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

Presidential Documents

Title 3—The President

PROCLAMATION 4039

Cancer Control Month, 1971

By the President of the United States of America

A Proclamation

This Nation may stand on the threshold of one of the greatest triumphs in human history—the conquest of cancer. If we can now achieve that great goal, we will have lifted from the human family forever the pain, the suffering and the unbearable fear of that most dreaded of all diseases.

Decades of research have brought us at last to the moment when scientists can look with renewed hope toward victories in the prevention and treatment of cancer. This moment presents an opportunity that we dare not pass up. The lives of millions now living and countless more yet unborn can be touched—and saved—by what we do.

I have proposed a bold new effort to bring us closer to the goal we seek. I have asked for an additional $100 million this year to press toward the conquest of cancer. I know that money alone cannot guarantee victory in a struggle as complex and difficult as this. But I also know that this search can be quickened by great strides. When they occur, we must be ready to seize upon them and grasp, if we can, the prize that has been sought for so long.

Just as the whole world could benefit from this effort, the whole Nation must be behind it. The Congress, by joint resolution of March 28, 1938 (52 Stat. 148) requested that the President issue annually a proclamation setting aside the month of April as Cancer Control Month.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim the month of April 1971 as Cancer Control Month, and I invite the Governors of the States and the Commonwealth of Puerto Rico, and the appropriate officials of all other areas under the United States flag to issue similar proclamations.

To give new emphasis to this serious problem, and to encourage the determination of the American people to resolve it, I also ask the medical

and allied health professions, the communications industries, and all other interested persons and groups to unite during the appointed month in public reaffirmation of this Nation's efforts to control cancer.

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

Richard Nixon

[FR Doc.71-4516 Filed 3-29-71;4:27 pm]

Rules and Regulations

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER H—DETERMINATION OF WAGE RATES

PART 862—WAGE RATES: SUGAR BEETS

Pursuant to the provisions of section 301(c)(1) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation and consideration of the evidence obtained at the public hearings held during December 1970, the following determination is hereby issued:

The regulations previously appearing in these sections under "Determination of Wage Rates; Sugar Beets" remain in full force and effect as to the crops to which they were applicable.

Sec.
862.9 General requirements.
862.10 Wage rates.
862.11 Compensable working time.
862.12 Applicability of wage requirements.
862.13 Payment of wages.
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862.15 Employment of workers through a labor contractor or crew leader.
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862.17 Claim for unpaid wages.
862.18 Failure to pay all wages in full.
862.19 Child labor.
862.20 Checking compliance.

AUTHORITY: Secs. 862.9 to 862.20 issued under secs. 301, 403, 61 Stat. 929, as amended, 932; 7 U.S.C. 1131, 1153.

§ 862.9 General requirements.

A producer of sugar beets shall be deemed to have complied with the wage provisions of the act if all persons employed on the farm in the production, cultivation, or harvesting of sugar beets, as provided in § 862.12, shall have been paid in accordance with the following:

§ 862.10 Wage rates.

All such persons shall have been paid in full for all such work and shall have been paid wages therefor at rates required by existing legal obligations, regardless of whether those obligations resulted from an agreement (such as a labor union agreement) or were created by State or Federal legislative action, or at rates as agreed upon between the producer and the worker, but not less than the following, which shall become effective on April 12, 1971, and shall remain in effect until amended, superseded, or terminated:

(a) When employed on a time basis: For the hand labor operations of thinning, hoeing, hoe-trimming, blocking and thinning, weeding, pulling, topping, loading, or gleaning: $1.85 per hour: *Provided*, That for workers 14 or 15 years of age the hourly rate specified herein may be reduced by not more than 15 percent.

(b) When employed on a piecework basis for the hand labor operations in the following table:

Hand labor operations

	Rate per acre
A. Thinning: Removing excess beets with a hoe only	$13.50
B. Hoeing: Removing weeds and excess beets with a hoe only	17.50
C. Hoe-Trimming: Removing weeds with a hoe and by hand and removing excess beets with a hoe only	21.00
D. Weeding: Removing weeds with a hoe and by hand following either A, B, or C above, E below, or following the operation specified in paragraph (c) of this section	11.00
and in the State of California only:	
E. Blocking and Thinning: Removing weeds and excess beets with a hoe and by hand	29.50

Wide row planting: The above rates and the rate provided for in paragraph (c) of this section may be reduced by not more than the indicated percentages for the following row spacing: 28 inches or more but less than 31 inches, 20 percent; 31 inches or more but less than 34 inches, 25 percent; 34 inches or more, 30 percent.

Narrow row planting: The above rates and the rate provided for in paragraph (c) of this section shall be increased by not less than the indicated percentages for the following row spacing: 19 inches or less but more than 16 inches, 25 percent; 16 inches or less, 35 percent.

(c) In the fields that have been completely machine-thinned and on which chemical herbicides have been applied, removing weeds with a hoe only may be employed as a first operation: *Provided*, That the applicable piecework rate therefor shall be not less than $11 per acre.

(d) When employed on a piecework basis for hand labor operations not specified or defined, or for harvesting: The piecework rate for blocking and thinning in States other than California, weeding not qualified as a first operation under paragraph (c) of this section or not preceded by A, B, C, or E or paragraph (b) of this section, and any other hand labor operation involving the removal of beets or weeds which is not defined above, and for the operations of pulling, topping, loading, or gleaning, shall be as agreed upon between the producer and the worker: *Provided*, That the average hourly rate of earnings of each worker for each operation shall be not less than $1.85 per hour computed on the basis of the total time such worker is employed on the farm for such operation.

(e) When employed on a time or piecework basis for other operations: For all other operations in the production, cultivation, or harvesting of sugar beets for which no minimum rate is provided for herein, the rate shall be as agreed upon between the producer and the worker.

§ 862.11 Compensable working time.

For work performed under § 862.10, compensable working time includes all time which the worker spends in the performance of his duties except time taken out for meals during the workday. Compensable working time commences at the time the worker is required to start work in the field and ends upon completion of work in the field. However, if the producer requires the operator of mechanical equipment, or any other class of worker to report to a place other than the field, such as an assembly point, tractor shed, etc., located on the farm, the time spent in transit from such place to the field and from the field to such place is compensable working time. Any time spent in performing work directly related to the principal work performed by the worker, such as servicing equipment, is compensable working time. Time of the worker while being transported from a central labor recruiting point or labor camp to the farm is not compensable working time.

§ 862.12 Applicability of wage requirements.

The wage requirements of this part apply to all persons who are employed or who work on the farm in operations directly connected with the production, cultivation, or harvesting of sugar beets on any acreage from which sugar beets are marketed or processed for the production of sugar, or any acreage which qualifies as bona fide abandoned. Such persons include field overseers or supervisors while directing other workers, and those workers employed by a custom operator who performs the above services on the farm. The wage requirements are not applicable to persons who voluntarily perform work without pay on the farm for a religious or charitable institution or organization; inmates of a prison who work on a farm operated by the prison; truckdrivers employed by a contractor engaged by the producer only in hauling sugar beets; members of a cooperative arrangement among producers for the exchange of labor to be performed by themselves or members of their families; persons who have an agreement with the producer to perform all work on a specified acreage in return for a share of the crop proceeds if such share, including the share of any Sugar Act payments, results in earnings at least as much as would otherwise be received in accordance with the requirements of this part for the work performed; custom operators and members of their immediate families; or workers performing services which are indirectly connected with the production, cultivation, or harvesting of sugar beets, including but not

limited to mechanics, welders, and other maintenance workers and repairmen.

§ 862.13 Payment of wages.

(a) The producer shall make payment of wages in accordance with the following requirements: (1) Workers shall be paid by check or in currency for all work performed and shall be paid upon completion of work; (2) deductions from payments are permitted and may be made for cash advances made only by producers to workers and, in reasonable amounts agreed upon by the producer and worker, for items furnished by the producer such as meals and transportation, and for mandatory deductions or withholdings required by law; (3) deductions may not be made from wages for payment of debts originally incurred with someone other than the producer, except as required and provided under applicable garnishment statutes or by other legal process; and (4) deductions may not be made for payment to a labor contractor or supervisor for his services, or for any items which the producer agreed to furnish the worker free of charge.

(b) The producer shall furnish the worker at the time of payment of wages, or, if payment of wages is made through a labor contractor or crew leader, require the labor contractor or crew leader to furnish the worker at the time of payment of wages a statement showing the producer's and worker's names, the gross earnings, the items and amounts of deductions, and the net earnings of the worker, and the producer or the labor contractor or crew leader shall obtain the worker's signature acknowledging receipt of the amount of wages received which shall in no event be less than that required by this part.

§ 862.14 Evidence of compliance.

Each producer subject to the provisions of this part shall keep and preserve, for a period of 3 years following the date on which his application for a Sugar Act payment is filed, such wage records as will demonstrate that each worker has been paid in full in accordance with the requirements of this part. Wage records should set forth dates work was performed, the class of work performed, units of work (piecework or hours), agreed upon rates per unit of work, total earnings, and any permissible deductions, and the amount paid each worker. The producer shall furnish upon request to the appropriate Agricultural Stabilization and Conservation County Committee such records or other evidence as may satisfy such committee that the requirements of this Part have been met.

§ 862.15 Employment of workers through a labor contractor or crew leader.

(a) If a producer employs workers through a labor contractor or crew leader, the producer may make payment of workers' wages through such labor contractor or crew leader: *Provided,* That the producer obtain from such contractor or crew leader and have on file (1) a written record that he is registered or licensed as derived from examination of a valid certificate of registration or a farm labor contractor employee identification card; (2) a copy of his authorization signed by each worker to collect wages due each such worker; (3) a copy of each worker's statement of earnings as required by § 862.13, or a wage record sheet such as the "Wage Record Sheet Sugar Beet Program" shown in Exhibit 9 of Handbook 1–SU, available in county ASCS offices, showing the names of the producer and workers, dates work was performed, description of work performed, units of work, agreed upon rates per unit, and the amounts of wages due each such worker; and (4) the signature of each worker acknowledging receipt of wages received which shall in no event be less than those required by this Part. The producer is responsible for paying to the labor contractor or crew leader the fee for his services, and the producer shall have on file a statement signed by the labor contractor or crew leader showing the amount of the fee being paid by the producer to the labor contractor or crew leader for his services, and showing that such fee is over and above the wages agreed upon by the contractor and the producer which shall in no event be less than those provided by this part.

(b) Responsibility for insuring that workers actually receive the minimum wage or the agreed upon wage, whichever is higher, less only deductions authorized by this part, rests with the producer. Whenever it appears that a worker has received less than the minimum or agreed upon wage, whichever is higher, less deductions authorized by this part, the producer shall not have met the requirements of this part for eligibility for payment under the act until it is determined that all workers on the farm have been paid in full: *Provided, however,* That a producer who having acted in good faith to fulfill his obligation to insure that the minimum or agreed upon wage is actually received by the workers, has obtained and has on file documents which meet the requirements set forth in paragraph (a) of this section and which show payment of wages in accordance with this part, shall have met the requirements of this part, except that in cases where the worker files a claim in the county ASCS office that he has not been paid wages in accordance with this part and it is found by the county committee that the worker's signature has been forged or he has been forced to sign under duress or by fraud, the producer shall not have met the requirements of this part for eligibility for payment under the act until the county committee determines that all workers on the farm have been paid in full.

§ 862.16 Subterfuge.

The producer shall not reduce the wage rates to workers below those determined herein, through any subterfuge or device whatsoever.

§ 862.17 Claim for unpaid wages.

Any person who belives he has not been paid in accordance with this part may file a wage claim with the Agricultural Stabilization and Conservation Service County Office against the producer on whose farm the work was performed. Detailed instructions and wage claim forms are available at the county ASCS office. Such claim must be filed within 2 years from the date the work with respect to which the claim is made was performed. Upon receipt of a wage claim the county ASCS office shall thereupon notify the producer against whom the claim is made concerning the representation made by the worker. The county ACS committee shall arrange for such investigation as it deems necessary and the producer and worker shall be notified in writing of its recommendations for settlement of the claim. If either party is not satisfied with the recommended settlement, an appeal may be made to the State Agricultural Stabilization and Conservation Service Office. The address of the State ASCS Office will be furnished by the local county ASCS office. Upon receipt of the appeal the State ASC committee shall likewise consider the facts and notify the producer and worker in writing of its recommendations for settlement of the claim. If the recommendation of the State ASC committee is not acceptable, either party may file an appeal with the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. All such appeals shall be filed within 15 days after receipt of the recommended settlement of the respective committee, otherwise such recommended settlement will be applied in making payments under the act. If a claim is appealed to the Deputy Administrator, State and County Operations, his decision shall be binding on all parties insofar as payments under the act are concerned. Appeals procedures are set forth and explained fully in Part 870 of this chapter.

§ 862.18 Failure to pay all wages in full.

(a) Notwithstanding the provisions of this part requiring that all persons employed on the farm in the production, cultivation, or harvesting of sugar beets be paid in full for all such work as one of the conditions to be met by a producer for payment under the act, if the producer has failed to meet this condition but has met all other conditions, a portion of such payment representing the remainder after deducting from the payment the amount of accrued unpaid wages, may be disbursed to producer(s) upon a determination by the county committee (1) that the producer had made full disclosure to the county committee or its representatives of any known failure to pay all workers on the farm wages in full as a condition for payment under the Sugar Act; and (2) that either (i) the failure to pay all workers their wages

in full was caused by the financial inability of the producer, or (ii) the failure to pay all workers in full was caused by an inadvertent error or was not the fault of the producer or his agent, and the producer has used reasonable diligence to locate and to pay in full the wages due all such workers. If the county committee makes the determination as heretofore provided in this section, such committee shall cause to be deducted from the payment for the farm the full amount of the unpaid wages which shall be paid promptly to each worker involved if he can be located, otherwise the amount due shall be held for his account, and the remainder of the payment for the farm, if any, shall be made to the producer. If the county committee determines that the producer did not pay all workers in full because of an inadvertent error that was not discovered until after he received his Sugar Act payment, the producer shall be placed on the claims control record for the total amount of the unpaid wages.

(b) Except as provided in paragraph (a) of this section, if upon investigation the county committee determines that the producer failed to pay all workers on the farm the required wages, the entire Sugar Act payment with respect to such farm shall be withheld from the producer until such time as evidence is presented to the county committee which will satisfy the county committee that all workers have been paid in full the wages earned by them, or if unpaid workers cannot be located and the county committee determines that the producer used reasonable diligence to locate such workers, the amounts of unpaid wages shall be deducted from the Sugar Act payment computed for the farm and the balance released to the producer after the expiration of 1 year from the date payment would be otherwise made. If payment has been made to the producer prior to the county committee's determination that all workers on the farm have not been paid in full, the producer shall be placed on the claims control record for the total payment until the county committee determines that all workers on the farm have been paid in full, the producer refunds the entire amount of the debt, or a setoff in the amount of the debt is made from a program payment otherwise due the producer, or the county committee after determining that the producer used reasonable diligence to locate such workers has recovered from such producer the amount of unpaid wages computed for the farm.

§ 862.19 Child labor.

Notwithstanding any of the foregoing provisions of this part, the act provides that the employment of workers under 14 years of age, or the employment of workers 14 and 15 years of age for more than 8 hours per day (except a member of the immediate family of a person who was the legal owner of not less than 40 percent of the crop at the time work was performed), will result in a deduction from Sugar Act payments to the producer.

§ 862.20 Checking compliance.

The procedures to be followed by county ASCS offices in checking compliance with the wage requirements of this part are set forth under the applicable sections of Handbook 1–SU issued by the Deputy Administrator, State and County Operations, ASCS. Copies of Handbook 1–SU may be inspected at local county ASCS offices and copies may be obtained from State Agricultural Stabilization and Conservation Service offices. The address of the State ASCS office will be furnished by the local county ASCS office.

STATEMENT OF BASES AND CONSIDERATIONS

General. The foregoing determination provides fair and reasonable wage rates to be paid for work performed by persons employed on the farm in the production, cultivation, or harvesting of sugar beets as one of the conditions with which producers must comply to be eligible for payments under the act.

Requirements of the act and standard employed. Section 301(c)(1) of the act requires that all persons employed on the farm in the production, cultivation, or harvesting of sugar beets with respect to which an application for payment is made, shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determination the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended (i.e., cost of living, prices of sugar and byproducts, income from sugar beets and cost of production), and the differences in conditions among the various sugar producing areas.

Wage determination. This determination increases the minimum hourly wage rate for specified hand labor operations 10 cents per hour to $1.85; and increases minimum piecework rates $0.50 per acre for the operation of weeding, $0.75 per acre for thinning, $1 per acre for hoeing and for hoe-trimming, and $1.50 per acre for blocking and thinning (applicable in the State of California only). Other provisions of the prior determination, as amended, continue unchanged with the exception of certain clarifications made in some provisions.

Public hearings were held in Detroit, Mich.; Moorhead, Minn.; Richland, Wash.; San Francisco, Calif.; San Antonio, Tex.; and Denver, Colo., during the period December 7, through December 16, 1970. These hearings afforded interested persons the opportunity to present testimony and make recommendations relating to fair and reasonable wage rates for sugar beet workers.

Most producer representatives recommended that the minimum hourly and piecework wage rates established in 1970 remain the same for 1971. Some of these representatives recommended that the Department, before making further increases in the wage scale, make a finding on producers' ability to pay wage increases, taking into consideration inflation, production costs, living costs, sugar price fluctuations, and risks involved in raising beets. One representative recommended that no wage increase be made until the price of beets rises by the same percentage as any proposed increase in wages. A representative of producers in one region testified that the piecework rate for weeding a completely machine-thinned field is too high, and suggested a rate of $5 per acre for the operation. A producer in another region devised a method of payment using a combination of the piecework and hourly rates. He recommended that workers be paid $1 per hour plus $10 an acre for the first hand labor operation, and $1 per hour plus $5 an acre for the second operation. Another representative of producers recommended that wage rates for sugar beet workers be established nearer the national minimum for general farm labor.

Representatives of workers recommended that the minimum hourly wage be increased to rates ranging from $2.25 to $2.50. Several representatives recommended that all workers be guaranteed a minimum hourly wage, and that all workers be paid by check rather than in cash. One worker representative suggested that the Department consider as wages the complete conditions under which migrant families live, and that the Department assist in educating migrant farmworkers. Other worker representatives recommended that the wage determination be premised upon a realistic survey of the living conditions and expenses of a representative sampling of sugar beet workers, and that the Department regulate the use of herbicides in the interest of farmworkers' health and safety. One representative also recommended that there be major changes in the Sugar Act when it comes up for reenactment during 1971, so that farmers receive fair returns and farmworkers receive fair and reasonable wages.

Another worker representative recommended that the applicability of the blocking and thinning operation be extended to all States rather than to California only; that the provision permitting weeding as a first operation in fields completely machine-thinned and on which chemical herbicides have been applied be reworded to say "effective" chemical herbicides; and that the Department require the power to perform all his contractual obligations before Sugar Act payments are made to him. The witness also recommended that compensable working time include time the worker spends waiting for machinery and other delays for which the worker is not responsible and over which he has no control; that deductions from the worker's wages for advances made by third parties be prohibited; that the producer be required to make payments directly to the worker or to the head of the family; that arbitrators be appointed to handle disputes over wages between growers and farmworkers; and that the decision as to whether or not payment or failure to pay workers was an inadvertent error also be

made subject to arbitration. The witness further recommended the adoption of new regulations prohibiting retaliation by the grower against farmworkers who file wage claims with the Department of Agriculture; prohibiting the use of illegal aliens; requiring a written contract between the producer and workers which specifies the number of acres to be performed, conditions for payment of bonuses, whether or not the worker will be entitled to perform the second hoeing, the minimum to be paid, and a description of the housing to be provided, if any; providing sanitary requirements for housing facilities; requiring travel allowances to be based on mileage rather than a flat rate; and requiring adequate health insurance coverage for farmworkers while they're employed in the production of sugar beets.

Consideration has been given to all recommendations and testimony presented at the public hearings; to the returns, costs, and profits of producing sugarbeets obtained by field survey for a recent crop and recast in terms of price and production conditions likely to prevail for the 1971 crop; and to other generally related standards normally considered in wage determinations, including the cost of living and producers' ability to pay. During the past year the cost of living has increased about 6 percent. Present prospects indicate favorable sugarbeet prices for the 1971 crop and a profitable position for the average sugarbeet producer. Analysis of these and all other relevant factors indicates that the minimum wage rates established in this determination are fair and reasonable and within producers' ability to pay.

The recommendation of producers that the wage scale remain unchanged, or that the rates for certain operations be lowered have not been adopted in view of the continuing rise in the cost of living, as well as the increased prices for sugarbeets. The recommendations of worker representatives for increases exceeding 10 cents per hour have also not been adopted since many producers are still recovering from substantial losses sustained from the 1969 crop, and because the differential of sugarbeet workers' average earnings over the general farm wage rates has widened.

The Department believes the recommendation of one producer that workers be paid $1 per hour plus a specified amount per acre would be burdensome to producers and at the same time not be greatly beneficial to workers. The piecework basis is structured to yield competent workers earnings in excess of the determination minimum hourly rate, and also to provide hand labor operations which do not require producers to maintain detailed time records. For these same reasons, the recommendation of worker representatives that pieceworkers be guaranteed a minimum hourly wage has not been adopted. Also, a guaranteed minimum hourly wage would be dependent upon accurate time records. Such records would be extremely difficult to obtain, especially for individuals in family groups of workers.

The special rate for blocking and thinning remains applicable only in the State of California. This operation usually involves the use of a short-handled hoe and considerable stooping to perform. The use of monogerm seed, space planting, weedicides, and mechanical thinning has outmoded this operation in most parts of the sugar beet area, and removing beets by hand is generally not necessary except in California. However, if the producer, in States other than California, requests the worker to remove beets and weeds with a hoe and by hand, then they must agree upon a piecework rate subject to a minimum hourly guarantee.

This determination provides that weeding may be used as a first-hand labor operation in fields that have been machine-thinned and on which chemical herbicides have been applied. The recommendation that "effective" herbicide application be made a part of the provision has not been adopted. This would involve a personal judgment as to the meaning of "effective" and would be an additional item subject to dispute. A worker always has the prerogative of negotiating with the producer for wage rates higher than the minimums specified in the determination when conditions are less than normal.

Producers are required to pay workers either by check or in currency. A requirement that workers be paid exclusively by check would not greatly benefit workers. The requirement of § 862.13 that workers be furnished a statement of earnings at the time of payment of wages will give the worker a permanent record, whereas a check no longer serves as a statement of earnings after it is cashed. Also, some workers have no desire to be paid by check, and some producers would not be in a position to pay in this manner.

The Department has found that crew leaders or labor contractors often perform a valuable service for both workers and producers. Nevertheless, producers have the responsibility to insure that workers actually receive the wages agreed upon, and they are bound by several requirements in the wage determination to meet this responsibility. In view of such requirements reaffirming and clarifying the producers' responsibility to insure that workers actually receive the wages agreed upon, which shall in no event be less than the fair and reasonable rates provided in the wage determination, the recommendation by representatives of workers that producers pay each worker or head of family directly has not been adopted.

The Sugar Act contains no statutory authority for the establishment of housing standards. There are already many State and Federal laws or regulations that apply to labor camps or housing for migratory agricultural workers.

The recommendation by worker representatives that arbitrators be appointed by State ASC Committees to settle wage and other disputes between producers and workers has not been adopted. The State and county farmer committee system has been established for the purpose of administering in the field the provisions of the various farm programs carried out by ASCS. The Sugar Act authorizes the Secretary to utilize such committees to administer the provisions of the sugar program. The appeal procedure set forth in these regulations provides an effective means of resolving wage claims. Any worker dissatisfied with any determination initially made by the county committee may obtain a reconsideration of such determination by the State committee. If dissatisfaction exists with the State committee's determination, then the worker has the right to obtain a reconsideration at the national level.

The recommendations that the determination include provisions relating to the hiring of illegal aliens, travel allowances, health insurance, restrictions on the use of herbicides, and education for migrant workers have not been adopted. The use of the wage determination as an enforcement vehicle for various nonwage requirements is not practical. Other Federal or State statutes now in existence must be depended upon for most of these matters.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948, as amended.

NOTE: The recordkeeping and reporting requirements of these regulations have been approved by, and subsequent recordkeeping and reporting requirements will be subject to the approval of the office of Management and Budget in accordance with the Federal Reports Act of 1942.

Effective date: April 12, 1971.

Signed at Washington, D.C., on March 24, 1971.

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

[FR Doc.71-4429 Filed 3-30-71;8:49 am]

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

[Grapefruit Reg. 69, Amdt. 3]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, 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 of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the

effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of grapefruit grown in Florida.

(a) *Order.* In § 905.525 (Grapefruit Regulation 69, 35 F.R. 14499, 17937, 19245) the provisions of (a)(1)(v) are amended to read as follows:

§ 905.525 Grapefruit Regulation 69.

(a) * * *

(1) * * *

(v) Any seedless grapefruit, grown in the production area, which are smaller than 3 1/16 inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said U.S. Standards for Florida Grapefruit.

* * * * *

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

Dated, March 26, 1971, to become effective March 29, 1971.

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

[FR Doc.71–4428 Filed 3–30–71;8:49 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1472—WOOL

Subpart—Payment Program for Shorn Wool and Unshorn Lambs (Pulled Wool)

Correction

In F.R. Doc. 71–2759 appearing at page 3884 in the issue of Tuesday, March 2, 1971, the 19th line of § 1472.1322(b) reading "required ownership shall again begin" should read "required ownership shall begin".

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 71–CE–17]

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 to Part 71 of the Federal Aviation Regulations is to alter the control zone and transition area at Appleton, Wis.

U.S. Standard for Terminal Instrument Procedures (TERPS) became effective November 18, 1967, and was issued only after extensive consideration and discussion with Government agencies concerned and affected industry groups. TERPS updates the criteria for the establishment of instrument approach procedures in order to meet the safety requirements of modern day aviation and to make more efficient use of the airspace possible. As a result, the criteria for designation of controlled airspace for the protection of these procedures were modified to conform to TERPS. The new criteria requires minor alteration of the control zone and transition area at Appleton, Wis. Action is taken herein to reflect these changes.

Since changes in most, if not all, existing airspace designations are required in order to achieve the increased safety and efficient use of the airspace that TERPS is designed to accomplish and since these changes are minor in nature, notice and public procedure hereon have been determined to be both unnecessary and impracticable.

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:

(1) In § 71.171 (36 F.R. 2055), the following control zone is amended to read:

APPLETON, WIS.

Within a 5-mile radius of Outagamie County Airport (latitude 44°15'35" N., longitude 88°31'15" W.); and within 2½ miles each side of the 135°, 285°, and 016° bearings from Outagamie County Airport, extending from the 5-mile radius zone to 5½ miles southeast, west, and north of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continously published in the Airman's Information Manual.

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

APPLETON, WIS.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Outagamie County Airport (latitude 44°15'35" N., longitude 88°31'15" W.); excluding the portions which overlie the Green Bay, Wis., 700-foot floor transition area.

(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 Kansas City, Mo., on March 16, 1971.

EDWARD C. MARSH,
Director, Central Region.

[FR Doc.71–4408 Filed 3–30–71;8:47 am]

[Airspace Docket No. 71–CE–18]

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 transition area at Baraboo, Wis.

U.S. Standard for Terminal Instrument Procedures (TERPS) became effective November 18, 1967, and was issued only after extensive consideration and discussion with Government agencies concerned and affected industry groups. TERPS updates the criteria for the establishment of instrument approach procedures in order to meet the safety requirements of modern day aviation and to make more efficient use of the airspace possible. As a result, the criteria for designation of controlled airspace for the protection of these procedures were modified to conform to TERPS. The new criteria requires minor alteration of the transition area at Baraboo, Wis. Action is taken herein to reflect this change.

Since changes in most, if not all, existing airspace designations are required in order to achieve the increased safety and efficient use of the airspace that TERPS is designed to accomplish and since these changes are minor in nature, notice and public procedure hereon have been determined to be both unnecessary and impracticable.

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 following transition area is amended to read:

BARABOO, WIS.

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Baraboo-Wisconsin Dells Airport (latitude 43°31'21" N., longtitude 89°46'22" W.).

(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 Kansas City, Mo., on March 16, 1971.

EDWARD C. MARSH,
Director, Central Region.

[FR Doc.71–4409 Filed 3–30–71;8:47 am]

[Airspace Docket No. 71–SO–9]

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

Designation of Transition Area

On February 13, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 3015), stating that the Federal Aviation Administration was considering as amendment to Part 71 of the Federal Aviation Regulations that would designate the Drew, Miss., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

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 following transition area is added:

DREW, MISS.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Ruleville-Drew Airport (lat. 33°46'-39" N., long. 90°31'27" W.).

(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 22, 1971.

CHESTER W. WELLS,
Acting Director, Southern Region.

[FR Doc. 71-4410 Filed 3-30-71;8:48 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

SUBCHAPTER C—DRUGS

PART 135g—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

Aklomide

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (34-536V) filed by Salsbury Laboratories, Charles City, Iowa 50616, proposing (1) to revise the labeling regarding aklomide when used alone or in combination with 3-nitro-4-hydroxyphenylarsonic acid to provide for its safe and effective use in the feed of broiler chickens only, (2) to delete the 5-day withdrawal period prior to slaughter when aklomide is used alone, and (3) to establish tolerances for residues of aklomide and its metabolite (4-amino-2-chlorobenzamide) in the edible tissues of treated birds. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)), in accordance with § 3.517 (21 CFR 3.517), and under authority delegated to the Commissioner (21 CFR 2.120), Parts 121 and 135g are amended as follows:

§ 121.262 [Amended]

1. In § 121.262 *3-Nitro-4-hydroxyphenylarsonic acid*, item 1.6 of table 1 in paragraph (c) is amended by revising the text in the "Limitations" column to read: "For broiler chickens only; withdraw 5 days before slaughter; as sole source of organic arsenic."

§ 121.269 [Amended]

2. In § 121.269 *Aklomide (2-chloro-4-nitrobenzamide)*, item 1.1 in table 1 of paragraph (c) is amended by revising the text in the "Limitations" column to read: "For broiler chickens only." Item 1.4 in the same table is amended by revising the text in the "Limitations" column to read: "For broiler chickens only; withdraw 5 days before slaughter; as sole source of organic arsenic."

3. Section 135g.60 is revised to read as follows:

§ 135g.60 Aklomide.

Tolerances are established for combined residues of aklomide (2-chloro-4-nitrobenzamide) and its metabolite (4-amino-2-chlorobenzamide) in uncooked edible tissues of chickens as follows:

(a) 4.5 parts per million in liver and muscle.

(b) 3 parts per million in skin with fat.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (3-31-71).

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

Dated: March 22, 1971.

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

[FR Doc.71-4384 Filed 8-30-71;8:45 am]

Title 15—COMMERCE AND FOREIGN TRADE

Subtitle A—Office of the Secretary of Commerce

PART 14—PROCEDURAL RULES FOR PROCEEDINGS CONDUCTED PURSUANT TO ENFORCEMENT OF EXECUTIVE ORDER 11246, AND RULES, REGULATIONS, AND ORDERS THEREUNDER

Pursuant to delegated authority, and in accordance with Executive Order No. 11246 and rules and regulations implementing said order, the Secretary of Commerce hereby adopts the following rules of practice and procedure to be used in proceedings for the imposition of sanctions under section 209(a) (1), (5), and (6) of Executive Order 11246, for violations of the Executive order and rules, regulations and orders thereunder.

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AUTHORITY: The provisions of this Part 14 are issued under Executive Order 11246, 41 CFR 60-1.26(b), 33 F.R. 104, May 28, 1968.

GENERAL INFORMATION

§ 14.1 Authority.

These rules of procedure supplement, and are established pursuant to, the provisions of 41 CFR 60-1.26(b).

§ 14.2 Scope of rules.

These rules govern the practice and procedure for proceedings conducted, and decisions made, by the Department precedent to the imposition of sanctions under section 209(a) (1), (5), and (6) of Executive Order 11246, for violations of Executive Order 11246, and rules, regulations, and orders thereunder.

§ 14.3 Definitions.

(a) "Department" means the "Department of Commerce".

(b) "Secretary" means "Secretary of Commerce".

(c) "Notice" means "Notice of Hearing".

(d) "Party" means a respondent; the General Counsel, Maritime Administration; and any person or organization participating in a proceeding pursuant to § 14.8.

(e) "Respondent" means a person or organization against whom sanctions are proposed because of alleged violations of Executive Order 11246, and rules, regulations, and orders thereunder.

(f) "General Counsel" means "General Counsel, Maritime Administration".

(g) "Hearing clerk" means "Secretary, Maritime Administration".

§ 14.4 Time computation.

In computing any period of time under these rules or in an order issued hereunder, the time begins with the day following the act or event, and includes the last day of the period, unless it is a Saturday, Sunday, or legal holiday observed in the District of Columbia, in which event it includes the next following business day. When the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation.

DESIGNATION AND RESPONSIBILITIES OF HEARING EXAMINER

§ 14.5 Designation.

Hearings shall be held before a hearing examiner designated by the Secretary. In the case of the death, illness, disqualification, or unavailability of the designated hearing examiner, another hearing examiner may be designated in his place.

§ 14.6 Authority and responsibilities.

(a) The hearing examiner shall have the duty to conduct a fair and impartial hearing, to take all necessary action to avoid delay, and to maintain order. He shall have all powers necessary to those ends, including, but not limited to, the power to:

(1) Hold conferences to settle, simplify, or fix the issues in a proceeding, or to consider other matters that may aid in the expeditious disposition of the proceeding.

(2) Require parties to state their position with respect to the various issues in the proceeding.

(3) Establish rules for media coverage of the proceedings.

(4) Rule on motions, and other procedural items in matters before him.

(5) Regulate the course of the hearing, the conduct of counsel, parties, and other participants.

(6) Examine witnesses and direct witnesses to testify.

(7) Receive, rule on, exclude, or limit evidence.

(8) Fix time limits for submission of written documents in matters before him.

(9) Take any action authorized by these Rules.

(10) Upon notice to all parties, modify or waive any rule upon a determination that no party will be prejudiced and that the ends of justice will thereby be served.

(b) The hearing examiner shall recommend a decision on the basis of the record before him. Together with his recommended decision, he shall propose findings of fact and conclusions of law to the Secretary.

APPEARANCE AND PRACTICE

§ 14.7 Participation by a party.

A party may appear in person, by representative, or by counsel, and participate fully in any proceeding held pursuant to these Rules.

§ 14.8 Determination of parties.

(a) The Respondent and the General Counsel, Maritime Administration are the initial parties to the proceeding. To the extent that proceedings hereunder are based in whole or in part on matters subject to a collective bargaining agreement, any labor organization which is a signatory to the agreement shall also have the right to participate as a party.

(b) Other persons or organizations shall have the right to participate as parties if the final decision could directly and adversely affect them or the class they represent, and if they may contribute materially to the disposition of the proceedings.

(c) Any person or organization wishing to participate as a party under this section shall submit a petition to the hearing examiner within 15 days after the notice has been filed. The petition should be filed with the hearing clerk and served on Respondent, on the General Counsel and on any other person or organization who has been made a party at the time of filing. Such petition shall concisely state: (1) Petitioner's interest in the proceeding, (2) how his participation as a party will contribute materially to the disposition of the proceeding, (3) who will appear for petitioner, (4) the issues on which petitioner wishes to participate, and (5) whether petitioner intends to present witnesses.

(d) The hearing examiner shall promptly ascertain whether there are objections to the petition. He shall then determine whether petitioners have the requisite interest to be a party in the proceedings, as defined in paragraphs (a) and (b) of this section, and shall permit or deny participation accordingly. Where petitions to participate as parties are made by individuals or groups with common interests, the hearing examiner may request all such petitioners to designate a single representative, or he may recognize one or more of such petitioners to represent all such petitioners; provided that the representative of a labor organization qualifying to participate under paragraph (a) of this section must be permitted to participate as a party. The hearing examiner shall give each such petitioner written notice of the decision on his petition. If the petition is denied, he shall briefly state the grounds for denial and shall then treat the petition as a request for participation as amicus curiae. The hearing examiner shall give written notice to each party of each petition granted.

(e) Persons or organizations whose petition for party participation is denied may appeal the decision to the Secretary within 7 days of receipt of denial. The Secretary will make the final decision to grant or deny the petition.

§ 14.9 Determination and participation of amici.

(a) Any interested person or organization wishing to participate as amicus curiae in the proceeding shall file a petition before the commencement of the hearing. Such petition shall concisely state the petitioner's interest in the hearing and who will represent petitioner.

(b) The hearing examiner will grant the petition if he finds that the petitioner has an interest in the proceedings and may contribute materially to the disposition of the proceedings. The hearing examiner shall give the petitioner written notice of the decision on his petition. If the petition is denied, the hearing examiner shall briefly state the grounds for denial. The hearing examiner shall give written notice to each party of each petition granted.

(c) An amicus curiae is not a party but may only participate as provided in paragraph (d) of this section.

(d) An amicus curiae may submit a written statement of position to the hearing examiner at any time prior to the beginning of a hearing, and shall serve a copy on each party. He may also file a brief or written statement at such time as the parties submit proposed findings and conclusions and supporting briefs to the hearing examiner and at such times as the parties file exceptions to the decision of the hearing examiner.

FORM AND FILING OF DOCUMENTS

§ 14.10 Form.

Documents filed pursuant to a proceeding herein shall show the docket description and title of the proceeding, the party or amicus submitting the document, the date signed, and the title, if any, and address of the signatory. The original will be signed in ink by the person representing the party or amicus. Copies need not be signed, but the name of the person signing the original shall be reproduced.

§ 14.11 Filing and service.

(a) All documents submitted in a proceeding shall be served on all parties. The original and two copies of each document shall be submitted to the hearing clerk for filing. With respect to exhibits and transcripts of testimony, only originals need be filed.

(b) Service upon a party or amicus shall be made by delivering one copy of each document requiring service in person or by certified mail, return receipt requested, properly addressed with postage prepaid to the party or amicus or his attorney, or designated representative. Filing will be made in person or by certified mail, return receipt requested, to the hearing clerk, at the address stated in the notice of hearing.

(c) The date of filing or of service shall be the day when the matter is deposited in the U.S. mail or is delivered in person.

(d) A copy of all documents submitted in a proceeding shall be sent to the hearing examiner.

§ 14.12 Certificate of service.

The original of every document filed and required to be served upon parties shall be endorsed with a certificate of service signed by the party or amicus curiae making service or by his attorney

or representative, stating that such service has been made, the date of service, and the manner of service.

PROCEDURES

§ 14.13 Notice of hearing.

In response to Respondent's request for a hearing, the General Counsel shall serve on the Respondent, pursuant to 41 CFR 60–1.26(b)(1), a notice of hearing by registered mail, return receipt requested, to Respondent's last known address. Such notice shall contain the time and place of the hearing; the legal authority under which the proceedings are to be held; and the matters pursuant to which sanctions or other actions are proposed.

§ 14.14 Answer to notice.

Within 15 days after receipt of the notice of hearing, Respondent may file an answer. This answer shall admit or deny specifically and in detail matters set forth in each allegation of the notice unless Respondent is without knowledge, in which case his answer should so state, and the statement shall be deemed a denial. Matters not specifically denied shall be deemed admitted. Matters alleged in the answer as affirmative defenses shall be separately stated and numbered. Failure of Respondent to file an answer within the 15-day period following receipt of the notice may be deemed an admission of all facts recited in the notice.

§ 14.15 Amendments.

The Department may amend its notice once as a matter of course before an answer is filed, and Respondent may amend its answer once as a matter of course not later than 15 days after it is filed. Other amendments of the notice or of the answer to the notice shall be made only by leave of the hearing examiner. An amended notice shall be answered within 10 days of its service, or within the time for filing an answer to the original notice, whichever period is longer.

§ 14.16 Motions.

Motions and petitions shall state the relief sought, the basis for relief and the authority relied upon. If made before or after the hearing itself, these matters shall be in writing. If made at the hearing, they may be stated orally; but the hearing examiner may require that they be reduced to writing and filed and served on all parties in the same manner as a formal motion. Within 8 days after a written motion or petition is served, any party may file a response to a motion or petition. An immediate oral response may be made to an oral motion. Oral argument on motions will be at the discretion of the hearing examiner.

§ 14.17 Disposition of motions.

The hearing examiner may not grant a written motion or petition prior to expiration of the time for filing responses thereto, but may overrule or deny such motion or petition without awaiting response: *Provided, however,* That prehearing conferences, hearings, and decisions need not be delayed pending disposition of motions or petitions. Oral motions and petitions may be ruled on immediately.

§ 14.18 Interlocutory appeals.

No interlocutory appeals will be permitted from an adverse ruling except as specifically provided in these rules.

§ 14.19 Exhibits.

Proposed exhibits shall be exchanged at the prehearing conference, or otherwise prior to the hearing, if the hearing examiner requires. Proposed exhibits not so exchanged may be denied admission as evidence. The authenticity of all exhibits submitted prior to the hearing will be deemed admitted unless written objection thereto is filed and served on all parties, or unless good cause is shown for failure to file such written objection.

§ 14.20 Admissions as to facts and documents.

Not later than 25 days prior to the date of the hearing any party may serve upon an opposing party a written request for the admission of the genuineness and authenticity of any relevant documents described in, and exhibited with, the request, or for the admission of the truth of any relevant matters of fact stated in the request. Each of the matters as to which an admission is requested shall be deemed admitted, unless within a period of 20 days, the party to whom the request is directed serves upon the requesting party a statement either (a) denying specifically the matters as to which an admission is requested, or (b) setting forth in detail the reasons why he cannot truthfully either admit or deny such matters.

§ 14.21 Discovery.

(a) *Methods.* Parties may obtain discovery by depositions, written interrogatories, production of documents, or other items; or by permission to enter property, for inspection and other purposes.

(b) *Scope.* Parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the hearing.

(c) *Protective orders.* Upon motion by a party or by the person from whom discovery is sought, and for good cause shown, the hearing examiner may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense.

(d) *Sequence and timing.* Methods of discovery may be used in any sequence. The fact that a party is conducting discovery shall not operate to delay any other party's discovery.

(e) *Time limit.* Discovery by all parties will be completed within 75 days from the date the notice of hearing is served on Respondent.

§ 14.22 Depositions.

(a) After the notice of hearing has been filed, any party may take the testimony of any person, including a party, by deposition upon oral examination. This may be done by stipulation or by notice, as set forth in paragraph (b) of this section.

(b) (1) The party will give reasonable notice in writing to every other party of the time and place for taking depositions, the name and address of each person to be examined, if known, or a general description sufficient to identify him or the particular class or group to which he belongs.

(2) The notice to a deponent may be accompanied by a request for the production of documents and tangible things at the taking of the deposition.

(3) A party may name as the deponent a corporation, partnership, association, or governmental agency and may designate a particular person within the organization whose testimony is desired and the matters on which examination is requested. If no particular person is named, the organization shall designate one or more agents to testify on its behalf, and may set forth the matters on which each will testify. The persons so designated shall testify as to matters known or reasonably available to the organization.

(c) Examination and cross-examination of witnesses may proceed as permitted at the hearing. The officer before whom the deposition is to be taken shall put the witness on oath and shall personally record the testimony of the witness.

(d) If during the taking of a deposition there is bad faith in the conduct of the examination, annoyance, embarrassment, oppression of a deponent or party or improper questions propounded, a party or deponent may request suspension of the deposition. The deposition will then be adjourned. However, the objecting party or deponent must immediately move the hearing examiner for a ruling on the suspension. The hearing examiner may then limit the scope and/or manner of the taking of the deposition.

(e) The officer shall certify the deposition and promptly file it with the hearing clerk. Documents or true copies of documents and other items produced for inspection during the examination of the witness, shall, upon the request of a party, be marked for identification and annexed to the deposition.

(f) The party taking the deposition shall give prompt notice of its filing to all other parties.

§ 14.23 Use of depositions at hearing.

(a) Any part or all of a deposition, so far as admissible under § 14.31 applied as though the witness were then present and testifying, may be used against any party who was present or represented at the taking of the deposition or who had reasonable notice thereof as follows:

(1) Any deposition may be used for contradiction or impeachment of the deponent as a witness.

(2) The deposition of a party, or of an agent designated to testify on behalf of

a party, may be used by an adverse party for any purpose.

(3) The deposition of any witness may be used if the party offering the deposition has been unable to procure his attendance or if he is unable to testify by reason of age; illness; infirmity; imprisonment; death, his residence outside the State or if he is out of the country, unless his absence was procured by the party offering his deposition.

(b) If only part of a deposition is offered in evidence, the remainder becomes subject to introduction by any party.

(c) Objection may be made at the hearing to receiving in evidence any deposition or part thereof for any reason which would require the exclusion of the evidence if the witness were then present and testifying.

§ 14.24 Interrogatories to parties.

(a) Any party may serve upon any other party written interrogatories after the notice of hearing has been filed. If the party served is a corporation, partnership, association, or governmental agency, an agent shall furnish such information as is available to the party.

(b) Each interrogatory shall be answered separately and fully in writing under oath, unless it is objected to, in which event the objection shall be stated in lieu of an answer. The answers are to be signed by the person making them, and the objections signed by the attorney or other representative making them. Answers and objections shall be made within 30 days after the service of the interrogatories. The party submitting the interrogatories may move for an order under section 14.26 with respect to any objection to or other failure to answer an interrogatory.

(c) Interrogatories shall relate to any matter not privileged which is relevant to the subject matter of the hearing.

§ 14.25 Production of documents and things and entry upon land for inspection and other purposes.

(a) After the notice of hearing has been filed, any party may serve on any other party a request to produce and/or permit the party, or someone acting on his behalf, to inspect and copy any designated documents, phonorecords, and other data compilations from which information can be obtained and which are in the possession, custody or control of the party upon whom the request is served. If necessary, translation of data compilations shall be done by the party furnishing the information.

(b) After the notice of hearing has been filed, any party may serve on any other party a request to permit entry upon designated property in the possession or control of the party upon whom the request is served for the purpose of inspection, measuring, surveying or photographing, testing, or sampling the property or any designated object.

(c) Each request shall set forth with reasonable particularity the items to be inspected and shall specify a reasonable time, place, and manner of making the inspection and performing the related acts.

(d) The party upon whom the request is served shall respond within 15 days after the service of the request. The response shall state, with respect to each item, that inspection and related activities will be permitted as requested, unless there are objections in which case the reasons for each objection shall be stated. The party submitting the request may move for an order under § 14.26 with respect to any objection to or other failure to respond.

§ 14.26 Sanctions.

(a) A party, upon reasonable notice to other parties and all persons affected thereby, may move for an order as follows:

(1) If a deponent fails to answer a question propounded or submitted under § 14.22(c), or a corporation or other entity fails to make a designation under § 14.22(b)(3), or a party fails to answer an interrogatory submitted under § 14.24, or if a party, under § 14.25, fails to respond that inspection will be permitted or fails to permit inspection, the discovering party may move for an order compelling an answer, a designation, or inspection.

(2) An evasive or incomplete answer is to be treated as a failure to answer.

(b) If a party or an agent designated to testify fails to obey an order to permit discovery, the hearing examiner may make such orders as are just, including:

(1) That the matters regarding which the order was made or any other designated facts shall be established in accordance with the claim of the party obtaining the order;

(2) Refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting him from introducing designated matters in evidence.

(c) If a party or an agent designated to testify fails after proper service (1) to appear for his deposition, (2) to serve answers of objections to interrogatories submitted under § 14.24, or (3) to serve a written response to a request for inspection submitted under § 14.25, the hearing examiner on motion may make such orders as are just, including those authorized under subparagraphs (1) and (2) of paragraph (b) of this section.

§ 14.27 Ex parte communications.

(a) Written or oral communications involving any substantive or procedural issue in a matter subject to these proceedings, directed to the hearing examiner or the Secretary, shall be deemed ex parte communications and are not to be considered part of any record or the basis for any official decision by the hearing examiner or Secretary, unless the communication is made by motion pursuant to these rules. Any such communication in writing received by the hearing examiner or Secretary shall be made public by placing it in the correspondence file of the docket which is available for public inspection. If the ex parte communication is received orally, a memorandum setting forth the substance of the conversation shall be made and filed in the correspondence section of the docket. In either case, notice of such communication will be given to the parties.

(b) The hearing examiner shall not consult any person, or party, on any fact in issue unless upon notice and opportunity for all parties to participate, or be responsible to or subject to the supervision or direction of an employee or agent engaged in the performance of investigation or prosecuting functions related to the case.

(c) No employee or agent of the Federal Government engaged in the investigation and prosecution of this case shall participate or advise in the rendering of the recommended or final decision, except as witness or counsel in the proceeding.

PREHEARING

§ 14.28 Prehearing conferences.

(a) Within 15 days after the Answer has been filed the hearing examiner will establish a prehearing conference date for all parties including persons or organizations whose petition requesting party status has not been ruled upon. Written notice of the prehearing conference shall be sent by the hearing examiner.

(b) At the prehearing conference the following matters, among others shall be considered: (1) Simplification and delineation of the issues to be heard; (2) stipulations; (3) limitation of number of witnesses; and exchange of witness lists; (4) procedure applicable to the proceeding; (5) offers of settlement; and (6) scheduling of the dates for exchange of exhibits. Additional prehearing conferences may be scheduled on the motion of the hearing examiner or on the motion of any party to the hearing.

HEARING

§ 14.29 Appearances.

The parties may appear in person, by counsel, or other representatives. In the event that a party appears at the hearing and no party appears for the opposing side, the party who is present shall have an election to present his evidence in whole or such portion thereof sufficient to make a prima facie case before the hearing examiner. Failure to appear at a hearing shall not be deemed to be a waiver of the right to be served with a copy of the hearing examiner's proposed decision and to file exceptions to it.

§ 14.30 Purpose.

(a) The hearing is directed primarily to receiving factual evidence and expert opinion testimony related to the issues in the proceeding. A hearing will be held in order to determine whether Respondent has failed to comply with one or more applicable requirements of Executive Order 11246, and rules, regulations, and orders thereunder. However,

this shall not prevent the parties from entering into a stipulation of the facts.

(b) If all facts are stipulated, the proceedings shall go to conclusion in accordance with §§ 14.38 to 14.44.

§ 14.31 Evidence.

Formal rules of evidence will not apply to the proceeding. Irrelevant, immaterial, unreliable, and unduly repetitious evidence will be excluded from the record of a hearing. Hearsay evidence shall not be inadmissible as such.

§ 14.32 Official notice.

Whenever a party offers a public document, or part thereof, in evidence, and such document, or part thereof, has been shown by the offeror to be reasonably available to the public, such document need not be produced or marked for identification, but may be offered for official notice as a public document item by specifying the document or relevant part thereof. Official notice may also be taken of other matters, at the discretion of the hearing examiner.

§ 14.33 Testimony.

Testimony shall be given under oath by witnesses at the hearing. A witness shall be available for cross-examination, and, at the discretion of the hearing examiner, may be cross-examined without regard to the scope of direct examination as to any matter which is material to the proceeding.

§ 14.34 Objections.

Objections to evidence shall be timely, and the party making them shall briefly state the ground relied upon.

§ 14.35 Exceptions.

Exceptions to rulings of the hearing examiner are unnecessary. It is sufficient that a party, at the time the ruling of the hearing examiner is sought, makes known the action which he desires the hearing examiner to take, or his objection to an action taken, and his ground therefor.

§ 14.36 Offer of proof.

An offer of proof made in connection with an objection taken to any ruling of the hearing examiner excluding proffered oral testimony shall consist of a statement of the substance of the evidence which counsel contends would be adduced by such testimony. If the excluded evidence consists of evidence in written form or consists of reference to documents, a copy of such evidence shall be marked for identification and shall accompany the record as the offer of proof.

§ 14.37 Official transcript.

An official reporter will be designated for all hearings. The official transcripts of testimony and argument taken, together with any exhibits, briefs, or memoranda of law filed therewith, shall be filed with the hearing clerk. Transcripts may be obtained by the parties and the public from the official reporter at rates not to exceed the applicable rates fixed by the contract with the reporter. Upon notice to all parties, the hearing examiner may authorize such corrections to the transcript as are necessary to accurately reflect the testimony.

POSTHEARING PROCEDURES

§ 14.38 Proposed findings of fact and conclusions of law.

Within 30 days after the close of the hearing each party may file, or the hearing examiner may request, proposed findings of fact and conclusions of law together with supporting briefs. Such proposals and briefs shall be served on all parties and amici. Reply briefs may be submitted within 15 days after receipt of the initial proposals and briefs. Reply briefs should be filed and served on all parties and amici.

§ 14.39 Oral argument.

Within the time period for filing initial proposals and briefs, any party may move for oral argument. It is within the hearing examiner's discretion to grant the request. If the request is granted, the hearing examiner shall establish a time and place for oral argument following the filing of the briefs.

§ 14.40 Record for decision.

The hearing examiner will make his findings, conclusions, and proposed decision upon the basis of the record before him. The transcript of testimony, exhibits, and all papers, documents, and requests filed in the proceedings, except the correspondence section of the docket, shall constitute the record.

§ 14.41 Recommended determination.

The hearing examiner shall, in an expeditious manner, rule on proposed findings and conclusions submitted by the parties; and shall make recommended findings, conclusions, and decision. These rulings and recommendations shall be certified, together with the record for decision, to the Secretary, for his decision. The rulings, recommended findings, conclusions, and decision of the hearing examiner shall be served on all parties and amici curiae to the proceedings.

§ 14.42 Exceptions to recommended determination.

Within 30 days after receipt of the recommended decision, all parties to the proceeding may file with the hearing clerk a brief in support of or as an exception to, the recommended findings, conclusions, and decision of the hearing examiner. Service of such briefs or exceptions shall be made on all parties and amici in the proceeding. Such briefs may be responded to within 15 days of their receipt by the other parties. Responses should be filed with the hearing clerk and served on all parties and amici to the proceeding.

§ 14.43 Record.

After expiration of the time for filing briefs and exceptions, the Secretary shall make a final decision on the basis of the record before him. The record includes the record for decision, the rulings, the recommended findings, conclusions and decision of the hearing examiner, and the exceptions and briefs filed subsequent to the hearing examiner's decision.

§ 14.44 Final decision.

The Secretary may affirm, modify, or set aside in whole or in part, the recommended findings, conclusions, and decision of the hearing examiner. The decision of the Secretary shall not be final without the approval of the Director, Office of Federal Contract Compliance, Department of Labor.

Effective date. This part shall become effective upon publication in the FEDERAL REGISTER (3–31–71).

Dated: March 26, 1971.

MAURICE H. STANS,
Secretary of Commerce.

[FR Doc.71–4426 Filed 3–30–71;8:49 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[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 eighth line of § 1.278–1(a)(1)(i) reading "section 278 of this section) which is at-" should read "section 278 or this section) which is at-".

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 date "December 31, 1955," appearing on the sixth line in paragraph (a)(2)(ii) of § 31.6302(c)–1 of the Employment Tax Regulations (26 CFR Part 31), as prescribed by T.D. 7096, should have been "November 1955". Accordingly, replace the date "December 31, 1955," with "November 1955". Also, the date "April 1, 1971" on the seventh line in paragraph (a)(2)(ii) of § 31.6302(c)–1 of such regulations, as prescribed by T.D. 7096, should have been "April 1971". Accordingly, replace the date "April 1, 1971" with "April 1971".

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

[FR Doc.71–4419 Filed 3–30–71;8:48 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

Lake Michigan, Ill.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), §§ 204.179 and 204.180 governing the use and navigation of danger zones in Lake Michigan, Ill., are hereby amended revoking paragraphs (b)(2) and (b)(3) respectively, effective upon publication in the FEDERAL REGISTER, as follows:

§ 204.179 Lake Michigan, Belmont Harbor Entrance, Chicago, Ill.; danger zones.

* * * * *

(b) *The regulations.* * * *

(2) [Revoked]

§ 204.180 Waters of Lake Michigan south of Northerly Island at entrance to Burnham Park Yacht Harbor, Chicago, Ill.; danger zone adjacent to airport on Northerly Island.

* * * * *

(b) *Regulations.* * * *

(3) [Revoked]

[Regs., Mar. 10, 1971, 1522-01—(Lake Michigan, Ill.)—ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

For the Adjutant General.

R. B. BELNAP,
Special Advisor to TAG.

[FR Doc.71-4380 Filed 3-30-71;8:45 am]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 12—DISPOSITION OF VETERAN'S PERSONAL FUNDS AND EFFECTS

Deceased Veteran's Cases

1. In § 12.3, paragraphs (a)(2) and (b) are amended to read as follows:

§ 12.3 Deceased veteran's cases.

(a) * * *

(2) If the death or absence without leave occurred while the beneficiary was assigned to a domiciliary section, or while receiving hospitalization and at time of death or absence without leave any effects are in the section, a like inventory will be made by representatives of the Chief, Domiciliary Operations and/or Medical Administration Division.

* * * * *

(b) Upon completion of the survey and inventory, the effects will be turned over to the designated employee for safekeeping. Any funds found in excess of $100 which apparently were the property of the deceased will be turned over to the details clerk and delivered immediately to the agent cashier, who shall deposit same in the account "Personal Funds of Patients". Unendorsed checks other than Treasury checks and funds not in excess of $100 will be considered personal effects and not funds and will be handled accordingly.

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

This VA Regulation is effective date of approval.

Approved: March 26, 1971.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.71-4415 Filed 3-30-71; 8:48 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 101-32—GOVERNMENT-WIDE AUTOMATED DATA MANAGEMENT SERVICES

Subpart 101-32.47—Reports

REPORTING OF ADP SHARING AND SERVICES OBTAINED FROM COMMERCIAL SOURCE

This amendment provides for agencies to report to GSA separate pricing charged by ADP equipment manufacturers for so-called "unbundled services," such as systems engineering, ADP training, and related ADP services.

Sections 101-32.4701, 101-32.4701-1, and 101-32.4701-2 are revised as follows:

§ 101-32.4701 Reporting of sharing and services obtained from a commercial source.

ADP sharing accomplished by Federal agencies shall be reported directly by ADP units as provided in § 101-32.4701-1 or centrally as provided in § 101-32.4701-2. In this connection, ADP sharing means the use of available but unused ADP resources by other activities for which the ADP unit was not established or programed to support. This would include sharing on a reimbursable or nonreimbursable basis. When submitting GSA Form 2068A, Quarterly Report of ADP Service Provided to Another Agency or Obtained from a Commercial Source (illustrated at § 101-32.4902-2068A), agencies shall report in attachments to Item 9, "Total Other," information on unbundled services such as systems engineering, ADP training, and related ADP services which are acquired separately. Unbundling is the establishment of separate prices for ADP support services which were previously provided with ADP equipment at no additional cost; e.g., ADP training and systems engineering services. Systems engineering services is the assistance in data processing related to:

(a) Systems analysis and design;

(b) Application design and development;

(c) Program design and development;

(d) Conversion and implementation planning; and/or

(e) Installation evaluation and improvement.

§ 101-32.4701-1 Reports by ADP units.

Reports of sharing and of services obtained from a commercial source by ADP units shall be submitted on GSA Form 2068A to the appropriate ADP sharing exchange not later than the 15th of Jaunary, April, July, and October of each year. Addresses of ADP sharing exchanges are shown in § 101-32.4801, and locations are illustrated in § 101-32.4802.

§ 101-32.4701-2 Centralized reporting.

Federal agencies may elect to submit quarterly reports on a centralized basis at any organizational level desired. Federal agencies electing this method of reporting shall inform the General Services Administration (FTR), Washington, D.C. 20406, to this effect and explain the reporting procedures to be followed. Reports submitted in accordance with this § 101-32.4701-2 shall be submitted on GSA Form 2068A and forwarded to the address above not later than the 15th day of January, April, July, and October of each year.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER (3-31-71).

Dated: March 24, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71-4420 Filed 3-30-71;8:48 am]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 1003—LIST OF FORMS

Postal Motor Carrier Certificate

At a session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 3d day of March 1971.

It appearing, that pursuant to section 5215 of the Postal Reorganization Act (Public Law 91-375), the adoption of an application form for requesting a Postal Motor Carrier Certificate of Public Convenience and Necessity is necessary; and good cause appearing therefor:

It is ordered, That § 1003.1(a) of Title 49 of the Code of Federal Regulations be, and it is hereby, amended by adding form OP-OR-10 to read as follows:

OP–OR–10.

Application for Postal Motor Carrier Certificate, adopted March 3, 1971, to be used by persons who were contractors under a star route, mail messenger, or contract motor vehicle service contract, on the effective date of Chapter 52 of the Postal Reorganization Act (Public Law 91–375).

It is further ordered, That this order shall become effective on the date hereof.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of this Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

(84 Stat. 719 et seq.)

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71–4431 Filed 3–30–71;8:49 am]

[Second Rev. S.O. 1061]

PART 1033—CAR SERVICE

Regulations for Return of Hopper Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 23d day of March 1971.

It appearing, that an acute shortage of hopper cars exists on the railroads named in section (a) paragraph 1 herein; that shippers located on the lines of these carriers are being deprived of hopper cars required for loading, resulting in an emergency, forcing curtailment of their operations, and thus creating great economic loss and reduced employment of their personnel; that hopper cars, after being unloaded, are being appropriated and being retained in services for which they have not been designated by the car owner; that present regulations and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of hopper cars are 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:

§ 1033.1061 Service Order No. 1061.

(a) Regulations for return of hopper cars: Each common carrier by railroad subject to the Interstate Commerce Act, with the exception of those carriers named in Service Order No. 1043 (Service Order No. 1043 remains in effect, and carriers named therein must continue to comply with its provisions), Shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Exclude from all loading and return to owner empty, except as otherwise authorized in subparagraphs (3) and (4) of this paragraph, all hopper cars owned by the following railroads:

The Akron, Canton & Youngstown Railroad Co. Reporting marks: ACY.
Chicago & Eastern Illinois Railroad Co. Reporting marks: C&EI.
Missouri-Illinois Railroad Co. Reporting marks: M–I.
Missouri-Kansas-Texas Railroad Co. Reporting marks: MKT, BKTY.
Missouri Pacific Railroad Co. Reporting marks: MP.
St. Louis-San Francisco Railway Co. Reporting marks: SLSF.
Texas-New Mexico Railway Co. Reporting marks: T–NM.
The Texas and Pacific Railway Co. Reporting marks: T&P, TP.

(2) The following companies will be considered as one railroad in the application of subparagraphs (1), (3), and (4) is of this paragraph:

Chicago & Eastern Illinois Railroad Co.
Missouri-Illinois Railroad Co.
Missouri Pacific Railroad Co.
The Texas and Pacific Railway Co.
Texas-New Mexico Railway Co.

(3) Hopper cars described in subparagraph (1) of this paragraph may be loaded to stations on the lines of the owning railroad, providing such loading is available at unloading point. Backhauling of empties is prohibited.

(4) For the purpose of improving car utilization and the efficiency of railroad operations, or alleviating inequities or hardships, modification may be authorized by the Chief Transportation Officer of the car owner. Such modifications must be confirmed in writing 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.

(5) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded hopper car for movements contrary to the provisions of subparagraphs (3) and (4) of this paragraph.

(b) The term "hopper cars" as used in this order, means freight cars having a mechanical designation "HD", "HM", "HK", or "HT", in the Official Railway Equipment Register, I.C.C. R.E.R. No. 378, issued by E. J. McFarland, or reissues thereof.

(c) Application: The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(d) Effective date: This order shall become effective at 12:01 a.m., April 1, 1971.

(e) Expiration date: The provisions of 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 copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the 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 shall 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.71–4432 Filed 3–30–71;8:50 am]

[S. O. 1068]

PART 1033—CAR SERVICE

Regulations for the Return of Gondola Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 24th day of March 1971.

It appearing, that an acute shortage of plain unequipped gondola cars exists throughout the country; that shippers are being deprived of such cars required for loading, resulting in an emergency, forcing curtailment of their operations, and thus creating great economic loss and reduced employment of their personnel; that plain unequipped gondola cars, after being unloaded, are being appropriated and being retained in services for which they have not been designated by the car owners; that present rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of such gondola cars are ineffective; and that efforts by the Association of American Railroads to have such cars returned to owning carriers 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:

§ 1033.1068 Service Order No. 1068.

(a) *Regulations for the return of gondola cars.* 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 subparagraphs (2) and (4) of this paragraph, all plain unequipped gondola cars which

are listed in the Official Railway Equipment Register I.C.C. R.E.R. No. 378 issued by E. J. McFarland, or reissues thereof, as having mechanical designations "GA", "GB", "GD", "GE", "GH", "GRA", "GS", and "GT."

(2) Except as authorized in subparagraph (4) of this paragraph, gondola cars described in subparagraph (1) of this paragraph may be loaded only to destinations on, via, or to a destination closer to the owner's lines than where loaded. Cars must not be backhauled 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.

(3) Except as authorized in subparagraph (4) of this paragraph, gondola cars described in subparagraph (1) of this paragraph, empty at a junction with the owner, must be delivered to the owner at that junction.

(4) For the purpose of improving car utilization and the efficiency of railroad operations, or alleviating inequities or hardships, modifications may be authorized by the Chief Transportation Officer of the car owner. Such modifications must be confirmed in writing 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.

(5) Junction points with the car owner shall be those listed by the car owner in its specific registration in the Official Railway Equipment Register, I.C.C. R.E.R. No. 378, issued by E. J. McFarland, or reissues thereof, under the heading "Freight Connections and Junction Points."

(6) In determining distances to the owner's line from point of loading or destination, tariff distances applicable via the lines of the carriers obligated under Association of American Railroads Car Service Rules 1 and 2 to move the car shall be used.

(7) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded gondola car, described in this order, contrary to the provisions of the order.

(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., April 1, 1971.

(d) *Expiration date.* The provisions of 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.71-4433 Filed 3-30-71;8:50 am]

SUBCHAPTER B—OTHER REGULATIONS RELATING TO TRANSPORTATION

[Ex Parte No. MC-86]

PART 1100—GENERAL RULES OF PRACTICE

Motor Carrier Licensing Provisions

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 3d day of March 1971.

It appearing that the Commission, on the date hereof, has made and filed its report in this proceeding setting forth its conclusions and findings and its reasons therefor, which report is hereby referred to and made a part hereof;

It is ordered, That based upon the explanations set forth in the said report and good cause appearing therefor, a proceeding be, and it is hereby instituted under the authority of part II of the Interstate Commerce Act and 5 U.S.C. 553 and 559 (the Administrative Procedure Act), to determine the Procedures necessary to implement Public Law 91–375, Postal Reorganization Act, described in the said report.

It is further ordered, That Subchapter B of Chapter X of Title 49 of the Code of Federal Regulations be, and it is hereby, amended by adding a new § 1100.248, reading as follows:

§ 1100.248 Implementation of Public Law 91–375, Postal Reorganization Act (Motor Carrier Licensing Provisions).

(a) *Scope of special rules.* These special rules govern the filing and handling of applications seeking the right to operate pursuant to either a Postal Certificate of Public Convenience and Necessity or a General Postal Certificate of Exemption authorizing operation, in interstate or foreign commerce, by motor vehicle in the transportation of mail.

(b) *Applications for postal certificates of public convenience and necessity.* (1) The application form (Op–Or–10) shall be available from the Secretary, Interstate Commerce Commission, and shall be completed in duplicate, and transmitted to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, and a copy thereof shall be sent to the transportation regulatory commission (or, if none, the Governor) of each State within which operations are sought to be performed.

(2) Attached to the application shall be a true copy of applicant's contract with the Postal Service (or its predecessor Post Office Department), which contract must have been in force on the effective date of section 5215 of the Postal Act.

(3) If applicant is a successor in interest to a qualifying star route carrier, evidence of continuity of star route service and carrier identity must be furnished (this may be done in letter form duly sworn and notarized).

(4) The application form provides space for a description of the territory served by the applicant on or before the effective date of section 5215. Here, applicant should describe the territorial extent of operations performed pursuant to its contract in force on the effective date, such description being in terms of the appropriate political division or subdivision (i.e., State, county, city, village, et cetera) within which service was authorized by contract. Authority may be granted only commensurate with the service covered by applicant's contract; therefore, applicants are cautioned to be specific in delineating the territory sought, in order to avoid delays in processing their applications.

(5) Notice to the public of any such application will be made by publication in the FEDERAL REGISTER. Provision will be made for the filing of protests within 30 days from the date of publication, although it is not contemplated that protests will, in fact, be filed.

(6) Upon determination that an applicant is qualified to receive "grandfather" authority, and upon compliance by applicant with sections 215 and 221(c) of the Interstate Commerce Act, and with the rate-filing procedures established by this Commission, a Postal Certificate of Public Convenience and Necessity will be issued, authorizing the transportation of mail from, to, or between points in the involved territory.

(7) All further proceedings, including petitions for reconsideration, shall be handled in the manner specified in this Commission's general rules of practice.

(c) *Applications for inclusion within general postal certificate of exemption.* The class of carriers to which such certificate of exemption is applicable is defined as all star route, mail messenger, and contract motor vehicle operators, whose for-hire motor carrier operations are confined to a single State, and who, on the effective date of section 5215 of the above-entitled Postal Act, hold a contract for the transportation of mail wholly within a single State. Upon submission to this Commission of a copy of such contract, the name of the carrier's representative to whom inquiries may be made, and the carrier's written request therefor, such carrier shall be included within the terms of the general postal certificate of exemption which reads as follows:

[Ex Parte No. MC-86]

GENERAL POSTAL CERTIFICATE OF EXEMPTION DESIGNATED SINGLE-STATE MOTOR CARRIERS AFFECTED BY THE POSTAL REORGANIZATION ACT (PUBLIC LAW 91-375)

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 3d day of March 1971.

After due investigation, it appearing that any motor carrier having complied with all applicable provisions of the Interstate Commerce Act, and the requirements, rules, and regulations prescribed thereunder, and having complied with all the requirements established by this Commission in its report in Ex Parte No. MC-86, and lawfully engaging in operations solely within a single State in the transportation of mail; that the transportation of mail in interstate or foreign commerce performed by him is in fact of such nature, character, or quantity as not substantially to affect or impair uniform regulation by this Commission of transportation by motor carriers engaged in interstate or foreign commerce in effectuating the national transportation policy declared in the Interstate Commerce Act; that he, therefore, is entitled to inclusion within a general postal certificate of exemption in accordance with the provisions of section 204(a)(4a) of part II of said act; and this Commission so finding:

It is ordered, That the said motor carrier be, and it is hereby, granted this general postal certificate of exemption, which during the period it shall remain effective and unrevoked, shall exempt the said motor carrier from compliance with the provisions of part II of said act in respect of transportation of mail in interstate or foreign commerce, and it is hereby issued to said motor carrier.

It is further ordered, That this general postal certificate of exemption shall be effective from the date hereof and shall remain in effect until revoked in accordance with the provisions of said act.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

(Secs. 204, 206, 207, 208, and 210; 49 Stat. 546, as amended, 551, as amended, 552, as amended, 554, as amended; 49 U.S.C. 304, 306, 307, 308, and 310)

It is further ordered, That this order shall become effective upon publication in the FEDERAL REGISTER (3-31-71).

And it is further ordered, That notice of this order shall be given to the public by depositing a copy thereof 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.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-4434 Filed 3-30-71;8:50 am]

Title 42—PUBLIC HEALTH

Chapter IV—Environmental Protection Agency

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

On October 31, 1970, notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 16861) to amend Part 481 by designating the Northern Missouri, Southeast Missouri, and Southwest Missouri Intrastate Air Quality Control Regions, and by revising the boundaries of the Metropolitan St. Louis and Joplin (Missouri)-Northeast Oklahoma Interstate Air Quality Control Regions.

On November 17, 1970, notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 17664) to amend Part 481 by designating the Eastern Oklahoma, North Central Oklahoma, Southwestern Oklahoma, and Northwestern Oklahoma Intrastate Air Quality Control Regions.

Interested persons were afforded an opportunity to participate in the rule making through the submission of written comments. Consultations were held on November 10, 1970, in Missouri and on November 24, 1970, in Oklahoma with appropriate State and local authorities pursuant to section 107 of the Clean Air Act, as amended (Public Law 91-604). Due consideration has been given to all relevant material presented, with the recommendation that Craig, Delaware, and Ottawa Counties in the State of Oklahoma, presently in the designated Joplin (Missouri)-Northeast Oklahoma Interstate Air Quality Control Region, be deleted from that Region and added to the presently designated Metropolitan Tulsa Intrastate Air Quality Control Region. It was also recommended that the Missouri counties of Barton, Jasper, McDonald, and Newton, presently designated in the Joplin (Missouri)-Northeast Oklahoma Interstate Air Quality Control Region, now be added to the Southwest Missouri Intrastate Air Quality Control Region. Thus the recommendation was to revoke the existing Joplin (Missouri)-Northeast Oklahoma Interstate Air Quality Control Region. In addition, it was recommended that the name of the Metropolitan Tulsa Intrastate Air Quality Control Region be changed to the Northeastern Oklahoma Intrastate Air Quality Control Region. Finally, a recommendation was made to change the name of the designated Metropolitan Oklahoma City Intrastate Air Quality Control Region to the Central Oklahoma Intrastate Air Quality Control Region and change the name of the Eastern Oklahoma Intrastate Air Quality Control Region to the Southeastern Oklahoma Intrastate Air Quality Control Region. The boundaries of these two intrastate Regions are not affected by these changes.

In consideration of the foregoing, the regulations set forth below, designating and revising certain air quality control regions in the States of Missouri and Oklahoma, are adopted effective on publication.

§ 481.116 Northern Missouri Intrastate Air Quality Control Region.

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

In the State of Missouri:

Adair County.	Lincoln County.
Andrew County.	Linn County.
Atchison County.	Livingston County.
Audrain County.	Macon County.
Boone County.	Marion County.
Caldwell County.	Mercer County.
Callaway County.	Moniteau County.
Carroll County.	Monroe County.
Charlton County.	Montgomery County.
Clark County.	Nodaway County.
Clinton County.	Osage County.
Cole County.	Pike County.
Cooper County.	Putnam County.
Daviess County.	Ralls County.
De Kalb County.	Randolph County.
Gentry County.	Saline County.
Grundy County.	Schuyler County.
Harrison County.	Scotland County.
Holt County.	Shelby County.
Howard County.	Sullivan County.
Knox County.	Warren County.
Lewis County.	Worth County.

§ 481.117 Southeast Missouri Intrastate Air Quality Control Region.

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

In the State of Missouri:

Bolinger County.	New Madrid County.
Butler County.	Pemiscot County.
Cape Girardeau County.	Perry County.
Carter County.	Phelps County.
Crawford County.	Reynolds County.
Dent County.	Ripley County.
Dunklin County.	St. Francois County.
Gasconade County.	Ste. Genevieve County.
Iron County.	Scott County.
Madison County.	Stoddard County.
Maries County.	Washington County.
Mississippi County.	Wayne County.

§ 481.118 Southwest Missouri Intrastate Air Quality Control Region.

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

In the State of Missouri:

Barton County.	Lawrence County.
Barry County.	McDonald County.
Bates County.	Miller County.
Benton County.	Morgan County.
Camden County.	Newton County.
Cedar County.	Oregon County.
Christian County.	Ozark County.
Dade County.	Pettis County.
Dallas County.	Polk County.
Douglas County.	Pulaski County.
Greene County.	St. Clair County.
Henry County.	Shannon County.
Hickory County.	Stone County.
Howell County.	Taney County.
Jasper County.	Texas County.
Johnson County.	Vernon County.
Laclede County.	Webster County.
Lafayette County.	Wright County.

§ 481.18 Metropolitan St. Louis Interstate Air Quality Control Region.

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

In the State of Illinois:

Madison County.	St. Clair County.
Monroe County.	

In the State of Missouri:

Franklin County.	St. Louis City.
Jefferson County..	St. Louis County.
St. Charles County.	

§ 481.123 Southeastern Oklahoma Intrastate Air Quality Control Region.

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

In the State of Oklahoma:

Atoka County.	Latimer County.
Bryan County.	Love County.
Carter County.	McIntosh County.
Choctaw County.	Marshall County.
Coal County.	Murray County.
Garvin County	Okfuskee County.
Haskell County.	Pittsburg County.
Hughes County.	Pontotoc County.
Johnston County.	Pushmataha County.
	Seminole County.

§ 481.124 North Central Oklahoma Intrastate Air Quality Control Region.

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

In the State of Oklahoma:

Garfield County.	Noble County.
Grant County.	Payne County.
Kay County.	

§ 481.125 Southwestern Oklahoma Intrastate Air Quality Control Region.

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

In the State of Oklahoma:

Beckham County.	Jackson County.
Caddo County.	Jefferson County.
Comanche County.	Kiowa County.
Cotton County.	Stephens County.
Greer County.	Tillman County.
Harmon County.	Washita County.

§ 481.126 Northwestern Oklahoma Intrastate Air Quality Control Region.

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

In the State of Oklahoma:

Alfalfa County.	Harper County.
Beaver County.	Major County.
Blaine County.	Roger Mills County.
Cimarron County.	Texas County.
Custer County.	Woods County.
Dewey County.	Woodward County.
Ellis County.	

§ 481.47 Central Oklahoma Intrastate Air Quality Control Region.

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

In the State of Oklahoma:

Canadian County.	Kingfisher County.
Cleveland County.	McClain County.
Grady County.	Oklahoma County.
Lincoln County.	Pottawatomie County.
Logan County.	

§ 481.79 Northeastern Oklahoma Intrastate Air Quality Control Region.

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

In the State of Oklahoma:

Craig County.	Osage County.
Creek County.	Ottawa County.
Delaware County.	Pawnee County.
Mayes County.	Rogers County.
Muskogee County.	Tulsa County.
Nowata County.	Wagoner County.
Okmulgee County.	Washington County.

§ 481.65 Joplin (Missouri)-Northeast Oklahoma Interstate Air Quality Control Region.

The Joplin (Missouri)-Northeast Oklahoma Interstate Air Quality Control Region, designated on December 8, 1970, and consisting of the counties of Barton, Jasper, McDonald, and Newton in the State of Missouri and Craig, Delaware, and Ottawa in the State of Oklahoma, is revoked effective upon publication.

(Sec. 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857g(a) as amended by sec. 15(c)(2) of the Public Law 91-604)

Dated: March 26, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-4457 Filed 3-30-71;8:51 am]

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

Designation

On January 20, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 932) to amend Part 481 by designating the Eastern Connecticut and Northwestern Connecticut Intrastate Air Quality Control Regions.

Interested persons were afforded an opportunity to participate in the rule making through the submission of written comments. A consultation was held on February 4, 1971, with appropriate State and local authorities pursuant to Section 107 of the Clean Air Act, as amended (Public Law 91-604). Due consideration has been given to all relevant material presented.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 481.183, as set forth below, dseignating the Eastern Connecticut Intrastate Air Quality Control Region, and § 481.184, as set forth below, designating the Northwestern Connecticut Intrastate Air Quality Control Region are adopted effective on publication.

§ 481.183 Eastern Connecticut Intrastate Air Quality Control Region.

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

In the State of Connecticut:

TOWNS

Ashford.	Mansfield.
Bozrah.	Montville.
Brooklyn.	North Stonington.
Canterbury.	Old Lyme.
Chaplin.	Old Saybrook.
Chester.	Plainfield.
Clinton.	Pomfret.
Colchester.	Preston.
Columbia.	Putnam.
Coventry.	Salem.
Deep River.	Scotland.
Eastford.	Sprague.
East Lyme.	Stafford.
Essex.	Sterling.
Franklin.	Stonington.
Griswold.	Thompson.
Groton.	Union.
Hampton.	Voluntown.
Killingly.	Waterford.
Killingworth.	Westbrook.
Lebanon.	Willington.
Ledyard.	Windham.
Lisbon.	Woodstock.
Lyme.	

CITIES

Groton.	Putnam.
New London.	Willimantic.
Norwich.	

§ 481.184 Northwestern Connecticut Intrastate Air Quality Control Region.

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

In the State of Connecticut:

TOWNS

Barkhamsted.	New Hartford.
Bridgewater.	New Milford.
Canaan.	Norfolk.
Colebrook.	North Canaan.
Cornwall.	Roxbury.
Goshen.	Salisbury.
Hartland.	Sharon.
Harwinton.	Sherman.
Kent.	Warren.
Litchfield.	Washington.
Morris.	Winchester.

CITIES

Torrington.	Winsted.

(Sec. 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857g(a) as amended by section 15(c)(2) of Public Law 91-604)

Dated: March 29, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-4546 Filed 3-30-71;11:20 am]

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

Designation

On January 8, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 293) to amend Part 481 by revising the boundaries of the Phoenix-Tucson Intrastate Air Quality Control Region by adding Yuma County, Ariz., to the Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of written comments. A consultation was held on January 19, 1971, with appropriate State and local authorities pursuant to section 107 of the Clean Air Act, as amended (Public Law 91-604). Due consideration has been given to all relevant material presented with the recommendation that Yuma County be designated as part of the Clark-Mohave Interstate Air Quality Control Region (Nevada-Arizona) rather than the previously designated Phoenix-Tucson Intrastate Air Quality Control Region as originally proposed.

In consideration of the foregoing, § 481.80, as set forth below, revising the boundaries of the Clark-Mohave Interstate Air Quality Control Region (Nevada-Arizona) is adopted effective on publication.

§ 481.80 Clark-Mohave Interstate Air Quality Control Region.

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

In the State of Nevada:

Clark County.

In the State of Arizona:

Mohave County.	Yuma County.

(Sec. 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857g(a) as amended by sec. 15(c)(2) of Public Law 91-604)

Dated: March 29, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-4545 Filed 3-30-71;11:19 am]

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

Designation

On February 5, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 2518) to amend Part 481 by designating the Eastern Idaho Intrastate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of written comments. A consultation was held on February 17, 1971, with appropriate State and local authorities pursuant to section 107 of the Clean Air Act, as amended (Public Law 91-604). Due consideration has been given to all relevant material presented with the recommendation that the initially proposed five-county area be expanded to be designated as a 14-county air quality control region.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 481.190, as set forth below, designating the Eastern Idaho Intrastate Air Quality Control Region, is adopted effective on publication.

§ 481.190 Eastern Idaho Intrastate Air Quality Control Region.

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

In the State of Idaho:

Bannock County.	Franklin County.
Bear Lake County.	Fremont County.
Bingham County.	Jefferson County.
Bonneville County.	Madison County.
Butte County.	Oneida County.
Caribou County.	Power County.
Clark County.	Teton County.

(Sec. 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857g(a) as amended by sec. 15(c)(2) of Public Law 91-604)

Dated: March 29, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-4547 Filed 3-30-71;11:19 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1201]

HANDLING OF TYPE 62 SHADE-GROWN CIGAR-LEAF TOBACCO GROWN IN DESIGNATED PRODUCTION AREA OF FLORIDA AND GEORGIA

Expenses and Fixing of Rate of Assessment for 1971–72 Fiscal Period

Consideration is being given to the following proposals submitted by the Control Committee, established under the amended marketing agreement and Amended Order No. 195 (7 CFR Part 1201), regulating the handling of type 62 shade-grown cigar-leaf tobacco grown in designated production area of Florida and Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(a) Expenses in the amount of $7,200 are reasonable and likely to be incurred by the Control Committee for its maintenance and functioning during the fiscal period ending January 31, 1972.

(b) The following rate of assessment which each handler who first handles tobacco shall pay, in accordance with the applicable provisions of the said amended marketing agreement and amended order, is hereby fixed as such handler's pro rata share of the aforesaid expenses: $1.60 per 1,000 pounds of tobacco handled by such handler as the first handler thereof during the fiscal period ending January 31, 1972.

(c) Terms used in this section shall have the same meaning as when used in said amended marketing agreement and amended order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 15th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to the notice will be made available for public inspection at the office of the Hearing Clerk during official hours of business.

Done at Washington, D.C., this 25th day of March 1971.

JACK THOMPASON,
Director, Tobacco Division,
Consumer and Marketing Service.

[FR Doc.71-4427 Filed 3-30-71;8:49 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Part 381]

CARGO PREFERENCE; U.S.-FLAG VESSELS

Notice of Proposed Rule Making

The Assistant Secretary of Commerce for Maritime Affairs has under consideration the promulgation of regulations to be followed by all departments and agencies having responsibility under the Cargo Preference Act of 1954, section 901(b) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1241(b)), in the administration of their programs with respect to that Act, as provided in section 27 of the Merchant Marine Act of 1970, Public Law 91–469. The first of such proposed regulations are set forth in F.R. Doc. 71–577 published in the FEDERAL REGISTER issue of January 15, 1971 (36 F.R. 609).

Section 901(b) of the Merchant Marine Act, 1936 (46 U.S.C. 1241(b)) reads in part:

> Whenever the United States shall procure, contract for, or otherwise obtain for its own account, or shall furnish to or for the account of any foreign nation without provisions for reimbursement, any equipment, materials, or commodities, within or without the United States, or shall advance funds or credits or guarantee the convertibility of foreign currencies in connection with the furnishing of such equipment, materials, or commodities, the appropriate agency or agencies shall take such steps as may be necessary and practicable to assure that at least 50 per centum of the gross tonnage of such equipment, materials, or commodities (computed separately for dry bulk carriers, dry cargo liners, and tankers), which may be transported on ocean vessels shall be transported on privately owned United States-flag commercial vessels, to the extent such vessels are available at fair and reasonable rates for U.S.-flag commercial vessels, in such manner as will insure a fair and reasonable participation of U.S.-flag commercial vessels in such cargoes by geographic areas * * *

Section 901(b)(2) of the Merchant Marine Act, 1936, as amended by section 27 of Public Law 91–469, approved October 21, 1970, provides that—

> Every department or agency having responsibility under this subsection shall administer its programs with respect to this subsection under regulations issued by the Secretary of Commerce. The Secretary of Commerce shall review such administration and shall annually report to the Congress with respect thereto.

Some years ago, in accordance with Charter Party terms, 100 percent of freight payments on preference cargoes were considered to be earned upon loading, with 90 percent payable upon completion of loading and the remaining 10 percent payable upon mutual agreement of a laytime statement.

Subsequently, some vessels were abandoned by their owners prior to discharge of the cargo. As a result, and in order to protect their interests, Government shipping agencies commenced approving only those Charter Parties which contained new freight payment procedures providing for no freight to be earned until arrival at the port of destination at which time 100 percent was earned, with 90 percent payable upon arrival of the vessel at the first discharge port and 10 percent payable upon mutual agreement of a laytime statement.

The freight payment procedure currently in effect, in one form or another, in all preference cargo Charter Parties, creates unnecessary financial burdens for many shipowners since it either requires them to finance their expenses in movement of the cargoes—resulting in substantial out-of-pocket sums for considerable periods of time—or to postpone receipt of payment altogether contrary to historical practice in the steamship industry—until the vessel arrives at its first discharge port.

Moreover, particularly in the case of the final 10 percent payment, the shipowner is often subjected to arbitrary withholding of this payment for reasons other than failure to mutually agree upon laytime statements.

In order to arrive at a more uniform freight payment procedure on preference cargo shipments and to minimize inequities now existing in the manner in which final payments are made, a return to the original procedure for payment of freight is desirable, provided the shipper is secured against loss of freight charges.

Therefore, notice is hereby given pursuant to Section 4 of the Administrative Procedure Act (5 U.S.C. 533) that the Assistant Secretary of Commerce for Maritime Affairs pursuant to sections 204(b), 212(d), and 901(b) Merchant Marine Act, 1936, as amended (46 U.S.C. 2141 (b)), and the authority delegated to him by the Secretary of Commerce under section 3 of the Department Organization Order 10–8, 36 F.R. 1223, proposes to add the following regulation to those set forth in F.R. Doc. 71–577:

§ 381.6 Freight payments.

The head of each department or agency (except Department of Defense) having responsibility under the Cargo Preference Act of 1954 shall, except for shipments on vessels making one-way voyages, prescribe a formal procedure providing that in cases where the shipper is secured against loss of prepaid freight charges, 100 percent of the freight payments on preference cargoes be earned upon loading, 90 percent be

payable upon completion of loading, and 10 percent be payable within 45 days after completion of discharge. The procedure should also provide that if any dispute arises regarding the laytime computation (1) the amount not disputed to be paid immediately with the disputed amount placed in escrow, and (2) efforts shall be made by the parties to reach agreement within the next 45 days, and (3) that if agreement is not reached within 90 days after completion of discharge, the dispute shall be submitted to arbitration as provided in the Charter Party, and (4) the amount found to be due by the arbitrators shall bear interest at the then current rate for the period commencing on the 91st day after completion of discharge and ending on the day of payment. A copy of these procedures shall be furnished to and approved by the Maritime Administration.

All interested persons are invited to submit their views and comments on the foregoing proposed regulation in writing to the Maritime Administration, Washington, D.C. 20235, on or before April 30, 1971. Except where it is requested that such communications not be disclosed, they will be considered to be available for public inspection.

Dated: March 29, 1971.

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

AARON SILVERMAN,
Assistant Secretary,
Maritime Administration.

[FR Doc.71-4514 Filed 3-30-71;8:51 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 121, 135g, 144]

NIHYDRAZONE

Notice of Proposed Rule Making

On the basis of grounds set forth in a notice of opportunity for hearing (Docket No. FDC-D-282) published elsewhere in this issue of the FEDERAL REGISTER, the Commissioner of Food and Drugs proposes (1) to revoke the food additive regulation providing for the use of nihydrazone in chicken feed for specified purposes and (2) to revoke the exemption from certification requirements of poultry feed containing nihydrazone and antibiotics.

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 that:

1. Part 121 be amended by revoking § 121.237 *Nihydrazone.*

2. Part 135g be amended by revoking § 135g.21 *Nihydrazone.*

3. Part 144 be amended in § 144.26 *Animal feeds containing certifiable antibiotic drugs* by revoking paragraph (b) (60).

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 18, 1971.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.71-4385 Filed 3-30-71;8:45 am]

[21 CFR Parts 121, 144, 146a]

NITROFURAZONE

Notice of Proposed Rule Making

On the basis of grounds set forth in a notice of opportunity for hearing (Docket No. FDC-D-280) published elsewhere in this issue of the FEDERAL REGISTER, the Commissioner of Food and Drugs proposes (1) to revoke the exemptions from certification of animal feeds containing nitrofurazone, (2) to delete from the list of preparations acceptable for certification or exemption from certification those preparations containing nitrofurazone and antibiotics intended for use in animals, and (3) to revoke the food additive regulation providing for the use of nitrofurazone in mink feed.

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 that:

1. Part 121 be amended by revoking § 121.248 *Nitrofurazone.*

2. Part 144 be amended in § 144.26 *Animal feed containing certifiable antibiotic drugs:*

a. In paragraph (a)(5) by deleting the words "or without nitrofurazone 0.0056 percent, and/or".

b. In paragraph (b) by revoking subparagraphs (1) (iii) and (v), (2) (iii), and (11).

3. Part 146a be amended:

a. In § 146a.26 *Penicillin ointment* by deleting from the second sentence of paragraph (a) the words "nitrofurazone and".

b. In § 146a.45 *Procaine penicillin G in oil* by deleting from the second sentence of paragraph (a) the words "nitrofurazone".

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 (preferable in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: March 18, 1971.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.71-4386 Filed 3-30-71;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-CE-40]

FEDERAL AIRWAY SEGMENT

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a south alternate to VOR Federal airway No. 88 via the Forney (AAF), Mo., VOR.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The airspace action proposed in this docket would designate a south alternate to V-88 from the intersection of the Springfield, Mo., VORTAC 058° T (051° M) and the Forney (AAF) VOR 266° T (260° M) radials to the Vichy, Mo., VORTAC via the Forney (AAF) VOR and the intersection of the Forney 046° T (040° M) and Vichy 216° T (210° M) radials.

There has been an increase of traffic to and from the Forney Army Airfield, Fort Leonard Wood, MO. The Air Route Traffic Control Center has no radar coverage below 7,000 feet MSL along the proposed route. The proposed route would allow a more expeditious flow of traffic to and from Forney Army Airfield.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a))

and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 25, 1971.

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

[FR Doc.71-4406 Filed 3-30-71;8:47 am]

Federal Railroad Administration

[49 CFR Part 230]

[Docket No. FRA-LI-3; Notice No. 1]

LOCOMOTIVE INSPECTION

Notice of Proposed Rule Making

The Federal Railroad Administration is considering amendment of 49 CFR Part 230 to delete certain reporting and record-keeping requirements that are no longer considered necessary to administer the Locomotive Inspection Act, as amended (45 U.S.C. 22-34).

Every rail carrier is now required to: (1) File with the Director of the Bureau of Railroad Safety a specification for each Other Than Steam (OTS) and Multiple Unit (MU) locomotive unit it operates; (2) keep a copy of this specification in the office of its mechanical engineer; and (3) file a corrected specification or alteration report within 30 days after any changes have been made which affect the specification data. The proposed rule would remove these requirements.

Interested persons are invited to participate in the making of the proposed rule by submitting written data, views, or arguments. Communications should be submitted to the Docket Clerk, Office of Hearings and Proceedings, Federal Railroad Administration, Attention: Docket No. FRA-LI-3, 400 Seventh Street SW., Washington, DC 20591. All comments received on or before May 3, 1971, will be considered by the Administrator before taking action on the proposed rule. All comments received will be available both before and after the closing date for comments in the Public Docket for examination by interested persons. The Docket may be examined at any time during regular working hours, at Room 5100, 400 Seventh Street SW., Washington, DC 20591.

In consideration of the foregoing it is proposed to amend Part 230 by deleting §§ 230.328 and 230.449 in their entirety.

These amendments are proposed under the authority of sections 2 and 5, 36 Stat. 913, 914; 45 U.S.C. 23, 28, section 6 (e) and (f), 80 Stat. 939, 940; 49 U.S.C. 1655.

Issued in Washington, D.C., on March 22, 1971.

CARL V. LYON,
Acting Administrator.

[FR Doc.71-4381 Filed 3-30-71;8:45 am]

Notices

DEPARTMENT OF STATE

Agency for International Development

AUDITOR GENERAL AND DEPUTY AUDITOR GENERAL, OFFICE OF AUDITOR GENERAL

Redelegation of Authority to Approve Travel, and Transportation Waivers, for Overseas Auditor General Personnel

Pursuant to the authority delegated to me by Delegation of Authority No. 36 of April 21, 1964 (29 F.R. 5353), as amended by Amendment 1, dated May 31, 1966 (31 F.R. 8166) and Amendment 2, dated June 25, 1969 (34 F.R. 11385), contained in A.I.D. Manual Order 130.36, I hereby redelegate to the Auditor General and his Deputy the following travel and transportation authority for Office of the Auditor General personnel and their dependents:

1. Authorize and approve official travel, per diem, transportation, and storage of effects (including automobiles) and related expenses incident to temporary duty, a personnel action, home leave, and emergency evacuation (see M.O. 391.3.1., A.I.D. Emergency and Evacuation Guide).

2. Authorize, in accordance with sections 133 and 134 of M.O. 560.2, the use of foreign flag ships and airlines when American flag carriers are not available; when necessitated by the official business concerned; or to avoid excessive delay, cost, or personal inconvenience.

3. Authorize actual subsistence expenses.

4. Authorize cost of living allowances and overseas differentials when appropriate.

5. Authorize the transportation of replacement motor vehicles in accordance with sections 165.3 and 165.4 of M.O. 560.2.

6. Authorize educational travel for eligible dependents in accordance with section 111.1 of M.O. 560.2.

7. Authorize travel within or between foreign countries when travel is for temporary detail, consultation, or conference purposes.

8. Authorize rest and recuperation travel.

9. Authorize the family of an employee to return to the United States for a compelling or compassionate reason in advance of the date the employee is eligible for travel.

10. All authorities delegated herein may be redelegated by the Auditor General or his Deputy to Auditor General Office Directors, Area Auditors General, Regional Inspectors-in-Charge, and their Deputies. These authorities may also be exercised by persons who are performing the functions of the designated officers in an "Acting" capacity.

11. This redelegation of authority shall be effective immediately.

Dated: March 23, 1971.

FRED C. FISCHER,
Acting Assistant Administrator for Administration.

[FR Doc.71-4411 Filed 3-30-71;8:48 am]

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1970 Rev., Supp. No. 11]

MID-STATES INSURANCE COMPANY

Surety Companies Acceptable on Federal Bonds

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $183,000.00 has been established for the company.

Name of company, location of principal executive office, and State in which incorporated:

Mid-States Insurance Company

Evanston, Illinois

Illinois

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new Certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Dated: March 25, 1971.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.71-4403 Filed 3-30-71;8:47 am]

Internal Revenue Service

ERWIN CARL FRIES

Notice of Granting of Relief

Notice is hereby given that Erwin Carl Fries, Rural Route 2, Henderson, MN 56044, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on April 20, 1967, in the 1st Judicial District Court, Gaylord, Sibley County, MN, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Erwin Carl Fries because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Erwin Carl Fries to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Erwin Carl Fries' application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered,* That Erwin Carl Fries be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 23d day of March 1971.

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

[FR Doc.71-4404 Filed 3-30-71;8:47 am]

BRYNNIE MAE JONES

Notice of Granting of Relief

Notice is hereby given that Brynnie Mae Jones, 888 Collingwood, Detroit, MI 48202, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of her conviction on March 2, 1951, in the Recorder's Court

of the city of Detroit, Mich., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Brynnie Mae Jones because of such conviction, to ship, transport or receive in interstate or foreign commerce any firearms or ammunition, and she would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Brynnie Mae Jones to receive, possess, or transport in commerce or affecting commerce, any firearms.

Notice is hereby given that I have considered Brynnie Mae Jones' application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Brynnie Mae Jones be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

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

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

[FR Doc.71-4405 Filed 3-30-71;8:47 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

DEPREDATING AMERICAN COOTS

Order Terminating Authorization To Kill in Certain Counties of California

MARCH 29, 1971.

On page 999 of the FEDERAL REGISTER on Thursday, January 21, 1971, there was published an order permitting depredating American Coots (Fulica Americana) to be killed in designated agricultural areas in California, including the 10 counties named below.

It has been determined that the emergency condition created by these depredating American Coots (Fulica Americana) has been abated and no longer exists in the following named counties of California:

1. Fresno.
2. Kern.
3. Kings.
4. Madera.
5. Merced.
6. Stanislaus.
7. Tulare.
8. Imperial.
9. Riverside.
10. San Bernardino.

Therefore, the termination date of the order published on page 999 of the FEDERAL REGISTER of Thursday, January 21, 1971, will be at sunset on March 31, 1971, in the 10 counties of California named above.

AUTHORITY: Section 16.25, Title 50, Code of Federal Regulations.

Effective date: This amendment will be effective upon publication in the FEDERAL REGISTER (3-31-71).

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

[FR Doc.71-4531 Filed 3-30-71;10:10 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. C-342]

ROY P. AND VIVIAN L. MYKING

Notice of Loan Application

MARCH 25, 1971.

Roy P. Myking and Vivian L. Myking, 7364 Player Drive, San Diego, CA 92119, have applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new 56-foot length overall steel vessel to engage in the fishery for tuna (albacore, yellowfin, bluefin, skipjack), bonito, salmon, and Dungeness crab.

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

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

[FR Doc.71-4421 Filed 3-30-71;8:49 am]

Office of the Secretary

[Dept. Organ. Order 10-8, Amdt. 1]

DEPUTY ASSISTANT SECRETARY FOR MARITIME AFFAIRS

Organization and Functions

The following amendment to the order was issued by the Secretary of Commerce on March 5, 1971. This material amends the material appearing at 36 F.R. 1223 of January 26, 1971.

Department Organization Order 10-8, effective October 21, 1970, is hereby amended as follows:

1. SEC. 2. *Status and line of authority.* Paragraph .03 is amended to read:

".03 The Assistant Secretary shall be assisted in his duties by a Deputy Assistant Secretary for Maritime Affairs (ex-officio Deputy Maritime Administrator) who shall perform such duties as the Assistant Secretary shall assign. In addition, he shall assume the duties of the Assistant Secretary in his absence or during a vacancy in the office, unless the Secretary shall designate another person."

2. SEC. 5. *Maritime Subsidy Board.* The words "Deputy Assistant Secretary for Maritime Affairs" shall be substituted for the words "Deputy Maritime Administrator."

Effective date: March 5, 1971.

LARRY A. JOBE,
Assistant Secretary for Administration.

[FR Doc.71-4416 Filed 3-30-71;8:48 am]

[Dept. Organ. Order 25-2, Amdt. 2]

MARITIME ADMINISTRATION

Organization and Functions

The following amendment to the order was issued by the Secretary of Commerce on March 5, 1971. This material amends the material appearing at 35 F.R. 13145 of August 18, 1970; and 35 F.R. 17797 of November 19, 1970.

Department Organization Order 25-2B, dated August 5, 1970, is hereby further amended as follows:

1. The number of this order is changed to "Department Organization Order 25-2."

2. SECTION 1. *Purpose.* This section is amended to read:

"This order prescribes the organization and assignment of functions within the Maritime Administration. The delegations of authority to the Assistant Secretary for Maritime Affairs and the Maritime Subsidy Board are set forth in Department Organization Order 10-8."

3. SEC. 3. *Office of the Assistant Secretary for Maritime Affairs.* This section is amended to read:

".01 The Assistant Secretary for Maritime Affairs (the Assistant Secretary), who is ex-officio Maritime Administrator, is the head of the Maritime

Administration and serves as Chairman of the Maritime Subsidy Board.

".02 The Deputy Assistant Secretary for Maritime Affairs shall assist the Assistant Secretary in carrying out his responsibilities and perform such duties as the Assistant Secretary shall prescribe, together with the duties which he performs as a member of the Maritime Subsidy Board. In addition, he shall be the Acting Assistant Secretary during the absence or disability of the Assistant Secretary and, unless the Secretary of Commerce designates another person, during a vacancy in the office of the Assistant Secretary. He shall also be responsible for supervision and coordination of contract compliance activities and activities under Title VI of the Civil Rights Act of 1964.

".03 The Deputy Administrator for Program Implementation shall also assist the Assistant Secretary in carrying out his responsibilities and shall perform such duties as the Assistant Secretary shall prescribe in providing executive direction and coordination of activities related to: (a) Implementation of the program created under the Merchant Marine Act of 1970; (b) international maritime affairs of significant interest to the Maritime Administration; (c) equal employment opportunity programs administered by the Maritime Administration with respect to ship construction, boatbuilding and water transportation industries that are Government contractors; and (d) such other areas as the Assistant Secretary shall determine.

".04 The Executive Staffs shall consist of the Secretary of the Maritime Administration who also serves as Secretary of the Maritime Subsidy Board, the hearing examiners, and officials concerned with other special services for the Assistant Secretary and the Maritime Subsidy Board."

4. SEC. 9.–13. All references to the title of "Maritime Administrator" in these sections are deleted and the title of "Assistant Secretary" is substituted therefor.

5. SEC. 12. Office of the Assistant Administrator for Operations. The last sentence of paragraph .02 of this section is changed to read: "The Office of Ship Operations has the following divisions: Division of Operations and Repair and Division of Reserve Fleet."

6. The organization chart of August 5, 1970, as amended, attached as Exhibit 1 to DOO 25–2B, is superseded by the chart attached to this amendment. (A copy of the organization chart is on file with the original of this document with the Office of the Federal Register.)

Effective date: March 5, 1971.

LARRY A. JOBE,
Assistant Secretary
for Administration.

[FR Doc.71-4417 Filed 3-30-71;8:48 am]

[Dept. Organ. Order 25–5B]

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Organization and Functions

The following order was issued by the Secretary of Commerce on March 5, 1971. This National Oceanic and Atmospheric Administration material supersedes the material appearing at 35 F.R. 16601 of October 24, 1970; and 36 F.R. 3134 of February 18, 1971.

SECTION 1. *Purpose.* .01 This order prescribes the organization and assignment of functions within the National Oceanic and Atmospheric Administration (NOAA). This is an interim organization arrangement for NOAA.

.02 This revision provides for the functions relating to the programs and activities transferred to the Secretary of Commerce by Executive Order 11564, and in turn delegated to the Administrator of NOAA by Department Organization Order 25–5A.

SEC. 2. *Organization structure.* The interim organization structure and line of authority of NOAA shall be as depicted in the attached organization chart (Exhibit 1). (A copy of the organization chart is on file with the original of this document with the Office of the Federal Register.)

SEC. 3. *Office of the Administrator.* .01 The Administrator of NOAA formulates policies and programs for achieving the objectives of NOAA and directs the execution of these programs.

.02 The Deputy Administrator assists the Administrator in formulating polices and programs and in managing NOAA.

SEC. 4. *Assistant Administrator for Administration and Technical Services.* The Assistant Administrator for Administration and Technical Services shall provide administrative management and technical support services for all components of NOAA except for elements of such services that appropriate components are directed to provide for themselves, and exercise functional supervision over such decentralized services; and provide advice and guidance to the Administrator on the allocation of NOAA resources. To carry out his responsibilities, the Assistant Administrator shall have and direct the following units.

.01 The Administrative Operations Division shall perform the following functions: property and supply management; directives management; records and files management; reports management; space and facilities management; travel and transportation services; mail, messenger, and related office services; graphic services; safety; security; and processing of tort claims.

.02 The Budget Division shall analyze and aggregate NOAA budgetary requirements; prepare and coordinate formal budget documents for submission to the Office of the Secretary; develop and recommend fiscal plans to assure optimum use of available funds; and review and report on execution of approved budgets and associated fiscal plans.

.03 The Finance Division shall provide centralized financial accounting for all components of NOAA, determine needs of managers for accounting data, and maintain a financial reporting system that will facilitate effective management of NOAA's financial resources.

.04 The Management Systems Division shall conduct studies and provide other analytical assistance to develop or improve the organization structure and other management systems of NOAA and to improve the economy and effectiveness of NOAA activities; perform ADP systems analysis and programing required for administrative management functions; and operate a system for assembling and preparing analytic summaries of administrative and program performance information for NOAA's top management.

.05 The Personnel Division shall provide personnel management services by conducting recruitment, employment, classification and compensation, employee relations, labor relations, incentive awards, and career development activities for civilian personnel.

.06 The Computer Division shall operate an automatic data processing facility for all components of NOAA, except where separate ADP facilities are approved; provide programing assistance and advice; exercise overall management of NOAA's ADP needs and facilities; and coordinate needs for and uses of NOAA telecommunications facilities.

.07 The Scientific Information and Documentation Division shall assemble and maintain scientific reports and publications emanating from or relevant to NOAA's activities; operate the NOAA library system; and provide editorial assistance in the preparation of scientific papers and publications.

.08 The Radio Frequency Management Division shall, as a Department-wide responsibility, coordinate the requirements and the management and use of radio frequencies by all organizations of Commerce.

SEC. 5. *Assistant Administrator for Plans and Programs.* The Assistant Administrator for Plans and Programs shall provide a focal point for the development, implementation, and maintenance of an effective planning and programing system throughout NOAA and for the development of plans for meeting approved objectives; in close collaboration with line and staff components, develop 5-year programs and compatible financial plans from which NOAA budgets can be formulated; evaluate NOAA programs and accomplishments; and provide advice to the Administrator on the program impact of resource allocations, retrenchments, and reprograming. The Assistant

Administrator will also serve as NOAA's focal point for weather modification activities, including planning, legislation, and liaison functions. To carry out his responsibilities, the Assistant Administrator shall have and direct the following units.

.01 The following divisions shall perform the functions enumerated herein, each for the broad program area indicated by its title:

Oceanic Division.
Solid Earth Division.
Atmospheric Division.
Space Division.

Each division shall maintain cognizance over the acquisition, communication, analysis, processing, publication, dissemination, archiving, and retrieval of information involved in operating programs; and over research, development, test and evaluation activities in support of those programs. The divisions shall obtain and evaluate requirements of users, assure development of adequate plans for meeting these requirements, maintain current projections of resources required to implement approved plans, and make recommendations on ongoing and future programs. The divisions, on a continuing basis, shall evaluate the programs under their purview in terms of quality and responsiveness to user needs, and recommend program curtailments, redirections, expansions and new program initiatives.

.02 The Weather Modification Division shall be responsible for the development and updating of weather modification plans; drafting of proposed domestic legislation concerning weather modification in conjunction with NOAA's General Counsel; conversion of weather modification research into an operational program; development of the sociological, legal, and economic implications of an operational program, with economic studies conducted in conjunction with the Office of Special Studies and legal studies conducted in conjunction with NOAA's General Counsel; and the preparation of weather modification impact statements required by section 102 of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. This division shall also serve as the Administrator's clearing house for all outside contacts with NOAA regarding an operational program in weather modification.

.03 The Office of Special Studies shall provide guidance on long-range goals and plans for NOAA's major program areas, applying such planning factors as forecasts of technological advances, technological assessment, user needs and NOAA resource capacity and availability. The Office shall conduct benefit-cost analyses and other basic studies required in planning and carrying out programs of NOAA.

SEC. 6. Assistant administrator for environmental systems. The Assistant Administrator for Environmental Systems shall (a) provide a focus for environmental systems analysis and design, for international and interagency coordination and planning, and for cooperative field experiments; and (b) shall be responsible for national oceanographic instrumentation program, a marine minerals technology program, and development of a national data buoy system. To carry out his responsibilities, the Assistant Administrator shall have and direct the following units.

.01 The Federal Plans and Coordination Division shall perform the functions required to carry out NOAA's responsibility for coordinating Federal meteorological services and supporting research, for coordinating Federal marine environmental predictions, for United States participation in the cooperative World Weather Program, for a coordinated national program of geodetic surveys, and for similar multiagency Federal efforts.

.02 The Systems Division shall conduct systems studies for improvement of activities relating to NOAA's total environmental involvement; analyze alternative methods for achieving future national environmental science goals; and conduct studies on the design and analysis of interagency and international programs, such as the World Weather Program.

.03 The Field Research Projects Division shall conduct the engineering and operational planning (including logistical support), coordination and implementation of experiments or tests requiring the joint participation of agencies, countries, or scientific groups.

.04 The National Oceanographic Instrumentation Center shall operate a test and evaluation laboratory for oceanographic instruments and maintain a data bank on instrument specifications, proposal clauses, and performance characteristics; coordinate all Government requirements for oceanographic instrument development; conduct programs for improving instruments needed in testing, standardization, and calibration of oceanographic equipment; and establish techniques and guidelines by which oceanographic instrument performance can be assessed.

.05 The Marine Minerals Technology Center shall conduct marine minerals research to improve the fundamental technology that will make it possible for industry to exploit undersea minerals commercially in a manner that is safe to the environment as well as compatible with other uses of the sea; develop, test and evaluate tools and techniques for delineating the important characteristics of marine mineral deposits; and develop, test, and evaluate marine mining systems that are compatible with the principle of multiple use of the marine environment.

.06 The National Data Buoy Project Office shall design, develop, test and evaluate a national system of data buoys capable of collecting and disseminating nationally required oceanographic and marine meteorological data at time intervals to meet user needs.

SEC. 7. *Special Staff Offices*. .01 The Office of International Affairs shall formulate and coordinate policies and plans of U.S. participation in international activities in the environmental sciences; manage NOAA's international training program; and advise on special programs for bilateral cooperation with foreign countries in the environmental sciences, including U.S. AID programs.

.02 The Office of Public Affairs shall recommend objectives and policies relating to public affairs; plan and conduct and information and education program to insure that the public, Congress, users groups, and employees are properly informed on matters relating to NOAA's activities and environmental safety and conservation; and provide direction to all public affairs activities within NOAA. These activities shall be carried out in collaboration with the Departmental Office of Public Affairs.

a. The Public Information Service Staff shall conduct an information program which describes NOAA's activities to the public, Congress, users groups, and employees.

b. The Public Safety and Education Services Staff shall conduct an education program to instruct and inform the public concerning environmental safety and conservation and the beneficial user of marine resources.

.03 The Office of Aviation Affairs shall establish objectives and recommend policies for aviation services; serve as aviation services adviser to the Administrator and his senior line managers; maintain liaison with FAA and advise FAA officials on aviation services; and represent NOAA in top level relations with other Government agencies, the aviation industry, and international interests on aviation services.

.04 The Office of General Counsel shall provide legal services for all components of NOAA, subject to the overall authority of the Departments' General Counsel as provided in Department Organization Order 10–6.

.05 The Office of Ecology and Environment Conservation shall act as a central point to which ecological and environmental conservation interests can communicate their views on NOAA activities; act as a focal point for the review of all NOAA activities which impinge upon ecological and environmental conservation matters; review NOAA activities to insure full compliance with the purposes and provisions of sections 102 and 103 of the National Environmental Policy Act of 1969; coordinate preparation, within NOAA, of environmental statements and comments required by section 102 of the Act; and represent NOAA within the interagency councils of the Government on matters that involve ecology or environmental quality within NOAA's assigned responsibilities.

.06 The Office of Congressional Affairs shall coordinate contacts with Congress, except for matters relating to appropriations; in consultation with NOAA's General Counsel, formulate recommendations for legislative programs; and review, coordinate, and advise on all legislative matters affecting NOAA's programs and activities. These activities

shall, as applicable, be carried out in coordination with and in recognition of the responsibilities of the Departmental Office of Congressional Relations, and of the Departmental Office of the General Counsel.

SEC. 8. *Director of the NOAA Corps.* The Director of the NOAA Corps shall develop plans for the efficient utilization of the NOAA commissioned officers corps; develop and implement policies and procedures for the recruitment, commissioning, and assignment of commissioned officers; and represent NOAA in interdepartmental activities having to do with the uniformed services.

SEC. 9. *Office of Sea Grant.* The Office of Sea Grant shall provide grant support, primarily to institutions, for research, education and advisory services aimed at assisting man in the intelligent utilization of the seas and the Great Lakes of the United States.

SEC. 10. *National Marine Fisheries Service.* The National Marine Fisheries Service shall promote the protection and rational use of living marine resources for their aesthetic, economic, and recreational value of the American people. The Service shall administer programs to determine the consequences of the naturally varying environment and man's activities on living marine resources, to provide knowledge and service to foster their efficient and judicious use and to achieve domestic and international management, use and protection of living marine resources. The Service shall be organized as set forth below.

.01 Headquarters.

a. Office of the Director.

1. The Director shall formulate and execute basic policies and manage the Service.

2. The Deputy Director shall assist the Director in carrying out his responsibilities.

3. The Office of Planning shall coordinate planning activities, and provide the Director with advice on the selection of program objectives and the allocation of resources; prepare program memorandum and issue papers; and assist in developing justification for use in budget estimates.

4. The Office of Information shall plan and carry out the Service's publication program.

b. The Associate Director for Resource Programs shall plan, develop, and evaluate an interdisciplinary research and development program to produce basic knowledge necessary for management, protection, and rational use of living marine resources. In this capacity the Associate Director shall maintain principal responsibility for resource programs, associated laboratories, and the facilities and plans for their operations. The program shall involve the following activities: Research for improvement of fish detection and harvesting systems; assessment and characterization of the raw material potential and fundamental properties of fishery resources; development of monitoring, sampling, assessment, and analytical methods and techniques; collection and documentation of scientific data to provide a means for protecting the access of U.S. citizens to living marine resources; and biological surveys and studies for monitoring, assessment, and prediction of abundance and availability of marine living resources and improvement of their quality and abundance in both natural and controlled environments.

c. The Associate Director for Management and Utilization shall plan, develop, and evaluate (1) programs designed to increase efficiency in utilization of fishery products; (2) financial assistance to State governments and recreational and commercial interests; (3) management activities aimed at maintaining resources at levels of optimum abundance; and (4) operations relating to the development of political and legal institutions (particularly on Federal-State jurisdictional matters) that are involved in the achievement of the utilization and management program objectives.

d. The Assistant Director for International Affairs shall advise and assist the Director in the formulation and implementation of policy on international fishery matters; exercise staff supervision over the review and coordination of international activities and interests of NOAA in the recreational and commercial fisheries; and collect and disseminate information on the activities of foreign fisheries to users in Government and industry.

.02 Field.

a. Regional Offices shall plan and operate fishery resource research, conservation and utilization programs. Regional Offices shall provide administrative and technical support for all NMFS components in their geographic area of responsibility except as the Director may otherwise specify. Where feasible and practical, this support will be extended to include other NOAA components. The Regional Offices and their regions shall be as follows:

Region	*Regional office*
Northwest Region	Seattle, Wash.
Southeast Region	St. Petersburg, Fla.
Northeast Region	Gloucester, Mass.
Southwest Region	Terminal Island, Calif.
Alaska Region	Juneau, Alaska.

The area of jurisdiction of each region shall be that shown in Exhibit 2. (A copy of Exhibit 2 is on file with the original of this document with the Office of the Federal Register.)

b. Marine Sport Fishery Laboratories shall provide a coordinated program of resource survey and biological research including life history studies, fish behavior studies, habitat improvement studies, pollution research, ecological research, resource inventories and estuarine research. The laboratories are:

Sandy Hook Marine Laboratory, Sandy Hook, N.J.
Tiburon Marine Laboratory, Tiburon, Calif.
Narragansett Marine Gamefish Laboratory, Saunderstown, R.I.
Eastern Gulf Marine Laboratory, Panama City, Fla.
Aransas Pass Marine Laboratory, Aransas Pass, Tex.

SEC. 11. *Environmental Data Service.* The Environmental Data Service (EDS) shall acquire, store, and disseminate worldwide environmental data, once the immediate purposes for which the data were collected have been satisfied. To accomplish this, the EDS shall maintain and operate appropriate data centers and perform related research and information dissemination activities. More specifically, the EDS shall inventory, acquire, provide quality controls for, store, recall, and disseminate environmental data; process, analyze, and interpret these data as required for preparation and publication of data products for use by Government, the scientific and engineering community, industry, commerce, agriculture, and the general public; foster and conduct research and development activities pertinent to the improvement of these functions, particularly data application and the effective use of computer technology; and coordinate the international exchange of marine, atmospheric, solid earth, and space data. The Service shall be organized as set forth below:

.01 Office of the Director. The Director shall formulate and execute basic policies and shall manage the Service. He shall be immediately assisted by a Deputy and a Deputy for Climatology.

.02 The Office of Field Services shall provide planning and technical direction for climatological data acquisition to meet national and international needs through observing networks such as the basic climatological network and the climatological benchmark network; and plan and provide technical direction for environmental data dissemination through the environmental data services regional climatologist and State climatologist programs.

.03 The Office of Data Information shall assure proper dissemination of environmental data to the user public and scientific community from centralized data sources.

.04 The National Geophysical Data Center shall collect, process, archive, and publish geophysical data; develop analyses of geophysical data to meet user requirements and provide ready access to geophysical data; and provide facilities for world geophysical data centers.

.05 The National Oceanographic Data Center shall acquire, process, and preserve oceanographic data for dissemination to the governmental, industrial, and scientific marine communities. Data shall be acquired through gifts, scientific exchange or through purchase.

.06 The National Climatic Center shall collect, process, archive, and publish climatological data; develop analyses of climatological data to meet user requirements and provide ready access to climatological data; and provide facilities for the world meteorological data center under international auspices.

.07 The Laboratory for Environmental Data Research shall develop the analysis, processing and interpretation of geophysical and climatological data through research activities; and anticipate needs for climatological and geophysical data for design and risk assessment and stimulate original work to meet these needs.

SEC. 12. *National Weather Service.* The National Weather Service (NWS) shall observe and report the weather of the United States and its possessions and issue forecasts and warnings of weather and flood conditions that affect the Nation's safety, welfare, and economy; develop the National Meteorological Service System; participation in international meteorological and hydrological activities, including exchanges of meteorological data and forecasts; and provide forecasts for domestic and international aviation and for shipping on the high seas. The Service shall be organized as set forth below.

.01 Office of the Director. The Director shall formulate and execute basic policies and manage the Service. He shall be immediately assisted by a Deputy.

.02 The Office of Meteorological Operations shall observe, prepare, and distribute forecasts of weather conditions and warnings of severe storms and other adverse weather conditions for protection of life and property; develop and institute policies, and plans and procedures for operation of meteorological services; and serve as the primary channel for coordinating NWS field operations.

.03 The Office of Hydrology shall provide river and flood forecasts and warnings, and water supply forecasts; conduct research to improve river and flood forecasts and warnings; and analyze and process hydrometeorological data for use in water resource planning and operational problems.

.04 The Systems Development Office shall manage, plan, design, and develop a system to meet all meteoroligacl service requirements; develop, test, and evaluate techniques and equipment; translate research results into operational practices; and conduct studies associated with the design of the World Weather Watch.

.05 The National Meteorological Center shall provide analyses of current weather conditions over the globe and depict the current and anticipated state of the atmosphere for general national and international uses; conduct development programs in numerical weather prediction; and lead in the extension and application of advanced techniques.

.06 The Field Structure shall consist of six regions as shown in Exhibit 3. A region shall consist of a Regional Office managed by a Regional Director, and contain field offices and forecast centers reporting to the Regional Director. (A copy of Exhibit 3 is on file with the original of this document with the Office of the Federal Register.)

a. Each region shall provide weather services within its prescribed geographical area by issuing forecasts and warnings of weather and flood conditions, and shall conduct operational and scientific meteorological and hydrological programs as are assigned to it.

b. Regional Offices shall provide administrative and technical support for all NWS components in their respective regions and shall provide such services to other components of NOAA as determined to be practicable and advantageous to NOAA.

SEC. 13. *Environmental Research Laboratories.* The Environmental Research Laboratories (ERL) shall conduct an integrated program of research and services relating to the oceans and inland waters, the lower and upper atmosphere, the space environment, and the solid earth so as to increase understanding of man's geophysical environment and thus provide the scientific basis for improved services. The ERL shall be organized as set forth below.

.01 Office of the Director.

a. The Director shall formulate and execute basic policies and manage ERL. He shall be immediately assisted by a Deputy Director.

b. The Office of Programs shall provide policy and management advice to the Director; lead and coordinate program planning activities, including PPBS requirements; coordinate ERL's activities with national and international scientific programs; review and evaluate current programs; develop a management information system; and provide related staff assistance to the Director.

c. The Office of Research Support Services shall provide administrative and technical services to all ERL components at Boulder, Colo., and at other locations except as otherwise specified.

.02 The Earth Sciences Laboratories shall conduct research in geomagnetism, seismology, geodesy, and related earth sciences, seeking fundamental knowledge of earthquake processes, of internal structure and accurate figure of the earth, and the distribution of its mass.

.03 The Atlantic Oceanographic and Meteorological Laboratories shall conduct research toward a fuller understanding of the ocean basins and borders, of oceanic processes, ocean-atmosphere interactions, and the origin, structure, and motion of hurricanes and other tropical phenomena.

.04 The Pacific Oceanographic Laboratories shall conduct oceanographic research toward fuller understanding of the ocean basins and borders, or oceanic processes, sea-air and land-sea interactions as required to improve the marine scientific services and operations of NOAA.

.05 The Atmospheric Physics and Chemistry Laboratory shall perform research on processes of cloud physics and precipitation and the chemical composition and nuclearing substance in the lower atmosphere. The Laboratory is NOAA's major focus for design and conduct of laboratory and field experiments towards developing feasible methods of practical, beneficial weather modification.

.06 The Air Resources Laboratories shall conduct research on the diffusion, transport, and dissipation of atmospheric contaminants, using laboratory and field experiments to develop methods for prediction and control of atmospheric pollution.

.07 The Geophysical Fluid Dynamics Laboratory shall conduct investigations of the dynamics and physics of geophysical fluid systems to develop a theoretical basis, by mathematical modelling and computer simulation, for the behavior and properties of the atmosphere and the oceans.

.08 The National Severe Storms Laboratory shall conduct studies of tornadoes, squall lines, thunderstorms and other severe local convective phenomena in order to achieve improved methods of forecasting, detecting and providing advance warning of their occurrence and severity.

.09 The Space Environment Laboratory shall conduct research in the field of solar-terrestrial physics; develop techniques necessary for forecasting of solar disturbances and their subsequent effects on the earth environment; and provide environment monitoring of forecasts, and data archival services on a continuing basis.

.10 The Aeronomy Laboratory shall study the nature of and the physical and chemical processes controlling the ionosphere and exosphere of the earth and other planets. Theoretical, laboratory, ground-based, rocket and satellite studies are included.

.11 The Wave Propagation Laboratory shall act as a focal point for the development of new methods for remote sensing of man's geophysical environment. Special emphasis shall be given to the propagation of sound waves and electromagnetic waves at millimeter, infrared and optical frequencies.

.12 The Research Flight Facility shall meet the requirements of NOAA and other interests for atmospheric and other environmental measurements from aircraft, and for outfitting and operating aircraft specially instrumented for research.

SEC. 14. *National Ocean Survey.* The National Ocean Survey (NOS) shall provide charts for the safety of marine and air navigation; provide a basic network of geodetic control; provide basic data for engineering, scientific, commercial, industrial, and defense needs; and support the quest for more fundamental knowledge of our geophysical environment. In performance of these functions, it shall conduct surveys, investigations, analyses, and research; and disseminate data in the following fields: geodesy, hydrography, oceanography, seismology, gravity, geomagnetism and astronomy. The NOS shall be organized as set forth below.

.01 Office of the Director. The Director shall formulate and execute basic policies and manage the NOS. He shall be immediately assisted by a Deputy.

.02 The Office of Geodesy and Photogrammetry shall fulfill national requirements for a system of basic geodetic control and for precise gravimetric, and global configuration and mensuration data. Towards doing that it shall establish and maintain a geodetic control network throughout the United States and a worldwide geometric network based on satellite observations; plan and direct geodetic, gravity, astronomic, earth movement, and photogrammetric and boundary surveys; make observations for variation of latitude and longitude; disseminate geodetic data; and conduct related research.

.03 The Office of Seismology and Geomagnetism shall investigate and measure seismic and geomagnetic phenomena and their relation to the state and structure of the earth; and fulfill national requirements for standardized seismic and geomagnetic data. Towards doing that it shall collect, analyze, and compile and disseminate data on a national and worldwide basis; maintain liaison with geophysicists throughout the world; and conduct related research. It shall also operate seismic sea wave warning systems.

.04 The Office of Hydrography and Oceanography shall contribute to the safety of marine navigation through nautical charting and related publications; and seek more knowledge about the states and processes of the ocean. Towards doing that it shall plan and direct hydrographic and oceanographic surveys (including current surveys) and operate a network of tide stations; process, analyze, and compile the survey data including the compilation of nautical charts; and conduct related research. It shall also make studies and conduct functions pertinent to marine boundary demarkation and related nearshore and estuary problems.

.05 The Office of Aeronautical Charting and Cartography shall contribute to the safe navigation of air commerce and provide nautical and aeronautical charts for widespread use. Towards doing that it shall collect and evaluate air navigation information and compile aeronautical chart manuscripts; print and distribute nautical and aeronautical charts; maintain liaison with interests concerned with navigation regulations and information; and conduct research in support of these programs. The Office also shall print and distribute weather charts and related documents and provide printing, reproduction and distribution services for all components of NOAA.

.06 The Office of Systems Development shall plan, design, and develop systems for the description, mapping and charting of the earth and for hydrographic and oceanographic service requirements where such systems cut across major NOS program boundaries, or when they are designated by the Director for special attention and support; develop, test, and evaluate systems and system components, including instrumentation, equipment, and related manning and operational doctrines; and translate research results into NOS operational systems.

.07 The Executive and Technical Services Staff shall provide executive assistance to the Director and technical services in support of programs throughout the NOS.

.08 The Field Structure shall consist of the following organizational elements:

a. The Atlantic and Pacific Marine Centers shall direct the operation of ocean-going survey ships; maintain ship bases at Norfolk, Miami, and Seattle; operate shore facilities for processing oceanographic data and compiling photogrammetric survey data; and manage photogrammetric field units.

b. The Mid-Continent Field Director shall direct geodetic field parties; and direct the NOS geodetic mark preservation program.

c. The Lake Survey Center shall conduct surveys of the Great Lakes and their outflow rivers, Lake Champlain, New York State Barge Canal, and the Minnesota-Ontario Border Lakes, and compile and publish charts and the Great Lakes Pilot for the benefit and use of the public; shall collect data relating to the hydrologic and hydrology of the Great Lakes for use in the maintenance and control of water levels within the Great Lakes system; shall conceive, plan, and conduct research and development in the fields of water motion; water characteristics, water quantity, and ice and snow as they apply to navigation, flood and storm protection, power generation, beach erosion and shore structures; shall publish data and results of research projects in forms useful to NOAA, other agencies and the public; and shall collect, coordinate, analyze and make available to interested agencies, data relating to the Water Resources of the Great Lakes.

d. Observatories, a seismology center, tsunami warning center, and a geomagnetic center, which shall report to the appropriate program components at the headquarters of NOS.

The Atlantic and Pacific Marine Centers shall provide their own administrative support, including that required by vessels under their respective jurisdictions and, where feasible and practical, extend this support to other NOAA field units. The Mid-Continent Field Director shall obtain administrative support, as feasible, from the National Weather Service Regional Office at Kansas City. The Lake Survey Center shall provide its own administrative support. Other field elements shall receive administrative support from NOAA Headquarters.

SEC. 15. *National Environmental Satellite Service.* The National Environmental Satellite Service shall provide observations of the environment by means of satellites; increase the utilization of satellite data in the environmental sciences; establish and operate a national environmental satellite system; manage and coordinate all operational satellite programs within NOAA and certain research-oriented satellite activities with NASA and DOD. The National Environmental Satellite Service shall be organized as set forth below.

.01 Office of the Director. The Director shall formulate and execute basic policies and manage the Service. He shall be immediately assisted by a Deputy and a Chief Space Scientist.

.02 The Office of Operations shall provide data from environmental satellites and increase the value and the use of these data; operate the environmental satellite systems; collect; process and analyze data from operational and specified research and development satellites; and develop new and improved applications of satellite data.

.03 The Office of System Engineering shall provide the planning, design, and engineering necessary to fulfill NOAA's requirements for environmental satellite systems; conduct systems design and analysis; explore possible multipurpose uses of environmental satellite systems; and perform the engineering required to implement new or modified satellite systems.

.04 The Office of Research shall improve understanding of the environment through satellite data and provide new and improved satellite measurement techniques and applications.

Effective date: March 5, 1971.

LARRY A. JOBE,
Assistant Secretary for Administration.

[FR Doc.71-4418 Filed 3-30-71;8:48 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-282; NADA Nos. 13-159V and 13-200V]

NIHYDRAZONE

Notice of Opportunity for Hearing

Notice is hereby given to Hess and Clark, Division of Richardson-Merrell, Inc., Ashland, Ohio 44205, to the Norwich Pharmacal Co., Post Office Box 191, Norwich, NY 13815, 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) Nos. 13-195V and 13-200V with respect to nihydrazone when offered in feed for the prevention of specified conditions in chickens.

The Commissioner, based on an evaluation of new information before him with respect to such drugs together with the evidence available to him when the applications were approved, concludes that the drugs are not shown to be safe under

the conditions of use upon the basis of which the applications were approved.

Information available to the Commissioner establishes that the drugs, when administered to laboratory animals, have been shown to produce tumors. The drugs are, therefore, not considered to be safe for use in the absence of appropriately sensitive methods of analysis to establish their absence in food derived from treated animals.

In accordance with the provisions of section 512 of the act (21 U.S.C. 360b), the Commissioner hereby gives the applicants, 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 Nos. 13–195V and 13–200V should not be withdrawn. Promulgation of this order will cause any such preparation containing nihydrazone to be a new animal drug for which no approved new animal drug application is in effect. Any such drug or any animal feed bearing or containing 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 applications.

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 the Commissioner finds 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 a written appearance requesting the hearing and giving the reasons why the approval of the new animal drug applications 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 the notice of opportunity for a hearing. 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 genuine and substantial issue of fact precludes the withdrawal of approval of this application, the Commissioner will enter an order stating his findings and conclusions on such data. If the 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. Such time shall be not more than 90 days after the expiration of said 30 days unless the hearing examiner and the applicant 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 18, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–4388 Filed 3–30–71;8:46 am]

[Docket No. FDC–D–280; NADA No. 7801V etc.]

NITROFURAZONE

Notice of Opportunity for Hearing

Notice is hereby given to the firms listed below, 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 the following listed new animal drug applications with respect to the new animal drug substance nitrofurazone for the treatment of animals:

1. Hess and Clark, Division of Richardson-Merrell, Inc., Ashland, Ohio 44205; NADA Nos. 6395V, 7073V, 7801V, 8324V, 8410V, 8529V, 8784V, and 10–741V.

2. Eaton Laboratories, Division of The Norwich Pharmacal Co., Post Office Box 191, Norwich, N.Y. 13815; NADA Nos. 6475V, 8129V, and 9415V.

3. E. F. Drew & Co., Farm Feed Division, Boonton, N.J. 07005; NADA No. 6649V.

4. Vet Products Co., 1524 Holmes, Kansas City, Mo. 64108; NADA No. 8142V.

5. Nopco Chemical Co., 60 Park Place, Newark, N.J. 07102; NADA No. 9013V.

The Commissioner, based on an evaluation of new information before him with respect to such drugs together with the evidence available to him when the applications were approved, concludes that the drugs are not shown to be safe under the conditions of use upon the basis of which the applications were approved.

Information available to the Commissioner establishes that the drugs, when administered to laboratory animals, have been shown to produce tumors. The drugs are, therefore, not considered to be safe for use in the absence of appropriately sensitive methods of analysis to establish their absence in food derived from treated animals.

In accordance with the provisions of section 512 of the act (21 U.S.C. 360b), the Commissioner hereby gives the applicants, 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 the above-listed new animal drug applications should not be withdrawn. Promulgation of the order will cause any such preparation containing nitrofurazone to be a new animal drug for which no approved new animal drug application is in effect. Any such drug or any animal feed bearing or containing 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 applications.

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 the Commissioner finds 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 a written appearance requesting the hearing and giving the reasons why approval of the new animal drug applications 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 the notice of opportunity for a hearing. 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 genuine 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. Such time shall be not more than 90 days after the expiration of said 30 days, unless the hearing examiner and the applicant 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 18, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-4387 Filed 3-30-71;8:46 am]

[Docket No. FDC-D-293; NDA 10-493]

SCHERING CORP.

Metreton Tablets: Notice of Opportunity for Hearing on Proposal to Withdraw Approval of New-Drug Application

In a notice published in the FEDERAL REGISTER of August 29, 1970 (35 F.R. 12803) (DESI 10493), Schering Corp., 60 Orange Street, Bloomfield, NJ 07003, holding new-drug application No. 10-493 for Metreton Tablets, containing prednisone, chlorpheniramine maleate, and ascorbic acid, and any interested person who may be adversely affected by removal of the drug from the market, were invited to submit pertinent data bearing on the announced intention to initiate proceedings to withdraw approval of the application. Schering Corp. submitted information on September 24, 1970. The material submitted has been evaluated and found not to provide substantial evidence of effectiveness of the fixed-combination drug.

Therefore, notice is given to Schering Corp., and to any interested person who may be adversely affected, that the Commissioner of Food and Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 35(e)) withdrawing approval of the above-named new-drug application, and all amendments and supplements applying thereto, on the grounds that new information before the Commissioner with respect to this drug, evaluated together with the evidence available to him when the application was approved, shows there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commisioner will give the applicant, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing to show why approval of the new-drug application should not be withdrawn. Such withdrawal of approval may cause any related drug for human use to be a new drug for which an approved new-drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

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, Room 6-65, 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 for 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-drug application. Failure of such persons to file a written appearance of election within said 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 that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in hear appearance.

If such persons elect to avail themselves of the opportunity for a hearing they must file, within 30 days after publication of this notice in the FEDERAL REGISTER, a written appearance requesting the hearing, giving the reasons why approval of the new-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. 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 facts 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 genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order on these data, making 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, as soon as practicable after the expiration of such 30 days, a written notice of the time and place at which the hearing will commence (35 F.R. 7250, May 8, 1970; 35 F.R. 16631, October 27, 1970).

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: March 16, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-4401 Filed 3-30-71;8:47 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING DEPUTY ASSISTANT SECRETARY FOR COMMUNITY DEVELOPMENT

Designation

During the period of vacancy in the position of Deputy Assistant Secretary for Community Development, Warren H. Butler is designated to serve as Acting Deputy Assistant Secretary for Community Development, with all the powers, functions, and duties delegated or assigned to the Deputy Assistant Secretary for Community Development.

(Delegation of Authority from the Secretary, 36 F.R. 5004, March 16, 1971)

Effective Date. This designation shall be effective March 8, 1971.

FLOYD H. HYDE,
Assistant Secretary for Community Development.

[FR Doc.71-4441 Filed 3-30-71;8:50 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

REGIONAL OFFICES

Establishment and Realignment

Notice is hereby given that effective April 2, 1971, four new FAA regions will be established and the regional boundaries of existing FAA regions comprising the 48 contiguous States and the District of Columbia will be realigned, in conformance with the President's objective for establishing uniform boundaries among Federal agencies. On this date, responsibility for services related to air traffic control, airspace procedures, flight service activities, maintenance of air navigation facilities, general aviation, and airport aid and development matters, and allied services will be assigned to the new regions. The existing FAA regions will retain responsibility for the foregoing services within their new

regional boundaries, and will retain responsibility for all other services within their current regional boundaries until further notice. Regional field offices and facilities will continue to serve as in the past. Most of the activities of the FAA Area Offices will be gradually phased out.

1. *New regional boundaries.* The new regional boundaries are as follows:

(a) *New England Region.* This new region will provide services in the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

(b) *Eastern Region.* The Eastern Region will continue to provide services in the States of New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia.

(c) *Southern Region.* The Southern Region will provide services in the States of Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, and Kentucky.

(d) *Southwest Region.* Boundaries of this region are not changed. The Southwest Region will continue to provide services in the States of Arkansas, Louisiana, Oklahoma, Texas, and New Mexico.

(e) *Great Lakes Region.* The new region will provide services in the States of Michigan, Indiana, Wisconsin, Illinois, Minnesota, and Ohio.

(f) *Central Region.* This region will continue to provide services in the States of Missouri, Iowa, Nebraska, and Kansas.

(g) *Rocky Mountain Region.* This new region will provide services in the States of North Dakota, South Dakota, Montana, Wyoming, Utah, and Colorado.

(h) *Northwest Region.* This new region will provide services in the States of Washington, Oregon, and Idaho.

(i) *Western Region.* This region will continue to provide services in the States of California, Nevada, and Arizona.

2. *Transfers of responsibility for selected functions and services.* Effective April 2, 1971, responsibility for all services related to air traffic control, airspace procedures, flight service activities, maintenance of air navigation facilities, general aviation, airport activities, airport aid development matters, and allied services in the States identified will be adjusted as set out in this section. The air route traffic control centers, airport traffic control towers, flight service stations, airway facilities sectors, and general aviation district offices in the States transferred to the jurisdiction of another region will be under the jurisdiction of the latter region.

(a) These services provided in the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont by the Boston Area Office, Eastern Region, will be provided by the New England Region, at Boston, Mass. These services provided in the counties in the State of New York north of Dutchess, Ulster, and Sullivan Counties by the Boston Area Office will be provided by the Eastern Region, at New York. Services provided in the State of Vermont by the General Aviation District Office in Albany, N.Y., will be provided by the General Aviation District Office in Portland, Maine.

(b) These services provided by the Cleveland Area Office, Eastern Region, in the State of Kentucky are now provided by the Southern Region (see 35 F.R. 19707); in the State of Ohio they will be provided by the Great Lakes Region at Chicago, Ill., and in western Pennsylvania by the Eastern Region.

(c) The services provided in the States of Tennessee, Alabama, Mississippi, and Florida by the Memphis and Miami Area Offices, Southern Region, will be provided by the Southern Region, at Atlanta, Ga.

(d) The services provided in the States of Arkansas, Louisiana, Oklahoma, Texas, and New Mexico by the Houston and Albuquerque Area Offices will be provided by the Southwest Region, at Fort Worth, Tex.

(e) These services provided in the States of Illinois, Indiana, and Michigan by the Chicago Area Office, Central Region, will be provided by the Great Lakes Region, at Chicago, Ill. The general aviation services provided in the Illinois counties of Madison, Monroe, and St. Clair by the Flight Standards District Office in St. Louis, Mo. will be provided by the General Aviation District Office in Springfield, Ill.

(f) These services provided in the States of Minnesota and Wisconsin by the Minneapolis Area Office, Central Region, will be provided by the Great Lakes Region, at Chicago, Ill. Services provided by the General Aviation District Office in Fargo, N. Dak. in the Minnesota Counties of Becker, Beltrami, Clay, Clearwater, Douglas, Grant, Hubbard, Kittson, Lake of the Woods, Mahnomen, Marshall, Norman, Otter Tail, Pennington, Polk, Red Lake, Roseau, Traverse, and Wilkin will be provided by the General Aviation District Office in Minneapolis, Minn.

(g) These services provided in the States of Montana, North Dakota, and South Dakota by the Minneapolis Area Office, Central Region will be provided by the Rocky Mountain Region, at Denver, Colo.

(h) These services provided in the States of Colorado, Wyoming, and Utah by the Denver and Salt Lake City Area Offices, Western Region, will be provided by the Rocky Mountain Region. The services provided in the Utah Counties of Iron, Washington, and Kane by the General Aviation District Office in Las Vegas, Nev., will be provided by the General Aviation District Office in Salt Lake City.

(i) These services provided in the States of Washington, Oregon, and Idaho by the Seattle and Salt Lake City Area Offices, Western Region, will be provided by the Northwest Region at Seattle, Wash.

(j) These services provided in the States of California and Nevada by the San Francisco and Salt Lake City Area Offices, Western Region, will be provided by the Western Region, at Los Angeles, Calif.

3. *Communications to new regions.* Correspondence and inquiries related to services and activities transferred to the New England, Great Lakes, Rocky Mountain, and Northwest Regions should be sent to the cognizant field office or, if sent to the cognizant regional headquarters, should be addressed as follows:

Director, New England Region, Federal Aviation Administration, Department of Transportation, 154 Middlesex Street, Burlington, MA 01803.

Director, Great Lakes Region, Federal Aviation Administration, Department of Transportation, 3166 Des Plaines Avenue, Des Plaines, IL 60018.

Director, Rocky Mountain Region, Federal Aviation Administration, Department of Transportation, 10255 East 25th Avenue, Aurora, CO 80010.

Director, Northwest Region, Federal Aviation Administration, Department of Transportation, FAA Building, Boeing Field, Seattle, WA 98108.

4. *Services retained by current regions.* The Eastern, Southern, Southwest, Central, and Western Regions will provide services related to air traffic control, airspace procedures, flight service activities, maintenance of air navigation facilities, general aviation, airport activities, airport aid development matters, and allied services within their new geographical boundaries. They will also retain responsibility within their current geographic boundaries for activities not yet assigned to the new regions, until further notice. Correspondence and inquiries on activities under the jurisdiction of the current regions should be sent to the cognizant field office, or if sent to the cognizant regional headquarters, should be addressed as follows:

Director, Eastern Region, Federal Aviation Administration, Department of Transportation, JFK International Airport, New York, NY 11430.

Director, Central Region, Federal Aviation Administration, Department of Transportation, 601 East 12th Street, Kansas City, MO 64106.

Director, Southern Region, Federal Aviation Administration, Department of Transportation, Post Office Box 20636, Atlanta, GA 30320.

Director, Southwest Region, Federal Aviation Administration, Department of Transportation, Post Office Box 1689, Fort Worth, TX 76101.

Director, Western Region, Federal Aviation Administration, Department of Transportation, Post Office Box 92007 Worldway Postal Center, Los Angeles, CA 90009.

5. *FAA area offices.* Activities of the FAA area offices that are not located in FAA regional headquarters cities will be gradually phased out. Responsibility for the operating program activities (air traffic, flight standards, airway facilities, and airports) will be assumed by the program divisions of the FAA regional headquarters or by field extensions of the division. Area coordinators will be established at Washington, D.C.; Memphis,

Tenn.; Miami, Fla.; San Francisco, Calif.; Salt Lake City, Utah; Albuquerque, N. Mex.; and Houston, Tex. These Area Coordinators will be the regional directors' representative, but will have no line authority over or responsibility for the program activities at those locations. They will serve as a point of contact for visitors on FAA business who are not concerned solely with a single program area; represent the regional director on nonprogram matters in relationships with the community; and advise and assist program elements of FAA on activities that cross program lines.

(Sec. 313(a) of the Federal Aviation Act of 1958, as amended; 49 U.S.C. 1354)

Issued in Washington, D.C., on March 22, 1971.

J. H. SHAFFER,
Administrator.

[FR Doc.71-4407 Filed 3-30-71;8:47 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-361, 50-362]

SOUTHERN CALIFORNIA EDISON CO. AND SAN DIEGO GAS AND ELECTRIC CO.

Notice of Receipt of Application for Construction Permit and Facility License; Time for Submission of Views on Antitrust Matter

Correction

In F.R. Doc. 71-2263 appearing at page 4898 in the issue for Saturday, March 13, 1971, the last line of the fourth paragraph, now reading "(60) days after 1971", should read "(60) days after February 20, 1971".

[Docket No. 50-255]

CONSUMERS POWER CO.

Notice of Issuance of Interim Provisional Operating License

Notice is hereby given that, pursuant to the Initial Decision of the Atomic Safety and Licensing Board, dated March 22, 1971, the Atomic Energy Commission (the Commission) has issued Interim Provisional Operating License No. DPR-20 to the Consumers Power Co. (the licensee) which permits fuel loading and low-power testing of the Palisades Plant, a pressurized water nuclear reactor located on the Company's site on the eastern shore of Lake Michigan in Covert Township, Van Buren County, Mich., approximately 4½ miles south of South Haven, Mich. The reactor is designed for operation at approximately 2,200 megawatts thermal but operation, in accordance with the provisions of Interim Provisional Operating License No. DPR-20 and the Technical Specification appended thereto, is restricted to one megawatt thermal.

The Commission's regulatory staff has inspected the facility and has determined that, for fuel loading and low-power testing at power levels up to one megawatt thermal, the facility has been constructed in accordance with the application, as amended, the provisions of Provisional Construction Permit No. CPPR-25, said initial decision, the Atomic Energy Act, and the Commission's regulations. The licensee has submitted proof of financial protection in satisfaction of 10 CFR Part 140.

The license is effective as of the date of issuance and shall expire eighteen (18) months from said date, unless extended for good cause shown, or upon earlier issuance of a superseding provisional operating license. The matter of an initial decision authorizing issuance of such a superseding provisional operating license to permit full power operation is pending before the Atomic Safety and Licensing Board.

Copies of (1) the Initial Decision for Fuel Loading and Low-Power Testing License and (2) Interim Provisional Operating License No. DPR-20, complete with Technical Specifications, are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, DC. Copies of the license may be obtained upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 24th day of March 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-4392 Filed 3-30-71;8:46 am]

[Docket No. 50-346]

TOLEDO EDISON CO. AND CLEVELAND ELECTRIC ILLUMINATING CO.

Notice of Issuance of Construction Permit

Notice is hereby given that, pursuant to the Initial Decision of the Atomic Safety and Licensing Board, dated March 23, 1971, the Director of the Division of Reactor Licensing has issued Construction Permit No. CPPR-80 to The Toledo Edison Co. and The Cleveland Electric Illuminating Co. for the construction of a pressurized water nuclear reactor, known as the Davis-Besse Nuclear Power Station, on the applicants' site on the southwestern shore of Lake Erie, in Ottawa County, Ohio, approximately 21 miles east of Toledo, Ohio. The reactor is designed for initial operation at approximately 2,633 megawatts (thermal).

A copy of the Initial Decision is on file in the Commission's Public Document Room, 1717 H Street NW., Washington, DC. A copy of Construction Permit No. CPPR-80 is also on file in the Commission's Public Document Room, or may be obtained upon request addressed to the Director, Division of Reactor Licensing; U.S. Atomic Energy Commission, Washington, DC 20545.

Dated at Bethesda, Md., this 24th day of March 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-4393 Filed 3-30-71;8:46 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23172; Order 71-3-148]

PAN AMERICAN WORLD AIRWAYS, INC.

Order Dismissing Complaint

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 25th day of March 1971.

Effective March 28, 1971, Pan American World Airways, Inc. (Pan American)[1] proposes jointly with American Airlines, Inc. (American), Trans World Airlines, Inc. (TWA), and Western Air Lines, Inc. (Western), to establish new group inclusive tour basing fares between 12 continental U.S. points[2] and Hawaii, for groups of 154 or more passengers. The tariff rules provide that members of the group may travel individually between the point of origin and the assembly point on the West Coast, but that between the West Coast and Hawaii the group must travel together on the same aircraft. Pan American states that the proposed fares have been filed to match competitive fares and provisions.

A complaint against the proposal has been filed by Northwest requesting suspension and investigation. In summary, it is alleged that the proposal should be rejected because it has not been supported by justification as required by the Board's economic regulations and that it is not motivated by competition; that the relaxation of the travel restrictions proposed is economically destructive and contrary to the objectives of limiting diversion and improving aircraft and facilities utilization; that the proposal would result in passengers traveling overland on the identical basis as an individually ticketed passenger, which is tantamount to a drastic cut in fares for individual transcontinental travel, that the proposal features a consolidation provision more liberal than that rejected by previous Board order; and that the proposed fares are not constructed on the same basis as present fares which permit passengers to join the group only after

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[1] International Air Tariff Corp., agent, Inc., CAB No. 382.

[2] Baltimore, Boston, Chicago, Cleveland, Detroit, Hartford, Minneapolis, New York, Philadelphia, Pittsburgh, St. Louis, and Washington.

paying a local fare to the group departure city.

Pan American has answered the complaint, asserting that these same allegations were considered and dismissed by the Board in recently permitting other carriers to establish similar fares and provisions.

Upon consideration of the tariff filing, the complaint and answer thereto and other relevant matters, the Board finds that the complaint does not set forth sufficient facts to warrant investigation of the proposed tariff and the request therefor, and consequently the request for suspension, will be denied.

The proposed fares and provisions match existing joint fares and provisions recently permitted other carriers,[1] and Northwest's complaint does not set forth any facts not previously considered by the Board in connection with that earlier filing.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. The complaint of Northwest Airlines, Inc., in Docket No. 23172 is hereby dismissed; and

2. A copy of this order be served upon American Airlines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., Trans World Airlines, Inc., and Western Air Lines, Inc.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-4383 Filed 3-30-71;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

AIR POLLUTION PREVENTION AND CONTROL

List of Hazardous Air Pollutants

Section 112 of the Clean Air Act, as amended December 31, 1970 (Public Law 91-604), directs the Administrator of the Environmental Protection Agency to publish, no later than March 31, 1971, and from time to time thereafter revise, a list of air pollutants which in his judgment may cause, or contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness and to which no national ambient air quality standard is applicable. Within 180 days from the inclusion of any air pollutant in the list, the Administrator is required to publish proposed regulations establishing emission standards for such pollutant together with a notice of public hearing to be held within 30 days after publication of the notice.

The Administrator, after evaluating available information, has concluded that asbestos, beryllium, and mercury are air pollutants which meet the above requirements. Evaluation of other air pollutants is being conducted and the list will be revised from time to time as the Administrator deems appropriate. Accordingly, pursuant to section 112(b)(1)(A) of the Act, notice is given that the Administrator, after consultation with appropriate advisory committees, experts, and Federal departments and agencies in accordance with section 117(f) of the Act, hereby establishes a list of hazardous air pollutants as follows.

LIST OF HAZARDOUS AIR POLLUTANTS

1. Asbestos.
2. Beryllium.
3. Mercury.

Dated: March 29, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-4529 Filed 3-30-71;9:04 am]

AIR POLLUTION PREVENTION AND CONTROL

List of Categories of Stationary Sources

Section 111(b)(1)(A) of the Clean Air Act as amended December 31, 1970 (Public Law 91-604), directs the Administrator of the Environmental Protection Agency to publish no later than March 31, 1971, and from time to time thereafter revise, a list of categories of stationary sources which he determines may contribute significantly to air pollution which causes or contributes to the endangerment of public health or welfare. Within one hundred and twenty (120) days after the inclusion of a category of stationary sources in such list, the Administrator is required to propose regulations establishing Federal standards of performance for new sources within such category.

The Administrator, after evaluating available information, has determined that the followig are categories of stationary sources which meet the above requirements: Contact sulfuric acid plants; fossil fuel-fired steam generators of more than 250 million B.t.u. per hour heat input; municipal incinerators of more than 2000 lbs. per hour refuse charging rate; nitric acid plants; and portland cement plants. Evaluation of other stationary source categories is being conducted, and the ilst will be revised from time to time as the Administrator deems appropriate. Accordingly, pursuant to section 111(b)(1)(A) of the Act, notice is given that the Administrator, after consultation with appropriate advisory committees, experts, and Federal departments and agencies in accordance with section 117(f) of the Act, establishes a list of categories of stationary sources as follows:

LIST OF CATEGORIES OF STATIONARY SOURCES

1. Contact sulfuric acid plants.
2. Fossil fuel-fired steam generators of more than 250 million B.t.u. per hour heat input.
3. Incinerators of more than 2000 pounds per hour charging rate (municipal-type refuse).
4. Nitric acid plants.
5. Portland cement plants.

Dated: March 29, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-4530 Filed 3-30-71;9:04 am]

FEDERAL MARITIME COMMISSION

GREAT LAKES/JAPAN RATE AGREEMENT

Notice of Agreement Filed

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

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

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

Notice of agreement filed by:

Mr. P. B. Dowling, Vice President, "K" Line New York, Inc., 29 Broadway, New York, NY 10006.

Agreement No. 8595-5 is a modification of the Great Lakes/Japan's basic agreement which has been filed in an effort to comply with the Federal Maritime Commission's requirements concerning Self-Policing Systems, General Order 7 (Revised) as published in the FEDERAL REGISTER of October 28, 1970 (35 F.R. 16679).

Dated: March 26, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-4422 Filed 3-30-71;8:49 am]

[1] Order 71-3-5.

PORT OF OAKLAND AND SEA-LAND SERVICE, INC.

Notice of Agreement Filed

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

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

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

Notice of agreement filed by:

Mr. J. Kerwin Rooney, Port Attorney, Port of Oakland, 66 Jack London Square, Post Office Box 2064, Oakland, CA 94607.

Agreement No. T-1768-5, between the Port of Oakland (Port) and Sea-Land Service, Inc. (Sea-Land), modifies the basic agreement which provides for the preferential assignment to Sea-Land of certain marine terminal facilities. The purpose of the modification is to revise the formula by which the Port is reimbursed by additional rental for further improvements made to the premises during the remaining term of the agreement. The formula also applies to the marine operations building completed by the Port.

Dated: March 26, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-4423 Filed 3-30-71;8:49 am]

PORT OF SEATTLE AND FOSS-ALASKA LINE, INC.

Notice of Agreement Filed

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

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

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

Notice of agreement filed by:

Mr. T. P. McCutchan, Manager, Property Management, Port of Seattle, Post Office Box 1209, Seattle, WA 98111.

Agreement No. T-2489, between the Port of Seattle (Port) and Foss-Alaska Line, Inc. (Line), provides for the 5-year lease of 9.3 acres of land and 1.4 acres of water area for barge loading and unloading, van stuffing and unstuffing, container repair and general offices. For the lease of this facility, the line will pay the Port a fixed annual rental in lieu of tariff charges, as well as construct $1,378,100 worth of improvements.

Dated: March 25, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-4424 Filed 3-30-71;8:49 am]

STATES STEAMSHIP CO. AND EVERETT ORIENT LINE, INC.

Notice of Agreement Filed

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

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

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

Notice of agreement filed by:

Mr. J. Fensin, Rates & Conferences Department, States Steamship Co., 320 California Street, San Francisco, CA 94104.

Agreement No. 9274-2, between States Steamship Co. and Everett Orient Line, Inc., modifies the basic transshipment agreement by deleting in its entirety paragraph 7. The deleted paragraph is the agreement's variance clause, which prohibits either carrier from entering into other arrangements with other carriers in the same trade at terms at variance with Agreement No. 9274.

Dated: March 25, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-4425 Filed 3-30-71;8:49 am]

FEDERAL POWER COMMISSION

[Dockets Nos. G-4526 etc.]

R. W. STOUGH ET AL.

Findings and Order

MARCH 23, 1971.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, dismissing applications, permitting and approving abandonment of service, terminating certificates, terminating proceedings, making successors co-respondents, substituting respondents, redesignating proceedings, and accepting related rate schedules and supplements for filing.

Each of the applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce or for permission and approval to abandon service or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions, as supplemented and amended.

Applicants have filed related FPC gas rate schedules or supplements thereto and propose to initiate, abandon, add to or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61–1, as amended, or involve sales for which permanent certificates have been previously issued; except that initial sales from areas for which area rates have been determined are authorized to be made at or below the applicable area base rates adjusted for quality of the gas, and under the conditions prescribed in the orders determining said rates.

John R. Crain and Malcolm Deisenroth, Jr., applicants in Docket No. G–11959, propose to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to Mobil Oil Corp. FPC Gas Rate Schedule No. 34. Said rate schedule will be redesignated as that of applicants. The present rate under Mobil's rate schedule is in effect subject to refund in Docket No. RI71–56 and a prior increased rate was in effect subject to refund in Docket No. RI67–272 on the effective date of transfer of producing properties. Therefore, applicants will be made co-respondents in the proceeding pending in Docket No. RI67–272 and will be substituted in lieu of Mobil as respondent in the proceeding pending in Docket No. RI71–56, and the proceedings will be redesignated accordingly.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, a notice of intervention by The People of The State of California and The Public Utilities Commission of the State of California was filed in Docket No. CI71–183, and a petition to intervene by Long Island Lighting Co. was filed in Docket No. CI71–185. Said interventions have been withdrawn. No other petitions to intervene, notices of intervention, or protests to the granting of the applications have been filed.

At a hearing held on March 18, 1971, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The sales of natural gas by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in various dockets involved herein should be amended as hereinafter ordered and conditioned.

(6) The sales of natural gas proposed to be abandoned as hereinbefore described and as more fully described in the applications and in the tabulation herein are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the abandonments of service should be permitted and approved in Dockets Nos. CI67–696 and CI68–112; that the temporary certificates heretofore issued in said dockets should be terminated; and that the certificate applications filed in said dockets should be dismissed.

(8) The abandonments proposed by applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to applicants relating to the abandonments hereinafter permitted and approved should be terminated or that the orders issuing said certificates should be amended by deleting therefrom authorization to sell natural gas from the subject acreage.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the proceeding pending in Docket No. RI69–321 should be terminated only with respect to sales made pursuant to Gulf Oil Corp. (Operator) et al., FPC Gas Rate Schedule No. 382.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the proceeding pending in Docket No. RI71–301 should be terminated.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that John R. Crain and Malcolm Deisenroth, Jr., should be made co-respondents in the proceeding pending in Docket No. RI67–272 and should be substituted in lieu of Mobil Oil Corp. as respondent in the proceeding pending in Docket No. RI71–56 and that said proceedings should be redesignated accordingly.

(13) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The certificates issued herein and the amended certificates are subject to the following conditions:

(a) The rates for sales authorized in Dockets Nos. G–18044, CI67–1252, CI67–361, CI71–489, CI71–525, CI71–539, and

CI71–546 shall be the applicable area base rates prescribed in Opinion No. 586, as adjusted for quality of gas, or the contract rates, whichever are lower. If the quality of the gas delivered by applicants deviates at any time from the quality standards set forth in Opinion No. 586. so as to require a downward adjustment of the existing rates, notices of changes in rates shall be filed pursuant to Section 4 of the Natural Gas Act; provided, however, that adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rates.

(b) Within 90 days from the date of this order applicants in Dockets Nos. G–18044 and CI67–1252 shall file three copies of a rate schedule quality statement in the form prescribed in Opinion No. 586. Within 90 days from the date of initial delivery applicants in Dockets Nos. CI71–489 and CI71–539 shall file three copies of a rate schedule quality statement in the form prescribed in Opinion No. 586.

(c) Issuance of the certificate in Docket No. CI71–361 shall not be construed as constituting approval of the advance payment provisions of the contract and any such payments shall be subject to future orders of the Commission concerning the propriety of such payments.

(d) The authorization granted in Docket No. CI62–606 is subject to Opinion Nos. 546 and 546–A, and accompanying orders, specifically including those relating to rate reductions, refunds, and filings required by those orders. Applicant shall be liable, in lieu of Lawson & Bennett Inc. (Operator) et al., for any refunds ordered in Docket No. CI62–606 for sales made prior to July 23, 1964.

(e) The rate for the sale authorized in Docket No. CI62–1184 shall be 15 cents per Mcf at 14.65 p.s.i.a.

(f) The rate for the sale authorized in Docket No. CI65–1286 shall be 13 cents per Mcf at 15.025 p.s.i.a.

(g) The rate for the sale authorized in Docket No. CI70–51 shall be 17 cents per Mcf at 14.65 p.s.i.a

(h) In Docket No. CI70–51 the provisions contained in section 6 of Article VI of the subject contract providing for a rate increase to an applicable area rate or area settlement rate will only be applicable upon Commission approval of a just and reasonable rate or settlement rate in an applicable area rate proceeding.

(i) The initial rate for the sale authorized in Docket No. CI71–183 shall be 19.6944 cents per Mcf at 14.65 p.s.i.a., subject to B.t.u. adjustment as provided in Opinion No. 468, as modified by Opinion No. 468–A, or the contract rate, whichever is less. This rate is subject to modification prospectively in the proceedings pending in Dockets Nos. R–389 and R–389–A.

(j) Within 90 days from the date of initial delivery applicant in Docket No. CI71–183 shall file three copies of a rate schedule quality statement in the form prescribed in Opinion No. 468–A.

(k) The initial rate for the sale authorized in Docket No. CI71–185 shall be 23 cents per Mcf at 15.025 p.s.i.a. This rate is subject to modification prospectively in the proceeding pending in Dockets Nos. R–389 and R–389–A and in Docket No. AR67–1 et al.

(l) The certificates issued herein in Dockets Nos. CI71–361 and CI71–185 are subject to any determination by the Commission in the proceeding pending in Docket No. R–400 with respect to take-or-pay obligations.

(E) The orders issuing certificates in Dockets Nos. G–10033, G–10686, G11863, G–18621, CI62–1184, CI65–631, CI65–1286, CI68–589, CI68–1166, and CI70–51 are amended by adding thereto or deleting therefrom authorization to sell natural gas as described in the tabulation herein.

(F) The authorization granted in Docket No. G–11863 in paragraph (E) above shall not be construed to relieve Applicant of any refund obligations in the proceeding pending in Docket No. RI69–347 with respect to the deletion of acreage.

(G) The orders issuing certificates in Dockets Nos. G–8592 and CI67–952 are amended by deleting therefrom authorization to sell natural gas assigned to applicants in Dockets Nos. CI71–510 and CI68–1166, respectively.

(H) The order issuing a certificate in Docket No. CI70–691 is amended to include the sales of natural gas heretofore authorized in Dockets Nos. G–3999 and G–4763; the certificates heretofore issued in the latter dockets are terminated; and the certificate and related rate schedules in Docket No. CI70–691 are redesignated from Cities Service Oil Co. (Operator) to Cities Service Oil Co. et al. (Operator).

(I) The orders issuing certificates in Dockets Nos. G–4526, G–11959, G–18044, G–19019, CI64–1103, and CI67–1252 are amended to reflect the successors in interest as certificate holders as described in the tabulation herein.

(J) The orders issuing certificates in Dockets Nos. G–16528 and CI62–606 are amended to reflect the change in operators as described in the tabulation herein.

(K) Permission for an approval of the abandonment of service by applicants, as hereinbefore described, all as more fully described in the applications and in the tabulation herein are granted.

(L) Permission for and approval of the abandonments in Dockets Nos. CI67–696 and CI68–112 are granted; the temporary certificates heretofore issued in said dockets are terminated; and the certificate applications filed in said dockets are dismissed.

(M) Permission for and approval of the abandonment in Docket No. CI71–509 are granted; the certificate heretofore issued in Docket No. G–4436 is terminated only with respect to sales made pursuant to William Herbert Hunt Trust Estate FPC Gas Rate Schedule No. 1.

(N) The certificates heretofore issued in Dockets Nos. G–2668, G–4626, G–6634, G–11251, G–12411, G–12851, CI61–1101, CI64–1020, and CI67–803 are terminated.

(O) The rate proceeding pending in Docket No. RI69–321 is terminated only with respect to sales made pursuant to Gulf Oil Corp. (Operator) et al., FPC Gas Rate Schedule No. 382.

(P) The rate proceeding pending in Docket No. RI67–301 is terminated.

(Q) Permission for and approval of the abandonment of service in the following dockets shall not be construed to relieve Applicants of any refund obligations in the following proceedings:

Abandonment docket	*Refund docket*
CI67–696	CI67–696 and RI70–401.
CI71–509	G–13506, G–16643, G–19750, RI61–143, RI62–140, RI63–140, RI64–199, RI65–253, RI66–125, RI67–87, RI68–178, RI69–155, and RI70–362.
CI71–511	RI65–456 [1] and RI66–147.
CI71–550	RI68–100.
CI71–551	RI68–100 and RI70–350.
CI71–552	RI66–312 and Opinion No. 501.
CI71–553	RI65–534.

[1] Champlin Petroleum Co. is not relieved of any refund obligations for its sales covered by Getty Oil Co. (Operator) et al., FPC Gas Rate Schedule No. 62 in Docket No. G–12411.

(R) John R. Crain and Malcolm Deisenroth, Jr., are made co-respondents in the proceeding pending in Docket No. RI67–272 and are substituted in lieu of Mobil Oil Corp. as respondents in the proceeding pending in Docket No. RI71–56, and said proceedings are redesignated accordingly. They shall charge and collect the rate of 16 cents per Mcf at 14.65 p.s.i.a. subject to refund in Docket No. RI67–272 for sales from December 1, 1970, through December 29, 1970, and the rate of 18 cents per Mcf at 14.65 p.s.i.a. for sales from December 30, 1970, and shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(S) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as described in the tabulation herein.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

Docket No. and date filed	Applicant	Purchaser and location	FPC Gas Rate Schedule		
			Description and date of document	No.	Supp.
G–4526 E 1–8–71	R. W. Stough (successor to Car-Tex Producing Co.)	United Gas Pipe Line Co., Carthage Field, Panola County, Tex.	Car-Tex Producing Co., FPC GRS No. 5.	1	
			Supplement Nos. 1–11	1	1–11
			Notice of succession 11–1–70		
			Assignment 11–1–70	1	12
			Effective date: 11–1–70		
			Notice of partial cancellation 12–30–70.[1,2]	4	14
G–10033 D 1–4–71	Petroleum, Inc. (Operator) et al.	Cities Service Gas Co., Driftwood Field, Barber County, Kans.			
G–11863 C 10–23–70 D 10–23–70 [3]	Mobil Oil Corp. (Operator) et al.	Lone Star Gas Co., Graham area, Carter County, Okla.	Contract 7–1–70 [4,5]	9	9
G–11959 E 1–4–71	John R. Crain and Malcolm Deisenroth, Jr. (successor to Mobil Oil Corp.).	Cities Service Gas Co., Northeast Norman area, Oklahoma County, Okla.	Mobil Oil Corp., FPC GRS No. 34.	4	
			Supplement Nos. 1–6	4	1–6
			Notice of succession 12–5–70		
			Assignment 11–23–70	4	7
			Effective date: 12–1–70		
G–16528 E 1–4–71 [6]	Harry D. Owen (Operator) et al. (successor to Fred LaRue (Operator) et al.)	United Gas Pipe Line Co., Maxie-Pistol Ridge Field, Forrest et al. Counties, Miss.	Fred LaRue (Operator) et al., FPC GRS No. 2.	1	
			Supplement Nos. 1–6	1	1–6
			Notice of change in operator 12–15–70.[6a]		
G–18044 E 1–13–71	Mabee Petroleum Corp. (successor to Mabee Royalties, Inc.).	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	Mabee Royalties, Inc., FPC GRS No. 1.	1	
			Supplement No. 1	1	1
			Notice of succession 1–6–71		
			Assignment 10–1–70 [7]	1	2
			Assignment 10–1–70 [8]	1	3
			Effective date: 10–1–70		
G–18621 D 1–27–71	J. M. Huber Corp.	Northern Natural Gas Co., McKinney Field, Meade County, Kans.	Notice of cancellation 1–25–71.[1,2]	36	6
G–19019 E 1–13–71	Petroleum Equipment Leasing Co. (successor to Omega Oil Corp.).	South Texas Natural Gas Gathering Co., Henne-Winch-Farris Field, Jim Hogg and Webb Counties, Tex.	Omega Oil Corp., FPC GRS No. 2.	1	
			Supplement Nos. 1–6	1	1–6
			Notice of succession 1–5–71		
			Assignment 10–28–70	1	7
			Effective date: 3–1–70		
CI62–606 E 1–15–71 [9]	Emerald Oil Co. (Operator), agent for Lamson & Bennett, Inc. et al. (successor to Lamson & Bennett, Inc. (Operator) et al.).	Michigan Wisconsin Pipe Line Co., Lawtell Field, St. Landry Parish, La.	Lamson & Bennett, Inc. (Operator) et al., FPC GRS No. 1.	3	
			Supplement Nos. 1–2	3	1–2
			Notice of succession 1–15–71		
			Operating agreement 10–2–61.	3	3
			Letter agreement 1–3–67 [9]	3	4
			Effective date: 1–1–67		
			Supplemental agreement 11–12–69.[11]	481	21
CI62–1184 C 1–13–71 [10]	Atlantic Richfield Co. (Operator) et al.	Arkansas Louisiana Gas Co., Arkoma Area, Pittsburg County, Okla.			
CI64–1103 E 1–8–71	Sun Oil Co. (successor to Southern Minerals Corp.).	Florida Gas Transmission Co., Edna Field, Jefferson Davis Parish, La.	Southern Minerals Corp., FPC GRS No. 3.	488	
			Supplement No. 1	488	1
			Notice of succession 1–6–71		
			Conveyance 10–1–70	488	2
			Effective date: 11–1–70		
CI65–631 D 12–31–70	Hunt Petroleum Corp.	Northern Natural Gas Co., South Six Mile Field, Beaver County, Okla.	Notice of partial cancellation 12–29–70.[2,12]	3	5

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	FPC Gas Rate Schedule		
			Description and date of document	No.	Supp.
CI65–1286 C 10–26–70 [13]	Rincon Oil & Gas Corp.	El Paso Natural Gas Co., San Juan Dakota unit, Rio Arriba County, N. Mex.	Supplemental agreement 10–20–70.[11]	5	4
CI67–696 B 11–23–70 [14]	Texaco, Inc.	Florida Gas Transmission Co., Skipper Field, Brooks County, Tex.	Notice of cancellation 11–20–70.[1,2]	388	2
CI67–1252 E 1–19–71	Texas Oil & Gas Corp. (successor to J. Lee Youngblood (Operator) et al.).	Northern Natural Gas Co., Mocane-Laverne Field, Beaver County, Okla.	J. Lee Youngblood (Operator) et al., FPC GRS No. 4.	78	
			Notice of succession 1–19–71		
			Assignment 10–19–70 [15]	78	1
			Assignment 10–22–70 [16]	78	2
			Effective date: 11–1–70		
CI68–112 B 1–11–71 [17]	C. C. Winn	Oil Field Transportation, Inc., and Hydroco Gas Supply Corp., Orange Grove Field, Jim Wells County, Tex.	Notice of cancellation 1–5–71 [2].	11	3
CI68–589 (G–10686) D 9–3–70 [18]	Jerome P. McHugh et al.	El Paso Natural Gas Co., Tapacito Pictured Cliffs, Blanco Mesaverde, Gallup, and Basin Dakota Fields, Rio Ariba County, N. Mex.	Assignment 6–8–70 [19]	3	1–6
			Assignment 6–8–70 [2,19]	3	2–6
CI68–1166 (CI67–952) C 1–26–71	Franks Petroleum Inc. (Operator) et al.	United Gas Pipe Line Co., West Bryceland Field, Bienville Parish, La.	Agreement 6–19–70 [20]	9	5
CI70–51 C 12–14–70	Logue and Patterson [21]	Florida Gas Transmission Co., Kain Field, Matagorda County, Tex.	Letter agreement 9–21–70 [11]	14	6
CI70–691 (G–4763) 1–14–71 [22]	Cities Service Oil Co., et al. (Operator).	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Robstown Plant, Nueces County, Tex.	([2,22])	320	
CI70–691 (G–3999) 1–14–71 [22a]	do	do	([2,22a])	321	
CI71–183 A 8–31–70	Humble Oil & Refining Co.	Transwestern Pipeline Co., South Carlsbad Field, Eddy County, N. Mex.	Contract 8–18–70 [11]	479	
CI71–185 8–31–70	Shell Oil Co	United Gas Pipe Line Co., Learned Field, Hinds County, Miss.	Contract 7–31–70	381	
			Letter agreement 7–31–70 [11]	381	1
CI71–361 A 10–22–70	Robert M. Hoover, Jr.	Arkansas Louisiana Gas Co., Buffalo Wallow Field, Hemphill County, Tex.	Contract 9–25–70	1	
			Compliance 1–3–71 [23,11]	1	1
CI71–489 A 12–23–70	Sun Oil Co	Phillips Petroleum Co., West Panhandle Field, Gray County, Tex.	Contract 11–23–70 [11]	490	
CI71–509 (G–4436) [24] B 1–6–71	William Herbert Hunt Trust Estate.	Texas Eastern Transmission Corp., North Cottonwood Field, Liberty County, Tex.	Notice of cancellation 1–4–71 [1,2].	[25] 1	20
CI71–510 (G–8592) F 1–4–71	Wm. C. Huls (successor to Sun Oil Co.).	United Gas Pipe Line Co., Maxie Field, Forrest County, Miss.	Contract 3–4–55 [26]	1	
			Letter agreement 3–10–55	1	1
			Letter agreement 3–18–58	1	2
			Letter agreement 10–1–64	1	3
			Letter agreement 8–22–69	1	4
			Assignment 10–19–70 [27]	1	5
			Assignment 10–7–70 [28]	1	6
CI71–511 (G–12411) B 1–4–71	Getty Oil Co. (Operator) et al.	Transcontinental Gas Pipe Line Corp., Northwest Gueydan Field, Acadia and Vermilion Parishes, La.	Notice of cancellation 12–31–70 [1,2].	62	14

Docket No. and date filed	Applicant	Purchaser and location	FPC Gas Rate Schedule		
			Description and date of document	No.	Supp.
CI71-522 A 1-14-71	Commonwealth Gas Corp.	United Fuel Gas Co., Union District, Jackson County, W. Va.	Contract 11-30-70 (No. 7466).	22	
CI71-523 (CI64-1020) B 1-14-71	Tenneco Oil Co	United Gas Pipe Line Co., Maxie-Pistol Ridge Field, Forrest, Lamar, and Pearl River Counties, Miss.	Agreement for Cancellation 1-4-71 [2,29]	63	2
CI71-525 A 1-15-71	H. A. Pearce and A. E. Perkins.	Cities Service Gas Co., Acreage in Chautauqua County, Kans.	Contract 12-18-70	1	
CI71-537 A 1-21-71	Texaco, Inc	United Gas Pipe Line Co., Bethany Field, Panola County, Tex.	Contract 12-21-70 [11]	452	
CI71-539 A 1-22-71	Gulf Oil Corp	Arkansas Louisiana Gas Co., Southeast Ames Field, Major County, Okla.	Contract 12-15-70 [11]	422	
CI71-545 (G-4626) B 1-27-71	Pan American Petroleum Corp. [30]	Mississippi River Transmission Corp., Waskom Field, Harrison County, Tex.	Notice of Cancellation 1-22-71. [1,2]	27	9
CI71-546 A 1-27-71	William Gruenerwald (Operator) et al.	Colorado Interstate Gas Co., a Division of Colorado Interstate Corp., Adams Ranch Field, Meade County, Kans.	Contract 7-27-70	13	
CI71-548 (CI67-803) B 1-28-71	Gulf Oil Corp. (Operator) et al.	El Paso Natural Gas Co., J. L. Greenwood Well No. 5, South Penrose Skelly Unit, Langlie-Mattix and Eumont Fields, Lea County, N.Mex.	Notice of cancellation 1-27-71 [1,2]	[31] 382	6
CI71-550 (G-6634) B 1-27-71	Sun Oil Co	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Placedo Field, Victoria County, Tex.	Notice of cancellation 1-20-71 [1,2]	12	15
CI71-551 (G-11251) B 1-27-71	do	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., West Sullivan Field, Starr County, Tex.	Notice of cancellation 1-20-71 [1,2]	79	8
CI71-552 (CI61-1101) B 1-27-71	do	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Donna Field, Hidalgo County, Tex.	Notice of cancellation 1-20-71 [1,2]	131	4
CI71-553 (G-2668) (G-12851) B 1-29-71	Cities Service Co	United Gas Pipe Line Co., Bourg Field, Terrebonne Parish, La.	Notice of cancellation 1-25-71 [2,32]	2	14

[1] Source of gas depleted.
[2] Effective date: Date of this order.
[3] By letter filed Jan. 27, 1971, applicant agreed to accept permanent authorization at 15 cents.
[4] Adds and deletes acreage by replacement of contract (acreage previously committed and not under the Replacement Contract has either been condemed as nonproducing acreage or has been depleted).
[5] Effective dates: Date of initial delivery (added acreage) and date of this order (deletion of acreage).
[6] Amendment to reflect the change in operator.
[6a] Notice that Harry D. Owen, signatory party to the contract, was named operator in lieu of Fred LaRue. Effective date: Date of change in operator. Applicant shall advise the Commission as to such date.
[7] Conveys interest from Mabee Royalties, Inc., to The J. E. and L. E. Mabee Foundation, Inc.
[8] Conveys interest from The J. E. and L. E. Mabee Foundation, Inc., to applicant.
[9] Agreement whereby Emerald assumes all of Lamson & Bennett, Inc's., obligations as set forth in the Oct. 2, 1961 joint operating agreement.
[10] Contract rate is 16, cents however, applicant states it will accept permanent authorization at 15 cents.
[11] Effective date: Date of initial delivery (applicant shall advise the Commission as to such date).
[12] Production of gas no longer economically feasible.
[13] By letter dated Jan. 19, 1971, applicant agreed to accept permanent authorization at 13 cents.
[14] Original application in Docket No. CI67-696 sought certificate of public convenience and necessity. Applicant now proposes to abandon service previously commenced pursuant to temporary authorization.
[15] Conveys interest from J. Lee Youngblood and Dalco Oil Co. to applicant.
[16] Conveys interest from Flag-Redfern Oil Co. (formerly Redfern Development Corp.) to applicant.
[17] Original application in docket No. CI68-112 sought certificate of public convenience and necessity. Applicant now proposes to abandon service previously commenced pursuant to temporary authorization.
[18] By order issued June 26, 1970, the certificate was amended to add acreage pursuant to application filed Apr. 20, 1970. The acreage was added pursuant to a Mar. 11, 1970, Farmout Agreement from Northwest Production Corp. McHugh now requests that the certificate be amended to show only the acreage actually earned under the Farmout Agreement as shown in the above assignments.
[19] Reflects actual acreage earned by McHugh pursuant to Mar. 11, 1970, Farmout Agreement previously accepted as supplement No. 6 to McHugh's FPC GRS No. 3 (S½, sec. 9 and W½, sec. 16, respectively).
[20] Conveys acreage from Humble Oil & Refining Co. (FPC GRS No. 417) to applicant.
[21] Contract provides for rate of 24.25 cents/Mcf, however, applicant states it is willing to accept permanent authorization at 17 cents/Mcf, including all adjustments.
[22] Applicant is filing to include South Tex's interest formerly covered by South-Tex Corp. (Operator) et al., FPC GRS No. 1. The interest statement has been made an exhibit to Cities' FPC GRS No. 320; South-Tex's FPC GRS No. 1 is superseded thereby; and the certificate in Docket No. G-4763 will be terminated.
[22a] Applicant is filing to include Associated Programs, Inc.'s interest formerly covered by Associated Programs, Inc., FPC GRS No. 7. The interest statement has been made an exhibit to Cities' FPC GRS No. 321; Associated's FPC GRS No. 7 is superseded thereby; and the certificate in Docket No. G-3999 will be terminated.
[23] Accepts temporary certificate issued Dec. 23, 1970. By letter filed Jan. 11, 1971, applicant expressed willingness to accept a permanent certificate conditioned similarly to the temporary certificate.
[24] Other sales covered under the certificate in Docket No. G-4436, therefore, the certificate in said docket will be terminated only with respect to sales made pursuant to applicant's PFC GRS No. 1.
[25] Rate of 17.07438 cents suspended in Docket No. RI71-301 and never made effective, therefore, the proceeding pending in said docket will be terminated. Rate of 16.8735 cents effective subject to refund in Docket No. RI70-362. Other rates subject to refund in Dockets Nos. G-13506, G-16643, G-19750, RI61-143, RI62-140, RI63-140, RI64-199, RI65-253, RI66-125, RI67-87, RI68-178, and RI69-155.
[26] Between Sun Oil Co. and United Gas Pipe Line Co.; currently on file as Sun Oil Co. FPC GRS No. 66.
[27] Assigns acreage fro n surface to depth of 4,282 feet from Sun Oil Co. to Larco Drilling & Exploration Corp.
[28] Assigns acreage from Larco Drilling & Exploration Corp. to Wm. C. Huls.
[29] Agreement is being construed as a notice of cancellation. Properties ceased production and were assigned to Joseph Fritz in 1967. Agreement cancelling contract effective date of abandonment authorization.
[30] Now Amoco Production Co.
[31] Rate of 16.50 cents effective subject to refund in Docket No. RI69-321, no money was collected under the subject docket, therefore, the rate proceeding pending in said docket will be terminated only with respect to sales made pursuant to applicant's FPC GRS No. 382.
[32] Production ceased Nov. 21, 1969; leases have expired.

[FR Doc.71-4284 Filed 3-30-71;8:45 am]

[Docket No. RP64-9]

CITIES SERVICE GAS CO.

Order Setting Hearing on Refunds

MARCH 24, 1971.

Midwest Industrial and Commercial Gas Users' Association (Midwest) on July 24, 1970, petitioned the Commission in the above designated proceedings for the issuance of an order (1) directing Pan American Petroleum Corp. (Pan American) to release to Cities Service Gas Co. (Cities) refunds in the amount of $1,701,129.53, plus interest, and (2) directing Cities Service to flow said refunds through to its jurisdictional customers in accordance with the principles enunciated in the Texas Eastern case.[1]

Cities Service by answer filed on August 21, 1970, agreed that the Commission should direct Pan American to release the refunds to it but denied that it should be required to pass any of the amount through to its customers. Cities Service, stating that the principles of the Texas Eastern case do not apply to these refunds, requested that the Commission set the matter down for hearing to enable it to show that it had an earnings deficiency during each of the periods within which the moneys involved were accumulated (July 1, 1962, through April 22, 1964). The City Group Gas Defense Association, the city of Springfield, Mo., and the Board of Public Utilities of Springfield, Mo., jointly on August 24, 1970, and the Missouri Public Service Commission on September 28, 1970, filed answers in support of Midwest's petition. Pan American on August 24, 1970, filed an answer stating that it should not be required to make refunds to Cities Service. Pan American urges that there have been material changes in circumstances, such as producers' need to fund gas drilling efforts, and that Midwest's petition is premature.[2] Midwest by response filed August 28, 1970, alleged that Pan American's petition is not well founded in that the aforementioned refunds were involved in the Pan American rate settlement in Docket No. G-9279.

There is no issue as to the size of the refundable amount involved. The sole issue raised is a matter of equitable entitlement to the amount. Therefore, consistent with the principles enunciated in the aforementioned Texas Eastern case and in view of the asserted claims to the instant refunds, we deem it appropriate that proceedings should be instituted to determine the appropriate disposition of the subject refundable amounts now being retained by Pan American in Docket No. G-9279. We are not by this order determining that a jurisdictional pipeline is never entitled as a matter of law or equity to retain all or any part of the refunds received from its suppliers.

The Commission finds:

It is necessary and proper in the public interest and to aid in the enforcement of the Natural Gas Act that a proceeding be instituted pursuant to the provisions of sections 4, 5, 10, 14, and 16 of the Act to determine whether Cities Service is legally or equitably entitled to all or any part of the refundable amount now being retained by Pan American pursuant to orders issued in Docket No. G-9279.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 10, 14, and 16 thereof, and the Commission's rules of practice and procedure (18 CFR Ch. 1), a public hearing be held commencing with a prehearing conference on May 25, 1971, at 10 a.m., e.s.t., in a public hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, to determine the extent, if any, to which Cities Service is entitled to receive and retain all or any part of the aforementioned refundable amount now being retained by Pan American pursuant to orders issued in Docket No. G-9279.

(B) Within 45 days from the date of the issuance of this order, Cities Service shall serve its case-in-chief in this matter. Concurrently, therewith, Cities Service shall file and serve on the parties hereto a special report setting forth in detail its cost-of-service for the calendar years 1962, 1963, and 1964. In such report, Cities Service shall utilize a 6⅓-percent rate of return in determining the return component and shall otherwise reflect the results of its operations as set forth in its Form 2 applicable to the years 1962, 1963, and 1964, without "normalization" of conditions actually in effect during each such calendar year, annualizing adjustments, elimination of nonrecurring items, or averaging of recurring items varying in amounts from year to year, except that all supplier refunds received by Cities Service, which are attributable to gas purchases made during each of these 3 years and have not been passed on to its jurisdictional customers, shall be regarded as a reduction in the reported cost of purchased gas for the calendar year involved.

(C) A Presiding Examiner to be designated by the Chief Examiner for that purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at the aforementioned prehearing conference and otherwise control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure and the purposes expressed in this order.

(D) Notices of intervention and petitions to intervene may be filed with the Federal Power Commission, Washington, DC 20426, in accordance with the Commission's rules of practice and procedure, §§ 1.8 and 1.37(f) (18 CFR 1.8 and 1.37(f)), on or before April 9, 1971.

By the Commission.

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

[FR Doc.71-4395 Filed 3-30-71;8:46 am]

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[1] Texas Eastern Transmission Corp. (Docket No. RP66-12), Opinion No. 540 (39 FPC 630) and No. 540-A (40 FPC 62); Texas Eastern Transmission Corp. v. FPC., CA5 (414 F. 2d 344), cert. denied May 27, 1970 (398 U.S. 928).

[2] Pan American contends that the Commission should not consider the requests of Midwest until after the Commission has acted on the petition filed by Phillips Petroleum Co. filed on June 30, 1970, in Area Rate Proceeding, et al., Docket No. AR64-1, et al., for special relief from the refund obligation which would be required upon Commission acceptance of the settlement proposal in that proceeding.

[Docket No. RP66-4 etc.]

FLORIDA GAS TRANSMISSION CO.

Order Remanding Proceeding to Presiding Examiner for Hearing in Accordance With Court Order and Providing for Prehearing Conference

MARCH 22, 1971.

The Commission, on July 16, 1969, issued its Opinion No. 561 and Order, 42 FPC 74, determining the rate of return to be allowed Florida Gas Transmission Co. (Florida Gas) in Dockets Nos. RP66-4, RP68-1, and RP69-2. Rehearing was denied by order issued September 12, 1969, 42 FPC 649. Sun Oil Co. (Sun Oil), on November 10, 1969, filed, with the U.S. Court of Appeals for the District of Columbia Circuit, a petition for review of the Commission's Opinion and Order, but limited its appeal to the Commission's determination of rate of return in Docket No. RP66-4. The court, in a decision issued February 12, 1971 (Sun Oil Company v. Federal Power Commission, No. 23,629), reversed the Commission's rate of return determination in Docket No. RP66-4 and remanded the case to the Commission for a more complete statement of the facts and reasons bearing upon its decision in Docket No. RP66-4 and to provide Sun Oil an opportunity for hearing on the issue of rate of return in that docket.

We shall remand the proceeding in Docket No. RP66-4 to the Presiding Examiner in order to provide Sun Oil the opportunity for hearing on the issue of rate of return in that docket. To that end we shall provide for a prehearing conference to give Sun Oil, other parties and the Commission staff the opportunity to present their views to the Presiding Examiner on the substantive and procedural matters involved, including the definition of issues and the stipulation of noncontroverted facts, and to indicate whether they intend to present evidence in the remanded proceeding in Docket No. RP66-4.

The Commission orders:

(A) In accordance with the decision of the U.S. Court of Appeals for the District of Columbia Circuit, in Sun Oil Company v. Federal Power Commission, issued February 12, 1971, the proceeding in Docket No. RP66-4 is remanded to the Presiding Examiner for hearing on the issue of rate of return.

(B) The hearing shall commence with a prehearing conference to be held on April 20, 1971, at 10 a.m., e.s.t. in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, for the purposes set forth herein.

(C) Presiding Examiner William L. Ellis, or any other designated by the Chief Examiner for that purpose [see Delegation of Authority, 18 CFR 3.5(d)], shall preside at the hearing in this proceeding, shall fix dates for the service of evidence and for cross-examination of witnesses, and shall control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure and the purposes expressed in this order.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-4396 Filed 3-30-71;8:46 am]

[Docket No. E-7608]

INDIANA & MICHIGAN CO.

Notice of Amendment of Interconnection Agreement

MARCH 24, 1971.

Take notice that on February 19, 1971, Indiana & Michigan Co. (Indiana) filed with the Commission Amendment No. 2 dated February 1, 1971, to the operating agreement dated March 1, 1966, among Consumers Power Co. (Consumers), The Detroit Edison Co. (Detroit), and Indiana, designated Indiana Rate Schedule FPC No. 68.

Section 1 of Amendment No. 2 provides for an increase in the demand charge for short-term power or from $0.30 per kilowatt per week to $0.40 per kilowatt per week and a charge in the reduction of weekly demand charges in the event that the supplying party is unable to fulfill any part of its commitment from $0.06 per kilowatt per day to $0.067 per kilowatt per day for each day (except Sundays) any such reduction is in effect.

Indiana states the proposed changes indicated above are in each case the result of discussions and negotiations between the parties and reflect a desire on the part of such parties to assure that the compensation received for providing short-term power continue to be compensatory and not impose a burden on the supplying utility and its customers. Indiana contends that a service, which is (1) reciprocal, (2) subject to changing conditions, and (3) to be provided only if the party requested to supply such service is willing to provide it, must result in the realization of mutual benefits and compensation, therefore, must be reasonable in the light of current conditions and circumstances.

The stated reasons for the proposed rate increase are: (1) increases in current capital costs; and (2) increases in current installed cost of generation and transmission facilities.

Indiana also states that it cannot estimate the transactions and revenues for the next 12 months because the extent to which short-term power will be used is unknown at present.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 19, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-4398 Filed 3-30-71;8:47 am]

[Docket No. E-7616]

CITIZENS UTILITIES CO.

Notice of Application

MARCH 25, 1971.

Take notice that on March 16, 1971, Citizens Utilities Co. (applicant) filed an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of short-term promissory notes in an aggregate principal amount not to exceed $6 million outstanding at any one time.

Applicant is incorporated under the laws of the State of Delaware and is qualified to do business in the States of Arizona, Colorado, Connecticut, Hawaii, Idaho, and Vermont.

The notes are to be issued pursuant to a credit arrangement with Marine Midland Bank of New York. All notes are to be issued from time to time after April 15, 1971, having maturities of 90 days from their date of issuance, with final maturity of all notes being on or before April 10, 1972. The interest rate each note shall bear will be the New York prime commercial interest rate for 90-day notes as of the date of issuance.

The net proceeds from the sale of the notes will be used, together with other funds of the applicant, for the construction, extension, and improvement of facilities.

Any person desiring to be heard or to make any protest with reference to this application should on or before April 9, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petition or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-4397 Filed 3-30-71;8:46 am]

[Docket No. RP71-89]

NORTHERN NATURAL GAS CO.

Order Granting Partial Reconsideration, Amending Suspension Period, Denying Stay, and Determining Abandonment Issue

MARCH 19, 1971.

Four motions for reconsideration[1] of the Commission's order issued February 26, 1971, in the above-entitled proceeding have been filed. The Commission's order had suspended for 2 months, or until April 27, 1971, the effectiveness of revised tariff sheets filed by Northern Natural Gas Co. (Northern) which would permit it to curtail up to 15 percent of contract demand deliveries in the months of April and October and to curtail up to 30 percent of contract demand during the months of May through September to assure that Northern would have sufficient volumes of gas and pipeline capacity to replenish its Redfield underground storage field. The order, in addition to providing for service of testimony and commencement of hearing, deferred a decision on the question of whether Northern was required to obtain abandonment authorization under section 7(b) of the Natural Gas Act before it could institute the curtailments.

The petitioners' motions raise a few points which were not considered by the Commission when it issued its order of February 26, 1971. The Commission believes that some revisions of the order should be made in light of the petitioners' further arguments.

First, Michigan Power and Michigan Wisconsin argue that the Commission concluded that Northern's proposal should not be suspended for the full 5-month statutory period because Northern would be able to obtain the gas required to replenish Redfield only by invoking the curtailment plan proposed in Docket No. RP71-89 under which Northern would revise the General Terms and Conditions of its Tariff by inserting a new § 9.4 to permit up to 30 percent curtailment of all customers' contract demands. However, it is a fact, as petitioners observe, that Northern, under

[1] "Motion of Northern Illinois Gas Company for Rehearing" (NI-Gas) filed Mar. 5, 1971; "Application for Rehearing by Northern Municipal Defense Group" (NMDG) filed Mar. 8, 1971; "Application of Michigan Power Company, Intervenor, for Rehearing and Stay of Order Issued February 26, 1971" (Michigan Power) filed Mar. 10, 1971; and "Application of Michigan Wisconsin Pipe Line Company for Rehearing and Reconsideration of Suspension Order" (Michigan Wisconsin) filed Mar. 12, 1971.

§ 9.2 of the General Terms and Conditions, now has the right, after discontinuance of deliveries to its direct interruptible customers, to require its utility customers to reduce their takes for large volume industrial and commercial customers (with maximum daily requirements of 200 Mcf or more) "* * * in order to protect deliveries of gas to residential, small volume commercial and industrial consumers." Northern has shown no reason why the existing curtailment provision should not be used pending a consideration of the merits of the new curtailment method which is the subject of the instant filing. Since the new § 9.4 curtailment plan would reduce deliveries in a manner different from that provided for in § 9.2, and since use of § 9.4 is not absolutely essential for Northern to obtain the volumes of gas necessary for replenishing Redfield, its effectiveness should be suspended for the full statutory period.

Inasmuch as the 5-month suspension may not provide a sufficient time within which to reach a final decision as to the justness and reasonableness of Northern's new curtailment proposal, the Commission will also require Northern, as requested in the motion filed by NI-Gas, to adjust deliveries "* * * during curtailment periods subsequent to Commission decision herein, insofar as is practicable, to provide that total deliveries to each customer during the 1971 and 1972 curtailment periods will be in accord with the allocation method finally approved." Additionally, as requested in the motion filed by NMDG, the Commission will provide in any order issued upon the filing of a motion by Northern to make the tariff sheets effective that Northern will be required to refund demand charges to the extent contract demand is curtailed if the Commission ultimately determines that an adjustment in the demand charge should have been made in connection with curtailments made effective under § 9.4.

In light of Northern's testimony to the effect that injections into Redfield must begin gradually in order to avoid damage to the aquiferous reservoir, the Commission assumes that Northern will be curtailing under the existing § 9.2 when the suspension period herein ends on July 27, 1971. If the Commission has not reached a decision herein by that time, and if Northern elects to file a motion to effectuate curtailments under § 9.4, it will be on notice that any curtailments made pursuant to that section will be subject to an obligation to adjust deliveries and refund demand charges to the extent that the Commission's final decision herein may find it necessary to disallow or adjust the curtailment plan provided for in the tariff sheets filed in Docket No. RP71–89.

NMDG, Michigan Power, and Michigan Wisconsin contend that the Commission's February 26, 1971, order erroneously deferred the decision regarding the applicability of section 7(b) of the Act to Northern's filing. They insist that the Commission must decide as a threshold question prior to the commencement of the hearing whether Northern must obtain abandonment authorization. A preliminary decision is required, they say, in order to bar a defective proceeding under section 4 in the event the Commission later determines that it should have required a filing under section 7(b). The Commission agrees that the applicability of section 7(b) is a legal decision which can be made now on the basis of the arguments advanced in the motions for reconsideration.

As the Commission noted on page 7 of its February 26, 1971, order, there is merit to Northern's contention that it need not file an abandonment application in order to obtain permission to change its curtailment procedure in the event of a gas shortage. Northern's filing in this proceeding under section 4 of the Act has given its customers notice of the plan under which curtailments are proposed to be made and an opportunity to oppose the plan in proceedings before the Commission. The chance of irreparable injury is reduced, as hereinbefore indicated, by a full statutory suspension and the requirements herein imposed with respect to adjustments in deliveries and refund of any demand charges collected which may later be found to be unjustified.

In the instant case Northern does not seek permission to stop selling gas to any of its customers on a permanent basis. It is simply alleging that its gas supply and pipeline capacity are inadequate to permit it to supply its customers' full contract quantities during the summer and also to allow it to refill its Redfield underground storage reservoir so that it will be able to meet those same customers' requirements this coming winter. In view of the fact that Redfield supplies up to 388,000 Mcf. of Northern's peak-day requirements, all of its customers are dependent upon Northern's ability to rely upon Redfield. It is appropriate that a curtailment plan be established to deal with emergencies of the type described in Northern's filing. The Commission finds that the proposal of Northern is a change in service which is a permissible filing under section 4 of the Act.

In granting the petitioners' requests that Northern's proposal be suspended for the full statutory period and by indicating now that if Northern elects to make the proposal effective by motion on or after July 27, 1971, it will be required tc adjust deliveries and make refund of demand charges pursuant to the Commission's final decision herein, the Commission has granted in full NI-Gas' request for relief and NMDG's third alternative request for relief.

The Commission finds it necessary to deny Michigan Wisconsin's motion for reconsideration to the extent[3] that the order herein declines to provide that Northern cannot make the new § 9.4 curtailment procedure effective at the end of the suspension period. The Commission is still of the opinion, for the reason given on pages 8 and 9 of the February 26, 1971 order, that Northern had a right under section 4 of the Act to file the proposed change in the General Terms and Conditions of its tariff and that the proposal cannot be suspended for longer than 5 months.

There remains for consideration the primary point raised by Michigan Power. It contends that the Commission erred in not granting its motion to reject Northern's filing. If the Commission will not vacate that portion of its February 26, 1971 order denying its motion to reject Northern's filing, Michigan Power requests that the Commission stay the effectiveness of Northern's proposal pending judicial review.

In Virginia Petroleum Jobbers Ass'n v. F.P.C., 259 F. 2d 921, 925 (D.C. Cir. 1958), the court set forth the following criteria for evaluating the merits of a motion for stay:

> * * * (1) Has the petitioner made a strong showing that it is likely to prevail on the merits of its appeal? * * * (2) Has the petitioner shown that without such relief, it will be irreparably injured? * * * (3) Would the issuance of a stay substantially harm other parties interested in the proceedings? * * * (4) Where lies the public interest? * * *

The Commission has already indicated in its February 26, 1971, order that Northern's service agreements, rate schedules, and tariff contain provisions which allow it to file the proposed tariff sheets under the principles set forth by the Supreme Court in United Gas Pipe Line Co. v. Memphis Light, Gas and Water Division, 358 U.S. 103 (1958). Consequently, the Commission does not think that Michigan Power is likely to prevail on the merits of its appeal.

Michigan Power alleges that it will be irreparably injured because "[e]ven if the Commission were subsequently to authorize Northern to deliver 'make up' volumes for those withheld, there is no assurance that the market could absorb such 'make up' volumes, because sales once foregone cannot be recouped with subsequent increased gas availability." As hereinbefore noted, the Commission will condition Northern's curtailment

[3] Michigan Wisconsin also requested that the dates fixed in the Feb. 26, 1971 order for the filing of testimony and commencement of hearing be extended, but, as the petitioners note, Congress intended for the Commission to culminate investigations and hearing and issue a final decision within the 5-month suspension period if possible. Extensions of the dates fixed in the Feb. 26, 1971, order would not, therefore, be appropriate in a case where many parties are alleging economic loss and asking that a Commission decision be issued prior to the end of the suspension period.

proposal, if made effective, on both gas adjustments and possible refund of demand charges. Consequently, Michigan Power will be protected to the extent possible by this and future Commission orders to be issued in this proceeding. Moreover, as the court in the Jobbers case pointed out (259 F. 2d at 925):

> * * * Mere injuries, however substantial, in terms of money, time and energy necessarily expended in the absence of a stay, are not enough. The possibility that adequate compensatory or other corrective relief will be available at a later date, in the ordinary course of litigation, weighs heavily against a claim of irreparable harm. * * *

Without in any way intending to prejudge the merits of curtailments which might be made under the proposed § 9.4 compared with curtailments which might be made under the existing § 9.2, it is a fact, as noted on page 4 of the February 26, 1971, order, that the petitions to intervene of 14 parties appeared to favor curtailments under § 9.4. It would seem therefore that some of Northern's customers are not favorably disposed to the curtailments under § 9.2 which Northern now has a right to impose. As indicated in the February 26, 1971, order, the primary public interest consideration is that gas be obtained for replenishing Northern's underground storage field so that a supply of gas for space heating will not be endangered for the 1971–72 winter period. If there are inequities in the application of curtailments under § 9.2, those inequities should be brought forth in an immediate open hearing so that the Commission can ultimately determine whether any curtailments are required, and if so, whether they should be made under § 9.2 or § 9.4, or by means of a modification of one or both of those sections. In view of the foregoing considerations, the Commission concludes that Michigan Power's request for stay pending judicial review should be denied.

The February 26, 1971, order permitted intervention by all parties which had filed petitions to intervene. Subsequent to the issuance of that order untimely notices of intervention were filed by the Iowa State Commerce Commission and the Illinois Commerce Commission. It appears that these late notices of intervention should be accepted.

The Commission finds:

(1) The assignments of error and grounds for reconsideration set forth in the motions for reconsideration filed by NI-Gas, NMDG, Michigan Power, and Michigan Wisconsin present no facts or legal principles which would warrant any change in or modification of the Commission's order issued February 26, 1971, except to the extent reconsideration has hereinbefore been discussed and is hereinafter granted.

(2) Good cause exists to permit the late filing of the notices of intervention of the Iowa State Commerce Commission and the Illinois Commerce Commission.

The Commission orders:

(A) The motions for reconsideration of the order issued February 26, 1971, filed by NI-Gas, NMDG, Michigan Power, and Michigan Wisconsin are denied except to the extent that reconsideration has been hereinbefore discussed and is hereinafter ordered.

(B) Northern is not required to obtain abandonment authorization under section 7(b) of the Natural Gas Act for the reasons hereinbefore stated; therefore, the Commission's order issued February 26, 1971, is amended to delete paragraph (I) therefrom.

(C) The request by Michigan Wisconsin for extending the dates within which testimony shall be served and commencement of hearing shall begin is denied.

(D) Michigan Power's request for stay pending judicial review is denied.

(E) Paragraph (C) of the Commission's order issued February 26, 1971, is amended by substituting the date of July 27, 1971, for April 27, 1971, as the terminal suspension date of Northern's proposed revised tariff sheets and Northern is hereby notified that if it files a motion to make such tariff sheets effective, any curtailments made pursuant to those tariff provisions will be subject to (1) adjustment after Commission decision herein, insofar as is practicable, to provide that total deliveries to each customer during the 1971 and 1972 curtailment periods will be in accord with the allocation method finally approved, and (2) refund of any demand charges associated with curtailments of contract demands if the Commission ultimately modifies or disallows Northern's proposal to make no adjustments in demand charges.

(F) The Commission's order issued February 26, 1971, shall remain in full force and effect except to the extent modified and amended herein.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-4394 Filed 3-30-71;8:46 am]

[Docket No. CP71-220]

OKLAHOMA NATURAL GAS CO.

Notice of Application

MARCH 25, 1971.

Take notice that on March 17, 1971, Oklahoma Natural Gas Co. (applicant), Post Office Box 871, Tulsa, OK 74102, filed in Docket No. CP71-220 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction of an interconnection between applicant's A-50 line and a 26-inch pipeline of Natural Gas Pipeline Company of America (Natural), located in Grady County, Okla., and the operation of a measuring station for the sale of natural gas to Natural on a best-efforts basis, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has been advised by Natural of a need for additional volumes of natural gas to meet existing contractual requirements. Applicant anticipates that from time to time over the next 2-year period, it will have volumes of natural gas which it will be able and willing to make available to Natural to help alleviate this gas supply problem.

Applicant also states that it is exempt from regulation by the Federal Power Commission under the provisions of section 1(c) of the Natural Gas Act and proposes this sale for resale of natural gas in interstate commerce subject to the following conditions: (1) Applicant's facilities will continue to be exempt from Commission regulation; (2) sales to applicant by independent producers and other suppliers from whom applicant purchases natural gas remain exempt from Commission regulation; (3) that applicant be relieved from any accounting or reporting requirement to the Commission, although applicant states that it would be willing to furnish data showing the volumes sold and price paid for said gas pursuant to this proposed sale; and (4) that the sale automatically terminate, without further order by the Commission 2 years after commencement thereof.

Applicant further states that the selling price for the sales proposed herein will be 21 cents per Mcf, adjusted to reflect changes in applicant's average cost of purchased gas, increases in taxes and B.t.u. adjustments.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 19, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-4399 Filed 3-30-71;8:47 am]

[Project No. 1759]

WISCONSIN-MICHIGAN POWER CO.

Notice of Application for New License for Constructed Project

MARCH 25, 1971.

Public notice is hereby given that application for new license has been filed under section 15 of the Federal Power Act (16 U.S.C. 791a, 825r) by Wisconsin-Michigan Power Co. (correspondence to: Mr. John K. Babbitt, Vice President and General Manager, Wisconsin-Michigan Power Co., 807 South Oneida Street, Appleton, WI 54911) for its constructed Way, Peavy Falls and Twin Falls, Project No. 1759 located on the Michigamme and Menominee Rivers in the counties of Iron and Dickinson (Michigan) and Florence (Wisconsin). The project affects land and navigable waters of the United States.

The constructed project consist of:

(A) *Michigamme Reservoir (Way Dam) and Way Plant.* (1) A dam located on the Michigamme River comprised of a concrete arch section with a maximum height of 50 feet above streambed, earth embankment sections, a concrete dike, and a concrete gravity spillway section at the south abutment of the dam with three Tainter gates; (2) a reservoir with a normal pool at elevation 1,374 feet (m.s.l.) having a storage capacity of 119,950 acre-feet and a surface area of 7,000 acres; (3) a powerhouse immediately below the dam having a single 1,800 kw. generating unit; (4) transmission facilities consisting of 4 kv. generator leads and connections to the adjacent 4/69 kv. 2,000 kv.-a step-up substation, and the 8-mile long Way-Crystal Falls 69 kv. transmission line; (5) all other facilities and interests appurtenant to operation of the project.

(B) *Peavy Falls.* (1) A dam located on the Michigamme River comprised of a multiple-arch concrete section about 75 feet in height above stream bed, a concrete gravity spillway section at the right abutment with three Tainter gates, an intake section, and concrete gravity sections at each abutment; (2) reservoir with normal pool at elevation 1,285 feet (m.s.l.) having a storage capacity of 34,250 acre-feet and a surface area of 3,160 acres; (3) a concrete lined tunnel about 750 feet long extending from the dam to a surge tank and thence two penstocks to the powerhouse, (4) a powerhouse containing two 6,000 kw. generating units; (5) transmission facilities consisting of 6.9 kv. generator leads and connections to the nearby 6.9/69 kv. substation, the 3-mile long Peavy Falls-Brule 69 kv. transmission line, and the 8-mile long Peavy Falls-Randville 69 kv. transmission line; and (6) all other facilities and interests appurtenant to operation of the project.

(C) *Twin Falls.* (1) A dam located on the Menominee River comprised of a concrete gravity spillway section about 40 feet in height above stream bed, with ten 14 x 14 foot Tainter gates, a gravity section extending to the west abutment, a secondary spillway and channel west of the dam, and a gravity section on the east; (2) a canal about 200 feet long; (3) a reservoir with normal headwater at elevation 1,114 feet (m.s.l.) have a surface area of 1,120 acres; (4) a powerhouse with five generating units having a total installed capacity of 6,144 kw.; (5) transmission facilities consisting of 6.9 kv. generator leads and connections from the powerhouse to the outdoor step-up transformer, the 6.9/69 kv., 6,000 kv.-a. step-up transformer; and (6) all other facilities and interests appurtenant to operation of the project.

According to the application: (1) The project power is used in Applicant's interconnected transmission and distribution system for ultimate delivery to its customers in Michigan and Wisconsin; (2) the estimated net investment in the project is about $2,300,000 as of June 30, 1970 which is less than applicant's estimated fair value; (3) the severence damage in the event of "takeover" by the United States is $3,285,500; (4) annual taxes paid to State and local government agencies are estimated to be $229,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 10, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-4400 Filed 3-30-71;8:47 am]

[Docket No. CP71-232]

MIDWESTERN GAS TRANSMISSION CO.

Notice of Application

MARCH 29, 1971.

Take notice that on March 26, 1971, Midwestern Gas Transmission Co. (applicant), Post Office Box 2511, Houston, TX 77001, filed in Docket No. CP71-232 an application pursuant to section 3 of the Natural Gas Act for authorization to import natural gas from Canada, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant requests authorization to import up to 9,000,000 Mcf of additional natural gas, during the period from March 20, 1971, to November 1, 1971, through existing facilities at the international boundary near Emerson, Manitoba. Applicant states that this natural gas will be purchased from Trans-Canada Pipe Lines Ltd. on a best-efforts basis at a rate of 34 cents per Mcf, for resale to Michigan Wisconsin Pipe Line Co. and other of its northern customers requiring additional volumes of natural gas.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before April 6, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-4486 Filed 3-30-71;8:51 am]

OFFICE OF EMERGENCY PREPAREDNESS

MISSISSIPPI

Amendment to Notice of Major Disaster

The Counties of:

Hinds.	Perry.
Jasper.	Stone.
Jones.	

Notice of Major Disaster for the State of Mississippi, dated February 26, 1971, and published March 5, 1971 (36 F.R. 4450), is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 22, 1971:

Dated: March 25, 1971.

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

[FR Doc.71-4382 Filed 3-30-71;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[811-1102]

DEVELOPERS SMALL BUSINESS INVESTMENT CORP.

Notice of Proposal to Terminate Registration

MARCH 24, 1971.

Notice is hereby given that the Commission proposes, pursuant to section 8 (f) of the Investment Company Act of 1940 (Act) to declare by order upon its own motion that Developers Small Business Investment Corp. (Developers), c/o Struthers Capital Corp., 630 Fifth Avenue, New York, NY 10020, a registered closed-end, nondiversified, management investment company has ceased to be an investment company.

Commission records disclose that, pursuant to a proxy statement and shareholder approval, substantially all the assets and all the liabilities of Developers have been acquired by Struthers Capital Corp. and that Developers is not conducting any business.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on its own motion, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, that upon the taking effect of such order, the registration of such company shall cease to be in effect, and that, if necessary for the protection of investors, such order may be made upon appropriate conditions.

Notice is further given that any interested person may, not later than April 14, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon emerging at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations under the Act, an order disposing of the matter may be issued by the Commission upon the basis of the information stated in this notice, unless an order for hearing upon this matter shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-4376 Filed 3-30-71;8:45 am]

[812-2823]

E. I. DU PONT DE NEMOURS & CO.

Notice of Filing of Application for Order Exempting Proposed Transaction

MARCH 23, 1971.

Notice is hereby given that E. I. du Pont de Nemours & Co., Wilmington, DE 19898 (Applicant), a Delaware corporation, has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 (Act) for an order exempting from the provisions of 17(a), the proposed grant of an exclusive license under a U.S. Patent application (and foreign counterparts) to Digilab, Inc. (Digilab), a wholly owned subsidiary of Block Engineering, Inc (Block). All interested persons are referred to the application on file with the Commission for a full statement of the representations therein, which are summarized below.

Christiana Securities Co. (Christiana), a registered closed-end investment company, owns approximately 28.5 percent of the outstanding common stock of Applicant, which in turn owns approximately 33 percent of the outstanding common stock of Block. Under section 2(a)(9) of the Act, Applicant, Block, and Digilab are presumed to be controlled by Christiana and under section 2(a)(3) of the Act, are also affiliated persons of Christiana.

The proposed transaction involves Applicant's granting of an exclusive license on a U.S. Patent application (and foreign counterparts) to Digilab, and any sublicensee of Digilab, who agrees to be bound by the terms of the agreement between Applicant and Digilab, so that Digilab can make and sell optical thickness gauges, used in measurement of film thickness.

Digilab has agreed to pay Applicant, in consideration for the granting of this exclusive license, a royalty of 5 percent of the "net selling price", as described in the application, for the first $250,000 of net sales of the apparatus covered by the patent, plus a declining percentage of such price for net sales over $250,000. Total royalty payments to Applicant are not expected to exceed $200,000 during the life of the license. In the event that the amount of royalties paid by Digilab to Applicant for an annual period is less than $10,000, then Applicant has the option, at any time, to convert the exclusive license into a nonexclusive license, or terminate all rights and licenses granted to Digilab and any sublicensee of Digilab.

Applicant represents that the terms of the proposed transaction were negotiated on an arms-length basis, and are reasonable to both Applicant and Digilab. Applicant considered, in determining the terms of the agreement, the nature of the invention, its stage of development, the anticipated extent of use of the invention, and its prospective profitability.

Section 17(a) of the Act, as here pertinent, provides that it is unlawful for any affiliated person of a registered investment company, or an affiliated person of such a person, to purchase any security or other property from such registered company, or from any company controlled by such registered company.

Section 17(b) provides that a proposed transaction may be exempted from the provisions of section 17(a) upon application if the Commission finds that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of the registered investment company and the general purposes of the Act.

Notice is further given that any interested person may, not later than April 15, 1971 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-4377 Filed 3-30-71;8:45 am]

[81-20]

MENOMINEE ENTERPRISES, INC., AND TRUSTEES OF MENOMINEE COMMON STOCK AND VOTING TRUST

Notice of Application and Opportunity for Hearing

MARCH 24, 1971.

Notice is hereby given that Menominee Enterprises, Inc. (Enterprises), and the Trustees of the Menominee Common Stock and Voting Trust (Trustees) have filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended (the Act) for an extension of an order of the Commission dated May 26, 1965, that Enterprises and the Trustees be exempted from the provisions of sections 12(g), 13, 14, and 16 of the Act until sixty (60) days before the certificates of beneficial interest (trust certificates) become alienable on January 1, 1974.

Section 12(g) of the Act requires the registration of the equity securities of every issuer which is engaged in, or in a business affecting, interstate commerce, or whose securities are traded by use of the mails or any means or instrumentality of interstate commerce, and on the last day of its fiscal year has total assets exceeding $1 million and a class of equity securities held of record by 500 or more persons.

Section 12(h) of the Act empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from the registration, periodic reporting and proxy solicitation provisions under sections 13, 14, and 15(d) and any officer, director or beneficial owner of 12(g) registered securities of any issuer from the insider trading provisions of section 16 of the Act, if the Commission finds by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities, income or assets of the issuer, or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

Section 13 of the Act requires that issuers of securities registered pursuant to section 12 must file certain periodic reports with the Commission. Section 14 requires that issuers of securities registered pursuant to section 12 must comply with certain requirements with respect to proxy solicitations.

Section 16 imposes certain ownership reporting requirements upon the beneficial owners of more than 10 percent of a class of equity security registered pursuant to section 12 and upon officers and directors of the issuer of such security.

The application of Enterprises and the Trustees states, in part:

1. Enterprises is a Wisconsin corporation formed in February 1961, to receive from the U.S. Government and to operate extensive forest and other tribal properties pursuant to the plan for the future control of Menominee Indian Tribal Property and Future Service Functions (the Termination Plan) as negotiated between the Menominee Indian Tribe of Wisconsin (Tribe), Federal congressional committees, the Department of the Interior and its Bureau of Indian Affairs, and the Attorney General, Legislative Council, and other public officers and agencies of the State of Wisconsin, in order to carry out the congressional policy of termination of Federal supervision over the property and members of the Tribe in accord with Public Law 399—83d Congress.

2. The properties of Enterprises consist of the tribal lands and property held in trust by the Government of the United States at April 30, 1961, the date of termination of Federal supervision. In area this was approximately 365 square miles of land formerly known as the Menominee Indian Reservation and now constituting Menominee County of the State of Wisconsin. The land is principally forest land and the economy of the area is principally forestry. The properties also include a sawmill operated for many years by the Tribe under Federal supervision. Enterprises was formed to assure conformity with the purpose that the valuable timber assets would be operated as a whole on the sustained-yield basis and thereby contribute as much as possible to employment and economic and living conditions in the area. This could not have been possible if the lands and assets had been fragmented by conveyance and distribution directly to tribal members.

3. Pursuant to the Termination Plan, the rights of tribal members in Enterprises were evidenced initially by $9,538,346.06 of 4 percent Income Bonds due December 1, 2000, and 327,000 shares of common stock, $1 par value per share, which represent the only securities which it has had or expects to have outstanding. All 327,000 shares of the common stock were issued by Enterprises in 1961 directly to the Trustees elected by the Tribe. The Trustees in turn then issued trust certificates to the 3,270 members of the Tribe (1954 Tribal Rule) or their heirs.

4. The board of directors of Enterprises consists of nine persons of whom four are required to be Tribal members. They are elected by the Trustees as holders of all outstanding common stock. The seven Trustees, of whom four are required to be Tribal members, are elected for 7-year, staggered terms (one each year) at the annual meeting of holders of the trust certificates, with vacancies being filled by the remaining Trustees.

5. On May 26, 1970, the trust agreement, which had previously provided that the trust certificates could not be transferred prior to January 1, 1971, was amended to provide that the trust certificates could not be transferred until January 1, 1974. The beneficiaries of trust certificates representing a majority of the shares of stock held by the Trustees have consented in writing to such amendment. Furthermore, the extension of restrictions on alienability have been authorized by Chapter 483, Laws of 1969, amending section 231.45, Wisconsin Statutes. In addition, the subject extension was approved by the Commissioner of Securities of the State of Wisconsin on December 23, 1970.

6. Enterprises and the Trustees furnish full information on its business operations to holders of the trust certificates by transmitting an annual report to them. This information is also fully available to the numerous public bodies of the State of Wisconsin who have concern with the success of Enterprises. The financial and business affairs of Enterprises are under continuous and close scrutiny by interested public authorities in Wisconsin.

7. Enterprises and the Trustees have waived a hearing in connection with the matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the Offices of the Commission at 500 North Capitol Street NW., Washington, DC 20549.

Notice is further given that any interested person not later than April 12, 1971, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, DC 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application in whole or in part may be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-4378 Filed 3-30-71;8:45 am]

[70-5005]

POTOMAC EDISON CO. ET AL.

Notice of Proposed Increase in Authorized Capital Stock and Issue and Sale of Common Stock by Subsidiary Companies, and Acquisition and Pledge Thereof by Holding Company

MARCH 24, 1971.

Notice is hereby given that the Potomac Edison Co. (Potomac Edison), Downsville Pike, Hagerstown, MD 21740, an electric utility company and a registered holding company, and its subsidiary companies, the Potomac Edison Company of Pennsylvania (PE-Pa.), the Potomac Edison Company of Virginia (PE-Va.), and the Potomac Edison Company of West Virginia (PE-W. Va.), have filed an application-declaration with this

Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6, 7, 9, 10, and 12 of the Act and Rules 43 and 44 promulgated thereunder as applicable to the proposed transactions. Potomac Edison is a subsidiary company of Allegheny Power System, Inc., also a registered holding company. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

PE-Pa. proposes to amend its charter to increase the authorized shares of its capital stock by the number shown below; PE-Pa., PE-Va., and PE-W. Va. (Subsidiary Companies) propose to issue and sell additional shares of their authorized and unissued capital stocks; and Potomac Edison proposes to acquire such shares, in each case in the amounts and for the consideration shown below:

Subsidiary company and title of issue	Proposed increase in authorized shares	Proposed issuance of shares	Cash consideration
PE-Pa.: capital stock, no par, stated value $5 per share	282,000	400,000	$2,000,000
PE-Va.: common stock, par value $100 per share		22,000	2,200,000
PE-W. Va.: common stock, par value $100 per share		17,000	1,700,000

The application-declaration states that funds derived from the proposed issuance and sale of capital stock will be used by each of the Subsidiary Companies to finance necessary property additions and improvements. Construction expenditures for 1971 are estimated to be $2,785,400 for PE-Pa., $3,568,700 for PE-Va., and $3,337,150 for PE-W.Va.

Potomac Edison now owns all the outstanding shares of capital stock of each the Subsidiary Companies, and such shares are pledged under the Indenture of Potomac Edison dated as of October 1, 1944, as supplemented, securing its First Mortgage and Collateral Trust Bonds. The filing states that the additional shares proposed to be acquired by Potomac Edison will be issued by the Subsidiary Companies from time to time as necessary prior to December 31, 1971, and on issuance will be pledged by Potomac Edison under said Indenture in accordance with the requirements thereof.

The application-declaration states that the Pennsylvania Public Utility Commission has jurisdiction over the issuance of the stock of PE-Pa.; the State Corporation Commission of Virginia has jurisdiction over the issuance and acquisition of the stock of PE-Va.; and the Public Service Commission of West Virginia has or asserts jurisdiction over the acquisition of the stocks of the Subsidiary Companies. Appropriate orders of these Commissions are to be filed by amendment. The fees and expenses to be incurred in connection with the proposed transactions are estimated to be $3,500, including legal fees of $300.

Notice is further given that any interested person may, not later than April 17, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-4379 Filed 3-30-71;8:45 am]

SMALL BUSINESS ADMINISTRATION

GARDEN STATE SMALL BUSINESS INVESTMENT CO.

Notice of License Surrender

Notice is hereby given that Garden State Small Business Investment Co. (Garden State), 385 Northfield Avenue, West Orange, N.J. 07052, has surrendered its license to operate as a small business investment company pursuant to § 107.105 of the Regulations governing small business investment companies (33 F.R. 326, 13 CFR Part 107).

Garden State was licensed as a small business investment company on June 8, 1961, to operate solely under the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C., 661 et seq.), and the Regulations promulgated thereunder.

Under the authority vested by the Act, and pursuant to the cited regulation, the surrender of the license is hereby accepted and all rights, privileges, and franchises derived therefrom are canceled.

A. H. SINGER,
Associate Administrator for Investment.

MARCH 22, 1971.

[FR Doc.71-4389 Filed 3-30-71;8:46 am]

FAIRCON INVESTORS CORP.

Notice of Surrender of License To Operate as a Small Business Investment Corporation

Notice is hereby given that Faircon Investors Corp., Stamford, Conn., incorporated under the laws of the State of Connecticut on November 27, 1961, has surrendered its license (Number 01/02-0114) issued by the Small Business Administration on January 30, 1962.

Under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the regulations promulgated thereunder, the surrender of the license of Faircon Investors Corp. is hereby accepted and it is no longer licensed to operate as a small business investment company.

Dated: March 22, 1971.

A. H. SINGER,
Associate Administrator for Investment.

[FR Doc.71-4390 Filed 3-30-71;8:46 am]

FUTURA CAPITAL CORP.

Notice of Application for a License as a Small Business Investment Company

Notice is hereby given concerning the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations Governing Small Business Investment Companies (13 CFR Part 107, 33 F.R. 326) under the name of Futura Capital Corp., 4218 Roosevelt Way NE., Seattle, WA 98105, for a license to operate in the State of Washington as a small business investment company under the provisions of the Small Business Investment Act of 1958 (Act), as amended (15 U.S.C. 661 et seq.).

The proposed officers and directors are:

John M. Goodfellow, 4218 Roosevelt Way NE., Seattle, WA 98105, President and Director.

Marilou P. Goodfellow, 4218 Roosevelt Way NE., Seattle, WA 98105, Vice President and Director.

Jerome M. Johnson, 2920 Seattle First Bank Building, Seattle, WA 98104, Secretary-Treasurer and Director.

The company will begin operations with an initial capitalization of $153,000. Virtually, all the outstanding stock will No concentration in any particular inbe held by Mr. and Mrs. Goodfellow. dustry is planned. The applicant intends to make investments in small business concerns, with growth potential, located primarily within the State of Washington but with eventual extension of its activities to other surrounding States.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and regulations.

Notice is further given that any interested person may, not later than ten (10) days from the date of publication

of this notice, submit to SBA, in writing, relevant comments on the proposed company. Any communication should be addressed to: Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

A copy of this notice shall be published in a newspaper of general circulation in Seattle, Wash.

Dated: March 23, 1971.

A. H. SINGER,
Associate Administrator for Investment.

[FR Doc.71-4391 Filed 3-30-71;8:46 am]

TARIFF COMMISSION

[337-29]

ARTICLES COMPRISED OF PLASTIC SHEETS HAVING AN OPENWORK STRUCTURE

Notice of Investigation and Date of Hearing

A complaint was filed with the Tariff Commission July 28, 1970, on behalf of Ben Walters, Ben Walters, Inc., and Kage Co., Inc., alleging unfair methods of competition and unfair acts in the importation and sale of certain articles comprised of plastic sheets having an openwork structure produced by means of a process embraced within the claims of U.S. Patent No. 2,761,177 owned by the complainant Ben Walters. The complaint alleges that the effect or tendency of the unfair methods or acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States in violation of the provisions of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Sterling Novelty Products, Division of Glovemakers, Inc., 2701 Milwaukee Avenue, Chicago, IL, has been named as an importer of the subject products. Having conducted in accordance with § 203.3 of the Commission's rules of practice and procedure (19 C.F.R. 203.3) a preliminary inquiry with respect to the matters alleged in the said complaint, the U.S. Tariff Commission, on March 18, 1971; Ordered:

(1) That, for the purposes of section 337 of the Tariff Act of 1930, an investigation is instituted with respect to the alleged violations in the importation and sale in the United States of the said articles comprised of plastic sheets having an openwork structure.

(2) A public hearing in connection with the investigation to be held in the Hearing Room of the Tariff Commission Building, Eighth and E Streets NW., Washington, DC, beginning at 10 a.m., e.d.s.t., on May 18, 1971, at which hearing all parties concerned will be afforded an opportunity to be present, to produce evidence, and to be heard concerning the subject matter of the investigation.

Public notice of the receipt of the complaint was published in the FEDERAL REGISTER for August 8, 1970 (35 F.R. 12683) and the complaint was served on the party named in the complaint and has been available for inspection by interested persons continuously since issuance of the notice, at the Office of the Secretary, located in the Tariff Commission Building, and also in the New York City Office of the Commission, located in Room 437 of the Customhouse.

Interested parties desiring to appear and give testimony at the hearing should notify the Secretary of the Commission in writing at least 5 days in advance of the opening of the hearing.

Issued: March 26, 1971.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.71-4412 Filed 3-30-71;8:48 am]

INTERSTATE COMMERCE COMMISSION

NOTICE OF FILING OF COMMON CARRIER INTRASTATE APPLICATIONS

MARCH 26, 1971.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No MC 4485 (Sub-No. 5), filed January 6, 1971. Applicant: WAVERLY TRANSFER COMPANY, INC., 111 Tredco Drive, Nashville, TN 37211. Applicant's representative: A. O. Buck, 500 Court Square Building, Nashville, TN 37201. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities,* except household goods, commodities in bulk, and articles requiring special equipment, serving all points and places in Humphreys County, Tenn., other than those located on U.S. Highway 70, as off-route points in conjunction with applicant's existing authority contained in certificates Nos. 219, 219-A, 219-B, and 219-F. Both intrastate and interstate authority sought.

HEARING: April 7, 1971, at 9:30 a.m., at the Commission's Court Room C-1-110 Cordell Hull Building, Nashville, TN. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, TN 37219 and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-4436 Filed 3-30-71;8:50 am]

[Notice 672]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 26, 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-72734. By order of March 15, 1971, the Motor Carrier Board approved the transfer to Charles R. Steger and Susan A. Steger, a partnership, doing business as Prescott Transfer & Storage Co., Prescott, Ariz., of Certificate of Registration No. MC-98699 (Sub-No. 2) issued May 20, 1965, to Donald G. Randall, and Dorothy M. Randall, a partnership, doing business as Prescott Transfer & Storage Co., Prescott, Ariz. Ronald V. Meeks, Registered Practitioner, 100 West Camelback Road, Phoenix, AZ, representative for applicants.

No. MC-FC-72740. By order of March 24, 1971, the Motor Carrier Board approved the transfer to Donald E. Hirtle Transport Ltd., Blockhouse, Lunenburg County, Nova Scotia, Canada, of the operating rights in Permit No. MC-129074 and Certificate No. MC-127892 issued August 25, 1967, and September 6, 1967, respectively, to Delta Transport Ltd., Blockhouse, Lunenburg County, Nova Scotia, Canada, authorizing the transportation of fresh and processed fish, from ports of entry on the United States-Canada boundary line at or near Calais and Houlton, Maine, to Bangor, Maine, Boston, Gloucester, Worcester, and Springfield, Mass., Providence, R.I., Hartford, New Haven, and Bridgeport, Conn., New York, N.Y., and Philadelphia and Pittsburgh, Pa.; fish packaging supplies and trawler equipment and machinery, from Boston and Gloucester, Mass., and New York, N.Y., to ports of entry on the United States-Canada boundary line

at or near Calais and Houlton, Maine; and bananas, and fresh fruits and vegetables when moving in the same vehicle with bananas, from Boston, Mass., to the above-described destination points. Dual operations were authorized. Francis E. Barrett, Jr., 536 Granite Street, Braintree, MA 02184, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-4437 Filed 3-30-71;8:50 am]

[Notice 11]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 26, 1971.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 89723 (Deviation No. 18) (Correction), MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis, MO 63103, filed February 23, 1971, and published in the FEDERAL REGISTER issue of March 10, 1971. Inadvertent errors appear in the description of applicant's described service route appurtenant to the proposed deviation route, and the correct description of the pertinent service route is as follows: from junction U.S. Highway 67 and Missouri Highway 110 over Missouri Highway 110 to De Soto, Mo., thence over Missouri Highway 21 to junction Missouri Highway 8 (at or near Potosi, Mo.), thence over Missouri Highway 8 to junction County Road "M" (at or near Leadwood, Mo.), thence over County Road "M" to junction County Road "BB", thence over County Road "BB" to junction Missouri Highway 32, thence over Missouri Highway 32 to Bismarck, Mo., thence over Missouri Highway 32 to junction County Road "N", thence over County Road "N" to junction County Road "W", thence over County Road "W" to junction Missouri Highway 21, thence over Missouri Highway 21 to junction Missouri Highway 49, thence over Missouri Highway 49 to Piedmont, Mo., thence over Missouri Highway 34 to junction Missouri Highway 49, thence over Missouri Highway 49 to junction U.S. Highway 67 (near Williamsville, Mo.), and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-4438 Filed 3-30-71;8:50 am]

[Notice 23]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 26, 1971.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, 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.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 2110 (Sub-No. 5) (Republication), filed August 7, 1970, published in the FEDERAL REGISTER issue of September 3, 1970, and republished this issue. Applicant: BOWLUS TRUCKING CO., INC., 1000 Wolf Avenue, Fremont, OH 43420. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, OH 43215. The modified procedure has been followed and an order of the Commission, Operating Rights Board, dated March 8, 1971, and served March 22, 1971, finds: That operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of automotive brake parts and assemblies, and parts used in the manufacture thereof, and coolants (other than in bulk), between points in Rice Township (Sandusky County), Ohio, on the one hand, and, in the other, points in the lower peninsula of Michigan, under a continuing contract with Kelsey Wheel, Drum and Brake Division of Kelsey Hayes Co. of Romulus, Mich., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene setting forth the manner in which he has been prejudiced.

No. MC 116280 (Sub-No. 11) (Republication), filed November 9, 1970, published in the FEDERAL REGISTER November 26, 1970, and republished this issue. Applicant: W. C. McQUADE, INC., 153 Macridge Avenue, Johnstown, PA 15904. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. The modified procedure has been followed and an order of the Commission, Operating Rights Board, dated February 26, 1971, and served March 17, 1971, finds: That the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of wearing apparel, from points in Blair, Somerset, and Cambria Counties, Pa., to Philadelphia, Pa.; that applicant is fit, willing, and able to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that an appropriate certificate should be issued, subject to the following conditions: (1) That the holding by applicant of the certificate authorized to be issued in this proceeding and the holding by applicant of the permit heretofore issued in No. MC-88299 will be consistent with public interest and the national transportation policy, subject to the condition that the certificate granted herein shall be subject to the right of the Commission, which is hereby expressly reserved, to impose such terms, conditions or limitation in the future as it may find necessary in order to insure that applicant's operations conform to the provisions of section 210 of the Interstate Commerce Act. Because it is possible that other parties who have relied upon the notice in the FEDERAL REGISTER of the application as originally published may have an interest in and would be prejudiced by the lack of proper notice of the grant of authority without the limitation in our findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of the certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in the proceeding setting forth in detail the precise manner in which it has been prejudiced.

No. MC 134888 (Republication), filed August 24, 1970, published in the FEDERAL REGISTER issue of September 17, 1970, and republished this issue. Applicant: MOROSA BROS. TRANSPORTATION CO., a corporation, 3831 Pierce Road, Bakersfield, CA 93308. Applicant's representative: Carl H. Fritze, 1545 Wilshire Boulevard, Suite 606, Los Angeles, CA 90017.

The modified procedure has been followed and an order of the Commission, Operating Rights Board, dated February 25, 1971, and served March 19, 1971, finds; that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of dry animal and poultry feeds, in bulk, from points in Imperial, Riverside, Kern, Los Angeles, Inyo, and Kings Counties, Calif., to points in the Los Angeles Harbor, Calif., commercial zone, as defined by the Commission; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder and that an appropriate certificate should be issued; and that the application in all other respects should be denied. Because it is possible that other parties who have relied upon the notice in the FEDERAL REGISTER of the application as originally published may have an interest in and would be prejudiced by the lack of proper notice of the grant of authority without the limitation in our findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of the certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in the proceeding setting forth in detail the precise manner in which it has been prejudiced.

TRANSFER APPLICATIONS TO BE ASSIGNED FOR ORAL HEARING

No. MC–FC–72427 (Corrected) Published in the FEDERAL REGISTER February 18, 1971, and republished as corrected this issue. Authority sought by transferee, Taylor Services, Inc., Post Office Box 8088, Freehold, N.J., to acquire the operating rights of Somco Freight Lines, Inc. (Frank G. Masini, Receiver), 433 Board Street, Newark, NJ. Transferee's representative: Charles J. Williams, 47 Lincoln Park, Newark, NJ 07102. Transferor's representative: William J. Hanlon, 744 Broad Street, Newark, NJ 07102. Operating rights to certificate No. MC–80402 sought to be transferred: (1) material, not including classes A and B explosives, and equipment, consigned to, or intended for, the U.S. Army or U.S. Navy, between points in Essex, Bergen, Hudson, and Passaic Counties, N.J., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, except Philadelphia, Rhode Island, Virginia, and the District of Columbia, and (2) general commodities, except household goods as defined by the Commission, and classes A and B explosives, between the Naval Supply Depot at or near Mechanicsburg, Pa., on the one hand, and, on the other, points in the New York, N.Y., commercial zone, as defined by the Commission, and points in Nassau County, N.Y., other than points in the New York, N.Y., commercial zone. The above-entitled transfer application under section 212(b) of the Interstate Commerce Act is to be assigned for hearing on a consolidated record with the proceedings in MC–F–10976, MC–F–10977, and MC–F–10984 at a time and place to be fixed, for the purpose of determining, among other things, whether the subject operating rights are severable under the provisions of § 1132.5(a)(1) of the rules and regulations Governing Transfers of Rights to Operate as a Motor Carrier in Interstate or Foreign Commerce 49 CFR. Interested parties have 30 days from the date of this publication in which to file petitions for leave to intervene. Such petitions should state the reason or reasons for the intervention, where the petitioner wishes the hearing to be held, the number of witnesses to be presented, and the estimated time required for the presentation of evidence. NOTE: Republished to correct the description of commodities and territory in part (2) of the authority involved, previously published in FEDERAL REGISTER publication of February 18, 1971.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240.)

MOTOR CARRIERS OF PROPERTY

No. MC–F–11113. Authority sought for control by a noncarrier DISTRIBUTION SYSTEMS, INC., 1918 Park Street, Alameda, CA 94501, controlled by DEL MONTE CORPORATION, 215 Fremont Street, San Francisco, CA 94119, the operating rights and property of (1) SHIPPERS-ENICAL EXPRESS, INC., Post Office Box 5790, San Jose, CA 95150; (2) WILLIS SHAW FROZEN EXPRESS, INC., Post Office Box 188, Elm Springs, AR 72728; (3) NEEDHAM'S MOTOR SERVICE, INC., 2751 Brunswick Avenue, Trenton, NJ 08634; (4) FAIRCHILD GENERAL FREIGHT, INC., Post Office Box 44, Yakima, WA 98901; (5) FRITZ-WAY MESSENGER SERVICE, INC., 1440 West 34th Street, Chicago, IL 60608, and for acquisition by DEL MONTE CORPORATION, of control of said carriers through the transaction. Applicants' attorneys: R. Frederic Fisher, 311 California Street, San Francisco, CA 94104, and Thomas E. Kimball, 1625 K Street NW., Washington, DC 20006. Applicants state that the proposed transaction consists solely of an intracompany regorganization of the transportation subsidiaries of Del Monte, and will not result in any change in ultimate common ownership of these carriers by Del Monte. Operating rights sought to be controlled: (1) Under a certificate of registration of general commodities, as a common carrier, in interstate commerce, within the State of California; (2) frozen foods, with certain specified exceptions, and numerous other specified commodities, as a *common carrier*, over irregular routes, from, to, and between specified points in all States in the United States (except Alaska and Hawaii) and the District of Columbia, with certain restrictions, as more specifically described in Docket No. MC–117119 and sub-numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for the purpose of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety thereof;

(3) *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between Camden, N.J., and Philadelphia, Pa., to the described points in New Jersey, with restriction; (4) *general commodities*, excepting among others, classes A and B explosives, commodities in bulk, as a *common carrier* over irregular routes, between points within 3 miles of Yamima, Wash., including Yamina; *livestock*, between points in that of Washington on and east of a line extending north and south from Roslyn, Wash., on the one hand, and, on the other, points in Oregon and Idaho; wool, from points in Washington, on and east of a line extending north and south from Roslyn, Wash., to Portland, Oreg.; *glass bottles and jars, and covers, stoppers, and tops* for glass bottles and jars, as a *contract carrier* over irregular routes, from Portland, Oreg., to points in Washington, with restriction; *fiberboard containers and packing forms*, from Portland, Oreg., to the described points in Washington, with restriction; (5) *box shook*, as a *common carrier* over irregular routes, from the plantsite of the Chelan Box & Manufacturing Co. near Manson, Wash., to points in California and to Medford, Oreg., and points within 30 miles thereof, to Hood River, Oreg., and points in Oregon within 20 miles of Hood River, and points in Idaho and Montana; *fiberboard, paper, and pulpboard boxes and partitions*, from Longview and Yakima, Wash., to The Dalles and Hood River, Oreg.; *paper and paper articles* as defined in appendix XI of *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 289–91, between Longview and Yakima, Wash., on the one hand, and, on the other, points in Idaho. Application has not been filed for temporary authority under section 210a(b). NOTE: Motion to dismiss application filed concurrently herewith.

No. MC–F–11116. Authority sought for purchase by BERMAN'S MOTOR EXPRESS, INC., Post Office Box 1566, Binghamton, NY 13902, of the operating rights of WILLARD L. STANNARD, doing business as BINGHAMTON WINDSOR FREIGHT SERVICE, Rural Delivery No. 3, Windsor, NY 13865, and for

acquisition by JACOB BERMAN, also of Binghamton, NY 13902, of control of such rights through the purchase. Applicants' representative: Joseph P. Conte, Post Office Box 1566, Binghamton, NY 13902. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between Binghamton and Windsor, N.Y., serving all intermediate points and the off-route points of East Windsor, Center Village, Ouaquaga, Doraville, and Damascus, N.Y. Vendee is authorized to operate as a *common carrier* in New York, Massachusetts, Rhode Island, Pennsylvania, Maine, New Hampshire, Vermont, and Connecticut. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11117. Authority sought for merger into CEMENT EXPRESS, INC., 1200 Simons Building, Dallas, TX 75201, of the operating rights and property of (1) SMITH TRANSIT, INC., AND (2) RAY SMITH TRANSPORT CO., both of 1200 Simons Building, Dallas, TX 75201, and for acquisition by CURTIS W. MEWBOURNE; HERMAN J. RUPPEL; AND A. POLLARD SIMONS, all of Dallas, Tex. 75201, of control of such rights and property through the transaction. Applicants' attorney: Wm. E. Livingstone III, Suite 4555, First National Bank Building, Dallas, TX 75202. Operating rights sought to be merged: (1) Specified commodities, as a *common carrier* over irregular routes, from, to, and between, specified points in the States of Texas, Alabama, Arkansas, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Colorado, Utah, Georgia, Illinois, Indiana, Ohio, North Carolina, South Carolina, Wisconsin, Iowa, Nebraska, Oregon, Washington, California, Florida, Tennessee, Arizona, Idaho, Minnesota, Montana, Nevada, North Dakota, South Dakota, and Wyoming, with certain restrictions, serving various intermediate and off-route points, for operating convenience only, as more specifically described in Docket No. MC–113514 and Sub-numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety thereof. (2) RAY SMITH TRANSPORT CO. holds no authority from this Commission. CEMENT EXPRESS, INC., is authorized to operate as a *common carrier* in Texas, New Mexico, Arkansas, Louisiana, Oklahoma, Colorado, Kansas, Alabama, Mississippi and Missouri. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11118. Authority sought for control by WORSTER-MICHIGAN, INC., 664 54th Avenue, Mattawan, MI 49071, of the operating rights and property of McKEE LINES, INC., also of Mattawan, Mich. 49071, and for acquisition by DAVID B. WORSTER, 9212 East Lake Road, North East, PA, of control of McKEE LINES, INC., through the acquisition by WORSTER-MICHIGAN, INC. Applicants' attorney: Jack H. Blanshan, 29 South La Salle Street, Chicago, IL 60603. Operating rights sought to be controlled: *Pharmaceuticals, drugs, and druggist supplies*, other than in bulk, in vehicles equipped with mechanical refrigeration, as a *common carrier*, over irregular routes, from Allegan, Mich., to points in California, Florida, and Louisiana, Atlanta, Ga., Phoenix, Ariz., and Salt Lake City, Utah; *parts and supplies* used in the construction of campers and camp trailers, from points in Indiana and the Lower Peninsula of Michigan to Belzoni, Miss.; *frozen pizza pies and materials* used in the preparation of pizza, from Syracuse, Ind., to points in the Lower Peninsula of Michigan; *pizza pies and pizza pie crusts*, from the plantsite of G–W Food Products Corp. at Syracuse, Ind., to points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, Tennessee (except Memphis), Virginia, and West Virginia; *meats, 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 hides and commodities in bulk), from the plantsite and storage facilities utilized by Wilson & Co., Inc., at Monmouth, Ill., to points in Indiana, Michigan, Ohio, Connecticut, Delaware, Maine, Maryland, New Hampshire, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, from Allen Township (Hillsdale County), Mich., to points in Maine, Vermont, New Hampshire, New York, Massachusetts, Rhode Island, Connecticut, Pennsylvania, Ohio, Delaware, Maryland, Virginia, West Virginia, New Jersey, and the District of Columbia;

Fresh, frozen, and processed fruits and vegetables, in containers other than glass or hermetically sealed, from Benton Harbor, Mich., to the described points in Kansas, Missouri, Kentucky, Pennsylvania, Indiana, Ohio, and Illinois; *empty fruit and vegetable containers*, from the above-specified destination points to the above-described origin points; *frozen fruits and vegetables*, from Benton Harbor, Mich., to the described points in Kansas, Kentucky, Missouri, Nebraska, and Iowa; *frozen fruits, frozen berries, and frozen vegetables*, from points in Michigan to the described points in Michigan, Colorado, Georgia, Minnesota, New Jersey, Pennsylvania, New York, Ohio, Tennessee, Wisconsin, Indiana, Illinois, Florida, Kansas, Missouri, Louisiana, Alabama, Massachusetts, South Carolina, Texas, Virginia, and the District of Columbia; *frozen fruits and frozen berries*, from Winchester, Va., to the described points in Colorado, Illinois, Minnesota, Missouri, Nebraska, Wisconsin, Kansas, and Tennessee; *empty containers*, from Chicago, Ill., to the described points in Michigan; *frozen foods* (except commodities in bulk), from Traverse City, Mich., to points in the United States, except Alabama, Alaska, Arizona, Arkansas, California, Colorado, Florida, Georgia, Hawaii, Idaho, Indiana, Kansas, Louisiana, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Washington, and Wyoming; *lactose*, from Winsted, Minn., to Springdale, Ohio, and to points in Michigan, from Mayville, Wis., and Bongards, Minn., to St. Louis, Mo., and to points in Indiana, Michigan, and Ohio;

Frozen foods, from the plant site and storage facilities of Michigan Lloyd J. Harris Pie Co., at Saugatuck, Mich., to points in Connecticut, Deleware, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, from the plantsite and warehouse facilities of Pet, Inc., Frozen Food Division at Frankfort, Mich., to points in Illinois, Indiana, Iowa, Kansas, Minnesota, Ohio, Missouri, and Wisconsin, from the plantsite and warehousing facilities of Pet, Inc., Frozen Foods Division, Allentown, Pa., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Rhode Island, Vermont, Virginia (except points west of U.S. Highway 220), West Virginia, and the District of Columbia; *prepared frozen foods*, from Lafayette, Ind., to the described points in Pennsylvania, Indiana, Michigan, and Ohio, from the plantsite and storage facilities utilized by the Kitchens of Sara Lee, Division of Consolidated Foods Corp., at Deerfield and Chicago, Ill., to points in Indiana, Michigan, Ohio, West Virginia, and points in that part of Pennsylvania on and west of U.S. Highway 220; *such commodities* as are dealt in by retail department stores (except meats and frozen foods), from Mount Clemens and Taylor, Mich., to points in Colorado, Connecticut, Georgia, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, Virginia, West Virginia, and Wisconsin; *frozen potatoes and potato products, and foodstuffs* when moving in mixed shipments with frozen potatoes and potato products, from points in Montcalm County, Mich., to points in Indiana and Ohio;

Bakery goods (except frozen), from the plantsite and storage facilities of the Johnson Biscuit Co. at Sioux City, Iowa, to points in Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, with restrictions; also holds authority to operate as a *contract carrier, waste paper and scrap paper stock*, from points in New York (except points on Long Island), Connecticut, Maryland, Massachusetts, New Jersey,

Pennsylvania, and Rhode Island, to Plainwell, Mich., and points in Kalamazoo County, Mich., with restriction. WORSTER-MICHIGAN, INC., holds no authority from this Commission. However it is affiliated with WORSTER MOTOR LINES, INC., Gay Road, Post Office Box 110, North East, PA 16428, which is authorized to operate as a *common carrier* in Pennsylvania, New York, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, West Virginia, Indiana, Illinois, Michigan, Ohio, Vermont, Maine, New Hampshire, Minnesota, Virginia, South Carolina, Alabama, Wisconsin, Florida, Kentucky, and the District of Columbia and POWER TRANSPORTATION, INC., Post Office Box 147, Highway 71, East Storm Lake, IA, which is authorized to operate as a *common carrier* in New York, North Dakota, South Dakota, Iowa, Nebraska, Michigan, Minnesota, Wisconsin, Kansas, Pennsylvania, and Missouri. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11119. Authority sought for purchase by WOOTEN TRANSPORTS, INC., 153 Gaston Avenue, Memphis, TN 38106, of a portion of the operating rights of MID-SOUTH DELIVERY SERVICE CO., 3215 Tulane Road, Memphis, TN 38116, and for acquisition by W. H. WOOTEN, Box 28, Covington, TN, of control of such rights through the purchase. Applicants' attorney: Dale Woodall, 900 Memphis Bank Building, Memphis, TN 38103. Operating rights sought to be transferred: *Liquid corn syrup*, in bulk, in tank vehicles, as a *common carrier* over irregular routes, from Memphis, Tenn., to points in Kentucky, Alabama, Louisiana, Missouri, and Mississippi, from Memphis, Tenn., to points in Arkansas; and *liquid sugar and blends of liquid sugar and corn syrup*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Alabama, Arkansas, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee. Vendee is authorized to operate as a *common carrier* in Alabama, Arkansas, Missouri, Tennessee, Kentucky, Illinois, Iowa, Indiana, Mississippi, North Carolina, Georgia, Michigan, Kansas, Ohio, Oklahoma, Wisconsin, and Louisiana. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11120. Authority sought for control by AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040, of MERCER & DUNBAR ARMORED CAR SERVICE, INC., 75 Maxim Road, Hartford, CT 06120, and for acquisition by PUROLATOR, INC., and, in turn, by PAUL A. CAMERON, both of 970 New Brunswick Avenue, Rahway, NJ 07065, of control of MERCER & DUNBAR ARMORED CAR SERVICE, INC., through the acquisition of AMERICAN COURIER CORPORATION. Applicants' attorneys: John M. Delany, 2 Nevada Drive, Lake Success, NY 11040, and Russell S. Bernhard, 1625 K Street NW., Washington, DC 20006. Operating rights sought to be controlled: *Coin*, as a *contract carrier*, over irregular routes, between Philadelphia, Pa., Boston, Mass., and Buffalo and New York, N.Y.; *bullion*, from New York and West Point, N.Y., to Philadelphia, Pa.; *bank bills, bonds, negotiable and non-negotiable securities, notes, drafts, and other valuable papers*, except cash letters and checks moved therewith, in armored car service, between New York, N.Y., on the one hand, and, on the other, Philadelphia, Pa., Baltimore, Md., and Washington, D.C., with restrictions; *bank bills, bonds, negotiable and non-negotiable securities, notes, drafts, and other valuable papers*, between points in Connecticut, Massachusetts, New Jersey, New York, and Rhode Island; *such commodities*, except those specified immediately above, as require special protection by guards and armored cars, between Hartford, Conn., on the one hand, and, on the other, Boston, Mass., and New York, N.Y. AMERICAN COURIER CORPORATION is authorized to operate as a *common carrier* in Connecticut, Massachusetts, Maine, New Hampshire, New Jersey, Pennsylvania, New York, Iowa, Illinois, Nebraska, Kentucky, Tennessee, Ohio, West Virginia, Rhode Island, Michigan, Indiana, Maryland, Virginia, Delaware, Wisconsin, Missouri, Minnesota, North Dakota, South Dakota, Kansas, North Carolina, Texas, Louisiana, Vermont, Alabama, Georgia, Arkansas, Mississippi, Oklahoma, Florida, South Carolina, California, and the District of Columbia and as a *contract carrier* in New York, New Jersey, Connecticut, Pennsylvania, West Virginia, Ohio, Massachusetts, Delaware, Virginia, Maryland, Louisiana, Rhode Island, Iowa, Missouri, Illinois, Indiana, Kentucky, Maine, Minnesota, Wisconsin, New Hampshire, Nebraska, Vermont, Michigan, North Dakota, South Dakota, North Carolina, Alabama, Georgia, Tennessee, South Carolina, Texas, Mississippi, Oklahoma, and Florida. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11121. Authority sought for purchase by B & C SPECIALIZED CARRIERS, INC., 6524 Brookville Road, Indianapolis, IN 46219, of a portion of the operating rights and property of PIERCETON TRUCKING COMPANY, INC., Post Office Box 233, Laketon, IN 46943, and for acquisition by CHARLES L. MONG, 9329 Sherwood Lane, Indianapolis, IN 46240, and BRENT L. LEIFER, 7741 Hilltop Lane, Indianapolis, IN 46256, of control of such rights and property through the purchase. Applicants' attorney: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, IN 46204. Operating rights sought to be transferred: *Precast concrete and materials and supplies* used in the erection of precast concrete when moving at the same time and in the same vehicle with precast concrete, as a *common carrier* over irregular routes, from Indianapolis, Ind., to points in Illinois, Kentucky, Missouri, Ohio, Tennessee, and West Virginia, from the plant and warehouse sites of American Precast Concrete, Inc., at Indianapolis, Ind., to points in New York, Pennsylvania, Wisconsin, and Iowa, with restriction; *brick*, from Danville, Ill., to certain specified points in Indiana; *prefabricated cement slabs and allied products* used in the installation of prefabricated cement slabs, from Indianapolis, Ind., to points in Illinois, Michigan, Ohio, and that part of Kentucky east of U.S. Highway 31W; *prefabricated steel and materials, equipment, and supplies* used in the installation and erection of prefabricated steel when moving at the same time and in the same vehicle with prefabricated steel, from the plant and warehouse sites of Indiana Bridge Co., Inc., at Muncie, Ind., to points in Illinois, Kentucky, Michigan, Ohio, and Wisconsin, from the plant and warehouse sites of Baystone Construction, Inc., at Muncie, Ind., to points in Illinois, Kentucky, Michigan, Wisconsin, and Ohio, with restriction; in pending docket No. MC–111941 Sub-18.

(1) *prefabricated steel and materials, equipment, and supplies*, used in the installation and erection of prefabricated steel when moving at the same time and in the same vehicle with prefabricated steel, from Detroit, Mich., to points in Illinois, Indiana, Kentucky, Ohio, Minnesota, Missouri, Pennsylvania, Wisconsin, and Tennessee, and (2) *materials, equipment, and supplies* used in the manufacture, production, and processing of prefabricated steel from the destination points above to Detroit, Mich., and certificate not yet issued; and in pending docket No. MC–111941 Sub-22, *precast concrete and materials and supplies* used in the installation and erection of precast concrete when moving at the same time and in vehicle with precast concrete, from Kalamazoo, Mich., to points in Illinois, Indiana, Ohio, Pennsylvania, New York, New Jersey, West Virginia, Kentucky, Missouri, and Wisconsin, and certificate not yet issued. Application has been filed for temporary authority under section 210a(b). NOTE: Transferee is not a carrier of record with the Interstate Commerce Commission. The parties in control of transferee CHARLES L. MONG & BRENT L. LEIFER expect to resign from their present employment with PIERCETON TRUCKING COMPANY, INC., an interstate motor carrier, upon favorable determination of this application.

No. MC–F–11122. Authority sought for purchase by DUFF TRUCK LINE, INC., Broadway and Vine Streets, Lima, OH 45802, of the operating rights of VERNON R. DOERING, doing business as MICHIGAN OHIO MOTOR FREIGHT, 1566 Ridgewood Avenue, Toledo, OH 43608, and for acquisition by L. EUGENE DUFF, 1422 Fox River Drive, Lima, of control of such rights through the purchase. Applicants' attorney: Jack Goodman, 39 South LaSalle Street, Chicago, IL 60603. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between Pontiac,

Mich., and Toledo, Ohio, serving the intermediate point of Detroit, Mich., restricted to traffic originating at Toledo, Ohio. Vendee is authorized to operate as a *common carrier* in Ohio. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-4439 Filed 3-30-71;8:50 am]

[Revised S.O. 994; I.C.C. Order No. 55]

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of R. D. Pfahler, Agent, The Central Railroad Company of New Jersey (R. D. Timpany, Trustee), is unable to effect delivery of traffic at its facilities at Pier 18, Jersey City, NJ, account of coal dumper out of service.

It is ordered, That:

(a) The Central Railroad Company of New Jersey, being unable to effect delivery of traffic at its facilities at Pier 18, Jersey City, N.J., account of coal dumper out of service, that line and its connections are hereby authorized to reroute and divert such traffic over any available route, to expedite the movement.

(b) Concurrence of receiving road to be obtained: The railroad diverting the traffic shall receive the concurrence of the lines over which the traffic is rerouted or diverted before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carriers disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 1 p.m., March 24, 1971.

(g) Expiration date: This order shall expire at 11:59 p.m., April 23, 1971, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 24, 1971.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.71-4435 Filed 3-30-71;8:50 am]

CUMULATIVE LIST OF PARTS AFFECTED—MARCH

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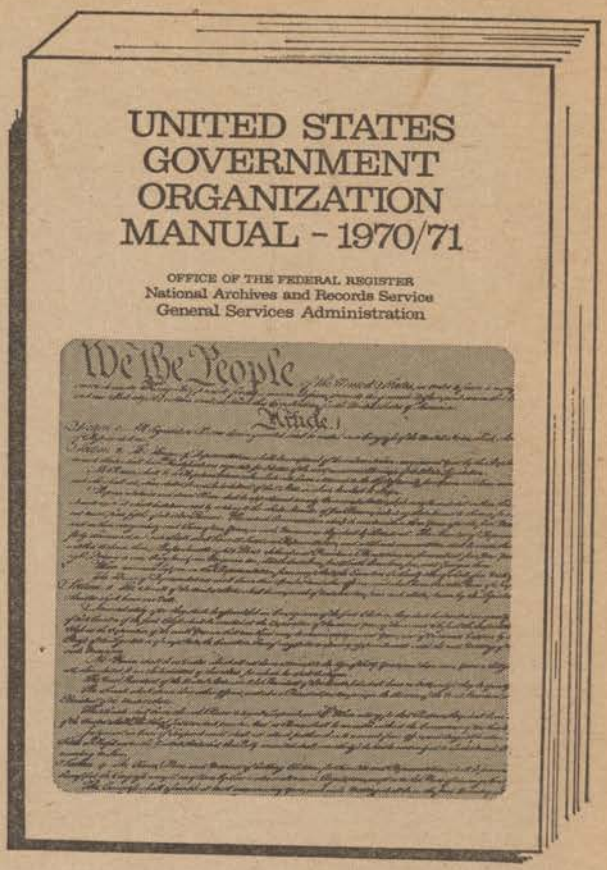

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