants a lien on his goats or mohair, such lien shall not be deemed to extend to payments made to the producer pursuant to this subpart.

§ 1468.20 Requests for reconsideration and appeals.

Any applicant who is notified that his application has been rejected in whole or in part or that any other action has been taken by the ASCS county office which unfavorably affects a payment to him may obtain reconsideration and review of the determination in accordance with Part 780 of this title. In the request for reconsideration, the applicant shall identify the application by number and date. When a joint application is involved, the request for reconsideration and review may be filed by all applicants jointly or by any of the applicants, in which case it shall be considered a request in behalf of all the joint applicants.

§ 1468.21 Assignments.

(a) *Form.* An assignment of a payment due or to become due under this subpart on mohair may be given to a financing agency or a mohair marketing agency as security for cash advanced or to be advanced on goats or mohair. The assignee shall not reassign such payment. An assignment may only include payments due or to become due on the sale of mohair for a specified marketing year and must include all such payments due and to become due for that specified marketing year. The assignment shall be executed by the producer, or in the case of joint producers by all such producers, on Form CCC–1157 "Assignment of Payment Under the National Wool Act of 1954," and shall be null and void unless it is freely made and is either executed in the presence of an attesting witness, who shall not be an employee or agent of, or by consanguinity or marriage related to, the assignee, or acknowledged before a notary public, a member of the ASC county committee, the ASCS county executive director, or a designated employee of such committee.

(b) *Payment.* CCC will make payment pursuant to an accepted assignment unless the ASCS county office is furnished evidence that the assignment is released by the assignee.

§ 1468.22 Records and inspection thereof.

(a) The applicant for a payment under this subpart, as well as his marketing agency and any other person who furnishes evidence to such applicant for use in connection with the application, shall maintain books, records, and accounts pertaining to the marketing of the mohair on which the application is based, for 3 years following the end of the specified marketing year during which the marketing took place. The applicant shall maintain books, records, and accounts pertaining to the production and shearing of mohair, with respect to which he applies for payment, for 3 years following the end of the specified marketing year during which the marketing took place.

(b) With respect to any application for payment filed after the end of the specified marketing year, instead of maintaining the books, records, and accounts for the time specified in paragraph (a) of this section, such books, records, and accounts shall be maintained for 3 years following the date on which the application is filed.

(c) At all times during regular business hours, CCC shall have access to the premises of the applicant, of his marketing agency, and of the person who furnished evidence to an applicant for use in connection with the application, in order to inspect, examine and make copies of the books, records, and accounts, and other written data as specified in paragraphs (a) and (b) of this section.

§ 1468.23 Violations of program.

(a) Whoever issues a false sales document or otherwise acts in violation of the provisions of this program so as to enable an applicant to obtain a payment to which he is not entitled, shall become liable to CCC for any payment which CCC may have made in reliance on such sales document or as a result of such other action.

(b) The issuance of a false sales document or the making of a false statement in an application for payment or other document, for the purpose of enabling the applicant to obtain a payment to which he is not entitled, will subject the person issuing such document or making such statement to liability under applicable Federal civil and criminal statutes.

§ 1468.24 Forms.

Form CCC–1155, "Application for Payment (National Wool Act)", Form CCC–1157, "Assignment of Payment Under the National Wool Act of 1954," Form ASCS–325, "Application for Payment of Amounts Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent," and other forms issued by the U.S. Department of Agriculture for use in connection with this program may be obtained from ASCS county offices.

§ 1468.25 Authorization by Executive Vice President, CCC, or other official.

If the applicant is unable to furnish the documentary evidence of sale required by this subpart, the Executive Vice President, CCC, or the Deputy Administrator, State and County Operations, ASCS, may authorize the submission of any other evidence which establishes to the satisfaction of the authorizing official the information required by § 1468.11.

§ 1468.26 Expiration of time limitations.

Whenever the final date for filing an application falls on a Saturday, Sunday, national holiday, or State holiday, or on any other day on which the appropriate ASCS State or county office is not open for the transaction of business during normal working hours, the time for filing the application shall be extended to the close of business on the next working day. If the filing is by mail, it shall be considered timely if it is postmarked by midnight of such next working day.

NOTE: The reporting and recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Effective date. This subpart shall become effective on the date of publication in the FEDERAL REGISTER (3–25–71).

Signed at Washington, D.C., on March 19, 1971.

CARROLL G. BRUNTHAVER,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.71–4112 Filed 3–24–71;8:52 am]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Y]

PART 222—BANK HOLDING COMPANIES

Nonbanking Acquisitions by Certain One-Bank Holding Companies

1. Effective immediately, § 222.4 of Regulation Y is amended by adding a new paragraph as follows:

§ 222.4 Interests in nonbanking organizations.

* * * * *

(d) *Certain acquisitions by companies that became bank holding companies on December 31, 1970, as a result of the 1970 amendments.* Except as provided in this paragraph, no bank holding company may acquire, directly or indirectly, any shares or commence to engage in any activities on the basis of section 4(c)(12) of the Act. A company may file with the Board an irrevocable declaration, in the form approved by the Board, that it will cease to be a bank holding company by January 1, 1981, unless it is granted an exemption under section 4(d) of the Act. A company that has filed such a declaration may (1) commence new activities de novo, either directly or through a subsidiary, without further action under this paragraph, until such time as the Board notifies the company to the contrary, and (2) make an acquisition of a going concern 45 days after the company has informed its Reserve Bank of the proposed acquisition, unless the company is notified to the contrary within that time or unless it is permitted to make the acquisition at an earlier date, based on exigent circumstances of a particular case. If the company has not filed such a declaration, no acquisition may be made, or activity commenced, on the basis of section 4(c)(12) except with prior approval of the Board. Normally only requests with respect to acquisitions or expansion of activities that the company demonstrates to the satisfaction of the Board are necessary to enable it more efficiently to market its assets subject to divestiture will be approved. This paragraph does not apply to acquisitions made pursuant to a binding commitment entered into March 23, 1971.

* * * * *

2a. This amendment implements the Board's authority to impose conditions upon holding company acquisitions and expansions on the basis of section 4(c)(12) of the Bank Holding Company Act. Under the amendment, acquisitions of going concerns by a company that became a bank holding company as a result of the 1970 amendments and elects to divest itself of its bank may normally be made following a simple notification procedure, and de novo expansion may be undertaken without further action. Acquisitions by other such companies require the Board's approval. That approval will normally be limited to acquisitions a holding company demonstrates are necessary to assure that the company's required divestitures can be made as quickly as possible, as efficiently as possible, and with as little economic loss to the divesting company as possible.

b. A form for use in filing an irrevocable declaration under this amendment has been adopted by the Board. Copies are available at the Federal Reserve Banks.

c. Notice of proposed rule making with respect to this amendment was published in the FEDERAL REGISTER on January 29, 1971 (36 F.R. 1432). The effective date was deferred for less than the 30-day period referred to in section 553(d) of title 5, United States Code, because the Board found that making its action effective immediately is necessary in the public interest. Permitting unrestricted acquisitions by companies that became bank holding companies as a result of the enactment of the 1970 amendments to the Holding Company Act is inconsistent with the purposes of the Act and its equitable application between such companies and holding companies that were registered with the Board before the recent amendments or those that might be formed in the future.

By order of the Board of Governors, March 18, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71–4205 Filed 3–24–71;8:52 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 71–SO–35]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Laurel, Miss., transition area.

The Laurel transition area described in § 71.181 (36 F.R. 2140) has an extension predicated on the Laurel VOR 330° radial, a designated width of 14 miles and length of 18.5 miles. Effective May 27, 1971, the final approach radial for VOR RWY 13 Instrument Approach Procedure will be changed to Laurel VOR 325° radial. Additionally, the procedure turn altitude has been raised from 1,700 to 2,000 feet MSL. Because of these changes, it is necessary to alter the transition area description to redesignate the extension predicated on the 330° radial to the 325° radial and reduce the width and length to 6 and 8.5 miles, respectively. Since these amendments are minor in nature and lessen the burden on the public, notice and public procedure hereon are unnecessary and action is taken herein to amend the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 27, 1971, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the Laurel, Miss., transition area is amended to read:

LAUREL, MISS.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Laurel Municipal Airport (lat. 31°40'10" N., long. 89°10'20" W.); within 3 miles each side of Laurel VOR 325° radial, extending from the 7-mile-radius area to 8.5 miles northwest of the VOR.

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

Issued in East Point, Ga., on March 17, 1971.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[FR Doc.71-4077 Filed 3-24-71;8:49 am]

[Airspace Docket No. 71-SO-37]

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

Revocation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the Washington, N.C., transition area.

The Washington transition area described in § 71.181 (36 F.R. 2140) was designated to provide controlled airspace protection for IFR operations at Warren Field. The prescribed special instrument approach procedure to this airport, utilizing WITN Commercial Broadcast Station, was canceled March 9, 1971. It is necessary to revoke this transition area as IFR operations are no longer authorized. Since this amendment lessens the burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the Washington, N.C., transition area is revoked.

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

Issued in East Point, Ga., on March 17, 1971.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[FR Doc.71-4078 Filed 3-24-71;8:49 am]

[Airspace Docket No. 71-SW-11]

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

Alteration of Control Zone and Transition Area

The purpose of this amendment is to alter the description of the Brownsville, Tex., control zone and transition area.

The present control zone and transition area descriptions include specific reference to the Rio Grande Valley International Airport; however, the name of this airport has now been changed to Brownsville International Airport.

As this amendment imposes no additional burden on any person, notice and public procedures hereon are unnecessary and the amendment may be effective immediately.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as inafter set forth.

In § 71.171 (36 F.R. 2055) and in § 71.181 (36 F.R. 2140), the Brownsville, Tex., control zone and transition area are amended by deleting "Rio Grande Valley International Airport" and substituting "Brownsville International Airport" therefor wherever it appears.

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

Issued in Fort Worth, Tex., on March 17, 1971.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.71-4079 Filed 3-24-71;8:49 am]

[Airspace Docket No. 70-PC-5]

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

Alteration of Transition Area; Correction

On March 2, 1971, F.R. Doc. 71-2823 (36 F.R. 3892) was published in the FEDERAL REGISTER which adopted an amendment to Part 71 of the Federal Aviation Regulations altering the Kahului, Hawaii, transition area. It has been noted that an error was made in the description of the north and northeast boundary of the transition area. Action is taken herein to correct the discrepancy.

Since this action is minor in nature and imposes no additional burden on any person, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, F.R. Doc. 71-2823 (36 F.R. 3892) is amended by deleting "V-23" and substituting "V-22" therefor. The effective date as originally published may be retained.

(Sec. 307(a), 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348(a), 1510; Executive Order 10854, 24 F.R. 9565, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 19, 1971.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-4080 Filed 3-24-71;8:49 am]

[Airspace Docket No. 70-SW-52]

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

Designation and Alteration of Federal Airways and Designation and Revocation of Reporting Points; Correction

On March 2, 1971, F.R. Doc. 71-2874 was published in the FEDERAL REGISTER (36 F.R. 3892) effective April 29, 1971.

This document amended Part 71 in part by realigning VOR Federal airway No. 54. Inadvertently the segment of V-54 proposed in the notice between Scurry, Tex., and Quitman, Tex., was omitted. Accordingly, action is taken herein to correct this omission.

Since this amendment is minor in nature and no substantive change in the regulation than that proposed in the notice is effected, notice and public procedure thereon is unnecessary.

In consideration of the foregoing, effective upon publication in the FEDERAL REGISTER (3-25-71), F.R. Doc. 71-2874 is amended as hereinafter set forth.

In Item e. "Scurry, Tex.;" is deleted and "Scurry, Tex.; Quitman, Tex.;" is substituted therefor.

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

Issued in Washington, D.C., on March 19, 1971.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-4081 Filed 3-24-71;8:49 am]

[Airspace Docket No. 71-CE-45]

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

Revocation of Federal Airway Segments

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to revoke segments of VOR Federal airway Nos. 53, 128, and 144 in the vicinity of Chicago, Ill.

The segments of V-53, V-128, and V-144 between the Chicago O'Hare VORTAC and City Intersection are based on the Chicago O'Hare VORTAC 153° T (151° M) radial. This radial is unusable at all altitudes. Accordingly, action is taken herein to revoke the segments of V-53, V-128, and V-144 between the Chicago O'Hare VORTAC and City Intersection by deleting reference to the Chicago O'Hare VORTAC and adding reference to the Naperville, Ill., VOR. Aircraft may be handled by radar vectors between these two points.

Since a situation exists that requires immediate action, notice and public procedure thereon are impracticable, and good cause exists for making these amendments effective on less than 30 days notice.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER (3-25-71), as hereinafter set forth.

Section 71.123 (36 F.R. 2010) is amended as follows:

1. In V-53 all after the phrase "INT Peotone 003°" is deleted and the phrase "and Naperville, Ill., 089° radials." is substituted therefor.

2. In V-128 all preceding the phrase "and Peotone, Ill., 003° radials;" and the phrase "From INT Naperville, Ill., 089°" is substituted therefor.

3. In V-144 all preceding the phrase "and Peotone, Ill., 003° radials;" is deleted and the phrase "From INT Naperville, Ill., 089°" is substituted therefor.

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

Issued in Washington, D.C., on March 19, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-4082 Filed 3-24-71;8:49 am]

[Airspace Docket No. 71-WA-5]

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

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Revision of Citations

The purpose of these amendments to the Federal Aviation Regulations is to correct and add FEDERAL REGISTER citations.

On February 3, 1971, F.R. Doc. 71-914, comprising a compilation of Parts 71, 73, and 75 of the Federal Aviation Regulations was published as Part II of the FEDERAL REGISTER of that date. All amendments to those parts which had been published prior to January 7, 1971, were included.

Subsequent to January 7, 1971, additional amendments to Parts 71 and 75 were published which either incorrectly cited FEDERAL REGISTER volumes and page numbers or omitted them entirely. This action will correct those errors.

Since these corrections are editorial in nature and no substantive changes in the regulations are effected, notice and public procedure are unnecessary, and good cause exists for making these amendments effective on less than 30 days notice.

In consideration of the foregoing, the F.R. Docs. listed below are amended, effective upon publication in the FEDERAL REGISTER (3-25-71), as follows:

1. Change the citation "(34 F.R. 20419; 35 F.R. 2009, 4256, 5465, 6274, 7051)" to "(36 F.R. 2010)" in F.R. Docket 71-743 (36 F.R. 494).

2. Change the citation "(35 F.R. 2054)" to "(36 F.R. 2055)" in the following F.R. Docs: 71-205 (36 F.R. 215), 71-206 (36 F.R. 215), 71-207 (36 F.R. 216), and 71-286 (36 F.R. 215), 71-207 (36 F.R. 216), 71-286 (36 F.R. 319), and 71-287 (36 F.R. 319).

3. Change the citation "(35 F.R. 2134)" to "(36 F.R. 2140)" in the following F.R. Docs: 71-203 (36 F.R. 214), 71-204 (36 F.R. 214), 71-205 (36 F.R. 215), 71-206 (36 F.R. 215), 71-207 (36 F.R. 216), 71-286 (36 F.R. 319), and 71-287 (36 F.R. 319).

4. Change the citation "(35 F.R. 19171)" to "(35 F.R. 19171, 36 F.R. 2140)" in the penultimate paragraph of F.R. Doc. 71-630 (36 F.R. 773).

5. Change the citation "(35 F.R. 2359)" to "(36 F.R. 2371)" in F.R. Doc. 71-743 (36 F.R. 494).

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

Issued in Washington, D.C. on March 19, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-4083 Filed 3-24-71;8:49 am]

[Airspace Docket No. 71-EA-46]

PART 73—SPECIAL USE AIRSPACE

Revocation of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to revoke Restricted Area R-2801, Bethany Beach, Del.

The Department of the Army has advised that Restricted Area R-2801 is no longer required for its designated purpose and requested that it be revoked. Accordingly, action is taken herein to revoke R-2801.

Since this amendment restores airspace to the public use and relieves a restriction, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER (3-25-71), as hereinafter set forth.

In § 73.28 (36 F.R. 2333) R-2801 Bethany Beach, Del., is revoked.

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

Issued in Washington, D.C., on March 19, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-4085 Filed 3-24-71;8:50 am]

[Docket No. 10940; Amdt. No. 748]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

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

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (358 F.R. 5610).

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

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

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

1. Section 97.11 is amended by establishing, revising, or canceling the following L/MF-ADF(NDB)-VOR SIAPs, effective April 22, 1971.

Wenatchee, Wash.—Pangborn Field; VOR Runway 29, Amdt. 7; Canceled.

2. Section 97.15 as amended by establishing, revising, or canceling the following VOR/DME SIAPs, effective April 22, 1971.

Palmdale, Calif.—Palmdale AF Plant No. 42 Airport; VOR/DME No. 1, Amdt. 2; Canceled.
St. Marys, Pa.—St. Marys Municipal Airport; VOR/DME Runway 27, Original; Canceled.

3. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAPs, effective April 22, 1971.

Bishop, Calif.—Bishop Airport; VOR-A, Original; Established.
Danville, Va.—Danville Municipal Airport; VOR Runway 2, Amdt. 9; Revised.
Danville, Va.—Danville Municipal Airport; VOR Runway 24, Amdt. 5; Revised.
Escanaba, Mich.—Escanaba Municipal Airport; VOR Runway 9, Amdt. 7; Revised.
Escanaba, Mich.—Escanaba Municipal Airport; VOR Runway 18, Original; Established.
Escanaba, Mich.—Escanaba Municipal Airport; VOR Runway 27, Amdt. 5; Revised.
Fort Stockton, Tex.—Pecos County Airport; VOR Runway 11R, Amdt. 4; Revised.
Fort Wayne, Ind.—Smith Field; VOR Runway 13, Amdt. 1; Revised.
Franklin, Pa.—Chess-Lamberton Airport; VOR Runway 20, Amdt. 3; Revised.
Gordonsville, Va.—Gordonsville Municipal Airport; VOR-A, Amdt. 1; Revised.
Lubbock, Tex.—Lubbock Regional Airport; VOR Runway 12, Amdt. 2; Revised.
Newburyport, Mass.—Plum Island Airport; VOR Runway 10, Amdt. 1; Revised.
Palmdale, Calif.—Palmdale Production FLT/ Test INSTLN AF Plant NR 42 Airport; VOR-A, Original; Established.

Ravenna, Ohio—Portage County Airport; VOR-A, Original; Established.
Redding, Calif.—Redding Municipal Airport; VOR Runway 34, Amdt. 3; Revised.
St. Marys, Pa.—St. Marys Municipal Airport; VOR Runway 27, Original; Established.
State College, Pa.—University Park Airport; VOR-A, Amdt. 2; Revised.
Wellsville, N.Y.—Wellsville Municipal Airport; VOR-A, Original; Established.
Wenatchee, Wash.—Pangborn Field; VOR-A, Original; Established.
Wenatchee, Wash.—Pangborn Field; VOR-B, Original; Established.
Fort Stockton, Tex.—Pecos County Airport; VOR/DME-A, Amdt. 2, Revised.
Lubbock, Tex.—Lubbock Regional Airport; VOR/DME Runway 26R, Amdt. 3; Revised.
Palmdale, Calif.—Palmdale Production FLT/Test INSTLN AF Plant No. 42 Airport; VORTAC Runway 25, Original; Established.
Redding, Calif.—Redding Municipal Airport; VOR/DME Runway 34, Amdt. 1; Revised.
Willard, Ohio—Willard Airport; VOR/DME-A, Original; Established.

4. Section 97.25 is amended by establishing, revising, or canceling the following LOC-LDA SIAPs, effective April 22, 1971.

Lubbock, Tex.—Lubbock Regional Airport; LOC (BC) Runway 35L, Amdt. 6; Revised.

5. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAPs, effective April 22, 1971.

Franklin, Pa.—Chess-Lamberton Airport; NDB Runway 29, Amdt. 5; Revised.
Lubbock, Tex.—Lubbock Regional Airport; NDB Runway 17R, Amdt. 11; Revised.
Morrisville, Vt.—Morrisville-Stowe State Airport; NDB-A, Amdt. 2; Revised.
Newport, Ark.—Newport Municipal Airport; NDB Runway 35, Original; Established.
Santa Barbara, Calif.—Municipal Airport; NDB (ADF) Runway 7, Amdt. 4; Canceled.
Santa Barbara, Calif.—Santa Barbara Municipal Airport; NDB-A, Original; Established.

6. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs, effective April 22, 1971.

Alexandria, La.—Esler Field; ILS Runaway 26, Amdt. 1; Revised.
Lubbock, Tex.—Lubbock Regional Airport; ILS Runway 17R, Amdt. 11; Revised.
Palmdale, Calif.—Palmdale Production FLT/Test INSTLN AF Plant No. 42 Airport; ILS Runway 25, Original; Established.
Santa Barbara, Calif.—Santa Barbara Municipal Airport; ILS Runway 7, Amdt. 15, Revised.

7. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAPs, effective April 22, 1971.

Lubbock, Tex.—Lubbock Regional Airport; Radar-1, Amdt. 2; Revised.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958, 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 522(a)(1))

Issued in Washington, D.C., on March 18, 1971.

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

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

[FR Doc.71-3891 Filed 3-24-71;8:45 am]

[Docket No. 10942; Amdt. No. 749]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

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

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (358 F.R. 5610).

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

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

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

1. Section 97.25 is amended by establishing, revising, or canceling the following LOC-LDA SIAPs, effective March 19, 1971.

Baltimore, Md.—Friendship International Airport; LOC Runway 10, Original; Canceled.

2. Section 97.25 is amended by establishing, revising, or canceling the following LOC-LDA SIAPs, effective April 1, 1971.

Huntington, W. Va.—Tri-State (Walker-Long Field); LOC Runway 11, Amdt. 9; Canceled.

3. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAPs, effective April 1, 1971.

Huntington, W. Va.—Tri-State (Walker-Long Field); NDB Runway 11, Amdt. 8; Revised.

4. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs, effective March 19, 1971.

Baltimore, Md.—Friendship International Airport; ILS Runway 10, Original; Established.

5. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs, effective April 1, 1971.

Huntington, W. Va.—Tri-State (Walker-Long Field); ILS Runway 11, Original; Established.

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

Issued in Washington, D.C., on March 18, 1971.

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

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

[FR Doc.71-3982 Filed 3-24-71;8:45 am]

[Docket No. 10939; Amdt. No. 171-8]

PART 171—NON-FEDERAL NAVIGATION FACILITIES

Materials Incorporated by Reference

The purpose of this amendment to Part 171 of the Federal Aviation Regulations is to establish a central repository for documents incorporated by reference in the part.

Since this amendment is procedural in nature and imposes no burden on the public, I find that public notice and procedure thereon are not necessary and that it may become effective in less than 30 days.

In consideration of the foregoing, § 171.71 of the Federal Aviation Regulations is amended as follows, effective April 24, 1971:

§ 171.71 Materials incorporated by reference.

Copies of standards, recommended practices and documents incorporated by reference in this part are available for the use of interested persons at any FAA Regional Office and FAA Headquarters. An historical file of these materials is maintained at Headquarters, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20590.

(Sec. 313(a), Federal Aviation Act of 1958, 49 U.S.C. 1354(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c); § 1.4(b)(1) of the regulations of the Office of the Secretary of Transportation)

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

J. H. SHAFFER,
Administrator.

[FR Doc.71-4084 Filed 3-24-71;8:49 am]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter X—Office of Foreign Direct Investments, Department of Commerce

FOREIGN DIRECT INVESTMENT RULES OF PRACTICE AND GENERAL PROCEDURES

On January 14, 1971, notice by the Office of Foreign Direct Investments (the Office) of proposed amendment and reissuance of the Foreign Direct Investment Rules of Practice and General Procedures (the Rules; 15 CFR, Chap. X, Parts 1020–1050) was published in the FEDERAL REGISTER (36 F.R. 547). After consideration of all relevant comment by interested persons, the Rules are hereby adopted, with the liberalizing and clarifying modifications embodied herein, pursuant to the authority of section 5, Act of October 6, 1917, 40 Stat. 415, as amended, 12 U.S.C. 95a; E.O. 11387, January 1, 1968, 33 F.R. 47; and Department Organization Order 25–3A (formerly Department Order 184–A), January 1, 1968, 33 F.R. 54.

Effective date. The rules shall be effective as of the date of publication in the FEDERAL REGISTER and shall govern all proceedings commenced after the effective date and all pending proceedings except to the extent that the Director of the Office determines, in his discretion, that application of the amendments or any portion thereof in a pending proceeding would not be feasible or would work injustice, in which case the appropriate former rule or rules shall apply.

The text of the Foreign Direct Investment Rules of Practice and General Procedures, Parts 1020, 1025, 1030, 1035, 1040, and 1050, as amended, is set forth below.

DONALD P. KATZ,
Director, Office of Foreign Direct Investments.

MARCH 22, 1971.

PART 1020—INVESTIGATIVE PROCEDURES

Sec.

AUTHORITY: The provisions of this Part 1020 issued pursuant to sec. 5 of the Act of Oct. 6, 1917, 40 Stat. 415, as amended, 12 U.S.C. 95a; E.O. 11387, Jan. 1, 1968, 33 F.R. 47; Department Organization Order 25–3A (formerly Department Order 184–A), Jan. 1, 1968, 33 F.R. 54.

§ 1020.111 Investigations.

The Office[1] may, in its discretion, initiate investigations relating to compliance by any person[2] with the Foreign Direct Investments Program (hereinafter referred to as the Program) as embodied in E.O. 11387 and Part 1000 of this chapter, any rule, regulation, or order thereunder, term or condition of any authorization or exemption issued thereunder, any decree of court relating thereto, or any other agency action thereunder.

§ 1020.112 Investigative policy.

The Office encourages voluntary cooperation with its investigations. Where the circumstances appear so to require, however, the Office may invoke compulsory process as authorized by law.

§ 1020.113 By whom conducted.

Investigations will be conducted by representatives of the Office duly designated and authorized for the purpose. Such representatives are authorized, among other things, to administer oaths and receive affirmations in any matter under investigation by the Office.

§ 1020.114 Notification of purpose.

Any person under investigation who is compelled or requested to furnish information or documentary evidence shall be advised with respect to the general purpose for which such information or evidence is sought.

§ 1020.121 Orders to furnish information.

(a) The Office may issue orders requiring any person or persons named therein:

(1) To appear before a designated representative at a designated time and place to testify, produce documentary evidence, and/or produce other information relating to any transaction involving foreign direct investment; and/or

(2) To file (whether on a continuing basis, at stated intervals, upon the occurrence of specified acts or omissions, or otherwise) reports or answers in writing to specified questions, relating to any matter that is or has been under investigation or inquiry, or is likely to lead to the production of information relating to any such matter.

(b) Any person required to submit any report, whether under this section or under § 1000.602(b) of this chapter, shall preserve, or cause to be preserved, for at least 3 years after the date of filing of such report all working papers, irrespective of by whom prepared, used in the preparation of such report; all exhibits, all schedules, and all attachments to such papers; and all books and all records related to such report or to such other papers, that were prepared in the ordinary course of business.

§ 1020.122 Authority to initiate investigations and to issue or modify agency process.

The Director of the Compliance Division is hereby delegated, without power of redelegation, the authority to initiate investigations under § 1020.111 and to issue orders under § 1020.121 and, for good cause shown, to limit, quash, modify, or withdraw such orders or to extend the time prescribed therein for compliance.

§ 1020.123 Motions relating to agency process.

Any motion to limit, quash, modify, or withdraw any order issued under § 1020.121 or to extend the time prescribed for compliance must be filed with the Office (to the attention of the person issuing said order) within seven (7) days after service of such order, or, if the return date is less than seven (7) days after service of the order, within such other time prior to the return date as may be designated in such order. Any allegation of undue burden must be accompanied by an affidavit setting forth with particularity the supporting facts.

§ 1020.124 Review; finality.

(a) Upon denial of a motion made under § 1020.123, the moving party may appeal to the decision officer pursuant to the procedure set out in § 1030.514 of this chapter. The determination of the decision officer shall constitute final agency action.

(b) The Director of the Compliance Division may extend the return date specified in an order issued pursuant to § 1020.121 by up to twenty (20) days later than the date of denial of relief under paragraph (a) of this section where:

(1) Such relief is requested by motion under § 1020.123 for the purpose of seeking judicial review of the order without first committing a willful violation thereof, and

(2) The public interest in effective enforcement and administration of the Program will not be compromised thereby.

§ 1020.131 Investigative hearings.

(a) The Office may conduct investigative hearings in the course of any investigation or inquiry relating to the administration or enforcement of the Program, as described in § 1020.111, including inquiries initiated for the purpose of determining whether to institute a proceeding under Part 1030 of this chapter.

(b) Investigative hearings shall be nonadjudicative proceedings, presided over by a representative of the Office (hereinafter referred to as the "presiding official") designated in the order issued pursuant to § 1020.121.

(c) Investigative hearings shall be stenographically recorded unless the presiding official, in his discretion upon the request of a witness, otherwise orders.

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[1] As used in Parts 1020–1050 of this chapter, the "Office" means the Office of Foreign Direct Investments, U.S. Department of Commerce.

[2] As used in Parts 1020–1050 of the chapter, "person" means any individual, corporation, partnership, business venture, trust, or estate.

(d) Unless otherwise ordered by the Director of the Office, investigative hearings shall not be public.

§ 1020.132 Rights of witnesses in investigations.

Any person compelled or requested to submit information to the Office, or to testify in an investigative hearing, shall be entitled to be accompanied, represented, and advised by counsel or another person who has entered an appearance under § 1050.101 of this chapter (referred to hereafter in this section as "counsel") as follows:

(a) Counsel for a witness may advise his client, in confidence, and upon the initiative of either himself or the witness, with respect to any question asked of his client. If it appears that counsel is prompting the witness under color of this paragraph, the presiding official will so note and take appropriate action in respect thereto under paragraph (f) of this section. If, upon advice of counsel, the witness refuses to answer a question, counsel may briefly state that he has advised his client not to answer the question and the legal grounds for such refusal.

(b) Where it is claimed that the testimony or other evidence sought is outside the scope of the investigation, or that the witness is privileged to refuse to to answer a question or to produce other evidence, counsel for the witness may object and briefly and precisely state the grounds therefor.

(c) Cumulative objections are unnecessary. Repetition of the grounds for any objection will not be allowed. At the request of counsel and/or when directed by the presiding official, any objections will be treated as continuing objections and preserved throughout the further course of the hearings as to any related line of inquiry.

(d) Any motion challenging the Office's authority to conduct the investigation or the sufficiency or legality of the order to testify or produce documents or other information must have been addressed to the Office prior to the hearing (see § 1020.123). Additional copies of such motions may be filed with the presiding official as part of the record of the investigation and may be incorporated by reference into counsel's statements or objections, but no arguments in support thereof will be allowed at the hearing.

(e) After the presiding official and/or counsel for the Compliance Division have completed the examination of a witness, counsel for the witness may request the presiding official to permit the witness to clarify any of his answers in order that they may not remain equivocal or incomplete. The granting or denial of such request shall be within the sole discretion of the presiding official, and any grant may be withdrawn if counsel attempts to lead the witness or suggest answers.

(f) The presiding official shall take all necessary and appropriate actions to avoid delay, to prevent or restrain disorderly, dilatory, obstructive, or contumacious conduct and/or otherwise to regulate the course of the hearing.

§ 1020.141 Noncompliance with orders or directions.

(a) In cases of failure to comply fully with any compulsory process, including an order issued under § 1020.121, or refusal to obey a direction by a presiding official to answer a specific question, the Office may initiate or recommend appropriate action. The fact that an order is partially defective, or that a person may so believe, will not excuse compliance with the remainder of the order.

(b) Honest mistakes or isolated oversights, made in a good faith attempt to comply with an order of the Office or the direction of a presiding official, will normally not lead to an enforcement action.

§ 1020.151 Termination of investigations.

When the facts disclosed by an investigation indicate that further action is not necessary or warranted in the public interest, the investigative file will be closed, without prejudice to further investigation by the Office at any time if circumstances so warrant.

PART 1025—SETTLEMENT PROCEDURES

Sec.
1025.111 General policy.
1025.211 Informal, voluntary settlement.
1025.311 Consent agreement policy and procedures.

AUTHORITY: The provisions of this Part 1025 issued pursuant to Sec. 5 of the Act of Oct. 6, 1917, 40 Stat. 415, as amended, 12 U.S.C. 95a; E.O. 11387, Jan. 1, 1968, 33 F.R. 47; Department Organization Order 25-3A (formerly Department Order 184-A), Jan. 1, 1968, 33 F.R. 54.

§ 1025.111 General policy.

When the Office has reason to believe that any person subject to the jurisdiction of the Office (referred to hereinafter in this part as a "party") has violated any requirement of the Program, the Office may initiate enforcement action. Sections 5(b)(3) and 17 (as amended) of the Act of October 6, 1917 (50 U.S.C. App. 5(b)(3) 17), permit either criminal or civil sanctions, and Part 1030 of this chapter provides for formal administrative proceedings. Ordinarily, in the absence of willful violation or flagrant disregard of Program requirements, the Office will utilize one of the settlement procedures described in this part when such resolution is deemed to be in the public interest.

§ 1025.211 Informal, voluntary settlement.

(a) *Policy.* In determining whether to afford a party the opportunity for informal, voluntary settlement, the Office will consider the following:

(1) Whether the party acted in good faith;

(2) Whether the alleged noncompliance was unintentional or unforeseeable and whether the party took steps to avoid the alleged noncompliance;

(3) Whether the party cooperated with the office in ascertaining the facts and did not attempt to conceal or falsify information;

(4) The nature of the alleged noncompliance;

(5) The prior conduct of the party with respect to Program requirements; and

(6) Other relevant factors, including whether the Office believes that the party's assurances of future compliance with the Program will be adequate to ensure such compliance.

(b) *Investigation.* In addition to any investigation the Office may conduct into the substantive nature of the noncompliance, the Office may conduct an independent inquiry regarding any or all of the items enumerated in paragraph (a) of this section.

(c) *Conference policy.* It is the policy of the Office to give any party the opportunity to discuss with the staff, on an informal basis, the possible settlement of any compliance investigation involving such party. Ordinarily, any request for such discussion should be directed, in the first instance, to the staff member responsible for conducting the investigation.

(d) *Form.* (1) Disposition of a matter by an informal settlement will be in the form of an exchange of agreed-upon letters passing between the party and the Office. The letter from the Office will be signed by the Director of the Office.

(2) The letter from the party to the Office will set forth the pertinent circumstances relating to and constituting the alleged noncompliance, the steps taken to undo, correct, and prevent its recurrence and other matters agreed upon by the party and Office. The letter from the Office to the party will state the intention of the Office, based on the representations in the party's letter, to close the matter; however, the Office will expressly reserve the power to reopen the matter should the public interest so require.

§ 1025.311 Consent agreement policy and procedures.

(a) *Preliminary Notice.* If the Office, in its discretion, determines that informal, voluntary settlement is inappropriate, it will, where time, the nature of the matter involved, and the public interest permit, notify the party (i) of its intention to institute a formal proceeding against the party and (ii) that the party will be afforded an opportunity to confer with the Office staff and to submit an appropriate consent agreement proposal for consideration by the Office. Such notice may be in the form specified in § 1030.211 of this chapter or, in the discretion of the Office, in such other form sufficient to appraise the party of the nature of the alleged noncompliance. The party may appear personally or he may be represented by a person who has entered an appearance under § 1050.101 of this chapter.

(b) *Conditions.* The Office will consider each such case individually, on the basis of all relevant facts and circumstances, including any mitigating or extenuating factors. Depending upon the

circumstances of the case, administrative settlement of compliance matters by a consent agreement may entail one or more of the remedies set forth in § 1030.472 of this chapter.

(c) *Form of agreement.* (1) Every consent agreement tendered by a party shall contain an appropriate form of order or judgment to be entered, an admission of all jurisdictional facts, and express waivers of further procedural steps, of any requirement of findings, and of rights to seek any form of judicial or appellate review or otherwise to challenge or contest the content, validity, or finality of the order. In addition, such proposed agreement may contain a statement that the signing thereof is for settlement purposes only and does not constitute an admission by the party that the law has been violated.

(2) The Office will determine whether the public interest would be better served by an agreement providing for an administrative consent order or a judicial consent judgment. Among the factors that the Office will ordinarily consider in making such determination are: (i) The nature and gravity of the alleged noncompliance, (ii) the prior conduct of the party with respect to Program requirements and (iii) the likelihood that subsequent enforcement proceedings against the party will be necessary.

PART 1030—PROCEDURES AND RULES OF PRACTICE FOR FORMAL ADMINISTRATIVE PROCEEDINGS

Subpart A—General Policies and Procedures; Scope of Rules

Subpart B—Notice; Answer; Other Pleadings

Subpart C—Prehearing Procedures; Motions; Discovery

Subpart D—Hearings

Subpart E—Decision and Review

AUTHORITY: The provisions of this Part 1030 issued pursuant to sec. 5 of the Act of Oct. 6, 1917, 40 Stat. 415, as amended, 12 U.S.C. 95a; E.O. 11387, Jan. 1, 1968, 33 F.R. 47; Department Organization Order 25–3A (formerly Department Order 184–A), Jan. 1, 1968, 33 F.R. 54.

Subpart A—General Policies and Procedures; Scope of Rules

§ 1030.111 Formal administrative proceedings.

The Office may institute a formal administrative proceeding when, on the basis of facts known to the Office, there is reason to believe that any person (hereinafter referred to as "respondent") has violated any requirement of the Program. Such proceedings may include, but are not limited to, allegations that the respondent has failed to comply with or is in violation, willfully or otherwise, of any such agency action; or that the respondent has made a transaction with intent to evade any requirement of the Program. Such proceedings shall be conducted in accordance with procedures that will assure due process of law to any party who may be adversely affected because of the determination therein.

§ 1030.112 Scope of the rules in this part.

(a) The rules in this part govern procedure in formal administrative proceedings described in § 1030.111.

(b) Except as specifically provided, the rules in this part do not govern any other proceedings, such as negotiations for the entry of consent orders, investigative hearings pursuant to § 1020.131 of this chapter, applications for specific authorizations or exemptions, or promulgation of substantive rules and regulations, general bulletins, interpretative opinions, or other rule making procedures.

Subpart B—Notice; Answer; Other Pleadings

§ 1030.211 Commencement of proceedings.

A formal administrative proceeding is commenced by the issuance and service of a notice, signed by the Director of the Office, containing the following:

(a) A clear and concise statement of facts sufficient to inform the respondent with reasonable definiteness of the type of acts or practices alleged to constitute a violation;

(b) Designation of specific requirements of the Program actions alleged to have been violated;

(c) A statement that the notice has been issued upon representations of the Director of the Compliance Division as summarized in the notice, and that respondent will have the opportunity to controvert the same;

(d) The substance of §§ 1030.212 and 1030.213;

(e) Specification of the time and place for hearing, such time to be at least twenty (20) days after service of the notice unless it is found and so stated in the notice that the public interest requires a shorter period;

(f) Identification of the person who will preside over the hearing and/or prehearing matters (hereinafter referred to as the "hearing examiner") and of the representative or representatives of the Compliance Division designated to prosecute the matter;

(g) A form of order which the Office has reason to believe should issue if the facts are found to be as alleged in the notice; and

(h) Recital of the legal authority and jurisdiction for institution of the proceeding.

§ 1030.212 Answer.

(a) A respondent shall, except as provided otherwise pursuant to § 1030.211 (e), have twenty (20) days after service of such notice within which to file an answer.

(b) Each answer shall contain a specific admission, denial, or explanation of each fact alleged in the notice or, if the respondent is without knowledge thereof, a statement to that effect. Allegations of a notice not specifically answered pursuant to this paragraph shall be deemed to have been admitted.

(c) Each answer shall contain a concise statement of each defense or affirmative matter that respondent will present, including a concise statement of the facts upon which it is founded. No defense or affirmative matter of which the respondent was aware at the time of filing his answer but did not include therein may be added by way of amendment or supplemental pleading under §§ 1030.221–1030.223, unless the hearing examiner, in his discretion, is convinced that respondent's failure was justifiable and that the interests of justice require its later admission.

§ 1030.213 Default.

Failure of the respondent to file an answer within the time provided or to appear as ordered shall constitute a waiver of his right to appear and contest the allegations of the notice and shall authorize the Office, without further notice, to find the facts to be as alleged in the notice and to enter findings and an order thereon.

§ 1030.221 Amendments, by leave.

The hearing examiner may, in his discretion, in the interests of justice, to facilitate the determination of a controversy, and upon such terms as are just, allow amendments to the notice or answer at any time prior to the filing of his decision.

§ 1030.222 Amendments conforming pleadings to evidence.

When issues not raised by the notice or answer but reasonably within the scope thereof are tried by express or implied consent of the parties, they shall be treated in all respects as though they had been timely raised. Amendments necessary to make the notice or answer conform to the evidence and the raising of such issues shall be allowed at any time.

§ 1030.223 Supplemental pleadings.

The hearing examiner may, in his discretion, in the interests of justice, to facilitate the determination of a controversy, and upon such terms as are just, allow service of a supplemental notice or answer setting forth transactions, occurrences, or events which occurred or were discovered since the date of the notice or answer sought to be supplemented and which are relevant to any of the issues involved in the proceeding.

Subpart C—Prehearing Procedures; Motions; Discovery

§ 1030.311 Prehearing conferences.

(a) The hearing examiner may direct any or all parties to meet with him for a conference to consider any or all of the following:

(1) Simplification and clarification of the issues;

(2) Necessity or desirability of amendments to pleadings;

(3) Stipulations or admissions of fact and of the contents, authenticity, and admissibility of documents; and

(4) Such other matters as may aid in the orderly and expeditious disposition of the proceeding, including disclosure of documents or other physical exhibits which will be offered in evidence in the course of the proceeding and of the names of witnesses.

(b) Prehearing conferences shall not be public unless all parties so agree.

(c) The hearing examiner, at his discretion, may direct that the prehearing conference be stenographically reported.

(d) When, as a result of a prehearing conference, it appears to the hearing examiner that the orderly, fair, and expeditious disposition of the proceeding will be aided thereby, he shall enter upon the record an order reciting any and all actions taken as a result of the conference. Insofar as such order states the issues to be resolved in the proceeding or the facts or documents which have been admitted to or stipulated by the parties, such order shall take precedence over any prior pleading or portion of the proceeding.

§ 1030.321 Motions.

(a) While a proceeding is before a hearing examiner all motions must be addressed to him. Copies of all written motions must be served upon each party.

(b) Motions should, if practicable, be in writing and shall state the particular order, ruling, or action desired and the grounds therefor. However, the hearing examiner may allow oral motions to be made before him, in appropriate cases, when each party affected or to be affected by such motion is present. Oral motions must be made upon the record.

(c) Within ten (10) days after service of any written motion, or within such longer or shorter time as may be fixed by the hearing examiner, the opposing party shall answer. Failure to answer shall constitute consent to the granting of the relief or sanction requested in the motion. The moving party will ordinarily have no right to reply.

(d) As a matter of discretion, the hearing examiner may waive the requirements of paragraphs (a) through (c) of this section as to motions for extensions of time and he may rule upon such motions ex parte.

(e) The hearing examiner shall rule, either in writing or upon the record, upon all motions presented to him. No formal opinion or findings are required on any motion.

§ 1030.326 Interlocutory appeals.

No interlocutory appeal to the decision officer (see § 1030.510) will be allowed from any decision of the hearing examiner unless the hearing examiner certifies that the ruling involves an important question of law that should be resolved at that time.

§ 1030.331 Discovery.

(a) The Federal Rules of Civil Procedure shall apply to discovery proceedings. There will be no fixed rule on priority of discovery.

(b) Discovery (including requests for admission) and compulsory process for discovery shall be available to the parties to a formal administrative proceeding under this part. Upon written motion pursuant to § 1030.321, the hearing examiner shall promptly rule upon any objection to discovery action initiated pursuant to this section. The hearing examiner shall also have the power to grant a protective order or relief to any party or third party subjected to discovery or compulsory process for discovery.

Subpart D—Hearings

§ 1030.411 Public hearings.

All hearings in formal administrative proceedings shall be public unless otherwise ordered by the hearing examiner.

§ 1030.412 Expedition of hearings.

Hearings shall proceed with all reasonable expedition, be held at one place, and continue without suspension until concluded, unless the hearing examiner specifically provides otherwise. The hearing examiner may, in the interests of justice, in order to assure full and fair presentation of the issues, and consistent with the public interest in the expeditious administration and enforcement of the Program, order brief intervals in any proceeding. In unusual and exceptional circumstances, for good cause stated on the record, he shall have the authority to order hearings at more than one place and to order brief intervals to permit discovery necessarily deferred during the prehearing procedures.

§ 1030.413 Rights of parties.

Every party shall have the right of representation by counsel, due notice, presentation of evidence, objection, cross-examination, motion argument, determination upon a record, and all other rights essential to a fair hearing.

§ 1030.414 Examination of witnesses.

An adverse party, or an officer, agent, or employee thereof, and any witness determined by the hearing examiner to be hostile, unwilling, or evasive, may be interrogated by leading questions. Any witness may be contradicted and impeached by any party, including the party calling him.

§ 1030.415 Admissibility of evidence.

Technical rules of evidence shall not apply in proceedings under this part. Relevant, material, and reliable evidence shall be admitted. Irrelevant, immaterial, unreliable, and unduly repetitious evidence shall be excluded. Immaterial or irrelevant parts of admissible documents shall be segregated and excluded so far as practicable.

§ 1030.416 Objections.

Objections to evidence shall be timely and shall briefly state the grounds relied upon but the transcript shall not include argument or debate thereon except as ordered by the hearing examiner. The hearing examiner shall, when requested by a party, rule upon the record on any properly presented objection, or specifically defer such ruling. Any objection not ruled upon shall be deemed overruled. The substance of any overruled objection shall be deemed preserved without formal exception.

§ 1030.417 Burden of proof.

Counsel representing the Compliance Division shall have the burden of persuasion and the burden of going forward with evidence to show, prima facie, that respondent failed to comply with a requirement of the Program, but the proponent of any proposition shall be required to sustain the burden of persuasion and the burden of going forward with evidence with respect thereto.

§ 1030.418 Use of information obtained in investigations.

Any documents, papers, books, physical exhibits, or other materials or information obtained by the Office under any of its powers may be disclosed by counsel representing the Compliance Division when necessary in connection with formal administrative proceedings and may be offered in evidence by such counsel in any such proceeding.

§ 1030.421 Transcript.

Hearings shall be stenographically recorded and transcribed by a reporter under the supervision of the hearing examiner. The original transcript shall be a part of the record and the sole official transcript.

§ 1030.422 Record.

The record shall include the pleadings, all motions, all orders of the hearing

examiner, the original transcript, all exhibits offered in evidence by any party, all proposed findings of fact, conclusions, and orders, and the recommended decision and proposed order of the hearing examiner. Except as provided under § 1030.451, the record shall be open to public inspection during business hours at the Department of Commerce, Office of Foreign Direct Investments, upon application therefor to the Clerk.

§ 1030.423 Excluded evidence.

When an objection to a question propounded to a witness is sustained, the examining attorney may make a specific offer on the record of what he expected to prove by the answer of the witness, or the hearing examiner may, in his discretion, hear and record the evidence in full. Rejected exhibits, adequately marked for identification, and other rejected evidence shall be retained in the record and be available for consideration by any reviewing authority.

§ 1030.431 Hearing examiners.

(a) Hearings and prehearing matters in formal administrative proceedings shall be presided over by a hearing examiner appointed or designated pursuant to section 3105 or section 3344 of title 5, United States Code.

(b) The hearing examiner for prehearing matters may differ from the hearing examiner presiding over the hearing. A hearing examiner who opens the hearings under a particular notice shall, in the ordinary course, be the sole hearing examiner for such hearings, but, in the event of the death, illness, or other unavailability of a hearing examiner, or other extenuating and unusual circumstances, another hearing examiner may be appointed as provided in paragraph (a) of this section.

(c) In the event of the substitution of a new hearing examiner for the one originally designated, any motion predicated upon such substitution shall be made within five (5) days following notice of such substitution.

§ 1030.433 Powers and duties.

Hearing examiners shall conduct fair and impartial hearings, take all necessary action to avoid delay in the disposition of proceedings, and maintain order. They shall have all powers necessary and appropriate to that end, including, but not limited to, the following:

(a) To administer oaths and receive affirmations;

(b) To issue compulsory process;

(c) To take depositions or to order depositions or other discovery procedures as provided in § 1030.331;

(d) To rule upon offers of proof and receive evidence;

(e) To regulate the course of the hearings and the conduct of the parties and their counsel therein;

(f) To hold conferences for stipulations, simplification of issues, settlement, or any other proper purpose;

(g) To consider and rule upon, as justice may require, all procedural and other motions;

(h) To make findings of fact and conclusions of law and to issue recommended decisions and proposed orders and

(i) To take any action authorized by the rules in this part or in conformance with law.

§ 1030.434 Suspension of attorneys.

(a) The hearing examiner shall have the authority, for good cause stated on the record, to suspend or bar from participation in a particular proceeding any attorney who shall refuse to comply with his direction, or who shall be guilty of disorderly, dilatory, obstructive, or contumacious conduct in the course of such proceeding.

(b) Any attorney so suspended or barred may appeal to the decision officer. Appeals shall be in the form of a brief, not to exceed ten (10) pages in length and shall be filed within five (5) days after notice of the hearing examiner's action. Answer thereto may be filed within five (5) days after service of the appeal brief and may not exceed ten (10) pages. The decision of the decision officer shall constitute final agency action. The appeal shall not operate to suspend the hearing unless otherwise ordered by the decision officer. In the event the hearing is not suspended, the attorney may continue to participate therein pending disposition of the appeal.

§ 1030.451 In camera policy.

(a) Hearing examiners shall have the authority, for good cause stated on the record, to order any documents, or oral testimony, or other matter offered in evidence, whether admitted or rejected, to be placed in camera.

(b) Except as provided in paragraph (c) of this section, matter placed in camera is kept confidential and is not part of the public record. Only the respondent, his counsel, authorized personnel of the Office and court personnel concerned with judicial review shall have access to such matter. Where it is appropriate, in order to protect a trade secret or other confidential business information, the hearing examiner may enter other orders necessary and appropriate to protect such information from misuse.

(c) The power of the hearing examiner, the Office and reviewing courts to disclose in camera matter to the extent necessary for the proper disposition of a proceeding is specifically reserved.

§ 1030.461 Submission by the parties of proposed findings, conclusions, and order.

(a) Within such time after the close of the reception of the evidence as the hearing examiner may fix, each party to a proceeding under this part shall file with the hearing examiner for his consideration all proposed findings of fact, conclusions of law, and forms of order, together with briefs in support thereof. Answering briefs may be filed within a reasonable time thereafter, as fixed by the hearing examiner. The hearing examiner, in his discretion, may vary the sequence of filing documents following the close of reception of evidence.

(b) Such proposed findings, conclusions, and orders and any briefs or other papers shall be in writing, shall be served upon all parties, and shall contain adequate references to the record and authorities relied on. "Passim" references to the record may not be used.

(c) If a party fails to file a proposed finding as to any fact involved in the proceeding, or a proposed conclusion of law as to any legal question raised by the proceeding, he shall be deemed to have waived any objections or contentions with regard to that fact or that question of law.

§ 1030.471 Hearing examiner's findings, conclusions, recommended decision and proposed order.

(a) Within a reasonable time after receipt of all briefs and/or other papers pursuant to § 1030.461, the hearing examiner who presided, unless he shall become unavailable to the Office, shall make findings of fact and conclusions of law and issue a recommended decision and proposed order. The findings, conclusions, recommended decision and proposed order shall be served upon the parties and shall be included in the record.

(b) The findings of fact and conclusions of law shall be numbered and shall contain appropriate references to the record.

§ 1030.472 Form of proposed order.

(a) If the hearing examiner determines that the respondent has not violated any requirement of the Program, he shall in his proposed order dismiss the notice.

(b) If the hearing examiner determines that the respondent has violated any requirement of the Program, he shall issue a proposed order taking into account, in fashioning said proposed order, the nature and circumstances of the violation as well as the importance of encouraging future good faith efforts to comply with the Program. Where appropriate (including, but not limited to, cases where the respondent's violation involves positive direct investment or the holding of liquid foreign balances under circumstances where such is prohibited or in excess of the amount generally and/or specifically authorized or failure to comply with conditions of specific authorizations, and/or willful failure to or delay in filing required reports) the proposed order may include in addition to any other appropriate remedies:

(1) Reduction during any year or years in the amount of positive direct investment and/or liquid foreign balances that would have been authorized to the respondent under Part 1000 of this chapter;

(2) A requirement that the respondent repatriate all or part of its share in the earnings of incorporated affiliated foreign nationals, which repatriation shall be disregarded for the purpose of measuring compliance with the provisions of Part 1000 of this chapter;

(3) A requirement that the respondent cause its affiliated foreign nationals to make transfers of capital to the respondent, which transfers shall be disregarded for the purpose of measuring compliance with the provisions of Part 1000 of this chapter;

(4) A requirement that the respondent repatriate available proceeds of long-term foreign borrowing, which proceeds may not be held thereafter in the form of foreign balances or other foreign property;

(5) A requirement that quarterly or other special reports be filed with the Office containing such information as may be appropriate.

Subpart E—Decision and Review

§ 1030.510 Decision officer: designation and disqualification.

(a) The Director of the Office shall be the decision officer unless he is unavailable by reason of disqualification or otherwise, in which case the Deputy Director of the Office shall be the decision officer.

(b) The decision officer shall withdraw from any case when he is disqualified by reason of personal relationship or interest or other just cause. If the decision officer has not withdrawn from the case and respondent believes that grounds for disqualification exist, respondent shall submit, with its first brief submitted pursuant to § 1030.511, a motion supported by an affidavit or affidavits specifying such grounds with particularity. In such case, the decision officer shall himself rule upon the motion in writing and his decision shall become part of the record of the case.

(c) If both the Director and the Deputy Director of the Office are disqualified or otherwise unavailable, the Appeals Board for the Department of Commerce shall perform the functions of the decision officer under the rules contained in this subpart, and the decision and order of the Appeals Board shall constitute the final agency action.

§ 1030.511 Objections.

(a) Any party in a proceeding under this part may file specific objections to the hearing examiner's findings of fact, conclusions of law, recommended decision and/or proposed order, provided that notice of intent to file such objections is filed with the Office within ten (10) days after service upon the parties of the hearing examiner's recommended decision and proposed order.

(b) Objections shall be in the form of a brief, not to exceed thirty (30) pages, filed no later than thirty (30) days after service of the hearing examiner's recommended decision and proposed order. Answering briefs, not to exceed thirty (30) pages, shall be filed not later than thirty (30) days after the closing date for submission of each objections. Reply briefs, not to exceed fifteen (15) pages, shall be filed not later than seven (7) days after the closing date for submission of answering briefs. Briefs shall be printed on one side only, if typewritten, shall be double spaced.

(c) The briefs shall be made a part of the record and the entire record shall then be certified promptly to the decision officer.

(d) If no notice of intent to file objections to the hearing examiner's findings of fact, conclusions of law, recommended decision or proposed order are filed within the time provided in paragraph (a) of this section, the record shall be certified at the conclusion of such time to the decision officer who shall decide the case in the manner provided in § 1030.513 (b). The decision officer may, at his discretion, request the parties to submit briefs on any or all of the issues raised by the record.

§ 1030.513 Decision.

(a) If objections are filed pursuant to § 1030.511, unless all parties have stipulated otherwise in writing, there shall be oral argument before the decision officer at a date and time set by him in writing and served on all parties, which argument shall be reported stenographically. The original transcript shall be made a part of the record. Each party shall be limited to thirty (30) minutes for presentation of oral argument, unless the decision officer shall determine that the circumstances of the case require more lengthy presentation.

(b) The decision officer, in deciding a matter, shall not be limited to consideration of the issues raised by the parties, but may consider all issues raised by the record.

(c) Within a reasonable time after receipt and consideration of the record and oral argument, if any, the decision officer shall do one of the following:

(1) Remand the case to the hearing examiner for the reception of additional evidence;

(2) Issue an interlocutory decision, either orally or in writing, with respect to the issues of fact and questions of law involved in the proceeding. Thereafter, in his discretion, he may direct the hearing examiner to conduct a separate hearing on relief and form of order. The decision officer may permit the filing of additional briefs and may request that the prevailing party or parties propose a form of order and the other party or parties comment thereon, or that all parties present their views concurrently. Any failure to object to any part of a form of order proposed by a prevailing party will constitute a waiver of objection to it. The decision officer shall then render a decision as specified in subparagraph (3) of this paragraph;

(3) Issue findings of fact and conclusions of law and render a decision that adopts, modifies or sets aside the hearing examiner's findings, conclusions and recommended decision and states the reasons for his action, and enter an order which shall be served on each party to the proceeding.

(d) The order entered by the decision officer shall become effective ten (10) days after service thereof, unless the respondent appeals to the Appeals Board for the Department of Commerce, pursuant to the procedure set out in Part 1035 of this chapter or files a petition for reconsideration under § 1030.515.

§ 1030.514 Appeals from orders under Part 1020 of this chapter.

Any party appealing from the denial of a motion under § 1020.123 of this chapter, shall file an appeal brief, not to exceed thirty (30) pages, within seven (7) days after service of the order denying said motion. The answering brief, not to exceed thirty (30) pages, shall be filed within seven (7) days thereafter. Oral argument will not be allowed. Within a reasonable time after receipt of the briefs, the decision officer shall render an appropriate decision.

§ 1030.515 Petition for reconsideration.

Any party may petition for reconsideration of a final decision or order of the decision officer by filing a written brief with the Office stating succinctly and with particularity the grounds upon which reconsideration is being sought within five (5) days after the date of service of the decision officer's order. The decision officer shall thereafter enter as promptly as possible an order either granting or denying the petition.

PART 1035—RULES OF PRACTICE FOR APPEALS IN PROCEEDINGS ORIGINATING UNDER PART 1030

Sec.

AUTHORITY: The provisions of this Part 1035 issued pursuant to sec. 5 of the Act of Oct. 6, 1917, 40 Stat. 415, as amended, 12 U.S.C. 95a; E.O. 11387, Jan. 1, 1968, 33 F.R. 47; Department Organization Order 25-3A (formerly Department Order 184-A), Jan. 1, 1968, 33 F.R. 54.

§ 1035.101 Scope of rules.

The rules of practice in this part shall govern appeals from final decisions of the decision officer in proceedings originating under Part 1030 of this chapter. Appeals in proceedings originating under Part 1000 of this chapter shall be governed by § 1000.802 of this chapter.

§ 1035.102 Board.

(a) The Appeals Board for the Department of Commerce (referred to in this part as the "Board") shall have sole and exclusive jurisdiction to hear administrative appeals from final decisions of decision officers in proceedings under Part 1030 of this chapter. The decision of the Board shall constitute final agency action.

(b) The Chairman of the Board shall designate a panel of three Board members, from time to time, to pass upon such appeals.

(c) All communications to the Board shall be addressed to: Chairman, Department of Commerce Appeals Board,

Department of Commerce, Washington, D.C. 20230, and shall be in writing.

§ 1035.103 Appeals.

(a) The respondent in a proceeding under Part 1030 of this chapter may appeal to the Board from the decision and order of the decision officer, provided that notice of intent to appeal is filed with the Board within ten (10) days after service of the decision officer's decision and order or, if the respondent files a petition for reconsideration of the decision officer's order (pursuant to § 1030.515 of this chapter), notice of intent to appeal shall be filed with the Board within ten (10) days after the date of service of the decision officer's order either denying the petition for reconsideration or disposing of a petition that had been granted.

(b) The respondent, in a proceeding under Part 1030 of this chapter, may appeal on the following grounds: that prejudicial error of law was committed; that the findings were clearly erroneous or were not supported by substantial evidence; or that the provisions of the order are arbitrary, capricious or an abuse of discretion.

§ 1035.104 Certification of the record.

Promptly after the filing of notice of intent to appeal, the record including the decision and order of the decision officer, and any petition for reconsideration and order relating thereto, shall be certified to the Board.

§ 1035.105 Briefs.

(a) The appeal brief shall be served and filed no later than thirty (30) days after service of the appropriate order of the decision officer (determined pursuant to § 1035.103(a)); the answering brief shall be served and filed no later than thirty (30) days after service of the appeal brief; and the reply brief shall be served and filed no later than seven (7) days after service of the answering brief. The appeal and answering briefs shall not exceed thirty (30) pages (if typewritten, double spaced) exclusive of appendices, and the reply brief shall not exceed fifteen (15) pages.

(b) An original and five (5) copies of each brief shall be filed with the Board and three (3) copies shall be served upon each party to the proceeding, including the Office.

(c) The appeal and answering briefs shall contain in the following order:

(1) Index, table of cases, statutes, and other authorities—and page references thereto;

(2) Concise, nonargumentative statement of facts, with specific page references to the record to support each assertion;

(3) Argument, with specific page references to the record to support each assertion;

(4) Conclusion;

(5) Appendix (optional), any record material or exhibits on which the party places particular reliance.

(d) The appeal brief shall, in addition, include in the argument section a specific explanation of how the grounds for appeal fall within the standards of § 1035.103(b), and, following the conclusion, any form of order that the respondent proposes be issued in lieu of the order issued by the decision officer.

§ 1035.107 Oral argument.

The Board will ordinarily determine an appeal on the basis of the briefs. The Board will allow oral argument only in exceptional cases when it deems it necessary, upon its own motion.

§ 1035.108 Disposition of appeals by Board.

(a) The appeal shall be determined upon the basis of the record and the briefs and argument, and shall not constitute a hearing de novo. The Board shall not substitute its discretion for that of the decision officer in any matter involving expertise in interpreting, defining, administering, or effectuating the policies and purposes of the regulations or other agency actions under the Program. The Board shall not consider facts or arguments affecting the merits of the policies embodied in the regulations or other agency actions alleged to have been violated.

(b) Unless two members of the Board are of the opinion, and so advise the Chairman of the Board in writing within 20 days after the date of the filing of the appeal brief, that they desire to grant the appeal or consider further briefs or arguments, the Chairman of the Board shall, on the 20th day after the date of the filing of the appeal brief, enter an order pursuant to § 1035.109(b).

§ 1035.109 Content of orders.

(a) The grant of an appeal may be by an order remanding the matter to the decision officer, accompanied with a brief statement of reasons therefor.

(b) The denial of an appeal ordinarily will be in the form of an order signed by the Chairman of the Board, stating that the appeal was denied by the Board on a particular date, and ordinarily will not be accompanied by an explanatory statement. Such denial without an explanatory statement shall be deemed equivalent to adoption by the Board of the decision officer's decision.

(c) Where the Board grants an appeal in part and denies it in part, it ordinarily will remand the matter to the decision officer, as specified in paragraph (a) of this section. Where the Board can appropriately dispose of such a matter by entering its own order, rather than by remanding the matter, it may do so.

(d) Entry of an order by the Board shall be effective ten (10) days after service thereof.

PART 1040—COMPLIANCE PROCEDURES; REPORTS, ADVISORY OPINIONS, AND ENFORCEMENT

Subpart A—Compliance Reports

Subpart B—Advisory Opinions on Compliance

Subpart C—Enforcement

AUTHORITY: The provisions of this Part 1040 issued pursuant to sec. 5 of the Act of Oct. 6, 1917, 40 Stat. 415, as amended, 12 U.S.C. 95a; E.O. 11387, Jan. 1, 1968, 33 F.R. 47; Department Organization Order 25–3A (formerly Department Order 184–A), Jan. 1, 1968, 33 F.R. 54.

Subpart A—Compliance Reports

§ 1040.111 Compliance reports following Parts 1030 or 1035 orders.

(a) Whenever, in a proceeding under Parts 1030 or 1035, an order is entered requiring the respondent to refrain from or to undertake any future act or practice, the Office will further require the respondent to file a compliance report with the Office. Such requirement will be by action of the Director of the Compliance Division pursuant to § 1020.121(a)(2) of this chapter.

(b) Such report shall be in writing, signed by the respondent or an officer thereof, be made under oath or affirmation, and be filed with the Office, Attention: Director of Compliance Division.

(c) Such report shall set forth in detail the manner and form of the respondent's compliance with each of the provisions of the order.

(d) Such report shall be filed within twenty (20) days after the order becomes effective unless the Director of the Compliance Division, upon timely request, extends such time. Further and subsequent reports may also be required by the Director of the Compliance Division.

§ 1040.114 Noncompliance with reporting requirements.

In cases of failure to comply with compliance report requirements, the Office may initiate appropriate action pursuant to § 1020.141 of this chapter.

§ 1040.121 Comment on report.

The Office will review compliance reports. The Director of the Compliance Division may comment in writing to the respondent in respect to whether the actions set forth in such a report evidence compliance with the order.

Subpart B—Advisory Opinions on Compliance

§ 1040.211 Request for opinion.

Any respondent subject to an order issued under Parts 1030 or 1035 of this chapter may request advice from the Office as to whether a proposed course of action, if pursued by it, will constitute compliance with such order. The request for advice should be submitted in writing and should include full information regarding the proposed course of action.

§ 1040.212 Response by Office.

On the basis of the facts submitted as well as other information properly available to it, the Office will, where it is practicable and otherwise appropriate, by letter signed by the Director of the Compliance Division, inform the respondent whether the proposed course of action, if pursued, would constitute compliance with the order. The Office expressly reserves the power to take such other and/or additional action as the public interest may require.

§ 1040.214 Advisory opinion during compliance investigation.

Once the Office has instituted an investigation to determine whether a respondent is in violation of an outstanding order issued against it, the Office will ordinarily consider it inappropriate to give the respondent an advisory opinion on the subject. No request for an advisory opinion, in such circumstances, will ordinarily cause the Office to discontinue such investigation.

§ 1040.221 Revocation.

The Office may, at any time, reconsider any advice or comment made under § 1040.121 or § 1040.212, and rescind, alter, or revoke the same. If it does so, the Office will, whenever possible, give prompt notice to the respondent.

§ 1040.222 Reliance.

(a) When the Office believes that a respondent has violated an order issued against it under Parts 1030 or 1035 of this chapter but the respondent establishes to the Office that it acted in actual, properly warranted, and good faith reliance upon written advice to it under § 1040.121 or § 1040.212, then the Office will not proceed or recommend any proceeding against such respondent in respect to such possible violation without first giving respondent notice under § 1040.221 and an opportunity to discontinue the questioned practice or transaction and to correct the effects thereof.

(b) If the respondent effects such discontinuance and correction promptly and fully, and satisfies the Office that it is complying with the requirements of the Program in regard to the matter, then the Office will take no further action.

Subpart C—Enforcement

§ 1040.311 Enforcement.

When the Office has information indicating that a respondent has failed or is failing to comply with the provisions of an order entered against the respondent under Part 1030, the Office may institute or recommend a civil or criminal enforcement proceeding (see, e.g., 50 U.S.C. App. 5(b)(3), 17) or a further administrative proceeding under Part 1030 of this chapter.

PART 1050—MISCELLANEOUS RULES

Sec.

AUTHORITY: The provisions of this Part 1050 issued pursuant to sec. 5 of the Act of Oct. 6, 1917, 40 Stat. 415, as amended, 12 U.S.C. 95a; E.O. 11387, Jan. 1, 1968, 33 F.R. 47; Department Organization Order 25–3A (formerly Department Order 184–A), Jan. 1, 1968, 33 F.R. 54.

§ 1050.101 Appearances.

(a) *Qualifications.* (1) Members of the bar of a Federal Court or of the highest court of any State or territory of the United States are eligible to practice before the Office and the Appeals Board for the Department of Commerce in any proceeding under Parts 1020–1050 of this chapter.

(2) Any individual or member of a partnership involved in any such proceeding may appear on behalf of himself or of such partnership, upon adequate identification. A corporation or association may be represented by an officer thereof.

(b) *Notice of appearance.* Any person desiring to appear before the Office on behalf of a person or party shall file a written notice of his appearance, stating the basis of his eligibility under this section. No other application shall be required for admission to practice, and no register of attorneys will be maintained.

§ 1050.102 Standards of conduct.

(a) All persons practicing before the Office shall conform to the standards of ethical conduct required of practitioners in the courts of the United States. Accountants who prepare reports or other documents for submittal to the Office shall conform to the standards of ethical conduct prescribed by the State Board of Accountancy or other licensing authority for the State in which such accountant maintains his principal place of business.

(b) If the Office has reason to believe that any person is not conforming to such standards, or that he has been otherwise guilty of conduct warranting disciplinary action, the Office may issue an order requiring such person to show cause why he should not be suspended or disbarred from practice before, or from the preparation of reports or other documents for submittal to, the Office. The alleged offender shall be granted due opportunity to be heard and may be represented by counsel. Thereafter, if warranted by the facts, the Office may issue against the person an order of reprimand, suspension, disbarment, or other appropriate sanction.

§ 1050.103 Requirements as to form and filing of documents.

(a) *Filing.* In formal administrative proceedings under Part 1030 of this chapter, except as otherwise provided, all documents submitted to the Office shall be addressed to the hearing examiner. Where practicable, such documents shall be filed with him; otherwise, they shall be filed with the Clerk (see § 1050.104). Informational applications or requests, however, may be submitted directly to the official in charge thereof or to the Director of the appropriate Division.

(b) *Title.* Documents shall clearly show the file or docket number and title of the matter in connection with which they are filed.

(c) *Copies.* Five copies of all formal documents shall be filed, unless otherwise specified. Informal applications and correspondence should be submitted in the form of an original and two copies thereof.

(d) *Form.* (1) Documents shall be printed, typewritten (double spaced) or otherwise processed in permanent form.

(2) Wherever practicable, documents shall be on paper approximately 8½ inches by 11 inches, bound or stapled on the left side.

(e) *Signature.* One copy of each document filed shall be signed by a person who has entered an appearance (or in informal matters by a person qualified to do so).

§ 1050.104 Clerk.

The Director of the Office shall designate an employee of the Office to serve as Clerk of the Office. The Clerk shall, in general, perform the functions of the Clerk of a district court, in respect to the proceedings under Part 1030 of this chapter and where otherwise appropriate. Papers may be filed with him; he shall accept and record receipt of formal papers; he shall enter the orders of hearing examiners and cause them to be served upon parties. Where it is appropriate, the Clerk shall sign documents and other papers in the name of the Office. Nothing contained in this section shall be deemed to preclude the Clerk from performing any other functions within the Office.

§ 1050.105 Time computation.

Computation of any period of time prescribed or allowed under Parts 1020–1040 of this chapter shall begin with the first business day following that on which the act, event, or development initiating such period of time shall have occurred. When the last day of the period so computed is a Saturday, Sunday, or national holiday, or other day on which the Office is closed, the period shall run until the end of the next following business day. When such period of time, with the intervening Saturdays, Sundays, and national holidays counted, is 5 days or less, each Saturday, Sunday, and any such holiday shall be excluded from the computation. When such period of time, with the intervening Saturdays, Sundays, and national holidays counted, exceeds 5 days, each of the Saturdays, Sundays, and such holidays shall be included in the computation.

§ 1050.106 Service.

(a) *By the Office.* (1) Service of notices, orders, and other processes of the Office or a hearing examiner may be effected as follows:

(i) *By registered or certified mail.* A copy of the document shall be addressed to the person to be served, at its residence, office, or place of business, and sent thereto by registered or certified mail; or

(ii) *By delivery to an individual.* A copy thereof may be delivered to the natural person to be served, or to a member of the partnership to be served, or to any officer or director of the corporation or unincorporated association to be served; or

(iii) *By delivery to an address.* A copy thereof may be left at the office or place of business of the person, or it may be left at the residence of the person or of a member of the partnership or of an officer or director of the corporation or unincorporated association to be served.

(2) All other documents may be similarly served, or they may be served by ordinary first-class mail.

(b) *By other parties.* Service of documents by parties other than the Office shall be by delivering copies thereof as follows: Upon the Office, by personal delivery or delivery by first-class mail to the Clerk; upon any other party, by delivery to the party, as specified in paragraph (a) of this section.

(c) *Service on attorney of party.* When a party is represented by a person qualified pursuant to § 1050.101(a), and such representative has filed a notice of appearance as required by § 1050.101(b), or has filed any pleading or other document on behalf of the party, any notice, order, or other process or communication required or permitted to be served upon a person or party may be served upon such representative in lieu of any other service.

(d) *Proof of service.* (1) When service is by registered, certified, or ordinary first class, it is complete upon delivery of the document by the post office to the person served.

(2) The return post office receipt for a document registered or certified and mailed, or the verified return or certificate by the person serving the document by personal delivery, shall be proof of the service of the document. All documents served by ordinary mail shall have appended thereto a certificate of service, setting forth the manner of said service, including the address of any person so served.

§ 1050.107 Fees.

(a) *Witnesses.* Any person compelled to appear in person in response to compulsory process shall, upon his application therefor, be paid the same fees and mileage as are paid witnesses in the courts of the United States.

(b) *Responsibility.* The fees and mileage referred to in this section shall be paid by the party at whose instance the witness appears.

§ 1050.108 Ex parte communications.

(a) In a formal administrative proceeding, no person not employed by the Office and no employee or agent of the Office who performs any investigative or prosecuting function in connection with the proceeding, shall communicate ex parte, directly or indirectly, with any person involved in the decisional process in such proceeding, with respect to the merits of that or a factually related proceeding.

(b) In a formal administrative proceeding, no person involved in the decisional process of such proceeding shall communicate ex parte, directly or indirectly, with any person not employed by the Office, or with any employee or agent of the Office who performs any investigative or prosecuting function in connection with the proceedings, with respect to the merits of that or a factually related proceeding.

(c) In a formal administrative proceeding, if an ex parte communication is made to or by any employee involved in the decisional process, in violation of paragraph (a) or (b) of this section, such employee shall promptly inform the Office of the substance of such communication and the circumstances thereof. The Office will take such action thereon as it may consider appropriate.

§ 1050.111 Freedom of information.

(a) All documents (including transcripts) filed in formal administrative proceedings conducted under Part 1030 of this chapter (except those documents placed in camera pursuant to § 1030.451 (b) of this chapter), and such other documents as the Office may from time to time designate, shall be made part of the public records of the Office. Copies thereof are maintained for public inspection and copying in the office of the Clerk (see § 1050.104).

(b) For good cause shown and upon application by any party submitting a document that is to be placed on the public record, pursuant to paragraph (a) of this section, the Office may excise trade secrets and customarily privileged commercial or financial information obtained from any person. Requests for such excision may be made by timely submittal to the Office of a written request specifying with particularity each item sought to be excised and setting forth in each instance a full statement of the party's business reasons for requesting excision. Mere conclusory allegations and requests that an entire document be omitted from the public record will not be deemed to satisfy the requirements of this paragraph.

(c) All documents of any description received by the Office from any person in connection with an investigation of possible noncompliance with the Program, and not described in paragraph (a) of this section, are considered part of the investigatory files of the Office, compiled for law enforcement purposes, and will not be disclosed to any person except pursuant to law.

(d) Terms used in this section shall have the meanings ascribed thereto in 5 U.S.C. §§ 551–553.

Effective date. The amendments to Parts 1020–1050 shall be effective as of the date of publication in final form in the FEDERAL REGISTER, and shall govern all proceedings commenced after the effective date and all pending proceedings except to the extent that the Director of the Office determines, in his discretion, that application of the amendments or any portion thereof in a pending proceeding would not be feasible or would work injustice, in which case the appropriate former rule or rules shall apply.

[FR Doc.71-4091 Filed 3-24-71;8:50 am]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-408; Order No. 427]

SCHEDULES OF FEES FOR PUBLIC UTILITIES AND NATURAL GAS COMPANIES

MARCH 18, 1971.

On November 25, 1970, the Commission issued a notice of proposed rulemaking in this proceeding (35 F.R. 18324, Dec. 2, 1970) proposing to amend its general rules and regulations under the Federal Power Act and the Natural Gas Act to revise the schedules of fees at present imposed in connection with the filing of certain applications by natural gas companies and to establish new schedules of fees and annual charges to be applicable to electric utility companies and natural gas companies.

Responses were received (exclusive of requests for additional time within which to submit comments[1]) on behalf of 62[2] companies and two industry associations raising questions as to the meaning of certain provisions, suggesting modifications for clarification or on the merits, objecting to the amounts proposed for certain of the services in the noticed schedules of fees and generally questioning the propriety of imposing annual assessments for services rendered in the administration of both Acts or the basis upon which they would be computed. A number of these comments have provided the basis for clarifying this rulemaking and others which have been called to our attention have resulted in revisions incorporating recommendations that will avoid inequities that might otherwise have occurred. The remaining comments and recommendations were considered and those which have been found lacking in merit or not necessary are not discussed in the order herein adopted.

Section 36.1 as proposed clearly stated the Commission's aim that annual assessments covering the balance of the expenses incurred in the administration in

[1] The notice invited the submission of data, views, comments, and suggestions in writing by no later than Dec. 18, 1970; however, by notices issued Dec. 16, 1970 (35 F.R. 19641, Dec. 25, 1970) and Jan. 22, 1971 (36 F.R. 1487, Jan. 30, 1971), the time to do so was extended ultimately to Feb. 5, 1971.

[2] Those responding to the invitation for comments are listed in an appendix which is filed as part of the original document.

each fiscal year of Parts II and III of the Federal Power Act above those recovered by the proposed fees for specified filings be based on gross electric revenues. We proposed that the allocations be based on gross rather than jurisdictional (electric) revenues because of the benefits deriving from our services (both regulatory and involving reliability) since both have direct and substantial impact on the stability and operations of public utilities regardless of the amount of their revenues derived from jurisdictional sales. However, we recognize the jurisdictional sales for resale of many public utilities are relatively small compared to their total revenues and that inequities would result if assessments covering all programs under Parts II and III of the Federal Power Act were based entirely on gross revenues. Accordingly, we have revised this section to provide that the residual costs of administration of our regulatory programs should be allocated on the basis of jurisdictional business but that the costs relating to our coordination and reliability programs which have impact on the total business of the utilities, whether or not jurisdictional, should be allocated on the basis of gross revenues. For the reason above stated, similar revision has been made in section 159.2a regarding the allocation of assessments among natural gas companies. As revised, such companies will be required to pay annual charges covering the residual costs of those programs on the basis of their jurisdictional business whether stemming from sales for resale, transportation of natural gas for others, or both. Other changes in §§ 36.1 and 158.2a have been made for purposes of clarification based on the numerous comments we have received.

We have adopted suggestions that the fees prescribed in connection with the merger or consolidation of facilities be based on a sliding scale instead of a fixed fee. Our design of the fee schedule contemplated a charge of $10,000 for mergers of Class A, Class B utilities, or both Class A and B utilities; the mere acquisition of facilities not constituting a merger or consolidation of such utilities, such as the acquisition of a transmission line having a value in excess of $50,000, would have been covered under § 36.2(c), as proposed, involving a fee of $500. But this amount would have been payable not only by the applicant disposing of the property but also by the one acquiring it. Instead, we are removing possible ambiguity and providing a more equitable schedule by requiring payment of a fee, not to exceed $10,000, based on the value of property transferred, as has been proposed. We are also adopting the suggestion that the requisite fee payable upon the filing of applications for the acquisition and disposition of facilities which involve several jurisdictional utilities should be split among them on the theory both the acquiring and disposing utility derive benefit from the transaction. In order to avoid any imposition of charges upon nonjurisdictional companies, however, the charges applicable to jurisdictional companies shall be at the rate of one-half percent of the value of facilities acquired and disposed of but not exceeding $5,000 as to each. A nonjurisdictional company acquiring facilities from or disposing of assets to a jurisdictional company will neither be charged nor the costs of such services be borne by the utilities subject to our jurisdiction.

Some filings for rate increases are very small. In such cases a fee of $500 would be inequitable. However, administrative analysis is required regardless of the amount of the increase and it is conceded that a reasonable fee should be imposed for these services. We have accordingly revised proposed § 36.2(g) to provide for payment of a flat fee of $100 for increases of less than $5,000, if in sum they constitute no more than one percent of the total charges then in effect with respect to the purchasers affected by such filing. The second requirement is based on our experience that a rate increase though small will necessitate a more thorough evaluation if it constitutes more than a very minor part of the total charges to the customers involved. Where both requirements for the minimum fee are not met, the filing fee will remain at $500 which will also apply to increases from $5,000 to $50,000. Objections to a scaled fee for increases of $50,000 or more are not well taken, since generally our input of services varies directly with the amount of the increases we are required to review. These changes have been made in § 36.2 (g).

The suggestion that filings for rate increases made under multiparty agreements involving several utilities should be exempt from fee requirements is without merit. The Commission's staff is obligated to evaluate such agreements where filing is required and if they involve rate increases Commission services should not be rendered without charge.

Several responding parties suggested the incorporation of provisions for refunds of various dimensions. The underlying purpose in adopting these fee schedules is to provide for the recoupment to the Treasury for the value of services rendered. Applications which may ultimately be denied in whole or in part after staff review and analysis involve the services of the Commission which should be subject to fee charges within the intent of our underlying authority. There is no valid basis for refund in those circumstances. Similarly, the payment of a fee based upon a filing of a rate increase which is ultimately found or conceded to be excessive should not justify a partial refund.

We adopt the suggestion that if an application or filing is withdrawn or rejected as insufficient or for some other reason not involving the input of substantial staff services, the fee should be refunded. If rejection occurs after considerable expenditure of staff time, there is no justification for refund. Accordingly, we have provided for refund in those cases if the filing has been withdrawn or found deficient and rejected. Under our procedures rejection must occur within 30 or 60 days depending on the type of filing; in that time staff effort will not have been cumulatively large. We have also clarified the status of amended filings in regard to fee requirements and filings for which more than one fee might be payable under these regulations. See section 36.3.

Two recurrent objections to the proposed regulations require comment. The first, that the Commission does not have authority to charge fees except for and to the extent of the actual cost of specific services rendered has already been considered and was covered by our discussion in the notice of rulemaking issued in this docket. Congress has by statute vested authority in all agencies of the Federal Government to prescribe fees or charges for services conferring benefits on persons subject to their jurisdiction so as to render such agencies as fully self-sustaining as possible. The pertinent provision which is included in title V of the Independent Offices Appropriations Act for the year ending June 30, 1952 (65 Stat. 290, 31 U.S.C. 483a), reads as follows:

It is the sense of the Congress that any work, service publication, report document, benefit, privilege, authority, use, franchise, license, permit, certificate, registration, or similar thing of value or utility performed, furnished, provided, granted, prepared, or issued by any Federal agency (including wholly owned Government corporations as defined in the Government Corporation Control Act of 1945) to or for any person (including groups, associations, organizations, partnerships, corporations, or businesses), except those engaged in the transaction of official business of the Government, shall be self-sustaining to the full extent possible, and the head of each Federal agency is authorized by regulation (which, in the case of agencies in the executive branch, shall be as uniform as practicable and subject to such policies as the President may prescribe) to prescribe therefor such fee, charge, or price, if any, as he shall determine, in case none exists, or redetermine, in case of any existing one, to be fair and equitable taking into consideration direct and indirect cost to the Government, value to the recipient, public policy or interest served, and other pertinent facts, and any amount so determined or redetermined shall be collected and paid into the Treasury as miscellaneous receipts: *Provied*, That nothing contained in this section shall repeal or modify existing statutes prohibiting the collecting, fixing the amount, or directing the disposition of any fee, charge, or price: *Provided further*, That nothing contained in this section shall repeal or modify existing statutes prescribing bases for calculation of any fee, charge, or price, but this proviso shall not restrict the redetermination or recalculation in accordance with the prescribed bases of

the amount of any such fee, charge, or price.

Pursuant to such statute and to recommendations made at hearings before congressional appropriation committees, we established by order our first schedule of fees (apart from those under part I of the Federal Power Act) which were payable in connection with applications filed by natural gas pipeline companies for certificates of public convenience and necessity and for other authorizations as especially beneficial to the recipients of the services rendered in their processing. Order 317, 31 F.R. 430, January 13, 1966, as amended by FPC Order 317–A, 31 F.R. 4890, March 24, 1966, Part 159 of the Commission's regulations under the Natural Gas Act, 18 CFR Part 159.

Congressional appropriation committees have since requested further review of our fee schedules with a view to making increases or adjustments to offset in part the increasing needs for direct appropriations for agency operating expenses. S. Rept. No. 1375, 90th Cong., second session; H. Rept. No. 1348, 90th Cong., second session. More recently, the Chairman of the Subcommittee on Independent Offices and Department of Housing and Urban Development of the Committee on Appropriations of the House of Representatives requested us to review our rate and fee structures with a view to charging gas and utility companies enough to sustain our administrative operations. Hearings, Independent Offices and Department of Housing and Urban Development Appropriations for 1971, 91st Cong., second session, part 2, p. 951.

Moreover, we noted that in developing these schedules we have endeavored to adhere to the guidelines contained in Budget Circular No. A–25 by the imposition of charges "to each identifiable recipient for a measurable unit or amount of Government service * * * from which he derives a special benefit." These services include agency action which "provides special benefits * * * above and beyond those which accrue to the public at large * * *" or provides "more immediate or substantial gains or values * * * than those which accrue to the general public * * *" or provides "business stability or assures public confidence in the business activity of the beneficiary * * *" or is "performed at the request of the recipient and is above and beyond the services regularly received by other members of the same industry or group, or of the general public * * *".

Costs directly allocable to a specific type of service rendered to specifically identifiable persons would be effected by charges directly related to that specific service. In determining the amount thereof we are not required to keep cost records on a case-by-case basis but are authorized to average the costs involved in a particular service. Aeronautical Radio, Inc. v. United States, 335 F. 2d 304 (CA7, 1964), certiorari denied, 379 U.S. 966 (1965). Our remaining proposed charges being of benefit overall to the members of both industries would be assessed on a measure of size against those within the ambit of our jurisdictional activities. We deem the allocation formulas we adopt herein to be both reasonable and a practical alternative to the development of a complex, extensive and costly accounting system whereby actual costs involved in each matter would be charged to the parties involved. Even such a system for basing charges would not in all circumstances be equitable since policies developed in prolonged proceedings involving one utility often become applicable to others at a minimum of additional administrative costs. We do not, after considering the content of the responses in this respect, find the comments sufficiently persuasive to require a change in the schedules for annual fees proposed and adopted herein.

We reject the contention that the proposed fees would constitute an illegal imposition of a tax inasmuch as we hold that the proposed charges constitute fees rather than taxes. The distinction between a tax and a fee has been clearly defined by the courts. The cases hold that:

A tax is an enforced contribution exacted pursuant to legislative authority for the purpose of raising revenue to be used for public or governmental purposes, and not as payment for a special privilege or a service rendered. United States v. Butler, 297 U.S. 1, 61 (1936); Gumby v. Yates, 214 Ga. 17, 102 S.E. 2d 548, 550–551 (1958). A fee is a charge fixed by law for services of public officers or for use of a privilege under control of the Government. Fort Smith Gas Co. v. Wiseman, 189 Ark. 675, 74 S.W. 2d 789, 790 (1934). A tax is imposed upon the party paying it by mandate of the public authorities, without his being consulted in regard to its necessity, or having any option as to its payment. The amount is not determined by any reference to the service which he receives from the Government, but by his ability to pay, based on property or income. On the other hand, a fee is always voluntary, in the sense that the party who pays it originally has, of his own volition, asked a public officer to perform certain services for him, which presumably bestow upon him a benefit not shared by other members of society. Stewart v. Verde River Irrigation & Power Dist. 49 Ariz. 531, 68 P. 2d 329, 334, 335.

While it may possibly be argued that the provision of title V calling for the payment of the amounts collected in fees into the Treasury as miscellaneous receipts is descriptive of a tax, we believe that an overall reading of title V firmly supports the contention that the fees are not intended for the support of the Government as a whole, but rather as a means of sustaining to the fullest extent feasible those agencies of the Government which bestow special privileges and services upon certain individuals who may apply for those privileges and services.

The question whether the proposed schedules constitute a tax is not affected by the method used in their assessment, i.e., whether in fixed amounts or varying in accordance with specified formulae. The proposed charges were not authorized to impose exactions in the support of government in the general understanding of the term "tax", United States v. Butler, 297 U.S. 1, 61; New Jersey Bell Telephone Co. v. State Board of Taxes, 280 U.S. 338, 347, but would be in the nature of impositions "levied to reimburse the State or a subdivision thereof for services rendered rather than to provide public revenue * * *" 51 Am. Jur., Taxation section 20.[3]

The second objection made by a number of the responding parties is to the amounts projected to be recovered under the proposed fee schedules. In essence, those who have raised this contention state that the benefits of regulation should be borne in part by those who also benefit from the services rendered by the administration of both Acts who are not subject to regulation. These comments have merit. While we do not exercise jurisdiction over REA or municipally operated utilities, they do derive benefits from the services we provide under parts II and III of the Federal Power Act. In this light it would be inequitable to have the privately owned utilities bear the cost of such services and we have accordingly revised § 36.1 to reflect this change. (We had already excluded from our formula the costs associated with services rendered to other (including Federal) agencies since we have not incorporated in the costs to be assessed our expenses incurred in programs directed to servicing other agencies and the public.)

However, we do not agree that recoupment of part of the costs of all other services rendered to jurisdictional companies should be absorbed by the taxpayers generally since they primarily benefit the public utilities. The extension of the Commission's jurisdiction in 1935 to public utilities was prompted in substantial part by the deplorable practices of management which resulted in the collapse of the financial structures upon which the electric utility industry had been erected. The creation of regulatory agencies at the Federal[4] level and the exercise of the powers delegated by the Congress to them have provided the foundation for the sound financial condition which public utilities and natural

[3] State statutes designed to recover in part the costs of administration of their public service commissions either on a fixed-fee basis for specific services or as a percentage of some measure of size or value are not infrequent. See compilation in Committee Print prepared by the Subcommittee on Intergovernmental Relations of the Senate Committee on Operations, dated Sept. 11, 1967, entitled, State Utility Commissions, 90th Cong., first session, p. 22.

[4] Investigation of both the electric and gas industries by the Federal Trade Commission resulted in the grant of regulatory powers over public utilities. See title II of the Public Utility Holding Company Act of 1935, 49 Stat. 838. Regulation of natural gas companies, though considered at the time that Act was adopted, was not authorized until 1938. 52 Stat. 821.

gas companies have achieved.[5] We recog-

"A great measure of the improvement in the financial position of the electric utilities has been due to the strengthening of regulatory controls by the Federal Power Commission, and particularly to the enforcement of the new uniform system of accounts."

A trade publication editorialized that

"At no time in the past twenty years has the electric utility industry of this country been in as sound a position financially as it is today."

Report on the Reclassification and Original Cost of Electric Plant of Public Utilities and Licensees, Federal Power Commission, 1950, pp. 19–20.

nize that the exercise of our responsibilities in preventing the imposition of rates and charges which are unjust and unreasonable or preferential and prejudicial has provided continuing benefit to consumers, but our actions in this respect have redounded to the benefit of both industries by creating the economic climate for greater usage of the services of the regulated companies which in turn have further strengthened their financial stability and their ability to sell debt and equity securities required for capital additions to meet ever-increasing demands. In these circumstances we believe that our proposal which would make our operations as self sustaining as reasonably possible is consistent with statutory directives and is equitable, particularly since the charges involved can ultimately be passed on by these companies to their customers as expenses properly includable among items upon which their respective costs of service are based.

The view that the imposition of fees destroys the budgetary restrictions imposed upon agencies like the Federal Power Commission is misplaced since all receipts are payable into the U.S. Treasury and not available for our use. The Commission's spending power, whether or not such charges are imposed, is predicated on appropriations authorized by the Congress and is dependent solely on the determination of that body as to the funds needed for administration of the power delegated to us.

These regulations will become effective July 1, 1971. The filing fees will become payable on all applicable filings made after that date and assessments for the costs of administration of the Commission's programs will be made as soon after the close of its fiscal year ending June 30, 1971, as is practicable, except that annual charges relating to the Commission's public utility and natural gas pipeline regulatory programs will be computed and assessed for the first time for the Commission's fiscal year ending June 30, 1972.

[5] A report issued by the Commission in 1950 discussed industrywide recognition of the benefits accruing from only one facet of the Commission's activities—the adoption of a uniform accounting system. Typical of the comments made was the following in a publication issued by a prominent member of the New York Stock Exchange:

The Commission finds:

(1) That the notice and opportunity to participate in this rulemaking proceeding with respect to the matters presently before this Commission through the submission, in writing, of data, views, comments, and suggestions in the manner as described above, are consistent and in accordance with all procedural requirements therefor as prescribed in section 553 of title 5 of the United States Code.

(2) That the revisions herein made to the amendments proposed in the notice of rulemaking do not impose a further burden on persons subject to these regulations, do not constitute a substantial departure from the original proposal, and are consistent with the prime purpose of this rulemaking; therefore further notice and opportunity for comment is unnecessary.

(3) Upon consideration of all relevant matters presented, including the arguments, contentions, suggestions and other views expressed in the comments received and having determined that a conference to discuss the proposed amendments was not required, we further find that the amendments to the Commission's regulations adopted herein are necessary and appropriate for carrying out the provisions of the Federal Power Act, the Natural Gas Act, and the Independent Offices Appropriations Act for the year ending June 30, 1952.

The Commission, acting pursuant to the provisions of the Federal Power Act, particularly section 309 (49 Stat. 858, 16 U.S.C. 825h), the Natural Gas Act, particularly section 16 (52 Stat. 830, 15 U.S.C. 717o), and the Independent Offices Appropriations Act for the Year Ending June 30, 1952 (65 Stat. 290, 31 U.S.C. 483a), orders:

SUBCHAPTER A—GENERAL RULES

PART 3—ORGANIZATION: OPERATION: INFORMATION AND REQUESTS; MISCELLANEOUS CHARGES; ETHICAL STANDARDS

(A) Part 3, Subchapter A, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

1. The title of Part 3 is amended by inserting the words "Miscellaneous Charges," immediately preceding the words "Ethical Standards". As so amended the title of Part 3 reads as set forth above.

2. Section 3.102, *Public information, requests, and assistance*, is amended by revising the section title and by revising paragraph (b) to read as follows:

§ 3.102 Public information requests, and assistance; miscellaneous charges.

* * * * *

(b) During the Commission's regular business hours, the public may examine in the Office of Public Information in Washington, D.C., copies of public information filed with the Commission. Photo copies of public material may be obtained through the public reference room. Fees charged for such copies are established by an annual contract between the Commission and a private company which does the work. Current schedules of fees for copying work are available from the Office of Public Information. Except for requests made by Government agencies certification of copies of any official Commission record shall be accompanied by a fee of $2. Inquiries and orders may be made to that office personally, by telephone, or by mail.

SUBCHAPTER B—REGULATIONS UNDER THE FEDERAL POWER ACT

(B) Subchapter B—Regulations under the Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

PART 11—ANNUAL CHARGES UNDER PART I OF THE FEDERAL POWER ACT

1. The title of "Part 11—Annual Charges" is revised to read as set forth above.

PART 32—INTERCONNECTION OF FACILITIES; EMERGENCIES; TRANSMISSION TO FOREIGN COUNTRY

2. In "Part 32—Interconnection of Facilities; Emergencies; Transmission to Foreign Country.", the section titles and introductory clauses of §§ 32.1 and 32.51 and § 32.22 are revised to read as follows:

§ 32.1 Contents of application; filing fee.

Every application under section 202(b) of the Act shall be accompanied by the fee prescribed in Part 36 of this subchapter and shall set forth the following information:

* * * * *

§ 32.22 Application for permanent connection for emergency use; contents; form and style; filing fee; number of copies.

Application for Commission approval of a permanent connection for emergency use only shall be acocmpanied by the fee prescribed in Part 36 of this subchapter and shall conform with the requirements of §§ 32.1 to 32.4, inclusive, and, in addition, shall state in full the reasons why such permanent connection for emergency use is necessary in the public interest.

§ 32.51 Contents of application; filing fee.

Every application shall be accompanied by the fee prescribed in Part 36 of this subchapter and shall set forth in the order indicated, the following:

* * * * *

PART 33—APPLICATION FOR SALE, LEASE, OR OTHER DISPOSITION, MERGER OR CONSOLIDATION OF FACILITIES, OR FOR PURCHASE OR ACQUISITION OF SECURITIES OF A PUBLIC UTILITY

3. In "Part 33—Application for Sale, Lease, or Other Disposition, Merger or

Consolidation of Facilities, or for Purchase or Acquisition of Securities of a Public Utility", the title and introductory clause of § 33.2 are revised to read as follows:

§ 33.2 Contents of application; filing fee.

Each such applicant shall set forth in its application to the Commission, which shall be accompanied by the fee prescribed in Part 36 of this subchapter, in the manner and form and in the order indicated, the following information which should insofar as possible, be furnished as to said applicant and each company whose facilities or securities are involved:

* * * * *

PART 34—APPLICATION FOR AUTHORIZATION OF THE ISSUANCE OF SECURITIES OR THE ASSUMPTION OF LIABILITIES

4. In "Part 34—Application for Authorization of the Issuance of Securities or the Assumption of Liabilities", the title and introductory clause of § 34.2 are revised to read as follows:

§ 34.2 Contents of application; filing fee.

Every such applicant shall set forth in its application to the Commission, which shall be accompanied by the fee prescribed in Part 36 of this subchapter, in the manner and form and in the order indicated, the following information which, in the case of the assumption of a liability, shall be furnished as to both the issuer and the person assuming liability:

* * * * *

PART 35—FILING OF RATE SCHEDULES

5. In "Part 35—Filing of Rate Schedules", between the heading "Application" and the section title "§ 35.1 Application; obligation to file rate schedules", a new "§ 35.0 Filing fees", is added which reads as follows:

§ 35.0 Filing fees.

Every filing made under this part shall be accompanied by the fee described in Part 36 of this Subchapter.

PART 36—ANNUAL CHARGES AND FEES UNDER PARTS II AND III OF THE FEDERAL POWER ACT

6. Immediately following Part 35, a new "Part 36—Annual Charges and Fees" is added which reads as follows:

Sec.

AUTHORITY: The provisions of this Part 36 issued under sec. 309, Federal Power Act, 49 Stat. 858, 16 U.S.C. 825h; sec. 16, Natural Gas Act, 52 Stat. 830, 15 U.S.C. 717o; Independent Offices Appropriations Act for year ending June 30, 1952, 65 Stat. 290, 31 U.S.C. 483a.

§ 36.1 Annual charges.

Reasonable annual charges shall be assessed by the Commission against each public utility to reimburse the United States for such costs of administration of parts II and III of the Federal Power Act as hereinafter provided:

(a) A determination shall be made for each fiscal year of the costs of administration of the Commission's public utility regulatory programs (other than those associated with coordination and reliability) from which shall be deducted the allocable costs associated with services primarily rendered to or for the benefit of electric systems which are not public utilities as defined in the Federal Power Act and the amounts received during the same period pursuant to the provisions of § 36.2. The difference shall constitute the adjusted costs of administration of such programs for such period.

(1) The adjusted costs of administration determined under this paragraph (a) shall be assessed against each public utility in the proportion that the gross jurisdictional kilowatt hours sold and kilowatt hours delivered under interchange power agreements by such public utility in the calendar year terminating in such fiscal period bear to the sum of the gross jurisdictional kilowatt hours sold and kilowatt hours delivered under interchange power agreements by all public utilities for the like period.

(b) A determination shall be made for each fiscal year of the costs of administration of the Commission's coordination and reliability programs from which shall be deducted the allocable costs associated with services primarily rendered to or for the benefit of electric systems which are not public utilities as defined in the Federal Power Act. The difference shall constitute the adjusted costs of administration of such programs for such period.

(1) The adjusted costs of administration determined under paragraph (b) of this section shall be assessed against each public utility in the proportion that the gross electric revenues of such public utility in the calendar year terminating in such fiscal period bear to the sum of the gross electric revenues of all public utilities for the like period.

(c) Annual charges assessed under this section shall be paid within 60 days of the rendition of a bill therefor by the Commission.

§ 36.2 Filing fees.

A filing fee in the amounts set forth below shall accompany each of the following:

(a) Applications for physical connections	$150
(b) Applications for the construction of border facilities	$150
(c) Other corporate applications authorized by these regulations under the Federal Power Act	$500

The provisions of this paragraph shall not apply to:

(1) Applications under part I of the Federal Power Act which are subject to the fees prescribed in part 11 of these regulations,

(2) applications for the acquisition by merger or consolidation or the disposition by sale, lease, or otherwise of electric facilities which are subject to the fees prescribed in paragraph (d) of this section, and

(3) applications for authority to hold interlocking positions which are subject to the fees prescribed in paragraph (h) of this section.

(d) Applications by a public utility for the acquisition by merger or consolidation, directly or indirectly, of electric facilities of another person or for disposition by sale, lease or otherwise of electric facilities to another person.	½ percent of the value of such facilities, but not exceeding $5,000.

(1) The fee prescribed by this paragraph (d) shall be shared by the public utilities acquiring and disposing of such facilities proportionately to the value of such facilities acquired or disposed of; the entire fee shall be paid by a public utility acquiring or disposing of such facilities from or to a person not a public utility.

(e) Nominal rate schedule filings voluntarily filed other than those involving rate increases	$100

(1) Examples of such filings include schedule changes having minimal impact on the operations of a public utility such as those providing service to an additional delivery point, changes in maximum obligation to serve, changes in minimum billing demand not affecting billings, changes in service rules or regulations not affecting billings, extensions of terms of contracts or continuation of service, cancellation of rate schedules where service is no longer needed, changes in delivery voltages or metering voltages, changes in contract provisions not affecting service, rates or billings, and adoption of initial rate schedules containing rates identical to rates applicable to the same customer class previously accepted for filing.

(f) Moderately complex rate schedule filings voluntarily filed	$500

(1) Examples of such filings include schedule changes presenting more complex administrative problems such as those involving interconnection agreements, pooling agreements and additional large-scale sales.

(g) Rate schedule filings involving rate increases (computed on an annual basis) in excess of charges for the 12-month period preceding the proposed effective date thereof, as follows:

(1) Nominal rate increases:

(i) Schedule changes involving increases in rates totaling less than $5,000 and 1 percent of the total charges to the persons to be affected thereby	$100
(ii) Schedule changes involving increases in rates totaling less than $5,000 but not subject to the filing fee provided in subdivision (i) of this subparagraph and those involving increases in rates of $5,000 or more but not less than $50,000	$500

(2) Rate increases other than those covered under subparagraph (1) of this paragraph:

(i) One percent of the amount of such increases up to but not exceeding $1 million;

(ii) $10,000 plus one-half percent of the amount of such increases in excess of $1 million and not exceeding $10 million;

(iii) $55,000 plus one quarter percent of the amount of such increases in excess of $10 million.

(h) Applications to hold interlocking positions	$100

§ 36.3 Miscellaneous.

(a) Annual assessments and fee payments shall be made by check or money order to the Treasurer of the United States. No fees will be refunded unless within 60 days of the filing of an application or rate schedule filing in connection with which such fees have been paid such application or rate schedule filing has been voluntarily withdrawn by the applicant or rejected by the Commission as incomplete or for some other reason.

(b) An application or rate schedule filing submitted for the sole purpose of amending a pending application or rate schedule filing need not be accompanied by a fee in addition to that which accompanied the original submission, provided that if the later application or rate schedule filing would have upon initial filing required payment of a larger fee, such refiling shall be accompanied by an amount equal to the difference between both fees.

(c) Where an application or filing seeks Commission authorization in the alternative or would otherwise be subject to the payment of more than one filing fee, only the highest fee shall be required.

§ 36.4 Accounting for fees paid pursuant to this part.

A public utility subject to the provisions of this Part shall account for the assessments and fees paid by charging the amounts thereof to Account 928, Regulatory commission expenses.

PART 45—APPLICATION FOR AUTHORITY TO HOLD INTERLOCKING POSITIONS

7. In "Part 45—Application for Authority to Hold Interlocking Positions", the title and introductory clause of § 45.8 are revised to read as follows:

§ 45.8 Contents of application; filing fee.

Each application shall be accompanied by the fee prescribed in Part 36 of this subchapter and shall state the following:

* * * * *

SUBCHAPTER E—REGULATIONS UNDER THE NATURAL GAS ACT

PART 159—FEES AND ANNUAL CHARGES UNDER THE NATURAL GAS ACT

(C) Part 159, Subchapter E—Regulations under the Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

1. The title of "Part 159—Fees for Certain Applications Filed Pursuant to the Natural Gas Act" is revised to read as set forth above.

2. In § 159.2 Applications involving construction or acquisition of facilities, paragraphs (a), (b), and (d) are revised to read as follows:

§ 159.2 Applications involving construction or acquisition of facilities.

* * * * *

(a) Within 30 days following issuance of notice of application, an amount equal to sixty-five one-thousandths of 1 percent (0.0065) of the estimated cost of construction of new facilities or of facilities to be acquired;

(b) Within 30 days following grant of the certificate, an amount equal to one hundred and thirty one-thousandths of 1 percent (0.00130) of the estimated cost of construction of new facilities or of facilities to be acquired, unless applicant does not accept the certificate.

* * * * *

(d) If the actual cost of construction of new facilities or of facilities to be acquired exceeds the estimated cost thereof, the statement of actual cost, required to be submitted by § 157.20 (c)(4) and (d)(3) of this chapter, shall be accompanied by an amount equal to one-hundred and ninety-five one-thousandths of 1 percent (0.00195) of the excess of actual cost (plus estimated cost of facilities for which actual cost is not then recorded on the books of applicant) above estimated cost.

* * * * *

3. Immediately following § 159.2, a new "§ 159.2a "Annual charges" is inserted which reads as follows:

§ 159.2a Annual charges.

Reasonable annual charges will be assessed by the Commission against natural gas companies to reimburse the United States for costs of administration of the Natural Gas Act, as hereinafter provided:

(a) A determination shall be made for each fiscal year of the costs of administration of the Commission's natural gas pipeline programs from which shall be deducted the amounts received during the same period pursuant to the provisions of §§ 159.1 and 159.2. The difference shall constitute the adjusted costs of administration of such programs for such period.

(1) The adjusted costs of administration determined under this paragraph (a) shall be assessed against each Class A and Class B natural gas company in the proportion that the total jurisdictional gas deliveries of such natural gas company in the calendar year terminating in such fiscal period bear to the sum of the jurisdictional gas deliveries of all Class A and Class B natural gas companies for the like period.

(b) In addition to the annual charges prescribed in paragraph (a) of this section, each natural gas company required to file an Annual Report—Total Gas Supply on FPC Form No. 15 shall be assessed one-tenth (1/10) of a mill for each Mcf of new reserves certificated during the year covered by said report as shown for item 14 of such form.

(c) Annual charges assessed under this section shall be paid within 60 days of the rendition of a bill therefor by the Commission.

4. In "§ 159.3 Miscellaneous", paragraph (a) is revised to read as follows:

§ 159.3 Miscellaneous.

(a) *Method of payment.* Annual assessments and fee payments shall be made by check or money order payable to the Treasurer of the United States. No fees will be refunded.

* * * * *

(D) The amendments herein adopted shall become effective July 1, 1971, except that annual assessments required to be paid under §§ 36.1(a) and 159.2a(a) of these regulations shall first be assessed for the calendar year terminating in the fiscal year of the Commission ending June 30, 1972.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.[*]

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[FR Doc.71-4045 Filed 3-24-71;8:46 am]

[Docket No. R-393; Order 428]

BLANKET CERTIFICATE PROCEDURE FOR SMALL PRODUCER SALES AND RELIEF FROM DETAILED FILING REQUIREMENTS

MARCH 18, 1971.

The Commission on July 23, 1970 issued a notice of proposed rulemaking in this proceeding (35 F.R. 12220, July 30, 1970) proposing prospectively to exempt from regulation under the Natural Gas Act all existing and all future jurisdictional sales made by small producers as defined therein. The proposal did not cover either percentage sales made by small producers pursuant to percentage sales contracts or sales to interstate pipeline companies by their affiliates.

In response to the notice comments were filed by 73 parties, including producers, pipeline and distribution companies, associations representing producer and distributor interests, and the California and New York State Commissions. A conference was also held in this case on December 8, 1970. The small producers support the exemption as originally proposed, while the large producers either oppose such exemption or question its advisability. Pipeline and distribution companies are divided on the issue, wth one expressing outright opposition and some of the others suggesting extensive modifications. The American Public Gas Association and the California and New York State Commissions also oppose the proposal.

The small producers argue that traditionally they have been very aggressive in searching for new gas reserves but that such activity has been greatly curtailed in recent years, largely because of restrictive regulation. They further state that their drilling efforts often prove or disprove the presence of gas bearing

[*] Commissioner Carver concurring in part and dissenting in part filed a separate statement which is filed as part of the original document.

structures, and that the information gained is useful to all producers, large and small, in their search for new gas supplies. Because of uncertainties in regulated prices, they claim that discontinuation of regulation, rather than higher ceiling prices alone, is necessary to provide the incentive required to encourage a substantial increase in exploratory drilling.

Opponents of the proposed exemption, on the other hand, contend that the proposal will lead to higher natural gas prices for small producer sales resulting ultimately in higher consumer rates. They also disagree with the view that the impact on the consumer will be minimal. In addition, they question the Commission's authority to exempt small producers.

We disagree with the argument that the provisions of sections 4, 5, and 7 of the Act, which speak in terms of all sales in interstate commerce for resale by any natural gas company, are mandatory and leave no room for administrative judgment and discretion. Mr. Justice Clark, speaking for the Court in F.P.C. v. Hunt, 376 U.S. 515 (1964) recommended that the Commission consider procedures for the exemption of small producers. And, in Permian Basin Area Rate Cases, 390 U.S. 747 (1968), the Court, while recognizing that the language of sections 5 and 7 is without exception or qualification, noted the power of the Commission under section 16, for purposes of its rules and regulations, to "classify persons and matters within its jurisdiction and prescribe different requirements for different classes of persons or matters."

One of the important Commission responsibilities under the Natural Gas Act is to assure maintenance of an adequate gas supply for the interstate market. By our action herein, we are taking an important step forward to meet this responsibility. Upon review of the contentions made by the various parties, we have decided that both existing and future sales of small producers shall be regulated in the manner hereinafter provided.

Such action should encourage small producers to increase their exploratory efforts which are so important to the discovery of new sources of gas. Our purpose in taking action here is not to increase contract prices, but to facilitate the entry of the small producer into the interstate market and to stimulate competition among producers to sell gas in interstate commerce. We seek to assure the small producer that when he enters into a new contract for the interstate sale of gas, the provisions of his contract will not be subject to change. We also want to relieve the small producer of the expenses and burdens relating to regulatory matters. Our action should also ease the administrative burdens connected with processing small producer filings.

We have reviewed the impact of our action on 96 pipelines that purchase gas, based on 1969 statistics in Forms 2 and 2–A. This shows, for example, that Kansas-Nebraska's purchases from small producers amount to 21.63 percent of its total gas supply including purchases from all producers, pipelines and its own production. Comparable percentages for many of the small gather-type pipelines were quite high. However, many of the major pipelines show less than 10 percent. Others show no purchases at all from small producers. The overall weighted average for the 96 companies was 7.54 percent (or 10.52 percent after eliminating all pipeline to pipeline sales).[1]

The action taken here in our view does not constitute deregulation of sales by small producers. We will continue to regulate such sales but will do so at the pipeline level by reviewing the purchased gas costs of each pipeline with respect to small producer sales. We shall also provide certain other safeguards against unreasonably high small producer prices, as hereinafter discussed, to assure adequate protection for the consumer.

We are concerned that favored nation, price redetermination and spiral escalation provisions in small producer contracts may have an adverse impact on consumers. The filing of contracts containing such clauses executed on or after April 2, 1962, has previously been proscribed by the Commission as contrary to the public interest.[2] There is, of course, no objection to the use of these provisions to the extent the resulting rate does not exceed the applicable area just and reasonable rate ceiling, as provided in our Permian opinion, 34 FPC 159, 236, or, where none is available, the applicable area guideline initial rate ceiling. But these provisions should not be permitted to increase the contract price above such level. To do otherwise would clearly be contrary to the public interest. Consequently, this order will limit the use of these indefinite price escalation provisions by small producers.

The New York Commission contends that the proposed exemption may open the way for large producers to sell their gas in interstate commerce free from Commission regulation by selling their reserves in place to small producers, who would in turn resell the reserves under a conventional (exempt) sales contract to an interstate pipeline. To forestall this possibility, we shall provide that the exemption authorized here for small producers shall not apply to jurisdictional sales made by them where the gas reserves relating thereto were acquired by the purchase of developed reserves in place from a large producer. In such circumstances the small producer will be required to obtain separate certificate authorization.

Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Tennessee), in its comments inquired as to whether a pipeline will be assured of recouping its cost of purchased gas if it pays the "going" field price to a small producer. Any question as to the propriety of the price paid by a pipeline to a small producer will be subject to review in certificate and rate cases involving that pipeline to make sure it is justified. The Commission has ample authority to inquire in these cases into the reasonableness of all items of operating expense, including the cost of purchased gas, and to disallow items of cost which are imprudent. We shall also require pipeline purchasers to file, within 60 days of the execution thereof, every new contract or contract amendment for the purchase of natural gas from a small producer whose sale is regulated by the terms of this order.

The exemption proposed in the July 23 notice was applicable, inter alia, to sales made by a small producer to a large producer, but not to the resale of such gas by the large producer. A number of large producers argue that if sales by small producers to them are regulated by this order, there is no justification for not also applying consistent treatment to the resale of such gas. They warn that if large producers in these circumstances are not exempt they will be forced to sell gas purchased from small producers under new contracts intrastate commerce in the future or to forego such small producers' supplies, thus limiting the usefulness of their existing gathered and plant facilities. They also point out that if these small producer sales are made directly to an interstate pipeline purchaser under new contracts, it will be necessary for the purchaser to construct new facilities to take such gas which would duplicate existing facilities of large producers. With regard to existing sales, they claim that it would be discriminatory to prevent large producers from increasing their resale rates to account for higher rates paid to small producers.

We think it important to encourage large producers to continue to utilize their existing facilities for the resale in interstate commerce of gas purchased from small producers. For this reason we shall permit large producers with respect to the resale of gas sold to them by small producers pursuant to the subject exemption to file rate increases authorized by contract, thus permitting them to maintain the contract price differential between their purchase and resale prices. These filings shall be accepted, without refund obligation, as long as the price differential is consistent with prevailing price differentials in the area and as long as the small producer prices for new gas are not unreasonably high, considering appropriate comparisons with highest contract prices for by large producers or the prevailing market price for intrastate sales in the same producing area. We shall require large producer purchasers, like pipeline purchasers, to file any new contracts or contract amendments with small producers.

Some of the large producers contend that royalty interests should be excluded specifically from any exemption granted

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[1] These statistics do not include resales to pipelines by large producers of gas purchased from small producers.

[2] Order No. 242, 27 FPC 339; F.P.C. v Texaco Inc., 377 U.S. 33.

to small producers.[3] We disagree. The royalty interests stand in the same shoes as the working interest owners. Consequently, if a royalty interest relates to a small producer sale, such interest shall be exempt, but if it applies to any other sale it will not be exempt.

Consolidated Gas Supply Corp. (Consolidated) urges that small producers be exempt from compliance with section 7(b) with respect to the abandonment of their small producer sales only when they have obtained the written consent of the pipeline purchaser to such abandonment. Consolidated points out that the vast majority of these are routine matters occurring either because of depletion of production or because continuance of the sale is uneconomic, and in these situations the purchaser routinely consents to the abandonment. But, Consolidated claims that in the rare situation where there is a dispute as to whether a small producer sale should be discontinued there should be some Commission procedure available for the resolution of such dispute.

We think it important to retain control over all abandonments of jurisdictional sales. For this reason, small producers shall be required to comply with section 7(b) of the Act with respect to every small producer sale exempted herein.[4] We shall also require purchasers to notify us of the cessation of deliveries by a small producer regulated by the terms of this order within 60 days of such cessation.

Austral Oil Co., Inc. (Austral), suggests that the definition of "affiliated producers" be clarified to make it clear that such term does not include small producers who have participated in joint ventures, nominee agreements and similar contractual arrangements in order to spread the risk of exploration and development and for operating convenience, unless such agreements otherwise establish the power to direct or cause the direction of the management policy of a person. The suggestion is a good one and we shall adopt it.

Tennessee has raised a question as to the applicability of the small producer exemption to a sale by a nonsignatory small producer under a large producer's rate schedule. The exemption is applicable to such sale by a small producer.

The Commission proposed in the July 23 notice to waive the provisions of § 154.63 of the Commission's regulations to permit the tracking by pipeline purchasers of rate increases resulting from the exemption of small producers in those situations where a purchaser did not otherwise have the right to make a tracking filing. Consolidated claims that the collection of a tracking increase by a pipeline should not be subject to reduction and refund, as provided in the July 23 notice, inasmuch as the small producers will have no potential refund obligation with respect to their increased rates.

Small producers will have no refund obligations with respect to increased rates, if any, collected for sales regulated hereunder to pipelines, and, as a result, pipelines will receive no refunds from small producers to flow through. However, the pipeline's rates will be subject to reduction and refund, with respect to new small producer sales, but only as to that part of the rate which is unreasonably high considering appropriate comparisons with highest contract prices for sales by large producers or the prevailing market price for intrastate sales in the same producing area. Tracking increases to the extent they reflect small producer prices for new sales above the standard set forth above may be suspended, and if so, will be collected subject to reduction and refund. The issue will be resolved either in (1) a pipeline rate case or (2) a proceeding involving only the tracking increase. Pipelines must state the grounds for claiming that the rate at which gas is purchased from a small producer is required by the present or future public convenience and necessity. The Commission shall consider all relevant factors. See Permian Basin Area Rate Cases, 390 U.S. 747 (1968); Austral Oil Co. v. F.P.C., —— F. 2d —— (Fifth Circuit 1970, slip opinion dated March 19, 1970, No. 27492, et al.) In this manner the market mechanism in the light of regulation of pipeline rates will be protective of consumer interests.

Sales from small producers to large producers will likewise carry no refund obligations. However, if the resales by large producers to pipelines reflect new small producer sales at prices in excess of the previously discussed standard, the large producers' rates will be subject to suspension and refund.

Accordingly, the provisions of § 154.63 are hereby waived to permit pipeline purchasers or pipelines purchasing from such pipeline purchasers to file rate increase applications to track small producer rate increases resulting from the exemption of small producers pursuant to the provisions of this order: *Provided*, That pipelines filing such an adjustment submit supporting schedules showing the computation and provided further that such filing may be made only if the small producer rate increases, or such increases together with other increases authorized for tracking by applicable Commission rules or orders, affect the pipelines average cost of purchased gas by 1 mill or more. The Commission reserves the right to require a pipeline to file all information required by § 154.63 if it deems such information to be necessary.

Many of the small producers urge us to relieve them of any potential refund obligations they have under increased rates collected in section 4(e) rate suspension proceedings or under initial rates collected under temporary certificates issued pursuant to section 7. These matters more properly should be disposed of in appropriate area proceedings after the refund obligations are determined.

In view of the foregoing, we shall revise § 157.40 so as to establish a blanket certificate procedure for small producers, applicable to all small producer sales made nationwide under existing and future contracts.[5] Small producers under this procedure shall be relieved of all filing requirements under the Natural Gas Act and the Commission's regulations, except for the annual statement required by § 154.104 of the regulations and except for compliance with the abandonment provisions of section 7(b) of the Act. By subsequent order we shall amend § 250.11 to provide for a revised annual statement to be filed by small producers regulated hereunder commencing in 1972.

Producers who have received small producer certificates prior to the issuance of this order, or who have applied and qualify but have not yet received such a certificate, will not be required to file new applications seeking exemption, unless otherwise directed. Commission orders relating to those small producers who have applied and qualify for a certificate will be issued without any further action on the part of the producers involved. Such certificates, regardless of the date of issuance, will be effective as of 45 days from the date of issuance of this order. Similarly, all of those small producers who file applications for a blanket certificate within 45 days from the date of issuance of this order and who are entitled to coverage thereunder will also receive certificates which will be effective as of 45 days from the date of issuance of this order, regardless of the date of issuance of such certificate. With regard to those producers who have small producer certificates, the existing certificates, without further order of the Commission, shall be deemed to cover, as of 45 days from the issuance of this order, all small producer sales of those producers which are exempt under the provisions of this order. The 45-day period will give the pipeline purchasers and their distribution customers time to track any increases resulting from this action.

We intend to review the prices established in new contracts or contract amendments relating to sales by small producers to assure the reasonableness of the rates charged by such producers pursuant to the action we are taking herein. In the event we determine that

[3] The question of this Commission's jurisdiction over royalty interests is now pending before the United State Court of Appeals for the District of Columbia in Mobil Oil Corporation, et al. v. F.P.C., Nos. 23463, et al.

[4] If a contract for an exempted sale of gas expires and is not extended or replaced by a new contract, the small producer must continue the sale of such gas unless the pipeline consents to abandonment or the producer obtains abandonment authorization. Moreover, in such circumstances the small producer is not entitled to collect any rate in excess of the highest rate permitted under the expired contract for the sale of such gas unless it files a notice of change in rate in accordance with section 4(d) of the Act.

[5] Notwithstanding the provisions of this order, a small producer may file for the minimum rate authorized by the Commission for any area.

this approach is inimical to the interests of consumers, we shall take further action to protect the consumers.

The Commission finds:

(1) The notice and opportunity to participate in this rule-making proceeding through the submission, in writing, of data, views, comments and suggestions are in accordance with all procedural requirements therefor as prescribed in section 553, title 5 of the United States Code.

(2) The action taken herein is necessary and appropriate for the administration of the Natural Gas Act.

(3) Since the modifications adopted herein to the amendments proposed in the notice of this proceeding are consistent with the prime purpose of the proposed rule-making herein, further notice thereof is unnecessary.

The Commission, acting pursuant to the provisions of the Natural Gas Act, particularly sections 4, 5, 7, and 16 thereof (52 Stat. 822, 823, 824, 825, and 830; 56 Stat. 83, 84; 61 Stat. 459; 76 Stat. 72, 15 U.S.C. 717c, 717d, 717f, and 717o, orders:

(A) Parts 154 and 157 of Subchapter E, Chapter I, Title 18 of the Code of Federal Regulations, are amended as follows:

SUBCHAPTER E—REGULATIONS UNDER NATURAL GAS ACT

PART 154—RATE SCHEDULES AND TARIFFS

1. Part 154 is amended by revising paragraph (f) of §§ 154.91, 154.104, and 154.110 to read:

§ 154.91 Applicability.

* * * * *

(f) *Filings by certain nonsignatories.* Where the operator and the signatory coowners in a particular sale are exempt with respect to such sale pursuant to § 157.40, and where any nonsignatory coowner's interests are not covered by such exemption, such coowner may file rate schedules, rate changes, or certificate applications with respect to such interests notwithstanding the provisions of paragraph (d) of this section.

* * * * *

§ 154.104 Annual statements by small producers.

Annual statements certifying to the matters enumerated in the form set out in § 250.11 of this chapter shall be filed by all producers, either individually or by groups, who have been exempted under the provisions of § 157.40. The statements shall be submitted by April 1 of each year for the preceding calendar year.

§ 154.110 Applicability of §§ 154.92 through 154.102.

Sections 154.92 through 154.102 shall apply only to those persons specified in § 154.91 and shall not apply to small producer sales which are exempted under § 157.40 of this chapter.

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

2. Part 157 is amended by revising § 157.40 to read:

§ 157.40 Exemption of small producers from certain filing requirements.

(a) *Definitions.* (1) A "Small Producer" is an independent producer of natural gas as defined in § 154.91 of this chapter, who is not affiliated with a natural gas pipeline company and whose total jurisdictional sales on a nationwide basis, together with such sales of "affiliated producers" are not in excess of 10,000,000 Mcf at 14.65 p.s.i.a. during any calendar year. As used in this section, the term "jurisdictional sales" includes volumes of gas paid for but not taken under prepayment clauses or otherwise, and volumes of gas sold under other independent producer rate schedules in the proportion that the independent producers seeking to come within this section has an interest in such sales, but does not include sales made pursuant to percentage sales contracts.

(2) "Affiliated producers" are persons who, directly or indirectly, control, or are controlled by, or are under common control with, the applicant producer. Such control exists if the producer has the power to direct or cause the direction of, or as a matter of actual practice does direct, the management and policies of another producer, whether such power is exercised alone or through one or more intermediary companies, or pursuant to an agreement, and whether such power or practice is established through a majority or minority ownership or voting of securities, common directors, officers or stockholders, voting trusts, holding trusts, associated companies, relationship of blood or marriage, or any other direct or indirect means. For the further purposes of this section, the term "agreement" shall not include any agreement for the operation of a natural gas producing property or a plant processing natural gas or any joint venture, partnership, nominee, or other type of agreement pertaining to the joint exploration for and development and operation of oil and gas properties, unless such agreement otherwise establishes the power of one producer to direct or cause the direction of the management and policy of another producer.

(3) "Small producer sales" are (i) sales by a small producer of his own interests under his own contracts; (ii) sales of all interests under a small producer's contract if producers not qualifying as small producers have interests which in the aggregate are no greater than 12½ percent; and (iii) sales of a small producer's interests under another producer's contract.

(b) *Procedure for securing blanket small producer certificate.* (1) Small producers may apply for a blanket certificate to cover all existing and all future jurisdictional sales that do not raise the producer's total jurisdictional sales on a nationwide basis above 10,000,000 Mcf during any calendar year. Applications by these producers shall include the following information: (i) Total jurisdictional sales on a nationwide basis for the year preceding the application; (ii) a list of outstanding certificates and rate schedules together with names and percentage of interest of other interest owners under such rate schedules; (iii) a list of outstanding rate schedules of others in which applicant owns an interest together with applicant's percentage of interest; and (iv) the names of all owners (stockholders, partners, joint venturers, etc.) of the applicant with an interest of 10 percent or more, their percentage of ownership in the applicant and in any other natural gas company, and any positions such owners may hold with another natural gas company.

(2) An applicant for a blanket certificate who has no outstanding certificate issued by, or rate schedule filed with, this Commission for the sale of natural gas shall include the following information in his application:

(i) A list of all contracts to sell natural gas in interstate commerce,

(ii) Source of production, total rate and the annual volume delivery obligations of the producer under each such contract, together with names and percentage of interest of other interest owners under each such contract, and

(iii) A list of owners of the applicant with an interest of 10 percent or more, their percentage of ownership in the applicant and in any other natural gas company and any position such owners may hold with another natural gas company.

(3) The application shall contain the information required by the form set out in § 250.10 of this chapter. A conformed copy shall be served upon each of the applicant's purchasers.

(c) *Exemption under blanket certificate.* Small producers certificated hereunder shall be authorized to make small producer sales nationwide pursuant to existing and future contracts at the price specified in each such contract. However, no small producer shall be relieved from compliance with section 7(b) of the Natural Gas Act with respect to any small producer sale exempted hereunder. The exemption authorized herein shall not apply to any jurisdictional sale made by a small producer where the gas reserves relating thereto were acquired by the purchase of developed reserves in place from a large producer.

(d) *Duration of the exemption.* The exemption authorized hereunder shall remain in effect for each small producer until the Commission on its own motion or on application terminates such certificate because the producer no longer qualifies as a small producer or fails to comply with the terms of the exemption. Upon such termination the producer will

be required to file separate certificate applications and individual rate schedules for future sales but the exemption will still be effective as to those made under contracts dated prior to such termination.

(e) *Limitation on contractual provisions.* No Small Producer granted exemption under paragraph (c) of this section shall charge or collect any rate for a small producer sale of natural gas in excess of the applicable area just and reasonable base rate ceiling, or, where none is available, the applicable area guideline initial rate ceiling, where the contractual right to such rate is based upon any contractual provision which would not be permitted by paragraphs (a), (b), (b–1), and (c) of § 154.93 of this chapter. For the purposes of this limitation, it shall make no difference whether the contract was executed prior to or subsequent to April 3, 1962.

(f) *Filings by large producers with respect to related resales.* A large producer may file for the price specified in its related contract for the resale of any natural gas sold to it by a small producer pursuant to the exemption authorized hereunder. Any such rate filing shall be accepted if the price differential between the purchase and resale prices does not exceed the prevailing price differential in the area, and if the small producer prices for new gas are not unreasonably high, considering appropriate comparisons with highest contract prices for sales by large producers or the prevailing market price for intrastate sales in the same producing area.

(g) *Filing of contracts and notification of abandonment.* Pipeline purchasers and large producer purchasers shall file, within 60 days of the execution thereof, each new contract and each contract amendment dated on or after March 18, 1971, for the sale of natural gas to them by a small producer pursuant to the exemption authorized hereunder and shall notify this Commission of the cessation of deliveries made by a small producer pursuant to the exemption authorized hereunder within 60 days of such cessation.

SUBCHAPTER G—APPROVED FORMS, NATURAL GAS ACT

PART 250—FORMS

(B) Part 250 of Subchapter G, Chapter I, Title 18 of the Code of Federal Regulations is amended by revising § 250.10 as follows:

The title of § 250.10 is revised to read:

§ 250.10 Application for small producer exemption.

* * * * *

The text of § 250.10 is revised by substituting therefor the form entitled "Application for Small Producer Exemption" as set out in Attachment A hereto.[*]

[*] Attachment A filed as part of the original document.

(C) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

(D) The amendments adopted herein shall be effective 45 days from the date of issuance of this order.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[FR Doc.71-4044 Filed 3-24-71;8:46 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Triamcinolone

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (12–392V) filed by American Cyanamid Co. proposing revised labeling regarding the use of triamcinolone injection for use in dogs and cats. The supplemental application is approved.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512 (i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135b is amended by adding the following new section:

§ 135b.29 Triamcinolone injection veterinary.

(a) *Chemical name.* 9-Flouro-11β,16α, 17,21 - tetrahydroxypregna - 1,4 - diene-3,20-dione.

(b) *Specifications.* Each cubic centimeter of triamcinolone injection veterinary contains: 2.5 milligrams of triamcinolone and 10 milligrams of procaine hydrochloride with 0.1 percent of sodium bisulfite and 84.4 percent of polyethylene glycol 400.

(c) *Sponsor.* American Cyanamid Co., Post Office Box 400, Princeton, N.J. 08540.

(d) *Conditions of use.* (1) The drug is indicated for use in dogs and cats for its anti-inflammatory activity.

(2) (i) In dogs, the drug may be given by intramuscular or subcutaneous injection at 0.625 milligram for each 10 pounds of body weight, and if only one or two injections are anticipated, the dosage may be doubled. It may also be given to dogs by intra-articular administration at from 0.625 milligram to 1.25 milligrams per dose. Repeat dosage as indicated.

(ii) In cats, the drug may be given by intramuscular or subcutaneous injection at 0.625 milligram for each 10 pounds of body weight. It may also be given by intra-articular administration at from 0.31 milligram to 0.625 milligram per dose. Repeat dosage as indicated.

(iii) Since requirements vary with the individual animal, recommended dosage is approximate and must be adjusted to the response of the individual animal. Generally, initial dosages are at a higher range. When response is satisfactory, gradually reduce dosage until a minimum dose is obtained. This is particularly important for long-term medication. If additional treatment or a long-term treatment is necessary, triamcinolone tablets may be used as a maintenance dosage.

(3) For use by or on the order of a licensed veterinarian.

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

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

Dated: March 9, 1971.

C. D. VAN HOUWELING, *Director, Bureau of Veterinary Medicine.*

[FR Doc.71-4059 Filed 3-24-71;8:47 am]

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Triamcinolone Acetonide Tablets

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (13–624V) filed by E. R. Squibb & Sons, Inc., proposing revised labeling regarding the oral use of triamcinolone acetonide tablets for use in dogs and cats. The supplemental application is approved.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512 (i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135c is amended by adding the following new section:

§ 135c.40 Triamcinolone acetonide tablets.

(a) *Chemical name.* 9-Flouro-11β,16α, 17,21 - tetrahydroxypregna-1,4-diene - 3, 20-dione cyclic 16,17-acetal with acetone.

(b) *Specifications.* Each tablet contains either 0.5 milligram or 1.5 milligrams of the drug.

(c) *Sponsor.* E. R. Squibb & Sons, Inc., Georges Road, New Brunswick, N.J. 08902.

(d) *Conditions of use.* (1) The drug is indicated for use in dogs and cats for its anti-inflammatory activity.

(2) An initial daily dosage of 0.05 milligram per pound of body weight is usually sufficient to control symptoms, although up to 0.1 milligram per pound of body weight may be given daily if response to the smaller dose is inadequate. As soon as feasible, and in any case within 2 weeks, dosage should be reduced gradually to maintenance levels of 0.0125 to 0.025 milligram per pound of body weight per day. Therapy should be discontinued by a gradual reduction in dosage after the condition has been controlled for several days. Therapy may be initiated with a single dose of sterile triamcinolone acetonide suspension veterinary in which case the tablet dosage

should be administered beginning 5 to 7 days after the injection or when symptoms reappear.

(3) For use only by or on the order of a licensed veterinarian.

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

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

Dated: March 12, 1971.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.71-4063 Filed 3-24-71;8:48 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7104]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Installment Method

On December 3, 1970, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under section 453 of the Internal Revenue Code of 1954 (relating to installment method income reporting) to reflect the changes made by section 916 of the Tax Reform Act of 1969 (83 Stat. 723) was published in the FEDERAL REGISTER (35 F.R. 18391). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted.

(Sec. 7805 of the Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

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

Approved: March 20, 1971.

JOHN S. NOLEN,
Acting Assistant Secretary of the Treasury.

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 453 of the Internal Revenue Code of 1954, to section 916 of the Tax Reform Act of 1969 (83 Stat. 723), Temporary Treasury Regulations § 13.11, 35 F.R. 8823 (1970), are withdrawn, and the Income Tax Regulations under section 453 of the Internal Revenue Code of 1954 are amended as follows:

PARAGRAPH 1. Section 1.453 is amended by adding paragraphs (4) and (5) to section 453(c) and by revising the historical note. The amended and added provisions read as follows:

§ 1.453 Statutory provisions; installment method.

SEC. 453. *Installment method.* * * *

(c) *Change from accrual to installment basis.* * * *

(4) *Revocation of Election.* An election under paragraph (1) to report taxable income on the installment basis may be revoked by filing a notice of revocation, in such manner as the Secretary or his delegate prescribes by regulations, at any time before the expiration of 3 years following the date of the filing of the tax return for the year of change. If such notice of revocation is timely filed—

(A) The provisions of paragraph (1) and subsection (a) shall not apply to the year of change or for any subsequent year;

(B) The statutory period for the assessment of any deficiency for any taxable year ending before the filing of such notice, which is attributable to the revocation of the election to use the installment basis, shall not expire before the expiration of 2 years from the date of the filing of such notice, and such deficiency may be assessed before the expiration of such 2-year period notwithstanding the provisions of any law, or rule of law, which would otherwise prevent such assessment; and

(C) If refund or credit of any overpayment, resulting from the revocation of the election to use the installment basis, for any taxable year ending before the date of the filing of the notice of revocation is prevented on the date of such filing, or within 1 year from such date, by the operation of any law or rule of law (other than section 7121 or 7122), refund or credit of such overpayment may nevertheless be made or allowed if claim therefor is filed within 1 year from such date. No interest shall be allowed on the refund or credit of such overpayment for any period prior to the date of the filing of the notice of revocation.

(5) *Election after revocation.* If the taxpayer revokes under paragraph (4) an election under paragraph (1) to report taxable income on the installment basis, no election under paragraph (1) may be made, except with the consent of the Secretary or his delegate, for any subsequent taxable year before the fifth taxable year following the year of change with respect to which such revocation is made.

* * * * *

[Sec. 453 as amended by section 27, Technical Amendments Act 1958 (72 Stat. 1624); sec. 13(f)(5), Rev. Act 1962 (76 Stat. 1035); secs. 222(a) and 231(b)(5), Rev. Act 1964 (78 Stat. 75, 105); sec. 1(b)(2), Act of August 22, 1969 (Pub. Law 88-484, 78 Stat. 597); sec. 3, Act of August 31, 1964 (Pub. Law 88-539, 78 Stat. 746); sec. 916, Tax Reform Act 1969 (83 Stat. 723).]

PAR. 2. Section 1.453-8 is amended by revising paragraph (c) and by adding a new paragraph (d). These amended and added provisions read as follows:

§ 1.453-8 Requirements for adoption of or change to installment method.

* * * * *

(c) *Installment method and other accounting methods.* Notwithstanding the fact that, in general, a dealer in personal property may change to the installment method of accounting without permission, a dealer may not change from the installment method of accounting for sales on the installment plan to an accrual method of accounting or to any other method of accounting without the permission of the Commissioner, except as provided in paragraph (d) of this section.

(d) *Revocation of election to report income on the installment basis*—(1) *In general.* Under section 453(c)(4) taxpayers who are dealers in personal property and who have elected installment basis income reporting subject to the provisions of section 453(c)(1) (relating to change from accrual to installment basis) may revoke their previously made election.

(2) *Years to which applicable.* Under this paragraph a taxpayer may revoke an election to report income on the installment basis for any year of change (the first year for which income was computed using the installment basis) ending on or after December 30, 1969, and for any year of change which ended before such date if the 3-year statutory period under section 6501 (relating to limitation on assessment or collection), including extensions, for such years has not expired on December 30, 1969.

(3) *Time and manner of revoking election.* The revocation by a taxpayer may be made by filing an amended return on an appropriate form or forms, such as Form 1040X for an individual taxpayer, for the year of change (the first year for which income was computed using the installment basis) and for each subsequent year for which a return was filed using the installment basis. The taxpayer should indicate on such amended returns that he is revoking an election to report income on the installment basis. Such revocation must be made within 3 years from the last date prescribed for the filing of the return for the year of change including any extension of time granted the taxpayer. In reporting income on the amended returns described in this paragraph, the taxpayer shall use the accrual method of accounting.

(4) *Period for assessment of deficiency and for refund or credit.* (i) The statutory period for the assessment of any deficiency for any taxable year ending before the filing of a notice of revocation under this paragraph, which is attributable to the revocation of the election to use the installment basis, shall not expire before the expiration of 2 years from the date of the filing of such notice, and such deficiency may be assessed before the expiration of such 2-year period notwithstanding the provisions of any law or rule of law which would otherwise prevent such assessment.

(ii) If refund or credit of any overpayment, resulting from a revocation of an election to use the installment basis, for any taxable year ending before the date of the filing of the notice of revocation is prevented on the date of such filing, or within 1 year from such date, by the operation of any law or rule of law (other than section 7121 (relating to closing agreements) or section 7122 (relating to compromises)), refund or credit of such overpayment may nevertheless be made or allowed if a claim for such credit or refund is filed within 1 year from the date the notice of revocation is filed. No interest shall be allowed on the refund or credit of such overpayment for any period prior to the date of the filing of the notice of revocation.

(5) *Elections after revocation.* If a taxpayer, pursuant to the provisions of

section 453(c)(4) and this paragraph, revokes an election to report income on the installment basis, a subsequent election to report income on the installment basis under section 453(c)(1) may not be made, except with the consent of the Commissioner, with respect to any taxable year beginning before the fifth taxable year following the year of change with respect to which the revocation was made. A taxpayer who wishes to make a subsequent election to report income under section 453(a) with respect to any taxable year before the fifth taxable year following the year of change for the revoked election, must file an application to do so on Form 3115 with the Commissioner of Internal Revenue, Washington, D.C. 20224.

[FR Doc.71-4106 Filed 3-24-71;8:51 am]

[T.D. 7098]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Capitalization of Costs of Planting and Developing Citrus Groves

Correction

In F.R. Doc. 71-3781 appearing at page 5214 in the issue of Thursday, March 18, 1971, the following changes should be made in § 1.278:

1. The designation "Sec. 276" in the first line of the first paragraph should read "Sec. 278".

2. The first word in the sixth line of the first paragraph reading "it" should read "is".

[T.D. 7101]

PART 13—TEMPORARY INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1969

Brother-Sister Controlled Group

Correction

In F.R. Doc. 71-3878 appearing at page 5339 in the issue of Saturday, March 20, 1971, in the 12th line of § 13.16-1(b) insert the word "of" preceding the word "shall".

SUBCHAPTER C—EMPLOYMENT TAXES

[T.D. 7096]

PART 31—EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

Voluntary Withholding Agreements; Correction

On March 18, 1971, T.D. 7096 was published in the FEDERAL REGISTER (36 F.R. 5216). The month "February" appearing at the end of the 12th line and the beginning of the 13th line in paragraph (a)(1)(iii) of § 31.6302(c)-1 of the Employment Tax Regulations (26 CFR Part 31), as prescribed by T.D. 7096, should have been "April". Accordingly, replace the month "February" with the month "April". Also, the word "paragraph" on the 19th line in paragraph (a)(1)(iii) of § 31.6302(c)-1 of such regulations, as prescribed by T.D. 7096, should have been "subparagraph". Accordingly, replace the word "paragraph" with the word "subparagraph".

JAMES F. DRING,
Director, Legislation and Regulations Division.

[FR Doc.71-4152 Filed 3-24-71;8:52 am]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter X—Oil Import Administration, Department of the Interior

[Oil Import Reg. 1 (Rev. 5) Amdt. 33]

OI REG. 1—OIL IMPORT REGULATION

Imports of No. 2 Fuel Oil, District I

Section 30 of Oil Import Regulation 1 (Revision 5) as amended, provides for allocations in District I of 40,000 barrels per day of imports of No. 2 fuel oil for the period January 1, 1971 through December 31, 1971. Subparagraph (2) of paragraph (e) of section 30 sets forth an importing schedule which reflects a policy of ensuring that adequate supplies of No. 2 fuel oil would be made available for the 1970-71 heating season. A review of imports and inventories to date has demonstrated that this objective has been achieved. There is no reason, therefore, to retain the importing schedule referred to.

Accordingly, subparagraph (2) of paragraph (e) of section 30 of Oil Import Regulation 1 (Revision 5) as amended (36 F.R. 54) is amended to read as follows:

Sec. 30 Allocations of No. 2 Fuel Oil—District I.

* * * * *

(e) * * *

(2) The Administrator shall provide that each license issued under an allocation made pursuant to this paragraph (e) shall expire on December 31, 1971.

* * * * *

As this Amendment 33 relieves a restriction, it shall become effective immediately.

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

I concur: March 23, 1971.

G. A. LINCOLN,
Director, Office of Emergency Preparedness.

[FR Doc.71-4241 Filed 3-24-71;10:44 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

[CGFR 70-114A]

PART 110—ANCHORAGE REGULATIONS

Subpart B—Anchorage Grounds

BLOCK ISLAND SOUND, N.Y.

1. The Chief, Office of Operations, U.S. Coast Guard Headquarters, has decided to grant a request from the Commander, Submarine Flotilla Two, U.S. Navy, to establish a Submarine Anchorage Ground in Block Island Sound approximately 3 miles east of Gardiners Island. The new regulations will prohibit any vessel or person from approaching or remaining within 500 yards of a U.S. Navy Submarine anchored in this anchorage ground.

2. A public notice dated July 20, 1970, was issued by the Commander, Third Coast Guard District. In addition, a notice of proposed rule making was published in the FEDERAL REGISTER of September 12, 1970 (35 F.R. 14407). Eight objections to the establishment of the anchorage ground were received. The basis of these objections was that the anchorage would interfere with recreational boating and commercial fishing in the area. These objections overlook the fact that the Navy could anchor a submarine there even if this anchorage ground was not established and that the purpose of this anchorage ground is to reduce the likelihood of a collision between an anchored submarine and another vessel passing through the area. In addition, since no bottom appendages will be placed, this will not prevent fishermen from dragging the bottom. The Navy's original request was for an anchorage ground of approximately 1 by 3 miles in size; however, the size of the anchorage has been reduced to three-quarters of a mile by 2 miles.

3. In consideration of the foregoing, Part 110 is amended by adding § 110.150 to read as follows:

§ 110.150 Block Island Sound, N.Y.

(a) *The anchorage ground.* A ¾- by 2-mile rectangular area approximately 3 miles east-northeast of Gardiners Island with the following coordinates: latitude 41°06'12" N., longitude 72°00'05" W., latitude 41°07'40" N., longitude 72°-01'54" W.; latitude 41°08'12" N., longitude 72°01'10" W.; latitude 41°06'46" N., longitude 71°59'18" W.

(b) *The regulations.* This anchorage ground is for use of U.S. Navy submarines. No vessel or person may approach or remain within 500 yards of a U.S. Navy submarine anchored in this anchorage ground.

(Sec. 1, 63 Stat. 503, sec. 7, 38 Stat. 1053, as amended, sec. 6(g)(1)(A), 80 Stat. 937; 14 U.S.C. 91, 33 U.S.C. 471, 49 U.S.C. 1655(g)(1)(A); 49 CFR 1.46 (b) and (c)(1) (35 F.R. 4959); 33 CFR 1.05-1(c)(1) (35 F.R. 8279))

Effective date. This amendment shall become effective 30 days following the date of its publication in the FEDERAL REGISTER.

Dated: March 19, 1971.

R. E. HAMMOND,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Operations.

[FR Doc.71-4107 Filed 3-24-71;8:51 am]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 125—SECOND-CLASS BULK MAILINGS

Dispatching Second-Class Mail Matter in Bundles Outside of Sacks

Part 125 is amended to codify the Department's regulations which permit publishers of newspapers or periodicals to ship such matter in bundles, or use pallets, in lieu of using mail sacks.

In the daily issue of December 23, 1970 (35 F.R. 19399), regulations formerly appearing in Subchapter A of Title 39, Code of Federal Regulations, were republished as Subchapter C of that title. However, § 126.13 of Subchapter A, relating to second-class matter in bundles, was retained in force as uncodified regulations of the Department. The regulations set out below supersede those regulations previously retained.

Since the regulations below state existing regulations without change in substance, rulemaking procedures and delay in effective date are not required. Accordingly, this document is effective upon publication in the FEDERAL REGISTER (3-25-71).

In Part 125 new § 125.13 is added, reading as follows:

§ 125.13 Dispatching second-class matter in bundles outside of mail sacks.

(a) *Bundling restrictions.* To promote efficient processing of bundled mail through post office facilities, publishers will be required to observe the following procedures if they wish to bundle their publications:

(1) Mailers will be required to presort publications for post offices, stations and branches, using 3- and 5-digit ZIP Code separations as required by existing regulations on the makeup of second-class mail.

(2) Bundles may be developed on the same basis as sacks, and individual separations within a bundle must be appropriately wrapped or tied to maintain the identity of the separation.

(3) The weight of the bundle should not exceed 40 pounds and the minimum number of copies in a bundle should be no less than it takes to fill one third of a sack. Lesser quantities are to be included in residue sacks using ZIP Code or states separations.

(4) All bundles must be appropriately labeled on top to show destination and contents as is currently done with sacks. Similarly, each separation within a bundle must be identified.

(5) Bundles must be securely bound to withstand handling without breakage or damage in transit, and in such a manner as to prevent injury to postal personnel or damage to mechanized sorting systems. If wire is used, it must have rounded edges and flat ends. Binding material is to be applied once around the girth and once around the length.

(b) *Initiating request.* Publishers who wish to dispatch their mailings in bundles outside of mail sacks must submit application to the postmaster at the office where it is to be entered. The following information must be furnished with the application:

(1) Name of publication and frequency of mailing.

(2) Identity of post offices to which direct or combination load shipments will be made (additional entry or exceptional dispatch offices).

(3) Approximate quantity of publications and number of bundles.

(4) Whether the mailer proposes to use pallets in the shipments.

(5) Mode of transportation to be used.

Postmasters will forward applications to their Regional Directors for review and approval.

(c) *Authorization.* Subsequent to the review of the operational feasibility of accepting mailings in bundles outside of mail sacks the postmaster, at the office where it is to be entered, will be informed by the Regional Director whether an application has been approved or disapproved. Notice of the decision will be sent to the publisher by the postmaster with any special instructions or comments deemed necessary.

(5 U.S.C. 301, 39 U.S.C. 501, 4351-4370)

DAVID A. NELSON,
General Counsel.

MARCH 19, 1971.

[FR Doc.71-4042 Filed 3-25-71;8:46 am]

Title 45—PUBLIC WELFARE

Chapter II—Social and Rehabilitation Service (Assistance Programs), Department of Health, Education, and Welfare

PART 220—SERVICE PROGRAMS FOR FAMILIES AND CHILDREN: TITLE IV PARTS A AND B OF SOCIAL SECURITY ACT

Child Care Services: Referrals to Work Incentive Program

Effective on date of publication (3-25-71), Part 220 of Title 45 of the Code of Federal Regulations is amended to make clear that:

1. The caretaker relative must participate in the selection of the method of providing child care, but if there is only one source available, he may not refuse it unless he can show that it is unsuitable for the child; and

2. It is the State's responsibility to determine what other groups of individuals, in addition to those specified in the regulation, are appropriate for referral.

Notice of proposed rule making has been dispensed with since the regulations simply clarify existing policy and the State agencies concerned were previously informed of this clarification by State letter.

1. Paragraph (a) of § 220.18 is revised to read as follows:

§ 220.18 Child care services.

(a) Child care services, including in-home and out-of-home services, must be available or provided to all persons referred to and enrolled in the Work Incentive Program and to other persons for whom the agency has required training or employment. Such care must be suitable for the individual child; and the caretaker relatives must be involved in the selection of the child care source to be used if there is more than one source available. However, when there is only one source available, the caretaker relatives must accept it unless they can show that it is unsuitable for their child. The child care services must be maintained until the caretaker relatives are reasonably able to make other satisfactory child care arrangements.

* * * * *

2. Paragraph (a)(1)(iv) of § 220.35 is revised to read as follows:

§ 220.35 Work incentive program.

(a) * * *

(1) * * *

(iv) Except as qualified in subparagraph (2) of this paragraph (a), appropriate individuals, under subdivision (i) of this subparagraph (1) must include (*a*) unemployed fathers, and (*b*) dependent children and essential persons age 16 or over who are not in school, at work, or in training, and for whom there are no educational plans under consideration for implementation within the next 3 months. The decision as to what other individuals are appropriate for referral is the responsibility of the State. The State plan must specify any such individuals and describe criteria, consistent with the provisions of this section, for their referral.

* * * * *

(Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302)

Dated: February 18, 1971.

JOHN D. TWINAME,
Administrator, Social and Rehabilitation Service.

Approved: March 19, 1971.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc. 71-4092 Filed 3-24-71;8:50 am]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

[CGFR 70-143]

MISCELLANEOUS AMENDMENTS TO CHAPTER

In F.R. Doc. 70-17423, commencing at page 19902 in the issue of Wednesday, December 30, 1970, the following corrections were made:

PART 97—OPERATIONS

1. Section 97.15-30(c), appearing on page 19906, is corrected in the second line by changing the word "system" to "systems".

PART 110—GENERAL PROVISIONS

2. Section 110.10-1, appearing on page 19907, is corrected in the fifth line by changing "ANS1" to "ANSI".

PART 111—ELECTRICAL SYSTEM; GENERAL REQUIREMENTS

3. Section 111.05-5(b)(4)(iii), appearing on page 19908, is corrected in the third line by changing "CA" to "Calif.".

4. Section 111.05-5(b)(4)(iv), appearing on page 19908, is corrected in the third line by changing "OH" to "O".

5. Section 111.05-10(c)(14), appearing on page 19909, is corrected in the fourth line by changing "matter" to "meter".

6. Section 111.10-5(e)(2), appearing on page 19911, is corrected in the fifth line by adding the word "shall" to follow the word "also" and precede the word "be".

7. In Table 111.10-30(a2), appearing on page 19912, the center reference heading reading "Limits of temperature rises, degrees centigrade [2]" is corrected by changing the reference note from "2" to "3". The item "Bearings" is corrected by changing the reference note from "3" to "2" in each column headed "Class H insulation".

8. In Table 111.25-35(a), apppearing on page 19915, the first entry in the column headed "Motor horsepower" is corrected by changing "½" to "⅙". The 11th entry in that column, "2½", is corrected by changing "8.3" to "8.8" in the column headed "Wound-rotor-220 volts".

9. Section 111.30-1(g), appearing on page 19916, is corrected in the fifth line by changing "contractors" to "contactors".

10. Section 111.30-15(b)(4), appearing on page 19917, is corrected by changing the first sentence to read as follows: "For each 3-wire generator, a voltmeter with voltmeter switch for connecting the voltmeter to indicate generator voltage, positive to negative, and bus voltage positive to negative, positive to neutral, and neutral to negative."

11. Section 111.50-5(a)(3), appearing on page 19919, is corrected by changing in the last line "111.61-1(e)(1)(ii)" to "111.60-1(e)-(1)(ii)".

12. Section 111.50-20(c), appearing on page 19920, is corrected by redesignating subdivisions (i), (ii) ,and (iii) as subparagraphs (1), (2), and (3), respectively.

13. Table 111.60-1(e)(1)(i), appearing on page 19921, is corrected by changing for the last entry for conductor size area (circular mils), 4,110, in the column "MI" under the center heading "1-Conductor", the figure "34" to "24".

14. Section 111.60-1(h), appearing on page 19922, is corrected by changing in the seventh line the word "or" to "for".

15. Section 111.60-25(k)(5), appearing on page 19925, is corrected in the second line by changing the third word from "tapes" to "taps".

16. Section 111.70-20(b)(4), appearing on page 19930, is corrected by changing the first sentence to read: "A branch-circuit circuit breaker, rated in amperes only, may be used as a controller."

17. Section 111.80-5(e)(5)(iv), appearing on page 19939, is corrected by changing in the ninth line the word "market" to "marked".

18. Table 111.80-55(d)(2), appearing on page 19947, is corrected in the column headed "Potential involved in volts—301-600" by changing the first entry reading "⅔" to "⅜".

19. Section 111.80-55(h)(2), appearing on page 19950, is corrected in the third line by adding the word "with" to follow the first word "comply".

20. Section 111.85-5(d), appearing on page 19952, is corrected by changing the second sentence to read: "Combustible liquids having lethal qualities are those having the characteristics of class "B" or "C" poisons as defined in §§ 146.25-10 and 146.25-15 of this chapter."

21. Section 111.85-90(d)(1), appearing on page 19954, is corrected by changing in the sixth and seventh lines, the words "all on" to "on all".

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

22. Section 146.27-25(d)(2), appearing on page 19958, is corrected in the 15th line by changing the word "seal" to "steel".

23. Section 146.27(e)(7), appearing on page 19959, is corrected in the seventh line by changing the word "with" to "and".

24. Section 146.29-99, Chart A, appearing on page 19960, is corrected for "DOT Class A—BD fuzes; PD fuzes with booster; bomb fuzes with booster; rocket fuzes with booster; and like items—Coast Guard Class VI" by changing in column II-B the "square" to "J".

PART 147—REGULATIONS GOVERNING USE OF DANGEROUS ARTICLES AS SHIPS' STORES AND SUPPLIES ON BOARD VESSELS

25. Section 147.04-1(a)(7), appearing on page 19962, is corrected in the third line by changing "CO" to "CO_2".

PART 164—MATERIALS

26. Section 164.016-4(f)(3), appearing on page 19968, is corrected by changing the formula, which is located in line 13, to read as follows:

$$\text{Compression set (percent)} = \frac{ho - hi}{ho - hs} \times 100$$

27. Section 164.016-4(i), appearing on page 19969, is corrected in the second line by adding the word "square" after the dimension "4'' x 4'' ".

Dated: March 18, 1971.

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

[FR Doc.71-4109 Filed 3-24-71;8:51 am]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. No. 1067]

PART 1033—CAR SERVICE

Distribution of Boxcars

At a session of the interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 10th day of March 1971.

It appearing, that an acute shortage of plain boxcars with inside length of 50 feet or longer and less than 70 feet, exists throughout the United States; that shippers are being deprived of such cars required for loading, creating great economic loss and resulting in a severe emergency; that present rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange interchange, and return of such boxcars to the owning railroads are ineffective; and that orders issued by the Association of American Railroads to promote more equitable distribution have proved ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1067 Service Order No. 1067.

(a) *Distribution of boxcars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Return to owners empty, except as otherwise authorized in paragraphs (3) and (5) of this paragraph, all plain boxcars which are listed in the registration

of the specific railroads named herein in the Official Railway Equipment Register, ICC R.E.R. 378, issued by E. J. McFarland, or successive issues thereof as having mechanical designation XM, with inside length 50 feet or longer and less than 70 feet, which bear the identification marks shown:

Chicago and North Western Railway Co., Identification marks—CGW, CMO, CNW, MStL.
Illinois Central Railroad Co., Identification marks—IC.

(2) Plain boxcars described in subparagraph (1) of this paragraph include both plain boxcars in general service and plain boxcars assigned to the exclusive use of a specified shipper.

(3) Except as otherwise provided in subparagraph (5) of this paragraph, boxcars described in subparagraph (1) of this paragraph may be loaded to stations on the lines of the owning railroad, or to any other station which is closer to the owner than the station at which loaded. After unloading at a junction with the car owner, such cars shall be delivered to the car owner at that junction; either loaded or empty.

(4) Boxcars described in subparagraph (1) of this paragraph shall not be back-hauled empty from a junction with the car owner.

(5) Boxcars described in subparagraph (1) of this paragraph located at a point other than a junction with the car owner shall not be back-hauled empty, except for the purpose of loading to a junction with the car owner or to a station on the lines of the car owner.

(6) The return to the owner of a boxcar described in paragraph (1) herein shall be accomplished when it is delivered to the car owner, either empty, or loaded as authorized by subparagraphs (3) or (5) of this paragraph.

(7) Junction points with the car owner shall be those listed by the car owner in its specific registration in the Official Railway Equipment Register, ICC R.E.R. No. 378, issued by E. J. McFarland, or successive issues thereof, under the heading "Freight Connections and Junction Points."

(8) Railroads named in subparagraph (1) of this paragraph shall restrict their use of plain boxcars of the type described in this order, which are owned by any railroad not listed therein, to traffic destined to a station closer to the car owner than the station at which the car is loaded.

Exception: For the purpose of securing utilization of cars for which the owners have no immediate need, car owners, other than those named in subparagraph (1) of this paragraph, may remove their cars from the provisions of this paragraph by written notice to W. H. Van Slyke, Chairman, Car Service Division, Association of American Railroads, Washington, D.C., for submission to R. D. Pfahler, Director, Bureau of Operations, Interstate Commerce Commission.

(9) In determining distances to the car owner from points of loading or unloading, tariff distances applicable via the lines of the carriers obligated under Car Service Rules 1 and 2 to move the car shall be used.

(10) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded boxcar for movements contrary to the provisions of subparagraphs (3), (5), or (8) of this paragraph.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(c) *Effective date.* This order shall become effective at 12:01 a.m., March 15, 1971.

(d) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1971, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies secs. 1 (10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–4100 Filed 3–24–71;8:51 am]

Title 50—WILDLIFE AND FISHERIES

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

PART 33—SPORT FISHING

Tamarac National Wildlife Refuge, Minn.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER (3–25–71).

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

MINNESOTA

TAMARAC NATIONAL WILDLIFE REFUGE

Sport fishing on the Tamarac National Wildlife Refuge, Rochert, Minn., is permitted from January 1, 1971, through December 31, 1971, and shall be in accordance with all applicable State fishing laws and refuge regulations. Areas open for fishing comprise 13,675 acres and are designated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

Refuge waters open to fishing include Wauboose, Two Island, Lost and Upper Egg Lakes plus all lakes south of the "Governor's Consent Line." Fishing in the Ottertail River at the bridge on County road 26 is limited, as posted by signs, to 50 yards upstream and 100 yards downstream from the bridge.

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

CLAUDE R. ALEXANDER,
Refuge Manager, Tamarac National Wildlife Refuge, Rochert, Minn.

MARCH 19, 1971.

[FR Doc.71–4037 Filed 3–24–71;8:46 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

TAXATION OF UNRELATED BUSINESS INCOME OF CERTAIN EXEMPTED ORGANIZATIONS

Notice of Proposed Rule Making

Correction

In F.R. Doc. 71-3778 appearing at page 5236 in the issue of Thursday, March 18, 1971, in § 1.512(b) the date in the last line of section 512(b)(17)(B) now reading "May 27, 1969" should read "May 27, 1959".

[26 CFR Part 1]

LIMITATION ON TAX ATTRIBUTABLE TO CERTAIN TOTAL DISTRIBUTIONS FROM QUALIFIED PLANS

Notice of Extension of Time for Comments

The proposed amendment to the regulations under section 72(n)(4) of the Internal Revenue Code of 1954, relating to limitation on tax attributable to certain total distributions from qualified plans, appears in the FEDERAL REGISTER for February 27, 1971 (36 F.R. 3822).

Written comments or suggestions pertaining to the proposed amendment and requests for a public hearing by persons submitting written comments or suggestions were required to be submitted by March 29, 1971. The time for submission of written comments or suggestions pertaining to the proposed amendment and for requesting a public hearing is hereby extended to April 28, 1971.

K. MARTIN WORTHY,
Chief Counsel.

[FR Doc.71-4218 Filed 3-24-71;9:49 am]

[26 CFR Parts 1, 13, 301]

65-DAY RULE; ACCUMULATION TRUSTS; CREDIT FOR TAXES PAID BY THE TRUST

Notice of Hearing

The proposed amendment to the regulations under sections 643, 652, 665 through 669, and 6401 of the Internal Revenue Code of 1954, relating to the 65-day rule and accumulation trusts, appears in the FEDERAL REGISTER for February 9, 1971 (36 F.R. 2607).

A public hearing on the provisions of these proposed regulations will be held on Tuesday, April 27, 1971, at 10 a.m., e.d.s.t., in Room 3313, Internal Revenue Service Building, 1111 Constitution Avenue NW., Washington, DC 20224.

The hearing is to be conducted under the rules of § 601.601(a)(3) of the Statement of Procedural Rules (26 CFR Part 601), which appeared in the FEDERAL REGISTER for October 24, 1970 (35 F.R. 16593). Copies of these rules will be furnished on request.

Under such § 601.601(a)(3), persons who desire to present oral comments (in addition to having submitted written comments or suggestions within the time prescribed in the notice of proposed rulemaking) should submit by April 13, 1971, an outline of the topics and the time they wish to devote to each topic. The outline should be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224.

Persons who plan to attend the hearings and persons who desire a copy (furnished only at the above address) of such written comments, suggestions, or outlines should notify the Commissioner at the above address or telephone 202-964-3935 by April 20, 1971.

K. MARTIN WORTHY,
Chief Counsel.

[FR Doc.71-4151 Filed 3-24-71;8:52 am]

[26 CFR Part 53]

APPLICATION OF TAXES TO CERTAIN NONEXEMPT TRUSTS

Notice of Proposed Rule Making

Correction

In F.R. Doc. 71-3776 appearing at page 5240 in the issue of Thursday, March 18, 1971, the following changes should be made in § 53.4947-1:

1. In paragraph (b)(2)(iii), the comma following the phrase "intervening interests" in the eighth line should be deleted.

2. In paragraph (c)(3)(v)(*b*), the period at the end of the fourth line should be a comma.

3. In paragraph (c)(5)(iii), the phrase "in trust before May 27, 1969" appearing in the sixth and seventh lines should be deleted and the following substituted therefor: "to such trust on or after May 27, 1969, pursuant to the provisions of such will shall be treated as amounts transferred in trust before May 27, 1969".

POST OFFICE DEPARTMENT

[39 CFR Part 124]

SEXUALLY ORIENTED ADVERTISEMENTS

Notice of Proposed Rule Making

Section 3010(a) of Title 39, United States Code, which became effective on February 1, 1971, provides in substance that any person who mails any sexually oriented advertisement must place on the envelope his name and address as sender and such mark or notice as the Postal Service may prescribe. By notice of proposed rule making published on October 10, 1970 (35 F.R. 15999), the Post Office Department invited the submission of comments concerning proposed implementing regulations which provided in substance that each envelope containing any sexually oriented advertisement bears on its face the sender's name and address and the words, "Sexually Oriented Ad". No comments having been submitted, the Post Office Department adopted the proposed regulations without change on December 10, 1970 (35 F.R. 18743-44). On January 30, 1971, these regulations were republished without substantial change as a part of the adoption of regulations implementing and interpreting 39 U.S.C. 3010 and 3011 as a whole (36 F.R. 1468).

In pending litigation the Post Office Department has been temporarily enjoined from requiring the use of the notice prescribed in § 124.9(e) on the outside of an envelope containing a sexually oriented advertisement if the notice appears on an inner envelope in which the advertisement has been sealed. See notice published in today's issue at page 5623. For reasons indicated below, the Department considers that it may be appropriate to modify the notice requirement even if this injunction is dissolved.

It has been suggested that the requirement that the words "Sexually Oriented Ad" appear on the outside of all such envelopes may work an inconvenience on those persons who may wish to receive sexually oriented advertisements. The Department considers that it may be appropriate to modify the requirement in the light of that suggestion. Accordingly, the Department proposes to adopt the regulation set forth below as a revision of § 124.9(e) of Title 39, Code of Federal Regulations.

Interested persons may submit written data, views and arguments concerning the proposed regulations to the Assistant General Counsel, Mailability Division, Post Office Department, Washington, D.C. 20260, at any time prior to the 30th day following the date of publication of this notice in the FEDERAL REGISTER.

The following revision of 39 CFR § 124.9(e) is hereby proposed:

Amend subparagraph (1) of paragraph (e) by adding at the end thereof a new last sentence and amend subparagraphs (2) and (4) of paragraph (e) to make conforming changes so that § 124.9(e) (1), (2), (3), and (4) as amended will read as follows:

§ 124.9 Sexually oriented advertisements.

* * * * *

(e) * * *

(1) Any person who mails or causes to be mailed any sexually oriented advertisement shall place in the upper left-hand corner of the exterior face of the mail piece, whereon appear the address designation and postmarks, postage stamps, or indicia thereof, the sender's name and address. In the right-hand portion below the postage stamp, or indicia thereof, and above the addressee designation, there shall be placed "Sexually Oriented Ad". The words "Sexually Oriented Ad," however, need not be placed on the exterior envelope or cover of a mail piece containing such an advertisement, if the contents of the mail piece are enclosed in a sealed envelope, inside the exterior envelope or cover, which sealed envelope bears conspicuously the words "Sexually Oriented Ad."

(2) The name and address of the sender and the legend required by subparagraph (1) of this paragraph, if the latter is placed on the exterior face of the mail piece, shall be printed in a size type no smaller than that used for any other word on the envelope or other cover, and in no event smaller than 12-point type. Such type shall be no less conspicuous than the boldest type used to print other words on the exterior face of the mail piece.

(3) The contrast between the background and printing of the sender's name and address and the contrast between the background and the printing of the prescribed notice shall be no less than the contrast between the background and printing of any other words on the envelope or other wrapper.

(4) A clear space no less than one-quarter of an inch wide shall surround the sender's name and address and the prescribed notice, separating each from any other matter appearing on the same envelope or cover.

* * * * *

(5 U.S.C. 301, 39 U.S.C. 501, 3010)

DAVID A. NELSON,
General Counsel.

[FR Doc.71-4188 Filed 3-24-71;8:52 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 910]

[Docket No. AO-144-A12]

LEMONS GROWN IN CALIFORNIA AND ARIZONA

Decision and Referendum Order With Respect to Proposed Further Amendment of the Marketing Agreement and Order

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Los Angeles, Calif., on May 13–16, 1970, after notice thereof published in the FEDERAL REGISTER (35 F.R. 5588) on proposed further amendment of the marketing agreement and order (7 CFR Part 910) regulating the handling of lemons grown in California and Arizona, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

On the basis of the evidence adduced at the hearing, and the record thereof, the recommended decision in this proceeding was filed on October 28, 1970, with the Hearing Clerk, U.S. Department of Agriculture. The notice of the filing of such recommended decision affording opportunity to file written exceptions thereto was published in the FEDERAL REGISTER (F.R. Doc. 70-14693; 35 F.R. 16850) on October 31, 1970.

The material issues, findings, and conclusions, rulings and the general findings of the recommended decision, as hereinafter modified, are hereby approved and adopted as the material issues, findings, and conclusions, rulings and the general findings of this decision as if set forth in full herein.

Rulings on exceptions. Exceptions to the recommended decision were filed within the prescribed time. Such exceptions were carefully and fully considered in conjunction with the record evidence and the recommended decision (including the rulings), in arriving at the findings and conclusions set forth herein. To the extent that any exception is not specifically ruled upon and is at variance with the findings, conclusions, and actions decided upon in this decision, such exception is denied for the reasons and on the basis of the findings and conclusions and rulings relating thereto or to the issues to which the exception refers.

Exception was taken to the provision set forth in paragraph (f) (1) of § 910.53 which provides that at the request of any handler of lemons produced in Districts 1 or 3 the committee shall adjust the average weekly pick of a handler by increasing it in the amount requested by the handler, but not exceeding 50 percent of such average. Such paragraph further states that such adjustment may be requested for not to exceed 8 consecutive weeks during the period beginning not later than the third week of the initial prorate base of a season for which such handler's average weekly pick is computed, and ending not later than the middle week of such handler's picking season, as determined by the committee, based upon the historical picking performance of such handler. Subsequent provisions of such paragraph provide that any such adjustment shall be subject to a compensating downward adjustment in the latter half of such handler's season.

Specifically, the exception objects to the fact that, as written, the right to adjustments is conditional upon the handler taking adjustments each week during the 8-week period beginning not later than the third week as specified, or the handler may take adjustments in a period of 8 consecutive weeks beginning not later than the third week as specified.

The exception stresses that limiting the upward adjustment as indicated is unnecessarily restrictive and could result in a handler receiving allotment which he does not need and is unable to use. The principal reasons cited for this was that a number of circumstances such as inclement weather, unavailability of picking labor, or mechanical difficulties may develop which interfere with or prevent picking and delivery of lemons to the packinghouses. While the testimony uses the word "consecutive" in explaining the procedure to be followed in administering the provisions of § 910.53(f)(1), the exception indicates that such use was intended to explain that all of the weeks, beginning with the first week of a handler's picks and ending with the midweek, were to be included as his upward adjustment period even though he had no picks in one or more of those weeks and that the intent was to permit a handler to request the adjustment in any eight weeks up to his midseason. Hence, a handler in any such district could select any combination of the weeks in the first half of his season.

In connection with the foregoing, the recommended decision indicates that any handler in Districts 1 or 3 should be afforded the opportunity for an upward adjustment, upon request, to receive allotments during the first half of his season on an accelerated basis. Further, the average weekly pick of such a handler "shall be adjusted in such manner and such precautions taken in granting such adjustments as may be necessary to assure repayment of the additional allotment be received as a result of any such upward adjustment." Consistent therewith, it would be appropirate to provide for repayment of adjustments to begin in the week following the aforesaid middle week, with the balance of the repayments to be made in the successive weeks regardless of the particular weeks in the first half of the season in which the upward adjustments were made.

Indications are that handlers likely will find it most advantageous to use the upward adjustment privilege in the early part of the first half of their seasons as their average weekly picks at that time would be relatively small as compared with picks later in the season. Upward adjustments based upon an average weekly pick computed from low volume pick weeks in the early part of the first half of a season should not result in a handler receiving an adjustment in excess of that which he could easily repay by a deduction from his average weekly pick in the relatively high volume pick weeks following the middle week of such season. If, however, a handler elects to take an upward adjustment in the later weeks of the first half of his season when his average weekly pick is likely to be computed from his high volume pick weeks, it may well be that repayment by way of a downward adjustment of his

average weekly pick in the weeks following the midweek in the same amount and order would not be sufficient to effect total repayment. Therefore, it is concluded that provision should be made for downward adjustments to commence in the week immediately following the handler's midweek, and continue for a number of successive weeks equal to the number of weeks for which upward adjustments were made so that repayments are made when the handler's average weekly picks generally are large enough to offset the upward adjustments. To the extent practicable, the amounts and sequences of repayments should conform to amounts and sequences in which upward adjustments were made. However, if the committee determines that an accelerated rate of repayment is necessary to effect total repayment or the handler requests an accelerated rate of repayment, such repayment should be in accordance with appropriate rules and regulations prescribed by the committee with approval of the Secretary.

On the basis of the foregoing, the provisions of § 910.53(f)(1) are revised as hereinafter set forth.

Exception was taken also to the provision set forth in the proposed amendment which specifies that a borrowing handler who has insufficient allotment to repay an allotment loan on the specified repayment date shall repay it as soon thereafter as he has allotment available to him for that purpose. The exceptor states that any Districts 1 and 3 loans outstanding at the end of the crop year should be canceled. Current provisions of the order provide for issuance of volume limitation regulations separately by district, authorize loans only between handlers of lemons grown in the same district, and require that each loan agreement provide a repayment date within 1 year of the date of the loan. Thus, the order provides for repayment of allotment loans, and the amendment would not change this. However, currently a provision under the rules and regulations under the order provides that if no volume limitation is effective with respect to lemons of a particular district when a loan applicable to such lemons falls due such loan shall be deemed repaid. Under such provision, by setting a repayment date falling in the period when few or no lemons are available in Districts 1 and 3, particularly, and when unlimited shipments generally are permitted, a borrowing handler could in effect provide for cancellation of the loan. During periods of unlimited movement in a district, handlers can ship lemons without restriction and allotment is not issued to handlers in that district. Hence, a borrowing handler would have no allotment to repay a loan, nor does the lending handler need any to ship his available lemons in such period.

The amendment does not provide for issuance of volume limitations separately by district; therefore no periods of unlimited movement separately by district are contemplated. Except for lemons exempt from regulation, handlers will need allotment to ship lemons from any district at any time except when unlimited shipments are established for the production area as a whole. Moreover, under the amendment, loans will be permitted between handlers of lemons grown in different districts. Under the order a borrowing handler incurs an obligation to repay allotment loans. Under the order, as proposed to be changed by the amendment, lending handlers generally will need the allotment to ship lemons. The evidence of record supports the provision for repayment of loans as provided in the proposed amendment. The exception is therefore denied.

For purposes of correcting inadvertent errors and for clarification, minor revisions are made in specified amendatory provisions as hereinafter set forth.

Further Amendment of the Marketing Agreement and Order. Annexed hereto and made a part hereof are documents entitled, respectively, "Marketing Agreement, As Amended, Regulating the Handling of Lemons Grown in California and Arizona", and "Order Amending the Order, As Amended, Regulating the Handling of Lemons Grown in California and Arizona", which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby directed that a referendum be conducted:

(1) Among the producers who, during the period August 1, 1969, through July 31, 1970 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, within the production area (as defined in 7 CFR Part 910) in the production of lemons for market to ascertain whether such producers favor the issuance of the said annexed order amending the order, as amended, regulating the handling of such lemons.

Warren C. Noland and Edmund J. Blaine, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Room 1733, 312 North Spring Street, Los Angeles, CA 90012, are hereby designated referendum agents to conduct said referendum.

The procedure applicable to such referendum shall be the "Procedure for the Conduct to Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agriculture Marketing Agreement Act of 1937, as amended." (7 CFR 900.400 et seq.).

The ballots used in the referendum shall contain a summary describing the terms and conditions of the proposed amendatory order.

Copies of the aforesaid annexed order, of the aforesaid referendum procedure, and of this order may be examined in the office of the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained from any referendum agent or appointee.

It is hereby ordered, That all of this decision and referendum order, except the annexed marketing agreement, as amended, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement are identical with those contained in the said order as further amended by the annexed order which will be published with this decision.

Dated: March 19, 1971.

RICHARD E. LYNG,
Assistant Secretary.

Order[1] Amending the Order, as amended, Regulating the Handling of Lemons Grown in California and Arizona.

§ 910.0 Findings and determinations.

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

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Los Angeles, Calif., on May 13–16, 1970, upon proposed amendments to the marketing agreement, as amended, and to Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of lemons grown in the designated production area in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

in, the marketing agreement and order upon which hearings have been held;

(3) The said order, as amended and as hereby further amended, is limited in its application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act;

(4) The said order, as amended and as hereby further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of lemons; and

(5) All handling of lemons grown in the designated production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of lemons grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

1. Sections 910.9 and 910.10 are revised to read as follows:

§ 910.9 Carton.

"Carton" means standard container number 58 as defined in section 43615 of the Agricultural Code of California, as amended, of a capacity of approximately 38 pounds of lemons, or such other container and capacity as may be established by the committee, with the approval of the Secretary, or the equivalent thereof.

§ 910.10 Fiscal year.

"Fiscal year" means the twelve-month period beginning on August 1 of each year and ending July 31 of the following year, except that the fiscal year ending July 31, 1971, shall begin on November 1, 1970.

§ 910.12 [Deleted]

2. Section 910.12 *Lemons available for current shipment* is deleted.

3. Sections 910.20, 910.21, 910.22, and 910.23 are revised to read as follows:

§ 910.20 Establishment and membership.

(a) There is hereby established a Lemon Administrative Committee consisting of 13 members. For each member there shall be an alternate member, and for each grower member an additional alternate, and the provisions of §§ 910.20 through 910.26, unless they specifically provide otherwise, shall apply to members and alternate members and additional alternates in like manner. Further, references to "member" therein shall be deemed to include alternates and additional alternates unless the context indicates otherwise. Eight of the members shall be growers and shall be referred to in this part as "grower" members; four of the members shall be handlers or employees of handlers or employees of central marketing organizations and shall be referred to in this part as "handler" members. One member of the committee shall be a person who shall not be a grower or handler, or an employee, agent, or representative of a grower or handler (other than an educational institution which is a grower or handler), or of a central marketing organization. Such person shall be referred to in this part as a "nonindustry" member.

(b) Except as otherwise provided pursuant to § 910.22(h), the grower members of the committee shall be nominated, by prorate district and group, in accordance with the following schedule:

	Co-op more than 60 percent	Other co-ops	Independents
District 1 (1)	1	0	0
District 2 (4)	2	2	0
District 3 (3)	1	1	1

(c) Each alternate grower member and each additional alternate grower member shall be from the same group as the member but need not be from the same district.

§ 910.21 Term of office.

The term of office of committee members shall be a period of 2 years beginning on August 1 of each even-numbered year, except that the term ending on July 31, 1972, shall begin on the date designated by the Secretary. Members shall serve in such capacities for the portion of the term of office for which they are selected and qualify and until their respective successors are selected and have qualified.

§ 910.22 Nominations.

(a) The time and manner of nominating members of the Lemon Administrative Committee shall be prescribed by the Secretary.

(b) Any cooperative marketing organization or the growers affiliated therewith which markets more than 60 percent of the total volume of lemons during the fiscal year during which nominations for members are submitted shall nominate, in conformity with § 910.20, four grower members and two handler members.

(c) All cooperative marketing organizations or the growers affiliated therewith which market lemons and which are not qualified under paragraph (b) of this section shall nominate, in conformity with § 910.20, three grower members and one handler member.

(d) All growers of the group identified as independents in § 910.20 who are not affiliated with a cooperative marketing organization which markets lemons shall nominate, in conformity with § 910.20, one grower member and one handler member.

(e) When voting for nominees each grower shall be entitled to one vote only which shall be cast on behalf of himself, his agents, subsidiaries, affiliates, and representatives. Votes of marketing organizations voting pursuant to paragraph (c) of this section shall be weighted in accordance with the volume of lemons handled during the current fiscal year to the end of the month preceding the month in which such nominations are made.

(f) The members of the Lemon Administrative Committee selected by the Secretary pursuant to § 910.23 shall, by concurring vote of at least seven members, nominate the nonindustry member.

(g) The grower members nominated under paragraphs (b), (c), and (d) of this section shall be in such number and from such districts and groups as provided pursuant to § 910.20.

(h) The Secretary, upon recommendation of the Lemon Administrative Committee, or other information, may reapportion the number of grower members or handler members, or both, to be nominated pursuant to § 910.22 and may realign the number of grower members in any district. Any such change shall be based, insofar as practicable, upon the proportionate amounts of lemons handled by the respective groups and production within any district: *Provided,* That each district shall be entitled to at least one grower member and each marketing group described in § 910.22 shall be entitled to at least one handler member and one grower member, and no district shall have more than four grower members.

§ 910.23 Selection.

The Secretary shall select members of the Lemon Administrative Committee from persons nominated pursuant to § 910.22 or, at his discretion, from other qualified persons.

§ 910.27 [Amended]

4. Section 910.27 *Alternate members* is amended by inserting at the end of the first sentence, the following: "If another alternate member is not so designated by a grower member, his alternate shall act for the member and, in the absence of such alternate, the additional alternate shall so act."

§ 910.28 [Amended]

5. Paragraph (a) of § 910.28 *Procedure* is amended by deleting the second sentence thereof.

6. Section 910.29 *Expenses and compensation* is revised to read as follows:

§ 910.29 Expenses and compensation.

The members of the committee, and their respective alternates when acting as members, or when in attendance pursuant to committee authorization, shall be reimbursed for expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under § 910.30, and shall receive compensation at a rate to be determined by the committee, which rate shall not exceed $25 for each day, or portion thereof, spent in attending meetings of the committee.

7. Paragraph (k) of § 910.31 *Duties* is revised to read as follows:

§ 910.31 Duties.

* * * * *

(k) With the approval of the Secretary, to reapportion pursuant to § 910.22 (h) the number of members on the Lemon Administrative Committee who are nominated pursuant to § 910.22.

8. Section 910.40 *Expenses* is revised to read as follows:

§ 910.40 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred to carry out the functions of the committee under this subpart during each fiscal year. The funds to cover such expenses shall be acquired by levying assessments as provided in § 910.41.

§ 910.41 [Amended]

9. Paragraph (a) of § 910.41 *Assessments* is amended as follows:

A. The first sentence is revised to read: "Each handler who first handles lemons shall, with respect to the lemons so handled by him, pay to the committee upon demand, such handler's pro rata share of the expenses which the Secretary finds are reasonable and likely to be incurred by the committee for its maintenance and functioning, during each fiscal year, including the accumulation and maintenance of a reserve fund equal to approximately one-half of a fiscal year's expenses."

B. The following sentence is added at the end thereof: "If a handler does not pay his assessment within the time prescribed by the committee, the assessment may be subject to an interest charge at a rate prescribed by the committee with the approval of the Secretary.

10. Paragraph (a) of § 910.42 *Accounting* is revised to read as follows:

§ 910.42 Accounting.

(a) If, at the end of the fiscal year, the assessments collected are in excess of expenses incurred, such excess shall be accounted for in accordance with one of the following:

(1) If such excess is not retained in a reserve, as provided in subparagraph (2) of this paragraph, or used to defray necessary expenses of liquidation, it shall be refunded proportionately to the persons from whom it was collected: *Provided,* That any sum paid by a person in excess of his pro rata share of the expenses during any fiscal year may be applied by the committee at the end of such fiscal year to any outstanding obligations due the committee from such person.

(2) The committee, with the approval of the Secretary, may establish and maintain during one or more fiscal years an operational monetary reserve in an amount not to exceed approximately one-half of a fiscal year's operational expenses. Upon approval of the Secretary, funds in such reserve shall be available for use by the committee (i) for all expenses authorized pursuant to § 910.40 and (ii) to cover necessary expenses of liquidation in the event of termination of this part. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided,* That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

* * * * *

11. Section 910.53 *Prorate bases* is revised to read as follows:

§ 910.53 Prorate bases.

(a) As used in this section, "handler" means the person who is, or proposes to be, the person who handles lemons as the first handler thereof; and each such handler shall submit to the committee, at such time and in such manner as may be designated by the committee, and upon forms made available by it, a written application for a prorate base and for allotments as provided in this section and § 910.56, such application to be substantiated by such information as the committee may require.

(b) The committee shall determine the accuracy of the information submitted pursuant to this section. Whenever the committee finds that there is an error, omission, or inaccuracy in any such information, it shall correct the same and may make such compensating adjustments as are appropriate or necessary, and shall give the person who submitted the information a reasonable opportunity to discuss with the committee the factors considered in making the correction.

(c) Each week the committee shall compute a prorate base or bases for each handler who has made application in accordance with the provisions of this section.

(d) Each prorate base for a handler of lemons shall be computed as follows:

(1) Compute the total quantity of lemons grown in a particular prorate district which has been picked and delivered to the handler, hereinafter at times referred to as "pick," during the applicable prorate base period immediately preceding the week in which the prorate base is computed. The applicable number of weeks in the prorate base period for a prorate district shall be as provided in paragraph (e) of this section. Such quantities of lemons picked and so delivered in such period shall then be divided by the number of weeks in the applicable prorate base period for the purpose of arriving at an average weekly pick.

(2) For any handler of lemons produced in District 1 or 3, for the initial number of consecutive weeks after the beginning of such handler's new season, equal to the number of weeks in the applicable prorate base period, the average weekly pick computed for the first week of picks and succeeding weeks shall be computed as follows:

(i) The total quantity picked and delivered to the handler in the first week;

(ii) The total quantity picked and delivered to the handler in the first and second weeks divided by 2.

(iii) The total quantity picked and delivered to the handler in the first 3 weeks and succeeding weeks (until such number of weeks equals the total weeks in such handler's applicable prorate base period) divided by the total weeks so included.

On the basis of the computation of the handler's average weekly pick, the committee shall fix a prorate base for each handler who is entitled thereto. Each such prorate base shall represent the ratio between the average weekly pick for each applicant handler and the total of such average weekly picks for all applicant handlers.

(e) In recognition of the differences between the several prorate districts in production and marketing conditions, the number of weeks in a prorate base period shall be specified by district and such respective base periods shall apply to lemons produced in such district, even though packed or handled in another district. Until changed in the manner provided in paragraph (h) of this section, the prorate base periods for the several districts shall be: District 1, 8 weeks; District 2, 16 weeks; and District 3, 4 weeks.

(f) (1) At the request of any handler of lemons produced in Districts 1 or 3, the committee shall adjust the average weekly pick of such handler by increasing it in the amount requested by the handler, but not exceeding 50 percent of such average. Such adjustment may be requested for any one or more weeks, not to exceed 8 weeks, during the period beginning with the first week of the initial prorate base period of a season for which such handler's average weekly pick is computed and ending not later than the middle week of such handler's picking season, as determined by the committee, based upon the historical picking performance of such handler. Any adjustment so added shall be deducted from such handler's average weekly picks as computed for subsequent weeks beginning in the week following such middle week and continuing in successive weeks to assure full repayment of all prior upward adjustments. To the extent practicable, the amounts and sequences of repayments shall conform to the amounts and sequences in which upward adjustments were effected: *Provided, however,* That if the committee determines that an accelerated rate of repayment is necessary to effect full repayment, or the handler requests an accelerated rate of repayment, actions to effect repayment on such basis shall be in accordance with rules and regulations prescribed by the committee with the approval of the Secretary. Adjusted average weekly picks shall be used in lieu of the average weekly picks in computing the handler's prorate base as provided in paragraph (d) of this section. If the handler fails to receive sufficient allotment during the balance of the season to offset the upward adjustment, deductions from allotment received in the following season shall not be required to effect such repayment.

(2) Any handler of lemons produced in District 2 whose picks are interrupted for a period of 8 successive weeks or

more, may upon application to the committee begin a new prorate base period with the initial week of picks after such interruption, and with the average weekly picks being computed in accordance with the applicable provisions of paragraph (d) of this section for the initial number of consecutive weeks in such new prorate base period. Any such handler upon application to the committee shall also receive adjustments of a character similar to those described in subparagraph (1) of this paragraph (f), subject to such conditions with respect to dates and periods of upward adjustment and payback as may be necessary or appropriate to avoid or mitigate undue hardship and to preserve equity among handlers.

(3) During the first 2 consecutive weeks beginning with the first picks of a new season for handlers of lemons produced in District 1 and for handlers of lemons produced in District 3 and with the first week of picks for a handler of lemons produced in District 2 authorized to begin a new prorate base period as provided in subparagraph (2) of this paragraph, a handler may upon application to the committee be granted allotment to handle such lemons in anticipation of future allotments based on such picks, subject to such future allotments being reduced by the amount equal to such allotment.

(g) Any handler of lemons produced in any district under production or marketing conditions substantially differing from those generally prevailing in the same district, may apply to the committee for a different prorate base period, shorter or longer, than that specified for the district, but in no event less than 4 weeks nor more than 16 weeks. Such application shall be granted to the extent necessary or appropriate to give due recognition to such differences.

(h) The committee, with the approval of the Secretary, may change the number of weeks in the several time periods, the dates referred to in this § 910.53, and the percentage of adjustment specified in subparagraph (1) of paragraph (f) of this section; and in like manner may establish rules and regulations to effectuate the provisions of this section and may modify the method or manner of making the prescribed computations.

12. Section 910.50 *Marketing policy* is amended to read as follows:

§ 910.50 Marketing policy.

Each year not later than August 15 of the fiscal year (or such later date as the committee may establish with the approval of the Secretary) the committee shall hold a marketing policy meeting and shall thereafter submit to the Secretary its marketing policy for such fiscal year, to continue in force until revised, or superseded by the adoption of a new marketing policy. The marketing policy shall contain the following information: (a) The available supplies of lemons in each prorate district, including estimated quality and composition of sizes; (b) the estimated utilization of the crop, showing the quantity and percentages of the crop that will be marketed in domestic, export, and byproduct channels, together with quantities otherwise to be disposed of; (c) a schedule of estimated weekly shipments to be recommended to the Secretary during the fiscal year; (d) level and trend of consumer income; (e) estimated supplies of competitive citrus commodities; and (f) any other pertinent factors bearing on the marketing of lemons. In the event that it becomes advisable to substantially modify the marketing policy the committee shall submit to the Secretary a revised marketing policy or a new marketing policy setting forth the information as required in this section.

§ 910.51 [Amended]

13. Section 910.51 *Recommendations for regulations* is amended by deleting from the end of the second sentence of § 910.51(a) the words "in each district defined in § 910.64."

§ 910.52 [Amended]

14. Section 910.52 *Issuance of regulations* is amended by deleting "in each district, as aforesaid" and "in each such district" in the first sentence of the section.

§ 910.56 [Amended]

15. Section 910.56 *Allotments* is amended by deleting the phrase "in a district" from the first sentence, and deleting the phrase "in such district" from the second sentence.

§ 910.57 [Amended]

16. Section 910.57 *Overshipments* is amended as follows:

A. By inserting the following after the first proviso of such section: *"And provided further,* That if allotment is forfeited with respect to lemons grown in any prorate district during such week, such forfeiture shall be used to reduce the amount of maximum permissible overshipments made during such week unless the forfeiting handler shall have made a bona fide and timely offer to the committee to lend his undershipment, and such forfeitures shall be first applied to permissible overshipments of handlers of lemons grown in the district with respect to which the forfeiture occurred and second to permissible overshipments of handlers of lemons grown in the other districts. Allocation of forfeiture credit to handlers who have overshipped shall be made in proportion to, but not in excess of, the quantity overshipped by each such handler. However, no handler who has overshipped more than the maximum permissible under this section shall participate in the credits allowed by this provision."

B. By adding the following at the end of such section: *"Provided,* That any overshipments outstanding at the end of a season in District 1 or 3 shall not be required to be offset by deductions from allotments issued in the following season. The committee, with the approval of the Secretary, shall adopt procedural rules and regulations to effectuate the provisions of this section."

17. Section 910.59 *Allotment loans* is revised to read as follows:

§ 910.59 Allotment loans.

(a) A handler for whom a prorate base has been established may lend allotment to other handlers: *Provided,* That such loan is reported to the committee not later than 48 hours after the loan agreement has been entered into, and provides for repayment within 1 year of the date of the loan. If on the date of repayment specified in the loan agreement the borrower has insufficient allotment to repay such loan, he shall repay such loan as soon after such date as he has allotment available to him for that purpose.

(b) Allotments shall be loaned only during the week in which such allotments are issued and can be used by the borrower only during the week in which the loan is secured. Handlers securing repayment of allotment loans shall use such allotments only during the week in which the repayment is made.

(c) A handler desiring to loan all or part of his allotment to other handlers of lemons produced within the same district may do so direct or may request the committee to act in his behalf. A handler desiring to loan allotment to handlers of lemons produced in another district shall request the committee to arrange the loan on his behalf with the committee first offering the loan to handlers of lemons grown within the same district who have previously filed requests for such loans; and failing to so arrange may then offer the loan to handlers of lemons grown in other districts in an equitable manner.

(d) No allotment which has been loaned may again be loaned by the borrower, or by the lender after repayment thereof.

(e) The committee may, with the approval of the Secretary, adopt procedural rules and regulations to effectuate the provisions of this § 910.59.

18. Section 910.61a *Early availability allotments* is deleted and a new section is inserted in lieu thereof reading as follows:

§ 910.61a Off-bloom allotment.

Notwithstanding the provisions in § 910.53 and elsewhere in this part applicable to allotments, the committee may, prior to the time lemons generally are available in District 1 or District 3, issue special allotments to handlers for handling lemons which result from an off-bloom condition existing in such district or districts. Such handlers may apply to the committee, not later than 30 days prior to the anticipated picking of such off-bloom lemons, on forms prescribed by the committee, and shall furnish to the committee such information as it may require to certify the off-bloom condition. On the basis of all available information and after consideration of all of the factors enumerated in § 910.51(b),

the committee shall certify the quantity of each handler's off-bloom lemons and determine the extent to which off-bloom allotment shall be granted. Such allotments shall be allocated to all handlers who have certified off-bloom in proportion to the respective quantities so certified. Any off-boom allotment may be loaned only to other handlers to whom off-bloom allotments have been allocated. The total quantity of a handler's certified off-bloom lemons picked for handling pursuant to off-bloom allotment shall not be used in the computation of such handler's average weekly pick pursuant to § 910.53(d)(1). The committee shall, with the approval of the Secretary, adopt procedural rules and regulations to effectuate the provisions of this section.

19. Section 910.64 *Districts* is revised to read as follows:

§ 910.64 Districts.

For the purpose of administration of this part and in recognition of the fact that there are general differences in maturity and keeping quality of lemons produced in different geographical sections of the production area, the production area is divided into three prorate districts as follows:

(a) "District 1" shall include that part of the State of California which is south of a line drawn due east and west through the present post office in Turlock, Calif., and north of a line drawn due east and west through the present post office in Gorman, Calif., and west of the extension of a line drawn due north and south through the present post office in White Water, Calif., but excluding San Luis Obispo and Santa Barbara Counties.

(b) "District 2" shall include that part of the State of California west of a line drawn due north and south through the present post office in White Water, Calif., and south of a line drawn due east and west through the present post office in Gorman, Calif., but including San Luis Obispo and Santa Barbara Counties.

(c) "District 3" shall include the State of Arizona and that part of the State of California east of a line drawn due north and south through the present post office in White Water, Calif.

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[7 CFR Part 917]

[Docket No. AO-90-A5]

FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Decision (Partial) and Referendum Order With Respect to Proposed Amendment of the Amended Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Fresno, Calif., on January 13, 1971, after notice thereof published in the FEDERAL REGISTER (35 F.R. 19579), on proposed further amendment of the marketing agreement and Order No. 917 (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in California, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

On the basis of the evidence adduced at the hearing and the record thereof, the Deputy Administrator, Consumer and Marketing Service, on February 26, 1971, filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F.R. Doc. 71-2916; 36 F.R. 4056). No exception was filed.

Material issues. The material issues presented on the record of the hearing involve amendatory proposals to:

(1) Change the definition of fruit to extend the regulatory provisions to all varieties of peaches.

(2) Change the definition of fruit to extend the regulatory provisions to additional varieties of pears.

(3) Change the definition of grower as it applies to peaches.

(4) Realign the boundaries of certain districts.

(5) Change the provisions as to qualifications of nominees to represent the Peach Commodity Committee as grower members on the Control Committee.

(6) Change the provisions as to qualifications of nominees to represent the Pear and Plum Commodity Committees as grower members on the Control Committee.

(7) Increase the number of members on the Peach Commodity Committee, and increase the term of office of such members from 1 to 2 years.

(8) Increase the term of office of the Pear and Plum Commodity Committees from 1 to 2 years.

(9) Change the representation areas for peaches and reallocate representation on the Peach Commodity Committee among such areas.

(10) Change the quorum requirement for the Peach Commodity Committee; and increase the number of affirmative votes necessary by such committee to approve actions with respect to research and regulations.

(11) Add authority for production research for peaches.

(12) Add authority for production research for pears and plums, and for paid advertising for plums.

(13) Change the provisions on termination, with respect to peaches, to delay for 2 years the next scheduled referendum on continuance.

(14) Change the provisions on termination, with respect to pears and plums, to delay for 2 years the next scheduled referendum on continuance.

This is a partial recommended decision dealing only with issues applicable to peaches. The issues pertaining to pears and plums are reserved for a later decision.

(1) The term "fruit" should be redefined in the order as hereinafter set forth to extend the regulatory provisions of the order to all varieties of peaches.

Current provisions of the order define the term "fruit" with respect to peaches as the edible product from the trees of the peach varieties Elberta (Regular Elberta), Early Elberta (Gleason, Early Fay, Golden Elberta), Fay Elberta (Gold Medal, Golden Elberta), Burbank July Elberta (Early Elberta, Burbank Elberta, Burbank Jewel, Kim Elberta, July Elberta, and Socala). Regulation has been limited to Elberta-type peaches since the order was first made effective in 1939. Initially, such peaches constituted the major volume of shipments of fresh peaches shipped from the production area. By 1969, however, Elberta-type peaches constituted only about 25 percent of the volume of fresh peaches shipped in interstate channels. The other 75 percent was made up of about 50 non-Elberta varieties. Such varieties are grown throughout the production area and are marketed in the same markets competitively with Elberta.

All varieties of peaches grown in the production area and shipped to markets within such area are subject to regulation under a California State Marketing Order. Hence, the State order and the order complement each other in the regulation of Elberta peaches, but since no regulations may be made to apply under the order to out-of-State shipments of varieties other than Elberta, only the intrastate shipments of such varieties are regulated.

In recent years when mandatory size, grade, and inspection requirements were in effect for intrastate shipments of peaches, shipments of the varieties of peaches other than Elberta were uncontrolled and sizable quantities of small size and off-grade peaches of such varieties were dumped in out-of-State markets. Actually, the institution of grade and size regulations applicable to intrastate shipments apparently results in the shipment to interstate markets of greater quantities of the lower grade and smaller sized fruit which do not meet the requirements of the State regulations than when no such regulations are instituted. In 1969 no size or quality controls were instituted under the State order. In 1970 regulations were so instituted, small sizes could not legally be distributed to markets within the State. Such sizes were shunted to out-of-State markets. Moreover, it was testified that handlers pack peaches of the smaller sizes even though demand is marginal for such sizes, and accumulate quantities of such peaches in the packinghouses when sales decline or fail to materialize. When prices fail to strengthen, the peaches are sold at any price that can be obtained without regard to the detrimental effect on the prices of the more desirable sizes, and overall returns to producers. It is therefore concluded that all varieties of peaches grown in the production area

and shipped in interstate marketing channels should be made subject to the provisions of the order. Such provisions, including the regulatory provisions, which provide for regulation by variety or varieties, contain the necessary flexibility to recognize differences in varieties in the establishment and application of appropriate regulations. Persons familiar with peaches, including inspectors, can distinguish one variety of peaches from another. Hence, the issuance of regulation recognizing differences in such characteristics as size, color, or season of ripening is appropriate and practical, and would tend to effectuate the purposes of the order and the act.

(3) The term "grower" is defined in the order to identify the persons who are eligible to vote as "growers" in referenda in connection with the order, to vote for nominees to fill positions on the respective committees under the order and to serve in such positions. Currently, "grower" is defined with respect to peaches as any person who produces such for market in fresh form in the current of interstate or foreign commerce, and who has a proprietary interest therein.

The order should be amended as hereinafter set forth to redefine the term "grower" as it applies to peaches to mean any person who produces peaches for market in fresh form and who has a proprietary interest therein.

This amended definition would make all growers of peaches eligible to vote for nominees to fill positions on the Peach Commodity Committee, irrespective of the markets (intrastate or interstate), to which their peaches are shipped. It is the intent of the peach industry to provide for the selection of identical persons on the Peach Commodity Committee administering the order and the Fresh Peach Advisory Board which administers the marketing order for California fresh peaches. It likewise is the intent to arrange for the two orders to be managed by the same management staff so that complementary and supplementary activities of the two programs may be appropriately coordinated. The objective is increased efficiency of operations. Since the current definition of "grower" as it applies to peaches provides that only growers of interstate shipments may vote for nominees to fill position on the Peach Commodity Committee or to serve in such position, the definition should be changed as indicated to remove such limitation. This would facilitate the objectives of better coordination of program activities and improved efficiency of operations, and this, in turn, would tend to effectuate the objectives of the order and the declared policy of the act.

(4), (5), (7), and (9) In addition to redefinition of "grower", as previously discussed, the order should be amended, as hereinafter set forth, to establish a 2-year term of office for the Peach Commodity Committee, to effect a realignment of districts, change the peach representation areas, increase the number of members on the Peach Commodity Committee, and allocate such members among the peach representation areas in such manner as will facilitate the coordination of activities under the order, the marketing order for California fresh peaches, and other jointly managed programs.

Districts and representation areas are established in the order to provide a basis for geographic representation on the commodity committees under the order. The districts are comprised of combinations of specified delineated portions of the production area. The representation areas consist of specified districts or combinations thereof. Representation on the Peach Commodity Committee is allocated among the representation areas principally on the basis of the relative volume of production. Currently the order prescribes a seven-member Peach Commodity Committee allocated among four described representation areas. The provisions of §§ 917.4, 917.20, and 917.22 should be amended as hereinafter set forth to realign the districts to place Los Angeles County entirely within the South Coast District, increase the membership of the Peach Commodity Committee from seven to 13, and the number of representation areas for peach growers from four to six, and to allocate the enlarged membership of the committee among such areas as hereinafter specified. Such action is necessary to provide appropriate representation for all varieties of peaches, and to provide for staffing the Peach Commodity Committee, under the order, and the Peach Advisory Board, under the State order, with the same persons. The grower membership of the Board is comprised of 13 members and the geographic allocation of membership is essentially the same as that set forth in the order, as proposed to be amended.

The evidence indicates that while the realignment of districts as specified would not result in identical districts under the two orders, the differences involve counties in which there is no plantings of peaches.

The order should be amended to specify a 2-year term of office for the Peach Commodity Committee members instead of a 1-year term as currently provided. Such 2-year term should end on the last day of February of odd numbered years. The evidence indicates that there is little change in the membership of the commodity committee from year to year, hence it appears that the longer term is desirable. Nomination meetings do make demands on growers' time, and to the extent such meetings are unnecessary they should not be required. The evidence further indicates that the industry desires to arrange terms of office so such terms and nomination meetings under the State and Federal Marketing Orders under the same management coincide. At the time of the hearing on January 13, 1971, nomination meetings to fill positions on the Peach Commodity Committee had been held but appointments had not been made. It is likely that such appointments will have been made, prior to the effective time of this amendment, under current provisions of the order. However, the evidence indicates that, with respect to the Peach Commodity Committee, it is desirable that provision be made for selection of a committee of 13 members who are the same persons as those chosen to serve on the Peach Advisory Board. In this connection it was advanced that at the effective time of the amendment it would be agreeable to terminate the appointments of those serving on the Peach Commodity Committee and to appoint, as a new Peach Commodity Committee, those who are serving on the Board. For reference purposes the names and addresses of the Board members and alternates were introduced into the record for consideration as the nominees for the Peach Commodity Committee, if and when the amendment becomes effective. It is likely that the amendment would not become effective until the beginning of the 1971 peach season. The order as amended would cover additional varieties of peaches, and such varieties should have representation on the Peach Commodity Committee, hence a new committee with the enlarged membership should be selected promptly. The procedure suggested would provide nominees having the necessary qualifications on a timely basis. It is concluded therefore that the order should provide for selection of a Peach Commodity Committee in the manner heretofore indicated.

In addition to the three commodity committees representing the three fruits under the order, the order provides for a Control Committee, comprised of 12 shipper members and 13 grower members. The Control Committee performs local administration of the program in all intercommodity matters under the order, while each respective commodity committee deals with matters related specifically to its fruit. The grower members of the Control Committee are nominated by the commodity committees on the basis of an allocation to each as specified under the order. The order provides that each such grower so nominated shall be an individual person who produced fruit during the previous season. Except in rare instances, each commodity committee, including the Peach Commodity Committee, has nominated persons for its positions on the Control Committee from among its own membership. The order should be amended, as hereinafter set forth, to require that each person nominated by the Peach Commodity Committee to fill a grower position on the Control Committee shall be a member or alternate member of the Peach Commodity Committee. Such requirement would assure that there will be among the grower membership of the Control Committee persons who are familiar with the problems of peaches.

(10) Currently, based on a seven-member committee the quorum requirement for the Peach Commodity Committee is five members. The order should be

amended to increase the quorum requirement for the Peach Commodity Committee to nine members. Such increased requirement is consistent with the increased size of such committee, which would be effected by this amendment. Such number would be adequate to secure a wide representation of views within the industry, and would not be so large as to be difficult to secure. The evidence indicates that it is desirable to require an affirmative vote equal to the quorum requirement of the committee on actions relative to research and recommendations for regulations. To effect this, § 917.35(a) should be changed to specify that approval of actions of the Peach Commodity Committee pursuant to § 917.39 *Market research and development and recommendations* under § 917.40 *Recommendations for regulations*, § 917.42 *Modification, suspension, or termination of regulations*, and § 917.43 *Special purpose shipments* shall require an affirmative vote of at least nine members. The order now requires a vote equal to the quorum requirement for recommendations pursuant to §§ 917.40 through 917.43. The modification which would add such requirement for recommendations pursuant to § 917.39 is related to the fact that, as hereinafter discussed, it is proposed to add authority in the order for the committee to establish production research projects in addition to marketing research and development projects. Such projects which are designed to assist, improve, or promote the marketing, distribution, and consumption, or efficient production of peaches may involve substantial expenditures. It is highly desirable that the recommendations with respect to any such projects, as well as recommendations on regulations under the sections previously cited, have a high degree of support by the committee and the industry. It is therefore concluded that the order should be amended, as hereinafter set forth, to increase the quorum requirement for the Peach Commodity Committee, and to require an affirmative vote for the approval of actions and recommendations pursuant to the specified sections as indicated.

(11) The order should be amended as hereinafter set forth to authorize the Peach Commodity Committee to establish production research projects for peaches.

The evidence indicates that there is a number of problem areas related to the production of peaches on which research may prove to be beneficial. Many problems which affect the fruit in the orchard affect the quality and shelf-life manifested by the fruit in marketing channels. Hence, many marketing research projects cannot be of maximum effectiveness unless the scope of study concerns itself not only with what happens to the fruit after it is picked from the tree but also how it develops prior to harvest.

The control of decay in peaches has become increasingly difficult in recent years, due largely to buildup of brown rot in the orchards and subsequent spread of infection in the packinghouses. The reduction of losses from decay in the market requires integrated control measures that reduce infections in the orchard, in packinghouses, during transit, and during marketing. Research on methods of preventing infection in the orchard, and sanitation measures in the packinghouses are appropriate areas for investigation.

The foregoing are examples of the kinds of problems on which the committee may wish to undertake studies. They should not be viewed as limiting the committee's production research authority which should include any such research that is permitted under the act.

(13) Current provisions of the order require quadrennial referenda to ascertain whether continuance of the order as to any fruit covered thereunder is favored by growers. The next such referenda would be required during the period December 1, 1972–February 15, 1973. The order also provides that the Control Committee may, upon the basis of a petition from growers received prior to October 1 of any year, recommend to the Secretary that such a referendum be held. It further provides that if the Secretary receives such a recommendation not later than December 1 of the then current fiscal period, he shall conduct such referendum prior to February 15. Based on this and the fact that a referendum will be conducted to ascertain if the peach growers favor this amendment, it was advanced without opposition that the next regularly scheduled referendum on continuance should be resheduled to be required during the period beginning December 1, 1974, and ending February 15, 1975. Since ample opportunity otherwise exists for peach growers to express their sentiments with respect to continuance between the present time and foregoing period, it is concluded that the order should be amended as hereinafter set forth to reschedule said referendum as it applies to peaches.

Except as heretofore discussed conforming changes are not required.

Rulings on proposed findings and conclusions. February 8, 1970, was fixed as the latest date for filing proposed findings and conclusions, written arguments or briefs based upon the evidence received at the hearing. One brief was filed. Each point in such brief was fully and carefully considered along with the evidence in the record, in making the findings and conclusions herein set forth. To the extent that any suggested findings or conclusions contained in the brief are inconsistent with the findings and conclusions contained herein, they are denied on the basis of the facts found and stated in connection with this decision.

General findings. Upon the basis of the evidence adduced at such hearing, and the record thereof it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of pears, plums, and peaches grown in the State of California in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in the marketing agreement upon which hearings have been held;

(3) The said order, as amended and as hereby further amended, is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of such regional production area would not effectively carry out the declared policy of the act;

(4) The said order, as amended and as hereby further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in production and marketing of the fruit covered thereby; and

(5) All handling of plums grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Further amendment of the marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Fresh Pears, Plums, and Peaches Grown in California" and "Amended Order Regulating the Handling of Fresh Pears, Plums, and Peaches Grown in California," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among the producers who, during the period March 1, 1970, through October 31, 1970 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the State of California in the production of peaches for shipment in fresh form to ascertain whether such producers favor the issuance of the said annexed order amending Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in California.

W. B. Blackburn and G. P. Muck, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, are hereby designated agents of the Secretary of Agriculture to conduct said referendum.

The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda in Connection with

Marketing Orders for Fruits, Vegetables, and Tree Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended," (7 CFR 900.400 et seq.).

The ballots used in such referendum shall contain a summary describing the terms and conditions of the proposed amendment of the order.

Copies of the aforesaid annexed order and of the aforesaid referendum procedure may be examined in the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained from any referendum agent or any appointee.

It is hereby ordered, That all of this decision and referendum order, except the annexed amended marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement are identical with these contained in the annexed order which will be published with this decision.

Dated: March 19, 1971.

RICHARD E. LYNG,
Assistant Secretary.

Order[1] Amending the Order, as Amended, Regulating Handling of Fresh Pears, Plums, and Peaches Grown in California.

§ 917.0 Findings and determinations.

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

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held in Fresno, Calif., on January 13, 1971, upon a proposed further amendment of the marketing agreement and order (7 CFR Part 917) regulating the handling of fresh pears, plums, and peaches grown in California. On the basis of the evidence adduced at the hearing, and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions hereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of pears, plums, and peaches grown in the State of California in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in the marketing agreement upon which hearings have been held;

(3) The said order, as amended and as hereby further amended, is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of such regional production area would not effectively carry out the declared policy of the act;

(4) The said order, as amended and as hereby further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in production and marketing of the fruit covered thereby; and

(5) All handling of plums grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective time hereof, all handling of fresh pears, plums, and peaches grown in California shall be in conformity to and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

1. Section 917.4 *Fruit* is revised to read as follows:

§ 917.4 Fruit.

"Fruit" means the edible product of the following three kinds of trees (a) all varieties of plums, (b) all varieties of peaches, and (c) the varieties of pears set forth below together with all mutations thereof which are grown in the production area and shipped in fresh form:

Pears. Bartlett, Dr. Jules Guyot (Guyot, Early Bartlett), Clapps Favorite (Hill Bartlett), Max-Red (Max-Red Bartlett, Red Bartlett), Rosired (Rosired Bartlett), Winter Bartlett, Gorham (Late Bartlett).

3. Section 917.5 *Grower* is revised to read as follows:

§ 917.5 Grower.

"Grower" is synonymous with producer and means (a) with respect to plums and peaches any person who produces such for market in fresh form, and who has a proprietary interest therein, and (b) with respect to pears any person who produces such for market in fresh form in the current of interstate or foreign commerce, and who has a proprietary interest therein.

4. Paragraphs (k), (q), and (r) of § 917.14 *District* are amended to read as follows:

§ 917.14 District.

* * * * *

(k) "South Coast District" includes and consists of San Luis Obispo County, Santa Barbara County, Ventura County, and that portion of Los Angeles County south of the Tehachapi Mountains and west of a straight line running from the town of Saugus to Point Fermin; except as to peaches "South Coast District" includes and consists of San Luis Obispo County, Santa Barbara County, and Ventura County.

* * * * *

(q) "Tehachapi District" includes and consists of that portion of Los Angeles County north of the San Gabriel Mountains and north of that portion of Kern County not included in Kern District, and Inyo County; except as to peaches "Tehachapi District" includes and consists of that portion of Kern County not included in Kern District, and Inyo County.

(r) "Southern California District" includes and consists of San Bernardino County, Orange County, San Diego County, Imperial County, Riverside County, and that portion of Los Angeles County not included in the South Coast District and the Tehachapi District; except as to peaches "Southern California District" includes and consists of San Bernardino County, Orange County, San Diego County, Imperial County, Riverside County, and Los Angeles County.

5. Paragraph (b) of § 917.18 *Nomination of grower members of the Control Committee* is revised to read as follows:

§ 917.18 Nomination of grower members of the Control Committee.

* * * *

(b) A person nominated by any commodity committee for membership on the Control Committee shall be a member who produced fruit during the previous season: *Provided,* That Peach Commodity Committee nominees shall be members or alternate members of that committee: *And provided further,* That a person nominated by any commodity committee for membership on the Control Committee shall have the qualifications specified in § 917.24(c). Each member of each commodity committee shall have only one vote in the selection of nominees for membership on the Control Committee.

7. Section 917.20 *Designation of members of commodity committees* is amended to read as follows:

§ 917.20 Designation of members of commodity committees.

There are hereby established a Pear Commodity Committee and a Plum Commodity Committee each consisting of 12 members, and a Peach Commodity Committee consisting of 13 members. The members of each commodity committee, except the Peach Commodity Committee, shall be selected annually for a term ending on the last day of February, and such members shall serve until their respective successors are selected and have qualified. The members of the Peach Commodity Committee shall be selected biennially for a term ending on the last day of February of odd numbered years, and such members shall serve until the respective successors are selected and

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

have qualified. The members of each commodity committee shall be selected in accordance with the provisions of Section 917.25.

9. Section 917.22 *Nomination of Peach Commodity Committee members* is revised to read as follows:

§ 917.22 Nomination of Peach Commodity Committee members.

(a) Nominations for membership on the Peach Commodity Committee shall be made by growers of peaches in the respective representation area, as follows:

(1) South Coast District and Southern California District one nominee.

(2) Tehachapi District and Kern District one nominee.

(3) Tulare District one nominee.

(4) Fresno District eight nominees.

(5) Stanislaus District and Stockton District one nominee.

(6) All of the production area not included in the Southern California District, Tehachapi District, Kern District, Tulare District, Fresno District, Stanislaus District, Stockton District, and the South Coast District one nominee.

(b) Notwithstanding the provisions of paragraph (a) of this section and of § 917.24 with respect to time and manner of nomination, on the effective date of this section, § 917.22, the appointment of members and alternates of the Peach Commodity Committee previously selected for a term ending the last day of February 1972 shall be terminated, and a new committee selected in conformance with the representation areas specified in said paragraph (a). The grower members and alternates of the Fresh Peach Advisory Board under the California State "Marketing Order for Fresh Peaches" shall then be considered as nominated and eligible for selection by the Secretary to positions on such new Peach Commodity Committee without further action as to nominations by the Control Committee.

10. Paragraph (b) of § 917.20 *Organization of committees* is amended to read as follows:

§ 917.29 Organization of committees.

* * * * *

(b) A quorum of the Pear Commodity Committee and of the Plum Commodity Committee shall each consist of eight members; and a quorum of the Peach Commodity Committee shall consist of nine members.

10a. The introductory language and paragraph (a) of § 917.35 *Powers and duties of each commodity committee* are amended to read as follows:

§ 917.35 Powers and duties of each commodity committee.

Each commodity committee shall have the following powers and duties:

(a) With regard to the respective fruit for which it was established, to establish production research and marketing research and development projects as authorized under § 917.39, to recommend to the Secretary regulation of shipments pursuant to the provisions of this part, and to possess such other powers and exercise such other duties as will properly effectuate the purpose of this part: *Provided, however*, That the Pear and Plum Commodity Committees shall each make said recommendation pursuant to § 917.40 through § 917.43 only upon the affirmative vote of not less than eight members of each said committee: *Provided further*, That the Peach Commodity Committee shall approve such actions pursuant to § 971.39 or make said recommendations pursuant to § 917.40 through § 917.43 only upon the affirmative vote of not less than nine members of said committee.

11. Section 917.39 *Market research and development* is amended to read as follows:

§ 917.39 Market research and development.

The committees with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of fruit. Also, the Peach Commodity Committee with the approval of the Secretary may establish or provide for the establishment of production research projects designed to assist, improve, or promote the marketing, distribution, and consumption, or efficient production of peaches. The expenses of such projects shall be paid from funds collected pursuant to § 917.37.

12. Paragraph (e) of § 917.61 *Termination* is revised to read as follows:

§ 917.61 Termination.

* * * * *

(e) The Secretary shall conduct a referendum within the period beginning December 1, 1968, and ending February 15, 1969, to ascertain whether continuance of this part as to any fruit, included in this part is favored by the growers. Except as to peaches, the Secretary shall conduct such a referendum within the same period of every fourth fiscal period thereafter. The Secretary shall conduct a referendum within the period beginning December 1, 1974, and ending February 15, 1975, to ascertain whether continuance of this part as to peaches included in this part is favored by the growers. The Secretary shall conduct such a referendum within the same period of every fourth fiscal period thereafter.

* * * * *

[FR Doc.71-4050 Filed 3-24-71;8:46 am]

[7 CFR Part 1133]

MILK IN THE INLAND EMPIRE MARKETING AREA

Notice of Proposed Termination of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the termination of certain provisions of the order regulating the handling of milk in the Inland Empire marketing area is being considered.

All persons who desire to submit written data, views, or arguments in connection with the proposed termination should file the same with the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 7 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provisions proposed to be terminated are as follows:

1. In § 1133.71(f), "except for the months specified below, shall be".

2. Paragraphs (g) through (k) of § 1133.71 in their entirety.

The proposed action would terminate the "take out-pay back" plan for paying producers which provides for withholding from the pool 30 cents per hundredweight of producer deliveries in April, May, and June for distribution to producers in September, October, and November according to their deliveries in these latter months.

Termination of the take out-pay back plan was requested by cooperatives representing a substantial majority of the Inland Empire order producers. The basis for the cooperatives' request is that since production throughout the year is now substantially in excess of the market's needs, the plan no longer serves any useful purpose and that its continuance would impede the orderly marketing of the increased production for the market.

Signed at Washington, D.C., on March 22, 1971.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.71-4052 Filed 3-24-71;8:47 am]

[7 CFR Part 1136]

[Docket No. AO-309-A17]

MILK IN GREAT BASIN MARKETING AREA

Notice of Extension of Time for Filing Briefs

Notice is hereby given that the time for filing briefs, proposed findings and conclusions on the record of the public hearing held January 20-22, 1971, at Salt Lake City, Utah, with respect to proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Great Basin

marketing area pursuant to notices issued December 2, 1970 (35 F.R. 18621) and December 9, 1970 (35 F.R. 18975), is hereby extended to March 26, 1971.

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

Signed at Washington, D.C., on March 22, 1971.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[FR Doc.71-4113 Filed 3-24-71;8:52 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 144]

PYRIMETHAMINE, SULFAQUINOXALINE

Proposal To Revoke Exemption From Certification

On the basis of grounds set forth in a notice of opportunity for hearing (Docket No. FDC-D-315) published elsewhere in this issue of the FEDERAL REGISTER, the Commissioner of Food and Drugs proposes to revoke the exemptions from certification of animal feeds and containing antibiotics with pyrimethamine (2,4-diamino-5-(*p*-chlorophenyl)-6-ethylpyrimidine) and sulfaquinoxaline.

The Commissioner, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under authority delegated to him (21 CFR 2.120), proposes to amend § 144.26 *Animal feed containing certifiable antibiotic drugs:*

1. By deleting from paragraph (b) (18) (i) the words "or 2,4-diamino-5-(*p*-chlorophenyl)-6-ethylpyrimidine in a quantity, by weight of feed, of 0.00075 percent and sulfaquinoxaline in a quantity, by weight of feed, of 0.0075 percent;".

2. By deleting paragraph (b) (22).

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: March 9, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-4061 Filed 3-24-71;8:47 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-SO-11]

TRANSITION AREAS

Proposed Designation, Alteration, and Revocation

Correction

In F.R. Doc. 71-3171 appearing on page 4510 in the issue of Saturday, March 6, 1971, the fourth line in paragraph 5 reading "lat. 37°23'00" N., long. 82°11'-39" W.;" should read "lat. 37°23'00" N., long. 82°11'30" W.;".

[14 CFR Part 71]

[Airspace Docket No. 71-EA-20]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Bloomsburg, Pa., transition area.

A new VOR Runway 8 instrument approach procedure for Bloomsburg Municipal Airport, Bloomsburg, Pa., will require designation of a 700-foot-floor transition area to provide protection for aircraft executing this procedure.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Bloomsburg, Pa., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate the Bloomsburg, Pa., transition area as follows:

BLOOMSBURG, PA.

That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of the center of Bloomsburg Municipal Airport, Bloomsburg, Pa., 40°59'45" N., 76°26'30" W., and within 3 miles each side of the Milton, Pa., VORTAC 099° radial extending from the 7.5-mile-radius area to the VORTAC.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348); and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on March 9, 1971.

ROBERT M. BROWN,
Acting Director, Eastern Region.

[FR Doc.71-4086 Filed 3-24-71;8:50 am]

[14 CFR Part 71]

[Airspace Docket No. 71-EA-21]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Butler, Pa., transition area (35 F.R. 2161).

The U.S. Standard for Terminal Instrument Procedures requires alteration of the 700-foot-floor transition area to provide controlled airspace protection for aircraft executing the instrument approach procedures for Butler-Graham Airport.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Butler, Pa., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Butler, Pa., 700-foot-floor transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of the center, 40°46'45" N., 75°57'15" W. of Butler-Graham Airport, Butler, Pa., and within 3.5 miles each side of the 181° bearing from the Butler RBN, 40°41'54" N., 79°57'14" W., extending from the 7.5-mile-radius area to 11.5 miles south of the RBN.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on March 9, 1971.

ROBERT M. BROWN,
Acting Director, Eastern Region.

[FR Doc.71-4087 Filed 3-24-71;8:50 am]

[14 CFR Part 71]

[Airspace Docket No. 71-EA-23]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Utica, N.Y., control zone (36 F.R. 2134) and transition area (36 F.R. 2286).

The U.S. Standard for Terminal Instrument Procedures requires alteration of the control zone and 700-foot-floor transition area to provide controlled airspace protection for aircraft executing the instrument approach procedures for Oneida County Airport.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Utica, N.Y., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Utica, N.Y., control zone and insert the following in lieu thereof:

Within a 5-mile radius of the center, 43°08'45" N., 75°22'55" W. of Oneida County Airport, Utica, N.Y.; within 2 miles each side of the 317° bearing from the Utica RBN, extending from the 5-mile-radius zone to 3 miles northwest of the RBN; within 2 miles each side of the Utica VORTAC 306° radial, extending from the 5-mile-radius zone to 1 mile northwest of the VORTAC, excluding the portion within the Rome, N.Y., control zone.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Utica, N.Y. 700-foot floor transition area; "and within 2 miles each side of the Utica VOR 306° radial extending from the 12-mile radius to the VOR; within 2 miles each side of a bearing 137° from the Utica radio beacon extending from the 12-mile radius to 8 miles southeast of the radio beacon; within 2 miles each side of a bearing 132° from the Utica radio beacon extending from the 12-mile radius to 9 miles southwest of the radio beacon", and insert the following in lieu thereof; "and within 3.5 miles each side of the 137° bearing from the Utica RBN, extending from the 12-mile-radius area to 11.5 miles southeast of the RBN".

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y. on March 10, 1971.

ROBERT M. BROWN,
Acting Director, Eastern Region.

[FR Doc.71-4088 Filed 3-24-71;8:50 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SO-28]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Memphis, Tenn., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Memphis transition area described in § 71.181 (36 F.R. 2140) would be amended as follows:

* * * south of the RNB * * * would be deleted and * * * south of the RNB; within an 8.5-mile radius of Olive Branch Municipal Airport (lat. 34°58'44" N., long 89°47'33" W.) * * *" would be substituted therefor.

The proposed alteration is required to provide controlled airspace protection for IFR operations at Olive Branch Municipal Airport. A prescribed instrument approach procedure to this airport, utilizing the Memphis VORTAC, is proposed in conjunction with the alteration of this transition area.

This amendment is proposed under the authority of Section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 (a)) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on March 16, 1971.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[FR Doc.71-4089 Filed 3-24-71;8:50 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SO-30]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Vernon, Ala., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contracting the Chief, Airspace and Procedures Branch.

Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Vernon transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Lamar County Airport (lat. 33°50′30″ N., long. 88°07′10″ W.); within 2.5 miles each side of Hamilton VORTAC 195° radial, extending from the 6.5-mile-radius area to 17 miles south of the VORTAC, excluding the portion within Columbus, Miss., transition area.

The proposed designation is required to provide controlled airspace protection for IFR operations at Lamar County Airport. A prescribed instrument approach procedure to this airport, utilizing the Hamilton VORTAC, is proposed in conjunction with the designation of this transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on March 16, 1971.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[FR Doc.71-4090 Filed 3-24-71;8:50 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 19141]

SUMMARY DECISION PROCEDURES

Extension of Time for Filing Comments

Order. 1. In its notice of proposed rule making in this proceeding, the Commission invited interested persons to file comments on summary decision procedures on or before March 16, 1971, and reply comments on or before March 26, 1971. FCC 71-105, released February 4, 1971, 36 F.R. 2799.

2. On March 16, 1971, the Communications Committee of the Section of Administrative Law of the American Bar Association (Committee) filed a request for extension of the time for filing comments to March 31, 1971. In support of its request, the Committee states that additional time is required for consultation by mail with members of the Council of the Section of Administrative Law, who reside in various locations throughout the United States and whose approval of the Committee's comments is required by the rules of the American Bar Association.

3. We note that the time for filing comments has expired and that other interested persons have filed timely comments, without notice that the time for filing comments would be extended. We would nevertheless like to hear the views of the Committee; and in view of the nature of this proceeding, it does not appear that the interests of persons who have filed timely comments will be adversely affected by a grant of the extension.

In view of the foregoing: *It is ordered,* Pursuant to section 5(d) of the Communications Act of 1934, as amended, 47 U.S.C. 155(d), and § 0.251(b) of the rules and regulations, 47 CFR 0.251(b), that the time for filing comments in this proceeding is extended to March 31, 1971, and that the time for filing reply comments is extended to April 12, 1971.

Adopted: March 19, 1971.

Released: March 22, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] RICHARD E. WILEY,
General Counsel.

[FR Doc.71-4115 Filed 3-24-71;8:52 am]

[47 CFR Part 25]

[Docket No. 16495]

ESTABLISHMENT OF DOMESTIC COMMUNICATIONS-SATELLITE FACILITIES BY NONGOVERNMENTAL ENTITIES

Extension of Time for Filing Comments

Order. 1. On March 5, 1971, the State of Alaska filed a motion for an extension of time to file comments and reply comments on the applications and rule making issues in this proceeding. Comments are presently due on April 13, 1971, and reply comments on May 10, 1971. The State seeks a 1 month extension for comments and an additional 2 weeks for reply comments. As grounds for this request, the State urges that it has a great deal of interest in the establishment of a domestic satellite system which will adequately serve the needs of the entire State and, because of its location, does not receive copies of the applications until some time after they are filed.

2. In light of the foregoing and paragraph 34 of the "Report and Order" herein, 22 FCC 2d 86, 100-101: *It is hereby ordered,* Pursuant to § 0.303 of the Commission's rules and regulations, that the State of Alaska is granted leave to file comments and reply comments in this proceeding on or before May 12, 1971.

Adopted: March 18, 1971.

Released: March 19, 1971.

[SEAL] BERNARD STRASSBURG,
Chief, Common Carrier Bureau.

[FR Doc.71-4116 Filed 3-24-71;8:52 am]

[47 CFR Part 63]

[Docket No. 19117]

AUTHORIZATION OF NEW OR REVISED CLASSIFICATIONS OF COMMUNICATIONS ON INTERSTATE OR FOREIGN COMMON CARRIER FACILITIES

Extension of Time for Filing Comments

Order. Upon consideration of the motion for extension of time filed on March 18, 1971, by RCA Alaska Communications, Inc.,

It is hereby ordered, Pursuant to § 0.303 of the Commission's rules and regulations, that the time for filing comments in this proceeding is extended until March 29, 1971, and the time for filing reply comments is also extended by 1 week.

Adopted: March 19, 1971.

Released: March 22, 1971.

[SEAL] BERNARD STRASSBURG,
Chief, Common Carrier Bureau.

[FR Doc.71-4117 Filed 3-24-71;8:52 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 222]

[Reg. Y]

BANK HOLDING COMPANIES

Notice of Hearing Regarding Proposed Implementation of Bank Holding Company Act

By notice published in the FEDERAL REGISTER on January 29, 1971 (36 F.R. 1430), the Board of Governors proposed to implement its regulatory authority governing acquisition by holding companies of interests in nonbanking organizations engaged in activities that are "so closely related to banking or managing or controlling banks as to be a proper incident thereto."

In view of comments received and requests for a hearing, the Board has decided to conduct a hearing on this matter before available members of the Board in the Board Room of its building at 20th Street and Constitution Avenue, Washington, DC, on Wednesday, April 14, 1971, beginning at 10 a.m.

Interested persons are invited to participate by presenting their views on all issues raised by the pending proposal, except the extent to which data processing and insurance agency activities are closely related to banking. Separate hearings will be conducted on those issues.

Persons interested in the proposal are not required to participate in the hearing. All views expressed in written comments on the pending proposal are under consideration by the Board.

Persons interested in participating in the hearing should inform the Secretary of the Board in writing not later than March 31, 1971. Each person admitted as

a party to the proceeding will be given up to 30 minutes to present his views.

By order of the Board of Governors, March 18, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-4202 Filed 3-24-71;8:52 am]

[12 CFR Part 222]

[Reg. Y]

BANK HOLDING COMPANIES

Notice of Hearing Regarding Data Processing Services

By notice published in the FEDERAL REGISTER on January 29, 1971 (36 F.R. 1430), the Board of Governors proposed to implement its regulatory authority governing acquisition by holding companies of interests in nonbanking organizations engaged in activities that are "so closely related to banking or managing or controlling banks as to be a proper incident thereto."

One of the activities the Board proposed as meeting that test is data processing, subject to certain limitations on the extent to which the services may be performed for persons other than the holding company involved, its subsidiaries, and other financial institutions.

In view of comments received and requests for a hearing, the Board has has decided to conduct a hearing on this matter before available members of the Board in the Board Room of its building at 20th Street and Constitution Avenue, Washington, D.C., on Friday, April 16, 1971, beginning at 10 a.m.

Interested persons are invited to participate by presenting their views on the following issues:

(1) What, if any, limitations should apply to a holding company performing (itself or through a nonbank subsidiary) payroll, accounts receivable and payable, and billing services?

(2) To what extent, if any, and by what measure, should the holding company be limited in the other data processing services that it may perform for persons other than itself, its subsidiaries, and other financial institutions?

Several letters of comment suggest alternative language for consideration by the Board in describing data processing services that are closely related to banking. Some of the alternatives are:

A. "(9) Providing bookkeeping or data processing services (i) for the holding company and its subsidiaries, (ii) for other financial institutions, (iii) of a financially related nature (such as, but not limited to payroll, accounts receivable and payable and billing services and financial analyses and reports) and (iv) other bookkeeping and data processing services for others, *Provided*, That the operating revenues derived from services performed by the company and not authorized under (i), (ii), or (iii) hereof shall not exceed 50 percent of the total operating revenues of such company;".

NOTE: A possible alternative proviso would be that the operating revenues derived from services performed under (iv) shall not become a significant amount of the holding company's consolidated revenues from data processing services.

B. "(9) Providing bookkeeping or data processing services for the holding company and its subsidiaries and other financial institutions (including bank holding companies, banks, savings banks, savings and loan associations, leasing companies, insurance companies, loan, finance and mortgage companies, factors, credit unions, real estate investment trusts, investment companies, companies managing such trusts or companies, trustees of pension and profit sharing plans, and other similar institutions or persons engaged in similar activities), and for others, *Provided*, That at the time of acquisition of such company the value of all bookkeeping and data processing services performed by the group consisting of it and the holding company and all its other subsidiaries for persons other than such group and such financial institutions shall not be more than one half the total value of such services performed by such group;".

C. "(9) Providing bookkeeping or data processing services for (i) the holding company and its subsidiaries, (ii) other financial institutions, and (iii) others, *Provided*, That such services performed for others are banking-related, as, for example, the performance of payroll accounting, accounts receivable accounting, accounts payable accounting and inventory accounting;".

Persons interested in presenting their views on these issues should inform the Secretary of the Board in writing not later than April 2, 1971. Each person admitted as a party to the proceeding will be given up to 30 minutes to present his views.

Anyone wishing to submit written comments on the issues on which the hearing will be held may do so at any time before the close of business on Monday, April 26, 1971.

By order of the Board of Governors, March 18, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-4203 Filed 3-24-71;8:52 am]

[12 CFR Part 222]

[Reg. Y]

BANK HOLDING COMPANIES

Notice of Hearing Regarding Insurance Agency Activities

By notice published in the FEDERAL REGISTER on January 29, 1971 (36 F.R. 1430), the Board of Governors proposed to implement its regulatory authority governing acquisition by holding companies of interests in nonbanking organizations engaged in activities that are "so closely related to banking or managing or controlling banks as to be a proper incident thereto."

One of the activities the Board proposed as meeting the test is acting as insurance agent or broker principally in connection with extensions of credit by the holding company or any of its subsidiaries.

In view of comments received and requests for a hearing, the Board has decided to conduct a hearing on this matter before available members of the Board. Because of the number of issues raised and the number of persons who may wish to participate, the Board has adopted the following schedule of preliminary procedures:

(1) A person interested in participating as a party in the hearing must file with the Secretary of the Board by March 31, 1971, a request to be permitted to do so, and a list of the issues he intends to raise.

(2) All persons admitted as parties in the proceeding (a) will be notified by the Secretary of the identity of the other parties and of all issues raised by them and (b) will be invited to submit written material by April 14, 1971, and (c) must send copies of any such material to all other parties.

(3) Any party may submit by April 28, 1971, written comments on material submitted by other parties and must send copies thereof to all other parties.

(4) Each party will be given a specified time, not to exceed 30 minutes, to present his views orally at the hearing to be held in the Board Room of the Federal Reserve Building, 20th Street and Constitution Avenue, Washington, DC, beginning at 10 a.m. on Wednesday, May 12, 1971.

By order of the Board of Governors, March 18, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-4204 Filed 3-24-71;8:52 am]

Notices

DEPARTMENT OF THE TREASURY

Fiscal Service

FEDERAL HOME LOAN MORTGAGE CORPORATION

Designation of Instruments for Exemption

Paragraph 12 of section 3(a) of the Securities Exchange Act of 1934, as amended, provides in part that when used in title I thereof, unless the context otherwise requires, the term "exempted security" or "exempted securities" shall include such securities issued or guaranteed by corporations in which the United States has a direct or indirect interest as shall be designated for exemption by the Secretary of the Treasury as necessary or appropriate in the public interest or for the protection of investors.

Notice is hereby given that under that authority I have today designated for exemption securities guaranteed by the Federal Home Loan Mortgage Corporation pursuant to the Federal Home Loan Mortgage Corporation Act, 84 Stat. 455–456, Public Law 91–351, July 24, 1970.

That designation for exemption may be revoked, modified or amended at any time by the Secretary of the Treasury with respect to securities not guaranteed prior to such time.

Dated: March 19, 1971.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary of the Treasury.

[FR Doc.71-4048 Filed 3-24-71;8:46 am]

POST OFFICE DEPARTMENT

SEXUALLY ORIENTED ADVERTISEMENTS

Identification on Envelope

Regulations of the Post Office Department published in the daily issue of January 30, 1971 (36 F.R. 1468), and codified as 39 CFR § 124.9(e)(1) provide pursuant to 39 USC 3010 that:

Any person who mails or causes to be mailed any sexually oriented advertisement shall place in the upper left-hand corner of the exterior face of the mail piece, whereon appear the addressee designation and postmarks, postage stamps, or indicia thereof, the sender's name and address. In the right-hand portion below the postage stamp, or indicia thereof, and above the addressee designation, there shall be placed 'Sexually Oriented Ad.'

Pursuant to 39 U.S.C. 3010, § 124.9 of Title 39 Code of Federal Regulations further provides for making available to mailers of sexually oriented advertisements wishing to subscribe thereto a list of persons who desire not to receive sexually oriented advertisements.

On March 17, 1971, a three-judge U.S. District Court in the Eastern District of New York enjoined the Post Office Department, until further order of the Court, from:

1. Requiring that any mailer of sexually oriented advertisements as defined in 39 U.S.C. section 3010(a) place any mark or notice except his name and address on the outer envelope or cover of such advertisements, if a legend otherwise complying with the regulations of the Post Office is placed on a sealed inner envelope or cover; or

2. Requiring the purchase or use of the Post Office list by any person who mails sexually oriented advertisements only to persons who have specifically requested to receive the same; or

3. Enforcing the statute or the regulations in any manner inconsistent with the foregoing directions or treating any acts permitted by this temporary injunction as a violation of the statute or regulations.

In accordance with the foregoing order, the Department hereby gives notice that no person who mails sexually oriented advertisements only to persons who have specifically requested to receive the same will be deemed to have violated the statute or regulations, provided he is otherwise in compliance with the law, regardless of whether he has purchased and used the Post Office Department list. During the continuance of the foregoing court order, no mailer of sexually oriented advertisements as defined in 39 U.S.C. section 3010(a) shall be required to place any mark or notice except his name and address on the outer envelope or cover of any such advertisement, if a legend otherwise complying with the regulations in 39 CFR § 124.9 is placed on an inner envelope in which the advertisement has been sealed.

(5 U.S.C. 301, 39 U.S.C. 501, 3010)

DAVID A. NELSON,
General Counsel.

[FR Doc.71-4187 Filed 3-24-71;8:52 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Filing of Plat of Survey

1. Plat of survey of lands described below will be officially filed in the Anchorage Land Office, Anchorage, Alaska, effective at 10 a.m., April 15, 1971.

COPPER RIVER MERIDIAN, ALASKA

T. 2 S., R. 2 E.,
Sec. 1, lots 1, 2, 3, 4, S½N½, S½;
Sec. 2, lots 1 through 8, S½N½, N½S½;
Sec. 3, lots 1 through 5, S½N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 4, lots 1, 2, 3, 4, S½N½, S½;
Sec. 5, lots 1, 2, 3, 4, S½N½, S½;
Sec. 6, lots 1 through 7, S½NE¼, SE¼ NW¼, E½SW¼, SE¼;
Sec. 7, lots 1, 2, 3, 4, E½W½, E½;
Sec. 8, all;
Sec. 9, lots 1, 2, 3, N½, N½SW¼, SW¼ SW¼, NW¼SE¼;
Sec. 10, lots 1 through 5, N½NW¼, SW¼ NW¼;
Sec. 11, lot 1;
Sec. 12, lots 1, 2, 3, 4, N½NE¼;
Sec. 16, lots 1 and 2;
Sec. 17, lots 1 through 6, NW¼NE¼, NW¼, N½SW¼;
Sec. 18, lots 1, 2, 3, 4, E½W½, E½;
Sec. 19, lots 1 through 8, NW¼NE¼, NE¼ NW¼;
Sec. 20, lot 1.

Containing 7,287.18 acres.

2. The land is situated along the Edgerton Highway, extending 1 to 7 miles easterly from the junction of the Richardson and Edgerton Highways toward Chitina, Alaska.

The land, which is north of the left bank of the Tonsina River, is nearly level with a mean elevation of 1,500 feet above sea level. Vegetation consists of dense stands of spruce and aspen interspersed with moderate young spruce and willow brush. Edgerton Highway traverses sections 2, 3, 4, 5, 7, and 8.

3. The public lands affected by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, including Public Land Order 4582 dated January 17, 1969, as modified and amended by Public Land Order 4962 dated December 11, 1970, and the requirements of applicable law, rules, and regulations.

4. Inquiries concerning the lands should be addressed to the Manager, Anchorage Land Office, 555 Cordova Street, Anchorage, AK 99501.

NEIL R. BASSETT,
Acting Manager, Land Office.

[FR Doc.71-4067 Filed 3-24-71;8:48 am]

ALASKA

Notice of Filing of Plat of Survey

1. Plat of survey of the lands described below will be officially filed in the Anchorage Land Office, Anchorage, Alaska, effective at 10 a.m., April 15, 1971.

COPPER RIVER MERIDIAN, ALASKA

T. 1 S., R. 1 E.,
Sec. 1, lots 1, 2, 3, 4, S½N½, S½;
Sec. 2, lots 1, 2, 3, 4, S½N½, S½;
Sec. 3, lots 1, 2, 3, 4, S½N½, S½;
Sec. 10, lots 1 through 6, N½NE¼, SW¼ NE¼, SW¼, NW¼SE¼, S½SE¼;
Sec. 11, lots 1 through 5, NE¼, N½NW¼, SE¼NW¼, NE¼SW¼, N½SE¼, SE¼ SE¼;
Sec. 12, all;
Sec. 13, lots 1 through 8, NE¼, NE¼NW¼, E½SE¼;
Sec. 14, lots 1 through 9, W½SW¼;
Sec. 15, all;
Sec. 22, all;
Sec. 23, all;
Sec. 24, all;
Sec. 25, all;
Sec. 26, all;
Sec. 27, all;
Sec. 34, all;
Sec. 35, all;
Sec. 36, all.

Containing 10,924.54 acres.

2. The land is situated in the Copper River Valley, approximately 84 miles north of Valdez and 24 miles south of Glennallen, Alaska. The land is gently sloping northeasterly with areas of sections 1, 2, 3, and 12 nearly level and swampy. Willow Mountain, 3,200 feet above sea level, is situated in sections 15 and 22, and slopes to the shores of Willow Lake, situated in sections 11, 13, and 14.

The land is generally a sandy loam, interspersed with black muck in the low swampy areas. The slopes of Willow Mountain are generally rocky with loose shale slides on the northeast face. Vegetation consists of dense spruce stands, aspen, and willow brush. The Richardson Highway traverses sections 3, 10, 11, 14, 15, 23, 24, 25, and 36.

3. The public lands affected by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, including Public Land Order 4582 dated January 17, 1969, as modified and amended by Public Land Order 4962 dated December 11, 1970, and the requirements of applicable law, rules, and regulations.

4. Inquiries concerning the lands should be addressed to the Manager, Anchorage Land Office, 555 Cordova Street, Anchorage, AK 99501.

NEIL R. BASSETT,
Acting Manager, Land Office.

[FR Doc.71-4068 Filed 3-24-71;8:48 am]

NEVADA

Notice of Proposed Classification

MARCH 17, 1971.

The lands described in this notice have been examined pursuant to petitions for classification under the Desert Land Act (19 Stat. 377, 43 U.S.C. 321-323) as amended, 43 CFR 2520. The examinations revealed that the majority of the lands meet the requirements for disposal under the Desert Land Act. These lands are listed in Group I. The lands in Group II do not meet the requirements for the reasons stated below:

GROUP I

The lands listed herein are considered to be suitable for disposal under the Desert Land Act if adequate irrigation water can be developed for each entry. With adequate irrigation water these lands are chiefly valuable for agricultural purposes; water needed for their reclamation will not endanger the supply of adequate water for existing users or cause the dissipation of water reserves, water rights are available under State law, disposal is consistent with local government plans, and disposal is consistent with Federal programs and local government plans. Thus, these lands are hereby classified for Desert Land Entry subject to the following conditions:

Before the entries are allowed and the land cleared for crop production, each applicant must have one or more irrigation wells drilled on his entry that will pump water at the minimum rate of 2,000 g.p.m. on a sustained yield basis (if two wells are used, each must pump at least 1,000 g.p.m.).

MT. DIABLO MERIDIAN
LANDER COUNTY, NEV.

Description	*Application No. and applicant*
T. 19 N., R. 47 E.	Nevada.
Sec. 2, S½SE¼;	062101—R. G. Henderson, Jr.
Sec. 11, NW¼NE¼, S½NW¼, N½SW¼, NE¼NW¼.	062102—Alva L. Henderson.
Sec. 10, S½SE¼;	
Sec. 15, N½NE¼;	
Sec. 14, S½NW¼, N½SW¼.	
Sec. 16, S½N½;	062106—Elmer A. Herbert.
Sec. 21, N½N½.	
Sec. 15, S½.	062107—Adeline E. Herbert.
Sec. 22, NE¼;	062149—William B. Hucks.
Sec. 23, NW¼.	
Sec. 23, NE¼;	062150—Lois Pauline Hucks.
Sec. 24, NW¼.	
Sec. 23, W½SE¼, SW¼;	062151—Baxter B. Pierce.
Sec. 22, S½SE¼.	
Sec. 24, W½SE¼, SW¼;	062152—Izona Pierce.
Sec. 23, E½SE¼.	
Sec. 22, W½.	062245—Willie G. Bizzell.
Sec. 21, S½N½, N½S½.	062246—Mabel M. Bizzell.
Total acres 3,200	

GROUP II

The lands listed herein are unsuitable for disposal under the Desert Land Act for the following reasons:

1. The lands are not chiefly valuable for crop production. They have gravelly soils and/or are best suited for range land livestock grazing.

2. Allowance of these lands to agricultural development would result in irrigation water requirements that would cause dissipation of water reserves and endanger the supply of adequate water needed for lands that are chiefly valuable for agricultural purposes.

MT. DIABLO MERIDIAN
LANDER COUNTY, NEV.

Description	*Application No. and applicant*
T. 19 N., R. 47 E.	Nevada.
Sec. 25, N½.	062153—Arthur B. Cheves.
Sec. 26, NE¼;	062154—Julia Louise Cheves.
Sec. 25, SW¼.	
Sec. 32, SW¼, E½NW¼, W½NE¼.	062247—Bill Hill.
Sec. 36, SW¼;	062248—Evelyn H. Hill.
Sec. 35, SE¼.	
Sec. 34, SE¼;	062249—Lauis H. Hair.
Sec. 35, SW¼.	
Total acres 1,600	

Accordingly, Group I petitions are approved and those in Group II are denied.

Publication of this notice segregates the lands in Group I from all appropriations including the Mining and Mineral Leasing Laws except for disposal under the Desert Land Act to the applicants.

This proposal has been discussed with the local government officials and other interested parties. Information derived from discussions and other sources indicate that this classification proposal meets the criterion of 43 CFR 2430.5, which authorized classification of lands for agricultural purposes when they meet the requirements discussed above. Information concerning the lands including the filed report is available for inspection and study at the Battle Mountain, Bureau of Land Management, District Office located in Battle Mountain, Nev.

For a period of sixty (60) days from the date of this publication interested parties may submit comments to the District Manager of the Battle Mountain District.

For the State Director.

HARRY R. FINLAYSON,
District Manager.

[FR Doc.71-4032 Filed 3-24-71;8:45 am]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 15, 1971.

The Forest Service, Department of Agriculture, has filed an application, serial No. AA-5964, for withdrawal of the lands described herein from location and entry under the public mining laws. The Forest Service desires that these areas be maintained in a near-natural state for the recreation and scenic enjoyment of the traveling public. Entry on this land under the general mining laws would be incompatible with the highly desirable recreational use of the land. Mineral reports have concluded that the subject lands are largely nonmineral in character.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, 555 Cordova Street, Anchorage, AK 99501.

The Department's regulation, 43 CFR 2351.4(c), provides that the authorized

officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

KENAI RIVER AREA

T. 5 N., R. 4 W., S.M., within sections 27, 28, 33, 34, 35, and 36, a strip of land from the forest boundary on the west to the Cooper Creek Campground withdrawal (Public Land Order 829) on the east, lying between Sterling Highway (Alaska State Highway No. 1) and Kenai River; and a roadside zone 400 feet in width on the northside of the highway west of the Schooner Bend Bridge, to the forest boundary and 400 feet on the southside of the highway east of said bridge to the Cooper Creek Campground withdrawal (Public Land Order 829), containing 350 acres more or less.

SIXMILE CREEK AREA

A strip of land lying between the east bank of Sixmile Creek and a line 200 feet west of the centerline of the Hope Highway and between the east bank of the east fork of Sixmile Creek and a line 200 feet west of the centerline of the Seward-Anchorage Highway extending from the center of the east fork bridge at approximately mile 61.6 on the Seward-Anchorage Highway to the south boundary of the Sunrise Townsite elimination at approximately mile 7.0 on the Hope Highway; excluding the area withdrawn under Public Land Order 1094, dated March 15, 1955.

BURTON W. SILCOCK,
State Director.

[FR Doc.71-4033 Filed 3-24-71;8:45 am]

[OR 7292]

OREGON

Notice of Proposed Withdrawal and Reservation of Land

MARCH 17, 1971.

The Department of Agriculture, on behalf of the Forest Service, has filed application, OR 7292, for the withdrawal of public land described below. Said land is to be withdrawn from all forms of appropriation under the public land laws, including the mining laws, but not the mineral leasing laws, nor the disposal of materials under the act of July 31, 1947, and reserved for use of the Department of Agriculture for the granting of easements for road rights-of-way as authorized by section 2 of the Act of October 13, 1964.

This proposal for the Coon Johnson Road (Road No. 1987) will provide a means by which the Secretary of Agriculture can grant easements for road rights-of-way to private parties.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 729 Northeast Oregon Street (Post Office Box 2965), Portland, OR 97208.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the land for purposes other than the applicant's, to eliminate land needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the land and its resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The land involved in the application is:

WILLAMETTE MERIDIAN

COON JOHNSON ROAD

T. 20 S., R. 9 W.,
Sec. 8, SE¼NW¼.

A strip of land 100 feet in width, being 50 feet in width on both sides of the centerline of the Coon Johnson Road (No. 1987).

The area described contains about 2 acres.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[FR Doc.71-4034 Filed 3-24-71;8:45 am]

[OR 7602]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 17, 1971.

The Department of Agriculture, on behalf of the Forest Service, has filed application, OR 7602, for the withdrawal of the national forest lands described below, from all forms of appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, subject to valid existing rights.

The applicant desires the lands for use as the Phillips Lake Recreation Area.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 729 Northeast Oregon Street (Post Office Box 2965), Portland, OR 97208.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate land needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

WHITMAN NATIONAL FOREST

WILLAMETTE MERIDIAN

Phillips Lake Recreation Area

T. 10 S., R. 38 E.,
Sec. 26, NW¼NE¼, S½NE¼, NW¼;
Sec. 27, NE¼, NE¼NW¼, S½NW¼;
Sec. 28, S½NE¼, SE¼NW¼.
T. 10 S., R. 39 E.,
Sec. 30, lots 1, 2, S½NE¼, E½NW¼.

The area described aggregates approximately 921 acres in Baker County, Oreg.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[FR Doc.71-4035 Filed 3-24-71;8:45 am]

[OR 7256 (Wash)]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Land

MARCH 17, 1971.

The Department of Agriculture, on behalf of the Forest Service, has filed application, OR 7256 (Wash), for the

withdrawal of the national forest land described below, from all forms of appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for use as the Wind River Research Natural Area.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 729 Northeast Oregon Street (Post Office Box 2965), Portland, OR 97208.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the land for purposes other than the applicant's to eliminate land needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the land and its resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The land involved in the application is:

GIFFORD PINCHOT NATIONAL FOREST

WILLAMETTE MERIDIAN

Wind River Research National Area

T. 4 N., R. 7 E.,
Sec. 8, E½SW¼, SW¼SE¼;
Sec. 17, E½, E½W½;
Sec. 20, NE¼, and those portions of the E½NW¼ and N½SE¼ lying north and east of a line located 300 feet north and east of Trout Creek;
Sec. 21, N½NE¼, SW¼NE¼, NW¼.

The area described contains approximately 1,180 acres in Skamania County, Wash.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[FR Doc.71-4036 Filed 3-24-71;8:48 am]

Geological Survey

GEOTHERMAL STEAM ACT 1970

Known Geothermal Resources Areas, Partical List

Partial List of Lands, Determined To Be Included

Publication pursuant to sec. 21(a) of the Geothermal Steam Act of 1970 of partial list of lands determined to be included within known geothermal resources areas on the effective date of that Act.

The "Geothermal Steam Act of 1970" (84 Stat. 1566) approved December 24, 1970, provides in sec. 21(a) that "within 128 days after the effective date of this Act, the Secretary shall cause to be published in the FEDERAL REGISTER a determination of all lands which were included within any known geothermal resources area on the effective date of the Act".

In accordance with this statutory direction and pursuant to the authority under the Act of March 3, 1879 (43 U.S.C. 31) as supplemented by the Reorganization Plan No. 3 of 1950 (5 U.S.C. 481, note) and Order No. 2563 of the Secretary of the Interior (15 F.R. 3193), for the classification of the public lands and examination of the geological structure, mineral resources, and products of the national domain, the Director of the Geological Survey established, on March 9, 1971, the mineral land classification standards necessary to determine those lands that are within any Known Geothermal Resources Area (KGRA). The standards for classification of the KGRA's will be disseminted to the public through publication as a U.S. Geological Survey Circular at an early date.

The following partial list of lands is published herein in response to the publication requirements of sec. 21(a) of the Geothermal Steam Act of 1970. Additional determinations of lands that were included within any KGRA on the effective date of that Act will be published as required under sec. 21(a) from time to time, as such determinations are made, during the 120-day period ending April 23, 1971.

(5) CALIFORNIA

SALTON SEA KNOWN GEOTHERMAL RESOURCES AREA

T. 10 S., R. 12 E., SBM,
Secs. 1, 2, 10 through 16, 21 through 28, and 33 through 36.
T. 11 S., R. 12 E.,
Secs. 1 through 3, 10 through 14, 23 through 26, 35, and 36.
T. 12 S., R. 12 E.,
Secs. 1, 2, and 11 through 14.
T. 9 S., R. 13 E.,
Secs. 33 through 36.
T. 10 S., R. 13 E.,
Secs. 1 through 36.
T. 11 S., R. 13 E.,
Secs. 1 through 36.
T. 12 S., R. 13 E.,
Secs. 1 through 18.
T. 11 S., R. 14 E.,
Secs. 7, 18, 19, and 29 through 32.
T. 12 S., R. 14 E.,
Secs. 5 through 8, 17, and 18.

The area described aggregates 95,824 acres, more or less.

THE GEYSERS KNOWN GEOTHERMAL RESOURCES AREA

T. 10 N., R. 7 W., MDM.,
Secs. 6 and 7.
T. 11 N., R. 7 W.,
Secs. 5 through 7, 18, 19, 30, and 31.
T. 12 N., R. 7 W.,
Secs. 1 through 11, 14 through 23, and 27 through 33.
T. 13 N., R. 7 W.,
Secs. 4 through 10, 15 through 23, and 26 through 36.
T. 14 N., R. 7 W.,
Secs. 31 and 32.
T. 10 N., R. 8 W.,
Secs. 1 through 6, and 8 through 12.
T. 11 N., R. 8 W.,
Secs. 1 through 36.
T. 12 N., R. 8 W.,
Secs. 1 through 36.
T. 13 N., R. 8 W.,
Secs. 1 through 36.
T. 14 N., R. 8 W.,
Secs. 31 through 36.
T. 10 N., R. 9 W.,
Sec. 1.
T. 11 N., R. 9 W.,
Secs. 1 through 4, 9 through 16, 22 through 27, and 34 through 36. (Excluding lands within the Caslamayomi Land Grant.)
T. 12 N., R. 9 W.,
Secs. 1 through 4, 9 through 16, 21 through 28, and 33 through 36.
T. 13 N., R. 9 W.,
Secs. 1, 10 through 15, 21 through 28, and 33 through 36.

The area described aggregates 163,428 acres, more or less.

(28) NEVADA

BEOWAWE KNOWN GEOTHERMAL RESOURCES AREA

T. 31 N., R. 47 E., MDM,
Secs. 13 and 24.
T. 31 N., R. 48 E.,
Secs. 1 through 5, 7 through 12, and 15 through 20.
T. 31 N., R. 49 E.,
Sec. 6.

The area described aggregates 12,712 acres, more or less.

BRADY HOT SPRINGS KNOWN GEOTHERMAL RESOURCES AREA

T. 22 N., R. 26 E., MDM,
Secs. 1 through 4, 9 through 16, and 21 through 27.
T. 23 N., R. 26 E.,
Secs. 34 through 36.
T. 22 N., R. 27 E.,
Secs. 6 through 8, 17 through 19, and 30.
T. 23 N., R. 27 E.,
Sec. 31.

The area described aggregates 19,020 acres, more or less.

DARROUGH HOT SPRINGS KNOWN GEOTHERMAL RESOURCES AREA

T. 11 N., R. 42 E., MDM,
Secs. 1, 12 and 13.
T. 11 N., R. 43 E.,
Secs. 5 through 9, and 16 through 20.

The area described aggregates 8,398 acres, more or less.

DOUBLE HOT SPRINGS KNOWN GEOTHERMAL RESOURCES AREA

T. 36 N., R. 26 E., MDM,
Secs. 3 through 5, 8 through 10, 15, 16, 21 through 23, 26, 27, and 34.
T. 37 N., R. 26 E.,
Secs. 32, and 33.

The area described aggregates 10,816 acres, more or less.

ELKO HOT SPRINGS KNOWN GEOTHERMAL RESOURCES AREA

T. 34 N., R. 55 E., MDM,
Secs. 14 through 17, 20 through 23, 26 through 29, 33, and 34.

The area described aggregates 8,960 acres, more or less.

FLY RANCH KNOWN GEOTHERMAL RESOURCES AREA

T. 34 N., R. 23 E., MDM,
Secs. 1, 2, 11 through 14, 23, and 24.

The area described aggregates 5,125 acres, more or less.

GERLACH KNOWN GEOTHERMAL RESOURCES AREA

T. 32 N., R. 23 E., MDM,
Secs. 3, 4, 8 through 11, 14 through 17, and 20 through 23.

The area described aggregates 8,972 acres, more or less.

LEACH HOT SPRINGS KNOWN GEOTHERMAL RESOURCES AREA

T. 31 N., R. 38 E., MDM,
Secs. 1, 2, and 12.
T. 32 N., R. 38 E.,
Secs. 25, 26, 35, and 36.
T. 31 N., R. 39 E.,
Secs. 5 through 7.
T. 32 N., R. 39 E.,
Secs. 32 and 33.

The area described aggregates 8,957 acres, more or less.

MOANA SPRINGS KNOWN GEOTHERMAL RESOURCES AREA

T. 19 N., R. 19 E., MDM,
Secs. 13, 22 through 26, 35, and 36.

The area described aggregates 5,120 acres, more or less.

MONTE NEVA KNOWN GEOTHERMAL RESOURCES AREA

T. 21 N., R. 63 E., MDM,
Secs. 13 through 15, 22 through 27, and 34 through 36.
T. 21 N., R. 64 E.,
Secs. 18, 19, 30, and 31.

The area described aggregates 10,302 acres, more or less.

STEAMBOAT SPRINGS KNOWN GEOTHERMAL RESOURCES AREA

T. 17 N., R. 20 E., MDM.,
Secs. 4 through 6.
T. 18 N., R. 20 E.,
Secs. 20, 21, 27 through 29, and 31 through 34.
T. 17 N., R. 21 E.,
Sec. 1.
T. 18 N., R. 21 E,
Sec. 36.

The area described aggregates 8,914 acres, more or less.

STILLWATER-SODA LAKE KNOWN GEOTHERMAL RESOURCES AREA

T. 19 N., R. 27 E., MDM,
Secs. 1 through 3, 10 through 15, and 22 through 27.
T. 20 N., R. 27 E.,
Secs. 24 through 26, and 34 through 36.
T. 19 N., R. 28 E.,
Secs. 1 through 30, and 32 through 36.
T. 20 N., R. 28 E,
Secs 1 through 5, and 7 through 36.
T. 21 N., R. 28 E.,
Secs. 13, 14, 22 through 28, and 33 through 36.
T. 19 N., R. 29 E.,
Secs. 1 through 36.
T. 20 N., R. 29 E.,
Secs. 1 through 36.
T. 21 N., R. 29 E.,
Secs. 13 through 36.
T. 19 N., R. 30 E.,
Secs. 1 through 36.
T. 20 N., R. 30 E.,
Secs. 1 through 36.
T. 21 N., R. 30 E.,
Secs. 13 through 36.
T. 19 N., R. 31 E.,
Secs. 3 through 10, 15 through 21, 29, and 30.
T. 20 N., R. 31 E.,
Secs. 3 through 10, 15 through 22, and 27 through 34.
T. 21 N., R. 31 E.,
Secs. 16 through 22, and 27 through 34.

The area described aggregates 225,211 acres, more or less.

WABUSKA KNOWN GEOTHERMAL RESOURCES AREA

T. 15 N., R. 25 E., MDM,
Secs. 9 through 17, 20 through 24, and 26 through 29.

The area described aggregates 11,520 acres, more or less.

(37) OREGON

BREITENBUSH HOT SPRINGS KNOWN GEOTHERMAL RESOURCES AREA

T. 9 S., R. 7 E., WM,
Secs. 7 through 9, 15 through 22, and 28 through 30.

The area described aggregates 8,960 acres, more or less.

CAREY HOT SPRINGS KNOWN GEOTHERMAL RESOURCES AREA

T. 6 S., R. 6 E., WM,
Secs. 24, 25, and 26.
T. 6 S., R. 7 E.,
Secs. 19 through 21, and 28 through 33.

The area described aggregates 7,579 acres, more or less.

CRUMP GEYSER KNOWN GEOTHERMAL RESOURCES AREA

T. 38 S., R. 24 E., WM,
Secs. 13 through 15, 22 through 28, and 33 through 36.
T. 39 S., R. 24 E.,
Secs. 1 through 4, 9 through 16, 21 through 28, and 33 through 36.

The area described aggregates 21,304 acres, more or less.

LAKEVIEW KNOWN GEOTHERMAL RESOURCES AREA

T. 38 S., R. 20 E., WM,
Secs. 32 and 33.
T. 39 S., R. 20 E.,
Secs. 3 through 5, 8 through 10, 15 through 17, 20 through 22, 27 through 29, 33 and 34.

The area described aggregates 12,165 acres, more or less.

MOUNT HOOD KNOWN GEOTHERMAL RESOURCES AREA

T. 2 S., R. 9 E., WM,
Secs. 16 through 22, and 27 through 33.

The area described aggregates 8,671 acres, more or less.

VALE HOT SPRINGS KNOWN GEOTHERMAL RESOURCES AREA

T. 18 S., R. 45 E., WM,
Secs. 15 through 22, 27 through 30, 32, and 33.

The area described aggregates 8,940 acres, more or less.

(47) WASHINGTON

MOUNT ST. HELENS KNOWN GEOTHERMAL RESOURCES AREA

T. 8 N., R. 5 E., WM,
Secs. 1 through 18.
T. 9 N., R. 5 E.,
Secs. 21, 22, 26 through 29, and 31 through 35.

The area described aggregates 17,622 acres, more or less.

W. T. PECORA,
Director.

MARCH 16, 1971.

[FR Doc.71-4118 Filed 3-24-71;8:52 am]

National Park Service

[Order No. 58]

DIRECTORS OF NATIONAL PARK SERVICE REGIONS

Delegation of Authority

SECTION 1. *Delegation.* The Directors of National Park Service Regions, in the administration, operation, and development of areas and offices under their supervision, are authorized to exercise all the authority now or hereafter vested in the Director, National Park Service, except with respect to the following:

(1) Authority to approve changes in policies and to establish new policies.

(2) Authority to approve construction, land acquisition, professional services and operating programs, and major changes therein.

(3) Authority for final approval of the location of new roads.

(4) Authority to perform the responsibilities set forth in title I and section 205(a) of title II of the Historic Preservation Act of October 15, 1966 (80 Stat. 915), as amended.

(5) Authority to perform the responsibilities with respect to historic preservation set forth in section 4(f) of the Department of Transportation Act of October 15, 1966 (80 Stat. 931), as amended.

(6) Authority to initiate investigations of areas suggested or proposed for inclusion in the National Park System and sites under consideration for National Landmark status.

(7) Authority to accept donations of lands and water rights, to exchange lands and water rights, to purchase lands and water rights, and to dispose of lands and water rights.

(8) Authority to determine whether any surplus building proposed by the Administrator of the General Services Administration to be demolished is a historic building of national significance within the meaning of the Act of August 21, 1935 (49 Stat. 666), as amended.

(9) Authority to execute concessions contracts and over all matters which fall within the functions of the Office of Concessions Management, Washington Office, and for executing, amending, assigning and terminating concessions permits in excess of 5 years' duration or when anticipated annual gross receipts will amount to $100,000 or more.

(10) Authority to issue general travel authorizations as defined in 347 DM .2.2C.

(11) Authority to approve the payment of actual subsistence expenses for travel.

(12) Authority to approve attendance at meetings of societies and associations.

(13) Authority to approve acceptance of payment of travel, subsistence and other expenses incident to attendance at meetings by an organization which is tax exempt.

(14) Authority with respect to making and enforcing rules and regulations for the government, conduct, and discipline of the U.S. Park Police, under the Act of October 11, 1962 (76 Stat. 907).

(15) Authority to make certifications required in connection with reports made to the Secretary on each appropriation or fund under National Park Service control.

(16) Authority to approve Standard Form 1151, Non-Expenditure Transfer Authorization, in connection with internal transfer of funds.

(17) Authority to conduct archeological investigations and salvage activities.

(18) Authority to approve the use of a Government-owned or leased motor vehicle between domicile and place of employment.

(19) Authority to approve payment of dues for library memberships in societies or associations.

(20) Authority to approve rates for quarters and related services.

(21) Authority over those matters for which specific authority is delegated in internal management directives and unpublished delegations of authority arising in the Washington Office.

SEC. 2. *Redelegation.* Except as to master plan approval authority, the Directors of the Regions may, in writing, redelegate to their officers and employees the authority delegated in this order, and may authorize written redelegations of such authority. Each redelegation shall be published in the FEDERAL REGISTER.

SEC. 3. *Revocation.* This order supersedes National Park Service Delegation of Authority Order No. 34, as amended.

(205 DM .2; .5; .6; .9; 245 DM .1; 5 U.S.C. sec. 22; sec. 2 of Reorganiaztion Plan No. 3 of 1950)

Dated: February 24, 1971.

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

[FR Doc.71-4069 Filed 3-24-71;8:48 am]

[Order No. 59]

DIRECTOR, OFFICE OF NATIONAL CAPITAL AND URBAN PARK AFFAIRS

Delegation of Authority

SECTION 1. *Delegation.* The Director, Office of National Capital and Urban Park Affairs, in the administration, operation and development of officers and areas under his supervision, is authorized to exercise all the authority now or hereafter vested in the Director, National Park Service, except with respect to the following:

(1) Authority to approve changes in policies and to establish new policies.

(2) Authority to approve construction, land acquisition, professional services and operating programs, and major changes therein.

(3) Authority for final approval of the location of new roads.

(4) Authority to perform the responsibilities set forth in title I and section 205(a) of title II of the Historic Preservation Act of October 15, 1966 (80 Stat. 915), as amended.

(5) Authority to perform the responsibilities with respect to historic preservation set forth in section 4(f) of the Department of Transportation Act of October 15, 1966 (80 Stat. 931), as amended.

(6) Authority to initiate investigations of areas suggested or proposed for inclusion in the National Park System and sites under consideration for National Landmark status.

(7) Authority to accept donations of lands and water rights, to exchange lands and water rights, to purchase lands and water rights, and to dispose of lands and water rights: *Provided*, That this exception shall not apply when jurisdiction over properties administered by other agencies within the District of Columbia is being transferred to the National Park Service, or when jurisdiction over properties administered by the National Park Service within the District of Columbia is being transferred to other agencies, under authority of the Act of May 20, 1932, as amended (40 U.S.C., sec. 122).

(8) Authority to determine whether any surplus building proposed by the Administrator of the General Services Administration to be demolished is a historic building of national significance within the meaning of the Act of August 21, 1935 (49 Stat. 666), as amended.

(9) Authority to execute concessions contracts and over all matters which fall within the functions of the Office of Concessions Management, Washington Office, and for executing, amending, assigning, and terminating concessions permits in excess of 5 years duration or when anticipated annual gross receipts will amount to $100,000 or more.

(10) Authority to issue general travel authorizations as defined in 347 DM .2.2C.

(11) Authority to approve the payment of actual subsistence expenses for travel.

(12) Authority to approve attendance at meetings of societies and associations.

(13) Authority to approve acceptance of payment of travel, subsistence, and other expenses incident to attendance at meetings by an organization which is tax exempt.

(14) Authority to issue rules or regulations for the Government, conduct, and discipline of the U.S. Park Police, as provided under the Act of October 11, 1962 (76 Stat. 907).

(15) Authority to make certifications required in connection with reports made to the Secretary on each appropriation or fund under National Park Service control.

(16) Authority to approve Standard Form 1151, Nonexpenditure Transfer Authorization, in connection with internal transfer of funds.

(17) Authority to conduct archeological investigations and salvage activities.

(18) Authority to approve the use of a Government-owned or leased motor vehicle between domicile and place of employment.

(19) Authority to approve payment of dues for library memberships in societies or associations.

(20) Authority to approve rates for quarters and related services.

(21) Authority over those matters for which specific authority is delegated in internal management directives and unpublished delegations of authority arising in the Washington Office.

SEC. 2. *Redelegation.* Except as to authority to approve master plans, the Director, Office of National Capital and Urban Park Affairs, may redelegate in writing the authority delegated in this order to any officer or employee under his supervision, and may authorize written redelegations of such authority. Each redelegation shall be published in the FEDERAL REGISTER.

(205 DM .2, .5, .6, .9; 245 DM .1, .2; 5 U.S.C. 22, sec. 2 of Reorganization Plan No. 3 of 1950)

Dated: February 24, 1971.

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

[FR Doc.71-4070 Filed 3-24-71;8:48 am]

[Order No. 60]

DIRECTORS OF SERVICE CENTERS

Delegation of Authority

SECTION 1. *Delegation.* The Directors, Eastern and Western Service Centers, may exercise all the authority now or hereafter vested in the Director, National Park Service, in administering and operating the Centers and in serving the Regional Offices and Parks, except as to the following:

(1) Approval of changes in policies and establishment of new policies.

(2) Authority to approve construction, land acquisition, professional services and operating programs, and major changes therein.

(3) Authority for final approval of the location of new roads.

(4) Authority to perform the responsibilities set forth in title I and section 205(a) of title II of the Historic Preservation Act of October 15, 1966 (80 Stat. 915), as amended.

(5) Authority to perform the responsibilities with respect to historic preservation set forth in section 4(f) of the Department of Transportation Act of October 15, 1966 (80 Stat. 931), as amended.

(6) Authority to initiate investigations of areas suggested or proposed for inclusion in the National Park System and sites under consideration for National Landmark status.

(7) Authority to determine whether any surplus building proposed by the Administrator of the General Services Administration to be demolished is a historic building of national significance within the meaning of the Act of August 21, 1935 (49 Stat. 666), as amended.

(8) Authority to execute and approve concessions contracts and permits, or to perform any of the functions of the Office of Concessions Management, Washington Office, as described in 145 DM.

(9) Authority to issue general travel authorizations as defined in 347 DM 2.2C.

(10) Authority to approve the payment of actual subsistence expenses for travel.

(11) Authority to approve attendance at meetings of societies and associations.

(12) Authority to approve acceptance of payment of travel, subsistence and other expenses incident to attendance at meetings by an organization which is tax exempt.

(13) Authority to designate areas at which recreation fees will be charged, as specified by sections 1, 2, and 3 of Executive Order 11200.

(14) Authority to select from the fees established by 43 CFR Part 18 (30 F.R. 3265) the specific fees to be charged at the designated areas, in accordance with section 5(a) of Executive Order 11200.

(15) Authority with respect to making and enforcing rules and regulations for the government, conduct, and discipline of the U.S. Park Police, under the Act of October 11, 1962 (76 Stat. 907).

(16) Authority to make certifications required in connection with reports made to the Secretary on each appropriation or fund under National Park Service control.

(17) Authority to approve Standard Form 1151, Nonexpenditure Transfer Authorization, in connection with internal transfer of funds.

(18) Authority to approve the use of a Government-owned or leased motor vehicle between domicile and place of employment.

(19) Authority to sell timber.

(20) Authority to accept an offer in settlement of a timber trespass.

(21) Authority to approve programs for the destruction and disposition of wild animals which are damaging the land or its vegetative cover, and of permits to collect rare or endangered species.

(22) Authority to approve payment of dues for library memberships in societies or associations.

(23) Authority to approve rates for quarters and related services.

(24) Authority over those matters for which specific authority is delegated in internal management directives and unpublished delegations of authority arising in the Washington Office.

(25) Authority to approve master plans.

SEC. 2. *Redelegation.* The Directors, Eastern and Western Service Centers, may redelegate in writing the authority delegated by this Order to any officer or employee under their supervision and may authorize further written redelegations of such authority. Each redelegation shall be published in the FEDERAL REGISTER.

SEC. 3. *Revocation.* This order supersedes and revokes National Park Service Delegation of Authority Orders No. 35 (31 F.R. 2870), as amended; Order No. 36 (31 F.R. 8245), as amended; and Order No. 54 (34 F.R. 19518).

(205 DM .2, .5, .6, .9, .11; 245 DM .1, .2; 5 U.S.C. 22; sec. 2 of Reorganization Plan No. 3 of 1950)

Dated: February 24, 1971.

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

[FR Doc.71-4071 Filed 3-24-71;8:48 am]

[Order No. 61]

DEPUTY DIRECTOR, OPERATIONS, AND ASSISTANT DIRECTOR, ADMINISTRATION

Delegation of Authority

SECTION 1. *Delegation.* The Deputy Director, Operations, and the Assistant Director, Administration, National Park Service, may approve the payment of actual subsistence expenses in connection with travel for official purposes, in accordance with 347 DM 4.

SEC. 2. *Redelegation.* The authority delegated herein may not be redelegated.

SEC. 3. *Revocation.* This order supersedes and revokes National Park Service Delegation of Authority Order No. 47 (33 F.R. 542).

(205 DM .15.5B)

Dated: December 21, 1970.

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

[FR Doc.71-4072 Filed 3-24-71;8:48 am]

[Order No. 62]

CHIEF, DIVISION OF PROPERTY MANAGEMENT AND GENERAL SERVICES

Delegation of Authority

SECTION 1. *Delegation.* The Chief, Division of Property Management and General Services, Washington Office, is authorized to:

(1) Execute, approve, and administer contracts for construction, equipment, supplies, and services, in conformity with applicable regulations and statutory requirements and subject to the availability of appropriations.

SEC. 2. *Revocation.* This order supersedes and revokes National Park Service Delegation of Authority Order No. 43 (32 F.R. 12567), as amended.

(205 DM .11.1; 5 U.S.C. 22; sec. 2 of Reorganization Plan No. 3 of 1950)

Dated: December 22, 1970.

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

[FR Doc.71-4073 Filed 3-24-71;8:48 am]

[Order No. 63]

CHIEFS, ARCHEOLOGICAL CENTERS

Delegation of Authority

SECTION 1. *Delegation.* The Chiefs of the National Park Service Archeological Centers may execute, approve and administer contracts and issue purchase orders in amounts less than $2,000 for equipment, supplies and services, in conformity with applicable regulations and statutory authority, and subject to the availability of appropriations.

SEC. 2. *Revocation.* This order supersedes and revokes National Park Service Delegation of Authority Order No. 37 (31 F.R. 11771), and Order No. 41 (32 F.R. 11172).

(205 DM .11.1; 245 DM .1; 5 U.S.C. 22; sec. 2 of Reorganization Plan No. 3 of 1950)

Dated: December 22, 1970.

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

[FR Doc.71-4074 Filed 3-24-71;8:49 am]

[Order No. 64]

CHIEF, DIVISION OF LAND ACQUISITION

Delegation of Authority

SECTION 1. *Delegation.* The Chief, Division of Land Acquisition, Washington Office, is authorized to:

(1) Approve and accept options and offers to sell to, or exchange with the United States, lands or interests in lands within areas under the jurisdiction or control of the National Park Service, and to execute all necessary agreements and conveyances incident thereto.

(2) Accept deeds conveying to the United States lands or interests in lands within areas under the jurisdiction or control of the National Park Service.

(3) Contract for and accept bills of sale or other evidence of title to personal property related to the acquisition of lands which is authorized to be acquired for the purposes of the areas under the jurisdiction or control of the National Park Service.

SEC. 2. *Revocation.* This order supersedes and revokes National Park Service Delegation of Authority Order No. 29 (28 F.R. 10306).

(205 DM .11.1; 245 DM .1; 5 U.S.C. 22; sec. 2 of Reorganization Plan No. 3 of 1950)

Dated: January 5, 1971.

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

[FR Doc.71-4075 Filed 3-24-71;8:49 am]

[Order No. 65]

DIRECTOR, HARPERS FERRY CENTER

Delegation of Authority

SECTION. 1. *Delegation.* The Director, Harpers Ferry Center, in the administration, operation, and development of the units comprising the Center, is authorized to exercise all the authority now or hereafter vested in the Director, National Park Service, except with respect to the following:

(1) Authority to approve changes in policies and to establish new policies.

(2) Authority to approve construction, land acquisition, professional services and operating programs, and major changes therein.

(3) Authority for final approval of the location of new roads.

(4) Authority to perform the responsibilities set forth in title I and section 205(a) of title II of the Historic Preservation Act of October 15, 1966 (80 Stat. 915), as amended.

(5) Authority to perform the responsibilities with respect to historic preservation set forth in section 4(f) of the Department of Transportation Act of October 15, 1966 (80 Stat. 931), as amended.

(6) Authority to initiate investigations of areas suggested or proposed for inclusion in the National Park System and sites under consideration for National Landmark status.

(7) Authority to execute, approve and administer contracts and to issue purchase orders for equipment, supplies and services in the amount of $2,000 or more.

(8) Authority to accept donations of lands and water rights, to exchange lands and water rights, to purchase lands and water rights, and to dispose of lands and water rights.

(9) Authority to determine whether any surplus building proposed by the Administrator of the General Services Administration to be demolished is a historic building of national significance within the meaning of the Act of August 21, 1934 (49 Stat. 666), as amended.

(10) Authority to execute concessions contracts and over all matters which fall within the functions of the Office of Concessions Management, Washington Office, and for executing, amending, assigning and terminating concessions permits in excess of 5 years duration or when anticipated annual gross receipts will amount to $100,000 or more.

(11) Authority to issue general travel authorizations as defined in 347 DM .2.2C.

(12) Authority to approve the payment of actual subsistence expenses for travel.

(13) Authority to approve attendance at meetings of societies and associations.

(14) Authority to approve acceptance of payment of travel, subsistence and other expenses incident to attendance at meetings by an organization which is tax exempt.

(15) Authority with respect to making and enforcing rules and regulations for the government, conduct, and discipline of the U.S. Park Police, under the Act of October 11, 1962 (76 Stat. 907).

(16) Authority to make certifications required in connection with reports made to the Secretary on each appropriation or fund under National Park Service control.

(17) Authority to approve Standard Form 1151, Nonexpenditure Transfer Authorization, in connection with internal transfer of funds.

(18) Authority to conduct archeological investigations and salvage activities.

(19) Authority to approve the use of a Government-owned or leased motor vehicle between domicile and place of employment.

(20) Authority to approve payment of dues for library memberships in societies or associations.

(21) Authority to approve rates for quarters and related services.

(22) Authority over those matters for which specific authority is delegated in internal management directives and unpublished delegations of authority arising in the Washington Office.

SEC. 2. *Redelegation.* The Director, Harpers Ferry Center, may redelegate in writing the authority delegated by this Order to any officer or employee under his supervision, and may authorize further written redelegations of such authority. Each redelegation shall be published in the FEDERAL REGISTER.

SEC. 3. *Revocation.* This order supersedes and revokes National Park Service Delegation of Authority Orders No. 38 (32 F.R. 5960) and No. 46 (32 F.R. 14788).

(205 DM .2, .5, .6, .9, .11; 245 DM .1, .2; 5 U.S.C. 22; sec. 2 of Reorganization Plan No. 3 of 1950)

Dated: December 21, 1970.

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

[FR Doc. 71-4076 Filed 3-24-71; 8:49 am]

SLEEPING BEAR DUNES NATIONAL LAKESHORE, MICH.

Maps

Publication of maps delineating lands in Category II and Category III to be acquired in fee, and lands in Category II to be acquired in less than fee.

The Act of October 21, 1970 (84 Stat. 1075), provides for establishment in the State of Michigan of the Sleeping Bear Dunes National Lakeshore, to be administered by the Secretary of the Interior.

Section 3(c) of the Act requires publication of a map or other description of the lands to be acquired in fee within Category II, environmental conservation areas, and within Category III, private use and development areas.

Therefore, in accordance with section 3(c) of the Act of October 21, 1970, and 245 DM1 (34 F.R. 13879), the following series of five maps, each numbered 634-40,002 and dated March 1971, is published.

Section 3(d) of the Act of October 21, 1970, states that except as provided for in subsection 3(f), after publication required by section 3(c), the Secretary may acquire interests in lands designated as Category II other than those to be acquired in fee simple, for the purpose of insuring the continued conservation and preservation of the environmental quality of the lakeshore.

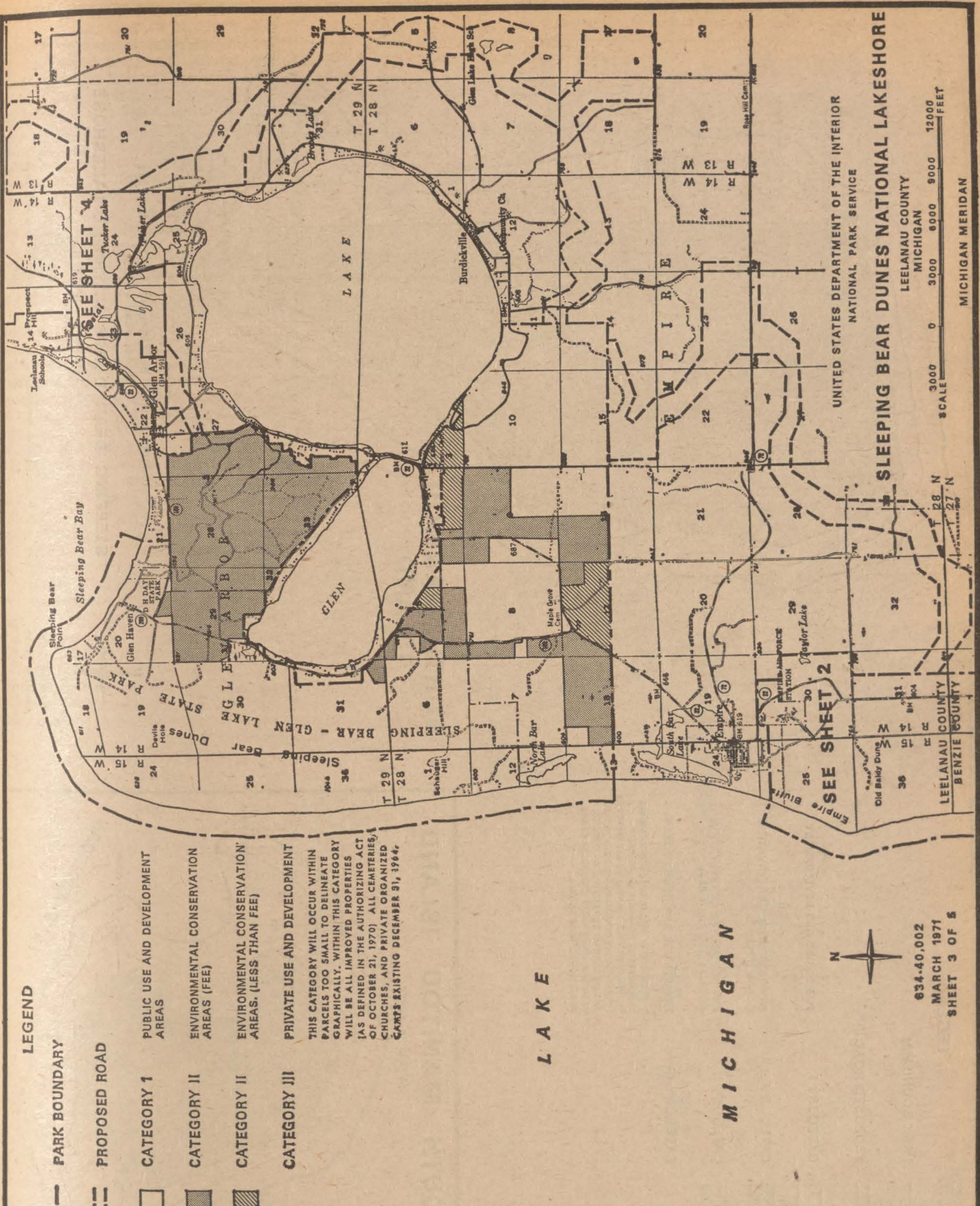
Section 3(f) of the Act provides that compliance with Secretarial restrictions by owners of real property in Category II and Category III notwithstanding, the Secretary may acquire property or interests therein, when such property is needed for public use development.

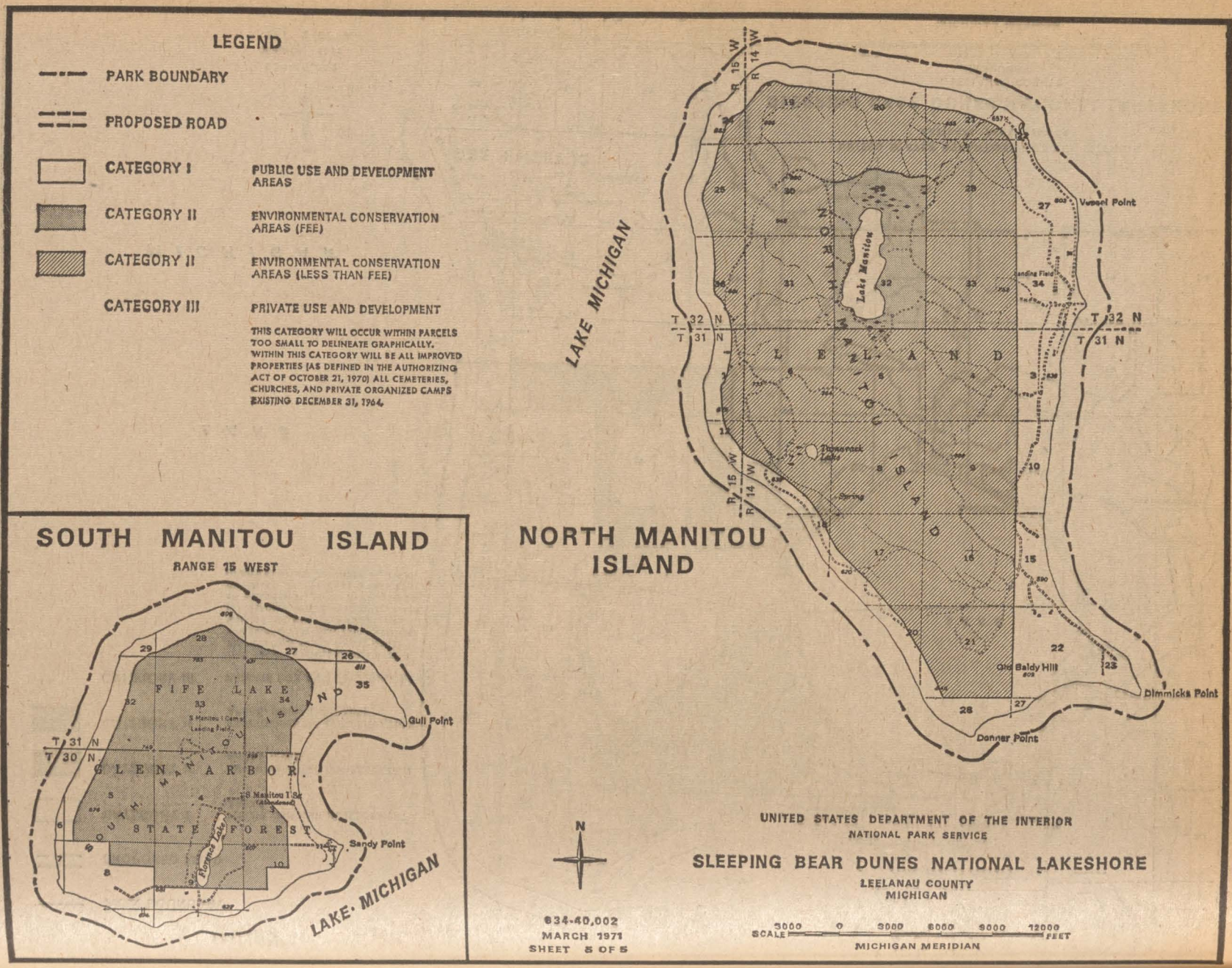
The areas within Category II which may be acquired in less than fee are delineated on the second, third, fourth, and fifth sheets of the following series of maps, numbered 634-40,002 and dated March 1971, and are designated as within Category II, environmental conservation areas (less than fee).

Copies of the series of five maps, numbered 634-40,002 and dated March 1971, sheets 1 through 5 are available in the office of the National Park Service in Washington, D.C.

Dated: March 19, 1971.

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


LEGEND
PARK BOUNDARY
PROPOSED ROAD
CATEGORY 1
PUBLIC USE AND DEVELOPMENT AREAS
CATEGORY II
ENVIRONMENTAL CONSERVATION AREAS (FEE)
CATEGORY II
ENVIRONMENTAL CONSERVATION AREAS. (LESS THAN FEE)
CATEGORY III
PRIVATE USE AND DEVELOPMENT
THIS CATEGORY WILL OCCUR WITHIN PARCELS TOO SMALL TO DELINEATE GRAPHICALLY. WITHIN THIS CATEGORY WILL BE ALL IMPROVED PROPERTIES (AS DEFINED IN THE AUTHORIZING ACT OF OCTOBER 21, 1970) ALL CEMETERIES, CHURCHES, AND PRIVATE ORGANIZED CAMPS EXISTING DECEMBER 31, 1964.
LAKE MICHIGAN
N
634-40,002
MARCH 1971
SHEET 3 OF 5
Sleeping Bear Bay
Sleeping Bear Point
Glen Haven
Glen Arbor
Leelanau Schools
Prospect Hill
SEE SHEET 4
Tucker Lake
Brooks Lake
Glen Lake Beach
GLEN LAKE
Burdickville
Sleeping Bear Dunes
SLEEPING BEAR - GLEN LAKE STATE PARK
Devils Hole
North Bar Lake
South Bar Lake
Empire
Taylor Lake
EMPIRE
SEE SHEET 2
Empire Bluffs
Old Baldy Dune
Maple Grove Cem.
LEELANAU COUNTY
BENZIE COUNTY
T 29 N
T 28 N
T 27 N
R 15 W
R 14 W
R 13 W
UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
SLEEPING BEAR DUNES NATIONAL LAKESHORE
LEELANAU COUNTY
MICHIGAN
SCALE 3000 0 3000 6000 9000 12000 FEET
MICHIGAN MERIDAN


LEGEND
PARK BOUNDARY
PROPOSED ROAD
CATEGORY I
PUBLIC USE AND DEVELOPMENT AREAS
CATEGORY II
ENVIRONMENTAL CONSERVATION AREAS (FEE)
CATEGORY II
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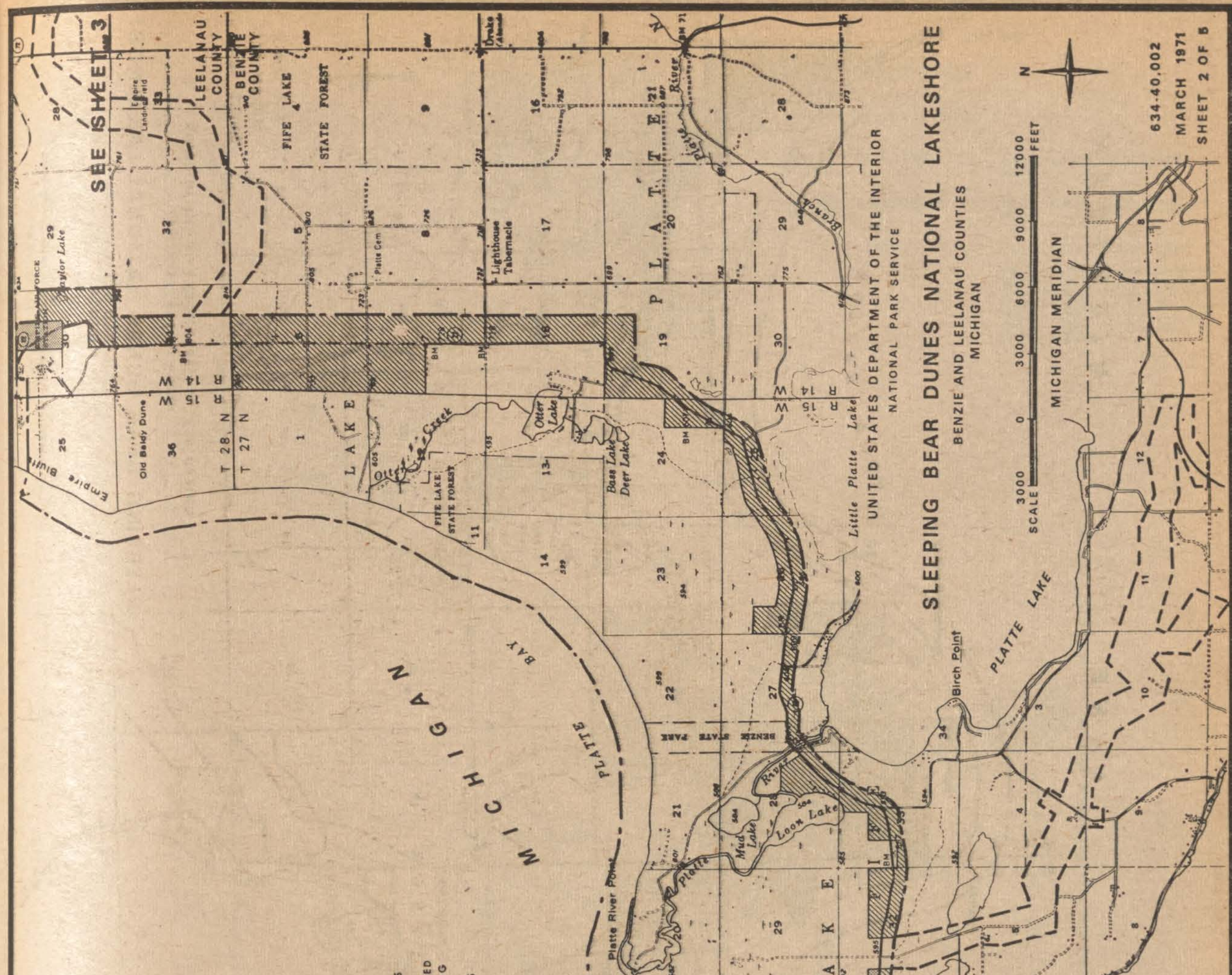
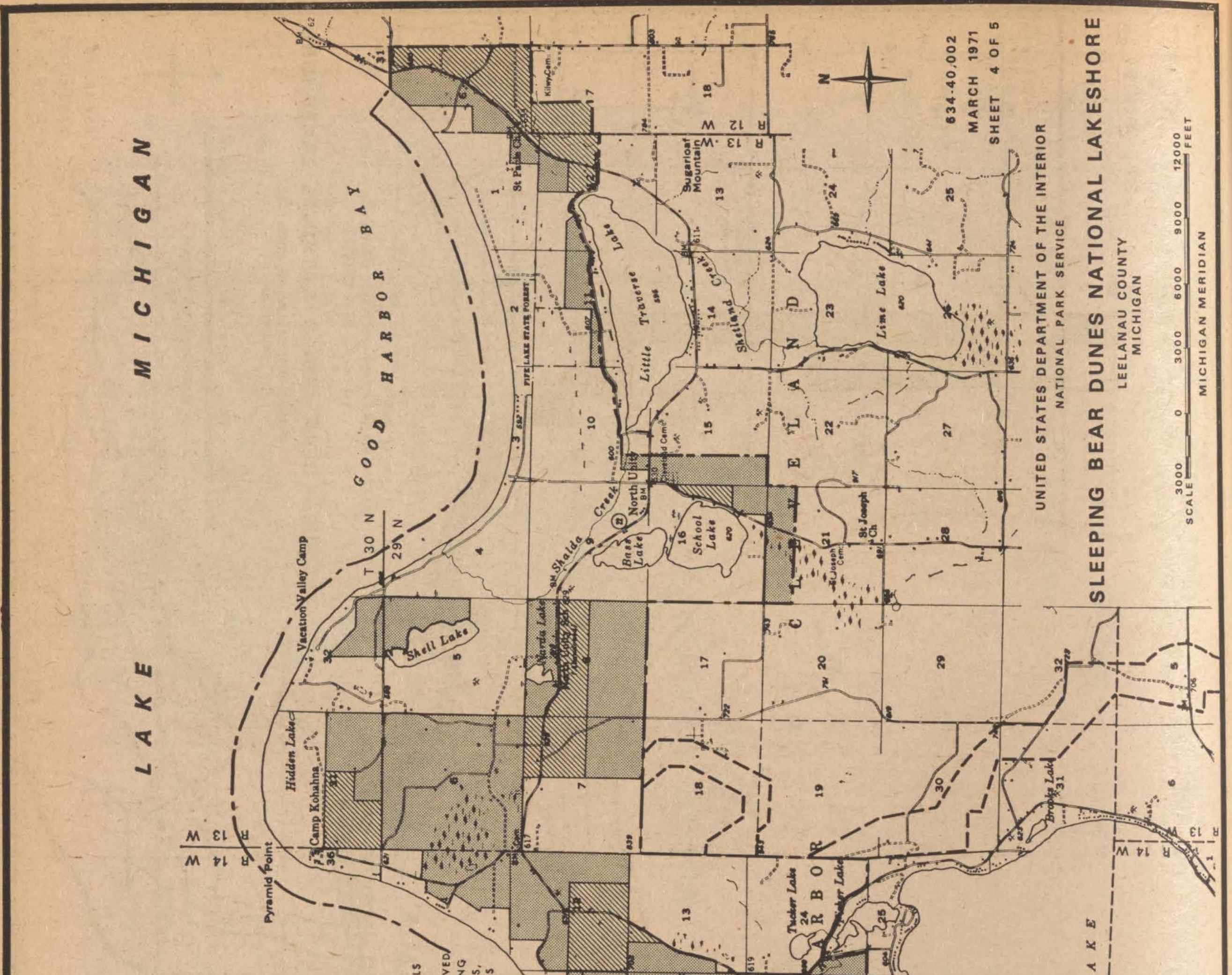
SOUTH MANITOU ISLAND
RANGE 15 WEST
FIFE LAKE
GLEN ARBOR
STATE FOREST
SOUTH MANITOU ISLAND
Gull Point
Sandy Point
LAKE MICHIGAN
NORTH MANITOU ISLAND
LAKE MICHIGAN
LEELANAU
Lake Manitou
Vessel Point
Pyramid Point
Old Baldy Hill
Dimmicks Point
Donner Point
T 32 N
T 31 N
R 15 W
R 14 W
N
UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
SLEEPING BEAR DUNES NATIONAL LAKESHORE
LEELANAU COUNTY
MICHIGAN
SCALE 3000 0 3000 6000 9000 12000 FEET
MICHIGAN MERIDIAN
634-40,002
MARCH 1971
SHEET 5 OF 5


LEGEND
PARK BOUNDARY
PROPOSED ROAD
CATEGORY I
PUBLIC USE AND DEVELOPMENT AREAS
CATEGORY II
ENVIRONMENTAL CONSERVATION AREAS (FEE)
CATEGORY II
ENVIRONMENTAL CONSERVATION AREAS (LESS THAN FEE)
CATEGORY III
PRIVATE USE AND DEVELOPMENT
THIS CATEGORY WILL OCCUR WITHIN PARCELS TOO SMALL TO DELINEATE GRAPHICALLY. WITHIN THIS CATEGORY WILL BE ALL IMPROVED PROPERTIES (AS DEFINED IN THE AUTHORIZING ACT OF OCTOBER 21, 1970) ALL CEMETERIES, CHURCHES, AND PRIVATE ORGANIZED CAMPS EXISTING DECEMBER 31, 1964.
SEE SHEET 3
LEELANAU COUNTY
BENZIE COUNTY
FIFE LAKE STATE FOREST
Old Baldy Dune
Empire Bluffs
LAKE MICHIGAN
PLATTE BAY
Platte River Point
Platte River
Otter Lake
Bass Lake
Deer Lake
Otter Creek
Loon Lake
Mud Lake
Round Lake
Long Lake
Little Platte Lake
PLATTE LAKE
CRYSTAL LAKE
Birch Point
Wineka Point
Crystallia
Pilgrim
Lighthouse Tabernacle
BENZIE STATE PARK
T 28 N
T 27 N
T 26 N
R 14 W
R 15 W
R 16 W
SLEEPING BEAR DUNES NATIONAL LAKESHORE
BENZIE AND LEELANAU COUNTIES
MICHIGAN
UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
SCALE
3000 0 3000 6000 9000 12000 FEET
MICHIGAN MERIDIAN
N
634-40,002
MARCH 1971
SHEET 2 OF 5


LEGEND
PARK BOUNDARY
PROPOSED ROAD
CATEGORY I — PUBLIC USE AND DEVELOPMENT AREAS
CATEGORY II — ENVIRONMENTAL CONSERVATION AREAS (FEE)
CATEGORY II — ENVIRONMENTAL CONSERVATION AREAS (LESS THAN FEE).
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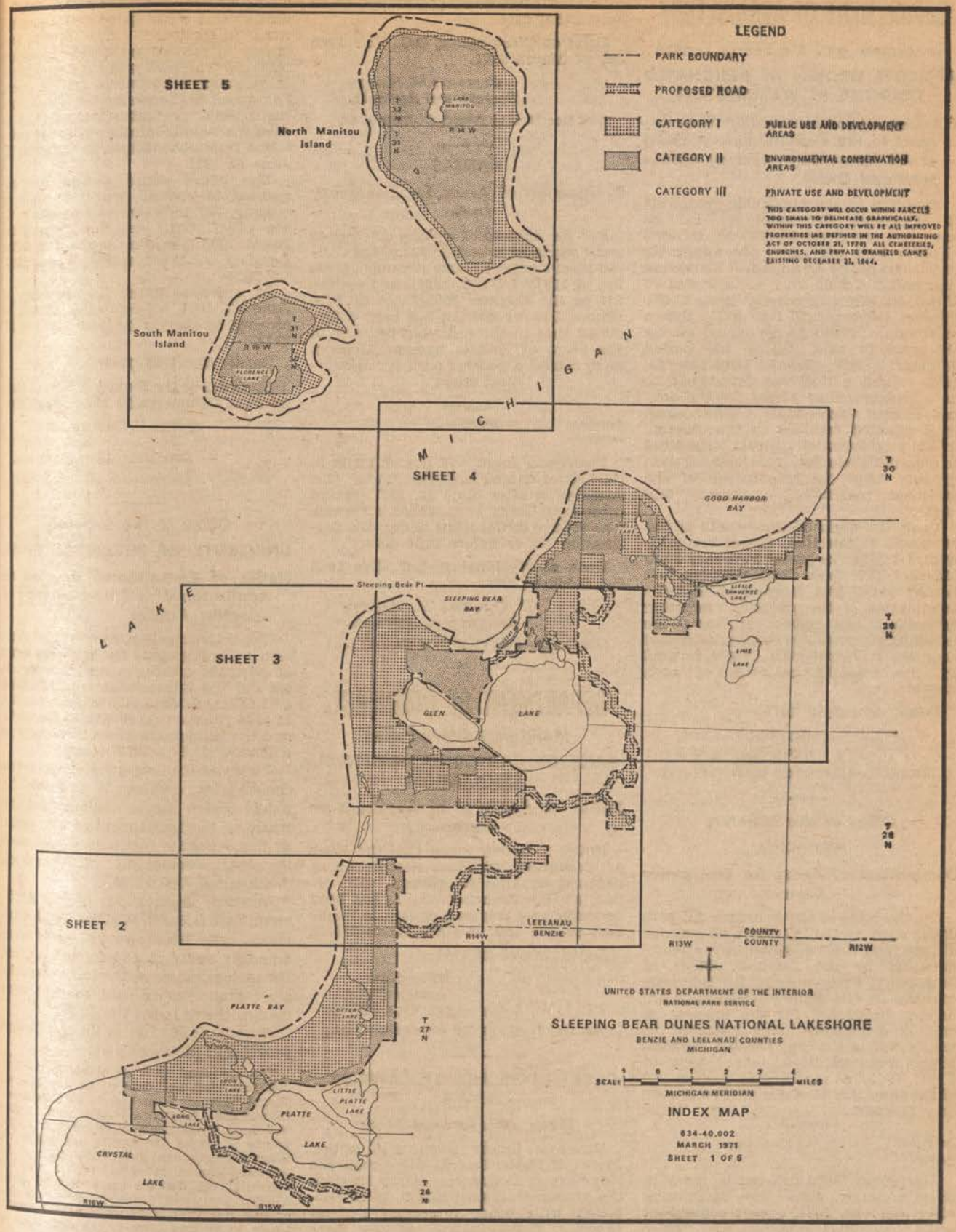
THIS CATEGORY WILL OCCUR WITHIN PARCELS TOO SMALL TO DELINEATE GRAPHICALLY. WITHIN THIS CATEGORY WILL BE ALL IMPROVED PROPERTIES (AS DEFINED IN THE AUTHORIZING ACT OF OCTOBER 21, 1970) ALL CEMETERIES, CHURCHES, AND PRIVATE ORGANIZED CAMPS EXISTING DECEMBER 31, 1964.
LAKE MICHIGAN
GOOD HARBOR BAY
Pyramid Point
Camp Kohahna
Hidden Lake
Vacation Valley Camp
Shell Lake
Bass Lake
School Lake
Little Traverse Lake
Lime Lake
Sugarloaf Mountain
Tucker Lake
Prospect Hill
Leelanau Schools
Glen Arbor
Glen Haven
Sleeping Bear Point
Sleeping Bear Bay
SEE SHEET 3
GLEN LAKE
Devils Hole
SLEEPING BEAR - GLEN LAKE STATE PARK
T 30 N
T 29 N
T 28 N
R 14 W
R 13 W
R 12 W
634-40,002
MARCH 1971
SHEET 4 OF 5
UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
SLEEPING BEAR DUNES NATIONAL LAKESHORE
LEELANAU COUNTY
MICHIGAN
SCALE 3000 0 3000 6000 9000 12000 FEET
MICHIGAN MERIDIAN



[FR Doc.71-4098 Filed 3-24-71;8:51 am]

DEPARTMENT OF AGRICULTURE

Consumers and Marketing Service

APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Findings and Determination With Respect to the Continuation in Effect of the Amended Marketing Agreement and Order

Pursuant to the applicable provisions of Marketing Agreement No. 132, as amended, and Order No. 922, as amended (7 CFR Part 922), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), notice was given in the FEDERAL REGISTER (36 F.R. 3074) that a referendum would be conducted among the growers who, during the period January 1, 1970, through December 31, 1970 (which period was determined to be a representative period for the purpose of such referendum), were engaged, in designated counties in Washington, in the production of apricots for market to determine whether a majority of such growers favor the termination of the amended marketing agreement and order.

Upon the basis of the results of the aforesaid referendum, which was conducted during the period February 20 to March 1, 1971, both dates inclusive, it is hereby found and determined that the termination of the amended marketing agreement and order, regulating the handling of apricots grown in designated counties in Washington, is not favored by the requisite majority of such growers.

Dated: March 19, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71–4051 Filed 3–24–71;8:47 am]

Office of the Secretary

NEBRASKA

Designation of Areas for Emergency Loans

On the basis of the February 23, 1971 declaration by the President of a major disaster and the consequent areas determination by the Director, Office of Emergency Preparedness, the following counties in the State of Nebraska are hereby designated for the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) as modified by section 232 of the Disaster Relief Act of 1970 (Public Law 91–606):

NEBRASKA

Douglas. Saunders.
Sarpy.

Emergency loans will not be made in these counties under this designation after June 30, 1971, except subsequent loans to qualified borrowers who receive initial loans under this designation on or before that date.

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

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[FR Doc.71–4114 Filed 3–24–71;8:52 am]

KANSAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) and section 232 of the Disaster Relief Act of 1970 (Public Law 91–606), it has been determined that in the following counties in the State of Kansas natural disasters have caused a general need for agricultural credit:

KANSAS

Brown. Jefferson.
Jackson.

Emergency loans will not be made in the above-named counties under this designation after June 30, 1971, except subsequent loans to qualified borrowers who receive initial loans under this designation on or before that date.

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

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[FR Doc.71–4055 Filed 3–24–71;8:47 am]

DEPARTMENT OF COMMERCE

Maritime Administration

BANK OF CALIFORNIA, NATIONAL ASSOCIATION

Notice of Approval of Applicant as Trustee

Notice is hereby given that the Bank of California, National Association, a national banking association, with offices at San Francisco, Calif., has been approved as a trustee pursuant to Public Law 89–346 and 46 CFR 221.21–221.30.

Dated: March 22, 1971.

BURT KYLE,
Acting Chief,
Office of Ship Operations.

[FR Doc.71–4119 Filed 3–24–71;8:52 am]

GREAT LAKES AND ST. LAWRENCE SEAWAY

Study of Insurance Rates

Notice is hereby given that section 107(c) of Public Law 91–611 directs the Secretary of Commerce, acting through the Martime Administration, in consultation with other interested Federal agencies, representatives of the merchant marine, insurance companies, industry, and other interested organizations, to conduct a study of ways and means to provide reasonable insurance rates for shippers and vessels engaged in waterborne commerce on the Great Lakes and St. Lawrence Seaway beyond the present navigation season, and to submit a report, together with any legislative recommendations, to Congress by June 30, 1971.

The above-named parties are requested to submit their comments in writing, for inclusion in said study, to the Chief, Office of Ship Operations, Room 1023, General Accounting Office Building, 441 G Street NW., Washington, DC 20235.

In order to meet the deadline of June 30, 1971, all comments should be received by close of business on April 19, 1971.

Dated: March 23, 1971.

By Order of the Deputy Assistant Secretary of Commerce for Maritime Affairs.

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

[FR Doc.71–4182 Filed 3–24–71;8:52 am]

Office of the Secretary

UNIVERSITY OF PITTSBURGH ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C. 20230.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: § 602.5(e) of the Regulations provides in pertinent part:

> The applicant shall on or before the 20th day following the date of such notice [of denial without prejudice to resubmission], inform the Administrator whether it intends to resubmit another application for the same article to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Administrator in writing prior to the expiration of

the 90-day period. * * * If the applicant fails within the applicable time periods specified above, to either (1) inform the Administrator whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (2) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Administrator on the application within the context of the paragraph (d) of this section.

The meaning of the section is that should an applicant either fail to notify the Administrator of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20-day period, or fails to resubmit a new application within the 90-day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Section 602.5(e) further provides:

* * * the Administrator shall submit a summary of the prior denial without prejudice to resubmission to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant.

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Administrator.

Docket No. 70-00447-33-46500. Applicant: University of Pittsburgh, Department of Cell Biology and Anatomy, 863B Scaife Hall, Terrace and De Sota Streets, Pittsburgh, PA 15213. Article: Ultramicrotome, Model LKB 8800A. Date of denial without prejudice to resubmission: April 27, 1970.

Docket No. 70-00288-00-80000. Applicant: Stamford Museum and Nature Center, Inc., Stamford, CT 06903. Article: Ground lens blank. Date of denial without prejudice to resubmission: October 26, 1970.

Docket No. 70-00296-65-44700. Applicant: University of California, Purchasing Department, Post Office Box 1500, Berkeley, CA 94701. Article: Area meter. Date of denial without prejudice to resubmission: October 7, 1970.

Docket No. 70-00620-33-46040. Applicant: Kensington Hospital, 2136 Locust Street, Philadelphia, PA 19103. Article: Operation microscope. Date of denial without prejudice to resubmission: October 14, 1970.

Docket No. 70-00635-01-77040. Applicant: The University of Michigan, School of Public Health, 109 Observatory Street, Ann Arbor, MI 48104. Article: Mass spectrometer, Model MS 30. Date of denial without prejudice to resubmission: October 15, 1970.

Docket No. 70-00647-33-43780. Applicant: University of California at San Francisco, Purchasing Department, 1438 South 10th Street, Richmond, CA 94803. Article: Stereotaxic headholder and spinal frame. Date of denial without prejudice to resubmission: October 14, 1970.

Docket No. 70-00651-33-42200. Applicant: University of Mississippi, School of Pharmacy, University, MS 38677. Article: Liquid filling machine. Date of denial without prejudice to resubmission: October 15, 1970.

Docket No. 70-00667-00-00500. Applicant: University of Chicago, Argonne National Laboratory, 9700 South Cass Avenue, Argonne, IL 60439. Article: RF separator deflector structure. Date of denial without prejudice to resubmission: October 15, 1970.

Docket No. 70-00706-79-50600. Applicant: Texas A & M University, Radiological Safety Office, College Station, TX 77843. Article: Foot monitor and hand monitor. Date of denial without prejudice to resubmission: November 25, 1970.

Docket No. 70-00730-33-46500. Applicant: California State Polytechnic College, 3801 West Temple, Pomona, CA 91766. Article: Ultramicrotome, Model "Om U2". Date of denial without prejudice to resubmission: November 18, 1970.

Docket No. 70-00774-63-46500. Applicant: North Carolina State University, Raleigh, N.C. 27607. Article: Ultramicrotome, "Om U2". Date of denial without prejudice to resubmission: November 18, 1970.

Docket No. 71-00167-65-09530. Applicant: Youngstown State University, 410 Wick Avenue, Youngstown, OH 44503. Article: Laboratory hydrocyclone test set. Date of denial without prejudice to resubmission: November 10, 1970.

Docket No. 71-00303-33-46040. Applicant: Mayo Foundation, 200 First Street SW., Rochester, MN 55901. Article: Electron microscope, HU-12. Date of denial without prejudice to resubmission: February 24, 1971.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71-4056 Filed 3-24-71;8:47 am]

JERSEY CITY STATE COLLEGE AND HERBERT H. LEHMAN COLLEGE

Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The consolidated notice of decision as published in Volume 36, No. 25 (page 2528) of the FEDERAL REGISTER dated Friday February 5, 1971 pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80, Stat. 897) is hereby amended to delete the following:

Docket No. 70-00165-33-46500. Applicant: Jersey City State College, Department of Biology, 2039 Kennedy Boulevard, Jersey City, NJ 07305. Article: Ultramicrotome, LKB 8800A. Date of denial without prejudice to resubmission: March 18, 1970.

Docket No. 70-00171-63-46500. Applicant: Herbert H. Lehman College, Bedford Park Boulevard West, Bronx, NY 10468. Article: Ultramicrotome, LKB 8800. Date of denial without prejudice to resubmission: May 15, 1970.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71-4057 Filed 3-24-71;8:47 am]

UNIVERSITY OF SOUTHWESTERN LOUISIANA ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The consolidated notice of decision as published in Volume 36, No. 31 (pages 3020-3021) of the FEDERAL REGISTER dated Saturday, February 13, 1971, pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) is hereby amended to delete the following:

Docket No. 70-00361-33-46040. Applicant: University of Southwestern Louisiana, Department of Microbiology, Lafayette, LA 70501. Article: Electron microscope, EM6B. Date of denial without prejudice to resubmission: May 12, 1970.

Docket No. 70-00365-33-46500. Applicant: Harvard University, 75 Mount Auburn Street, Purchasing Department, Cambridge, MA 02138. Article: Ultramicrotome, "Om U2". Date of denial without prejudice to resubmission: April 6, 1970.

Docket No. 70-00624-33-46500. Applicant: Albert Einstein College of Medicine, 1300 Morris Park Avenue, Bronx, NY 10461. Article: Ultramicrotome, LKB 8800A. Date of denial without prejudice to resubmission: September 4, 1970.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources.

[FR Doc.71-4058 Filed 3-24-71;8:47 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-161; NADA No. 12-392V]

AMERICAN CYANAMID CO.

Aristovet Parenteral; Order Vacating Opportunity for Hearing

A notice of opportunity for hearing proposing to withdraw approval of the new animal drug application for Aristovet Parenteral (NADA No. 12-392V) was published in the FEDERAL REGISTER of June 10, 1970 (35 F.R. 8953).

American Cyanamid Co., Agricultural Division, Post Office Box 400, Princeton,

NJ 08540, holder of new animal drug application No. 12-392V, has submitted a supplemental new animal drug application with revised labeling, and the Commissioner of Food and Drugs concludes that the labeling, evaluated together with the evidence available when the application was approved, shows that said drug is safe and effective for animals under the conditions of use prescribed, recommended, or suggested in the proposed labeling.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), the notice of opportunity for hearing proposing to withdraw approval of new animal drug application No. 12-392V for Aristovet Parenteral is vacated.

Dated: March 11, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-4060 Filed 3-24-71;8:47 am]

[Docket No. FDC-D-315; NADA No. 9-302V]

PYRIMETHAMINE, SULFAQUINOXALINE

Notice of Opportunity for Hearing

Notice is hereby given to Whitmoyer Laboratories, Inc., 19 North Railroad Street, Myerstown, PA 17067, and to any interested persons who may be adversely affected, that the Commissioner of Food and Drugs proposes to issue an order under section 512(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(e)) withdrawing approval of NADA (new animal drug application) No. 9-302V. This application provides for the use of a combination drug containing pyrimethamine (2,4-diamino-5-(*p*-chlorophenyl)-6-ethylpyrimidine) and sulfaquinoxaline (a coccidiostat) used in the feed or drinking water for the treatment of chickens and turkeys.

The Commissioner, on the basis of an evaluation of new information before him with respect to such drug together with the evidence available to him when the application was approved, concludes that the drug is not shown to be safe under the conditions of use upon the basis of which the application was approved. The information available to the Commissioner establishes that the drug component pyrimethamine when administered to laboratory animals has been shown to produce both embryotoxic and teratogenic effects. Because of these effects and since there are no appropriately sensitive methods of analysis to establish the absence of pyrimethamine from food derived from treated animals, the drug is considered not to be shown safe under its intended conditions of use.

In accordance with the provisions of section 512 of the act (21 U.S.C. 360b), the Commissioner hereby gives the applicant, and any interested persons who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of NADA No. 9-302V should not be withdrawn. Promulgation of the order will cause all such drugs to be new animal drugs for which no approved application is in effect. Any such drug then on the market would be subject to regulatory proceedings. Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Office of the General Counsel, Food, Drug, and Environmental Health Division, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner, without further notice, will enter a final order withdrawing approval of the new animal drug application. Failure of such persons to file a written appearance of election within 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing concerning a method or process that the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file within 30 days after the publication of this notice in the FEDERAL REGISTER a written appearance requesting the hearing and giving the reasons why approval of the new animal drug application should not be withdrawn together with a well-organized and full-factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition to the grounds for this notice. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that no geniune and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order stating his findings and conclusions on such data.

If a hearing is requested and justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence. This time shall be not more than 90 days after the expiration of said 30 days unless the hearing examiner and the persons requesting the hearing otherwise agree.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: March 9, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-4062 Filed 3-24-71;8:48 am]

[Docket No. FDC-D-295; NADA No. 8-747V]

PITMAN-MOORE, INC.

Cadmium Salts; Notice of Withdrawal of Approval of New Animal Drug Application

An announcement concerning Aska-Rid, which contains cadmium salts, was published in the FEDERAL REGISTER of February 1, 1969 (34 F.R. 1609). The announcement set forth the findings of the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, and the Food and Drug Administration that available information fails to provide substantial evidence that the drug has the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

Pitman-Moore, Inc., Camp Hill Road, Fort Washington, Pa. 19034, holder of new animal drug application No. 8-747V, covering the drug Aska-Rid, has requested that the Commissioner of Food and Drugs enter a final order withdrawing the application's approval.

The Commissioner of Food and Drugs, based on the evaluation of new information before him with respect to said drug, together with the evidence available to him when the application was approved, finds there is a lack of substantial evidence that said drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

Based on the foregoing request and finding, the Commissioner concludes that approval of said new animal drug application should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-351; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), approval of new animal drug application No. 8-747V, including all amendments and supplements thereto, is hereby withdrawn effective on the date of signature of this document.

Dated: March 8, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-4064 Filed 3-24-71;8:48 am]

[Docket No. FDC–D–320; NDA's Nos. 5–597, 7–406]

IVES LABORATORIES, INC., AND BROEMMEL PHARMACEUTICALS, SAHYUN LABORATORIES

Methionine: Notice of Withdrawal of Approval of New-Drug Applications

In the FEDERAL REGISTER of January 10, 1970 (35 F.R. 396), the Commissioner of Food and Drugs announced (DESI 5597) his conclusions pursuant to evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, concerning Meonine (methionine) Tablets (NDA 5–597), stating that this drug is regarded as possibly effective for its labeled indications. Six months from the date of that publication were allowed for the holders of approved applications for such drug and any person marketing the drug without approval to obtain and submit data providing substantial evidence of effectiveness of the drug. No data concerning effectiveness have been received.

Ives Laboratories, Inc., 685 Third Avenue, New York, N.Y. 10017, holder of NDA No. 5–597, by letter of November 25, 1970, stated that production of Meonine has been discontinued and requested withdrawal of approval of the application, thereby waiving the opportunity for a hearing.

Sahyun Laboratories, Post Office Box 996, Santa Barbara, Calif. 93102, is the holder of new-drug application No. 7–406 for Methionine Tablets. Although not submitted for Academy review, that preparation is affected by the January 10, 1970, announcement. Sahyun Laboratories, by letter of February 9, 1970, requested withdrawal of approval of NDA 7–406 and waived opportunity for a hearing.

The Commissioner of Food and Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505 (e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)) and under authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with respect to each of said drugs, evaluated together with the evidence available to him when each application was approved, there is a lack of substantial evidence that each of the drugs will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing findings, approval of the above new-drug applications, and all amendments and supplements thereto, is withdrawn effective on the date of the signature of this document.

Dated: March 5, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–4065 Filed 3–24–71;8:48 am]

[Docket No. FDC–D–253; NDA No. 7–877 etc.]

AYERST LABORATORIES, INC.

Certain Sulfonamide Ophthalmic and Nasal Solutions; Notice of Withdrawal of Approval of New-Drug Applications

On December 4, 1970, there was published in the FEDERAL REGISTER (35 F.R. 18484) a notice of opportunity for hearing in which the Commissioner of Food and Drugs proposed to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the following new-drug applications in the absence of substantial evidence that the drugs are effective for certain indications for which such drugs are regarded as possibly effective or ineffective as published in the FEDERAL REGISTER of September 10, 1969 (34 F.R. 14248). The firms named in the December 4, 1970, notice had not satisfactorily supplemented their applications in accord with the September 10, 1969, announcement.

Ayerst Laboratories, Inc., 685 Third Avenue, New York, N.Y. 10017, holder of new-drug application No. 9–496 for Thiosulfil Solution, has discontinued marketing of the product and has waived opportunity for a hearing.

Broemmel Pharmaceuticals, 1235 Sutter Street, San Francisco, Calif. 94109, holder of new-drug application No. 7–877 for Actilamide Ophthalmic Solution (sulfanilamide and chloramine-T), has waived opportunity for a hearing on the proposed withdrawal of that portion of said new-drug application pertaining to the ophthalmic solution, in that no response has been received to the notice of opportunity for a hearing. The other portions of NDA 7–877 have previously been withdrawn (34 F.R. 20441).

Also named in the December 4, 1970, notice of opportunity for hearing were NDA's Nos. 5–963 and 8–605 held by Schering Corp., 60 Orange Street, Bloomfield, N.J. 07003. Those NDA's have now been satisfactorily supplemented and therefore they are not included in this order.

The Commissioner of Food and Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)) and under authority delegated to him (21 CFR 2.120), finds on the basis of new information before him with respect to each of said drugs, evaluated together with the evidence available to him when each application was approved, that there is a lack of substantial evidence that each of the drugs will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing findings, approval of the above new-drug applications, and all amendments and supplements thereto, is withdrawn effective on the date of the signature of this document.

Dated: March 5, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–4066 Filed 3–24–71;8:48 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 71–23]

ELLIOT BAY-WEST WATERWAY, SEATTLE, WASH.

Security Zone

By virtue of the authority vested in the Commandant, U.S. Coast Guard, by Executive Order 10173, as amended (33 CFR Part 6), sec. 6(b)(1), 80 Stat. 937, 49 U.S.C. 1655(b)(1), 49 CFR 1.46(b) and the redelegation of authority to Chief, Office of Operations, U.S. Coast Guard, as contained in the FEDERAL REGISTER of May 27, 1970 (35 F.R. 8279), I hereby affirm for publication in the FEDERAL REGISTER the order of D. M. Alger, Captain, U.S. Coast Guard, Acting Commander, Thirteenth Coast Guard District, who has exercised authority as District Commander, such order reading as follows:

ELLIOT BAY-WEST WATERWAY, SEATTLE, WASH.

SECURITY ZONE

Under the present authority of Section 1 of Title II of the Espionage Act of June 15, 1917, 40 Stat. 220, as amended, 50 U.S.C. 191, and Executive Order 10173, as amended, I declare that from 1630 Pacific Standard Time on Saturday, April 24, 1971, until 1715 P.s.t. on Saturday, April 24, 1971, the following area is a security zone and I order it to be closed to any person or vessel due to the launching of the USS BAGLEY (DE–1069).

The waters of the West Waterway, Seattle, Wash., within the coordinates of latitude 47°35′ N., longitude 122°21′25″ W., at the shoreline of Harbor Island, Seattle, Wash., south to latitude 47°34′22″ N., longitude 122°21′25″ W., west to latitude 47°34′22″ N., longitude 122°21′37″ W., at the shoreline of West Seattle, Seattle, Wash., north to latitude 47°35′ N., longitude 122°21′37″ W.

No person or vessel shall remain in or enter this security zone without permission of the Captain of the Port.

The Captain of the Port, Seattle, Wash., shall enforce this order. In the enforcement of this order, the Captain of the Port may utilize, by appropriate agreement, personnel and facilities of any other Federal agency, or of any State or political subdivision thereof.

For violation of this order, section 2 of Title II of the Espionage Act of June 15, 1917 (40 Stat. 220 as amended, 50 U.S.C. 192), provides:

If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulations or rule issued or order given under the provisions of this chapter, or

obstructs or interferes with the exercise of any power conferred by this chapter, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and the person guilty of such failure, obstruction, or interference shall be punished by imprisonment for not more than 10 years, and may, in the discretion of the court, be fined not more than $10,000.

(a) If any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this chapter, or knowingly obstructs or interferes with the exercise of any power conferred by this chapter, he shall be punished by imprisonment for not more than 10 years and may, at the discretion of the court, be fined not more than $10,000.

Dated: March 19, 1971.

R. E. HAMMOND,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Operations.

[FR Doc.71-4108 Filed 3-24-71;8:51 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-376]

PUERTO RICO WATER RESOURCES AUTHORITY

Notice of Receipt of Application for Construction Permit and Facility License; Time for Submission of Views on Antitrust Matter

The Puerto Rico Water Resources Authority, G.P.O. Box 4267, San Juan, PR 00936, pursuant to the Atomic Energy Act of 1954, as amended, has filed an application dated November 28, 1970, for authorization to construct a pressurized water nuclear reactor, designated as the Aguirre Nuclear Station Unit 1, on the applicant's site in Barrio Aguirre, Salinas, P.R.

The site is located on the southern coast of Puerto Rico along the shore of Bahia De Jobos, and is within the municipality of Salinas.

The proposed nuclear station will consist of a presurized water nuclear reactor, which is designed for initial operation at approximately 1,785 thermal megawatts with a net electrical output of approximately 583 megawatts.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after March 18, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and in the Office of the Mayor of the Municipality of Salinas, Salinas, P.R.

Dated at Bethesda, Md., this 24th day of February 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-2835 Filed 3-17-71;8:45 am]

[Dockets Nos. 50-369, 50-370]

DUKE POWER CO.

Notice of Receipt of Application for Construction Permit and Facility License; Time for Submission of Views on Antitrust Matter

The Duke Power Co., 422 South Church Street, Charlotte, NC 28201, pursuant to the Atomic Energy Act of 1954, as amended, has filed an application dated September 18, 1970, for permits to construct and licenses to operate two pressurized water nuclear reactors, designated as the William B. McGuire Nuclear Station Units 1 and 2, on the applicant's site in Mecklenburg County, N.C. The site is located on the shore of Lake Norman, approximately 17 miles north-northwest of Charlotte, N.C., and is immediately east of Duke Power Co.'s Cowan Ford Hydroelectric Station.

The proposed nuclear station will consist of two pressurized water reactors, each of which is designed for initial operation at approximately 3,411 thermal megawatts with a net electrical output of approximately 1,180 megawatts.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after March 11, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and the office of the County Manager, Mecklenburg County, 720 East Fourth Street, Charlotte, NC.

Dated at Bethesda, Md., this 25th day of February 1971.

For the Atomic Energy Commission.

R. C. DEYOUNG,
Acting Director,
Division of Reactor Licensing.

[FR Doc.71-3286 Filed 3-10-71;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 20350; Order 71-3-110]

ROSS AVIATION, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority March 18, 1971.

A final service mail rate for the transportation of mail by aircraft, established by Order 68-12-71, December 13, 1968, in this docket, is currently in effect for the above-captioned air taxi, operating under 14 CFR Part 298. This rate is based on six round trips per week between Liberal, Kans., and Oklahoma City, Okla., via Woodward, 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 49.55 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 49.55 cents per great circle aircraft mile between Liberal, Kans., and Oklahoma City, Okla., via Woodward, 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 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate

[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).

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.71-4104 Filed 3-24-71;8:51 am]

FEDERAL POWER COMMISSION

[Dockets Nos. RI71-655 etc.]

L. H. PUCKETT ET AL.

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

MARCH 4, 1971.

Amarex, Inc., et al. Docket No. RI71-656.

In the order providing for hearing on and suspension of proposed changes in rates, and allowing rate changes to be come effective subject to refund, issued January 28, 1971, and published in the FEDERAL REGISTER February 6, 1971, 36 F.R. 2577, Appendix A, Docket No. RI71-656, Amarex, Inc., et al. under column headed "Effective Date Unless Suspended" change 10-1-70 to read 10-13-70. Under column headed "Date Suspended Until" change 10-2-70 to read 10-14-70.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-4047 Filed 3-24-71;8:46 am]

[Dockets Nos. G-4820 etc.]

TEXACO, INC. ET AL.

Findings and Order After Statutory Hearing; Correction

FEBRUARY 3, 1971.

Howard E. Berry (successor to Gulf Oil Corp.), Docket No. CI71-321.

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, canceling docket numbers, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, severing and terminating proceedings, substituting respondent, making successors co-respondents, redesignating proceedings, accepting agreements and undertakings for filing, requiring filing of agreement and undertaking, and accepting related rate schedules and supplements for filing, issued December 21, 1970, and published in the FEDERAL REGISTER January 5, 1971, 36 F.R. 121, change subparagraph (k) under paragraph (D) to read as follows:

(k) The initial rate for the sale authorized in Docket No. CI71-321 shall be 25.45 cents per Mcf at 15.025 p.s.i.a. subject to refund in Docket No. RI70-938. The refund obligation for gas produced from the newly discovered reservoir (Eutaw, U.T. Pool "A") is limited to a floor of 20.6 cents.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-4046 Filed 3-24-71;8:46 am]

FEDERAL RESERVE SYSTEM

TORONTO-DOMINION BANK

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by Toronto-Dominion Bank, Toronto, Ontario, Canada, for prior approval by the Board of Governors of action whereby applicant would become a bank holding company through the acquisition of Toronto Dominion Bank of California, San Francisco, Calif. (a proposed new bank).

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of San Francisco.

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

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-4030 Filed 3-24-71;8:45 am]

FEDERAL TRADE COMMISSION

GENERAL COUNSEL

Delegation of Functions

Pursuant to the authority provided by Reorganization Plan No. 4 of 1961 (26 F.R. 6191), the Federal Trade Commission has made the following Delegation of Authority:

In re: Compliance with the Financial Reporting Program:

The Commission delegates to the General Counsel, without power of redelegation, the authority to approve and have prepared and issued in the name of the Commission all Special Orders and Notices of Default under the Commission's financial reporting program.

The Commission further delegates to the General Counsel, without power of redelegation, the authority to request on behalf of the Commission the institution of civil actions pursuant to sections 9 and 10 of the Federal Trade Commission Act, 15 U.S.C. sections 49 and 50, as appropriate, in conjunction with the Commission's financial reporting program.

By direction of the Commission dated March 16, 1971.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.71-4031 Filed 3-24-71;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs., Temporary Reg. F-93]

CHAIRMAN, ATOMIC ENERGY COMMISSION

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Chairman, Atomic Energy Commission, to represent the consumer interests of the Federal Government in an electric and gas service rate increase proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Chairman, Atomic Energy Commission, to represent the consumer interests of the executive agencies of the Federal Government before the Colorado Public Utilities Commission in a proceeding (Application No. 24810) involving electric and gas service rate increases proposed by the Public Service Company of Colorado.

b. The Chairman, Atomic Energy Commission, may redelegate this authority to any officer, official or employee of the Atomic Energy Commission.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ROBERT L. KUNZIG,
Administrator of General Services.

MARCH 19, 1971.

[FR Doc.71-4099 Filed 3-24-71;8:51 am]

TARIFF COMMISSION

[TEA-F-21]

ROYAL SILVER MANUFACTURING CO., INC.

Petition for Determination of Eligibility To Apply for Adjustment Assistance; Notice of Investigation

Investigation instituted. Upon petition under section 301(a)(2) of the Trade Expansion Act in 1962, filed by Royal Silver Manufacturing Co., Inc., Norfolk, Va., the U.S. Tariff Commission, on March 19, 1971, instituted an investigation under section 301(c)(1) of the said Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with stainless steel flatware produced by the aforementioned firm, is being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to such firm.

The petitioner has not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigation, provided such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

Inspection of petition. The petition filed in this case is available for inspection at the office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC, and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: March 22, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-4096 Filed 3-24-71;8:50 am]

WATCHES AND WATCH MOVEMENTS FROM INSULAR POSSESSIONS

Determination of Apparent U.S. Consumption in 1970 and of Quotas for Duty-Free Entry in 1971

In accordance with headnote 6(c) of schedule 7, part 2, subpart E, of the Tariff Schedules of the United States (TSUS), the Tariff Commission has determined that the apparent U.S. consumption of watch movements for the calendar year 1970 was 45,481,000 units, and that the number of watches and watch movements, the product of the Virgin Islands, Guam, and American Samoa, which may be entered free of duty during the calendar year 1971 under headnote 6(b) of said subpart E of the TSUS is as follows:

	Units
Virgin Islands	4,421,375
Guam	420,915
American Samoa	210,710

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

MARCH 17, 1971.

[FR Doc.71-4150 Filed 3-24-71;8:52 am]

INTERSTATE COMMERCE COMMISSION

[Notice 22]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

MARCH 19, 1971.

The following applications are governed by Special Rule 1000.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure reasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 19778 (Sub-No. 73), filed February 16, 1971. Applicant: THE MILWAUKEE MOTOR TRANSPORTATION COMPANY, a corporation, 516 West Jackson Boulevard, Chicago, IL 60606. Applicant's representative: Thomas H. Ploss, 888 Union Station Building., Chicago, IL 60606. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities;* (1) between Miles City, and Billings, Mont., from Miles City over Interstate Highway 94 and U.S. Highway 10 to Billings, Mont.; (2) between Harlowton and Billings, Mont., from Harlowton over U.S. Highway 12 to its junction with Montana Highway 3, thence over Montana Highway 3 to Billings, Mont.; and (3) between Three Forks and Billings, Mont.; from Three Forks over Interstate Highway 90 and U.S. Highway 10 to Billings, Mont., and over the same routes, and serving the intermediate point of Bozeman, Mont., in connection with (1), (2), and (3) above. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 30844 (Sub-No. 345), filed February 23, 1971. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, IA 50704. Applicant's representatives: Paul Rhodes (same address as applicant) and Truman A. Stockton, Jr., 1650 Grant Street Building, Denver, CO. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass and glassware*, from Columbus, Ohio, to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota. NOTE: Common control may be involved. Applicant

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, DC 20423.

states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary applicant requests it be held at Washington, D.C., or Columbus, Ohio.

No. MC 30844 (Sub-No. 346), filed February 26, 1971. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, IA 50704. Applicant's representative: Paul Rhodes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* and *articles distributed by meat packinghouses*, from the plantsite and storage facilities used by Banner Beef Co. at or near Hospers, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia, restricted to traffic originating at the named origin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 30844 (Sub-No. 348), filed March 3, 1971. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, IA 50704. Applicant's representatives: Paul Rhodes (same address as applicant), and Truman A. Stockton, Jr., 1650 Grant Street Building, Denver CO. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Wilson Beef & Lamb Co. at or near Hereford, Tex., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Amarillo, Tex.

No. MC 35320 (Sub-No. 123), filed March 3, 1971. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, Post Office Box 2550, Lubbock, TX 79408. Applicant representatives: W. D. Benson, Suite 1120, 1500 Broadway, Lubbock, TX 79401, and Frank M. Garrison (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Bus bar systems, electric switches, iron and steel hardware, copper bars, plastic articles, and plastic granules*, serving the plantsite of General Electric Co. at or near Selmer, Tenn., as an off-route point in connection with applicant's regular route serving Jackson, Tenn. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Memphis, Tenn.

No. MC 39167 (Sub-No. 10), filed February 11, 1971. Applicant: CHARLES J. ROGERS TRANSPORTATION COMPANY, a corporation, 2947 Greenfield Road, Melvindale, MI 48122. Applicant's representative: Robert D. Schuler, 1 Woodward Avenue, Suite 1700, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel electrical conduit pipe and fittings* therefor, unloaded by mechanical devices furnished by the carrier, from plantsite and warehouse facilities of Republic Steel Corp. at Detroit, Mich., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 41064 (Sub-No. 3), filed January 28, 1971. Applicant: KENT EXPRESS, INC., 246 Railroad Street, Aurora, IN 47001. Applicant's representatives: R. A. Ellison, 6423 Iris Avenue, Cincinnati, OH 45213, and N. B. Flick, Room 715, Executive Building, 37 East Seventh Street, Cincinnati, OH 45202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and household furnishings* as are sold by retail specialty shops and department stores, between such retail speciality shops and department stores, branches and warehouses thereof, in Cincinnati, Ohio, on the one hand, and, on the other, points in Indiana and Kentucky. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio, Aurora or Indianapolis, Ind.

No. MC 55885 (Sub-No. 11), filed March 3, 1971. Applicant: JACKSON TRUCKING, INC., 1210 106th Avenue, Plainwell, MI 49080. Applicant's representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods*, unfrozen, in refrigerated equipment, from Grand Rapids, Mich., to points in Georgia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 61231 (Sub-No. 57), filed February 25, 1971. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, IA 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsites of Northwestern Steel & Wire Co. located at Rock Falls and Sterling, Ill., to points in Kansas, Missouri, and Nebraska, restricted to traffic originating at the described plantsites. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 61231 (Sub-No. 58), filed February 25, 1971. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, IA 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Granite City, Ill., to points in Iowa and Nebraska, restricted to traffic originating at the plantsite and storage facilities of Granite City Steel Co. located at Granite City, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 64373 (Sub-No. 6), filed February 26, 1971. Applicant: CLARKSON BROS. MACHINERY HAULERS, INC., Post Office Box 25, Cowpens, SC 29330. Applicant's representative: Paul F. Sullivan, 701 Washington Building, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Charlotte and Aberdeen, N.C., to points in South Carolina, Virginia, and those in Tennessee on and east of Interstate Highway 65. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Charlotte, N.C., or Columbia, S.C.

No. MC 71642 (Sub-No. 13), filed February 19, 1971. Applicant: N. S. DE SHONG, 3201 Mill Creek Road, Wilmington, DE 19808. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, DC 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fiber*, in rolls, from Yorklyn, Del., to Troy, N.Y., under contract with NVF Co., Wilmington, Del. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 82080 (Sub-No. 4) (Amendment), filed January 4, 1971, published in the FEDERAL REGISTER issue of February 4, 1971, and republished this issue. Applicant: BIVIN TRANSFER COMPANY, INC., 2908 East New York Street, Indianapolis, IN 46201. Applicant's representative: Ralph S. Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except explosives, those items of unusual value, household goods as defined by the Commission,

commodities in bulk, and those requiring special equipment, between Indianapolis, Ind., and points within a radius up to and including, but not beyond the boundary counties listed: Case, White, Benton, Warren, Vermillion, Vigo, Sullivan, Greene, Martin, Lawrence, Washington, Scott, Jefferson, Dearborn, Franklin, Union, Wayne, Randolph, Jay, Wells, Huntington, Wabash, and Miami, Ind. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is (1) to correct name of applicant and (2) include the exceptions. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 85465 (Sub-No. 34), filed February 18, 1971. Applicant: WEST NEBRASKA EXPRESS, INC., Post Office Drawer 350, Scottsbluff, NE 69361. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, CO 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts* as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Scottsbluff and Gering, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Omaha, Nebr.

No. MC 87717 (Sub-No. 6), filed February 19, 1971. Applicant: FANELLI BROTHERS TRUCKING COMPANY, a corporation, Centre and Nichols Streets, Pottsville, PA 17901. Applicant's representatives: Robert H. Griswold and S. Berne Smith, 100 Pine Street, Post Office Box 1166, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Scrap steel*, from the plantsite of Zapata Industries, Inc., in West Mahanoy Township, Schuylkill County, Pa., to Little Rock, Ark., Atlanta, Ga., Chicago, Ill., Miami, Fla., Kansas City, Kans., New Orleans, La., Detroit, Mich., St. Louis, Mo., Wallington, N.J., Newburgh, N.Y., Henderson, N.C., Cincinnati and Newark, Ohio, and Dallas and Houston, Tex.; (2) *aluminum sheets*, from Sheffield, Ala., Terre Haute, Ind., and Oswego, N.Y., to the plantsite of Zapata Industries, Inc., in West Mahanoy Township, Schuylkill County, Pa.; (3) *plastic compound material*, in bags, from the plantsite of Zapata Industries, Inc., in West Mahanoy Township, Schuylkill County, Pa., to Terre Haute, Ind.; (4) *steel*, from Philadelphia, Pa., to the plantsite of Zapata Industries, Inc., in West Mahanoy Township, Schuylkill County, Pa.; and (5) *electric motors, and electric motor parts*, between the plantsite of Zapata Industries, Inc., in West Mahanoy Township, Schuylkill County, Pa., and Medfield, Mass. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 92983 (Sub-No. 542), filed February 16, 1971. Applicant: ELDON MILLER, INC., Post Office Box 2508, Kansas City, MO 64142. Applicant's representative: Eldon Miller (same address as above). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Fats and oils*, including blends and products thereof, in bulk, from points in California to points in Arizona, Minnesota, and Wyoming. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary applicant requests it be held at Kansas City, Mo.

No. MC 93641 (Sub-No. 3), filed March 5, 1971. Applicant: DUNCAN TRANSFER, INC., 400–410 North Columbus Street, Alexandria, VA 22300. Applicant's representative: Harold G. Hernly, Jr., 711 14th Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods and unaccompanied baggage*, between Alexandria, Va., and Dover, Del. restricted to traffic having a prior or subsequent movement by air or water in containers beyond the points authorized and to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating and decontainerization. NOTE: If a hearing is deemed necessary applicant requests it be held at Washington, D.C.

No. MC 95540 (Sub-No. 796), filed February 26, 1971. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, FL 33801. Applicant's representatives: Lyle Welch, Post Office Box 4409, Fort Worth, TX 76106, and Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anti-acid mints, gum, cough drops, and foodstuffs*, from points in Connecticut, Massachusetts, New Jersey, New York, and Pennsylvania to points in Arkansas, Arizona, California, Louisiana, New Mexico, Oklahoma, and Texas. NOTE: Applicant states that the authority sought could be tacked. However, it has no intention to tack as only the authority would be from Maine and which authority applicant is presently tacking with at points in Tennessee. Applicant seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 95540 (Sub-No. 797), filed March 1, 1971. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, FL 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts*, in vehicles equipped with mechanical refrigeration, from at or near, Holton, Kans., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee (except Memphis and its commercial zone). NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Kans., or Omaha, Nebr.

No. MC 95540 (Sub-No. 798), filed March 1, 1971. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, FL 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* exempt from economic regulation under section 203(B)(6) of the Interstate Commerce Act when transported in mixed loads with bananas, from Wilmington, Del., to points in Wisconsin. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., or Tampa, Fla.

No. MC 100666 (Sub-No. 183), filed February 26, 1971. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, LA 71107. Applicant's representatives: Wilburn L. Williamson, National Foundation Life Center, Suite 280, 3535 Northwest 58th Street, Oklahoma City, OK 73112, and Paul Caplinger (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from Trumann, Ark., to points in Alabama, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin. NOTE: Applicant states that tacking is possible but not intended. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Shreveport, La.

No. MC 103993 (Sub-No. 613), filed February 24, 1971. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Trailers*, designed to be drawn by passenger automobiles in initial movements, from points in Wilson County, Tenn., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 106400 (Sub-No. 81), filed February 22, 1971. Applicant: KAW TRANSPORT COMPANY, a corporation, Post Office Box 8525, Sugar Creek, MO 64054. Applicant's representatives: Harold D. Holwick (same address as applicant) and Robert L. Hawkins, 312 East Capitol Avenue, Jefferson City, MO 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline*, in bulk, in tank vehicles, from St. Louis, Mo., to Kansas City, Kans. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no *present* intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 106497 (Sub-No. 57), filed February 25, 1971. Applicant: PARKHILL TRUCK COMPANY, a corporation, Post Office Box 113, Joplin, MO 64801. Applicant's representative: A. N. Jacobs (same address as applicant), and Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heat exchangers and equalizers for air, gas, or liquids; machinery and equipment* for heating, cooling, conditioning, humidifying, dehumidifying, and moving of air, gas, or liquids; and *parts, attachments and accessories* for use in the installation and operation of the above-named items, between the plantsite of the Chrysler Corp. at Bowling Green, Ky., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to traffic originating at or destined to the named plantsite. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 106644 (Sub-No. 114), filed March 1, 1971. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Post Office Box 916, Atlanta, GA 30301. Applicant's representative: K. Edward Wolcott, Post Office Box 916, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heat exchangers and equalizers* for air, gas, or liquids, *machinery and equipment* for heating, cooling, conditioning, humidifying, dehumidifying, and moving of air, gas, or liquids, *and parts, attachments, and accessories* for use in the installation or operation of the above-named commodities, between the plantsite of the Chrysler Corp., at Bowling Green, Ky., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to traffic originating at or destined to the named plantsite. NOTE: Applicant has pending an application in No. MC 104724 (Sub-No. 13) for contract carrier authority, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Nashville, Tenn.

No. MC 107295 (Sub-No. 490), filed March 4, 1971. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representatives: Mack Stephenson and Dale L. Cox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, finished or unfinished, and *paneling*, from Camden, N.J., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 109397 (Sub-No. 251), filed February 25, 1971. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, Post Office Box 113, Joplin, MO 64801. Applicant's representatives: A. N. Jacobs (same address as applicant) and Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobile cleaning machinery and parts*, between Monrovia, Calif., and points in the United States (except California, Hawaii, and Alaska). NOTE: Applicant states that the requested authority can be tacked with its Sub 229 if "size or weight" commodities are involved. However, applicant does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant holds contract carrier authority under MC 128814 and Subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Las Vegas, Nev.

No. MC 109994 (Sub-No. 39) (Amendment), filed January 25, 1971, published in the FEDERAL REGISTER issue of March 4, 1971, and republished in part, as amended, this issue. Applicant: SIZER TRUCKING, INC., Post Office Box 97, Rochester, MI 55901. Applicant's representatives: Kenneth O. Petrick (same address as applicant) and Val M. Higgins, 1000 First National Bank Building, Minneapolis, MI 55402. The purpose of this partial republication is to include the following addition to Part 2 of the application: Transporting: *Materials, supplies, and machinery* used in processing cranberries and cranberry products when destined for use by cranberry manufacturing companies in the conduct of their business, from points in Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming to Hanson, Onset, and Middlebourgh, Mass.; Bordentown, N.J.; Babcock and Kenosha, Wis.; Centralia and Markham, Wash.; and Eugene, Oreg. The rest of the application remains as previously published.

No. MC 111375 (Sub-No. 44), filed February 18, 1971. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., Post Office Box 3358, Madison, WI 53704. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, from Cudahy, Wis., to San Jose, Calif., restricted to traffic originating at the plant or warehouse facilities utilized by Patrick Cudahy, Inc., and destined to San Jose, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee or Madison, Wis.

No. MC 113362 (Sub-No. 204), filed February 18, 1971. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Applicant's representative: James R. Ellsworth, 4500 North State Line Road, Texarkana, AR 75501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides) from the plantsite and/or cold storage facilities of Missouri Beef Packers, Inc., at or near Fiona, Tex., to points in Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Amarillo, Tex., or Lubbock, Tex.

No. MC 114191 (Sub-No. 161), filed February 10, 1971. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, MO 62201. Applicant's representative: Gene Kreider (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wine*, in bulk, from points in New York to St. Louis, Mo.; (2) *vinegar and cider stock*, in bulk, from Olney and Alton, Ill., and St. Louis, Mo., and Evansville, Ind., to points in Illinois, Missouri, Indiana, Kentucky, and Tennessee; (3) (a) *flour and blends*, in bulk, from Indianapolis, Evansville, and Mount Vernon, Ind., to Millstadt, Ill., and points in Madison and St. Clair Counties, Ill.; St. Louis County, Mo., and St. Louis, Mo.; (b) *corn grits and blends, corn meal and blends*, in bulk, from Mount Vernon, Ind., to Millstadt, Ill., and points in Madison and St. Clair Counties, Ill.; St. Louis County, Mo., and St. Louis, Mo.; and (c) *starch and blends*, in bulk, from Indianapolis, Ind., to Millstadt, Ill., and points in Madison and St. Clair Counties, Ill.; St. Louis County, Mo., and St. Louis, Mo.; and (4) *moulding sand and blends; foundry sand and blends; foundry moulding sand treating compounds and blends*, in bulk, from Madison County, Ill., to points in Missouri, Iowa, Indiana, and Kentucky. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no *present* intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 114273 (Sub-No. 81), filed February 15, 1971. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, 3930 16th Avenue SW., Cedar Rapids, IA 52406. Applicant's representative: Robert E. Konchar, Suite 315, Commerce Exchange Building, 2720 First Avenue NE., Cedar Rapids, IA 52402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from the plantsite and/or storage facilities of John Morrell & Co., located at or near Ottumwa, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 114725 (Sub-No. 47), filed February 25, 1971. Applicant: WYNNE TRANSPORT SERVICE, INC., 2606 North 11th Street, Omaha, NE 68110. Applicant's representative: Donald L. Stern, 530 Univac Building, 71 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed and feed supplement*, in bulk, from Omaha, Nebr., to points in Colorado, Kansas, Missouri, Nebraska, and North Dakota. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no *present* intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 115495 (Sub-No. 19), filed February 18, 1971. Applicant: UNITED PARCEL SERVICE, INC., 300 North Second Street, St. Charles, IL 60174. Applicant's representatives: S. Harrison Kahn, 733 Investment Building, Washington, DC 20005, and Irving R. Segal, 1719 Packard Building, Philadelphia, PA 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Memphis, Tenn., on the one hand, and, on the other, points in Arkansas and that part of Mississippi on and north of U.S. Highway 80, subject to the following restrictions: (a) No service shall be rendered in the transportation of any package or article weighing more than 50 pounds or exceeding 108 inches in length and girth combined, and each package or article shall be considered as a separate and distinct shipment; (b) no service shall be rendered between department stores, specialty shops, retail shops, and the branches or warehouses of such stores; or between department stores, specialty shops, and retail stores or the branches or warehouses thereof, on the one hand, and, on the other, the premises of the customers of such stores; and (c) no service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location on any one day. All duplicating authority shall be eliminated. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 13426 and Subs thereunder, therefore, dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 115841 (Sub-No. 401), filed February 26, 1971. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 West Bankhead Highway, Post Office Box 10327, Birmingham, AL 35202. Applicant's representatives: C. E. Wesley (same address as above) and E. Stephen Heisley, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses* as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from points in Jackson County, Kans., to points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, the District of Columbia, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Kentucky, Georgia, Florida, Alabama, Mississippi, Tennessee, and Louisiana. NOTE: Applicant states that tacking is possible but not intended. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Omaha, Nebr.

No. MC 116063 (Sub-No. 123), filed February 25, 1971. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., 2400 Cold Springs Road, Fort Worth, TX 76101. Applicant's representative: W. H. Cole (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal blood*, in bulk, in tank vehicles, from Kansas City, Kans., to Omaha, Nebr. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Fort Worth, Tex., or Oklahoma City, Okla.

No. MC 116073 (Sub-No. 159), filed February 26, 1971. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 919, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar, 1819 Fourth Avenue South, Moorhead, MN 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, and *buildings and sections of buildings*, and *frames and undercarriages*, from points in Lea County, N. Mex., to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex.

No. MC 116073 (Sub-No. 161), filed February 26, 1971. Applicant: BARRETT MOBILE HOME TRANSPORT, INC.,

1825 Main Avenue, Post Office Box 919, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar, 1819 Fourth Avenue South, Moorhead, MN 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles in initial movements, from Franklin County, N.C., and Natchitoches Parish, La., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 116173 (Sub-No. 136), filed February 25, 1971. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, IL 60650. Applicant's representative: William R. Lavery (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from the plant and warehouse sites of Philadelphia Quartz Co. at LaSalle, Ill., to points in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee (west of Highway 27), Texas, West Virginia, Wisconsin, and Wyoming. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no *present* intention to tack, and therefore does not identify the territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119443 (Sub-No. 27), filed February 18, 1971. Applicant: P. E. KRAMME, INC., Monroeville, N.J. 08343. Applicant's representative: V. Baker Smith, 2107 The Fidelity Building, Philadelphia, PA 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chocolate, chocolate liquor, chocolate products, confectioner's products, and cocoa butter*, in bulk, in tank vehicles, from Fulton, N.Y., to points in Missouri. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 119493 (Sub-No. 66), filed February 5, 1971. Applicant: MONKEM COMPANY, INC., Post Office Box 1196 (West 20th Street Road), Joplin, MO 64801. Applicant's representative: Ray F. Kempt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Charcoal and charcoal briquets*, from Meta, Mo., to points in Alabama, Arkansas, Georgia, Iowa, Kansas, Louisiana, Mississippi, Nebraska, Oklahoma, Tennessee, Texas, Minnesota, South Dakota, Idaho, Utah, Colorado, New Mexico, Arizona, Nevada, and California; (2) *hardwood flooring and hardwood products*, from Pierce City, Mo., to points in Indiana, Illinois, Nebraska, Ohio, Wisconsin, Colorado, and Minnesota; (3) *wood moldings, doors and accessories and wood trim*, from Pierce City, Mo., to points in Ohio, Illinois, Iowa, and Minnesota, and *damaged, returned or rejected shipments*, on return. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 119619 (Sub-No. 43), filed March 4, 1971. Applicant: DISTRIBUTORS SERVICE CO., a corporation, 2000 West 43d Street, Chicago, IL 60609. Applicant's representative: Arthur J. Piken, 1 Lefrak City Plaza, Suite 1515, Flushing, NY 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from points in Illinois, to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, New York, New Jersey, Virginia, West Virginia, Maryland, Delaware, Ohio, Indiana, Louisville, Ky., and the District of Columbia, and Pennsylvania. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119619 (Sub-No. 44), filed March 4, 1971. Applicant: DISTRIBUTORS SERVICE CO., a corporation, 2000 West 43d Street, Chicago, IL 60609. Applicant's representative: Arthur J. Pikens, 1 Lefrak City Plaza, Suite 1515, Flushing, NY 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from Maine, New Hampshire, Vermont, Connecticut, Rhode Island, Massachusetts, New York, New Jersey, Pennsylvania, Virginia, West Virginia, Maryland, Delaware, and the District of Columbia, to points in Illinois, Indiana, Michigan, Wisconsin, Iowa, Minnesota, Kansas, Nebraska, Ohio, Missouri, and Louisville, Ky., and Pennsylvania. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Philadelphia, Pa.

No. MC 119774 (Sub-No. 22), filed February 26, 1971. Applicant: MARY ELLEN STIDHAM, N. M. STIDHAM, INEZ MANKINS AND JAMES E. MANKINS, SR., a partnership, doing business as EAGLE TRUCKING COMPANY, Post Office Box 471, Kilgore, TX 75662. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, TX 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe or tubing*, except as authorized in T. E. Mercer and G. E. Mercer, Ext. 74 M.C.C. 459, from Houston, Tex., to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 119774 (Sub-No. 23), filed March 2, 1971. Applicant: MARY ELLEN STIDHAM, N. M. STIDHAM, INEZ MANKINS AND JAMES E. MANKINS, SR., a partnership, doing business as EAGLE TRUCKING COMPANY, Post Office Box 471, Kilgore, TX 75662. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, TX 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailer frames*, vehicular, from Houston, Tex., to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 119774 (Sub-No. 24), filed March 2, 1971. Applicant: MARY ELLEN STIDHAM, N. M. STIDHAM, INEZ MANKINS AND JAMES E. MANKINS, SR., a partnership, doing business as EAGLE TRUCKING COMPANY, Post Office Box 471, Kolgore, TX 75662. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, TX 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe or tubing* except as authorized in T. E. Mercer and G. E. Mercer, Ext. 74 M.C.C. 459, from Bossier City, La., to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Houston, Tex.

No. MC 119789 (Sub-No. 62), filed February 24, 1971. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *(1) Cleaning, washing, polishing, and waxing products and compounds; (2) starch; (3) air freshners, deodorants, and disinfectants; (4) mops, dusters, waxers, brooms, and parts thereof; (5) plastic bags; and (6) diet and nutritional foods* (except frozen) from Franklin, Ky., and Urbana, Ohio, to Dallas, Irving, and Lubbock, Tex., Denver, Colo., Salt Lake City, Utah, La Mirado and Los Angeles, Calif., and, Milwaukee, Oreg. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it

be held at Cincinnati, Ohio, or Dallas, Tex.

No. MC 121060 (Sub-No. 8), filed February 24, 1971. Applicant: ARROW TRUCK LINES, INC., 1220 West Third Street, Birmingham, AL 35207. Applicant's representative: William P. Jackson, Jr., 919 19th Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building and construction materials and supplies* (except commodities in bulk), between points in Alabama, Georgia, Mississippi, Louisiana, Tennessee, Kentucky, Arkansas, Florida, North Carolina, and South Carolina. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 123613 (Sub-No. 9), filed February 24, 1971. Applicant: CLAREMONT MOTOR LINES, INC., Post Office Box 296, Claremont, NC 28610. Applicant's representative: Bill R. Davis, Suite 1208, Gas Light Tower, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Alexander, Buncombe, Burke, Caldwell, Catawba, Cleveland, Davie, Iredell, Lincoln, McDowell, and Rutherford Counties, N.C., to points in Michigan and points in New York and Pennsylvania on and west of U.S. Highway 11. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 123640 (Sub-No. 3), filed February 16, 1971. Applicant: SUMMIT CITY ENTERPRISES, INC., 3200 Maumee Avenue, Fort Wayne, IN 46803. Applicant's representative: Irving Klein, 280 Broadway, New York, NY 10007. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are usually sold, dealt in, or used by chain or department stores, (a) between Fort Wayne, Ind., on the one hand, and, on the other, Jersey City, N.J., and points in Missouri, Nebraska, Iowa, and points in Kansas on and east of U.S. Highway 281, and (b) from points in Ohio, Indiana, Kentucky, Illinois, and points in Pennsylvania on and west of U.S. Highway 219 to Jersey City, N.J., under contract with W. T. Grant Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 124078 (Sub-No. 480), filed February 25, 1971. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, WI 53246. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, from Murray, Ky., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Iowa, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states that tacking is possible but not intended. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 124211 (Sub-No. 176), filed February 16, 1971. Applicant: HILT TRUCK LINE, INC., Post Office Drawer 988, D.T.S., Omaha, NE 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products*, from Muscatine and Iowa City, Iowa, to Lincoln, Omaha, Millard, Norfolk, and Grand Island, Nebr. NOTE: Applicant states that the requested authority can be tacked with its existing authority under MC 124211 Sub-Nos. 62, 105, 18, 109, 118, 119, 121, 127, and 133, at named destinations involved in instant application, but indicates that it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests that it be held at Lincoln or Omaha, Nebr.

No. MC 124511 (Sub-No. 8), filed February 24, 1971. Applicant: JOHN F. OLIVER, Highway 54 East, Box 223, Mexico, MO 65265. Applicant's representative: Paul J. Maton, 10 South La Salle, Suite 1620, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, roofing and insulating materials, cement and asbestos products, conduit and pipe, asbestos cement and supplies* used for the installation thereof (except commodities in bulk), from Waukegan, Ill., to points in Kansas City, Kans., East St. Louis, Ill., points in Missouri and Iowa (except Davenport and Clinton, Iowa). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124692 (Sub-No. 77), filed February 22, 1971. Applicant: SAMMONS TRUCKING, a corporation, Post Office Box 1447, Missoula, MT 59801. Applicant's representatives: J. David Douglas (same address as above) and Donald W. Smith, 900 Circle Tower Building, Indianapolis, IN. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, wood products and millwork*; (a) from points in Idaho, Oregon, and Washington to points in Colorado, Illinois, Indiana, Iowa, Kansas, Missouri, Utah, Wisconsin, and Wyoming; and (b) from points in Montana to points in California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Missouri, Nebraska, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 124813 (Sub-No. 80), filed February 23, 1971. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, IA 50533. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed and feed supplements*, in bulk; (1) from the plantsites and storage facilities of Farmland Industries, Inc., located at Fremont, Nebr., to points in Illinois, Iowa, Kansas, Minnesota, Missouri, North Dakota, South Dakota, and Wyoming; and (2) from the plantsites and storage facilities of Farmland Industries, Inc., located at Humboldt, Iowa, to points in Illinois, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota. NOTE: Applicant also holds contract carrier authority under MC 118468 and subs, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Omaha, Nebr.

No. MC 125915 (Sub-No. 5), filed February 22, 1971. Applicant: WAYNE INGERSOLL, an individual, doing business as INGERSOLL TRANSFER, Rural Route No. 1, Waverly, IA 50677. Applicant's representative: William B. Mooney, 116 West Bremer Avenue, Waverly, IA 50677. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Milk or cream substitutes*, from Waverly, Iowa, to Jacksonville, Ill., under contract with Carnation Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 125996 (Sub-No. 18), filed February 17, 1971. Applicant: ROAD RUNNER TRUCKING, INC., Post Office Box 37491, Millard, NE 68137. Applicant's representative: Duane Acklie, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, from the plantsite and storage facilities used by Banner Beef Co., at or near Hosper, Iowa to

points in Connecticut, Delaware, Illinois, Indiana, Kansas, Maine, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, District of Columbia. Restricted to traffic originating at the named origin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 126276 (Sub-No. 46), filed February 26, 1971. Applicant: FAST MOTOR SERVICE, INC., 6150 South East Avenue, Hodgkins, IL 60527. Applicant's representative: James C. Hardman, 127 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers, container ends, closures and accessories, paper and paper articles, and plastic articles and materials, equipment, and supplies* used in the manufacture, distribution and sale of the foregoing specified commodities (except commodities in bulk or those which because of size or weight require the use of special equipment), between points in Colorado, Nebraska, Kansas, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Indiana, Ohio, Michigan, West Virginia, Massachusetts, Maryland, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Vermont, New Hampshire, Rhode Island, Maine, and the District of Columbia, under contract with Continental Can Co., Inc. NOTE: Applicant has pending an application in No. MC 134612, for common carrier authority, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or New York, N.Y.

No. MC 126288 (Sub-No. 3), filed February 12, 1971. Applicant: ROY WILLIAM KASARI, 200 Northeast Seventh Street, Hermiston, OR 97838. Applicant's representative: Robert E. O'Rourke, Post Office Box 490, Pendleton, OR 97801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed supplements*, between points in Umatilla, Union, and Morrow Counties, Oreg., and points in Oregon, Washington, Idaho, Montana, and California under contract with C & B Livestock Co., Inc., Pendleton Grain Growers, and Peavey Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Hermiston or Pendleton, Oreg.

No. MC 127028 (Sub-No. 5), filed February 25, 1971. Applicant: BREDEHOEFT PRODUCE COMPANY, INC., Decatur, AR 72722. Applicant's representative: Edward T. Lyons, Jr., 420 Denver Club Building, Denver, CO 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen pies and frozen bakery goods*, from Tulsa, Okla., to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment, and supplies* used in the production of the commodities named in part (1) above, from points in Arkansas, California, Indiana, Michigan, Minnesota, and New Jersey, to Tulsa, Okla. Restriction: Restricted to the transportation of traffic originating at or destined to the plantsite and storage facilities of Bama Pie, Inc., at Tulsa, Okla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla., or Oklahoma City, Okla.

No. MC 128117 (Sub-No. 14), filed February 17, 1971. Applicant: NORTON-RAMSEY MOTOR LINES, INC., Post Office Box 896, Catawba Avenue, Hickory, NC 28601, Post Office Box 477, Old Fort, NC. Applicant's representative: Francis J. Ortman, 1700 Pennsylvania Avenue NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Campbell and Franklin Counties, Va., to points in Arkansas, Louisiana, Oklahoma, Texas, and New Mexico. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Roanoke, Va., or Washington, D.C.

No. MC 128878 (Sub-No. 23), filed February 19, 1971. Applicant: SERVICE TRUCK LINE, INC., Post Office Box 3904, Shreveport, LA 71103. Applicant's representatives: Ewell H. Muse, Jr., 415 Perry Brooks Building, Austin, TX 78701, and Wade Shemwell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products, including plywood and particle board*, from the plantsites of Georgia-Pacific Corp., at or near Corrigan and New Waverly, Tex., to points in Arkansas, Kansas, Louisiana, Mississippi, Missouri, and Oklahoma. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex., or Shreveport, La.

No. MC 129442 (Sub-No. 4), filed February 24, 1971. Applicant: OKLAHOMA ARMORED CAR, INC., 1005 Southwest Second Street, Oklahoma City, OK 73125. Applicant's representative: John M. Delany, 2 Nevada Drive, Lake Success, NY 11040. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, and written instruments* (except currency, coins, bullion, and negotiable instruments), as are used in the business of banks and banking institutions, between Dallas, Fort Worth, and Wichita Falls, Tex., on the one hand, and, on the other, points in Oklahoma. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 129557 (Sub-No. 4), filed March 1, 1971. Applicant: PAONE TRUCKING, INC., 88 Briggs Street, Cranston, RI 02920. Applicant's representative: Russell B. Curnett, 36 Circuit Drive, Edgewood Station, Providence, RI 02905. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pumice*, crushed, in bulk, in dump vehicles, from Boston, Mass., Portsmouth, N.H., and Providence, R.I., to Cranston, R.I. NOTE: Applicant also holds a contract carrier authority under MC 126467, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Providence, R.I., or Boston, Mass.

No. MC 129612 (Sub-No. 4), filed February 23, 1971. Applicant: I. BOWIE HALL, doing business as BOWIE HALL TRUCKING, Post Office Box 1, Upper Marlboro, MD 20870. Applicant's representative: Daniel B. Johnson, 716 Perpetual Building, 1111 E Street NW, Washington, DC 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Williamsburg, Va., to points in Maryland restricted to a transportation service to be performed under contracts with Bob Hall, Inc., Winner Distributing Co., Katceff Brothers, Inc., The Bees Distributing Co., Inc., Birely Distributing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133189 (Sub-No. 2), filed February 22, 1971. Applicant: VANT TRANSFER, INC., 5075 Mulcare Drive, Minneapolis, MN 55421. Applicant's representative: James S. Holmes, 630 Osborn Building, St. Paul, MN 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles* originating at the plantsite and warehouse of North Star Steel Co. at Newport, Minn., to points in the United States (except Colorado, Hawaii, Idaho, Illinois, Montana, Nebraska, North Dakota, South Dakota, Utah, Washington, Wisconsin, and Wyoming); and (2) *plant materials, equipment and supplies* used in the manufacturing of iron and steel articles, to the plantsite and warehouse of North Star Steel Co. near Newport, Minn., on return. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 133689 (Sub-No. 13), filed February 10, 1971. Applicant: OVERLAND EXPRESS, INC., 651 First Street SW., New Brighton, MN 55112. Applicant's representatives: James F. Sexton (same address as applicant) and Charles W. Singer, 33 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, and other*

commodities distributed by dairies, from Browerville, Minn., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 76026 and subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 134775 (Sub-No. 1), filed February 22, 1971. Applicant: TECH TRANSPORTATION, INC., 1424 Washington Building, Seattle, WA 98101, 10221 13th Avenue, Seattle, WA 98168. Applicant's representative: George R. LaBissoniere (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cargo containers, main landing gear, fuselage fairing components and interior furnishings*, from Kent, Wash., to Burbank, Palmdale, and San Francisco, Calif., for the account of Heath Techna Corp. only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 134819 (Sub-No. 1), filed February 26, 1971. Applicant: RALPH W. KING, doing business as R. W. KING TRUCKING, 306 North Helm Avenue, Fresno, CA 93727. Applicant's representative: William H. Kessler, 638 Divisadero Street, Fresno, CA 93721. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Shingles, shakes, and ridge*, from points in Lane and Linn Counties, Oreg., to points in the following counties in California: Shasta, Tehama, Sutter, Yuba, Sacramento, Yolo, San Joaquin, Alameda, Contra Costa, San Francisco, San Mateo, Santa Clara, Stanislaus, Merced, Madera, Fresno, Tulare, Kings, Kern, Santa Cruz, Monterey, San Benito, San Luis Obispo, Santa Barbara, Ventura, Los Angeles, Orange, San Bernardino, Riverside, San Diego, and Imperial; and *returned, refused or rejected shipments of the above-named commodities*, on return, under contract with Meile Shake, Inc., and Three Pack Shingle Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Eugene or Portland, Oreg.

No. MC 134838 (Sub-No. 1), filed February 10, 1971. Applicant: SOUTHEASTERN TRANSFER & STORAGE CO., INC., 2567 Plant Atkinson Road NW., Post Office Box 39236, Bolton Station, Atlanta, GA 30318. Applicant's representative: Guy H. Postell, Suite 713, 3384 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structual and reinforcing steel*, between Scottdale, Ga., and points in Alabama, Florida, Louisiana, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 134839 (Sub-No. 2), filed February 19, 1971. Applicant: JEROME M. HAACK, Route No. 1, Deerfield, WI 53531. Applicant's representative: Edward Solie, Executive Building, Suite 100, 4513 Vernon Boulevard, Madison, WI 53705. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feeds, feed supplements, feed ingedients, and related insecticides and medications* for treating animals and poultry, in mixed shipments with feeds, feed supplements or feed ingredients, between Howard Lake, Minn., on the one hand, and, on the other, points in Illinois, Iowa, and Wisconsin, limited to a transportation service to be performed under a continuing contract, or contracts, with Paul W. Brandt and Morris J. Kraut, copartners doing business as American Feeds & Livestock Co., restricted against the transportation of the described commodities in bulk. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 135100 (Sub-No. 2), filed February 25, 1971. Applicant: SIGNAL TRANSPORT, INC., Post Office Box 681, LaPorte, IN 46350. Applicant's representative: Robert H. Levy, 29 South LaSalle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and caps and covers relating thereto*, from St. Louis, Mo., to Fort Wayne, Ind. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 2310, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 135119 (Sub-No. 2), filed February 25, 1971. Applicant: BULLDOG TRUCKING, INC., Post Office Box 5702, Athens, GA 30601. Old Daniellsville Road, Athens, GA 30604. Applicant's representative: Archie B. Culbreth, Suite 417, 1252 West Peachtree Street, NW., Atlanta, GA 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textile mill waste*, between points in Alabama, Georgia, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 135124 (Sub-No. 1), filed February 19, 1971. Applicant: CHARLES MURRAY, 1058 Garfield Street, Fremont, OH 43420. Applicant's representative: Ronald W. Malin, Bank of Jamestown Building, Jamestown, NY 14701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salad dressings* (including mayonnaise and tarter sauce), from Wilson, N.Y., to points in New Hampshire, Massachusetts, Connecticut, New York, Pennsylvania, New Jersey, Maryland, Ohio, Michigan, Illinois, Florida, Georgia, South Carolina, Maine, Vermont, Rhode Island, West Virginia, Virginia, Kentucky, Wisconsin, North Carolina, and the District of Columbia; and *materials, supplies, and equipment* used or useful in the manufacture or distribution of salad dressings (including mayonnaise and tarter sauce) from the above-named States to Wilson, N.Y., on return, under contract with Pfeiffer's Foods, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or Washington, D.C.

No. MC 135126 (Sub-No. 1), filed February 10, 1971. Applicant: KENNETH R. COOPER, doing business as C & H BODY SHOP, West Highway 20, South Sioux City, NE 68776. Applicant's representative: Kenneth R. Cooper (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled trucks, wrecked or disabled truck tractors, and wrecked or disabled trailers*, from points in Missouri, Oklahoma, Kansas, Wyoming, Colorado, Montana, South Dakota, Illinois, Indiana, Iowa, North Dakota, Minnesota, Wisconsin, and Nebraska to Omaha and South Sioux City, Nebr., and Sioux City, Iowa, under contract with Great West Casualty Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa.

No. MC 135168, filed December 7, 1970. Applicant: COLUMBUS EXPRESS CORP., 1158 Southern Boulevard, New York (Bronx), NY 10459. Applicant's representative: Arthur R. Rosenbaum, 350 Broadway, Suite 1101, New York, NY 10013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household furniture and effects; automobiles; dry goods and suitcases*, between points in New York, N.Y., commercial zone as defined by the Commission in the 5th Supplemental Report 53 M.C.C. 451 and points in Puerto Rico. NOTE: If a hearing is deemed necessary, applicant requests it be held in New York, N.Y.

No. MC 135185 (Sub-No. 1), filed February 19, 1971. Applicant: COLUMBINE CARRIERS, INC., 2700 23d Avenue, Council Bluffs, IA 51501. Applicant's representative: David R. Parker, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses* as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and storage facilities of Beefland International, Inc., at or near Council Bluffs, Iowa, and Omaha, Nebr., to points in Maine, Vermont, New Hampshire, Connecticut, Massachusetts, Rhode Island, New York, Pennsylvania, New Jersey, Maryland, Delaware, Virginia,

and the District of Columbia, under contract with Beefland International, Inc., restricted to traffic originating at the named origin points and destined to points in the named States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 135187 (Sub-No. 2), filed February 11, 1971. Applicant: ALLAN L. WHITCOMB, Route 1, Box 1, Deary, ID 83823. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap automobiles and parts and used automobile parts*, from points in Montana, West of the Continental Divide, points in Idaho and points in Asotin County, Wash., to Spokane, Wash. NOTE: If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash.

No. MC 135218, filed December 28, 1970. Applicant: MONTI MOVING & STORAGE, INC., 209 MacDougal Street, New York (Brooklyn), NY 11233. Applicant's representative: Arthur R. Rosenbaum, 350 Broadway, Suite 1101, New York, NY 10013. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Household furniture and personal effects and automobiles*, between points in New York, N.Y., commercial zone as defined by the Interstate Commerce Commission in the 5th Supplemental Report 53 MCC 451 and Puerto Rico. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York City, N.Y.

No. MC 135239 (Sub-No. 1), filed March 3, 1971. Applicant: SAM H. WILLIAMS, doing business as WILLIAMS TRANSFER & STORAGE, Post Office Box 6, Leesville, LA 71446. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, restricted to shipments having a prior or subsequent movement beyond points named below in containers, and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments, between points as follows: Points in Acadia, Allen, Beauregard, Calcasieu, Cameron, Evangeline, Jefferson Davis, Lafayette, Natchitoches, Sabine, St. Landry, Vermilion, and Vernon Parishes in Louisiana, and points in Angelina, Jasper, Nacogdoches, Newton, Orange, Sabine, San Augustine, and Shelby Counties, in Texas. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 135281 (Sub-No. 2), filed February 24, 1971. Applicant: RAYMOND LANGLEY, doing business as LANGLEY TRUCKING, Route No. 4, Post Office Box 61, Elizabethtown, KY 42701. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, KY 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum shot*, in bulk, in dump vehicles, from the site of the plant of the National Aluminum Corp. in Hancock, County, Ky., to points in Detroit, Mich. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Evansville, Ind.

No. MC 135320 (Sub-No. 1), filed February 26, 1971. Applicant: OKLAHOMA ARMORED CAR, INC., 1005 Southwest Second Street, Oklahoma City, OK 73125. Applicant's representative: John M. Delany, 2 Nevada Drive, Lake Success, NY 11040. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, and audit and accounting media* of all kinds, between Dallas, Tex., on the one hand, and, on the other, points in Oklahoma; (2) *exposed and processed film and prints complimentary replacement film, incidental dealer handling supplies and advertising material* moving therewith (except motion picture film used primarily for commercial theater and television exhibition), between Dallas and San Antonio, Tex., on the one hand, and, on the other, points in Oklahoma; and (3) *radiopharmaceuticals, radioactive drugs, and medical isotopes*, between Dallas and Houston, Tex., on the one hand, and, on the other, points in Oklahoma. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Dallas, Tex.

No. MC 135351 (Sub-No. 1), filed February 16, 1971. Applicant: GRONDIN TRANSPORT, INC., St. Frederic, Beauce County, QP Canada. Applicant's representative: Frank J. Weiner, 6 Beacon Street, Boston MA 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asbestos*, from ports of entry on the international boundary line between the United States and Canada located in Maine, New Hampshire, Vermont, and Rouses Point, N.Y., to points in Massachusetts, Connecticut, and Rhode Island. Restriction: Restricted to traffic originating in Beauce County, Province of Quebec, Canada. NOTE: Applicant states that the requested authority cannot be tacked with its existing authoriy. If a hearing is deemed necessary, applicant requests it be held at Montpelier, Vt., or Boston, Mass.

No. MC 135360 (Sub-No. 1), filed February 17, 1971. Applicant: JAMES R. FUSTON, doing business as METRO MOVING & STORAGE CO., 1112 Solana Street, Winter Park, FL 32789. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods* as defined by the Commission and unaccompanied baggage and peronal effects, between points in Florida south and east of the western boundary of Jefferson County and north of the northern boundaries of Lee, Henry, and Palm Beach Counties. Restriction: Said operations are restricted to the transportation of traffic having a prior or subsequent movement in containers, except as to unaccompanied baggage and personal effects, beyond the points authorized. Said operations are restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization; or unpacking, uncrating, and decontainerization of such traffic. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville or Orlando, Fla.

No. MC 135364, filed February 17, 1971. Applicant: MORWALL TRUCKING, INC., Post Office Box 152, Dunmore, PA. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Heating, cooling, and/or air conditioning machinery, and accessories and/or related parts;* loose, unpackaged on skids or packaged, from the Trane Co. facilities located in Lackawanna County, Pa., to points in New York, New Jersey, Delaware, Maryland, Massachusetts, Rhode Island, Vermont, New Hampshire, and the District of Columbia, under contract with the Trane Co., La Crosse, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 135366, filed February 16, 1971. Applicant: CHARLES E. POSTLE, an individual, doing business as ROSAMOND VAN & STORAGE, 2828 Sierra Highway, Rosamond, CA 93560. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, CA 90027. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, between points in Imperial, Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura Counties, Calif., restricted to the transportation of traffic having a prior or subsequent movement in containers beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 135367, filed February 17, 1971. Applicant: LEONARD J. MICKAVICZ, 999 Union Street, Taylor, PA 18517. Applicant's representative: Kenneth R. Davis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fluorescent and incandescent lamp fixtures, new furniture and materials and supplies* used in the manufacture of same, from plantsite of Quartite Creative Corp., Nesquehoning, Pa., to points in Illinois, Indiana, Michigan, Ohio, West Virginia, Virginia,

Maryland, New Jersey, New York, Connecticut, and Massachusetts, and *parts, materials, and supplies* used in the manufacture of same on return; (2) *lamps and lampshades, wall plaques and parts, materials, and supplies* used in the installation thereof, from Grossinger Industries, Old Forge, Pa., to points in Illinois, Indiana, Michigan, Ohio, West Virginia, Virginia, Maryland, New Jersey, New York, Connecticut, and Massachusetts, and *parts, materials, and supplies* used in the manufacture of same on return; (3) *Lampshades, parts, materials, and supplies* used in the installation thereof, from the plantsite of Hillcrest Shades, Inc., Old Forge, Pa., to points in Illinois, Indiana, Michigan, Ohio, West Virginia, Virginia, Maryland, New Jersey, New York, Connecticut, and Massachusetts, and *materials and supplies* used in the manufacture of lampshades on return; (4) *light bulbs, incandescent,* from the plantsite of Pennsylvania Illuminating Corp., Scranton, Pa., to points in Illinois, Indiana, Michigan, Ohio, West Virginia, Virginia, Maryland, New Jersey, New York, Connecticut, and Massachusetts, *parts, materials, and supplies* used in the manufacture of same on return; and (5) *fluorescent and incandescent lamp fixtures, parts, materials, and supplies* used in the installation thereof, from plantsite of Globe Lighting Products, Inc., West Hazleton, Pa.; plantsite of Allegheny Lamp Manufacturing, Inc., Wilkes-Barre, Pa.; plantsite of Hy-Art Lamp Manufacturing, Inc., Wilkes-Barre, Pa.; plantsite of Fulton Lamp Manufacturing Co., Inc., Berwick, Pa., and plantsite of Scott Manufacturing Co., Wilkes-Barre, Pa., to points in Illinois, Indiana, Michigan, Ohio, West Virginia, Maryland, New Jersey, New York, Connecticut, and Massachusetts, and *parts, materials, and supplies* used in the manufacture of fluorescent and incandescent lamp fixtures on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 135368, filed February 18, 1971. Applicant: BLUFF SPRINGS FARMERS ELEVATOR CO., a corporation, Bluff Springs, IL 62622. Applicant's representatives: Melvin N. Routman and Robert T. Lawley, 300 Reisch Building, Springfield, IL 62701. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds and animal and poultry feed ingredients,* between Beardstown, Ill., on the one hand, and, on the other, points in Iowa, under contract with Kent Feeds Division of Grain Processing Corp., Muscatine, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill., or Chicago, Ill.

No. MC 135372, filed February 22, 1971. Applicant: REGIONAL TRANSPORTATION, INC., 101 Reserve Road, Hartford, CT 06114. Applicant's representative: Hugh M. Joseloff, 410 Asylum Street, Hartford, CT 06103. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses,* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk) from the plants and facilities of Rath Packing Co. of Waterloo, Iowa, Dubuque Packing Co. of Dubuque, Iowa, and John Morrell & Co. of Ottumwa, Iowa, to the plant and facilities of Regional Beef Co., Inc., in Hartford, Conn., under contract with Regional Beef Co., Inc., of Hartford, Conn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or Boston, Mass.

MOTOR CARRIER OF PASSENGERS

No. MC 228 (Sub-No. 70), filed January 19, 1971. Applicant: HUDSON TRANSIT LINES, INC., 17 Franklin Turnpike, Mahwah, NJ. Applicant's representative: Samuel B. Zinder, Station Plaza East, Great Neck, NY 11021. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Passengers and their baggage,* in special operations, in sightseeing and pleasure tours, beginning and ending at points in Pike and Wayne Counties, Pa., and extending to points in the United States, including Alaska but except Hawaii. NOTE: Common control may be involved. Applicant states no duplicate authority is being sought. It further states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Scranton, Pa.

No. MC 135369, filed February 18, 1971. Applicant: JACK H. BALDWIN, doing business as CLEVELAND-DALTON BUS LINES, Route 5, Box 502, Cleveland, TN 37311. Applicant's representative: Blaine Buchanan, 1024 James Building, Chattanooga, TN 37402. Authority sought to operate as a *common carrier,* by motor vehicle, over regular and irregular routes, transporting: (1) *Regular routes: Passengers and their baggage, and express and newspapers* in the same vehicle with passengers between Cleveland, Tenn., and Dalton, Ga; (a) from Cleveland, Tenn., over Tennessee Highway 60 to the Tennessee-Georgia State line; thence over Georgia Highway 71 from the Tennessee-Georgia State line to Dalton, Ga.; (b) from junction of Georgia Highway 71 and Georgia Highway 2, thence over Georgia Highway 2 to Varnell, Ga., and return over the same routes, serving all intermediate points, and serving Varnell, Ga., for purpose of joinder in (a) and (b) above; and (2) *Over Irregular Routes: Passengers and their baggage* in special and charter operations beginning and ending at points described in (1) above and extending to points in the United States (excluding Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Chattanooga or Cleveland, Tenn.

No. MC 135011 (Sub-No. 1), filed February 25, 1971. Applicant: DONALD J. HORN AND LARRY WILSON, a partnership, doing business as H & W ENTERPRISES, Route 2, Mitchell, NE 69357. Applicant's representative: Loren G. Olsson, Box 276, Scottsbluff, NE 69361. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Passengers and their baggage,* in round trip charter and special sightseeing operations, beginning and ending at Scottsbluff, Nebr., and extending to points in Colorado, Nebraska, South Dakota, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Scottsbluff or Gering, Nebr.

APPLICATION OF FREIGHT FORWARDER

No. FF-401 (ASSOCIATED AIR FREIGHT, INC., Freight Forwarder Application), filed March 10, 1971. Applicant: ASSOCIATED AIR FREIGHT, INC., 167-16 14th Avenue, Jamaica, NY 11434. Applicant's representative: Leonard M. Frackman, 14 Maiden Lane, New York, NY 10038. Authority sought under section 410, Part IV of the Interstate Commerce Act, for a permit to institute operation as a *freight forwarder,* in interstate or foreign commerce, through use of the facilities of common carriers by motor vehicle in the transportation of: *Freight* having a prior or subsequent movement by air, from points in the United States, picking up from consignor and delivering to consignee at any place in the United States.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 109821 (Sub-No. 29), filed February 23, 1971. Applicant: H. W. TAYNTOII COMPANY, INC., 40 Main Street, Wellsboro, PA 16901. Applicant's representative: Robert DeKroyft, 24 Branford Place, Newark, NJ 07102. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Commodities and supplies* used in the manufacture of *glass, including glass cullet, limestone, soda ash, sand, potash, nepheline syenite, barium carbonate, litharge, strontium carbonate and mixed batch material,* in bulk, in dump trucks, between Dale Summit, Pa., on the one hand, and, on the other, Albion, Mich. and the plantsite of Corning Glass Works located at Airport and Meridian Roads near Bluffton, Wells County, Ind. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved.

No. MC 133401 (Sub-No. 2), filed February 22, 1971. Applicant: DONALD G. BEACHLER, doing business as B & B TRUCKING, 2949 Standiford, Modesto, CA 95350. Applicant's representative: J. Wilmer Jensen, 1514 H Street, Modesto, CA 95354. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Manufactured dry fertilizer,* in bulk, from Helm, Fresno County, Calif., to points in Klamath, Lake, and Jackson Counties, Oreg., under contract with Collier Carbon and Chemical Corp. and Simplot Soilbuilders.

MOTOR CARRIER OF PASSENGERS

No. MC 124989 (Sub-No. 6), filed February 24, 1971. Applicant: ALASKAN COACHWAYS LIMITED, a corporation, 222 First Avenue Southwest, Calgary 1, AB, Canada. Applicant's representative: Robert J. Bernard, 10 South Riverside Plaza, Chicago, IL 60606. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage, express and newspapers* in the same vehicle with passengers, (1) between Clear and McKinley Park, Alaska, from Clear, over Alaska State Highway 3 to McKinley Park and return over the same route, and serving all intermediate points; and (2) between Cantwell and Montana, Alaska, from Cantwell over Alaska State Highway 3 to Montana, Alaska, and return over the same route, and serving all intermediate points, and the off-route point of Talkeetna. NOTE: Applicant states that the authority sought will be tacked with authority presently held in the area involved.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-4008 Filed 3-24-71;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 22, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42155 — *Chlorine from Charleston, Tenn.* Filed by O. W. South, Jr., agent (No. A6234), for interested rail carriers. Rates on chlorine, in tank carloads, as described in the application, from Charleston, Tenn., to Westvaco, Ky.

Grounds for relief—Market competition.

Tariff—Supplement 304 to Southern Freight Association, agent, tariff ICC S-484.

FSA No. 42156—*Chlorine from points in Louisiana.* Filed by O. W. South, Jr., agent (No. A6235), for interested rail carriers. Rates on chlorine, in tank carloads, as described in the application, from St. Gabriel, Baton Rouge, Geismar, and Gramercy, La., to Jacksonville and South Jacksonville, Fla.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 175 to Southern Freight Association, agent, tariff ICC S-699.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-4103 Filed 3-24-71;8:51 am]

[Notice 668]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 22, 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-72673. By order of March 19, 1971, the Motor Carrier Board approved the transfer to Wilber E. Ast, Gerald Halman, Gene Ast, and Donald R. Ast, a partnership, doing business as Miller Bros. Truck Line, Salmon, Idaho, of the operating rights in certificate No. MC-84759, issued March 18, 1970, to William E. Goodman, doing business as Miller Bros. Truck Line, Salmon, Idaho, authorizing the transportation of general commodities with specified exceptions between specified points in Idaho and Montana. Fredrick Hughes Snook, Snook Building, Salmon, ID, attorney for applicants.

No. MC-FC-72743. By order of March 18, 1971, the Motor Carrier Board approved the transfer to Roger G. Bellows and Charles A. Bellows, a partnership, doing business as Bellows & Bellows, Cameron, Wis., of the operating rights in certificate No. MC-115804 issued May 31, 1957 to Vern Bellows, doing business as Bellows and Bellows, Cameron, Wis., authorizing the transportation of specified commodities from Cameron, Wis. to points in a specified area of Wisconsin. Edward M. Conley, 3 South Main Street, Rice Lake, WI 54868, attorney for applicants.

No. MC-FC-72744. By order of March 19, 1971, the Motor Carrier Board approved the transfer to Bailey Bros., Inc., 8 Boardman Street, Cambridge, MA 02139, of the operating rights in certificate No. MC-43171 issued April 2, 1956, to Willard L. Bailey, doing business as Bailey Bros., Cambridge, Mass. 02139, authorizing the transportation of household goods between points in Massachusetts, on the one hand, and, on the other, points in Connecticut, Maine, New York, New Jersey, New Hampshire, Rhode Island, and Pennsylvania.

No. MC-FC-72747. By order of March 19, 1971, the Motor Carrier Board approved the transfer to William Millar, doing business as Millar Trucking, Bricktown, N.J., of the operating rights in permit No. MC-129692 issued September 25, 1968, to Roosevelt Thomas, Neptune, N.J., authorizing the transportation of canned animal food, from Farmingdale, N.J., to points in Maine, Vermont, New Hampshire, Rhode Island, Massachusetts, Connecticut, New York, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia; and commodities used in the manufacture and distribution of canned animal food, except in bulk, and returned shipments of canned animal food, from the above described destination points to Farmingdale, N.J. Morton E. Kiel, Registered Practitioner, 140 Cedar Street, New York, NY 10006, representative for applicants.

No. MC-FC-72749. By order of March 18, 1971, the Motor Carrier Board approved the transfer to Currier's Express, Inc., Andover, Mass., of certificate of registration No. MC-99443 (Sub-No. 1) issued January 15, 1964 to Ray A. York, doing business as Currier's Express, Wilmington, Mass., evidencing a right to engage in transportation in interstate commerce as described in certificate No. 472 issued by the Massachusetts Department of Public Utilities. Domenico J. Alfano, 25 Meridian Street, Boston, MA 02128, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-4102 Filed 3-24-71;8:51 am]

[No. 35342]

NEBRASKA INTRASTATE FREIGHT RATES AND CHARGES, 1970

In the matter of the assignment for hearing and directing special procedure.

Present: Laurence K. Walrath, Commissioner, to whom the matter which is the subject of this order has been referred for action thereon.

It appearing, that by order dated January 4, 1971, the Commission, Division 2, instituted an investigation pursuant to section 13 of the Interstate Commerce Act into the matters and things presented in the petition filed November 2, 1970, by the common carriers by railroad operating within the State of Nebraska, wherein it is alleged that the Nebraska State Railway Commission has refused to authorize or to permit increases in rates and charges on sugar, beet or cane, and sugar beets moving in intrastate commerce corresponding to increases authorized by this Commission on interstate commerce in Ex Parte No. 262, Increased Freight Rates, 1969, 337 ICC 436;

And it further appearing, that upon consideration of the record in the above-entitled proceeding, this matter is one which should be referred to a hearing examiner for hearing and requires the adoption of special procedure for the purpose of expediting the hearing; and for good cause shown:

It is ordered, That the above-entitled proceeding be, and it is hereby, referred to a hearing examiner for hearing and for recommendation of an appropriate

order thereon, accompanied by the reasons therefor.

It is further ordered, That on or before April 22, 1971, the respondents and any persons in support thereof shall file with the Commission three copies of the verified statements of their witnesses, in writing, together with any studies to be offered at the hearing, with a statement where the underlying work papers to such studies will be available for inspection by parties to the proceeding and at the same time, serve a copy of such prepared material upon all parties listed in Appendix A below and any additional persons who make known their desire to actively participate in the proceeding on or before April 12, 1971.

It is further ordered, That on or before May 24, 1971, protestants shall file with the Commission, three copies of reply verified statements of their witnesses, in writing, and at the same time, serve a copy of such prepared material upon all persons listed in Appendix A below and any additional persons who make known their desire to actively participate on or before April 12, 1971. Set forth below as Appendix A is a list of all known persons who have indicated their desire to actively participate in the proceeding. Any additional persons who desire to actively participate and receive copies of the prepared material to be served shall notify the Commission, in writing, on or before April 12, 1971, as well as all persons listed in Appendix A below. Otherwise, any interested person desiring to participate in this proceeding may make his appearance at the hearing.

It is further ordered, That parties desiring to cross-examine witnesses who have submitted verified statements shall give notice to that effect, in writing, to the affiant and his counsel, if any, on or before June 1, 1971, a copy of such notice to be filed simultaneously with the Commission, together with a request for any underlying data that the witnesses will be expected to have available for immediate reference at the hearing. All verified statements and attachments as to which no cross-examination is requested will be considered as part of the record. Any witness who has been requested to appear for cross-examination but fails to do so, subjects his verified statement to a motion to strike.

It is further ordered, That a hearing will be held commencing on June 9, 1971, 9:30 a.m. d.s.t. (or 9:30 a.m., U.S. s.t., if that time is observed), at the Nebraska State Railway Commission Hearing Room, Third Floor, 1342 M Street, Lincoln, NE, for the purpose of hearing cross-examination of witnesses so requested; to afford opportunity to present evidence in opposition to the cross-examination; and such other pertinent evidence which the examiner deems necessary to complete the record.

And it is further ordered, That a copy of this order be served upon the respondents and protestants; that the State of Nebraska be notified of the proceeding by sending a copy of this order by certified mail to the Governor of Nebraska, Lincoln, Nebr., and a copy to the Nebraska State Railway Commission, Lincoln, Nebr.; and that further notice of this proceeding be given to the public by depositing a copy of this order in the Office of the Secretary of this Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, Washington, D.C., for publication in the FEDERAL REGISTER.

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

By the Commission, Commissioner Walrath.

[SEAL] ROBERT L. OSWALD,
Secretary.

APPENDIX A

Robert B. Batchelder, 15th and Dodge Streets, Omaha, NE 68102.
Louis T. Duerinck, 400 West Madison Street, Chicago, IL 60606.
Gordon E. Ganka, Director, Rates and Services Department, Nebraska State Railway Commission, Third Floor, 1342 M Street, Lincoln, NE 68508.
J. M. Holt, Transportation Manager, Great Western Sugar Co., Post Office Box 5308, Terminal Annex, Denver, CO 80217.
Don McDevitt, La Salle Street Station, Chicago, IL 60605.
Richard J. Schreiber, 547 West Jackson Boulevard, Chicago, IL 60606.
R. H. Stahlheber, 210 North 13th Street, St. Louis, MO 63103.

[FR Doc.71-4101 Filed 3-24-71;8:51 am]

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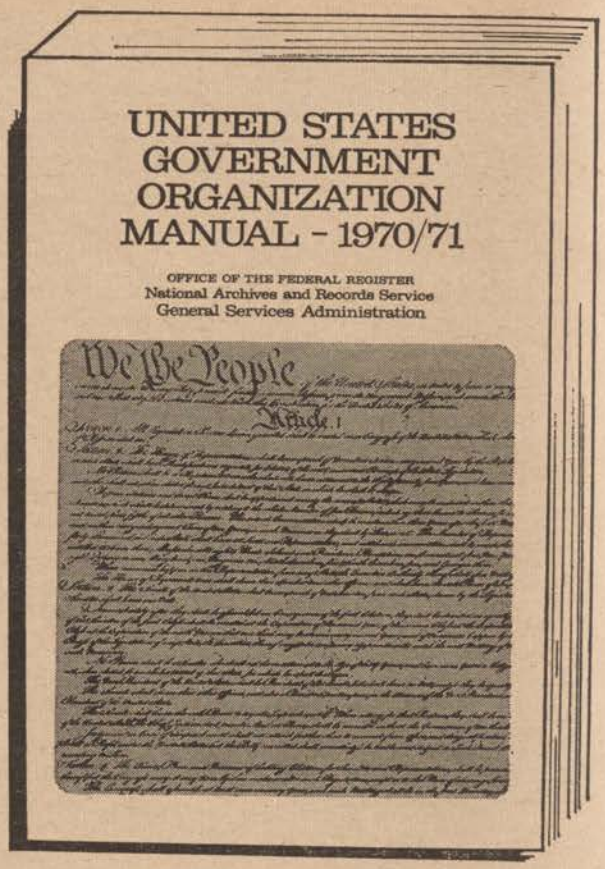

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