FEDERAL REGISTER

VOLUME 36 • NUMBER 77

Wednesday, April 21, 1971 • Washington, D.C.

Pages 7495–7573

Agencies in this issue—

Detailed list of Contents appears inside.

FEDERAL REGISTER

Area Code 202 Phone 962–8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Contents

(*Continued on next page*)

List of CFR Parts Affected

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

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

Rules and Regulations

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 71-WE-15]

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

Alteration of Control Zone

On March 6, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 4510) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Everett, Washington, control zone.

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

Effective date. This amendment shall be effective 0901 G.m.t., June 24, 1971.

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

Issued in Los Angeles, Calif., on April 12, 1971.

JAMES V. NIELSEN,
Acting Director, Western Region.

In § 71.171 (36 F.R. 2055) the description of the Everett, Washington, control zone is amended as follows: In line two of the text, delete "* * * 2 miles * * *" and substitute "* * * 3 miles * * *" therefor.

[FR Doc.71-5533 Filed 4-20-71;8:49 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1880]

PART 13—PROHIBITED TRADE PRACTICES

Herbert Benard and Herbert's Furs

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30-30 Fur Products Labeling Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73-10 Fur Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45—Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Herbert Benard et al., San Francisco, Calif., Docket No. C-1880, Mar. 18, 1971]

In the Matter of Herbert Benard, an Individual Formerly Trading as Herbert's Furs

Consent order requiring a San Francisco, Calif., individual trading as a retailer of furs to cease misbranding, falsely invoicing, deceptively advertising, and failing to keep adequate price records on his fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Henry Herlinger Furs, Ltd., a corporation, and its officers, and Henry Herlinger individually and as an officer of said corporation and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding any fur product by failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Falsely or deceptively invoicing any fur product by failing to furnish an invoice as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the corporate respondent shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: March 18, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.71-5491 Filed 4-20-71;8:45 am]

[Docket No. C-1884]

PART 13—PROHIBITED TRADE PRACTICES

Buy-Right, Inc., and William L. Baylor

Subpart—Advertising falsely or misleadingly: § 13.71 *Financing:* 13.71-10 Truth in Lending Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73-92 Truth in Lending Act; § 13.155 *Prices:* 13.155-95 Terms and conditions: 13.155-95(a) Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-75 Truth in Lending Act; § 13.1905 *Terms and conditions:* 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, Buy-Right, Inc., et al., Newburg, W. Va., Docket No. C-1884, Mar. 23, 1971]

In the Matter of Buy-Right, Inc., a Corporation, and William L. Baylor, Individually and as an Officer of Said Corporation

Consent order requiring Newburg, W. Va., sellers of food, hardware, and other retail commodities to cease violating the Truth in Lending Act by failing to make all required disclosures to customers to whom open-end credit is extended, failing to state in advertising any required items without also stating the time period within which credit may be extended without additional charge, the method of determining the balance on which a charge may be made, the method of fixing the amount of the finance charge, where one or more rates

may be applicable the range of balances involved, the method by which any other charge is determined, and failing to make all other disclosures required by Regulation Z of said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents, Buy-Right, Inc., a corporation, and its officers, and William L. Baylor, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with any extension of consumer credit or any advertisement to aid, promote, or assist directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to make all disclosures required by § 226.7(a) of Regulation Z to each customer to whom respondents extend open end credit within the meaning of Regulation Z:

a. Within sixty (60) days of the date this order to cease and desist becomes final, if the customer has an account in which a balance remains unpaid on the date the order becomes final, which balance is deemed to be collectible and not subject to delinquency collection procedures; and

b. Before the first transaction in any account where the customer is not entitled to disclosures under provision "a" next above.

2. Failing to make all disclosures required by § 226.7(b) of Regulation Z, in the manner, form, and amount prescribed therein.

3. Stating in advertising any of the items described in § 226.7(a) of Regulation Z, or any of the items set forth in § 226.10(c) (1) through (6) of Regulation Z, without also setting forth all the following items in terminology prescribed under § 226.7 of Regulation Z, as required by § 226.10(c) of Regulation Z:

(1) An explanation of the time period, if any, within which any credit extended may be paid without incurring a finance charge.

(2) The method of determining the balance upon which a finance charge may be imposed.

(3) The method of determining the amount of the finance charge, including the determination of any minimum, fixed, check service, transaction, activity, or similar charge, which may be imposed as a finance charge.

(4) Where one or more periodic rates may be used to compute the finance charge, each such rate, the range of balances to which it is applicable, and the corresponding annual percentage rate determined by multiplying the periods in a year.

(5) The conditions under which any other charges may be imposed, and the method by which they will be determined.

(6) The minimum periodic payment required.

4. Failing, in any consumer credit transaction, or advertisement, to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form, and amount required by §§ 226.6, 226.7, 226.8, 226.9, and 226.10 of Regulation Z.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That respondent corporation notify the Commission at least thirty (30) days prior to any proposed change in its corporate structure, such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the nature and form of their compliance with this order.

Issued: March 23, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-5523 Filed 4-20-71;8:48 am]

[Docket No. 8512]

PART 13—PROHIBITED TRADE PRACTICES

Columbia Broadcasting System, Inc.

Subpart—Combining or conspiring: § 13.395 *To control marketing practices and conditions;* § 13.455 *To maintain monopoly.* Subpart—Cutting off access to customers or market: § 13.560 *Interfering with distributive outlets.* Subpart—Dealing on exclusive and tying basis: § 13.670 *Dealing on exclusive and tying basis:* 13.670-20 Federal Trade Commission Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C 45) [Cease and desist order, Columbia Broadcasting System, Inc., New York, N.Y., Docket 8512, Mar. 22, 1971]

In the Matter of Columbia Broadcasting System, Inc., a Corporation.

Consent order entered into after remand of the case by the U.S. Court of Appeals, Seventh Circuit, 414 F. 2d 974, requiring a major distributor of phonograph records and audio tapes to cease entering into or continuing exclusive licensing agreements with other manufacturers of record and prerecorded tapes which prevent other club operators from obtaining the same terms and conditions.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Columbia Broadcasting System, Inc., its officers, representatives, agents, and employees, and successors, or assigns, directly or indirectly, or through any corporate or other device, in connection with the manufacture, promotion, offering for sale, sale and distribution of phonograph records and/or prerecorded audio tapes in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Entering into, maintaining, or continuing any contract, licensing agreement, or understanding with any other manufacturer or producer of phonograph records and/or prerecorded audio tapes to prevent other club operators, including potential club operators, from acquiring the phonograph records and/or prerecorded audio tapes of any other manufacturer or producer on the same terms and conditions as respondent acquires such records, and/or prerecorded audio tapes including but not limited to agreements which have effect of:

(a) Giving respondent the sole or exclusive right, privilege, or license to manufacture, distribute, or sell through clubs phonograph records and/or prerecorded audio tapes manufactured from master recordings or master tapes owned or controlled by any other manufacturer or producer of phonograph records and/or prerecorded audio tapes;

(b) Restricting or preventing any other manufacturer or producer of phonograph records and/or prerecorded audio tapes from licensing, authorizing, or consenting to the making of phonograph records and/or prerecorded audio tapes from its master recordings or master tapes by any other person for the purpose of resale by the subscription or club method of direct mail selling;

(c) Restricting or preventing any other manufacturer or producer of phonograph records and/or prerecorded audio tapes from selling its own records and/or prerecorded audio tapes by subscription or club method of direct mail selling;

(d) Restricting or preventing any other manufacturer or producer of phonograph records and/or prerecorded audio tapes from selling its records and/or prerecorded audio tapes directly to any person for resale by the subscription or club method of direct mail selling.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondent notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order set forth herein.

Issued: March 22, 1971.

By the Commission.[1]

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-5492 Filed 4-20-71;8:45 am]

[Docket No. C-1881]

PART 13—PROHIBITED TRADE PRACTICES

Henry Herlinger Furs, Ltd., and Henry Herlinger

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Henry Herlinger Furs, Ltd., et al., New York, N.Y., Docket No. C-1881, Mar. 18, 1971]

In the Matter of Henry Herlinger, Furs, Ltd., a Corporation, and Henry Herlinger, Individually and as an Officer of Said Corporation

Consent order requiring a New York City manufacturing furrier to cease misbranding and falsely invoicing its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Herbert Benard, individually and formerly trading as Herbert's Furs or trading under any other name, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Representing directly or by implication on a label that the fur contained in such fur product is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

2. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth on an invoice pertaining to such fur product any false or deceptive information with respect to the name or designation of the animal or animals that produced the fur contained in such fur product.

3. Representing directly or by implication on an invoice that the fur contained in such fur product is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

4. Misrepresenting in any manner, on an invoice directly or by implication, the country of origin of the fur contained in such fur product.

5. Failing to set forth on an invoice the item number or mark assigned to such fur product.

C. Falsely or deceptively advertising any fur product through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of any such fur product and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Falsely or deceptively identifies any fur product as to the name or designation of the animal or animals that produced the fur contained in the fur product.

D. Failing to maintain full and adequate records disclosing the facts upon which pricing claims and representations of the types described in subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act, are based.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: March 18, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-5493 Filed 4-20-71;8:45 am]

[Docket No. C-1885]

PART 13—PROHIBITED TRADE PRACTICES

J. H. Goldberg Furniture Co., Inc., and Nathan Goldberg

Subpart—Advertising falsely or misleadingly: § 13.71 *Financing:* 13.71-10 Truth in Lending Act: § 13.73 *Formal regulatory and statutory requirements:* 13.73-92 Truth in Lending Act; § 13.155 *Prices:* 13.155-95 Terms and conditions: 13.155-95(a) Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-75 Truth in Lending Act: § 13.1905 *Terms and conditions:* 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, J. H. Goldberg Furniture Co., Inc. et al., Rochester, N.Y., Docket No. C-1885, Mar. 23, 1971]

In the Matter of J. H. Goldberg Furniture Co., Inc., a Corporation, and Nathan Goldberg, Individually and as an Officer of Said Corporation.

Consent order requiring a Rochester, N.Y., retail furniture store to cease violating the Truth in Lending Act by failing to disclose the annual percentage rate of the finance charge, the due dates of scheduled repayments prior to consummation of the transaction, the unpaid balance of the cash price, the amount financed, the deferred payment price, and all consumer credit disclosures required by Regulation Z of said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents J. H. Goldberg Furniture Co., Inc., a corporation, and Nathan Goldberg individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with any extension or arrangement for the extension of consumer credit, or any advertisement to aid, promote or assist directly or indirectly any extension of consumer credit as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to disclose the annual percentage rate accurately to the nearest quarter of one percent, in accordance with § 226.5(b)(1) of Regulation Z.

2. Failing to disclose the annual percentage rate as required by § 226.8(b)(2) of Regulation Z.

3. Failing to disclose the due date of the first payment, or otherwise failing to disclose the number, amount and due dates or periods of payments scheduled to repay the indebtedness, prior to the consummation of the transaction and

[1] Chairman Kirkpatrick did not participate in this matter.

the "total of payments" as required by § 226.8(b)(3) of Regulation Z.

4. Failing to disclose the "unpaid balance of cash price" as required by § 226.8(c)(3) of Regulation Z.

5. Failing to disclose the "amount financed" as required by § 226.8(c)(7) of Regulation Z.

6. Failing to disclose the correct "deferred payment price" as required by § 226.8(c)(8)(ii) of Regulation Z.

7. Failing, in any consumer credit transaction or advertisement, to make all disclosures required by §§ 226.4, 226.5, 226.6, 226.7, 226.8, and 226.10 of Regulation Z, in the manner, form and amount prescribed therein.

It is further ordered, That respondent deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and that respondent secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That each respondent shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained herein.

Issued: March 23, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-5524 Filed 4-20-71;8:48 am]

[Docket No. C-1883]

PART 13—PROHIBITED TRADE PRACTICES

Jewel Case, Inc., and Christian Bounaix

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Jewel Case, Inc. et al., New York, N.Y., Docket No. C-1883, Mar. 18, 1971]

In the Matter of Jewel Case, Inc., a Corporation, and Christian Bounaix, Individually and as an Officer of Said Corporation

Consent order requiring New York City importers and distributors of women's and misses' wearing apparel, including ladies' scarves, to cease violating the Flammable Fabrics Act by distributing any fabric which fails to conform to the standards of said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondents Jewel Case, Inc., a corporation, and its officers, and Christian Bounaix, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric, or related material; or selling or offering for sale, any product made of fabric or related material which has been shipped or received in commerce as "commerce", "product", "fabric" and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric, or related material fails to conform to an applicable standard or regulation issued, amended or continued in effect, under the provisions of the aforesaid Act.

It is further ordered, That respondents notify all of their customers who have purchased or to whom have been delivered the products, which gave rise to the complaint, of the flammable nature of said products and effect the recall of said products from such customers.

It is further ordered, That the respondents herein either process the products which gave rise to the complaint so as to bring them into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That the respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission a special report in writing setting forth the respondents' intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the products, which gave rise to the complaint, (2) the number of said products in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect the recall of said products from customers, and of the results thereof, (4) any disposition of said products since May 27, 1970, and (5) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products and the results of such action. Such report shall further inform the Commission as to whether or not respondents have in inventory any product, fabric, or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton or any other material or combinations thereof in a weight of 2 ounces or less per square yard, or any product, fabric or related material having a raised fiber surface. Respondents shall submit samples of not less than one square yard in size of any such product, fabric, or related material with this report.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: March 18, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-5494 Filed 4-20-71;8:45 am]

[Docket No. C-1882]

PART 13—PROHIBITED TRADE PRACTICES

Precept, Inc., et al.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Precept, Inc. et al., Euless, Tex., Docket No. C-1882, Mar. 18, 1971]

In the Matter of Precept, Inc., a Corporation, and Van Hubbard and Jerry L. Tims, Individually and as Officers of Said Corporation

Consent order requiring Euless, Tex., manufacturers and distributors of disposable hospital products, including "nurses' caps" and "infants' shirts," to cease violating the Flammable Fabrics Act by distributing any fabric which fails to conform to the standards of said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondents Precept, Inc., a corporation, and its officers, and Van Hubbard and Jerry L. Tims, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for

sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric or related material; or manufacturing for sale, selling, or offering for sale any product made of fabric or related material which has been shipped or received in commerce, as "commerce", "product", "fabric" and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric or related material fails to conform to an applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That respondents notify all of their customers who have purchased or to whom have been delivered the products which gave rise to this complaint of the flammable nature of such products and effect recall of such products from said customers.

It is further ordered, That the respondents herein either process the products which gave rise to the complaint so as to bring them within the applicable flammability standards of the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That the respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission an interim report in writing setting forth the respondents' intentions as to compliance with this order. This interim report shall also advise the Commission fully and specifically concerning the identity of the products which gave rise to the complaint and (1) the amount of such products in inventory, (2) any action taken and any further actions proposed to be taken to notify customers of the flammability of such products and effect recall of such products from said customers, and of the results of any such actions, (3) any disposition of such products since January 1970, and (4) any action taken or proposed to be taken to flameproof or destroy such products and the results of such action. Such report shall further inform the Commission whether respondents have in inventory any fabric, product or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton or combinations thereof in a weight of 2 ounces or less per square yard, or having a raised fiber surface made of cotton or rayon or combinations thereof. Respondents will submit samples of any such fabric, product or related material with this report. Samples of the fabric, product or related material shall be of no less than one square yard of material.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: March 18, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-5495 Filed 4-20-71;8:45 am]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

SUBCHAPTER A—GENERAL RULES

[Docket No. R-418; Order 431]

PART 2—GENERAL POLICY AND INTERPRETATIONS

Measures for Protection of Reliable and Adequate Natural Gas Service

APRIL 15, 1971.

In 1970, the staff, having been directed, surveyed jurisdictional pipelines to determine whether adequate gas was available to the pipelines in order to fill storage fields in anticipation of the 1970–71 heating season and in anticipation of emergencies which would arise during the heating season if adequate gas supplies were not available to the consumer. It appearing to the Commission that supplies were not available, the Commission, acting pursuant to its emergency powers, promulgated Order 402 (35 F.R. 7511) and 402A (35 F.R. 8927) which authorized distribution companies to make resales of gas to other distribution companies and to jurisdictional pipelines in order to assure that the storage fields would be filled by winter and authorized the emergency purchases of gas from otherwise nonjurisdictional companies. This action was taken on May 6, 1970 and June 3, 1970. By notice of proposed rule making issued October 6, 1970, and adopted December 10, 1970, the Commission amended § 157.29 of its regulations (Order No. 418, 35 F.R. 19173) to permit emergency purchases of gas by natural gas pipelines directly from gas producers. Notwithstanding these emergency measures, a number of natural gas pipelines indicated their inability to deliver sufficient gas to meet their firm demands. Because of the implementation of emergency purchases coupled with a winter of normal temperatures serious disruptions of service were not widespread.

The Commission finds:

(1) The statement of general policy herein adopted concerns a matter of general policy which does not require notice or hearing under 5 U.S.C. 553.

(2) Early dissemination of this statement of general policy is in the public interest. Good cause therefore exists to bring it to the immediate attention of persons affected thereby.

The Commission, acting pursuant to the authority of the Natural Gas Act, as amended, particularly sections 4, 5, 7, 8, 10, 16 thereof (52 Stat. 822, 823, 824, 825, 826, 830; 56 Stat. 83, 85, 15 U.S.C. secs. 717c, 717d, 717f, 717g, 717i, 717o), orders:

(A) Part 2, Subchapter A, General Rules, Chapter I, Title 18 of the Code of Federal Regulations, is amended by adding a new § 2.70 to read as follows:

§ 2.70 Measures for the protection of reliable and adequate natural gas service.

(a) This Commission, charged with the responsibility for natural gas reliability, hereby promulgates as a statement of general policy that jurisdictional pipeline companies shall take all steps necessary for the protection of as reliable and adequate service as present supplies and capacities will permit during the 1971–72 heating season and thereafter, including adequate injection into storage in anticipation of the heating season.

(b) In order to effectuate the foregoing:

(1) During the storage injection season all natural gas pipelines subject to the jurisdiction of the Commission should make every reasonable effort to fill all storage fields supplied by such pipelines to a capacity sufficient to meet the anticipated heating season demands.

(2) (i) All jurisdictional pipelines will within 30 days hereof, submit a written report (four copies) to the Secretary of the Commission indicating how the instant statement of policy will be implemented. Pipelines responding that curtailment will be necessary will file a tariff sheet, pursuant to sections 4 and 5 of the Natural Gas Act and the Commission's regulations thereunder, setting forth a curtailment plan to effectuate the instant policy or state that the curtailment program, if any, currently on file will effectuate this policy. The curtailment plan proposed may be divided between the injection season and the heating season, since different objectives may require different treatment.

(ii) Consideration should be given to the curtailment of volumes equivalent to all interruptible sales and to the curtailment of large boiler fuel sales where alternate fuels are available.

(3) The Commission recognizing that additional short-term gas purchases may still be necessary to meet the 1971–72 demands, will continue the emergency measures referred to earlier for the stated 60-day period. If the emergency purchases are to extend beyond the 60-day period paragraph 12 in the notice

issued by the Commission on July 17, 1970, in Docket No. R-389A should be utilized (35 F.R. 11638). The Commission will consider limited term certificates with pregranted abandonment, if the pipeline demonstrates emergency need, after complying with subparagraphs (1) and (2) of this paragraph.

(4) Where emergency gas purchases are made and/or a curtailment program is instituted to implement the above policy the pipeline should place, or already have in effect, volumetric limitations on sales at current levels.

(5) Notice should be taken that the Commission will reexamine existing commodity rate levels and, to the extent necessary, may redesign existing commodity-demand rate relationships in present and future pipeline rate cases.

(6) Pipelines who can do so are encouraged to propose exchange arrangements with other pipelines.

(7) Jurisdictional pipelines have the responsibility in the first instance to adopt a curtailment program by filing appropriate tariffs. Such tariffs, if approved by the Commission, will control in all respects notwithstanding inconsistent provisions in sales contracts, jurisdictional and nonjurisdictional, entered into prior to the date of the approval of the tariff.

(c) Nothing stated herein should be construed as placing a limitation on measures to be taken by jurisdictional pipelines to effectuate the instant policy.

(B) The statement of general policy adopted herein shall be effective upon issuance of this order.

(C) The Acting Secretary shall cause prompt publication of this statement of general policy to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-5509 Filed 4-20-71;8:46 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 71-102]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Supplies and Equipment for Aircraft

APRIL 8, 1971.

In accordance with section 309(d), Tariff Act of 1930, as amended (19 U.S.C. 1309(d)), the Department of Commerce has found and under date of March 15, 1971, has advised the Treasury Department that with respect to aircraft fuels and lubricants, Kenya, Tanzania, and Uganda allow privileges to aircraft registered in the United States and engaged in foreign trade substantially reciprocal to those provided for in section 309 of the Tariff Act of 1930, as amended (19 U.S.C. 1309). Corresponding privileges are accordingly extended to aircraft registered in Kenya, Tanzania, and Uganda and engaged in foreign trade effective as of the date of such notification.

Accordingly, paragraph (f) of § 10.59, Customs regulations, is amended by the insertion of "Kenya," "Tanzania," and "Uganda" in appropriate alphabetical order, the number of this Treasury decision in the opposite column headed "Treasury Decision(s)" and the wording "Applicable only as to aircraft fuels and lubricants" opposite the names of those three countries in the column headed "Exceptions, if any, as noted" in the list of nations in that paragraph.

(Secs. 309, 624, 46 Stat. 690, as amended, 759; 19 U.S.C. 1309, 1624)

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: April 8, 1971.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-5515 Filed 4-20-71;8:47 am]

Title 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

SUBCHAPTER E—EMPLOYMENT AND COMPENSATION IN THE CANAL ZONE

PART 253—REGULATIONS OF THE SECRETARY OF THE ARMY

Subpart A—General Provisions

EXCLUSIONS

Effective upon publication in the FEDERAL REGISTER (4-21-71), paragraph (c) of § 253.8 is amended by adding a new subparagraph (11), reading as follows:

§ 253.8 Exclusions.

* * * * * * *

(c) * * *

(11) Positions in the youth activities program of the Canal Zone Government the duties of which, in the judgment of the Governor of the Canal Zone, can be more effectively performed by Panamanian citizens.

* * * * * * *

(2 CZC 142, 155, 76A Stat. 16, 19; 35 CFR 251.2)

Dated: April 13, 1971.

STANLEY R. RESOR,
Secretary of the Army.

[FR Doc.71-5487 Filed 4-20-71;8:45 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 15—Environmental Protection Agency

PART 15-1—GENERAL

Pursuant to the authority of the Administrator, as provided in section 205(c) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended (40 U.S.C. 486(c)), Part 15-1 of Chapter 15, Title 41 of the Code of Federal Regulations, is hereby approved as set forth below.

It is the general policy of the Environmental Protection Agency to allow time for interested parties to take part in the public rule-making process. However, because this part is largely a general statement of Agency policy and internal procedure, the rule-making process will be waived and this part will become effective upon publication in the FEDERAL REGISTER (4-21-71).

Dated: April 16, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

Sec.

AUTHORITY: The provisions of this Part 15-1 issued under 40 U.S.C. 486(c).

§ 15-1.000 Scope of part.

(a) The Federal Procurement Regulations System brings together, in Title 41 of the Code of Federal Regulations, the procurement regulations applicable to the civilian agencies of the Government. This part establishes a system of Environmental Protection Agency (EPA) regulations (EPPR) for the codification and publication of policies and procedures of EPA which implement and supplement the Federal Procurement Regulations (FPR).

(b) It is the basic policy of EPA to apply Federal Procurement Regulations. Thus, as to most elements of the procurement process, substantive guidelines will be found by reference thereto. FPR is published as Chapter 1 of this Title 41. EPPR will be published as Chapter 15 of the same title.

Subpart 15-1.0—Regulation System

§ 15-1.001 Scope of subpart.

This subpart establishes EPA Procurement Regulations (EPPR) and states their relationship to FPR.

§ 15-1.002 Purpose.

This subpart establishes for EPA uniform policies and procedures related to the procurement of personal property and nonpersonal services (including construction) and real property by lease.

§ 15-1.003 Authority.

EPPR are prescribed by the Administrator under the Federal Property and

administrative Services Act of 1949, 63 Stat. 377, as amended, or other authority specifically cited.

§ 15–1.004 Applicability.

EPPR apply to all offices in EPA to the extent indicated unlesss otherwise provided by law. EPPR apply to procurements made within and outside the United States unless otherwise specified.

§ 15–1.006 Issuance.

§ 15–1.006–1 Code arrangement.

EPPR are issued in the Code of Federal Regulations as Chapter 15 of Title 41, Public Contracts and Property Management.

§ 15–1.006–2 Publication.

All EPPR material deemed necessary for the general public to understand basic and significant EPPR procurement policies and procedures will be published in the FEDERAL REGISTER and in separate looseleaf form in a distinctive light blue color.

§ 15–1.007 Arrangement.

§ 15–1.007–1 General.

The general plan, numbering system, and nomenclature used in EPPR conform to the FEDERAL REGISTER standards approved for FPR.

§ 15–1.007–2 Numbering.

For ease in identification, the numbering system and part, subpart, and section titles used in EPPR generally conform with those used in FPR.

§ 15–1.007–3 Citation.

EPPR may be cited as indicated below. This section when referred to, should be cited as "EPPR 15–1.007–3." When referred to formally in official documents such as legal briefs, the section should be cited as "41 CFR 15–1.007–3."

§ 15–1.008 Agency implementation.

EPPR will implement, supplement, or deviate from the FPR when a procedure different than indicated in FPR is required. Implementing material expands upon or indicates the manner of compliance with related FPR. Supplementing material has no counterpart in FPR Deviating material is defined in § 1–1.009 of this title. Where EPPR does not implement, supplement, or deviate from the FPR, the latter shall be applicable as issued. Deviations from FPR and EPPR will be processed in accordance with § 15–1.009–2 prior to publication.

§ 15–1.009 Deviation.

§ 15–1.009–2 Procedure.

Deviations from FPR and EPPR shall be kept to a minimum and controlled as follows:

(a) Deviations in both individual cases and classes of cases must be approved in advance by the Deputy Assistant Administrator for Administration. Requests for approval of such deviations shall be submitted through the Director of Contracts Management to the Deputy Assistant Administrator for Administration. The requests shall cite the specific part of FPR or EPPR from which it is desired to deviate, shall set forth the nature of the deviations, and shall give the reasons for the action requested.

[FR Doc.71–5538 Filed 4–20–71;8:49 am]

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. OPS–2; Amdt. 191–1]

PART 191—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE; REPORTS OF LEAKS

Office of Pipeline Safety; Leak Reporting Requirements

The purpose of this amendment is to modify § 191.5(b) of 49 CFR Part 191—Transportation of Natural and Other Gas by Pipeline; Reports of Leaks.

Section 191.5(b) deals with telephonic notice of certain leaks, and provides that each notice required by paragraph (a) of the section shall be made by telephone to area code (202) 962–6000. This telephone number is being changed, effective immediately. Since this amendment will impose no additional burden on any person, I find that notice and public procedure are not necessary, and that good cause exists for making it effective on less than 30 days notice.

In consideration of the foregoing, Part 191 of Title 49 of the Code of Federal Regulations is amended as follows, effective April 20, 1971.

(Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1671 et seq.); Part 1 of the regulations of the Office of the Secretary of Transportation (49 CFR Part 1); delegation of authority to the Director, Office of Pipeline Safety, dated November 6, 1968 (33 F.R. 16468))

Issued in Washington, D.C. on April 16, 1971.

JOSEPH C. CALDWELL,
Acting Director,
Office of Pipeline Safety.

Section 191.5 is amended by revising paragraph (b) to read as follows:

§ 191.5 Telephonic notice of certain leaks.

* * * * *

(b) Each notice required by paragraph (a) of this section shall be made by telephone to Area Code (202) 426–0700 and shall include the following information.

(1) The location of the leak.

(2) The time of the leak.

(3) The fatalities and personal injuries, if any.

(4) All other significant facts that are known by the operator that are relevant to the cause of the leak or extent of the damages.

[FR Doc.71–5568 Filed 4–20–71;8:52 am]

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1070]

PART 1033—CAR SERVICE

Chicago, Rock Island and Pacific Railroad Co. Authorized To Operate Over Tracks of Chicago and North Western Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 15th day of April 1971.

It appearing, that because of track damage on auxiliary trackage at Oskaloosa, Iowa, the Chicago and North Western Railway Co. is unable to serve industries located on this trackage; that the Chicago, Rock Island and Pacific Railroad Co. has agreed to operate over 500 feet of this trackage; that such operation by the Chicago, Rock Island and Pacific Railroad Co., over this segment, will enable the Chicago, Rock Island and Pacific Railroad Co. to serve shippers located on this trackage; that the Commission is of the opinion that operation by the Chicago, Rock Island and Pacific Railroad Co. over 500 feet of auxiliary trackage of the Chicago and North Western Railway Co. at Oskaloosa, Iowa, is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impractical 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:

§ 1033.1070 Service Order No. 1070.

(a) *Chicago, Rock Island and Pacific Railroad Co. authorized to operate over tracks of Chicago and North Western Railway Co.* The Chicago, Rock Island and Pacific Railroad Co. be, and it is hereby authorized to operate over 500 feet of auxiliary tracks of the Chicago and North Western Railway Co. at Oskaloosa, Iowa.

(b) *Application.* The provisions of this order shall apply to intrastate and foreign traffic, as well as to interstate traffic.

(c) *Rates applicable.* Inasmuch as this operation by the Chicago, Rock Island and Pacific Railroad Co. over tracks of the Chicago and North Western Railway Co. is deemed to be due to carrier's disability, the rates applicable to traffic moved by the Chicago, Rock Island and Pacific Railroad Co. over these tracks of the Chicago and North Western Railway Co. shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This order shall become effective at 12:01 a.m., April 19, 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 sec. 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.71-5558 Filed 4-20-71;8:51 am]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 151—POLITICAL ACTIVITY OF STATE OR LOCAL OFFICERS OR EMPLOYEES

PART 733—POLITICAL ACTIVITY OF FEDERAL EMPLOYEES

Authority; Correction

The authority statements of these two parts are corrected to show that section 7301 was inadvertently omitted. They should read as follows:

In Part 151—Political Activity of State or Local Officers or Employees:

AUTHORITY: The provisions of this Part 151 issued under 5 U.S.C. 1302, 7301.

In Part 733—Political Activity of Federal Employees:

AUTHORITY: The provisions of this Part 733 issued under 5 U.S.C. 1308, 3301, 3302, 7301, 7324, 7325, 7327; 42 U.S.C. 2729; E.O. 10577, 3 CFR 1954–58 Comp.

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

[FR Doc.71-5489 Filed 4-20-71;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that one position of Confidential Secretary to the General Manager, National Transportation Safety Board, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER (4–21–71), subparagraph (3) is added to paragraph (b) of § 213.3394 as set out below.

§ 213.3394 Department of Transportation.

* * * * *

(b) *National Transportation Safety Board.* * * *

(3) One Confidential Secretary to the General Manager.

* * * * *

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

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

[FR Doc.71-5490 Filed 4-20-71;8:45 am]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 331—EMERGENCY PLANT PEST REGULATIONS GOVERNING INTERSTATE MOVEMENT OF CERTAIN PRODUCTS AND ARTICLES

Citrus Blackfly

Pursuant to the provisions of the Federal Plant Pest Act (7 U.S.C. 150aa–150jj), Chapter III, Title 7 of the Code of Federal Regulations, is hereby amended by adding to Part 331, a new § 331.2 and a subpart heading preceding said section as follows:

Subpart—Citrus Blackfly

§ 331.2 Notice of existence of emergency and regulations related thereto.

(a) Infestations of the citrus blackfly, *Aleurocanthus woglumi* Ashby, a dangerous plant pest not widely prevalent or distributed within and throughout the United States, have been found in a portion of Cameron County, Tex.; and it has been determined that it is necessary to adopt, as an emergency measure, a rule imposing restrictions, as provided for in this section, upon the interstate movement of certain products and articles, from the regulated portion of said county as hereinafter described, in order to prevent the interstate dissemination of said plant pest. Accordingly, the products and articles listed in paragraph (b) of this section shall not be moved interstate from that portion of Cameron County, Tex., bounded by a line beginning at a point in said county where U.S. Highway 281 intersects the city limits of Brownsville, thence extending easterly, then southerly, and then westerly along said city limits to the Rio Grande River, thence extending westerly along said river to a point directly south of the aforesaid intersection of U.S. Highway 281 and the city limits of Brownsville, and then extending from said point along an imaginary line which if, projected directly north, would intersect the point of beginning at the intersection of U.S. Highway 281 and the city limits of Brownsville; unless:

(1) Such products and articles have been treated to destroy citrus blackfly infestations in accordance with procedures prescribed by the Director of the Plant Protection Division, U.S. Department of Agriculture,[1] under the direction of an inspector authorized by said Division, and the products and articles are accompanied by a certificate issued by such an inspector signifying that they are eligible for interstate movement; or

(2) Such products and articles originate in an area in the said regulated portion of Cameron County, which has been inspected by such an inspector, and he has found that the interstate movement of the products and articles from such area will not involve a risk of disseminating said infestations, and the products and articles are accompanied by a certificate issued by such an inspector signifying that they are eligible for interstate movement; or

(3) Such products and articles are moved under permit issued by such an inspector to an approved destination for consumption, processing, or other handling in accordance with procedures prescribed by said inspector, when upon evaluation of the circumstances involved in each specific case he determines that such movement will not result in the spread of the citrus blackfly and requirements of other applicable Federal domestic plant quarantines have been met.

(b) The following products and articles are subject to the emergency measures imposed under this section:

(1) Leaves, attached or unattached, of citrus, mango, persimmon, Japanese persimmon, pear, quince, coffee, myrtle, cherimoya, black sapote, and sweet-sop.

(2) Any other products, articles, or means of conveyance, of any character whatsoever, not covered by subparagraph (1) of this paragraph, when it is determined by an inspector that they present a hazard of spread of the citrus blackfly, and the person in possession thereof has been so notified.

(Sec. 105, 71 Stat. 32, sec. 106, 71 Stat. 33, sec. 107, 71 Stat. 34; 7 U.S.C. 150dd, 150ee, 150ff; 29 F.R. 16210, as amended)

The foregoing regulation shall become effective upon publication in the FEDERAL REGISTER (4–21–71).

Under this regulation, specific products and articles may be moved interstate from the described portion of Cameron County, Tex., only if they have been treated or originate in certain areas of said county, or are moved to an approved destination for consumption, processing or other approved handling. Such measures are necessary because an emergency exists as a result of recently discovered infestations of the citrus blackfly, a dangerous plant pest which is not now widely prevalent in the United States.

Inasmuch as such infestations must be controlled immediately to prevent the

[1] Instructions are available upon request from the Director, Plant Protection Division, Agricultural Research Service, U.S. Department of Agriculture, Hyattsville, Md. 20782, or from an inspector.

spread of the citrus blackfly, it is found upon good cause under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure regarding this regulation are impracticable and contrary to the public interest, and good cause is found for making said regulation effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 15th day of April 1971.

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

[FR Doc.71-5516 Filed 4-20-71;8:47 am]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 1]

PART 722—COTTON

Subpart—Base Acreage Allotments for 1971, 1972, and 1973 Crops of Upland Cotton

DATES FOR RELEASE AND REAPPORTIONMENT

This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et. seq.). The purpose of this amendment is to change the closing dates for release and reapportionment of cotton acreage for Arizona, California, Georgia, North Carolina, and Oklahoma.

The Subpart—Base Acreage Allotments for 1971, 1972, and 1973 Crops of Upland Cotton of Part 722, Subchapter B of Chapter VII, Title 7 (36 F.R. 4853), is hereby amended by amending the table in § 722.408(b) (7) (iv) by changing the closing dates for Arizona, California, Georgia, North Carolina, and Oklahoma to read as follows.

§ 722.408 Release and reapportionment of cotton base acreage allotments.

* * * * *

(b) * * *

(7) *Closing dates.* * * *

(iv) * * *

State	Closing date for release and requests for reapportionment	Final date for reapportionment
* * *	* * *	* * *
Arizona	March 31	1 month following applicable closing dates for release and requesting reapportionment.
* * *	* * *	* * *
California (all counties except Imperial and Riverside).	April 15	Do.
* * *	* * *	* *
Georgia	April 16	Do.
* * *	* * *	* * *
North Carolina	April 16	Do.
Oklahoma	March 31	Do.
* * *	* * *	* * *

(Secs. 344, 375, 63 Stat. 670, as amended, 52 Stat. 66, as amended, 7 U.S.C. 1344, 1375)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on April 15, 1971.

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

[FR Doc.71-5517; Filed 4-20-71;8:47 am]

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

[Grapefruit Reg. 69, Amdt. 4]

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 rule-making 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 seedless grapefruit grown in Florida.

Order. In § 905.525 (Grapefruit Regulation 69, 35 F.R. 14499, 17937, 19245; 36 F.R. 5904), the provisions of (a) (1) (iii) and (iv) are amended to read as follows:

§ 905.525 Grapefruit Regulation 69.

(a) * * *

(1) * * *

(iii) Any seedless grapefruit, other than pink seedless grapefruit, grown in Regulation Area I, which do not grade at least U.S. No. 1 Russet, or any pink seedless grapefruit, grown in such area, which do not grade at least U.S. No. 2 Russet;

(iv) Any seedless grapefruit, other than pink seedless grapefruit, grown in Regulation Area II, which do not grade at least Improved No. 2 ("Improved No. 2" shall mean grapefruit grading at least No. 2 and also meeting the requirements of the U.S. No. 1 grade as to shape (form) and color), or any pink seedless grapefruit, grown in such area, which do not grade at least U.S. No. 2 Russet; or

* * * * *

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

Dated April 16, 1971, to become effective April 19, 1971.

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

[FR Doc.17-5563 Filed 4-20-71;8:51 am]

[Navel Orange Reg. 233, Amdt. 1]

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

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 35 F.R. 16359), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of Naval oranges grown in Arizona and designated part of California.

Order, as amended. This provisions in paragraph (b) (1) (i) and (ii) of §907.533 (Navel Orange Regulation 233, 36 F.R. 6734) during the period April 9, 1971, through April 15, 1971, are hereby fixed as follows:

§ 907.533 Navel Orange Regulation 233.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 847,000 cartons;

(ii) District 2: 253,000 cartons.

* * * * *

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

Dated: April 15, 1971.

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

[FR Doc. 71-5519 Filed 4-20-71;8:47 am]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Order Amending Order Regulating Handling

§ 917.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary, and in addition, to the findings and determinations which were made in connection with the issuance of the order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such previous findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held in Fresno, Calif., on January 13, 1971, upon a proposed further amendment of the marketing agreement and order (7 CFR Part 917) regulating the handling of fresh pears, plums, and peaches grown in California. On the basis of the evidence adduced at the hearing, and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions hereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of pears, plums, and peaches grown in the State of California in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in the marketing agreement upon which hearings have been held;

(3) The said order, as amended and as hereby further amended, is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of such regional production area would not effectively carry out the declared policy of the act;

(4) The said order, as amended and as hereby further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in production and marketing of the fruit covered thereby; and

(5) All handling of plums grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is hereby found, on the basis hereinafter indicated, that good cause exists for making the provisions of this amendatory order effective upon publication in the FEDERAL REGISTER, and that it would be contrary to the public interest to postpone such effective time until 30 days after such publication (5 U.S.C. 553). The provisions of this order would authorize regulations for additional varieties of peaches. It would also authorize production research projects for peaches. Shipment of peaches will begin early in May. Therefore, this order should become effective as soon as practicable so that such regulatory activities and research projects as may be indicated by the circumstances may be developed in accordance with such provisions. The provisions of this order are well known to producers and handlers. The hearing was held at Fresno, Calif., on January 13, 1971, and the recommended decision and final decision were published in the FEDERAL REGISTER on February 26, 1971 (36 F.R. 4056), and March 25, 1971 (36 F.R. 5614), respectively. Copies of the text of the amended order have been made available to all known producers and handlers; the provisions of this order do not impose any restrictions on handlers until regulations in accordance therewith are issued; and compliance with such provisions will not require advance preparation on the part of persons subject thereto which cannot be completed prior to the effective time of such regulations.

(c) *Determinations.* It is hereby determined that:

(1) The "Marketing Agreement, as Amended, Regulating the Handling of Fresh Pears, Plums, and Peaches Grown in California," upon which the aforesaid public hearing was held, has been executed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the fruit covered by this order) who, during the period March 1, 1970, through October 31, 1970, handled not less than 50 percent of the volume of fresh peaches covered by the said order as hereby amended; and

(2) The issuance of this order amending the aforesaid amended order is favored or approved in a referendum held during the period March 27, 1971, through April 5, 1971, by producers who, during the determined representative period (March 1, 1970 through October 31, 1970) produced for market within the production area specified in this order, at least two-thirds of the volume of fresh peaches produced for market within said production area by all producers who participated in said referendum.

It is, therefore, ordered, That, on and after the effective time hereof, all handling of fresh pears, plums, and peaches grown in California shall be in conformity to and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

1. Section 917.4 *Fruit* is revised to read as follows:

§ 917.4 Fruit.

"Fruit" means the edible product of the following three kinds of trees (a) all varieties of plums, (b) all varieties of peaches, and (c) the varieties of pears set forth below together with all mutations thereof which are grown in the production area and shipped in fresh form:

Pears. Bartlett, Dr. Jules Guyot (Guyot, Early Bartlett), Clapps Favorite (Hill Bartlett), Max-Red (Max-Red Bartlett, Red Bartlett), Rosired (Rosired Bartlett), Winter Bartlett, Gorham (Late Bartlett).

2. Section 917.5 *Grower* is revised to read as follows:

§ 917.5 Grower.

"Grower" is synonymous with producer and means (a) with respect to plums and peaches any person who produces such for market in fresh form, and who has a proprietary interest therein, and (b) with respect to pears any person who produces such for market in fresh form in the current of interstate or foreign commerce, and who has a proprietary interest therein.

3. Paragraphs (k), (q), and (r) of § 917.14 *District* are amended to read as follows:

§ 917.14 District.

* * * * *

(k) "South Coast District" includes and consists of San Luis Obispo County, Santa Barbara County, Ventura County, and that portion of Los Angeles County south of the Tehachapi Mountains and west of a straight line running from the town of Saugus to Point Fermin; except as to peaches "South Coast District" includes and consists of San Luis Obispo County, Santa Barbara County, and Ventura County.

* * * * *

(q) "Tehachapi District" includes and consists of that portion of Los Angeles County north of the San Gabriel Mountains and north of that portion of Kern County not included in Kern District, and Inyo County; except as to peaches "Tehachapi District" includes and consists of that portion of Kern County not included in Kern District, and Inyo County.

(r) "Southern California District" includes and consists of San Bernardino County, Orange County, San Diego County, Imperial County, Riverside County, and that portion of Los Angeles County not included in the South Coast District and the Tehachapi District; except as to peaches "Southern California District" includes and consists of San Bernardino County, Orange County, San Diego County, Imperial County, Riverside County, and Los Angeles County.

4. Paragraph (b) of § 917.18 *Nomination of grower members of the Control Committee* is revised to read as follows:

§ 917.18 **Nomination of grower members of the Control Committee.**

* * * * *

(b) A person nominated by any commodity committee for membership on the Control Committee shall be a member who produced fruit during the previous season: *Provided,* That Peach Commodity Committee nominees shall be members or alternate members of that committee: *And provided further,* That a person nominated by any commodity committee for membership on the Control Committee shall have the qualifications specified in § 917.24(c). Each member of each commodity committee shall have only one vote in the selection of nominees for membership on the Control Committee.

5. Section 917.20 *Designation of members of commodity committees* is amended to read as follows:

§ 917.20 **Designation of members of commodity committees.**

There are hereby established a Pear Commodity Committee and a Plum Commodity Committee each consisting of 12 members, and a Peach Commodity Committee consisting of 13 members. The members of each commodity committee, except the Peach Commodity Committee, shall be selected annually for a term ending on the last day of February, and such members shall serve until their respective successors are selected and have qualified. The members of the Peach Commodity Committee shall be selected biennially for a term ending on the last day of February of odd numbered years, and such members shall serve until the respective successors are selected and have qualified. The members of each commodity committee shall be selected in accordance with the provisions of Section 917.25.

6. Section 917.22 *Nomination of Peach Commodity Committee members* is revised to read as follows:

§ 917.22 **Nomination of Peach Commodity Committee members.**

(a) Nominations for membership on the Peach Commodity Committee shall be made by growers of peaches in the respective representation area, as follows:

(1) South Coast District and Southern California District one nominee.

(2) Tehachapi District and Kern District one nominee.

(3) Tulare District one nominee.

(4) Fresno District eight nominees.

(5) Stanislaus District and Stockton District one nominee.

(6) All of the production area not included in the Southern California District, Tehachapi District, Kern District, Tulare District, Fresno District, Stanislaus District, Stockton District, and the South Coast District one nominee.

(b) Notwithstanding the provisions of paragraph (a) of this section and of § 917.24 with respect to time and manner of nomination, on the effective date of this section, § 917.22, the appointment of members and alternates of the Peach Commodity Committee previously selected for a term ending the last day of February 1972 shall be terminated, and a new committee selected in conformance with the representation areas specified in said paragraph (a). The grower members and alternates of the Fresh Peach Advisory Board under the California State "Marketing Order for Fresh Peaches" shall then be considered as nominated and eligible for selection by the Secretary to positions on such new Peach Commodity Committee without further action as to nominations by the Control Committee.

7. Paragraph (b) of § 917.20 *Organization of committees* is amended to read as follows:

§ 917.29 **Organization of committees.**

* * * * *

(b) A quorum of the Pear Commodity Committee and of the Plum Commodity Committee shall each consist of eight members; and a quorum of the Peach Commodity Committee shall consist of nine members.

8. The introductory language and paragraph (a) of § 917.35 *Powers and duties of each commodity committee* are amended to read as follows:

§ 917.35 **Powers and duties of each commodity committee.**

Each commodity committee shall have the following powers and duties:

(a) With regard to the respective fruit for which it was established, to establish production research and marketing research and development projects as authorized under § 917.39, to recommend to the Secretary regulation of shipments pursuant to the provisions of this part, and to possess such other powers and exercise such other duties as will properly effectuate the purpose of this part: *Provided, however,* That the Pear and Plum Commodity Committees shall each make said recommendation pursuant to § 917.40 through § 917.43 only upon the affirmative vote of not less than eight members of each said committee: *Provided further,* That the Peach Commodity Committee shall approve such actions pursuant to § 917.39 or make said recommendations pursuant to § 917.40 through § 917.43 only upon the affirmative vote of not less than nine members of said committee.

9. Section 917.39 *Market research and development* is amended to read as follows:

§ 917.39 **Market research and development.**

The committees with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of fruit. Also, the Peach Commodity Committee with the approval of the Secretary may establish or provide for the establishment of production research projects designed to assist, improve, or promote the marketing, distribution, and consumption, or efficient production of peaches. The expenses of such projects shall be paid from funds collected pursuant to § 917.37.

10. Paragraph (e) of § 917.61 *Termination* is revised to read as follows:

§ 917.61 **Termination.**

* * * * *

(e) The Secretary shall conduct a referendum within the period beginning December 1, 1968, and ending February 15, 1969, to ascertain whether continuance of this part as to any fruit, included in this part is favored by the growers. Except as to peaches, the Secretary shall conduct such a referendum within the same period of every fourth fiscal period thereafter. The Secretary shall conduct a referendum within the period beginning December 1, 1974, and ending February 15, 1975, to ascertain whether continuance of this part as to peaches included in this part is favored by the growers. The Secretary shall conduct such a referendum within the same period of every fourth fiscal period thereafter.

* * * * *

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

Dated, April 16, 1971, to become effective upon publication in the FEDERAL REGISTER (4–21–71).

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71–5566 Filed 4–20–71;8:51 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1434—HONEY

Subpart—1971 Crop Honey Loan and Purchase Program

The Honey Price Support Regulations for 1970 and Subsequent Crops (35 F.R. 11773), issued by the Commodity Credit Corporation, which contain regulations of a general nature with respect to price support loan and purchase operations, are supplemented for the 1971 crop of honey as herein stated. The material previously appearing in these sections under centerhead "1970 Crop Honey Loan and Purchase Program" remain in full force and effect as to the crops to which it was applicable.

Sec.

1434.40 Purpose.
1434.41 Availability.
1434.42 Maturity of loans.
1434.43 Support rates.
1434.44 Discounts.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 201, 401, 63 Stat. 1052, 1054; 15 U.S.C. 714c, U.S.C. 1446, 1421.

§ 1434.40 Purpose.

This subpart contains program provisions which, together with (a) the Honey Price Support Regulations for 1970 and Subsequent Crops, (b) the Cooperative Marketing Association-Eligibility Requirements for Price Support in Part 1425 of this chapter, and (c) any amendments to such regulations, set forth the requirements with respect to price support for 1971-crop honey.

§ 1434.41 Availability.

(a) *Loans.* Producers must request a loan on 1971 crop eligible honey on or before March 31, 1972.

(b) *Purchases.* Producers desiring to offer eligible honey not under loan for purchase must complete a Purchase Agreement at the ASCS county office on or before June 30, 1972.

§ 1434.42 Maturity of loans.

Unless demand is made earlier, loans on honey will mature on June 30, 1972.

§ 1434.43 Support rates.

(a) *Table and nontable honey.* The support rate for the quantity of 1971-crop honey placed under loan or acquired under loan or purchase shall be the rate for the respective class and color set forth below:

Class and color: Table honey:	*Cents per pound*
1 White and lighter	14.8
2 Extra light amber	13.8
3 Light amber	12.8
4 Other table honey	10.8
Nontable honey	10.8

(b) *Objectionable flavor, fermentation, or caramelization.* The settlement value for a lot of honey delivered under loan or for purchase which grades substandard on account of objectionable flavor, fermentation, or caramelization shall be the lower of its market value as determined by CCC or a value determined on the basis of the support rate for nontable honey.

(c) *Grade not certified.* The settlement value for a lot of honey, delivered under loan or for purchase, on which the grade cannot be certified shall be the lower of its market value as determined by CCC or a value as determined on the basis of the support rate for nontable honey.

(d) *Substandard.* The support rate for a lot of honey delivered under a loan or for purchase which grades substandard on account of defects or moisture or a combination of defects and moisture shall be adjusted by the discounts in § 1434.44.

§ 1434.44 Discounts.

(a) *Defects.* The support rate for a lot of honey delivered under a loan or for purchase which grades substandard on account of defects shall be adjusted by the following discount:

	Discount (cents per pound)
Substandard account of: Defects	2

(b) *Moisture.* The support rate for a lot of honey delivered under a loan or for purchase which contains moisture in excess of 18.5 percent shall be adjusted by the following discounts which shall be in addition to the discount for defects:

Moisture (percent):	*Discount (cents per pound)*
18.5	0.0
19.0	0.5
19.5	1.0
20.0	1.5
20.5	2.0
21.0	2.5
21.5	3.0
22.0	3.5
22.5	4.0
23.0	4.5
23.5	5.0
24.0	5.5
24.5	6.0

(c) *Commingled storage.* The support rate for a lot of honey tendered for loan or purchase by CCC while stored commingled in a warehouse, or delivered to a warehouse in bulk in satisfaction of a farm storage loan, shall be adjusted by the following discount:

	Discount (cents per pound)
Bulk commingled	1.5

Effective date: Upon publication in the FEDERAL REGISTER (4–21–71).

Signed at Washington, D.C., on April 15, 1971.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.71-5518 Filed 4-20-71;8:47 am]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Part 75]

TRANSPORTATION, HANDLING AND STORAGE OF COMPRESSED AND LIQUID GAS CYLINDERS

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior under section 101 (a) of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91–173), it is proposed that Part 75, Subchapter O of Chapter I, Title 30, Code of Federal Regulations, be amended by adding §§ 75.1106–2 through 75.1106–5, as set forth below. This proposed amendment prescribes the safeguards to be employed in the transportation, handling, and storage of compressed and liquid gas cylinders in underground coal mines.

Interested persons may submit written comments, suggestions or objections to the Director, Bureau of Mines, Washington, D.C. 20240, no later than 45 days following publication of this notice in the FEDERAL REGISTER.

MITCHELL MELICH,
Acting Secretary of the Interior.

APRIL 15, 1971.

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

§ 75.1106–2 Transportation of compressed and liquid gas cylinders; requirements.

(a) Compressed and liquid gas cylinders transported into or through an underground coal mine shall be:

(1) Placed securely in devices specifically designed to hold the cylinder and its container in place during transit on self-propelled equipment or belt conveyors;

(2) Disconnected from all hoses and gages;

(3) Equipped with a metal cap to protect the cylinder valve during transit; and,

(4) Clearly labeled "empty" when the gas in the cylinder has been expended.

(b) In addition to the requirements of paragraph (a) of this section, when compressed and liquid gas cylinders are transported by a trolley wire haulage system into or through an underground coal mine, such cylinders shall be placed in well insulated and substantially constructed containers which are specifically designed for holding such cylinders.

(c) Compressed and liquid gas cylinders shall not be transported on mantrips.

§ 75.1106–3 Storage of compressed and liquid gas cylinders; requirements.

(a) Compressed and liquid gas cylinders stored in an underground coal mine shall be:

(1) Clearly marked and identified as to their contents in accordance with Interstate Commerce Commission regulations.

(2) Placed securely and in an upright position in racks specifically designed for the storage of such cylinders, and such racks shall be located in storage areas designated by the operator for such purpose;

(3) Protected against damage from falling material, contact with power lines and energized electrical equipment, heat from welding, cutting or soldering, and exposure to flammable liquids.

(b) Compressed and liquid gas cylinders shall not be stored or left unattended in any area inby the last open crosscut of an underground coal mine.

(c) When not in use, the valves of all compressed and liquid gas cylinders shall be in the closed position, and all hoses shall be removed from the cylinder.

§ 75.1106–4 Use of compressed and liquid gas cylinders; general requirements.

(a) Persons assigned by the operator to use and work with compressed and liquid gas shall be trained and designated by the operator as qualified to perform the work to which they are assigned, and such qualified persons shall be specifically instructed with respect to the dangers inherent in the use of such gases in an underground coal mine.

(b) Persons who perform welding, cutting, or burning operations shall be required to wear goggles or face shields for eye protection, and their clothing shall be free from excessive oil or grease.

(c) Compressed and liquid gas shall be used only in well ventilated areas.

(d) Not more than one compressed or liquid gas unit, consisting of one oxygen cylinder and one additional gas cylinder, shall be used in any area inby the loading point of any section.

(e) Where compressed and liquid gas is used regularly in underground shops or other underground structures, such shops or structures shall be on a separate split of air.

(f) Where compressed and liquid gas is used in any area in which oil, grease, or coal dust are present, oil and grease deposits shall, where practicable, be removed and the entire area within 10 feet of the work site covered with a heavy coating of rock dust.

(g) Compressed and liquid gas cylinders shall be located no less than 10 feet from the work site, and where the height of the coal seam permits, they shall be placed in an upright position and chained or otherwise secured against falling.

(h) Compressed and liquid gas shall not be used under direct pressure from the cylinder and, where such gases are used under reduced pressure, the pressure level shall not exceed that recommended by the manufacturer.

(i) "Manifolding cylinders" shall only be performed in well ventilated shops where the necessary equipment is properly installed and operated in accordance with specifications for safety prescribed by the manufacturer.

§ 75.1106–5 Maintenance and tests of compressed and liquid gas cylinders, accessories, and equipment; requirements.

(a) Hose lines, gages, and other cylinder accessories shall be maintained in a safe operating condition.

(b) Defective cylinders, cylinder accessories, torches, and other welding, cutting, and burning equipment shall be labeled "defective" and taken out of service.

(c) Each qualified person assigned to perform welding, cutting, or burning with compressed or liquid gas shall be equipped with a wrench specifically designed for use with compressed and liquid gas cylinders and a suitable torch-tip cleaner to maintain torches in a safe operating condition.

(d) Tests for leaks on the hose valves or gages of compressed and liquid gas cylinders shall only be made with a soft brush and soapy water or soap suds.

[FR Doc.71–5530 Filed 4–20–71;8:48 am]

[30 CFR Part 81]

PROCEDURES FOR IDENTIFICATION OF REPRESENTATIVES OF MINERS AT MINE

Notice of Proposed Rule Making

Notice is hereby given that in accordance with the provisions of sections 5(f)(1), 101(c), 101(d), 101(k), 103(g), 103(h), 104(d)(3), 104(h)(1), 105(a), 107(b), 109(a)(4), 110(b)(1), 110(b)(2), 301(c), 301(d), 302(a), 305(b), 312(b), and 505 of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91–173), and pursuant to the authority vested in the Secretary of the Interior under section 508 of the Act, it is proposed to add Part 81, as set forth below, to Subchapter O, Chapter I, Title 30, Code of Federal Regulations, which shall apply to all coal mines and which provides procedures for the identification of persons or organizations representing miners at a coal mine.

Interested persons may submit written comments, suggestions, or objections to

the Director, Bureau of Mines, Washington, D.C. 20240, no later than forty-five (45) days following publication of this notice in the FEDERAL REGISTER.

MITCHELL MELICH,
Acting Secretary of the Interior.

APRIL 15, 1971.

Sec.
81.1 Definition.
81.2 Filing procedures.
81.3 Posting of certificate at mine.
81.4 Withdrawal of certificate.
81.5 Effect of filing of certificate.
81.6 Multiple representatives.

AUTHORITY: The provisions of this Part 81 issued under sections 5(f)(1), 101(c), 101(d), 101(k), 103(g), 103(h), 104(d)(3), 104(h)(1), 105(a), 107(b), 109(a)(4), 110(b)(1), 110(b)(2), 301(c), 301(d), 302(a), 305(b), 312(b), 505, and 508 of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91-173).

§ 81.1 Definition.

As used in this Part 81:

(a) "Act" means the Federal Coal Mine Health and Safety Act of 1969.

(b) "Representative of the miners" means any person or organization which represents two or more miners at a coal mine for purpose of the Act.

§ 81.2 Filing procedures.

(a) Any person or organization which desires to be a representative of miners shall file with the Director, Bureau of Mines, Department of the Interior, Washington, D.C. 20240, and serve upon the operator of the coal mine a notarized certificate setting forth:

(1) The name and mailing address of the person or organization.

(2) The name and address of the coal mine in which the miners represented are working and the Bureau of Mines' identification number for the mines, if known.

(3) A statement that he is the representative of the miners at the mine for purposes of collective bargaining or that he has written authorization from two or more miners at the mine to represent them under the Act.

(4) A statement that a copy of the certificate was served upon the operator.

(b) Each certificate shall be kept by the Bureau of Mines in an open file for public inspection. The Bureau of Mines shall maintain a complete and current list of the names and mailing address of each representative of the miners and the mine in which the miners are working.

(c) The Bureau of Mines may require a representative of the minors to submit evidence of representation, including authorization from the miners.

§ 81.3 Posting of certificate at mine.

Each certificate shall be permanently posted by the operator on the mine bulletin board until withdrawn under § 81.4.

§ 81.4 Withdrawal of certificate.

(a) A certificate shall be withdrawn by a representative of the miners who is no longer able to comply with the requirements of § 81.2. A certificate may be withdrawn by a representative of the miners at any time. Notice of withdrawal shall be given to the operator by the representative of the miners.

(b) The Bureau may strike a certificate from its files for noncompliance with these procedures.

§ 81.5 Effect of filing of certificate.

Representatives who file the certificate under this part shall be entitled to receive notice and exercise the rights of a representative of miners under the Act.

§ 81.6 Multiple representatives.

More than one representative of miners at a particular mine may file a certificate of representation. Where the presence of multiple representatives at an inspection, investigation or administrative proceeding may impair performance of the enforcement responsibilities of the Department of the Interior, the representatives may be required to designate a single representative.

[FR Doc.71-5531 Filed 4-20-71;8:48 am]

National Park Service

[36 CFR Part 7]

LASSEN VOLCANIC NATIONAL PARK, CALIF.

Fishing

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), and the Act of August 9, 1916 (39 Stat. 442, as amended, 16 U.S.C. 201), 245 DM-1 (27 F.R. 6395), and National Park Service Order No. 21 (27 F.R. 7903) as amended, it is proposed to amend § 7.11 of Title 36, Code of Federal Regulations, as set forth below.

The purpose of the revision is to set an open season for fishing in lakes in the park. California State Fishing Regulations now allow for no closed season in California lakes. This would be too damaging to the fragile winter ecology of the park to be allowed.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed amendment to the Superintendent, Lassen Volcanic National Park, Mineral, Calif. 96063, within 30 days of the publication of this notice in the FEDERAL REGISTER.

Paragraph (b)(1) of § 7.11 is amended to read as follows:

§ 7.11 Lassen Volcanic National Park.

* * * * *

(b) Fishing—(1) *Restricted season.* Fishing season in the park will be May 1 to October 31, except that Grassy Creek connecting Horseshoe Lake and Snag Lake will be closed to fishing between October 1 and June 15.

* * * * *

EDWARD A. HUMMEL,
Assistant Director,
National Park Service.

[FR Doc.71-5503 Filed 4-20-71;8:46 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1000, 1001, 1002, 1004, 1006, 1007, 1011-1013, 1015, 1030, 1032, 1033, 1036, 1040, 1043, 1044, 1046, 1049, 1050, 1060-1065, 1068-1071, 1073, 1075, 1076, 1078, 1079, 1090, 1094, 1096-1099, 1101-1104, 1106, 1108, 1120, 1121, 1124-1134, 1136-1138]

[Docket No. AO-160-A44, etc.]

MILK IN MIDDLE ATLANTIC AND CERTAIN OTHER MARKETING AREAS

Decision on Proposed Amendments to Marketing Agreements and to Orders

7 CFR part	Marketing area	Docket No.
1000	(Applicable to all the following areas.)	
1004	Middle Atlantic	AO-160-A44.
1001	Massachusetts-Rhode Island-New Hampshire.	AO-14-A48.
1002	New York-New Jersey	AO-71-A61.
1006	Upper Florida	AO-356-A7.
1007	Georgia	AO-366-A6.
1011	Appalachian	AO-251-A13.
1012	Tampa Bay	AO-347-A11.
1013	Southeastern Florida	AO-286-A19.
1015	Connecticut	AO-305-A27.
1030	Chicago Regional	AO-361-A4.
1032	Southern Illinois	AO-313-A21.
1033	Ohio Valley	AO-166-A41.
1036	Eastern Ohio-Western Pennsylvania.	AO-179-A33.
1040	Southern Michigan	AO-225-A23.
1043	Upstate Michigan	AO-247-A16.
1044	Michigan Upper Peninsula	AO-299-A18.
1046	Louisville-Lexington-Evansville.	AO-123-A38.
1049	Indiana	AO-319-A17.
1050	Central Illinois	AO-355-A10.
1060	Minnesota-North Dakota	AO-360-A5.
1061	Southeastern Minnesota-Northern Iowa.	AO-367-A3.
1062	St. Louis-Ozarks	AO-10-A43.
1063	Quad Cities-Dubuque	AO-105-A32.
1064	Greater Kansas City	AO-23-A39.
1065	Nebraska-Western Iowa	AO-86-A24.
1068	Minneapolis-St. Paul	AO-178-A26
1069	Duluth-Superior	AO-153-A18
1070	Cedar Rapids-Iowa City	AO-229-A23
1071	Neosho Valley	AO-227-A25
1073	Wichita	AO-173-A25
1075	Black Hills	AO-248-A13
1076	Eastern South Dakota	AO-260-A16
1078	North Central Iowa	AO-272-A18.
1079	Des Moines	AO-295-A21.
1090	Chattanooga	AO-266-A14.
1094	New Orleans	AO-103-A31.
1096	Northern Louisiana	AO-257-A19.
1097	Memphis	AO-219-A24.
1098	Nashville	AO-184-A30.
1099	Paducah	AO-183-A26.
1101	Knoxville	AO-195-A20.
1102	Fort Smith	AO-237-A19.
1103	Mississippi	AO-346-A13.
1104	Red River Valley	AO-298-A17.
1106	Oklahoma Metropolitan	AO-210-A29.
1108	Central Arkansas	AO-243-A21.
1120	Lubbock-Plainview	AO-328-A12.
1121	South Texas	AO-364-A4.
1124	Oregon-Washington	AO-368-A3.
1125	Puget Sound	AO-226-A22.
1126	North Texas	AO-231-A36.
1127	San Antonio	AO-232-A22.
1128	Central West Texas	AO-238-A25.
1129	Austin-Waco	AO-256-A18.
1130	Corpus Christi	AO-259-A22.
1131	Central Arizona	AO-271-A14.
1132	Texas Panhandle	AO-262-A21.
1133	Inland Empire	AO-275-A22.
1134	Western Colorado	AO-301-A12.
1136	Great Basin	AO-309-A16.
1137	Eastern Colorado	AO-326-A16.
1138	Rio Grande Valley	AO-335-A17.

A public hearing was held upon proposed amendments to the marketing agreements and the orders regulating the

handling of milk in the aforesaid marketing areas. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at Washington, D.C., September 30, 1970, pursuant to notice thereof issued on August 21, 1970 (35 F.R. 13657), and a supplemental notice issued September 25, 1970 (35 F.R. 14998).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on February 25, 1971 (36 F.R. 3909), filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

Sixty-two orders were listed in the notice of hearing, and this decision relates to all 62 existing orders. The findings and conclusions of this final decision are equally applicable to all Federal milk orders and will be effectuated by the Part 1000.

The material issue, findings, and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein with the following modifications:

Index of changes:

1. *Introductory statement.* The first and last paragraphs are revised.

2. *Findings and conclusions.* The 2d, 5th, 6th, 13th, 14th, 30th, 33d, 39th, 43d, 46th, 47th, 50th, and 52d paragraphs are revised; the 7th paragraph is deleted; and 11 new paragraphs are added following the 6th paragraph.

The material issue on the record of the hearing relates to:

Whether several general terms, definitions, and other administrative provisions common to all orders should be issued in a general order which would be applicable to and amend each milk order.

The Dairy Division of Consumer & Marketing Service proposed and presented evidence in support of a plan to issue an order (Part 1000) containing such provisions and to amend the individual orders: (1) Adopting by reference the general provisions included in Part 1000 as if set forth in each order; (2) deleting the duplicated provisions; and (3) providing for the transfer of those operating provisions contained in any affected section of an order into other sections of the order.

The proposed Part 1000 contains six sections covering certain general definitions, employee directives, and provisions dealing with order administration.

The first section (§ 1000.1) states that the uniform provisions included in Part 1000 shall be a part of each Federal milk marketing order as if set forth in full in each order, except in any order where any such provision is expressly defined or modified otherwise.

The second section includes definitions of five general terms used in all Federal milk orders: Act, Order, Department, Secretary, and Person.

The third section deals with the designation, powers, and duties of the market administrator. Each Federal milk order describes these three areas of order administration.

The fourth section pertains to the continuity and separability of provisions of the individual orders. Each order now contains these provisions, which for the most part, are internal administrative rules and instructions to Department employees regarding procedures involved in the suspension, termination or liquidation of any or all provisions of a Federal milk marketing order.

The fifth section describes a handler's responsibility with respect to records and facilities. This section is divided into three paragraphs dealing with the maintenance, retention and availability of records and facilities. Each order now contains provisions incorporating these three requirements.

The last section (§ 1000.6) relates to the termination of obligations. This is a standard provision now contained in each of the orders, and it is being placed in the general order essentially in that same form.

Findings and Conclusions

The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

A general order applicable to all milk orders (Part 1000) containing certain definitions, terms and other general administrative provisions should be adopted, and the necessary conforming amendments to the individual orders should be made.

Dairy Division witnesses presented evidence in support of the proposal. It was supported also by organizations with wide representation among milk producers and handlers.

The attorney for the National Milk Producers Federation, an organization of cooperative associations of dairy farmers and federations of such cooperative associations, indicated its support for the proposal. The cooperative members of the Federation supply milk to handlers who are regulated under one or another of the 62 Federal milk marketing orders; and in most instances, these cooperatives supply the majority of milk to handlers regulated by such orders. Another witness representing producers indicated concurrence with the proposed procedure to obtain uniformity regarding the provisions pertaining to order administration.

One cooperative association of producers indicated opposition. At the hearing a witness for the producer group objected primarily to the national hearing approach to consider any proposal. However, the witness for the cooperative did not recommend any specific changes in the proposed uniform provisions. In exceptions, this association stated that the proposed amendments are unnecessary, unjustified and inappropriate. The cooperative indicated fear that the Department's desire to achieve uniformity with respect to these administrative provisions would be extended to more substantive provisions with less emphasis on the individuality of orders. The provisions proposed for inclusion in this general amending order (Part 1000) have identical intent and purpose in each order. In addition, the provisions included are limited to those provisions dealing with administrative functions in each order. The operating provisions are not changed.

A witness appearing on behalf of the Milk Industry Foundation and the International Association of Ice Cream Manufacturers, indicated that both of these organizations support the objective of promoting uniformity in administration of the order program. The Milk Industry Foundation is an international trade association representing fluid milk processors and distributors, while the International Association of Ice Cream Manufacturers also is an international trade association, representing ice cream manufacturers and distributors. In many instances, a given Federal milk order regulates milk handled by members of both organizations. In other markets, members of at least one of these two organizations are regulated.

At the hearing the witness representing these national organizations of fluid milk handlers and ice cream dealers proposed specific changes regarding two issues: the manner in which a market administrator's request for handlers' fiscal records is made and the publication of reports by market administrators of administrative income and expenses.

The proposed change regarding requests for fiscal records would require the market administrator to state in advance the fiscal records to be examined, the purpose of such examination and the person or persons to make each specified examination. The proposal would require that the market administrator make such a request each time a fiscal record was required for the purpose of verification.

For the purpose of verifying a handler's use of milk and his monetary obligation under an order, the market administrator must have access to all records which may be relevant to such obligation. The auditor may not demand all records on each audit since his examination is usually based on an examination of representative records. However, if the handler were informed in advance that specified records were to be examined, reliance on the sample examination would be greatly diminished.

The proposal that the market administrator identify in each instance the person to examine a handler's fiscal records was prompted by a concern on the part of the handler representative regarding the handling of confidential information obtained on audit by employees of the market administrator. All persons acting on behalf of the Secretary, including the market administrator and his employees, in administering a milk order are bound not to disclose confidential information they obtain in the course of administering an order.

Section 608d(2) of the Act and § 900.210 of the general regulations describe the responsibilities for holding trusted information confidential and prescribe penalties for violation of such trust.

Handler representatives proposed that each market administrator publish a quarterly report of his income and expenses of administering the order and that this report provide a detailed accounting of expenditures made from the administrative fund according to the functions and services provided. This information is now prepared and distributed annually to interested parties by each market administrator. No particular problem was cited with respect to the present reporting method. Since more frequent reports would entail additional administrative expense, they should not be required by the order. Further, such expenditures are scrutinized by the Secretary, and, if the Secretary deems it advisable, he may at any time require additional reports giving the breakdown he desires from any or all market administrators.

Certain handler representatives suggested changing the limitation on record retention from 3 years to 2 years, to coincide with the 2-year limit on handler payment obligations. However, the present limitations on record retention and handler obligations have worked well in the past, and there is no evidence on this record to indicate that a problem exists regarding these limitations. Thus, no change is needed.

In his brief and exceptions, a handler representative suggested modifications regarding these three issues: (1) Rules and regulations of the market administrator; (2) determination of the market administrator regarding the adequacy of records; and (3) employment of persons necessary to exercise his powers and perform his duties.

The first suggested change would add the word "reasonable" when referring to the rules and regulations which the market administrator has the authority to make in order to effectuate the terms and provisions of the order. Reasonableness is a key consideration in all administrative functions, and thus this provision as proposed in the hearing notice implies the word "reasonable." As to the wording of the provision, it is expressed in the same manner as stated in section 608c(7)(C)(ii) of the Act.

Another revision pertained to the market administrator's determination as to the adequacy of a handler's records. Proponent would remove any reference to the market administrator being the person to determine what records are adequate. Since the market administrator is charged with responsibility for administering the order, he is the person responsible for determining what are adequate records and adequate verification.

This handler representative proposed also that a market administrator be required to employ only "employees" not "persons." This change was to prohibit contracting some of his administrative duties to persons other than employees. The Act refers to responsibilities of "officers or employees" in maintaining information confidential. However, a person employed by contract is no less an "employee" in the sense that such persons are held responsible in the same manner.

Furthermore, these three issues were not discussed on the record, and there is no evidence to indicate that a problem exists with respect to any one of these three issues. No changes are necessary.

Provisions of the type proposed for inclusion in Part 1000 are now included in the respective orders. Most of the order language for these administrative provisions has remained standard and unchanged for many years. However, a survey of current order language for these particular provisions shows that many variations in terminology exist. These differences have occurred primarily because of the passage of time and individual efforts to improve language.

The general order (Part 1000) would provide precisely uniform provisions, applicable to all orders, for each of these provisions which have the same purpose, intent, and basis in each market. Its adoption will make it possible to eliminate the possibility of confusion associated with the varying terminology for the same provision from one order to another and at the same time will avoid unnecessary repetition of the same type of provision in each individual order. In addition, removing the terminology differences will promote uniform application of these provisions which have the same basic intent and purpose in each order.

The standard provisions would be printed in a separate part of the Code of Federal Regulations and would be made a part of each milk order by reference. A copy of the general order (Part 1000), containing these standard administrative provisions, would be furnished to interested persons along with the operating provisions of an individual order to complete the individual regulatory plan for each milk market.

The dairy industry is very dynamic and has changed considerably since the Federal milk order program began. The marketing trends for milk have been toward centralization and it appears that these trends will continue into the future. Improvements in the highway system, advancement in truck refrigeration, developments in milk packages, and the overall improvement in milk quality has facilitated milk movements over wide geographic areas. Economies of scale associated with large bottling operations have made it economically sound for milk distributors to supply several metropolitan areas with milk packaged at one location.

With these changes in the field of processing, packaging, and distribution have come new methods of assembling the milk supply to meet the needs of these centralized large-scale regional bottling plants. Large regional cooperatives and federations of cooperatives have developed to supply these larger distributing plants. As the channels of distribution under these larger organizations become involved with not one or two but several Federal milk marketing orders, the work of the marketing specialist or economist for the milk dealer or cooperative becomes considerably more complicated in attempting to keep familiar with the provisions of several orders. Since a milk order is a complex legal instrument, composed of detailed definitions, terms, and provisions, small differences in the terminology of a given provision having the same intent and purpose unnecessarily add to the workload of persons who must be familiar with the terms of several orders.

Also, the work of Government personnel involved in promulgating and administering orders is increased unnecessarily by the multiplicity of provisions. The cost of preparing and printing these standard provisions can be reduced considerably by printing a general order and eliminating the duplicate provisions in the individual orders. Thus, the proposed procedure will achieve important savings in the cost of administering this Government program.

The first section of Part 1000 (§ 1000.1) provides that the terms, definitions, and provisions of Part 1000 shall be common to and part of each Federal milk marketing order, except as specifically defined otherwise, or modifier, or otherwise provided, in an individual order. While the provisions in Part 1000 normally would be the applicable provisions for each milk order, if the term, definition, or provision needs to be specifically defined otherwise in an individual order because of some unusual circumstance, the term, definition, or provision as modified in the individual order would have precedence. Since the substance of the subject provisions has remained unchanged over a long period to the present, it is not expected that such modified provisions would be a frequent occurrence. Furthermore, the main objective is to maintain uniform terms and provisions in all orders to the extent possible.

The second section includes the definitions of five general terms which are common to all milk orders. Definitions for these terms are now included in most orders. The definitions of "Act," "Secretary," and "Department" are types of definitions which should be applied uniformly throughout the milk order program since they obviously must have the same meaning.

The term "person" as defined by the statute should be used in all orders. The definition varies only in minor respects in the various orders at the present time.

None of the milk orders now defines the term "order." However, since reference is often made to this term when discussing the provisions of a particular regulation, a definition of the term would provide helpful clarification.

The third section pertains to the designation, powers, and duties of the market administrator. In all instances, market administrator means the agency for the administration of the order(s) and is

not limited to an individual. This designation includes all representatives and agents performing any appropriate duties of the market administrator. Each milk order covers three distinct areas of order administration which also are provided in the language of the statute. The first two categories, pertaining to designation and powers are governed by the Act, and the language proposed for these provisions parallels the applicable language of the Act.

The third paragraph of this section deals with the duties of the market administrator. The standard duties of the market administrator include the requirement that he obtain a bond covering his performance, that he employ necessary assistants, and that he pay necessary administrative expenses from the funds provided by the order. He must also maintain records reflecting transactions provided for in the order and furnish information and reports to the Secretary regarding his administration.

One of the most important duties which each market administrator must perform is the verification of reports which handlers are required to make under the terms of each order. Initially, the market administrator must prescribe reports which will reflect information in the detail required by the particular order. He must then verify information filed on such report and ascertain whether payments required by the order have been made. The provision describing the market administrator's duty in verifying that all handlers have met their obligations under the order lists, parenthetically, the kinds of records that the market administrator is to examine in verifying reports and payments. The records named are not exclusive, but only representative, and include the kinds of records the Secretary is authorized to examine pursuant to the authority of 608d of the Act.

The investigation may entail examination of the records and facilities of others involved in transactions with the handler. While there may be variations in the methods of verification depending on the nature of plant records and operations, the objective of the verification process is the same under all orders and the responsibility of the handlers to keep records should be the same in all orders.

The proposed provision describing the market administrator's duties with respect to verification is consistent with the current interpretation and application of existing order provisions. Since in application this duty is the same for all market administrators, the description of their duties in this respect should be uniform. The proposed language outlines such duties exercised by the market administrator in the administration of the orders.

Among the duties all market administrators must perform is the public dissemination of information about the order and milk marketed under its terms. All administrators are required to make public such information to the extent that it does not reveal confidential information. Each market administrator is expressly required also to furnish each handler with a written statement of such handler's obligation under the order promptly upon computing such obligation.

Another general duty performed by each market administrator is to announce publicly, at his discretion and by such means as he deems appropriate, unless otherwise directed by the Secretary, the name of any handler who has not complied with the terms of the order regarding reports, payments or records and facilities. This requirement also should be continued.

The fourth section deals with the "continuity and separability of provision," which are very similar in all present orders. These provisions deal with internal rules and instructions as to procedures involved with any suspension, termination, or liquidation of individual provisions of an order, or of an entire order, and should be based on uniform language applicable to all orders.

The fifth section pertains to handlers' "records and facilities." This section describes the responsibility of handlers regarding the maintenance, retention and availability of records and facilities.

The general purpose of the order provisions requiring handlers to keep records and to make their records available for examination is basically the same under each order, although the specific requirements of indivdual orders may result in variations in detail. By examination of all records relevant to a handler's obligation, the market administrator determines whether the handler has met such obligation under the order.

Each handler's obligation depends upon the use of milk he received. Section 1000.5 provides that a handler shall pay the highest class price for any amount of milk for which he does not make available proof of its use in a lower-priced class. This kind of rule, placing the "burden of proof" on the regulated handler who is obligated to the pool, is now provided in each individual order. Since it is a basic general rule applied uniformly throughout the milk order system, it is appropriately made a part of these proposed general provisions.

The types of records that a regulated handler must maintain include, but are not limited to, records of all receipts of skim milk and butterfat and the utilization of all such receipts. He must keep records of payments made pursuant to the respective order provisions. Also, since terms of individual orders vary and different records must be maintained as will reflect the different types of operations at various milk plants, each handler must be required to maintain such other specific records as the market administrator deems necessary to verify or establish such handler's obligation under the order.

Paragraph (b) of § 1000.5 requires each handler to make available his records and facilities for examination by the market administrator. Each handler also must permit the market administrator to weigh, sample, and test milk and milk products, and to observe plant operations and equipment. The handler must make available to the market administrator such facilities as are necessary for the latter to carry out his duties with respect to verifying such handler's obligation under the terms of the applicable order. It is important that all of a handler's records be available for e..amination and that the market administrator's examiner be unrestrained from tracing both product pounds or units and values related thereto through the record or accounting system to the ultimate record kept by the handler. If any record is withheld, it becomes a potential hiding place for relevant information that a handler might wish to withhold from the market administrator.

Currently, some milk orders require that each handler make available records and facilities to the market administrator during the usual hours of business. This phrase, "during the usual hours of business," is ambiguous. The usual hour of business vary depending upon the particular operations in any given plant situation. For instance, even for a single plant, the bookkeeping, milk receiving, milk bottling, and inventory counting hours differ significantly. The usual hours for one plant function may be very different from the usual hours for performing some other activity. Therefore, flexibility is essential regarding the time for examining a handler's records or facilities. However, while the hour of investigation should be reasonable, it must be related to the plant function involved in the verification process.

The last paragraph of § 1000.5 establishes a 3-year limit as the period for which a handler must retain records for examination by the market administrator. This limitation was adopted in 1949 for all milk orders than effective, on the basis of a hearing held July 30, 1947. It has been incorporated also in all orders issued since that date.

The 1947 hearing also dealt with the termination of obligations under milk orders which terms are proposed here to be included in § 1000.6. The rules established on the basis of that hearing covering termination of obligations are now included in each milk order.

The reasons for setting limits on the time period in which obligations continue and records must be retained are explained in the decision of the Secretary issued January 26, 1949 (14 F.R. 444). That decision sets forth the basis for selecting the particular limits, and those limits remain unchanged.

Standardized provisions regarding the retention of records and termination of obligations were placed in the 28 milk orders affected by the 1949 decision, and the same provisions have been placed in all orders promulgated since that time. These provisions have, for all practical purposes, remained uniform and unchanged since this decision (20 years ago).

Minor changes from the provisions as proposed in the notice of hearing should

be made. These changes are described in the following paragraphs.

At the hearing, confusion was expressed regarding the title of the first section of the general order. For clarification, that title is changed to "Scope and Purpose of Part 1000."

A witness, representing producers, posed two questions regarding the parenthetical phrase added at the end of § 1000.5(a)(1)(ii) as contained in the hearing notice. This phrase would place the burden of responsibility for proving any utilization other than in the highest use class on the handler who first receives the skim milk and butterfat. The questions concerned the location of this basic rule for classifying, and the word "all" in reference to the utilization of skim milk and butterfat.

It is proposed herein that this rule regarding handler responsibility appear in the introductory text of § 1000.5, and that the highest class price apply to such skim milk and butterfat for which adequate records are not maintained to establish a lower-priced use.

As proposed in the hearing notice, unless the handler who first receives skim milk and butterfat can prove the utilization of all skim milk and butterfat, all such skim milk and butterfat shall be priced in the highest priced class. This rule, as proposed, would price all skim milk and butterfat in the highest priced class even if such handler could prove the utilization of a portion of such milk in a lower class. The rule, as changed, prices in the highest priced class only that skim milk and butterfat for which adequate records are not available to prove a lower classification.

Another change places the responsibility for proof of use on the handler who is obligated for payment under the order, rather than the "first handler." This is to clarify responsibility when a cooperative acts as a handler on farm bulk tank milk. The cooperative is the first handler who receives such milk; however, under some orders the pool plant operator is obligated to the pool and determines the utilization of such milk.

A witness representing a milk handler objected to the discretion given the market administrator regarding the public announcement of handlers who are in violation of the order. However, another handler witness stated that all violations should be announced.

In some instances, a handler may be in violation of a milk order for some technical reason, perhaps one of which he is not aware. In order to avoid citing handlers who have not wilfully failed to meet their obligations under the order, it has been provided in the individual orders that the market administrator may exercise discretion in citing a handler for noncompliance. The market administrator's discretion is not unbridled but is subject to a countermanding order by the Secretary.

Each of the existing 62 milk orders should be amended to conform with the general provisions included in Part 1000. To make the individual orders conform with the general order, three types of conforming changes are needed. The two most significant of these conforming changes would provide, with respect to each individual order:

(1) A provision adopting by reference the provisions included in the general order; and

(2) The revocation of the provisions now included in the individual orders to be replaced by the uniform provisions of the general order.

In addition, other specific conforming changes, editorial in nature, are required in the individual orders.

The most extensive editorial change required in each order to make the individual orders conform with the general provisions order pertains to the duties of the market administrator. The general order sets forth those duties which are the same under all milk orders. However, the individual orders now provide for some other specific duties that the market administrator necessarily performs to administer the terms and provisions of the particular order. To accommodate the new format, the paragraphs describing specific additional duties now provided for in the individual orders are retained under a new heading, "Additional Duties of the Market Administrator." Another less significant editorial change needed in each order is a revision of certain center headings.

In addition to the changes necessary in all milk orders, there are several other miscellaneous amendments to the individual orders needed to make the general order and the individual orders conform.

In some instances the individual orders contain cross-references to sections to be revoked in the individual orders. However, in all cases, the information contained in each of the revoked sections is provided for in the general order. In this amendment proceeding, unnecessary section references contained in the individual orders are revoked. However, if there is a continuing need for such reference in any individual order, it is changed to the applicable provision of the general order.

In several orders, the reference to the records and facilities section in the other source milk definition is revoked. This is a specific reference to a section which is now a part of the general order. This reference is not necessary.

In two orders, information regarding reports of individual producers, which was contained in the records and facilities section of the individual orders, is transferred to the reports section in the respective orders.

Another conforming change required in four orders revokes the proviso in the classification section stating that such skim milk and butterfat shall be Class I unless the handler who first received such milk proves that such milk should be classified otherwise. This basic rule for classifying milk has been transferred to the general order and is located in the introductory text of § 1000.5. The purpose of this proviso is adequately covered in the general order and therefore the proviso should be revoked from these four individual orders.

In one order (Part 1015), a sentence in the payments section is revoked. This sentence pertains to the billing statement furnished each handler by the market administrator showing the amounts due to and from the producer-settlement fund based on such handler's report. This information is adequately covered in the general order; therefore, this sentence is unnecessary and is revoked in the individual order.

Several orders have provisions exempting certain types of plants and handlers from the application of specific provisions of the order. Basically, these plants and handlers are subject only to the reporting and record keeping provisions of the order. Since the records and facilities section is moved to the general order, the individual orders must be amended revising the section references to reflect the records and facilities section of the general order.

Some conforming amendments are necessary in some orders to relocate provisions pertaining to the division of responsibility between the cooperative and the pool plant operator when the cooperative acts as a handler on farm bulk tank milk. In four orders this division of responsibility is described only in a section which is being revoked. Therefore, in these four orders, this provision is repositioned in other sections.

An inadvertent error in the Texas Panhandle order, regarding the designation of paragraphs in the handler section, is being corrected at this time. The paragraphs in the handler section are redesignated as a necessary conforming change, so that the references to that section throughout the order are consistent.

Rulings On Exceptions

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing Agreement And Order

Annexed hereto and made a part hereof are two documents, a marketing agreement regulating the handling of milk, and an order amending the orders regulating the handling of milk in the aforesaid specified marketing areas which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the Federal Register. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

DETERMINATION OF PRODUCER APPROVAL AND REPRESENTATIVE PERIOD

January 1971 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the orders, as amended and as hereby proposed to be amended, regulating the handling of milk in the aforesaid specified marketing areas, are approved or favored by producers, as defined under the terms of each of the orders, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the respective marketing areas.

Signed at Washington, D.C., on April 15, 1971.

RICHARD E. LYNG,
Assistant Secretary.

Order[1] Amending the Orders, Regulating the Handling of Milk in Certain Specified Marketing Areas

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

The following findings are hereby made with respect to each of the aforesaid orders:

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the aforesaid specified marketing areas.

The hearing was held pursuant to the provisions of the Agriculture Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in each of the specified marketing areas shall be in conformity to and in compliance with the terms and conditions of each of the orders, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreements and order amending each of the specified orders contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on February 25, 1971 (36 F.R. 3909), and published in the FEDERAL REGISTER on March 2, 1971, shall be and are the terms and provisions of this order, amending the orders and are set forth in full herein with the following modifications:

Index of changes:

1. *Part 1000.* Section 1000.3(c)(3) is revised.
2. *Part 1030.* Amendment No. 4 is added.
3. *Part 1108.* Amendment No. 4 is revised.
4. *Part 1131.* Amendment No. 2 is revised.

PART 1000—GENERAL PROVISIONS OF FEDERAL MILK MARKETING ORDERS

Sec.

§ 1000.1 Scope and purpose of Part 1000.

This part sets forth certain terms, definitions, and provisions which shall be common to and part of each Federal milk marketing order except as specifically defined otherwise, or modified, or otherwise provided, in an individual order.

§ 1000.2 Definitions.

The following terms shall have the following meanings as used in the order:

(a) *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

(b) *Order.* "Order" means the applicable part of Title 7 of the Code of Federal Regulations issued pursuant to section 8c of the Act as a Federal milk marketing order (as amended).

(c) *Department.* "Department" means the U.S. Department of Agriculture.

(d) *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated to act in his stead.

(e) *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 1000.3 Market administrator.

(a) *Designation.* The agency for the administration of the order shall be a market administrator selected by the Secretary and subject to removal at the Secretary's discretion. The market administrator shall be entitled to compensation determined by the Secretary.

(b) *Powers.* The market administrator shall have the following powers with respect to each order under his administration:

(1) Administer the order in accordance with its terms and provisions;

(2) Make rules and regulations to effectuate the terms and provisions of the order;

(3) Receive, investigate, and report complaints of violations to the Secretary; and

(4) Recommend amendments to the Secretary.

(c) *Duties.* The market administrator shall perform all the duties necessary to administer the terms and provisions of each order under his administration, including, but not limited to, the following:

(1) Execute and deliver to the Secretary a bond covering himself and a bond covering any person designated by the Secretary to act in his stead. The respective bond shall be:

(i) Delivered within 45 days after he (or the acting market administrator) enters upon his duties;

(ii) Effective as of the date he (or the acting market administrator) enters upon his duties;

(iii) Conditioned upon the faithful performance of the market administrator's duties; and

(iv) In an amount and with surety thereon satisfactory to the Secretary;

(2) Employ and fix the compensation of persons necessary to enable him to exercise his powers and perform his duties;

(3) Pay out of funds provided by the administrative assessment, except expenses associated with functions for which the order provides a separate charge, all expenses necessarily incurred in the maintenance and functioning of his office and in the performance of his duties, including his own bond and compensation and the necessary bonds of his employees;

(4) Keep records which will clearly reflect the transactions provided for in the order, and upon request by the Secretary, surrender the records to his successor or such other person as the Secretary may designate;

(5) Furnish information and reports requested by the Secretary and submit his records to examination by the Secretary;

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

(6) Announce publicly at his discretion, unless otherwise directed by the Secretary, by such means as he deems appropriate, the name of any handler who, after the date upon which he is required to perform such act, has not:

(i) Made reports required by the order;

(ii) Made payments required by the order; or

(iii) Made available records and facilities as required pursuant to § 1000.5;

(7) Prescribe reports required of each handler under the order. Verify such reports and the payments required by the order by examining records (including such papers as copies of income tax reports, fiscal and product accounts, correspondence, contracts, documents or memoranda of the handler, and the records of any other persons that are relevant to the handler's obligation under the order), by examining such handler's milk handling facilities; and by such other investigation as the market administrator deems necessary for the purpose of ascertaining the correctness of any report or any obligation under the order. Reclassify skim milk and butterfat received by any handler if such examination and investigation discloses that the original classification was incorrect.

(8) Furnish each regulated handler a written statement of such handler's accounts with the market administrator promptly each month. Furnish a corrected statement to such handler if verification discloses that the original statement was incorrect; and

(9) Prepare and disseminate publicly for the benefit of producers, handlers, and consumers such statistics and other information concerning operation of the order and facts relevant to the provisions thereof (or proposed provisions) as do not reveal confidential information.

§ 1000.4 Continuity and separability of provisions.

(a) *Effective time.* The provisions of the order or any amendment to the order shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

(b) *Suspension or termination.* The Secretary shall suspend or terminate any or all of the provisions of the order whenever he finds that such provision(s) obstructs or does not tend to effectuate the declared policy of the Act. The order shall terminate whenever the provisions of the Act authorizing it cease to be in effect.

(c) *Continuing obligations.* If upon the suspension or termination of any or all of the provisions of the order, there are any obligations arising under the order, the final accrual or ascertainment of which requires acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination.

(d) *Liquidation.* (1) Upon the suspension or termination of any or all provisions of the order, the market administrator, or such other liquidating agent designated by the Secretary, shall if so directed by the Secretary liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition; and

(2) If a liquidating agent is so designated, all assets and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market admininstrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

(e) *Separability of provisions.* If any provision of the order or its application to any person or circumstances is held invalid, the application of such provision and of the remaining provisions of the order to other persons or circumstances shall not be affected thereby.

§ 1000.5 Handler responsibility for records and facilities.

Each handler shall maintain and retain records of his operations and make such records and his facilities available to the market administrator. If adequate records of a handler, or of any other persons, that are relevant to the obligation of such handler are not maintained and made available, any skim milk and butterfat required to be reported by such handler for which adequate records are not available shall not be considered accounted for or established as used in a class other than the highest priced class.

(a) *Records to be maintained.* (1) Each handler shall maintain records of his operations (including, but not limited to, records of purchases, sales, processing, packaging, and disposition) as are necessary to verify whether such handler has any obligation under the order, and if so, the amount of such obligation. Such records shall be such as to establish for each plant or other receiving point for each month:

(i) The quantities of skim milk and butterfat contained in, or represented by, products received in any form, including inventories on hand at the beginning of the month, according to form, time, and source of each receipt;

(ii) The utilization of all skim milk and butterfat showing the respective quantities of such skim milk and butterfat in each form disposed of or on hand at the end of the month; and

(iii) Payments to producers, dairy farmers and cooperative associations, including the amount and nature of any deductions and the disbursement of money so deducted.

(2) Each handler shall keep such other specific records as the market administrator deems necessary to verify or establish such handler's obligation under the order.

(b) *Availability of records and facilities.* Each handler shall make available all records pertaining to such handler's operations and all facilities the market administrator finds are necessary for such market administrator to verify the information required to be reported by the order and/or to ascertain such handler's reporting, monetary or other obligation under the order. Each handler shall permit the market administrator to weigh, sample, and test milk and milk products and observe plant operations and equipment and make available to the market administrator such facilities as are necessary to carry out his duties.

(c) *Retention of records.* All records required under the order to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such records pertain. If, within such 3-year period, the market administrator notifies the handler in writing that the retention of such records, or of specified records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such records, or specified records, until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 1000.6 Termination of obligations.

The provisions of this section shall apply to any obligation under the order for the payment of money:

(a) Except as provided in paragraphs (b) and (c) of this section, the obligation of any handler to pay money required to be paid under the terms of the order shall terminate 2 years after the last day of the month during which the market administrator receives the handler's report of receipts and utilization on which such obligation is based, unless within such 2-year period, the market administrator notifies the handler in writing that such money is due and payable. Service of such written notice shall be complete upon mailing to the handler's last known address and it shall contain but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) on which such obligation is based; and

(3) If the obligation is payable to one or more producers or to a cooperative association (except an obligation to be prorated to producers under an individual handler pool), the name of such producer(s) or such cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under the order, to make available to the market administrator all records required by the order to be made available, the market administrator may notify the handler in writing, within the 2-year period provided

for in paragraph (a) of this section, of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such records pertaining to such obligation are made available to the market administrator;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under the order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Unless the handler files a petition pursuant to section 8c(15)(A) of the Act and the applicable rules and regulations (7 CFR 900.50 et seq.) within the applicable 2-year period indicated below, the obligation of the market administrator:

(1) To pay a handler any money which such handler claims to be due him under the terms of the order shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claim were received; or

(2) To refund any payment made by a handler (including a deduction or offset by the market administrator) shall terminate 2 years after the end of the month during which payment was made by the handler.

PART 1001—MILK IN THE MASSACHUSETTS-RHODE ISLAND-NEW HAMPSHIRE MARKETING AREA

1. The center headings are revised as follows: "General Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1001.1, 1001.5, 1001.6, 1001.30, 1001.31, 1001.44, 1001.45, 1001.90, 1001.91, 1001.92, 1001.93, 1001.94, 1001.95, 1001.96, and the center heading "Miscellaneous Provisions" are revoked.

3. A new § 1001.1 is added as follows:

§ 1001.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1001.32 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1001.32 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

5. In § 1001.42 a new paragraph (e) is added as follows:

§ 1001.42 Reports regarding individual producers and dairy farmers.

* * * * *

(e) Each handler shall submit to the market administrator, within 10 days after his request made not earlier than 20 days after the end of the month, his producer payroll for the month, which shall show for each producer:

(1) The daily and total pounds of milk delivered and its average butterfat test; and

(2) The net amount of the handler's payments to the producer, with the prices, deductions, and charges involved.

PART 1002—MILK IN NEW YORK-NEW JERSEY MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1002.1, 1002.2, 1002.4, 1002.20, 1002.21, 1002.33, 1002.34, 1002.43, 1002.91, 1002.92 1002.93, 1002.94, 1002.95, and the center heading "Miscellaneous" are revoked.

3. A new § 1002.1 is added as follows:

§ 1002.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1002.12(e) the reference to "§ 1002.33" is changed to "§ 1000.5".

5. In § 1002.22 paragraphs (a) through (h) and paragraph (k) are revoked, and the section title and introductory text are revised as follows:

§ 1002.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1004—MILK IN MIDDLE ATLANTIC MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1004.1, 1004.2, 1004.3, 1004.4, 1004.20, 1004.21, 1004.32, 1004.33, 1004.43, 1004.89a, 1004.90, 1004.91, 1004.92, 1004.93, 1004.100, 1004.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions," are revoked.

3. A new § 1004.1 is added as follows:

§ 1004.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1004.22 paragraphs (a) through (i) are revoked and the section title and introductory text are revised as follows:

§ 1004.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1006—MILK IN UPPER FLORIDA MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1006.1, 1006.2 1006.3, 1006.4, 1006.20, 1006.21, 1006.33, 1006.34, 1006.80, 1006.90, 1006.91, 1006.92, 1006.93, 1006.100, 1006.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1006.1 is added as follows:

§ 1006.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In paragraph (c) of § 1006.17, the reference "pursuant to § 1006.33" is revoked.

5. In § 1006.22 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1006.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

6. In § 1006.40 the proviso is revoked and the colon preceding it is changed to a period.

PART 1007—MILK IN GEORGIA MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1007.1, 1007.2, 1007.3, 1007.4, 1007.25, 1007.26, 1007.33, 1007.34, 1007.80, 1007.90, 1007.91, 1007.92, 1007.93, 1007.100, 1007.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1007.1 is added as follows:

§ 1007.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In paragraph (c) of § 1007.17, the reference "pursuant to § 1007.33" is revoked.

5. In § 1007.27 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1007.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

6. In § 1007.40 the proviso is revoked and the colon preceding it is changed to a period.

PART 1011—MILK IN APPALACHIAN MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1011.1, 1011.2, 1011.3, 1011.4, 1011.20, 1011.21, 1011.33, 1011.34, 1011.43, 1011.73, 1011.99, 1011.100, 1011.101, 1011.102, 1011.103, 1011.110, 1011.111, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1011.1 is added as follows:

§ 1011.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1011.22 paragraphs (a) through (h) and paragraph (j) are revoked, and the section title and introductory text are revised as follows:

§ 1011.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1012—MILK IN TAMPA BAY MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1012.1, 1012.2, 1012.3, 1012.4, 1012.20, 1012.21, 1012.33, 1012.34, 1012.80, 1012.90, 1012.91, 1012.92, 1012.93, 1012.100, 1012.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1012.1 is added as follows:

§ 1012.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In paragraph (c) of § 1012.17, the reference "pursuant to § 1012.33" is revoked.

5. In § 1012.22 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1012.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

6. In 1012.40 the proviso is revoked and the colon preceding the proviso is changed to a period.

PART 1013—MILK IN SOUTHEASTERN FLORIDA MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1013.1, 1013.2, 1013.3, 1013.4, 1013.25, 1013.26, 1013.32, 1013.33, 1013.43, 1013.74, 1013.87, 1013.100, 1013.101, 1013.102, 1013.103, 1013.110, 1013.111, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1013.1 is added as follows:

§ 1013.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In paragraph (c) of § 1013.17, the reference "pursuant to § 1013.32" is revoked.

5. In § 1013.27 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1013.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1015—MILK IN CONNECTICUT MARKETING AREA

1. The center headings are revised as follows: "General Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1015.1, 1015.5, 1015.6, 1015.30, 1015.31, 1015.44, 1015.45, 1015.90, 1015.91, 1015.92, 1015.93, 1015.94, 1015.95, 1015.96 and the center heading "Miscellaneous Provisions" are revoked.

3. A new § 1015.1 is added as follows:

§ 1015.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1015.32 paragraphs (a) through (f) and paragraphs (h) through (j) are revoked, and the section title and introductory text are revised as follows:

§ 1015.32 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

5. In § 1015.42 a new paragraph (d) is added as follows:

§ 1015.42 Reports regarding individual producers.

* * * * *

(d) Each handler under § 1015.9 (a), (c), and (d) shall submit to the market administrator, within 5 days after his request made not earlier than 22 days after the end of the month, his producer payroll for the month, which shall show for each producer or with respect to producer milk received from a cooperative association in its capacity as a handler under § 1015.9(d):

(1) The daily and total pounds of milk delivered and its average butterfat test; and

(2) The net amount of the handler's payments to the producer, or cooperative association with the prices, deductions, and charges involved.

6. In § 1015.80 the last sentence is revoked.

PART 1030—MILK IN CHICAGO REGIONAL MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1030.1, 1030.2, 1030.3, 1030.4, 1030.20, 1030.21, 1030.32, 1030.33, 1030.43, 1030.89, 1030.90, 1030.91, 1030.92, 1030.93, 1030.100, 1030.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new §1030.1 is added as follows:

§ 1030.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1030.16 paragraph (b) is revised as follows:

§ 1030.16 Producer milk.

* * * * *

(b) Received at a pool plant from a cooperative association handler pursuant to § 1030.13(e). The utilization value of such milk at class prices shall be included in the receiving handler's net pool obligation pursuant to § 1030.70;

* * * * *

5. In § 1030.22 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1030.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1032—MILK IN SOUTHERN ILLINOIS MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1032.1, 1032.2, 1032.3, 1032.4, 1032.20, 1032.21, 1032.34, 1032.35, 1032.42, 1032.72, 1032.90, 1032.100, 1032.101, 1032.102, 1032.103, 1032.104, 1032.105, and the center headings "Termination of Obligations" and "Miscellaneous Provisions" are revoked.

3. A new § 1032.1 is added as follows:

§ 1032.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1032.22 paragraphs (a) through (g) and paragraph (j) are revoked, and the section title and introductory text are revised as follows:

§ 1032.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1033—MILK IN OHIO VALLEY MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1033.1, 1033.2, 1033.3, 1033.4, 1033.25, 1033.26, 1033.32, 1033.33, 1033.44, 1033.80, 1033.81, 1033.82, 1033.83, 1033.90, 1033.91, 1033.92 and the center headings "Effective Time and Suspension or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1033.1 is added as follows:

§ 1033.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In paragraph (c) of § 1033.18 the reference "pursuant to § 1033.32" is revoked.

5. In § 1033.27 paragraphs (a) through (j) and subparagraph (1) of paragraph (l) are revoked, and the section title and introductory text are revised as follows:

§ 1033.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1036—MILK IN EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1036.1, 1036.2, 1036.3, 1036.4, 1036.25, 1036.26, 1036.33, 1036.34, 1036.63, 1036.79, 1036.90, 1036.91, 1036.92, 1036.93, 1036.100, 1036.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1036.1 is added as follows:

§ 1036.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In paragraph (c) of § 1036.17 the reference "pursuant to § 1036.33" is revoked.

5. In § 1036.27 paragraphs (a) through (g) and paragraphs (i) and (k) are revoked, and the section title and introductory text are revised as follows:

§ 1036.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

6. In § 1036.40 the proviso is revoked and the colon preceding it is changed to a period.

PART 1040—MILK IN SOUTHERN MICHIGAN MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Handler Reports, Records, and Facilities" to "Reports."

2. Sections 1040.1, 1040.2, 1040.3, 1040.4, 1040.25, 1040.26, 1040.32, 1040.33, 1040.67, 1040.100, 1040.101, 1040.102, 1040.103, 1040.104, 1040.110, 1040.111, and the center headings "Effective Time, Suspension or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1040.1 is added as follows:

§ 1040.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1040.27 paragraphs (a) through (f) and paragraphs (h) through (j) are revoked, and the section title and introductory text are revised as follows:

§ 1040.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties.

* * * * *

5. Section 1040.44 is revised as follows:

§ 1040.44 Bulk deliveries by a cooperative association.

Milk in bulk delivered by a cooperative association as a handler under § 1040.7 (c) or from the pool plant of a cooperative association to a handler's pool plant shall be classified according to use or disposition by the latter handler and the value thereof at the class prices shall be included in his net pool obligation pursuant to § 1040.60.

6. Section 1040.90 is revised as follows:

§ 1040.90 Handler exemption.

Only §§ 1040.31 and 1000.5 of this chapter, as incorporated by § 1040.1, shall apply to a handler who operates a plant, other than a plant described in § 1040.16 (b), located outside the marketing area from which fluid milk products are disposed of within the marketing area on a route(s) but from which the disposition of fluid milk products on all routes operated wholly or partly within the marketing area averages less than 600 pounds per day for the month, and from which no milk is transferred to other handlers.

7. In § 1040.91 paragraph (a) is revised as follows:

§ 1040.91 Handlers subject to other Federal orders.

(a) Only § 1040.31, paragraph (b) of this section, and § 1000.5 of this chapter, as incorporated by § 1040.1, shall apply to a handler who operates a plant at which during the month milk is fully subject to the classification, pricing, and payment provisions of another order issued pursuant to the Act and the disposition of fluid milk products, except filled milk, in the other Federal marketing area exceeds that in the Southern Michigan marketing area.

* * * * *

8. Section 1040.92 is revised as follows:

§ 1040.92 Producer handler exemption.

Only §§ 1040.31 and 1000.5 of this chapter, as incorporated by § 1040.1, shall apply to a producer-handler.

PART 1043—MILK IN UPSTATE MICHIGAN MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1043.1, 1043.2, 1043.3, 1043.4, 1043.20, 1043.21, 1043.34, 1043.35, 1043.44, 1043.64, 1043.78, 1043.90, 1043.91, 1043.92, 1043.93, 1043.100, 1043.101, and the center headings "Effective Time, Suspension or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1043.1 is added as follows:

§ 1043.1 General provisions.

The terms, definitions, and provisions in Part 1000 or this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1043.22 paragraphs (a) through (h) are revoked, and the section title and introductory text are revised as follows:

§ 1043.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

5. Section 1043.81 is revised as follows:

§ 1043.81 Producer-handler exemption.

Only §§ 1043.32 and 1000.5 of this chapter, as incorporated by § 1043.1, shall apply to a producer-handler.

6. Section 1043.82 is revised as follows:

§ 1043.82 Handler exemption.

Only §§ 1043.33 and 1000.5 of this chapter, as incorporated by § 1043.1, shall apply to a handler who operates a plant from which an average of less than 100 points (one point being defined as one pint of half-and-half or one quart of any other Class I product) of Class I milk per day is disposed of in the marketing area during the month on routes.

PART 1044—MILK IN MICHIGAN UPPER PENINSULA MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1044.1, 1044.2, 1044.3, 1044.4, 1044.20, 1044.21, 1044.34, 1044.35, 1044.44, 1044.64, 1044.75, 1044.90, 1044.91, 1044.92, 1044.93, 1044.100, 1044.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1044.1 is added as follows:

§ 1044.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1044.22 paragraphs (a) through (h) are revoked, and the section title and introductory text are revised as follows:

§ 1044.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

5. Section 1044.80 is revised as follows:

§ 1044.80 Producer-handler exemption.

Only §§ 1044.33 and 1000.5 of this chapter, as incorporated by § 1044.1, shall apply to a producer handler.

6. Section 1044.81 is revised as follows:

§ 1044.81 Exempt handler.

Only §§ 1044.33 and 1000.5 of this chapter, as incorporated by § 1044.1, shall apply to a handler who operates a fluid milk plant, of the type specified in § 1044.8(a), located outside the marketing area from which an average of less than 600 pounds of fluid milk products per day are disposed of during the month in the marketing area on route(s).

PART 1046—MILK IN LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1046.1, 1046.2, 1046.3, 1046.4, 1046.20, 1046.21, 1046.33, 1046.34, 1046.43, 1046.89, 1046.90, 1046.91, 1046.92, 1046.93, 1046.100, 1046.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1046.1 is added as follows:

§ 1046.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1046.22 paragraphs (a) through (i) and paragraph (l) are revoked, and the section title and introductory text are revised as follows:

§ 1046.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1049—MILK IN INDIANA MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1049.1, 1049.2, 1049.3, 1049.4, 1049.25, 1049.26, 1049.33, 1049.34, 1049.43, 1049.87, 1049.90, 1049.91, 1049.92, 1049.93, 1049.100, 1049.101, and the center headings "Effective Time, Suspension or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1049.1 is added as follows:

§ 1049.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1049.27 paragraphs (a) through (i) and paragraph (1) are revoked, and the section title and introductory text are revised as follows:

§ 1049.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1050—MILK IN CENTRAL ILLINOIS MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1050.1, 1050.2, 1050.3, 1050.4, 1050.20, 1050.21, 1050.34, 1050.35, 1050.42, 1050.72, 1050.90, 1050.100, 1950.101, 1050.102, 1050.103, 1050.104, 1050.105, and the center headings "Termination of Obligations" and "Miscellaneous Provisions" are revoked.

3. A new § 1050.1 is added as follows:

§ 1050.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1050.22 paragraphs (a) through (g) and paragraph (j) are revoked, and the section title and introductory text are revised as follows:

§ 1050.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1060—MILK IN MINNESOTA-NORTH DAKOTA MARKETING AREA

1. The center headings are revised as follows: "General Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1060.1, 1060.4, 1060.6, 1060.7, 1060.30, 1060.31, 1060.38, 1060.39, 1060.43, 1060.89, 1060.90, 1060.91, 1060.92, 1060.93, 1060.100, 1060.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1060.1 is added as follows:

§ 1060.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1060.32 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1060.32 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c), of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1061—MILK IN SOUTHEASTERN MINNESOTA-NORTHERN IOWA (DAIRYLAND) MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1061.1, 1061.2, 1061.3, 1061.4, 1061.20, 1061.21, 1061.32, 1061.33, 1061.43, 1061.93, 1061.94, 1061.95, 1061.100, 1061.101, 1061.102, 1061.103, and the center heading "Effective Time, Suspension, or Termination" are revoked.

3. A new § 1061.1 is added as follows:

§ 1061.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1061.22 paragraphs (a) through (g) are revoked, and paragraph (i), the section title and introductory text are revised as follows:

§ 1061.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

(i) On or before the 12th day after the end of each month, announce the uniform price computed pursuant to § 1061.71 and the producer butterfat differential pursuant to § 1061.81.

* * * * *

PART 1062—MILK IN ST. LOUIS-OZARKS MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1062.1, 1062.2, 1062.3, 1962.4, 1062.20, 1062.21, 1062.33, 1062.34, 1062.43, 1062.72, 1062.89, 1062.90, 1062.91, 1062.92, 1062.93, 1062.94, 1062.95, and the center heading "Miscellaneous Provisions" are revoked.

3. A new § 1062.1 is added as follows:

§ 1062.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1062.22 paragraphs (a) through (h) and paragraph (j) are revoked, and the section title and introductory text are revised as follows:

§ 1062.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1063—MILK IN QUAD CITIES-DUBUQUE MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1063.1, 1063.2, 1063.3, 1063.4, 1063.20, 1063.21, 1063.32, 1063.33, 1063.43, 1063.89, 1063.90, 1063.91, 1063.92, 1063.93, 1063.94, 1063.95, and the center heading "Miscellaneous Provisions" are revoked.

3. A new § 1063.1 is added as follows:

§ 1063.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1063.22 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1063.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1064—MILK IN GREATER KANSAS CITY MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1064.1, 1064.2, 1064.3, 1064.4, 1064.20, 1064.21, 1064.33, 1064.34, 1064.43, 1064.89, 1064.90, 1064.91, 1064.92, 1064.93, 1064.100, 1064.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1064.1 is added as follows:

§ 1064.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1064.22 paragraphs (a) through (h) and paragraph (k) are revoked, and the section title and introductory text are revised as follows:

§ 1064.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1065—MILK IN NEBRASKA-WESTERN IOWA MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1065.1, 1065.2, 1065.3, 1065.4, 1065.20, 1065.21, 1065.33, 1065.34, 1065.43, 1065.74, 1065.87, 1065.90, 1065.91, 1065.92, 1065.93, 1065.94, 1065.95, and the center heading "Miscellaneous Provisions" are revoked.

3. A new § 1065.1 is added as follows:

§ 1065.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In paragraph (b) of § 1065.15, the reference "pursuant to § 1065.33" is revoked.

5. In § 1065.22 revoke paragraphs (a) through (i) and revise the section title and introductory text as follows:

§ 1065.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

6. In § 1065.61 the introductory text is revised as follows:

§ 1065.61 Plants subject to other Federal orders.

Only §§ 1065.32, 1000.5 of this chapter, as incorporated by § 1065.1, and paragraph (c) of this section shall apply to a handler with respect to the operation of plants described in paragraphs (a) or (b) of this paragraph.

* * * * *

PART 1068—MILK IN MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1068.1, 1068.2, 1068.3, 1068.5, 1068.6, 1068.20, 1068.21, 1068.33, 1068.34, 1068.43, 1068.73, 1068.93, 1068.94, 1068.100, 1068.101, 1068.102, 1068.103, and the center heading "Effective Time, Suspension, or Termination" are revoked.

3. A new § 1068.1 is added as follows:

§ 1068.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1068.22 paragraphs (a) through (f) are revoked, and the section title and introductory text are revised as follows:

§ 1068.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

5. In the introductory paragraph of § 1068.62, the reference "§ 1068.33" is changed to "§ 1000.5 of this chapter."

PART 1069—MILK IN DULUTH-SUPERIOR MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1069.1, 1069.2, 1069.3, 1069.4, 1069.20, 1069.21, 1069.33, 1069.34, 1069.43, 1069.72, 1069.89, 1069.90, 1069.91, 1069.92, 1069.93, 1069.94, 1069.95, and the center heading "Miscellaneous Provisions" are revoked.

3. A new § 1069.1 is added as follows:

§ 1069.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1069.22 paragraphs (a) through (h) and paragraph (j) are revoked, and the section title and introductory text are revised as follows:

§ 1069.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1070—MILK IN CEDAR RAPIDS-IOWA CITY MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1070.1, 1070.2, 1070.3, 1070.4, 1070.20, 1070.21, 1070.32, 1070.33, 1070.43, 1070.89, 1070.90, 1070.91, 1070.92, 1070.93, 1070.100, 1070,101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1070.1 is added as follows:

§ 1070.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby

incorporated by reference and made a part of this order.

4. In § 1070.22 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1070.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1071—MILK IN NEOSHO VALLEY MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1071.1, 1071.2, 1071.3, 1071.4, 1071.20, 1071.21, 1071.33, 1071.34, 1071.43, 1071.98, 1071.100, 1071.101, 1071.102, 1071.103, 1071.110, 1071.111, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1071.1 is added as follows:

§ 1071.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1071.22 paragraphs (a) through (h) and paragraph (k) are revoked, and the section title and introductory text are revised as follows:

§ 1071.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1073—MILK IN WICHITA, KANS., MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1073.1, 1073.2, 1073.3, 1073.4, 1073.20, 1073.21, 1073.33, 1073.34, 1073.43, 1073.72, 1073.89, 1073.90, 1073.91, 1073.92, 1073.93, 1073.94, 1073.95, and the center heading "Miscellaneous Provisions" are revoked.

3. A new § 1073.1 is added as follows:

§ 1073.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1073.22 paragraphs (a) through (h) and paragraph (j) are revoked, and the section title and introductory text are revised as follows:

§ 1073.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1075—MILK IN BLACK HILLS, S. DAK., MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1075.1, 1075.2, 1075.3, 1075.4, 1075.25, 1075.26, 1075.32, 1075.33, 1075.43, 1075.74, 1075.89, 1075.90, 1075.91, 1075.92, 1075.93, 1075.94, 1075.95, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1075.1 is added as follows:

§ 1075.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1075.27 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1075.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1076—MILK IN EASTERN SOUTH DAKOTA MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1076.1, 1076.2, 1076.3, 1076.4, 1076.25, 1076.26, 1076.33, 1076.34, 1076.43, 1076.76, 1076.86, 1076.100, 1076.101, 1076.102, 1076.103, 1076.104, 1076.105, and the center heading "Miscellaneous Provisions" are revoked.

3. A new § 1076.1 is added as follows:

§ 1076.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1076.27 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1076.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

5. In § 1076.61 the introductory text is revised as follows:

§ 1076.61 Plants subject to other Federal orders.

Only §§ 1076.32, 1000.5 of this chapter, as incorporated by § 1076.1, and paragraph (c) of this section shall apply to a handler with respect to the operation of plants described in paragraph (a) or (b) of this section.

* * * * *

PART 1078—MILK IN NORTH CENTRAL IOWA MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1078.1, 1078.2, 1078.3, 1078.4, 1078.20, 1078.21, 1078.32, 1078.33, 1078.43, 1078.86, 1078.90, 1078.91, 1078.92, 1078.93, 1078.100, 1078.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1078.1 is added as follows:

§ 1078.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1078.22 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1078.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1079—MILK IN DES MOINES, IOWA, MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1079.1, 1079.2, 1079.3, 1079.4, 1079.25, 1079.26, 1079.32, 1079.33, 1079.43, 1079.89, 1079.90, 1079.91, 1079.92, 1079.93, 1079.100, 1079.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1079.1 is added as follows:

§ 1079.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1079.27 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1079.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1090—MILK IN CHATTANOOGA, TENN., MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1090.1, 1090.2, 1090.4, 1090.19, 1090.25, 1090.26, 1090.32, 1090.33, 1090.43, 1090.75, 1090.87, 1090.100, 1090.101, 1090.102, 1090.103, 1090.110, 1090.111, and center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1090.1 is added as follows:

§ 1090.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In §1090.27 paragraphs (a) through (g) and paragraphs (i) and (j) are revoked, and the section title and introductory text are revised as follows:

§ 1090.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1094—MILK IN NEW ORLEANS, LA., MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1094.1, 1094.2, 1094.3, 1094. 5, 1094.20, 1094.21, 1094.34, 1094.35, 1094.43, 1094.77, 1094.87, 1094.100, 1094.101, 1094.102, 1094.103, 1094.110, 1094.111, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1094.1 is added as follows:

§ 1094.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In paragraph (b) of § 1094.16 the reference "pursuant to § 1094.34" is revoked.

5. In § 1094.22 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1094.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

6. Section 1094.60 is revised as follows:

§ 1094.60 Producer-handler exemption.

Only §§ 1094.32 and 1000.5 of this chapter, as incorporated by § 1094.1, shall apply to a producer-handler.

7. The introductory text of § 1094.63 is revised as follows:

§ 1094.63 Plants subject to other Federal orders.

Only §§ 1094.32 and 1000.5 of this chapter, as incorporated by § 1094.1, and paragraph (c) of this section shall apply to a handler operating a plant specified in paragraph (a) or (b) of this section.

* * * * *

PART 1096—MILK IN NORTHERN LOUISIANA MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1096.1, 1096.2, 1096.3, 1096.4, 1096.25, 1096.26, 1096.33, 1096.34, 1096.43, 1096.87, 1096.90, 1096.91, 1096.92, 1096.93, 1096.94, 1096.95, and the center hearing "Miscellaneous Provisions" are revoked.

3. A new § 1096.1 is added as follows:

§ 1096.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1096.27 paragraphs (a) through (i) and paragraph (l) are revoked, and the section title and introductory text are revised as follows:

§ 1096.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1097—MILK IN MEMPHIS, TENN., MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1097.1, 1097.2, 1097.3, 1097.4, 1097.20, 1097.21, 1097.32, 1097.33, 1097.43, 1097.98, 1097.100, 1097.101, 1097.-102, 1097.103, 1097.110, 1097.111, and the center headings "Effective Time, Suspension or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1097.1 is added as follows:

§ 1097.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1097.22 paragraphs (a) through (h) and paragraphs (j) and (l) are revoked, and the section title and introductory text are revised as follows:

§ 1097.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1098—MILK IN NASHVILLE, TENN., MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1098.1, 1098.2, 1098.3, 1098.4, 1098.20, 1098.21, 1098.33, 1098.34, 1098.43, 1098.73, 1098.88, 1098.100, 1098.101, 1098.102, 1098.103, 1098.104, 1098.105, and the center heading "Miscellaneous Provisions" are revoked.

3. A new § 1098.1 is added as follows:

§ 1098.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1098.22 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1098.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1099—MILK IN PADUCAH, KY., MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1099.1, 1099.2, 1099.3, 1099.4, 1099.20, 1099.21, 1099.33, 1099.34, 1099.42, 1099.89, 1099.90, 1099.91, 1099.92, 1099.93, 1099.100, 1099.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1099.1 is added as follows:

§ 1099.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1099.22 paragraphs (a) through (g) and paragraphs (i) and (j) are revoked, and the section title and introductory text are revised as follows:

§ 1099.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1101—MILK IN KNOXVILLE, TENN., MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1101.1, 1101.2, 1101.3, 1101.4, 1101.20, 1101.21, 1101.32, 1101.33, 1101.43, 1101.73, 1101.89, 1101.100, 1101.101, 1101.102, 1101.103, 1101.110, 1101.111, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1101.1 is added as follows:

§ 1101.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby

incorporated by reference and made a part of this order.

4. In § 1101.22 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1101.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1102—MILK IN FORT SMITH, ARK., MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1102.1, 1102.2, 1102.3, 1102.4, 1102.20, 1102.21, 1102.33, 1102.34, 1102.43, 1102.85, 1102.100, 1102.101, 1102.102, 1102.103, 1102.110, 1102.111, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1102.1 is added as follows:

§ 1102.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1102.22 paragraphs (a) through (h) and paragraph (l) are revoked, and the section title and introductory text are revised as follows:

§ 1102.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the follow- duties:

* * * * *

PART 1103—MILK IN MISSISSIPPI MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1103.1, 1103.2, 1103.3, 1103.4, 1103.20, 1103.21, 1103.33, 1103.34, 1103.43, 1103.100, 1103.105, 1103.106, 1103.107, 1103.108, 1103.109, 1103.110, and the center heading "Miscellaneous Provisions" are revoked.

3. A new § 1103.1 is added as follows:

§ 1103.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1103.22 paragraphs (a) through (h) and paragraphs (k) and (l) are revoked, and the section title and introductory text are revised as follows:

§ 1103.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1104—MILK IN RED RIVER VALLEY MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to Reports."

2. Sections 1104.1, 1104.2, 1104.3, 1104.5, 1104.25, 1104.26, 1104.33, 1104.34, 1104.43, 1104.87, 1104.90, 1104.91, 1104.92, 1104.93, 1104.100, 1104.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1104.1 is added as follows:

§ 1104.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1104.27 paragraphs (a) through (g) and paragraphs (i) and (j) are revoked, and the section title and introductory text are revised as follows:

§ 1104.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1106—MILK IN OKLAHOMA METROPOLITAN MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1106.1, 1106.2, 1106.3, 1106.4, 1106.20, 1106.21, 1106.33, 1106.34, 1106.43, 1106.89, 1106.90, 1106.91, 1106.92, 1106.93, 1106.100, 1106.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1106.1 is added as follows:

§ 1106.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1106.22 paragraphs (a) through (h) and paragraph (k) are revoked, and the section title and introductory text are revised as follows:

§ 1106.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1108—MILK IN CENTRAL ARKANSAS MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1108.1, 1108.2, 1108.3, 1108.5, 1108.25, 1108.26, 1108.32, 1108.33, 1108.43, 1108.75, 1108.87, 1108.100, 1108.101, 1108.102, 1108.103, 1108.110, 1108.111, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1108.1 is added as follows:

§ 1108.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1108.27 paragraphs (a) through (g) and paragraph (j) are revoked, and the section title, introductory text, and paragraph (i) are revised as follows:

§ 1108.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

(i) On or before the 11th day after the end of each of the months March through July, the market administrator shall notify each handler of the amount of base milk and excess milk received from each producer.

PART 1120—MILK IN LUBBOCK-PLAINVIEW, TEX., MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1120.1, 1120.2, 1120.3, 1120.4, 1120.25, 1120.26, 1120.32, 1120.33, 1120.43, 1120.88, 1120.90, 1120.91, 1120.92, 1120.93, 1120.94, 1120.95, and the center heading "Miscellaneous Provisions" are revoked.

3. A new § 1120.1 is added as follows:

§ 1120.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In paragraph (b) of § 1120.16 the reference "pursuant to § 1120.32" is revoked.

5. In § 1120.27 paragraphs (a) through (i) and paragraph (l) are revoked, and the section title and introductory text are revised as follows:

§ 1120.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1121—MILK IN SOUTH TEXAS MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1121.1, 1121.2, 1121.3, 1121.4, 1121.20, 1121.21, 1121.33, 1121.34, 1121.43, 1121.89, 1121.90, 1121.91, 1121.92, 1121.93, 1121.100, 1121.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1121.1 is added as follows:

§ 1121.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In paragraph (b) of § 1121.17 the reference "pursuant to § 1121.33" is revoked.

5. In § 1121.22 paragraphs (a) through (h) and paragraphs (j) and (k) are revoked, and the section title and introductory text are revised as follows:

§ 1121.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1124—MILK IN OREGON-WASHINGTON MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1124.1, 1124.2, 1124.3, 1124.4, 1124.20, 1124.21, 1124.33, 1124.34, 1124.43, 1124.88, 1124.90, 1124.91, 1124.92, 1124.93, 1124.100, 1124.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1124.1 is added as follows:

§ 1124.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In paragraph (c) of § 1124.14 the reference "pursuant to § 1124.33" is revoked.

5. In § 1124.22 paragraphs (a) through (h) and paragraph (k) are revoked, and the section title, introductory text, and paragraph (j) are revised as follows:

§ 1124.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

(j) On or before the 14th day after the end of each month report to each cooperative association which so requests the amount and class utilization of producer milk delivered from members of such association to each proprietary handler receiving such milk. For the purpose of this report, the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler;

* * * * *

PART 1125—MILK IN PUGET SOUND, WASH., MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions," "Reports, Records, and Facilities" to "Reports," and "Miscellaneous Provisions" to "Class I Base Provisions."

2. Sections 1125.1, 1125.2, 1125.3, 1125.4, 1125.20, 1125.21, 1125.33, 1125.34, 1125.43, 1125.89, 1125.90, 1125.91, 1125.92, 1125.93, 1125.100, 1125.101, and the center heading "Effective Time, Suspension, or Termination" are revoked.

3. A new § 1125.1 is added as follows:

§ 1125.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1125.14(e) the reference to "§ 1125.33" is changed to "§ 1000.5".

5. In § 1125.22 paragraphs (a) through (h) and paragraphs (j) and (l) are revoked, and the section title and introductory text are revised as follows:

§ 1125.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

6. The introductory text of § 1125.66 is revised as follows:

§ 1125.66 Plants subject to other Federal orders.

Only §§ 1125.30(e), 1125.32, paragraph (c) of this section, and § 1000.5, as incorporated by § 1125.1, shall apply to a handler with respect to the operation of plants described as follows:

* * * * *

PART 1126—MILK IN NORTH TEXAS MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1126.1, 1126.2, 1126.3, 1126.4, 1126.25, 1126.26, 1126.33, 1126.34, 1126.43, 1126.98, 1126.100, 1126.101, 1126.102, 126.103, 1126.110, 1126.111, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1126.1 is added as follows:

§ 1126.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1126.27 paragraphs (a) through (h) and paragraph (k) are revoked, and the section title and introductory text are revised as follows:

§ 1126.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1127—MILK IN SAN ANTONIO, TEX., MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1127.1, 1127.2, 1127.3, 1127.20, 1127.21, 1127.33, 1127. 34, 1127.43, 1127.89, 1127.90, 1127.91, 1127.92, 1127.93, 1127.100, 1127.101 and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1127.1 is added as follows:

§ 1127.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1127.22 paragraphs (a) through (h) and paragraph (k) are revoked and the section title and introductory text are revised as follows:

§ 1127.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1128—MILK IN CENTRAL WEST TEXAS MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1128.1, 1128.2, 1128.3, 1128.4, 1128.20, 1128.21, 1128.33, 1128.34, 1128.43, 1128.99, 1128.100, 1128.101, 1128.102, 1128.103, 1128.110, 1128.111, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1128.1 is added as follows:

§ 1128.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1128.22 paragraphs (a) through (h) and paragraph (k) are revoked, and the section title and introductory text are revised as follows:

§ 1128.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1129—MILK IN AUSTIN-WACO, TEX., MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1129.1, 1129.2, 1129.3, 1129.4, 1129.25, 1129.26, 1129.33, 1129.34,

1129.43, 1129.96, 1129.100, 1129.101, 1129.102, 1129.103, 1129.110, 1129.111, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1129.1 is added as follows:

§ 1129.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1129.27 paragraphs (a) through (h) and paragraphs (j) and (l) are revoked, and the section title and introductory text are revised as follows:

§ 1129.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1130—MILK IN CORPUS CHRISTI, TEX., MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1130.1, 1130.2, 1130.3, 1130.4, 1130.20, 1130.21, 1130.33, 1130.34, 1130.43, 1130.89, 1130.90, 1130.91, 1130.92, 1130.93, 1130.100, 1130.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1130.1 is added as follows:

§ 1130.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1130.22 paragraphs (a) through (h) and paragraphs (j) and (k) are revoked, and the section title and introductory text are revised as follows:

§ 1130.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1131—MILK IN CENTRAL ARIZONA MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1131.1, 1131.2, 1131.3, 1131.4, 1131.12, 1131.20, 1131.21, 1131.32, 1131.33, 1131.43, 1131.74, 1131.87, 1131.100, 1131.101, 1131.102, 1131.103, 1131.101, 1131.111, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1131.1 is added as follows:

§ 1131.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1131.22 paragraphs (a) through (g) and paragraphs (i) and (j) are revoked, and the section title and introductory text are revised as follows:

§ 1131.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1132—MILK IN TEXAS PANHANDLE MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1132.1, 1132.2, 1132.3, 1132.4, 1132.25, 1132.26, 1132.32, 1132.33, 1132.43, 1132.90, 1132.100, 1132.101, 1132.102, 1132.103, 1132.110, 1132.111, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1132.1 is added as follows:

§ 1132.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1132.12 the paragraphs are redesignated as follows: "paragraph (b)" is "paragraph (a–1)"; "paragraph (c)" is "paragraph (b)"; "paragraph (d)" is "paragraph (c)"; "paragraph (e)" is "paragraph (d)".

5. In § 1132.27 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1132.27 Additional duties of the market administrator.

In addition to the duties, specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1133—MILK IN INLAND EMPIRE MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1133.1, 1133.2, 1133.3, 1133.4, 1133.20, 1133.21, 1133.33, 1133.34, 1113.43, 1133.89, 1133.90, 1133.91, 1133.92, 1133.93, 1133.100, 1133.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1133.1 is added as follows:

§ 1133.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1133.22 paragraphs (a) through (h) and paragraphs (j) and (l) are revoked, and the section title and introductory text are revised as follows:

§ 1133.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1134—MILK IN WESTERN COLORADO MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1134.1, 1134.2, 1134.3, 1134.4, 1134.20, 1134.21, 1134.33, 1134.34, 1134.43, 1134.72, 1134.89, 1134.90, 1134.91, 1134.92, 1134.93, 1134.100, 1134.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1134.1 is added as follows:

§ 1134.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In paragraph (b) of § 1134.15 the reference "pursuant to § 1134.33" is revoked.

5. In § 1134.22 paragraphs (a) through (h) and paragraph (k) are revoked, and the section title and introductory text are revised as follows:

§ 1134.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

6. In § 1134.44 paragraph (a) is revised as follows:

§ 1134.44 Transfers.

* * * * *

(a) At the utilization indicated in writing to the market administrator by the operators of both plants, on or before the seventh day after the end of the month within which such transfer occurred, otherwise as Class I milk, if transferred from a pool plant to the pool plant of another handler (except that for the purpose of this paragraph milk that was physically received at a pool plant from a handler pursuant to § 1134.11(d) or in bulk from a plant operated by a cooperative association shall be considered as a receipt of producer milk at the transferee plant), subject to the following conditions:

* * * * *

7. In § 1134.46 the introductory text is revised as follows:

§ 1134.46 Allocation of skim milk and butterfat classified.

After making the computations under § 1134.45 the market administrator shall determine each month for each handler the classification of milk received from producers by each handler under

§ 1134.11 (c) and (d) which was not received at a pool plant, and the classification of milk received from producers, in bulk from pool plants operated by cooperative associations and from handlers under § 1134.11(d) at a pool plant(s). For the purpose of this section, milk that was physically received at a pool plant from a handler pursuant to § 1134.11(d) or transferred in bulk from a pool plant operated by a cooperative association shall be considered as a receipt of producer milk at the transferee plant.

* * * * *

PART 1136—MILK IN GREAT BASIN MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1136.1, 1136.2, 1136.3, 1136.4, 1136.20, 1136.21, 1136.33, 1136.34, 1136.40, 1136.74, 1136.87, 1136.90, 1136.91, 1136.92, 1136.93, 1136.110, 136.111, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1136.1 is added as follows:

§ 1136.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In paragraph (b) of § 1136.14 the reference "pursuant to § 1136.33" is revoked.

5. In § 1136.22 paragraphs (a) through (g) and paragraphs (i) and (j) are revoked, and the section title and introductory text are revised as follows:

§ 1136.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

6. In § 1136.44 the introductory text is revised as follows:

§ 1136.44 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1136.43, the market administrator shall determine each month the classification of milk received from producers by each cooperative association handler pursuant to § 1136.9 (b) and (c) which was not received at a pool plant and the classification of milk received from producers and from cooperative association handlers pursuant to § 1136.9(c) by each handler. For the purpose of this section, milk that was physically received at a pool plant from a handler pursuant to § 1136.9(c) shall be considered as a receipt of producer milk at such plant.

* * * * *

PART 1137—MILK IN EASTERN COLORADO MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1137.1, 1137.2, 1137.3, 1137.4, 1137.20, 1137.21, 1137.33, 1137.34, 1137.43, 1137.72, 1137.89, 1137,90, 1137.91, 1137.92, 1137.93, 1137.100, 1137.101, and center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1137.1 is added as follows:

§ 1137.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In paragraph (b) of § 1137.13 the reference "pursuant to § 1137.33" is revoked.

5. In § 1137.22 paragraphs (a) through (h) and paragraph (k) are revoked, and the section title and introductory text are revised as follows:

§ 1137.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

6. In § 1137.44 paragraph (a) is revised as follows:

§ 1137.44 Transfers.

* * * * *

(a) At the utilization indicated by the operator of both plants, otherwise as Class I milk, if transferred from a pool plant to another pool plant (except that for the purpose of this paragraph milk that was physically received at a pool plant from a handler pursuant to § 1137.9 (d) or transferred in bulk from a pool plant operated by a cooperative association shall be considered as a receipt of producer milk at the transferee plant), subject to the following conditions:

* * * * *

7. In § 1137.46 the introductory text is revised as follows:

§ 1137.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1137.45, the market administrator shall determine each month for each handler the classification of milk received from producers by each handler pursuant to § 1137.9 (c) and (d) which was not received at a pool plant and the classification of milk received from producers, in bulk from pool plants operated by cooperative associations and from handlers pursuant to § 1137.9(d) at a pool plant(s). For the purpose of this section, milk that was physically received at a pool plant from a handler pursuant to § 1137.9(d) or transferred in bulk from a pool plant operated by a cooperative association shall be considered as a receipt of producer milk at the transferee plant.

* * * * *

PART 1138—MILK IN RIO GRANDE VALLEY MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1138.1, 1138.2, 1138.3, 1138.4, 1138.20, 1138.21, 1138.34, 1138.35, 1138.43, 1138.72, 1138.89, 1138.90, 1138.91, 1138.92, 1138.93, 1138.100, 1138.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1138.1 is added as follows:

§ 1138.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1138.22 paragraphs (a) through (h) and paragraph (k) are revoked, and the section title and introductory text are revised as follows:

§ 1138.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

5. In § 1138.46 the introductory text is revised as follows:

§ 1138.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1138.45, the market administrator shall determine the classification of producer milk received at each pool plant for each handler each month pursuant to the provisions of this section. Milk received at a pool plant from a cooperative association in its capacity as a handler pursuant to § 1138.9(c) shall be classified and allocated as producer milk.

* * * * *

6. In § 1138.70 the introductory text is revised and a new paragraph (a–1) is added as follows:

§ 1138.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler at each pool plant and of each cooperative association in its capacity as a handler pursuant to § 1138.9(b) or as a handler pursuant to § 1138.9(c) only for milk not delivered to a pool plant, during each month, shall be a sum of money computed as follows:

* * * * *

(a–1) Multiply the quantity of producer milk in each class as computed pursuant to §§ 1138.40 through 1138.46 for each cooperative association as a handler pursuant to § 1138.9(b) or as a handler pursuant to § 1138.9(c) for the milk not delivered to a pool plant, by the applicable class prices adjusted pursuant to §§ 1138.52 and 1138.53;

* * * * *

7. Section 1138.88 is revised as follows:

§ 1138.88 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler

shall pay to the market administrator on or before the 16th day after the end of the month five cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk including such handler's own production, provided that for the purpose of this section milk received at a pool plant from a handler pursuant to § 1138.9(c) shall be considered as a receipt of producer milk by the handler operating such pool plant and shall be excluded from the producer milk of the handler pursuant to § 1138.9(c), (b) other source milk allocated to Class I pursuant to § 1138.46(a)(2)(i), (3) and (7) and the corresponding steps of § 1138.46(b), except other source milk on which no handler obligation applies pursuant to § 1137.70(e) and (c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk specified in § 1138.62(b)(2): *Provided,* That if a handler with respect to milk pursuant to (a), (b), or (c) of this section elects pursuant to § 1138.36 to use two accounting periods in any month the applicable rate of assessment for such handler shall be the rate set forth above multiplied by two or such lesser rate as the Secretary may determine is demonstrated as appropriate in terms of the particular cost of administering the additional accounting period.

[FR Doc.71-5567 Filed 4-20-71;8:52 am]

DEPARTMENT OF LABOR

Office of Federal Contract Compliance

[41 CFR Part 60-3]

EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

Proposed Employee Testing and Other Selection Procedures

Pursuant to the authority of sections 201, 205, 206(a), 301, 303(a), 303(b), and 403(b) of Executive Order 11246, as amended, and § 60-1.2 of Part 60-1 of this chapter, notice hereby given that the Department of Labor proposes to amend Chapter 60 of Title 41 of the Code of Federal Regulations by adding a new Part 60-3 as set forth below.

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendments to the Director, Office of Federal Contract, Department of Labor, Washington, D.C. 20210, within 30 days after date of publication of this notice in the FEDERAL REGISTER.

PART 60-3—EMPLOYEE TESTING AND OTHER SELECTION PROCEDURES

Sec.

AUTHORITY: The provisions of this Part 60-3 issued under sections 201, 205, 206(a), 301, 303(a), 303(b), and 403(b) of Executive Order 11246, as amended, 30 F.R. 1239; 32 F.R. 14303; 34 F.R. 12986; § 60-1.2 of Part 60-1 of this chapter.

§ 60-3.1 Purpose and scope.

(a) This order is based on the belief that properly validated and standardized employee selection procedures can significantly contribute to the implementation of nondiscriminatory personnel policies, as required by Executive Order 11246, as amended. It is also recognized that professionally developed tests, when used in conjunction with other tools of personnel assessment and complemented by sound programs of job design, may significantly aid in the development and maintenance of an efficient work force and, indeed, aid in the utilization and conservation of human resources generally.

(b)(1) An examination of charges of discrimination filed with the Office of Federal Contract Compliance and an evaluation of the results of its compliance activities has revealed a decided increase in total test usage and a marked increase in testing practices which have discriminatory effects. In many cases, contractors have come to rely almost exclusively on tests as the basis for making the decision to hire, to promote, to transfer, to train, or to retrain with the result that candidates are selected or rejected on the basis of test scores. Where tests are so used, minority candidates frequently experience disproportionately high rates of rejection by failing to attain score levels that have been established as minimum standards for qualification.

(2) It has also become clear that in many instances contractors are using tests as the basis for employment decisions without evidence that they are valid predictors of employee job performance. Where evidence in support of presumed relationships between test performance and job behavior is lacking, the possibility of discrimination in the application of test results must be recognized. A test lacking demonstrated validity, i.e., having no known significant relationship to job behavior, and yielding lower scores for classes protected by Executive Order 11246, as amended, may result in the rejection of many who have necessary qualifications for successful work performance.

(c) Section 202 of Executive Order 11246, as amended, requires each Government contractor and subcontractor to take affirmative action to ensure that he will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. This order is designed to serve as a set of standards for contractors and subcontractors subject to Executive Order 11246, as amended, in determining whether their use of tests conforms with the requirements of the Executive order.[1]

§ 60-3.2 Test defined.

For the purpose of this order, the term "test" is defined as any paper-and-pencil or performance measure used as a basis for any employment decision. This order applies, for example, to ability tests which are designed to measure eligibility for hire, transfer, promotion, training, or retention. This definition includes, but is not restricted to, measures of general intelligence, mental ability, and learning ability; specific intellectual abilities; mechanical, clerical, and other aptitudes; dexterity, and coordination; knowledge and proficiency; occupational and other interests; and attitudes, personality or temperament. The term "test" also covers all other formal, scored, quantified, or standardized techniques of assessing job suitability including, for example, personal history and background requirements which are specifically used as a basis for qualifying or disqualifying applicants or employees, specific educational or work history requirements, scored interviews, biographical information blanks, interviewers' rating scales, and scored application forms. The term "test" shall not include other selection techniques discussed in § 60-3.13.

§ 60-3.3 Violations of Executive order.

A contractor regularly using a test which has adversely affected the opportunities of minority persons for hire, transfer, promotion, training, or retention violates Executive Order 11246, as amended, unless he can demonstrate that he has validated the test pursuant to the requirements of this part.

§ 60-3.4 Evidence of validity; meaning of technically feasible.

(a) Each contractor using tests to select from among candidates for hire, transfer, promotion, training, or retention shall have available for inspection evidence that the test is being used in a manner which does not violate § 60-3.3.

(b) Where technically feasible, a test should be validated for each minority

[1] This order and the Guidelines on Employee Selection Procedures, issued earlier by the Equal Employment Opportunity Commission (35 F.R. 12333, August 1, 1970) are intended to impose the same basic requirements on persons and contractors covered by each of them.

group with which it is used; that is, any differential rejection rates that may exist, based on a test, must be relevant to performance on the jobs in question.

(c) The term "technically feasible" as used in paragraph (b) of this section and elsewhere in this part means having or obtaining a sufficient number of minority individuals to achieve findings of statistical and practical significance, the opportunity to obtain unbiased job performance criteria, etc. It is the responsibility of the person claiming absence of technical feasibility to positively demonstrate evidence of this absence.

(1) Evidence of a test's validity should consist of empirical data demonstrating that the test is predictive of or significantly correlated with important elements of work behavior which comprise or are relevant to the job or jobs for which candidates are being evaluated.

(2) If job progression structures and seniority provisions are so established that new employees will probably, within a reasonable period of time and in a great majority of cases, progress to a higher level, it may be considered that candidates are being evaluated for jobs at that higher level. However, where job progression is not so nearly automatic, or the time span is such that higher level jobs or employees' potential may be expected to change in significant ways, it shall be considered that candidates are being evaluated for a job at or near the entry level. This point is made to underscore the principle that attainment of or performance at a higher level job is relevant criterion in validating employment tests only when there is a high probability that persons employed will in fact attain that higher level job within a reasonable period of time.

(3) Where a test is to be used in different units of a multiunit organization and no significant differences exist between units, jobs and applicant populations, evidence obtained in one unit may suffice for the others. Similarly, where the validation process requires the collection of data throughout a multiunit organization, evidence of validity specific to each unit may not be required. There may also be instances where evidence of validity is appropriately obtained from other companies in the same industry. Both in this instance and in the use of data collected throughout a multiunit organization, evidence of validity specific to each unit or company may not be required provided that no significant differences exist between companies, units, jobs and applicant populations.

§ 60–3.5 Minimum standards for validation.

(a) For the purpose of satisfying the requirements of this part, empirical evidence in support of a test's validity must be based on studies employing generally accepted procedures for determining criterion-related validity, such as those described in "Standards for Educational and Psychological Tests and Manuals," published by the American Psychological Association, 1200 Seventeenth Street NW., Washington, DC 20036. Evidence of content or construct validity, as defined in that publication, may also be appropriate where criterion-related validity is not feasible. However, evidence for content or construct validity should be accompanied by sufficient information from job analyses to demonstrate the relevance of the content, in the case of job knowledge or proficiency tests, or the construct, in the case of trait measures. Evidence of content validity alone may be acceptable for well-developed tests that consist of suitable samples of the essential knowledge, skills, or behaviors composing the job in question. The types of knowledge, skills, or behaviors contemplated here do not include those which can be acquired in a brief orientation to the job. In the case of personal history, background, educational, and work history requirements which are specifically used as a basis for qualifying or disqualifying applicants (see § 60–3.2), in some cases evidence of content or construct validity may be sufficient.

(b) Although any appropriate validation strategy may be used to develop such empirical evidence, the following minimum standards, as applicable, must be met in the research approach and in the presentation of results which constitute evidence of validity:

(1) Where a validity study is conducted in which tests are administered to applicants, with criterion data collected later, the sample of subjects must be representative of the normal or typical candidates group for the job or jobs in question. This further assumes that the applicant sample is representative of the minority population available for the job or jobs in question in the local labor market. Where a validity study is conducted in which tests are administered to present employees, the sample must be representative of the minority groups currently included in the applicant population. If it is not technically feasible to include minority employees in validation studies conducted on the present work force, the conduct of a validation study without minority candidates does not relieve any contractor of his subsequent obligation for validation when inclusion of minority candidates becomes technically feasible.

(2) Tests must be administered and scored under controlled and standardized conditions, with proper safeguards to protect the security of test scores and to ensure that scores do not enter into any judgments of employee adequacy that are to be used as criterion measures. Copies of tests and test manuals, including instructions for administration, scoring and interpretation of test results, that are privately developed and/or are not available through normal commercial channels must be included as a part of the validation evidence.

(3) The work behaviors or other criteria of employee adequacy which the test is intended to predict or identify must be fully described; and, additionally, in the case of rating techniques, the appraisal form(s) and instructions to the rater(s) must be included as a part of the validation evidence. Such criteria may include measures other than actual work proficiency, such as training time, supervisory ratings, regularity of attendance and tenure. Whatever criteria are used they must represent major or critical work behaviors as revealed by careful job analyses.

(4) In view of the possibility of bias inherent in subjective evaluations, supervisory rating techniques should be carefully developed, and the ratings should be closely examined for evidence of bias. In addition, minorities might obtain unfairly low performance criterion scores for reasons other than supervisors' prejudice, as, when, as new employees, they have had less opportunity to learn job skills. In general, all criteria must be examined to ensure freedom from factors which would unfairly depress the scores of minority groups.

(5) Data must be generated and results separately reported for minority and nonminority groups wherever technically feasible. Where a minority group is sufficiently large to constitute an identifiable factor in the local labor market, but validation data have not been developed and presented separately for that group, evidence of satisfactory validity based on other groups will be regarded as only provisional compliance with this Order pending separate validation of the test for the minority group in question (see § 60–3.9). A test which is differentially valid may be used in groups for which it is valid but not for those in which it is not valid. In this regard, where a test is valid for two groups but one group characteristically obtains higher test scores than the other without a corresponding difference in job performance, cutoff scores must be set so as to predict the same probability of job success in both groups.

(c) In assessing the utility of a test the following considerations will be applicable:

(1) The relationship between the test and at least one relevant criterion must be statistically significant. This ordinarily means that the relationship should be sufficiently high as to have a probability of no more than 1 to 20 to have occurred by chance. However, the use of a single test as the sole selection device, when that test is valid against only one component of job performance, will be scrutinized closely.

(2) In addition to statistical significance, the practical significance of the relationship between the test and criterion should also be considered. The magnitude of the relationship needed for practical significance or usefulness is affected by several factors, including:

(i) The larger the proportion of applicants who are hired for or placed on the job, the higher the relationship needs to be in order to be practically useful. Conversely, a relatively low relationship may prove useful when proportionately few job vacancies are available;

(iii) The larger the proportion of applicants who become satisfactory employees when not selected on the basis of the test, the higher the relationship

needs to be between the test and a criterion of job success for the test to be practically useful. Conversely, a relatively low relationship may prove useful when proportionately few applicants turn out to be satisfactory;

(iii) The smaller the economic and human risks involved in hiring an unqualified applicant relative to the risks entailed in rejecting a qualified applicant, the greater the relationship needs to be in order to be practically useful. Conversely, a relatively low relationship may prove useful when the former risks are relatively high.

§ 60–3.6 Presentation of evidence of validity.

The presentation of the results of a validation study must include statistical and, where appropriate, graphic representations of the relationships between the test and the criteria, permitting judgments of the test's utility in making predictions of future work behavior. (See § 60–3.5c(c), concerning assessing utility of a test.) Average scores for all tests and criteria must be reported for all relevant subgroups, including minority and nonminority groups where differential validation is required. Whenever statistical adjustments are made in validity results for less than perfect reliability or for restriction of score range in the test or the criterion, or both, the supporting evidence from the validation study must be presented in detail. Furthermore, for each test that is to be established or continued as a operational employee selection instrument, as a result of the validation study, the minimum acceptable cutoff (passing) score, if any, on the test must be reported. It is expected that each operational cutoff score will be reasonable and consistent with normal expectations of proficiency within the work force or group on which the study was conducted.

§ 60–3.7 Use of other validity studies.

In cases where the validity of a test cannot be determined pursuant to §§ 60–3.4 and 60–3.5 (e.g., the number of subjects is less than that required for a technically adequate validation study, or an appropriate criterion measure cannot be developed), evidence from validity studies conducted in other organizations, such as that reported in test manuals and professional literature, may be considered acceptable when: (a) The studies pertain to jobs which are comparable (i.e., have basically the same task elements), and (b) there are no major differences in contextual variables or sample composition which are likely to affect significantly validity. Any contractor citing evidence from other validity studies as evidence of test validity for his own jobs must demonstrate that he meets the requirements in paragraphs (a) and (b) of this section.

§ 60–3.8 Assumption of validity.

(a) Under no circumstances will the general reputation of a test, its author or its publisher, or casual reports of test utility be accepted in lieu of evidence of validity. Specifically ruled out are: Assumptions of validity based on test names or descriptive labels; all forms of promotional literature; data bearing on the frequency of a test's usage; testimonial statements of sellers, users, or consultants; and other nonempirical or anecdotal accounts of testing practices or testing outcomes.

(b) Although professional supervision of testing activities may help greatly to insure technically sound and nondiscriminatory test usage, such involvement alone shall not be regarded as constituting satisfactory evidence of test validity.

§ 60–3.9 Continued use of tests.

Under certain conditions where validation is required by this order, a contractor may be permitted to continue the use of a test which is not at the moment fully supported by the required evidence of validity. If, for example, evidence of criterion-related validity in a specific setting is technically feasible and required but not yet obtained, the use of the test may continue, provided: (a) The contractor can cite substantial evidence of validity as described in § 60–3.7 (a) and (b); and (b) he has in progress validation procedures which are designed to produce, within a reasonable time, the additional data required. It is expected also that the contractor may have to alter or suspend test cutoff scores so that score ranges broad enough to permit the identification of criterion-related validity will be obtained.

§ 60–3.10 Employment agencies and State employment services.

A contractor utilizing the services of any private employment agency, state employment agency or any other person, agency, or organization engaged in the selection or evaluation of personnel which makes its selections or evaluations of personnel wholly or partially on the basis of the results of any test shall have available evidence that any test used by such person, agency or organization is in conformance with the requirements of this order.

§ 60–3.11 Disparate treatment.

The principle of disparate or unequal treatment must be distinguished from the concept of test validation. A test or other employee selection standard, even though validated against job performance in accordance with this part cannot be imposed upon any individual or class protected by Executive Order 11246, as amended, where other employees or applicants have not been subjected in the past to that standard. Disparate treatment, for example, occurs where members of a group protected by Executive Order 11246, as amended, have been denied the same opportunities for hire, transfer or promotion as have been made available to other employees or applicants. Those employees or applicants who have been denied equal treatment because of prior discriminatory practices or policies must at least be afforded the same opportunities as had existed for other employees or applicants during the period of discrimination. Thus, no new test or other employee selection standard can be imposed upon an individual or class of individuals protected by Executive Order 11246, as amended, who, but for this prior discrimination, would have been granted the opportunity to qualify under less stringent selection standards previously in force.

§ 60–3.12 Retesting.

Contractors should provide an opportunity for retesting and reconsideration to earlier "failure" candidates who have availed themselves of more training or experience. In particular, if any applicant or employee during the course of an interview or other employment procedure claims more education or experience, that individual should be retested.

§ 60–3.13 Other selection techniques.

Selection techniques other than tests, as defined in § 60–3.2, may be improperly used so as to have the effect of discriminating against minority groups. Such techniques include, but are not restricted to, unscored or casual interviews, unscored application forms and unscored personal history and background requirements not specifically used as a basis for qualifying or disqualifying applicants. Where there are data suggesting employment discrimination, the contractor may be called upon to present evidence concerning the validity of his unscored procedures as well as of any tests which may be used, the evidence of validity being of the same types referred to in §§ 60–3.4 and 60–3.5. Data suggesting the possibility of discrimination exists, for example, when there are higher rates of rejection of minority candidates than of non-minority candidates for the same job or group of jobs or when there is an underutilization of minority group personnel among present employees in certain types of jobs. If the contractor is unable or unwilling to perform such validation studies, he has the option of adjusting employment procedures so as to eliminate the conditions suggestive of employment discrimination.

§ 60–3.14 Affirmative action.

Nothing in this order shall be interpreted as diminishing a contractor's obligation under both Title VII of the Civil Rights Act of 1964 and Executive Order 11246, as amended, to take affirmative action to insure that applicants or employees are treated without regard to race, color, religion, sex, or national origin. Specifically, where substantially equally valid tests can be used for a given purpose, the contractor will be expected to use the test which will have the least adverse effect on the employment opportunities of minorities. Further the use of tests which have been validated pursuant to this order does not relieve contractors of their obligation to take affirmative action to afford employment and training opportunities to members of classes protected by Executive Order 11246, as amended.

§ 60–3.15 Recordkeeping.

Each contractor shall maintain, and submit upon request, such records relating to the use of tests, the validation of tests, and test results, as may be required under the provisions of this chapter and under the orders and directives issued by the Office of Federal Contract Compliance.

§ 60–3.16 Sanctions.

(a) The use of tests and other selection techniques by contractors as qualification standards for hire, transfer promotion, training, or retention shall be examined carefully for possible indications of noncompliance with the requirements of Executive Order 11246, as amended.

(b) A determination of noncompliance pursuant to the provisions of this part shall be grounds for the imposition of sanctions under Executive Order 11246, as amended.

§ 60–3.17 Exemptions.

(a) Requests for exemptions from this order or any part thereof must be made in writing to the Director, Office of Federal Contract Compliance, Washington, D.C., and must contain a statement of reasons supporting the request. Such request shall be forwarded through and shall contain the endorsement of the head of the contracting agency. Exemption may be granted for good cause.

(b) The requirements of this part shall not apply to any contract when the head of the contracting agency determines that such contract is essential to the national security and that its award without complying with such requirements is necessary to the national security. Upon making such a determination, the agency head will notify the Director, in writing, within 30 days.

§ 60–3.18 Effect of this part on other rules and regulations.

(a) All orders, instructions, regulations, and memoranda of the Secretary of Labor, other officials of the Department of Labor and contracting agencies are hereby superseded to the extent that they are inconsistent herewith.

(b) Nothing in this part shall be interpreted to diminish the present contract compliance review and complaint investigation programs.

Effective date. This part shall become effective on the date of its publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 15th day of April 1971.

J. D. HODGSON,
Secretary of Labor.

JOHN L. WILKS,
Director, Office of Federal Contract Compliance.

[FR Doc.71–5506 Filed 4–20–71;8:46 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 19]

PARMESAN CHEESE (REGGIANO CHEESE) IDENTITY STANDARD

Notice of Objection to and Stay of Negative Order Regarding Proposed Amendment To Reduce Required Curing Time

In the matter of amending the standard of identity for parmesan cheese (§ 19.595) to reduce the minimum curing time required from 14 months to 10 months:

A notice of proposed rule making in the above-identified matter was published in the FEDERAL REGISTER of April 24, 1970 (35 F.R. 6595), based on a petition filed by Tolibia Cheese, Inc., 919 Michigan Avenue, Chicago, IL 60611. Subsequently an order ruling against adoption or the proposed amendment was published January 23, 1971 (36 F.R. 1153), to become effective in 60 days unless stayed by objection. Tolibia Cheese, Inc., an adversely affected person, filed an objection to this order and requested a public hearing upon the objection.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120), notice is given that the subject order is stayed and that a notice scheduling a public hearing on the issue of whether pamesan cheese can be satisfactorily cured in 10 months time will be published in the FEDERAL REGISTER at a later date.

Dated: April 9, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–5499 Filed 4–20–71;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 563]

[No. 71–372]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Conflicts of Interest

APRIL 15, 1971.

Resolved that the Federal Home Loan Bank Board, having published on July 30, 1970, at 35 F.R. 12216, a proposal to add a new § 563.33 to Part 563 of the Rules and Regulations for Insurance of Accounts (12 CFR Part 563) relating to transactions between insured institutions and affiliated persons, and having considered the public comments received with respect thereto, considers it advisable to revise its proposal relating to such § 563.33. Accordingly, with the intention of superseding such prior proposal, the Board now proposes to amend such Part 563 by adding a new § 563.33 thereto, to read as follows:

§ 563.33 Transactions with affiliated persons.

(a) *Scope of section.* This section shall apply to all insured institutions, as defined in § 561.1 of this subchapter. However, to the extent that any provision of this section may be inconsistent with any provisions of § 584.3 of this chapter relating to transactions between a subsidiary insured institution of a savings and loan holding company and an "affiliate" (as defined in § 583.15 of this chapter), the provision contained in such § 584.3 of this chapter shall control.

(b) *Definitions.* For the purposes of this section—

(1) *Affiliated person.* The term "affiliated person" means:

(i) Any director, officer, or employee of an insured institution, any attorney regularly serving the institution in the capacity of attorney at law, or any person who controls an insured institution;

(ii) Any member of the immediate family of any of the persons enumerated in subdivision (i) of this subparagraph;

(iii) Any company which is controlled by any of the persons enumerated in subdivision (i) or (ii) of this subparagraph: *Provided however,* That a service corporation is not an affiliated person except to the extent specifically designated as such.

(2) *Bank.* The term "Bank" means a Federal Home Loan Bank.

(3) *Board.* The term "Board" means the Federal Home Loan Bank Board or one or more of its officials who has been duly authorized by the Federal Home Loan Bank Board to act in its behalf.

(4) *Company.* The term "company" means any corporation, partnership, trust, joint-stock company, or similar organization, but does not include (i) the Corporation, (ii) any Bank, or (iii) any company the majority of the shares of which is owned by (*a*) the United States or any State, (*b*) an officer of the United States or any State in his official capacity, or (*c*) or an instrumentality of the United States or any State.

(5) *Control.* A person shall be deemed to have control of:

(i) An insured institution if the person directly or indirectly or acting in concert with one or more other persons, owns, controls, or holds with power to vote, or holds proxies representing, more than 10 percent of the voting shares of such insured institution, or controls in

any manner the election of a majority of the directors of such institution;

(ii) Any other company if the person directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, or holds with power to vote, or holds proxies representing, more than 10 percent of the voting shares or rights of such other company, or controls in any manner the election or appointment of a majority of the directors or trustees of such other company, or is a general partner in or has contributed more than 10 percent of the capital of such other company;

(iii) A trust if the person is a trustee thereof; or

(iv) An insured institution or any other company if the Corporation determines that such person directly or indirectly exercises a controlling influence over the management or policies of such institution or other company.

(6) *Corporation.* The term "Corporation" means the Federal Savings and Loan Insurance Corporation.

(7) *Director.* The term "director" means any director of a corporation or any individual who performs similar functions in respect of any company, including a trustee under a trust.

(8) *Employee.* The term "employee" means any employee other than an officer or director.

(9) *Immediate family.* The term "immediate family" means (i) father, mother, son, daughter, brother, or sister (whether by the full or half blood or by way of adoption) and (ii) husband or wife, or the husband or wife of any of the persons enumerated in subdivision (i) of this subparagraph.

(10) *Officer.* The term "officer" means the chairman of the board, president, vice president, treasurer, secretary, or comptroller of any company, or any other person who participates in its major policy decisions.

(11) *Person.* The term "person" means an individual or company.

(12) *Subsidiary.* The term "subsidiary" of a person means any company which is controlled by such person, or by a company which is a subsidiary of such person.

(13) *Supervisory Agent.* The term "Supervisory Agent" means (i) the president of the bank of the Federal Home Loan Bank district in which the insured institution has its principal office, or (ii) any other person who is specifically authorized by the Corporation to act in its behalf in the administration of this subchapter.

(c) *Prohibited transactions.* No insured institution shall directly or indirectly:

(1) Invest any of its funds in the stock, bonds, debentures, notes, or other obligations of any affiliated person;

(2) Accept the stock, bonds, debentures, notes, or other obligations of any affiliated person (including a service corporation) as collateral security for any loan or extension of credit made by such institution;

(3) Purchase securities or other assets or obligations under repurchase agreement from any affiliated person (including a service corporation);

(4) Make any loan, discount, or extension of credit to

(i) Any affiliated person except:

(*a*) In a transaction authorized by subparagraph (8) of this paragraph; or

(*b*) A real estate loan on the security of a first lien on a home (as defined in § 541.10–2 of this chapter) or a combination of home and business property (as defined in § 541.11 of this chapter) owned and occupied by such affiliated person; or

(*c*) A loan for the purpose of alteration, repair, or improvement of a home (as defined in § 541.10–2 of this chapter) or a combination of home and business property (as defined in § 541.11 of this chapter) owned and occupied by such affiliated person; or

(*d*) A loan for the purpose of financing a mobile home (as defined in § 545.7–1 of this chapter) secured by mobile home chattel paper (as defined in § 545.7–1 of this chapter), such mobile home to be owned and occupied by such affiliated person; or

(*e*) A loan secured in full by shares, savings accounts or deposits maintained by such affiliated person in such insured institution; or

(ii) Any third party on the security of any property acquired from any affiliated person, or with knowledge that the proceeds of any such loan, discount, or extension of credit, or any part thereof, are to be paid over to or utilized for the benefit of any affiliated person;

(5) Guarantee the repayment of or maintain any compensating balance for any loan or extension of credit granted to any affiliated person (including a service corporation) by any third party;

(6) Make to any affiliated person other than an employee any loan at a rate or with terms more favorable than the prevailing market rate or terms;

(7) Pay to an affiliated person (including a service corporation) or enter into any agreement or understanding under which there is reason to believe that such affiliated person is to receive from any other source: (i) Any fee or other compensation of any kind in connection with the procuring of any loan from or by such insured institution; or (ii) any discount, rebate, or commission on any initial loan charge paid by a borrower (or any other person) in connection with the making of a loan; and

(8) Except with the prior written approval of the Corporation engage in any transaction with any affiliated person involving the purchase, sale, or lease of property or assets (except participating interests in mortgage loans to the extent authorized in this subchapter, but including any office building or any portion thereof or any land on which to erect an office building).

(d) *Corporation approval*—(1) *Basis.* The Corporation will not grant approval under subparagraph (8) of paragraph (c) of this section if, in the opinion of the Corporation, the terms of any such transactions by such institution would be detrimental to the interests of its savings accountholders or to the insurance risk of the Corporation with respect to such institution or would constitute an unsafe or unsound practice.

(2) *Approval by Supervisory Agent.* The Supervisory Agent shall have authority to give prior written approval on behalf of the Corporation to any transaction, agreement, or understanding, or payment, requiring such approval under subparagraph (8) of paragraph (c) of this section, and which is not given approval under this section.

(3) *Filing of applications.* Applications for Corporation approval under subparagraph (8) of paragraph (c) of this section shall be in letter form and shall contain a full and complete description of the subject matter of the application, including the consideration to be paid and the basis therefor. Copies of pertinent contracts, agreements, or other documents shall be attached thereto. Applications shall be filed with the Corporation by transmitting the original and one copy to the Supervisory Agent, and one copy to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, DC 20552.

(Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended; 12 U.S.C. 1725, 1726, 1730. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

Resolved further that interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, DC 20552, by June 18, 1971, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.71–5547 Filed 4–20–71;8:50 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 410]

DECEPTIVE ADVERTISING AS TO SIZES OF VIEWABLE PICTURES SHOWN BY TELEVISION RECEIVING SETS

Notice of Opportunity To Submit Data, Views or Arguments Regarding Proposed Amendment of Trade Regulation Rule

Notice is hereby given that the Federal Trade Commission, pursuant to the

Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., and the provisions of Part I, Subpart B of the Commission's Procedures and Rules of Practice, 16 CFR 1.11, et seq., proposes to amend § 410.3 of the Trade Regulation rule relating to the advertising of television picture sizes by inserting Notes 1 and 2 after paragraph (b) as follows:

§ 410.3 The rule.

* * * * *

(b) Accordingly, for the purpose of preventing such unlawful practice, the Commission hereby promulgates, as a Trade Regulation Rule, its conclusion and determination that in connection with the sale of television receiving sets in commerce, as "commerce" is defined in the Federal Trade Commission Act, it is an unfair method of competition and an unfair and deceptive act or practice to use any figure or size designation to refer to the size of the picture shown by a television receiving set or the picture tube contained therein unless such indicated size is the actual size of the viewable picture area measured on a single plane basis. If the indicated size is other than the horizontal dimension of the actual viewable picture area such size designation shall be accompanied by a statement, in close connection and conjunction therewith, clearly and conspicuously showing the manner of measurement.

NOTE 1: For the purposes of this section, measurement of the picture area on a single plane basis refers to a measurement of the distance between the outer extremities (sides) of the picture area which does not take into account the curvature of the tube.

NOTE 2: Any referenced or footnote disclosure of the manner of measurement by means of the asterisk or some similar symbol does not satisfy the "close connection and conjunction" requirement of the section.

* * * * *

All interested parties, including the consuming public, are hereby notified that they may file written data, views, or arguments concerning the proposed amendment with the Assistant Director, Division of Industry Guidance, Bureau of Consumer Protection, Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., Washington, DC 20580, not later than July 21, 1971. To the extent practicable, persons wishing to file written statements in excess of two pages should submit 20 copies.

The data, views, or arguments submitted with respect to the proposed amendment will be available for examination by interested parties in Room 130 of the Division of Legal and Public Records, Federal Trade Commission, Washington, D.C., and will be considered by the Commission in the amendment of the Trade Regulation Rule.

All interested persons, including the consuming public, are urged to express their approval or disapproval of the proposed amendment or to recommend revisions thereof, and to give a full statement of their views in connection therewith.

Issued: April 21, 1971.

By direction of the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.71-5528 Filed 4-20-71;8:48 am]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

IDAHO

Notice of Filing of Plats of Survey

APRIL 12, 1971.

1. A plat of survey of the following described lands, accepted January 15, 1971, will be officially filed in the Land Office, Boise, Idaho, at 10 a.m. on May 17, 1971:

BOISE MERIDIAN, IDAHO

T. 9 N., R. 22 E.,
Sec. 3, lots 1, 2, 5, 6, 7, SE¼NE¼ and E½SE¼;
Sec. 10, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 15, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 22, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 26, all;
Sec. 27, lots 1, 2, 3, 4, and E½E½;
Sec. 35, lots 1, 2, 3, 4, N½ and N½S½;
Sec. 36, lots 1, 2, 3, 4, N½ and N½S½.

The areas described aggregate 4,554.28 acres.

2. Except for and subject to valid existing rights, it is presumed that title to the following lands passed to the State of Idaho upon the acceptance of the above-mentioned plat of survey:

BOISE MERIDIAN, IDAHO

T. 9 N., R. 22 E.,
Sec. 36, lots 1, 2, 3, 4, N½ and N½S½.
Containing 627.58 acres.

3. The following lands are embraced in the Challis National Forest by Proclamation No. 1651 dated February 9, 1923, and will therefore be opened to such forms of disposition as may by law be made of national forest land:

BOISE MERIDIAN, IDAHO

T. 9 N., R. 22 E.,
Sec. 3, lots 1, 2, 5, 6, 7, SE¼NE¼ and E½SE¼.

Containing 342.86 acres.

4. The remaining lands not affected by numbered paragraphs 2 and 3 above are included in Custer County Multiple Use Classification I–2834 and will therefore be opened only to such forms of disposition as are allowed under the provisions of the multiple use classification on the effective date of the filing of the plat.

5. The lands have been subject to the operation of the U.S. mining laws and mineral leasing laws at all times.

Inquiries concerning the lands should be addressed to the Manager, Land Office, 550 West Fort Street, Boise, ID 83702.

ORVAL G. HADLEY,
Land Office Manager,
Boise, Idaho.

[FR Doc.71–5501 Filed 4–20–71;8:46 am]

[Serial No. I–04088]

IDAHO

Notice of Termination of Proposed Withdrawal and Reservation of Lands

APRIL 13, 1971.

Notice of an application, Serial No. I–04088, for withdrawal and reservation of lands was published as F.R. Doc. 58–9197 on page 8677 of the issue for November 6, 1958. The applicant agency has cancelled its application. Therefore, pursuant to the regulations contained in 43 CFR 2091.2–5(b), the lands described below will be at 10 a.m. on April 28, 1971, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

T. 7 S., R. 35 E., B.M., Idaho,
Sec. 19, S½NE¼, N½SE¼;
Sec. 20, SW¼NW¼, NW¼SW¼.

The areas described aggregate 240 acres in Bannock County.

ORVAL G. HADLEY,
Manager, Land Office.

[FR Doc.71–5529 Filed 4–20–71;8:48 am]

Office of the Secretary

CARROL M. BENNETT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) Sold: First Worth Corp.
(2) None.
(3) None.
(4) None.

This statement is made as of April 5, 1971.

Dated: April 5, 1971.

CARROL M. BENNETT.

[FR Doc.71–5504 Filed 4–20–71;8:46 am]

MAXWELL S. McKNIGHT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of April 1, 1971.

Dated: April 5, 1971.

MAXWELL S. McKNIGHT.

[FR Doc.71–5505 Filed 4–20–71;8:46 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

MEAT INSPECTION

Notice of Determination Not To Designate Hawaii

On February 5, 1971, there was published in the FEDERAL REGISTER (36 F.R. 2524) a Notice of Intended Designation of the State of Hawaii under section 301(c)(1) of the Federal Meat Inspection Act (21 U.S.C. 661(c)(1)). This notice was based on information that Hawaii had not developed and activated State meat inspection requirements, with respect to operations and transactions wholly within the State, at least equal to those imposed under Titles I and IV of the Act. The Secretary had determined that the State of Hawaii was not in a position at that time to enforce such requiremens. Upon a subsequent review by this Department of the meat inspection program of the State of Hawaii, it has been determined that the State has now developed and will enforce the prescribed State meat inspection requirements.

Accordingly, it has been determined that there is not now a basis for designation of the State of Hawaii under section 301(c)(1) of the Act.

Done at Washington, D.C., on April 15, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71–5564 Filed 4–20–71;8:51 am]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File No. 23(67)–20]

ARGE EXPORT GmbH AND CONIMEX EXPORT/IMPORT TRADING GmbH

Notice of Related Party Determinations

In the matter of Arge Export GmbH and Conimex Export/Import Trading

GmbH, Gneisenaustrasse 8, 4 Dusseldorf, Federal Republic of Germany.

An order dated March 12, 1971, effective March 17, 1971, was entered by the Office of Export Control, Bureau of International Commerce, against Horst Jonas and Bruno K. Witter of Dusseldorf, denying them all privileges of participating in any manner or capacity in exportations from the United States of commodities or technical data for an indefinite period. This order was published in the FEDERAL REGISTER on March 17, 1971 (36 F.R. 5149).

Section 388.1(b) of the Export Control Regulations provides, in part, that to the extent necessary to prevent evasion of any order denying export privileges, said order may be made applicable to parties other than those named in the order with whom said named parties may then or thereafter be related by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or related services. It has been determined by the Office of Export Control, Bureau of International Commerce, that within the purview of said section the firms Arge Export GmbH and Conimex Export/Import Trading GmbH, located at the above address are related parties to said Horst Jonas. Under these determinations, the terms and restrictions of the order of March 12, 1971, are effective against said related parties.

The said related parties have been notified of these determinations and have been advised that if they contend that the rulings are not justified, they may make application to have the rulings reconsidered or terminated. Due notice will be given of any termination or change in these related party determinations.

Dated: April 12, 1971.

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

[FR Doc.71-5508 Filed 4-20-71;8:46 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-328; NADA No. 12-793V]

DIAMOND LABORATORIES, INC.

AH-NBC Capsules; Notice of Withdrawal of Approval of New Animal Drug Application

An announcement in the FEDERAL REGISTER of February 5, 1969 (34 F.R. 1738), invited Diamond Laboratories, Inc., Post Office Box 863, Des Moines, Iowa 50317, holder of NADA (new animal drug application), No. 12-793V for the drug AH-NBC Capsules, and all interested persons, to submit supplemental applications to revise the labeling of any such product. The holder of the NADA responded to said announcement by stating that the drug is no longer manufactured or marketed and requested that the approval of the application be withdrawn.

In addition to requesting withdrawal of the approval for said application, the holder of the NADA has repeatedly failed to submit required reports (21 CFR 130.13).

The Commissioner of Food and Drugs, on the basis of his evaluation of the information before him, concludes that approval of said NADA should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), approval of NADA 12-793V, including all amendments and supplements thereto, is withdrawn effective on the date of signature of this document.

Dated: April 8, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-5500 Filed 4-20-71;8:46 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

TIRE CODE MARKS ASSIGNED NEW TIRE MANUFACTURERS

The purpose of this notice is to publish the code numbers assigned to new-tire manufacturers under the Tire Identification and Recordkeeping Regulation, 49 CFR Part 574 (36 F.R. 1196).

The Tire Identification and Recordkeeping Regulation (hereafter Part 574) requires that new tires manufactured after May 22, 1971, be marked with a two-symbol manufacturer's code, and that retreaded tires be marked with a three-symbol manufacturer's code. The manufacturer's code is the first grouping within the tire identification number (after the symbol "DOT" or "R" where required).

Under Part 574 a separate code number is assigned to each manufacturer's plant. Table 1 of the notice lists the code numbers assigned and the manufacturer that received each code number. Table 2 lists the same information by manufacturer. Codes assigned to retreaders will be available for inspection in the Docket Section, Room 5217, 400 Seventh Street SW., Washington, DC 20591.

The codes assigned to new-tire manufacturers replace the three-digit code numbers required on new brand-name passenger car tires manufactured prior to May 22, 1971, under Standard No. 109. (The list of numbers assigned under Standard No. 109 was published in the FEDERAL REGISTER of July 2, 1968, 34 F.R. 11158.)

This notice is issued under the authority of sections 103, 113, 119, 201, and 206 of the National Highway Traffic Safety Act of 1966, as amended (15 U.S.C. 1392, 1402, 1407, 1421, 1426); and the delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.

Issued on April 14, 1971.

RODOLFO A. DIAZ,
Acting Associate Administrator, Motor Vehicle Programs.

TABLE 1—LIST OF ALPHA-NUMERIC CODE ASSIGNMENTS TO NEW TIRE MANUFACTURERS

(Based on the following Alpha-numeric code with letters: ABCDEFHJKLMNPTU VWXY and Nos. 123456789)

Code No.	*New Tire Manufacturers*
AA	The General Tire Co.
AB	The General Tire Co.
AC	The General Tire Co.
AD	The General Tire Co.
AE	The General Tire Co. (Spain).
AF	The General Tire Co. (Portugal).
AH	The General Tire Co. (Mexico).
AJ	Uniroyal, Inc.
AK	Uniroyal, Inc.
AL	Uniroyal, Inc.
AM	Uniroyal, Inc.
AN	Uniroyal, Inc.
AP	Uniroyal, Inc.
AT	Avon Rubber Co. (England).
AU	Uniroyal, Ltd. (Canada).
AV	The Sieberling Tire & Rubber Co.
AW	Samson Tire & Rubber Co., Ltd. (Israel).
AX	Phoenix Gummiwerke A.G. (Germany).
AY	Phoenix Gummiwerke A.G. (Germany).
BA	The B. F. Goodrich Co.
BB	The B. F. Goodrich Co.
BC	The B. F. Goodrich Co.
BD	The B. F. Goodrich Co.
BE	The B. F. Goodrich Co.
BF	The B. F. Goodrich Co.
BH	The B. F. Goodrich Co. (Canada).
BJ	The B. F. Goodrich Co. (Germany).
BK	The B. F. Goodrich Co. (Brazil).
BL	The B. F. Goodrich Co. (Colombia).
BM	The B. F. Goodrich Co. (Australia).
BN	The B. F. Goodrich Co. (Philippines).
BP	The B. F. Goodrich Co. (Iran).
BT	Semperit Gummiwerke A.G. (Austria).
BU	Semperit Gummiwerke A.G. (Ireland).
BV	IRI International Rubber Co.
BW	The Gates Rubber Co.
BX	The Gates Rubber Co.
BY	The Gates Rubber Co.
CA	The Mohawk Rubber Co.
CB	The Mohawk Rubber Co.
CC	The Mohawk Rubber Co.
CD	Alliance Tire & Rubber Co., Ltd. (Israel).
CE	The Armstrong Rubber Co.
CF	The Armstrong Rubber Co.
CH	The Armstrong Rubber Co.
CJ	Inoue Rubber Co., Ltd. (Japan).
CK	Not assigned.
CL	Not assigned.
CM	Continental Gummiwerke A.G. (Germany).
CN	Continental Gummiwerke A.G. (France).
CP	Continental Gummiwerke A. G. (Germany).
CT	Continental Gummiwerke A. G. (Germany).
CU	Continental Gummiwerke A. G. (Germany).
CV	The Armstrong Rubber Co.
CW	The Toyo Rubber Industry Co., Ltd. (Japan).

Code No.	New Tire Manufacturers
CX	The Toyo Rubber Industry Co., Ltd. (Japan).
CY	McCreary Tire & Rubber Co.
DA	The Dunlop Tire & Rubber Corp.
DB	The Dunlop Tire & Rubber Corp.
DC	The Dunlop Tire & Rubber Corp. (Canada).
DD	The Dunlop Tire & Rubber Corp. (England).
DE	The Dunlop Tire & Rubber Corp. (England).
DF	The Dunlop Tire & Rubber Corp. (England).
DH	The Dunlop Tire & Rubber Corp. (Scotland).
DJ	The Dunlop Tire & Rubber Corp. (Ireland).
DK	The Dunlop Tire & Rubber Corp. (France).
DL	The Dunlop Tire & Rubber Corp. (France).
DM	The Dunlop Tire & Rubber Corp. (Germany).
DN	The Dunlop Tire & Rubber Corp. (Germany).
DP	The Dunlop Tire & Rubber Corp. (England).
DT	The Dunlop Tire & Rubber Corp. (Australia).
DU	The Dunlop Tire & Rubber Corp. (Australia).
DV	Vredestein (The Netherlands).
DW	Vredestein (The Netherlands).
DX	Vredestein Radium (The Netherlands).
DY	Denman Rubber Manufacturing Co.
EA	Metzeler A.G. (Germany).
EB	Metzeler A.G. (Germany).
EC	Metzeler A.G. (Germany).
ED	Okamoto Riken Gomu Co., Ltd. (Japan).
EE	Nitto Tire Co., Ltd. (Japan).
EF	Hung Ah Tire Co., Ltd. (Korea).
EH	Bridgestone Tire Co., Ltd. (Japan).
EJ	Bridgestone Tire Co., Ltd. (Japan).
EK	Bridgestone Tire Co., Ltd. (Japan).
EL	Bridgestone Tire Co., Ltd. (Japan).
EM	Bridgestone Tire Co., Ltd. (Japan).
EN	Bridgestone Tire Co., Ltd. (Japan).
EP	Bridgestone Tire Co., Ltd. (Japan).
ET	Sumitomo Rubber Industries, Ltd. (Japan).
EU	Sumitomo Rubber Industries, Ltd. (Japan).
EV	Kleber-Colombes Co. (France).
EW	Kleber-Colombes Co. (France).
EX	Kleber-Colombes Co. (France).
EY	Kleber-Colombes Co. (France).
FA	The Yokohama Rubber Co., Ltd. (Japan).
FB	The Yokohama Rubber Co., Ltd. (Japan).
FC	The Yokohama Rubber Co., Ltd. (Japan).
FD	The Yokohama Rubber Co., Ltd. (Japan).
FE	The Yokohama Rubber Co., Ltd. (Japan).
FF	Michielin Tire Corp. (France).
FH	Michielin Tire Corp. (France).
FJ	Michielin Tire Corp. (France).
FK	Michielin Tire Corp. (France).
FL	Michielin Tire Corp. (France).
FM	Michielin Tire Corp. (France).
FN	Michielin Tire Corp. (France).
FP	Michielin Tire Corp. (Algeria).
FT	Michielin Tire Corp. (Germany).
FU	Michielin Tire Corp. (Germany).
FV	Michielin Tire Corp. (Germany).
FW	Michielin Tire Corp. (Germany).
FX	Michielin Tire Corp. (Belgium).
FY	Michielin Tire Corp. (The Netherlands).
HA	Michielin Tire Corp. (Spain).
HB	Michielin Tire Corp. (Spain).
HC	Michielin Tire Corp. (Spain).
HD	Michielin Tire Corp. (Italy).
HE	Michielin Tire Corp. (Italy).
HF	Michielin Tire Corp. (Italy).
HH	Michielin Tire Corp. (Italy).
HJ	Michielin Tire Corp. (United Kingdom).
HK	Michielin Tire Corp. (United Kingdom).
HL	Michielin Tire Corp. (United Kingdom).
HM	Michielin Tire Corp. (United Kingdom).
HN	Michelin Tire Corp. (Canada).
HP	Michelin Tire Corp. (South Vietnam).
HT	CEAT (Italy).
HU	CEAT (Italy).
HV	CEAT (Italy).
HW	Withdrawn.
HX	The Dayton Tire & Rubber Co.
HY	The Dayton Tire & Rubber Co.
JA	The Lee Tire & Rubber Co.
JB	The Lee Tire & Rubber Co.
JC	The Lee Tire & Rubber Co.
JD	The Lee Tire & Rubber Co.
JE	The Lee Tire & Rubber Co.
JF	The Lee Tire & Rubber Co.
JH	The Lee Tire & Rubber Co.
JJ	The Lee Tire & Rubber Co.
JK	The Lee Tire & Rubber Co.
JL	The Lee Tire & Rubber Co.
JM	The Lee Tire & Rubber Co.
JN	The Lee Tire & Rubber Co.
JP	The Lee Tire & Rubber Co.
JT	The Lee Tire & Rubber Co.
JU	The Lee Tire & Rubber Co. (Canada).
JV	The Lee Tire & Rubber Co. (Canada).
JW	The Lee Tire & Rubber Co. (Canada).
JX	Lee Tire & Rubber Co. (Canada).
JY	Lee Tire & Rubber Co. (Argentina).
KA	Lee Tire & Rubber Co. (Australia).
KB	Lee Tire & Rubber Co. (Australia).
KC	Lee Tire & Rubber Co. (Brazil).
KD	Lee Tire & Rubber Co. (Columbia).
KE	Lee Tire & Rubber Co. (Republic of Congo).
KF	Lee Tire & Rubber Co. (France).
KH	Lee Tire & Rubber Co. (Germany).
KJ	Lee Tire & Rubber Co. (Germany).
KK	Lee Tire & Rubber Co. (Greece).
KL	Lee Tire & Rubber Co. (Guatemala).
KM	Lee Tire & Rubber Co. (Luxembourg).
KN	Lee Tire & Rubber Co. (India).
KP	Lee Tire & Rubber Co. (Indonesia).
KT	Lee Tire & Rubber Co. (Italy).
KU	Lee Tire & Rubber Co. (Jamaica).
KV	Lee Tire & Rubber Co. (Mexico).
KW	Lee Tire & Rubber Co. (Peru).
KX	Lee Tire & Rubber Co. (Philippines).
KY	Lee Tire & Rubber Co. (Scotland).
LA	Lee Tire & Rubber Co. (South Africa).
LB	Lee Tire & Rubber Co. (Sweden).
LC	Lee Tire & Rubber Co. (Thailand).
LD	Lee Tire & Rubber Co. (Turkey).
LE	Lee Tire & Rubber Co. (Venezuela).
LF	Lee Tire & Rubber Co. (England).
LH	Uniroyal, Inc. (Australia).
LJ	Uniroyal, Inc. (Belgium).
LK	Uniroyal, Inc. (Colombia).
LL	Uniroyal, Inc. (France).
LM	Uniroyal, Inc. (Germany).
LN	Uniroyal, Inc. (Mexico).
LP	Uniroyal, Inc. (Scotland).
LT	Uniroyal, Inc. (Turkey).
LU	Uniroyal, Inc. (Venezuela).
LV	Mansfield-Denman-General Co., Ltd. (Canada).
LW	Trelleborg Rubber Co., Inc. (Sweden).
LX	Mitsuboshi Belting, Ltd. (Japan).
LY	Mitsuboshi Belting, Ltd. (Japan).
MA	The Goodyear Tire & Rubber Co.
MB	The Goodyear Tire & Rubber Co.
MC	The Goodyear Tire & Rubber Co.
MD	The Goodyear Tire & Rubber Co.
ME	The Goodyear Tire & Rubber Co.
MF	The Goodyear Tire & Rubber Co.
MH	The Goodyear Tire & Rubber Co.
MJ	The Goodyear Tire & Rubber Co.
MK	The Goodyear Tire & Rubber Co.
ML	The Goodyear Tire & Rubber Co.
MM	The Goodyear Tire & Rubber Co.
MN	The Goodyear Tire & Rubber Co.
MP	The Goodyear Tire & Rubber Co.
MT	The Goodyear Tire & Rubber Co.
MU	The Goodyear Tire & Rubber Co. (Argentina).
MV	The Goodyear Tire & Rubber Co. (Australia).
MW	The Goodyear Tire & Rubber Co. (Australia).
MX	The Goodyear Tire & Rubber Co. (Brazil).
MY	The Goodyear Tire & Rubber Co. (Colombia).
NA	The Goodyear Tire & Rubber Co. (Republic of Congo).
NB	The Goodyear Tire & Rubber Co. (England).
NC	The Goodyear Tire & Rubber Co. (France).
ND	The Goodyear Tire & Rubber Co. (Germany).
NE	The Goodyear Tire & Rubber Co. (Germany).
NF	The Goodyear Tire & Rubber Co. (Greece).
NH	The Goodyear Tire & Rubber Co.
NJ	The Goodyear Tire & Rubber Co. (Luxembourg).
NK	The Goodyear Tire & Rubber Co. (India).
NL	The Goodyear Tire & Rubber Co. (Indonesia).
NM	The Goodyear Tire & Rubber Co. (Italy).
NN	The Goodyear Tire & Rubber Co. (Jamaica).
NP	The Goodyear Tire & Rubber Co. (Mexico).
NT	The Goodyear Tire & Rubber Co. (Peru).
NU	The Goodyear Tire & Rubber Co. (Philippines).
NV	The Goodyear Tire & Rubber Co. (Scotland).
NW	The Goodyear Tire & Rubber Co. (South Africa).
NX	The Goodyear Tire & Rubber Co. (Sweden).
NY	The Goodyear Tire & Rubber Co. (Thailand).
PA	The Goodyear Tire & Rubber Co. (Turkey).
PB	The Goodyear Tire & Rubber Co. (Venezuela).

Code No.	New Tire Manufacturers
PC	The Goodyear Tire & Rubber Co. (Canada).
PD	The Goodyear Tire & Rubber Co. (Canada).
PE	The Goodyear Tire & Rubber Co. (Canada).
PF	The Goodyear Tire & Rubber Co. (Canada).
PH	The Kelly-Springfield Tire Co.
PJ	The Kelly-Springfield Tire Co.
PK	The Kelly-Springfield Tire Co.
PL	The Kelly-Springfield Tire Co.
PM	The Kelly-Springfield Tire Co.
PN	The Kelly-Springfield Tire Co.
PP	The Kelly-Springfield Tire Co.
PT	The Kelly-Springfield Tire Co.
PU	The Kelly-Springfield Tire Co.
PV	The Kelly-Springfield Tire Co.
PW	The Kelly-Springfield Tire Co.
PX	The Kelly-Springfield Tire Co.
PY	The Kelly-Springfield Tire Co.
TA	The Kelly-Springfield Tire Co.
TB	The Kelly-Springfield Tire Co. (Argentina).
TC	The Kelly-Springfield Tire Co. (Australia).
TD	The Kelly-Springfield Tire Co. (Australia).
TE	The Kelly-Springfield Tire Co. (Brazil).
TF	The Kelly-Springfield Tire Co. (Colombia).
TH	The Kelly-Springfield Tire Co. (Republic of Congo).
TJ	The Kelly-Springfield Tire Co. (England).
TK	The Kelly-Springfield Tire Co. (France).
TL	The Kelly-Springfield Tire Co. (Germany).
TM	The Kelly-Springfield Tire Co. (Germany).
TN	The Kelly-Springfield Tire Co. (Greece).
TP	The Kelly-Springfield Tire Co. (Guatemala).
TT	The Kelly-Springfield Tire Co. (Luxembourg).
TU	The Kelly-Springfield Tire Co. (India).
TV	The Kelly-Springfield Tire Co. (Indonesia).
TW	The Kelly-Springfield Tire Co. (Italy).
TX	The Kelly-Springfield Tire Co. (Jamaica).
TY	The Kelly-Springfield Tire Co. (Mexico).
UA	The Kelly-Springfield Tire Co. (Peru).
UB	The Kelly-Springfield Tire Co. (Philippines).
UC	The Kelly-Springfield Tire Co. (Scotland).
UD	The Kelly-Springfield Tire Co. (South Africa).
UE	The Kelly-Springfield Tire Co. (Sweden).
UF	The Kelly-Springfield Tire Co. (Thailand).
UH	The Kelly-Springfield Tire Co. (Turkey).
UJ	The Kelly-Springfield Tire Co. (Venezuela).
UK	The Kelly-Springfield Tire Co. (Canada).
UL	The Kelly-Springfield Tire Co. (Canada).
UM	The Kelly-Springfield Tire Co. (Canada).
UN	The Kelly-Springfield Tire Co. (Canada).
UP	Copper Tire & Rubber Co.
UT	Copper Tire & Rubber Co.
UU	Carlisle Tire & Rubber Division of Carlisle Corp.
UV	Kyowa Rubber Industry Co., Ltd. (Japan).
UW	Not assigned.
UX	Not assigned.
UY	Not assigned.
VA	The Firestone Tire & Rubber Co.
VB	The Firestone Tire & Rubber Co.
VC	The Firestone Tire & Rubber Co.
VD	The Firestone Tire & Rubber Co.
VE	The Firestone Tire & Rubber Co.
VF	The Firestone Tire & Rubber Co.
VH	The Firestone Tire & Rubber Co.
VJ	The Firestone Tire & Rubber Co.
VK	The Firestone Tire & Rubber Co.
VL	The Firestone Tire & Rubber Co. (Canada).
VM	The Firestone Tire & Rubber Co. (Canada).
VN	The Firestone Tire & Rubber Co. (Canada).
VP	The Firestone Tire & Rubber Co. (Italy).
VT	The Firestone Tire & Rubber Co. (Spain).
VU	Withdrawn.
VV	The Firestone Tire & Rubber Co. (Sweden).
VW	The Firestone Tire & Rubber Co. (Japan).
VX	The Firestone Tire & Rubber Co. (England).
VY	The Firestone Tire & Rubber Co. (Wales).
WA	The Firestone Tire & Rubber Co. (France).
WB	The Firestone Tire & Rubber Co. (Costa Rica).
WC	The Firestone Tire & Rubber Co. (Australia).
WD	The Firestone Tire & Rubber Co. (Switzerland).
WE	Withdrawn.
WF	The Firestone Tire & Rubber Co. (Spain).
WH	The Firestone Tire & Rubber Co. (Sweden).
WJ	The Firestone Tire & Rubber Co. (Australia).
WK	Pennsylvania Tire & Rubber Company of Mississippi.
WL	The Mansfield Tire & Rubber Co.
WM	Olympic Tire & Rubber Co. Pty., Ltd. (Australia).
WN	Olympic Tire & Rubber Co. Pty., Ltd. (Australia).
WP	Schenuit Industries, Inc.
WT	Madras Rubber Factory, Ltd. (India).
WU	Not Assigned.
WV	Not Assigned.
WW	Not Assigned.
WX	Not Assigned.
WY	Not Assigned.
XA	Pirelli Tire Corp. (Italy).
XB	Pirelli Tire Corp. (Italy).
XC	Pirelli Tire Corp. (Italy).
XD	Pirelli Tire Corp. (Italy).
XE	Pirelli Tire Corp. (Italy).
XF	Pirelli Tire Corp. (Spain).
XH	Pirelli Tire Corp. (Greece).
XJ	Pirelli Tire Corp. (Turkey).
XK	Pirelli Tire Corp. (Brazil).
XL	Pirelli Tire Corp. (Brazil).
XM	Pirelli Tire Corp. (Argentina).
XN	Pirelli Tire Corp. (England).
XP	Pirelli Tire Corp. (England).
XT	Veith-Pirelli A.G. (Germany).

TABLE 2—LIST OF NEW TIRE MANUFACTURERS AND CORRESPONDING IDENTIFICATION CODE MARKS

(Based on the following Alpha-numeric code with letters: ABCDEFHJKLMNPTZVWXY and Nos. 123456789)

Manufacturer	Identification code
Alliance Tire & Rubber Co., Ltd.	CD.
The Armstrong Rubber Co.	CE, CF, CH, CV.
Avon Rubber Co	AT.
Bridgestone Tire Co., Ltd.	EH, EJ, EK, EL, EM, EN, EP.
Carlisle Tire & Rubber Division of Carlisle Corp.	UU.
Ceat	HT, HU, HV.
Continental A.G	CM, CN, CP, CT, CU.
Copper Tire & Rubber Co.	UP, UT.
The Dayton Tire & Rubber Co.	HX, HY.
Denman Rubber Manfacturing Co.	DY.
The Dunlap Tire & Rubber Co.	DA, DB, DC, DD, DE, DF, DH, DJ, DK, DL, DM, DN, DP, DU.
The Firestone Tire & Rubber Co.	VA, VB, VC, VD, VE, VF, VH, VJ, VK, VL, VM, VN, VP, VT, VV, VW, VX, VY, WA, WB, WC, WD, WF, WH, WJ.
The Gates Rubber Co	BW, BX, BY.
The General Tire & Rubber Co.	AA, AB, AC, AD, AE, AF, AH.
The B. F. Goodrich Co.	BA, BB, BC, BD, BE, BF, BH, BJ, BK, BL, BM, BN, BP.
The Goodyear Tire & Rubber Co.	MA, MB, MC, MD, ME, MF, MH, MJ, MK, ML, MM, MN, MP, MT, MU, MV, MW, MX, MY, NA, NB, NC, ND, NE, NF, NH, NJ, NK, NL, NM, NN, NP, NT, NU, NV, NW, NX, NY, PA, PB, PC, PD, PE, PF.
Hung Ah Tire Co., Ltd.	EF.
IRI International Rubber Co.	BV.
Inoue Rubber Co., Ltd.	CJ.
The Kelly-Springfield Tire Co.	PH, PJ, PK, PL, PM, PN, PP, PT, PU, PV, PW, PX, PY, TA, TB, TC, TD, TE, TF, TH, TJ, TK, TL, TM, TN, TP, TT, TU, TV, TW, TX, TY, UA, UB, UC, UD, UE, UF, UH, UJ, UK, UL, UM, UN.
Kleber-Colombes Co	EV, EW, EX, EY.
Kyowa Rubber Ind. Co., Ltd.	UV.
The Lee Tire & Rubber Co.	JA, JB, JC, JD, JE, JF, JH, JJ, JK, JL, JM, JN, JP, JT, JU, JV, JW, JX, JY, KA, KB, KC, KD, KE, KF, KH, KJ, KK, KL, KM, KN, KP, KT, KU, KV, KW, KX, KY, LA, LB, LC, LD, LE, LF.
Madras Rubber Factory, Ltd.	WT.
The Mansfield Tire & Rubber Co.	WL.
Mansfield - Denman-General Co., Ltd.	LV.
McCreary Tire & Rubber Co.	CY.
Metzeler A.G	EA, EB, EC.

Manufacturer	*Identification code*
Michelin Tire Corp	FF, FH, FJ, FK, FL, FM, FN, FP, FT, FU, FV, FW, FX, FY, HA, HB, HC, HD, HE, HF, HH, HJ, HK, HL, HM, HN, HP.
Mitsuboshi Belting, Ltd.	LX, LY.
The Mohawk Rubber Co.	CA, CB, CC.
Nitto Tire Co., Ltd	EE.
Okamoto Riken Gumo Co., Ltd.	ED.
Olympic Tire & Rubber Co. Pty., Ltd.	WM, WN.
Pennsylvania Tire & Rubber Company of Mississippi.	WK.
Phoenix Gummiwerke A.G.	AX, AY.
Pirelli Tire Corp	XA, XB, XC, XD, XE, XF, XH, XJ, XK, XL, XM, XN, XP.
Samson Tire & Rubber Co., Ltd.	AW.
Schenuit Industries, Inc.	WP.
The Seiberling Tire & Rubber Co.	AV.
Semperit Gummiwerke A.G.	BT, BU.
Sumitomo Rubber Industries.	ET, EU.
The Toyo Rubber Industry Co., Ltd.	CW, CX.
Trelleborg Rubber Co.	LW.
Uniroyal Inc	AJ, AK, AL, AM, AN, AP, AU, LH, LJ, LK, LL, LM, LN, LP, LT, LU.
Veith-Pirelli A.G	XT.
Vredestein	DV, DW.
Vredestein-Radium	DX.
The Yokohama Rubber Co., Ltd.	FA, FB, FC, FD, FE.

[FR Doc.71-5465 Filed 4-20-71;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-240]

GULF ENERGY & ENVIRONMENTAL SYSTEMS, INC.

Notice of Issuance of Amendment to Facility License

The Atomic Energy Commission (the Commission) has issued, effective as of the date of issuance, Amendment No. 5 to Facility License No. R-104 dated September 8, 1966. The License presently authorizes Gulf Energy & Environmental Systems, Inc., to possess, but not operate, the modified HTGR critical facility located at the Torrey Pines Mesa site near San Diego, Calif. The amendment extends the expiration date to April 30, 1973.

The Commission has found that the application for the amendment complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations published in 10 CFR Chapter I. The Commission has made the findings required by the Act and the Commission's regulations which are set forth in the amendment, and has concluded that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public. The Commission has also found that prior public notice of this amendment is not required since the amendment does not present significant hazards considerations different from those previously evaluated.

Within 15 days from the date of publication of the notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated March 25, 1971, and (2) the amendment to facility license, which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington DC. Copies of the amendment may be obtained upon request sent to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 8th day of April 1971.

For the Atomic Energy Commission.

DUDLEY THOMPSON,
Acting Assistant Director for Reactor Operations, Division of Reactor Licensing.

[FR Doc.71-5520 Filed 4-20-71;8:47 am]

[Docket Nos. 50-338, 50-339]

VIRGINIA ELECTRIC AND POWER CO.

Notice of Amendment of Construction Permits

Notice is hereby given that, pursuant to the memorandum and order of the Atomic Safety and Licensing Appeals Board, dated March 29, 1971, the Director of the Division of Reactor Licensing has issued Amendment No. 1 to Construction Permits Nos. CPPR-77 and CPPR-78 amending paragraph 2D to read as follows:

D. The applicant shall observe such standards and requirements for the protection of the environment as are validly imposed pursuant to authority established under Federal and State law and as are determined by the Commission to be applicable to the facility covered by this construction permit. This condition does not apply to: (a) Radiological effects since such effects are dealt with in other provisions of this construction permit, or (b) matters of water quality covered by section 21(b) of the Federal Water Pollution Control Act.

Paragraph 2E is renumbered Paragraph 2F and the following condition is incorporated in each construction permit as Paragraph 2E:

E. The applicant shall comply with all applicable requirements of section 21(b) of the Federal Water Pollution Control Act."

A copy of the memorandum and order is on file in the Commission's Public Document Room, 1717 H Street NW., Washington, DC. Copies of Amendment No. 1 to Construction Permits Nos. CPPR-77 and CPPR-78 are also on file in the Commission's Public Document Room or may be obtained upon request addressed to Director, Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 14th day of April 1971.

For the Atomic Energy Commission.

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

[FR Doc.71-5521 Filed 4-20-71;8:48 am]

[Docket No. 50-27]

WASHINGTON STATE UNIVERSITY

Notice of Issuance of Amendment to Facility License

The Atomic Energy Commission has issued Amendment No. 4 to Facility License No. R-76. The license authorizes the Washington State University to possess, use, and operate the TRIGA reactor located on the University's campus at Pullman, Wash. The amendment increases the amount of uranium 235 which the licensee may receive, possess and use from 4 kilograms to 5 kilograms.

By application dated March 23, 1971, Washington State University requested authorization to receive, possess, and use the additional uranium 235 in the form of new fuel elements in connection with operation of the TRIGA reactor. The additional fuel elements will be used to replace installed fuel elements as they become depleted through use in the core. Procedures to assure safe storage of the additional fuel when it is not in use in the reactor have been reviewed previously and approved by the Commission. The amendment also deletes the authority to possess 3.100 kilograms of contained uranium in MTR type fuel elements because these fuel elements have been shipped offsite.

The Commission has found that the application for the amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations as published in 10 CFR Chapter I, and the issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public. The Commission has also found that prior public notice of this amendment is not required since the amendment does not present significant hazards considerations different from those previously evaluated.

Within 15 days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see the application dated March 23, 1971, and the amendment to the facility license which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC. Copies of the amendment may be obtained upon request sent to the Atomic Energy Commission, Kashington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 8th day of April 1971.

For the Atomic Energy Commission.

DUDLEY THOMPSON,
Acting Assistant Director for Reactor Operations, Division of Reactor Licensing.

[FR Doc.71-5522 Filed 4-20-71;8:48 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23062]

AIR CONGO

Notice of Postponement of Prehearing Conference and Hearing Regarding Foreign Air Carrier Permit

Pursuant to the request of counsel of Air Congo by letter dated April 15, 1971, the prehearing conference and hearing in this proceeding, presently scheduled for April 21, 1971, are hereby postponed to 10 a.m., e.d.s.t., May 10, 1971, in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC.

Dated at Washington, D.C., on April 15, 1971.

[SEAL] JAMES S. KEITH,
Hearing Examiner.

[FR Doc.71-5560 Filed 4-20-71;8:51 am]

[Docket No. 23263]

AMERICAN FLYERS AIRLINE CORP. AND CALIFORNIA AIRMOTIVE CORP.

Notice of Proposed Approval

Application of American Flyers Airline Corp. and California Airmotive Corp. for approval of aircraft transactions pursuant to section 408 of the Federal Aviation Act, Docket 23263.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the order set forth below under delegated authority. Interested persons are hereby afforded a period of 15 days from the date of this notice within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., April 16, 1971.

[SEAL] A. M. ANDREWS,
Director, Bureau of Operating Rights.

ORDER OF APPROVAL

Issued under delegated authority.

Application of American Flyers Airline Corp. and California Airmotive Corp. for approval of aircraft transactions pursuant to section 408 of the Federal Aviation Act, Docket 23263.

By joint application filed April 5, 1971, American Flyers Airline Corp. (AFA) and California Airmotive Corp. (CAC) request approval without hearing pursuant to section 408(b) of the Federal Aviation Act of 1958, as amended (the Act) with respect to the sale by AFA to CAC of certain aircraft.

The terms of the transaction provides that CAC will purchase four Lockheed Electra L-188C aircraft plus random spares and parts, ground equipment, and tools for $500,000.

AFA is a certificated supplemental air carrier holding charter authority to operate transatlantic services and to the Caribbean, Mexico, and Canada as well as between the 50 States of the United States. CAC is a California corporation engaged in the sale, lease, and modification of aircraft. It is thus considered a person engaged in a phase of aeronautics.

In support of its request for approval of the transaction, AFA states that the terms thereof were arrived at after arm's length bargaining and that the proceeds of the sale will greatly assist AFA in meeting its current obligations. AFA's present fleet consists of two Douglas DC-8-63, two Boeing 727 and the four Electra aircraft which are the subject of this application. AFA has determined to phase out the Electra aircraft because of grossly uneconomical utilization and yield from their operations. AFA submits that the transaction does not affect its control, does not create a monopoly and thereby restrain competition or jeopardize another air carrier.

No objections to approval of the transaction have been received.

It is concluded that AFA is an air carrier; that CAC is a person engaged in a phase of aeronautics and that the acquisition by CAC of one half of AFA's fleet of aircraft is subject to section 408(a)(2) of the Act. It has been further concluded that the transaction should be approved. The transaction does not affect the control of a carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly and thereby restrain competition nor does it jeopardize another air carrier. No person disclosing a substantial interest in this proceeding is currently requesting a hearing and it is concluded that the public interest does not require a hearing. AFA, as a supplemental air carrier, is not required to maintain any particular quantum of service and it appears that the jet aircraft remaining in its fleets are, in any event, capable of producing a substantial amount of service. Under these circumstances it is not found that the transaction is contrary to the public interest or that the conditions of section 408 will be unfulfilled.

Notice of intent to dispose of the application without hearing has been published in the FEDERAL REGISTER and a copy of such notice has been furnished to the Attorney General not later than the day following date of such publication, both in accordance with the provisions of section 408(b) of the Act.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13, it is found that the transaction described herein should be approved under section 408(b) of the Act without a hearing.

Accordingly, it is ordered, That:

The purchase of the four Lockheed L-188C aircraft by CAC from AFA be and it hereby is approved.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 5 days after the date of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-5561 Filed 4-20-71;8:51 am]

[Docket No. 22628; Order 71-4-103]

NATIONAL AIRLINES

Order Regarding Special Fares for Ships' Crews

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 15th day of April 1971.

Petition of National Airlines for Reconsideration of Order 71-3-87 disapproving IATA resolutions establishing special fares for ships' crews.

By a petition filed March 26, 1971, National Airlines (National) requests reconsideration of Order 71-3-87 in which the Board disapproved, insofar as air transportation is concerned, an IATA resolution which would establish special fares for the transportation of ships' crews over the Atlantic.

National requests reconsideration on the grounds that the proposed individual ships' crews fares are not so discriminatory as to be adverse to the public interest, and that the Board's order is inconsistent with its past and present policy on special and reduced-rate fares in foreign air transportation. National requests prompt action on its petition in order to prevent harmful loss of revenue to National.

National contends that the Board's order places it at a distinct competitive disadvantage in the carriage of ships' crews in that participation in this traffic is accomplished only through the issuance of an order by the foreign government relating to the establishment of special (i.e. non-IATA) rates for this class of traffic. Although National has received such an order from the government of the United Kingdom, it cannot be the recipient of orders from the governments of countries it is not authorized to serve. Therefore, while BOAC, National's only competitor out of Miami, is the recipient of orders from various foreign governments, and can participate in virtually all ships' crew traffic out of Miami, alone and in conjunction with BEA, National is limited to the carriage

of British ships' crews only to and from the United Kingdom; hence, National is denied equal competitive participation with BOAC. National states that in mid-April the winter Caribbean cruise season will end in south Florida and a major repatriation of ships' crews to Europe will commence. National asserts it has been approached by a number of shipping companies for reduced-rate transportation and unless the Board acts favorably on its petition National must stand by and watch this traffic in air transportation be carried by foreign carriers or other United States flag carriers which can offer special ships' crews fares by virtue of foreign government orders.

In the past, special fares for ships' crews have been established between a limited number of points, outside the framework of an IATA agreement, pursuant to directives issued by several foreign governments to various carriers operating transatlantic services. The Board has permitted the establishment of these fares to and from the United States as an accommodation to the other governments involved, despite reservations as to their lawfulness. The instant IATA resolution, as a procedural matter, would bring the establishment of fares for ships' crews within the IATA machinery and, as a substantive matter, extend their availability to all TC 1/2 routes served by the IATA members.[1]

We are not persuaded that the matters advanced by National provide an adequate justification for the discrimination inherent in these special fares. The characteristics of the transportation provided to ships' crews under the resolution is indistinguishable in all pertinent respects from that afforded other segments of the traveling public who are not eligible to use these fares. From the facts available to us, it appears that the special fares represent nothing more or less than a price concession to this limited category of persons based on considerations unrelated to air transportation. Moreover, we question the economic wisdom of extending the scope of this discount to additional routes and potential users at a time when the carriers have agreed to raise the fares to most other travelers. In these circumstances, the Board cannot find the resolution establishing these fares to be consistent with the public interest and, therefore, we must adhere to our earlier decision to disapprove it.

We are concerned, however, that the establishment of these fares by government order may have the effect of disadvantaging any United States carrier competing for traffic moving over its routes. In the instant case, National appears to be disadvantaged vis-a-vis other carriers and in other situations other United States carriers may be similarly affected. To correct this situation we shall condition IATA Resolution 001 in such a manner as to authorize any United States carrier to establish special fares or rates, applicable in air transportation for on-line services or for connecting services with another carrier, competitive with special fares established pursuant to a government order.

Accordingly, it is ordered, That:

1. The following condition be applied on Resolution 001, Permanent Effectiveness Resolution:

Where special fares or rates are established pursuant to the order of a foreign government, involving air transportation the cost of which is not paid for by that government, United States carriers are authorized to estabilsh competitive fares for on-line services and for connecting services provided with other carriers.

2. The petition of National Airlines for reconsideration is hereby denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-5562 Filed 4-20-71;8:51 am]

[1] The Resolution would provide discounts of not more than 25 percent of the applicable normal one-way economy-class fare. A written application must be submitted to the carrier by the shipping company concerned and payment shall be made by the shipping company.

FEDERAL COMMUNICATIONS COMMISSION

[FCC 71-414]

TOP 50 MARKETS FOR PRIME TIME ACCESS RULE

APRIL 15, 1971.

For the purpose of the prime time access rule (§ 73.658(k)), the top 50 markets are determined on the basis of the most recent rankings by the American Research Bureau in effect on September 1 of each year. The American Research Bureau issued its "1970 Television Market Analysis" on March 8, 1971 which contains the prime time market rankings (all home stations combined) and we understand that no additional such rankings will be made before September 1, 1971. The following are the top 50 markets in alphabetical order:

Albany-Schenectady-Troy.
Atlanta.
Baltimore.
Birmingham.
Boston.
Buffalo.
Charleston-Huntington.
Charlotte, N.C.
Chicago.
Cincinnati.
Cleveland.
Columbus, Ohio.
Dallas-Ft. Worth.
Dayton.
Denver.
Detroit.
Grand Rapids-Kalamazoo.
Greensboro-Winston Salem-High Point.
Greenville-Spartanburg-Asheville.
Hartford-New Haven.
Houston.
Indianapolis.
Kansas City.
Little Rock.
Los Angeles.
Louisville.
Memphis.
Miami.
Milwaukee.
Minneapolis-St. Paul.
Nashville.
New Orleans.
New York.
Norfolk-Portsmouth-Newport News-Hampton.
Oklahoma City.
Philadelphia.
Phoenix.
Pittsburgh.
Portland, Oreg.
Providence.
Sacramento-Stockton.
Salt Lake City.
San Antonio.
San Francisco.
Seattle-Tacoma.
St. Louis.
Syracuse.
Tampa-St. Petersburg.
Washington, D.C.
Wilkes Barre-Scranton.

The Wichita-Hutchinson market which is ranked 48th by ARB has been omitted because its prime time audience, excluding that of satellites of Wichita-Hutchinson stations would rank it below 50.

Action by the Commission April 14, 1971.[1]

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-5537 Filed 4-20-71;8:49 am]

[Dockets Nos. 19198; 19199; FCC 71-351]

DOUGLAS C. DILLARD AND ARBUCKLE BROADCASTERS, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Douglas C. Dillard, Ardmore, Okla., Docket No. 19198, File No. BPH-6542, Requests: 95.7 mcs., No. 239; 26.61 kw.(H); 26.61 kw.(V); 241.4 feet; Arbuckle Broadcasters, Inc., Ardmore, Okla., Docket No. 19199, File No. BPH-6649, Requests: 95.7 mcs., No. 239; 100 kw.(H); 100 kw.(V); 451 feet; for construction permits.

1. The Commission has under consideration: (a) The above-captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference; (b) "Petition to Place [Dillard application] in Pending File", filed by Arbuckle Broadcasters; and (c) Dillard's "Opposition to Petition to Place in Pending File".

2. The Arbuckle petition is premised on the pendency of the multiple-ownership rule making in Docket No. 18110 which it alleges would be applicable to the Dillard proposal. Since the Commission has acted to adopt new rules which do not contain a specific prohibition against the grant of an FM station to a party which controls a fulltime AM station in the market, the petition has become moot and will be dismissed. The matter of communications media interests held by Dillard, his wife and her family, which was discussed in the petition, however, does require consideration on our own motion.

3. From the information available to us, it appears that Mrs. Dillard and her family control the only AM station in the community as well as its only daily and weekly newspapers. Although Dillard has indicated his intention to resign as manager of his wife's AM station, we are unpersuaded that there is any valid basis for concluding that the stations would

[1] Commissioners Burch (Chairman), Bartley, Robert E. Lee, Johnson, H. Rex Lee, Wells, and Houser.

not be under common control. In other cases similar to this one, we have designated applications for hearing where the party was seeking the only FM channel in the community.[1] In this case, two channels are asigned, but this is the only class C channel which is available. Because of the considerable disparity between the class A and C channels which are available, we believe that an issue is required regarding concentration of control over local communications media.[2]

4. In Suburban Broadcasters, 30 FCC 951 (1961), our public notice of August 22, 1968, FCC 68-847, 13 RR 2d 1903, City of Camden (WCAM), 18 FCC 2d 412 (1969), and our Primer on Ascertainment of Community Problems by Broadcast Applicants, FCC 71-176, released February 23, 1971, we indicated that applicants were expected to provide full information on their awareness of and responsiveness to local community needs and interests. In this case, Dillard does not appear to have contacted a representatives cross section of the area leaders and members of the general public in the area he intends to serve, although he has adequately provided the comments regarding community needs obtained from the individuals he has contacted. Because Arbuckle Broadcasters has not supplied a description of the composition of its community, we are unable to determine whether it has contacted a cross section of community leaders and members of the general public. As a result, we are unable at this time to determine whether either applicant is aware of and responsive to the needs of the area. Accordingly, Suburban issues are required.

5. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purposes of comparison, the areas and populations which would receive FM service of 1 mv/m or greater intensity, together with the availability of other primary aural services in such areas will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

6. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

7. *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether a grant of the Douglas C. Dillard application would tend to create an undue concentration of control over local media of mass communication.

2. To determine the efforts made by Douglas C. Dillard to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

3. To determine the efforts made by Arbuckle Broadcasters, Inc., to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

4. To determine which of the proposals would, on a comparative basis, better serve the public interest.

5. To determine in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications for construction permit should be granted.

8. *It is further ordered*, That the Arbuckle Broadcasters' petition to place in pending file is dismissed as moot.

9. *It is further ordered*, That to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

10. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commision's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: April 8, 1971.

Released: April 14, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-5539 Filed 4-20-71;8:49 am]

[Dockets Nos. 18989, 18990; FCC 71R-120]

HORNE INDUSTRIES, INC., AND TELLUM BROADCASTING COMPANY OF SEARCY, INC.

Memorandum Opinion and Order Enlarging Issues

In regard application of Horne Industries, Inc., Searcy, Ark., Docket No. 18989, File No. BPH-6810; Tellum Broadcasting Company of Searcy, Inc., Searcy, Ark., Docket No. 18990, File No. BPH-6953; for construction permits.

1. The mutually exclusive applications of Horne Industries, Inc. (Horne), and Tellum Broadcasting Company of Searcy, Inc. (Tellum), for a new FM broadcast station in Searcy, Ark., were designated for hearing under various issues, including an availability of funds issue against Tellum, by Commission Order, FCC 70-975, 35 F.R. 14741, published September 22, 1970. Presently before the Review Board is a motion to enlarge issues, filed February 9, 1971, by Horne, seeking the addition of § 1.65, misrepresentation, and financial qualifications issues against Tellum.[1]

2. In support of its request for a Rule 1.65 issue, Horne asserts that Tellum has failed to keep its application up to date regarding its financial qualifications in that it has not reported outstanding liabilities for one of its principals, Levoy Patrick Demaree. Horne explains that, at the taking of Demaree's testimony in a deposition proceeding, it discovered that, in addition to $9,415 in personal obligations listed by Demaree in the application, he has additional liabilities of $10,685.04. This amount, claims petitioner, results from the endorsement of a note to Cecil Harris for $1,650 and from Demaree's personal guarantee on a note held by the McIlroy Bank relating to the indebtedness of Big Chief Broadcasting and Little Chief Broadcasting companies in the amount of $9,035.04.[2] Since these liabilities have not been reported to the Commission as required by § 1.65 of the rules, Horne urges the addition of an appropriate issue. Based on these same facts, i.e., the alleged omission of Demaree to fully disclose the extent of his liabilities, Horne asserts that a misrepresentation issue is also warranted. Finally, in support of its request for an issue inquiring into Tellum's proposed costs of construction and operation, petitioner submits the affidavit of Charles A. Lovell, Sr., a general building contractor, wherein Lovell states that Tellum's cost estimates for the construction of the proposed station are unrealistic because it has not specified the size and cost of its proposed studios and offices and it has failed to consider either an access road to the property on which the physical plant will be located or water and sewer facilities which, affiant claims, will be necessary. Therefore, petitioner insists that a cost estimates issue is required.

3. In opposing the requested § 1.65 issue, Tellum asserts that nothing of decisional significance has been withheld

[1] See e.s., Huntingdon Broadcasters, Inc., FCC 65-656 (1965).

[2] In Ottoway Stations, Inc., FCC 69-665 (1969), the Commission designated an application for hearing even though two FM channels were assigned. This case is also similar to Cumberland Gap Broadcasting Co., FCC 69-338 (1969) where a hearing was required even though there was a competing AM station in the community.

[3] Chairman Burch absent.

[1] Also before the Board for consideration are: (a) Opposition, filed Mar. 11, 1971, by Tellum; (b) comments, filed Mar. 11, 1971, by the Broadcast Bureau; (c) reply, filed Mar. 16, 1971, by Horne; (d) motion to strike, filed Mar. 16, 1971, by Horne; and (e) opposition and supplement to opposition to (d), filed Mar. 26, 1971, by Tellum.

[2] This amount has now been reduced to approximately $8,000.

from the Commission. It alleges that Jack Beasley, one of its principals, has indicated a willingness to guarantee up to $40,000 for financing the new station and that Tellum is submitting an amendment to its application to reflect the additional available financing. Further, while Tellum asserts Horne would have the Commission believe that it discovered the $10,000 of additional liabilities of Demaree, these liabilities were voluntarily disclosed to Horne by Tellum. Respondent explains that the obligation on the note of Cecil Harris, jointly signed by Jack Beasley, was simply overlooked. As to the note held by the McIlroy Bank, respondent asserts that the failure to report such obligation is not of decisional significance because the corporation is primarily liable and there is no indication of default. Further, insists Tellum, it is highly unlikely that Demaree will ever be called upon to pay the full amount of the note or that his comakers will be judgment-proof. In conclusion, Tellum submits that Horne's requests lack substance and should therefore be denied. The Broadcast Bureau, in its comments, supports the addition of § 1.65 and misrepresentation issues relating to the obligation to Harris, but does not support a misrepresentation issue relating to the obligation to the bank since this indebtedness was apparently not in existence at the time the application was filed. Regarding the requested reasonableness of costs issue, the Bureau is of the opinion that an issue should be added unless Tellum supplies satisfactory explanation of its failure to include in its financial proposal the costs indicated by Lovell. In reply, petitioner asserts that Tellum's opposition indicates that it has concealed facts from the Commission and again reiterates the necessity for addition of the issues requested.

4. Horne's request for a Rule 1.65 issue will be granted.[3] As to Tellum's failure to fully report Demaree's liabilities, the Review Board is of the opinion that while Tellum might have informed Horne of these liabilities in the context of discovery procedures, it is incumbent upon an applicant to keep the Commission informed on all such financial information. Although, as Tellum argues, Horne may not now be directly prejudiced, the failure to voluntarily disclose this information to the Commission may bear adversely on Tellum's requisite qualifications. Respondent's contention that Demaree's liability on the note payable to the McIlroy Bank is of no decisional significance because it is of a contingent nature, i.e., he is only secondarily liable on the note, cannot be accepted in light of well-established precedent that such liabilities must be reported. Folkways Broadcasting Co., —— FCC 2d ——, 21 RR 2d 211 (1971); and Louis Vander Plate, FCC 68R–390, 14 RR 2d 309. However, since we are unable to determine whether these liabilities were incurred before or after Tellum's application was filed, we will specify an issue to permit exploration of possible violations of § 1.65 or the Commission's nondisclosure rule, § 1.514(a). See Media, Inc., 25 FCC 2d 625, 20 RR 2d 146 (1970). Further, since it is not clear from the pleadings whether these liabilities were intentionally concealed, we will specify the issue on a disqualifying basis. However, a misrepresentation issue will not be added because petitioner's allegations are insufficient to warrant such an inquiry and the general question of candor may be examined under the issue being specified herein, Folkways Broadcasting Co., supra. Finally, Tellum has failed to explain the absence from its cost estimate of the items specified by Lovell. Thus, it appears that there exists no dispute in the pleadings as to the necessity of such facilities, yet Tellum has omitted their costs in its financial proposal.[4] It is firmly settled that the Commission has the right to expect applicants to submit reasonable proposals capable of effectuation. See, e.g., Birney Imes, Jr. (WMOX), 27 FCC 225, 17 RR 419 (1959). Therefore, an issue inquiring into Tellum's estimated construction costs will be added.[5]

5. *Accordingly, it is ordered,* That the motion to strike, filed March 16, 1971, by Horne Industries, Inc., is denied; and that the motion to enlarge issues, filed February 9, 1971, by Horne Industries, Inc., is granted to the extent indicated herein, and is denied in all other respects; and

6. *It is further ordered,* That the issues in this proceeding are enlarged to include the following issue:

(a) To determine whether Tellum Broadcasting Company of Searcy, Inc., has complied with the provisions of § 1.65 and/or § 1.514(a) of the Commission's rules, and, if not, to determine the effect of such noncompliance on the basic and comparative qualifications of Tellum Broadcasting Company of Searcy, Inc., to be a Commission licensee; and

7. *It is further ordered,* That Issue 1 as specified in the designation order, is modified as follows:

To determine, with respect to the application of Tellum Broadcasting Company of Searcy, Inc., the basis of the applicant's estimated construction costs and whether such costs are reasonable and whether Tellum Broadcasting has available the amount required for first-year operation of its proposed station without reliance on revenues to thus demonstrate its financial qualifications; and

8. *It is further ordered,* That the burden of proceeding with the introduction of evidence under the issue added herein shall be on Horne Industries, Inc., and the burden of proof shall be on Tellum Broadcasting Company of Searcy, Inc.

Adopted: April 14, 1971.

Released: April 16, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-5545 Filed 4-20-71;8:50 am]

[3] Horne's motion to strike Tellum's opposition will be denied; the failure to include affidavits is not, under the circumstances here, a sufficient basis for striking the pleading in its entirety.

[4] Tellum has indicated that it will amend its application to reflect the availability of additional funds; so far, such an amendment has not been filed.

[5] The added issue will be limited to Tellum's estimated costs of construction since petitioner has not adequately challenged Tellum's estimate for costs of first year's operation.

[Docket No. 18951, etc.; FCC 71-347]

OKLAHOMA BROADCASTING CO. ET AL.

Order Designating Application for Hearing on Stated Issues

In regard applications of Oklahoma Broadcasting Co., Tulsa, Okla., Docket No. 18951, File No. BPH–4175; Oklahoma Broadcasting Co., The Village, Okla., Docket No. 18952, File No. BPH–4179; All American Broadcasting Corp., Oklahoma City, Okla., Docket No. 18954, File No. BPH–6288; KTOK Radio, Inc., Oklahoma City, Okla., Docket No. 18955, File No. BPH–6373; American Christian College, Inc., Tulsa, Okla., Docket No. 19195, File No. BPH–7200; Requests: 98.5 mc., No. 253; 100 kw.(H); 100 kw.(V); for construction permits.

1. The Commission has before it the above-captioned application of American Christian College and its Order FCC 70–917 (1970) designating the other applications for hearing.[1]

2. When these applications were designated for hearing, the latest filed application, that of American Christian College, had just been filed. As a result, we indicated that a subsequent order would be issued which would consider that application and make any necessary changes in the specified issues to reflect consideration of the American Christian College application. As discussed below, two issues are required against this application and the previous issues have been renumbered accordingly. Finally, one new matter requires consideration under the comparative issue.

3. According to Article 4, paragraph 9, of American Christian College's Articles of Incorporation, it may not carry on a trade or business. This appears to conflict with its proposal to operate a station on a commercial basis, and an issue will be specified to determine whether it has been or can be authorized to so operate.

4. In Suburban Broadcasting, 30 FCC 951 (1961), our Public Notice of August 22, 1968, FCC 68–847, 13 RR 2d 1903, City of Camden (WCAM), 18 FCC 2d 412 (1969), and our Primer on Ascertainment of Community Problems by Broadcast Applicants, FCC 71–176, released February 23, 1971, we indicated that applicants were expected to provide full

[1] The application of Southwestern Sales Corp. was dismissed with prejudice on Dec. 15, 1970, by Order 70M–1728.

information on their awareness of and responsiveness to local community needs and interests. In this case American Christian College does not appear to have contacted a representative cross section of the area, although it has adequately provided the comments regarding community needs obtained from the individuals it has contacted. In addition, it has not adequately provided a listing of specific programs responsive to specific community problems as evaluated. As a result, we are unable at this time to determine whether American Christian College is aware of and responsive to the needs of the area. Accordingly, a Suburban issue is required.

5. A comparison of the programing proposals is warranted when one applicant proposes predominantly specialized programing and the others, general market programing—Ward L. Jones, FCC 67–82 (1967); Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393, footnote 9 at 397 (1965). In this case American Christian College proposes religiously oriented programing, while the other Tulsa applicants propose general market programing. Therefore, the need for specialized programing as against the need for general market programing may be compared under the comparative issue.

6. *It is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application of American Christian College, Inc., is designated for hearing in the above-captioned consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues.

1. To determine whether Oklahoma Broadcasting Co. has available the $72,757 required for construction and first-year operation of its proposed station without reliance on revenues to thus demonstrate its financial qualifications.

2. To determine whether KTOK Radio, Inc., has available the $92,975 required for construction and first-year operation of its proposed station without reliance on revenues to thus demonstrate its financial qualifications.

3. To determine whether All American Broadcasting Corp. has available the $50,750 required for construction and first-year operation of its proposed station without reliance on revenues to thus demonstrate its financial qualifications.

4. To determine whether American Christian College is or can be authorized to operate a commercial FM station.

5. To determine the efforts made by Oklahoma Broadcasting Co. to ascertain the community needs and interests of the area to be served and the means by which applicant proposes to meet those needs and interests.

6. To determine the efforts made by KTOK Radio, Inc., to ascertain the community needs and interests of the area to be served and the means by which applicant proposes to meet those needs and interests.

7. To determine efforts made All American Broadcasting Corp. to ascertain the community needs and interests of the area to be served and the means by which applicant proposes to meet those needs and interests.

8. To determine the efforts made by American Christian College to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

9. To determine the extent to which duopoly considerations would preclude future expansion of Oklahoma Broadcasting Co.'s station in Ada, Okla., and/or its proposed stations in Tulsa and/or The Village, and in light of evidence adduced in response to this question, whether either of these proposals represents fair, efficient and equitable uses of the channels within the meaning of section 307 (b) of the Communications Act of 1934, as amended.

10. To determine whether the public interest would be served by granting waivers of § 73.210 of the Commission's rules as requested by Oklahoma Broadcasting Co.

11. To determine the areas and populations which would receive FM service of 1 mv/m or greater intensity from the respective Oklahoma City channel proposals together with the availability of other primary aural services in such areas.

12. To determine whether the proposal of Oklahoma Broadcasting Co. would realistically provide a transmission service for The Village, Okla., or for another larger community.

13. To determine, in light of section 307(b) of the Communications Act of 1934, as amended, which of the Oklahoma City channel proposals would best provide a fair, efficient, and equitable distribution of radio service.

14. To determine, in the event it is concluded that a choice between the Oklahoma City channel applications should not be based solely on considerations relating to section 307(b), which of the proposals would best serve the public interest.

15. To determine which of the Tulsa proposals would, on a comparative basis, best serve the public interest.

16. To determine which of the Oklahoma City channel proposals would, on a comparative basis, best serve the public interest.

17. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications for construction permits should be granted.

7. *It is further ordered,* That the issues specified herein shall supersede the issues originally specified in this proceeding.

8. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221 (c) of the Commission's rules, in person, or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

9. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually, or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594 (g) of the rules.

Adopted: April 8, 1971.

Released: April 14, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71–5540 Filed 4–20–71;8:49 am]

[Dockets Nos. 19192, 19193; FCC 71–329]

NIAGARA COMMUNICATIONS, INC., AND RADIO BROADCASTING CO.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In the matter of application of Niagara Communications, Inc., for a Public Coast Class III–B radio station license at Salem, N.J., Docket No. 19192, File No. 1110–M–L–129; and application for Radio Broadcasting Co. for a Public Coast Class III–B radio station license at Philadelphia, Pa., Docket No. 19193, File No. 357–M–L–120.

1. Two applications have been filed for authorizations for Public Coast Class III–B radio stations to operate in or near Philadelphia, Pa. One application, filed on December 8, 1969, by Niagara Communications, Inc. (Niagara), and amended on October 19 and December 21, 1970, requests authority to establish a station at Salem, N.J., using an antenna aimed in a south-southeast direction with the highest gain directed into Delaware Bay to operate on the working frequencies 161.8, 161.85, and 161.95 Mc/s. The application included a detailed assertion of need for facilities in addition to those existing nearby. The application did not include a map showing the proposed service area. Salem, N.J., is situated on the Delaware River about 35–40 miles down the river from Philadelphia. The second public coast station application, filed on December 4, 1970, by Radio Broadcasting Co. (Radio Broadcasting) requests authority to establish a station in Philadelphia to operate on the working frequencies 161.8, 161.825, and 161.85 Mc/s. The applicant asserts that the existing service in Philadelphia by Bell Telephone is overburdened and inadequate. The applicant proposes to use an automatic service utilizing a touchtone end-to-end signaling technique for placing and receiving calls. Public Coast Class III–B stations provide VHF radiocommunication service to and

[2] Chairman Burch absent.

from ships for local or other points on shore. Except for the issues hereinafter specified, both applicants are otherwise qualified.

2. On March 2, 1970, a joint petition to deny the application of Niagara for a station at Salem was filed by the Bell Telephone Company of Pennsylvania (Bell of Pennsylvania) and the Diamond State Telephone Co. (Diamond State). The petitioners assert that the proposed station of Niagara at Salem would provide service to an area completely overlapped by the area served by Bell of Pennsylvania's existing Philadelphia station (KGB 738 operating on the working frequency 161.9 Mc/s) and substantially overlapped by the area served by Diamond State's existing Wilmington station (WEH operating on 162 Mc/s), thereby resulting in a wasteful duplication of existing facilities. The petition was accompanied by a map of the area on which coverage areas of the proposed Salem and the existing Philadelphia and Wilmington (with transmitter at Odessa, Del.) stations were plotted. That map showed the coverage area of the proposed Salem station to be totally within the coverage area of the Philadelphia station of the petitioner, with the southern limits of both coverage areas almost equal. Petitioners asserted that § 81.303 of our rules provides that under such circumstances, an authorization for an additional station will not be issued. Niagara filed a timely opposition to the petition to deny and asserted that a local station at Salem was needed to better serve that locality by eliminating or reducing land line toll charges in certain cases and that Petitioners' abilities to serve the Salem area would be lessened when Commission rule changes concerning maximum transmitter power limitations become effective. The petitioner filed a timely reply to the opposition and disagreed with Niagara's assertions with respect to the mandatory provisions of the power limitation rule changes and the need for new local service at Salem. On February 5, 1971, Bell of Pennsylvania filed a petition to deny the Philadelphia application on the basis that the proposed service was already provided by station KGB 738. A timely opposition and reply were thereafter filed.

3. The pending applications, petitions, and other filings, raise substantial and material questions of fact concerning (1) the need for a new station at Salem, N.J.; (2) the need for a new station at Philadelphia utilizing the automatic dialing techniques proposed by Radio Broadcasting; and (3) whether there will be an unacceptable degree of electrical interference between the two proposed stations. With respect to the petitioners' assertion that the application of Niagara cannot be granted because of the provisions of § 81.303 of our rules, we do not agree. That rule provides, in essence, that a new station of this class will not be authorized to provide service solely to a geographical area to which service is already provided unless there is an affirmative showing of need for additional facilities. In the case at hand, however, Niagara filed an application amendment on December 21, 1970, after the filing of the petition to deny and reply thereto. That amendment specifying a directional instead of an omnidirectional antenna oriented to the south-southeast and the absence of a map from the applicant showing the coverage area of the proposed station at Salem, raises a question of whether the proposed coverage area is solely within the coverage area of the Philadelphia station of Bell of Pennsylvania. Additionally, the applicant has made a showing of need for additional facilities, but there is a question whether the showing is sufficiently affirmative to establish the need for the applied for additional facilities. Therefore, a hearing is needed to resolve these substantial and material questions of fact and to determine which, if either, application should be granted, or whether both applications should be granted.

4. In addition to the questions described above, there is a question of the financial qualifications of Niagara to be a licensee of a coast station at Salem. In another hearing proceeding involving applications for this class of station now pending before the Commission in which Niagara is a party, as an applicant for a station at Bay Shore, N.Y., the Review Board granted a petition for enlargement of the issues to include the question of Niagara's financial qualifications. Since that proceeding has not been concluded, this substantial and material question remains unresolved, and should, therefore, be included in the issues designated for hearing in this proceeding.

5. In view of the foregoing: *It is ordered*, That the petitions to deny filed by Bell of Pennsylvania and Diamond State are granted to the extent that the applications of Niagara and Radio Broadcasting are designated for hearing as hereinafter ordered, on the issues specified, and the petitions in all other respects are denied.

6. *It is further ordered*, That the above-entitled applications of Niagara and Radio Broadcasting are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order on the following issues:

a. To determine the need for new VHF public coast maritime radio facilities in the Salem, N.J., locality; and the need for more than one working frequency by that facility;

b. To determine the coverage area of the proposed Salem, N.J., public coast station;

c. To determine the need for additional VHF public coast maritime radio facilities using an automatic dial technique in the Philadelphia, Pa., area; and the need for more than one working frequency by such a facility;

d. To determine the coverage area of the proposed additional VHF public coast station in Philadelphia, Pa.;

e. To determine the coverage area of stations KGB 738 and WEH;

f. To determine the degree, if any of cochannel electrical interference which would result from simultaneous operation of the proposed Salem and Philadelphia stations and whether such interference would be mutually destructive, and therefore against the public interest;

g. To determine the degree of overlap, if any, in the service area of the proposed station at Salem and station KGB 738 and WEH; and

h. To determine whether overlap, if any, in the service area of the proposed station at Salem and stations KGB 738 and WEH constitutes wasteful duplication of available facilities and is therefore against the public interest.

i. To determine whether Niagara is financially qualified to construct and operate its proposed station at Salem, N.J.; and

j. To determine, in the light of the evidence adduced on all the foregoing issues, which application, if either, should be granted, or whether both applications should be granted.

6. *It is further ordered*, That the burden of proceeding with the introduction of evidence on issues, a, b, and i, is placed on Niagara: on issues c and d on Radio Broadcasting; and on issues e and h on Bell of Pennsylvania and Diamond State. Issues f, g, and j are conclusory.

7. *It is further ordered*, That the guide and reference source of the preparation of exhibits showing station service areas, i.e. the geographical area in which satisfactory ship-shore maritime communications can be technically exchanged will be the criteria contained in the Commission's notice of proposed rule making released August 28, 1970, in Docket 18944, which proposes technical standards for the computation of service areas for public coast Class III–B stations.

8. *It is further ordered*, That Bell of Pennsylvania and Diamond State are found to be parties in interest in this matter and that for these parties and Niagara and Radio Broadcasting to avail themselves of an opportunity to be heard, pursuant to § 1.221 (c) and (e) of the Commission's rules, they shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for hearing and present evidence on the issues specified in this order. Pursuant to § 1.221(b) of the rules, the Chiefs of the Safety and Special Radio Services Bureau and the Common Carrier Bureau are parties to these proceedings and shall be served copies of all filings and orders herein.

Adopted: April 8, 1971.

Released: April 14, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.71-5541 Filed 4-20-71;8:49 am]

[1] Chairman Burch absent.

[Dockets Nos. 19196, 19197; FCC 71-350]

LEE R. SHOBLOM AND CHARLES D. LANGERVELD

Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Lee R. Shoblom, Lake Havasu City, Ariz., Docket No. 19196, File No. BPH-6589, Requests: 95.9 mcs, No. 240; 2.89 kw.; 294 feet; Charles D. Langerveld, Lake Havasu City, Ariz., Docket No. 19197, File No. BPH-7018, Requests: 95.9 mcs, No. 240; 3 kw. (H); 3 kw. (V); 222 feet; for construction permits.

1. The Commission has under consideration the above-captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. According to his application, Lee R. Shoblom would require $12,055 to construct and operate its proposed station for one year without reliance on revenues. However, this figure is based on the availability of specific pieces of used equipment which may no longer be available. The showing of applicant's financial ability is also out of date, and as a result, a financial issue will be specified.

3. According to his application, Charles D. Langerveld would require $103,635 to construct and operate its proposed station for 1 year without reliance on revenues. To meet this requirement, applicant relies on his assets, other than cash in the bank. However, their liquidity and availability have not been shown.

4. In Suburban Broadcasters, 30 FCC 951 (1961), our Public Notice of August 22, 1968, FCC 68 847, 13 RR 2d 1903, city of Camden (WCAM), 18 FCC 2d 412 (1969), and our Primer on Ascertainment of Community Problems by Broadcast Applicants, FCC 71-176, released February 23, 1971, we indicated that applicants were expected to provide full information on their awareness of and responsiveness to local community needs and interests. In this case, Lee R. Shoblom has not contacted any blue collar or other workers although his own exhibits show that significant members of the community's residents are employed in such occupations. Likewise, he does not list any minority contacts although most of the Chemehuevi Indian Reservation would be within the proposed coverage area. Charles D. Langerveld would also cover the reservation but has not contacted any of the population. In addition, in a number of cases he has not listed the community of the person contacted and some appear to be from outside the proposed service area, so that it is not possible to determine that he has contacted a representative cross-section of the leaders and general public. As a result, we are unable at this time to determine whether either of the applicants is aware of and responsive to the needs of the area. Accordingly, Suburban issues are required.

5. Lee R. Shoblom proposes 50 percent duplication of the programing of his companion AM station, while Charles D. Langerveld proposes independent operation. Therefore, evidence regarding program duplication will be admissible under the standard comparative issue. When duplicated programing is proposed, the showing permitted under the standard comparative issue will be limited to evidence concerning the benefits and detriments to be derived from the proposed duplication, and a full comparison of the applicant's program proposals will not be permitted in the absence of a specific programing inquiry—Jones T. Sudbury, 8 FCC 2d 360, FCC 67-614 (1967).

6. A full comparison of the programing proposals is warranted when there is a substantial difference in the proposed program schedules. In this case, Shoblom proposes to operate 84 hours per week, while Langerveld would operate 126 hours per week. Therefore, the programing proposals of the applicants may be compared under the standard comparative issue.

7. Because of the unusual terrain and the facilities available to a Class A station, neither applicant would be able to provide a 3.16 mv/m signal to the entire city of Lake Havasu City as required by § 73.315(a) of the Commission's rules. Under these circumstances, we have determined that waiver of this provision is appropriate. If granted, the application will be conditioned accordingly.

8. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

9. *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the amount reasonably required by Lee R. Shoblom for construction and first-year operation of his proposed station without reliance on revenues and whether he has such funds available to thus demonstrate his financial qualifications.

2. To determine whether Charles D. Langerveld has available the $103,635 required for construction and first-year operation of his proposed station without reliance on revenues to thus demonstrate his financial qualifications.

3. To determine the efforts made by Lee R. Shoblom to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

4. To determine the efforts made by Charles D. Langerveld to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

5. To determine which of the proposals would, on a comparative basis, better serve the public interest.

6. To determine in the light of the evidence adduced pursuant to the foregoing issue, which, if either, of the applications for construction permit should be granted.

10. *It is further ordered*, That if either of these applications is granted, the permit shall specify that the provisions of § 73.315(a) of the Commission's rules are waived to permit a signal level of less than 3.16 mv/m over the entire city of Lake Havasu City.

11. *It is further ordered*, That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

12. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: April 8, 1971.

Released: April 14, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-5542 Filed 4-20-71;8:49 am]

[Dockets Nos. 19122-19125; FCC 71-365]

STAR STATIONS OF INDIANA, INC., ET AL.

Memorandum Opinion and Order Modifying Designation Order

In re applications of Star Stations of Indiana, Inc., Docket No. 19122, Files Nos. BR-1144, BRH-1276, for renewal of license of WIFE and WIFE-FM, Indianapolis, Ind.; Indianapolis Broadcasting, Inc., Docket No. 19123, File No. BP-18706, for a construction permit for a standard broadcast station at Indianapolis, Ind.; Central States Broadcasting, Inc., Docket No. 19124, Files Nos. BR-516, BRH-992, for renewal of license of KOIL and KOIL-FM, Omaha, Nebr.; and Star Broadcasting, Inc., Docket No. 19125, File No. BR-1027, for renewal of license of KISN, Vancouver, Wash.

1. The Commission has before it for consideration: (a) The Order, FCC 70-1256, released as corrected on December 15, 1970, designating the above-captioned applications for hearing on a

[1] Chairman Burch absent.

number of issues; (b) a petition for modification of designation order, filed December 24, 1970, by Star Stations of Indiana, Inc. et al.; (c) an opposition, filed January 6, 1971, by Indianapolis Broadcasting Inc. (hereinafter IBI); (d) an opposition, filed January 6, 1971, by the Chief, Broadcast Bureau; and (e) a reply, filed January 18, 1971, by Star Stations of Indiana, Inc., et al.

2. Star Stations of Indiana, Inc., et al. (hereinafter Star), first requests the inclusion of language authorizing the imposition of forfeiture sanctions with respect to several of the issues designated for hearing in this proceeding in our order, supra. Although IBI opposes this request in its entirety, the Broadcast Bureau is correct that the alleged violation of our rules in Issue No. 16 falls within the 1-year statute of limitations for the assessment of monetary forfeitures specified in section 503(b)(3) of the Act. In keeping with our usual practice,[1] we shall revise the designation order to provide an explicit notice of apparent liability and to authorize the imposition of monetary forfeiture as a possible sanction with respect to that issue.[2]

3. However, the alleged violations contained in all of the other issues suggested by Star, with the exception of No. 18, do not fall within the 1-year period, and we are not authorized to assess forfeitures as to them. Section 503(b)(3) prohibits forfeiture liability for any violation occurring more than 1 year prior to the date of issuance of the notice of apparent liability. Star nonetheless contends that the delays in instituting this proceeding should not be allowed to preclude, to its detriment, use of the forfeiture provisions.

4. In view of the clear limitations imposed by Congress on the use of the forfeiture provisions, we are convinced that Star's contention concerning the use of forfeitures cannot be accepted. Contrary to Star's implication, the limitations placed on the use of the forfeiture provisions are for its and all licensees' benefit. Thus, in determining which sanction to use, we first decide whether the conduct is disqualifying and then, if the misconduct does not rise to the level of disqualification, we choose among the lesser sanctions such as forfeitures, short term renewals, etc. Where the alleged violations do not come within the 1-year limitation for a forfeiture, we simply have one less available sanction. Under these circumstances, it is obvious that there is no basis for use of the forfeiture provisions for any of these issues.

5. With respect to Issue No. 18, which appears to fall within the 1-year requirement, we note that the alleged misconduct does not violate any provision of our rules or the Act. Sections 503(b)(1)(A) and (B) permit forfeitures only for failures to operate a station as set forth in the license and for failure to observe any provision of the Act or of our rules. Star claims that forfeitures can be assessed for failures to operate in the public interest, as is required by the terms of our licenses, and that we should assume the broad powers provided by section 503 of the Act to assess forfeitures for violations of the public interest standard. Section 503(b)(1)(B) is plainly limited to violations of the Act or the rules. Moreover, we have not in the past applied section 503(b)(1)(A) to the type of misconduct encompassed by Issue No. 18, and we do not believe that it would be appropriate to do so here. Thus, we shall not apply the forfeiture provisions to this issue.

6. Star next requests that we delete the following language from paragraph 3 of the order designating this proceeding for hearing: "Adverse resolution of any one of these issues would raise a question whether the licensees possess the qualifications to remain or to be licensees of the Commission." Star urges that this language smacks of prejudgment of its case and should be removed to avoid any appearance of prejudice.[3] We are not persuaded that the paragraph 3 language reflects any predetermination of this case or that it will prejudice Star's rights in any way. The Broadcast Bureau is correct that the words mean only that a question would arise about Star's qualifications to be a licensee upon adverse resolution of any of the issues. This fact, taken in conjunction with the addition of the forfeiture language with respect to Issue No. 16, convinces us that there is no valid reason to delete the language in paragraph 3 to which Star objects. Therefore, we shall deny that portion of Star's petition which requests deletion of the paragraph 3 language.

7. *Accordingly, it is ordered:*

(a) That the petition for modification of designation order, filed December 24, 1970, by Star Stations of Indiana, Inc. et al., is granted to the extent reflected in this memorandum opinion and order and is denied in all other respects;

(b) That the order designating this proceeding for hearing FCC 70-1256, released as corrected on December 15, 1970, is revised to serve as a Notice of Apparent Liability for a monetary forfeiture by the addition of the following language:

13. *It is further ordered,* That, if it is determined that the hearing record does not warrant an order denying the application of Central States Broadcasting, Inc., for renewal of license of Stations KOIL and KOIL-FM, Omaha, Nebr., it shall also be determined whether, in the light of the evidence adduced pursuant to Issue No. 16 in this proceeding, Central States Broadcasting, Inc. should be assessed a forfeiture in the amount of $10,000 or some lesser sum pursuant to section 503(b) of the Communications Act.

(c) That the Secretary of the Commission shall send a copy of this memorandum opinion and order by certified mail—return receipt requested to Central States Broadcasting, Inc., licensee of Stations KOIL and KOIL-FM, Omaha, Nebr.

Adopted: April 8, 1971.

Released: April 16, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[4]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-5543 Filed 4-20-71;8:49 am]

[Docket No. 19194; FCC 71-343]

STEPHEN VAN SADLER

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of Stephen Van Sadler, Cleveland, Tex., Docket No. 19194, File No. BR-2929, for renewal of license for Station KVLB; and in the matter of liability of Stephen Van Sadler for forfeiture.

1. The Commission has before it for consideration: (i) The application of Stephen Van Sadler for renewal of his license for Station KVLB, Cleveland, Tex.; (ii) a notice of apparent liability for forfeiture dated March 13, 1969, addressed to Stephen Van Sadler, licensee of Station KVLB; (iii) licensee's response to the notice of apparent liability, dated March 22, 1969; and (iv) official notices of violation dated April 3, 1968, August 15, 1968, and September 24, 1969, and correspondence pertaining thereto.

2. The facts disclose that on April 3, 1968, Station KVLB[1] was inspected by engineers from the district office of the Field Engineering Bureau in Houston, Tex. Thereafter, on April 5, 1968, an official notice of violation was mailed to the licensee listing 31 violations, including the following:

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[1] See, for example Cathryn C. Murphy, 24 FCC 2d 216 (1970).

[2] Since this is a routine and standard procedure, we stress that inclusion of the forfeiture language is not to be taken as in any way indicating what the initial or final disposition of this case should be. That judgment is of course to be made on the particular facts of this case.

[3] The Bureau argues that Star's request to delete the paragraph 3 language is in violation of § 1.44 of the rules, requiring separate pleadings for different requests, since it does not come within the provisions of § 1.111(a) for reconsideration of the designation order. However, the Bureau concedes that Star's request for addition of forfeiture language is correctly before us, and § 1.111(b) provides that all questions raised in a proper petition and relating to the designation order will be considered. Thus, Star's request concerning the paragraph 3 language may be considered at this time.

[4] Commissioner Johnson concurring in the result.

[1] Station KVLB, Cleveland, Tex. (1410 kHz, 500 w., DA-2, U), was acquired by Stephen Van Sadler in September 1963. The station's last license renewal was for a term expiring August 1, 1968. Licensee's current renewal application (BR-2929) has been deferred since that date in view of the matters discussed herein.

Section 17.25(a)(1). Tower beacons do not flash. Tower No. 1 beacon is inoperative (see paragraph 3 of FCC Form 715 attached to the license).

Section 17.25 (a)(3). Photocell control system for tower lights is inoperative and lights do not burn continuously (see paragraph 21 of FCC Form 715 attached to the license).

Section 73.57(b). Daytime base current ratio for tower No. 2 deviates 40 percent from the licensed ratio; corresponding loop current ratio deviates 47 percent from the licensed ratio. Nighttime base current ratio for tower No. 2 deviates 57 percent from the licensed ratio; corresponding loop current ratio deviates 36 percent from the licensed ratio.

Section 73.47(b). Failure to provide data concerning equipment performance measurements as required by § 73.47(a). Apparently no measurements have been made within 2 years (also see § 73.116(b)).

Section 73.57(a). Nighttime operating power was 22 percent below the licensed power of 500 watts.

Section 73.933(a). Required EBS received is not provided.

Section 73.113(a)(4)(i)(b). Operating logs do not contain daily entries of antenna base currents.

Section 73.111(a). Failure to properly maintain an operator log as required by § 73.113. The latest log available during the inspection was dated March 24, 1968, and no operating log whatsoever was currently being kept.

Section 73.60(a). Frequency monitor is not in proper operation; lack of indication of the thermometer and pilot lamps in the Gates type 40–2890 unit indicates that the oven may be inoperative.

Section 73.46(a). The inside of all three antenna tuning houses is exposed to the weather due to missing transparent panes and the general state of disrepair.

Section 73.39(i). The function of each base current meter is not labeled.

In addition to the above, the licensee was cited for violation of the terms of its station authorization, in that field measurements at each monitoring point were not made at least once every 7 days. The inspection revealed that the station's field strength at nighttime monitoring point No. 3 (215 degrees) exceeded the maximum licensed 4.3 mv./m. by about 150 percent, and that the station's field strength at nighttime monitoring points No. 1 (70 degrees) and No. 5 (290 degrees) exceeded the maximum licensed 3.9mv./m. and 9.5 mv./m. by about 340 percent and 400 percent, respectively.

3. By a letter dated April 15, 1968, the licensee acknowledged the violations and said, in substance, that corrective measures were being taken. However, as of the date of the letter it appeared as though the licensee was still not in compliance with the rules.

4. Thus, a second inspection was conducted of KVLB on August 8, 1968. On August 13, 1968, an Official Notice of Violation was mailed to the licensee listing 15 violations. Fourteen of these violations were repeats of those found during the April 3 inspection, including two violations of the terms of the station authorization and §§ 73.47, 73.57, 73.933, 73.60, 73.39, 17.25, and 73.111 of the Commission's rules. In his letter of response the licensee did not deny the violations and again stated that corrective measures were being taken.

5. On March 12, 1969, the Commission issued a notice of apparent liability for forfeiture (noted 16 FCC 2d 1063) in which it considered the violations and the licensee's responses. It found these responses to be insufficient to relieve licensee of responsibility for the violations and notified licensee that he had incurred an apparent liability for forfeiture of $2,000 for wilfull or repeated violations of the terms of KVLB's station authorization and §§ 17.25(a)(1), 17.25(a)(3), 73.57(b), 73.47(a), and/or (b), 73.57(a), 73.933(a), 73.113(a)(4)(i)(b), 73.111(a), 73.60(a), 73.46(a), and 73.39(i) of the Commission's rules. The Commission, in the same letter, notified the licensee that:

> * * * we are deferring action on your currently pending renewal application until such time as a further inspection of KVLB and your subsequent record of operation provide a basis for determination as to whether the application should be granted or designated for hearing.

6. The licensee, by letter dated March 22, 1969, requested reduction of the forfeiture. As a basis for this request the licensee stated that 3 months after he purchased the station he was called to 6 months active duty in the U.S. Air Force Reserves. Licensee also states that, while he was absent from the station, the man he left in charge allegedly developed domestic problems and as a result licensee's sales were reduced to "nearly zero." Since that time the licensee states that he has had to borrow to keep the station operating. In addition, licensee contends that his coverage has not been what it is shown to be on contour maps and, therefore, his selling area has been cut down. Licensee also states that a forfeiture of $2,000 would cost him almost a whole month's sales revenue. As further evidence of his desire to conform to FCC regulations, licensee stated that he has hired a consulting engineer, Mr. Merl Saxon, who originally built the station and engineered its antenna system, to correct the antenna system. Licensee also stated that he hired the chief engineer of another radio station to work nightly to help correct KVLB's technical deficiencies. Licensee states therefore that the cost of hiring a consulting engineer and a part time engineer to clear up the violations and the cost of parts, supplies and repairs will total at least another $2,600. Finally, licensee states that there are now four first phone men, including himself, on the payroll. Licensee also contends that the inspection of April 3, 1968, was the first the station had received since he purchased KVLB, that it had not been inspected prior to purchase and that KVLB's license was renewed in 1965 without an inspection. Thus, licensee contends that, had KVLB been inspected before his purchase, everything would have been corrected before he made his final decision to buy.

7. The Commission received a letter dated September 5, 1969, which included a statement by KVLB's consulting engineer that considerable work was done on the antenna system and that adjustments of the directional patterns were made. In addition, the licensee requested that an inspection be made as soon as possible so that the engineering questions could be cleared up and the renewal of license granted.

8. A special inspection was conducted on September 19, 1969, to determine the current status of rule compliance by Station KVLB. That inspection revealed 18 violations, which were listed in detail in an official notice of violation dated September 24, 1969. The Commission requested a more detailed answer in a letter dated November 11, 1969. Most of the violations cited were repeats of those found in the inspections of April 3, 1968 and/or August 8, 1968. For instance, of the 11 rule violations for which the licensee incurred apparent liability as set forth in the Notice of Apparent Liability for forfeiture, nine were repeated on September 19, 1969—namely, §§ 17.25(a)(1), 17.25(a)(3), 73.57(b), 73.47(b), 73.57(a), 73.933(a), 73.111(a), 73.60(a), and 73.39(i). Violation of the terms of the station authorization was also repeated for failure to make field strength measurements at each point at least once every 7 days and to have a field strength meter available at all times. In its replies the licensee again indicated that the deficiencies have been corrected or are in the process of being corrected. However, due to the failure of the licensee to fully explain the reasons for its violations, another letter was sent to the licensee, dated February 26, 1970, asking him for specific explanations of certain violations.

9. It appears from the licensee's response to our letter of February 26, that some of the rule violations apparently have been corrected. Thus, the 1968 and 1969 equipment performance measurements are now on file at the station, although the 1967 measurements have still not been located. There apparently is now posted a copy of the station's pre-sunrise service authority. An Emergency Broadcast System receiver apparently is now allegedly operational. Calibration curves apparently are now posted. Base meters apparently have been properly labeled and the tower beacon flasher apparently is now operative. A new field strength meter has been obtained and the licensee apparently is conducting weekly measurements.

10. The licensee explains the numerous rule violations as being a result of youth, inexperience, and unfamilarity with the requirements of maintaining a broadcast facility. For example, the absence of the station's pre-sunrise service authority was unknown to the licensee. After the August 1968 inspection

its absence "did not remain uppermost in the licensee's mind" and he failed to pursue its replacement. The licensee states that many of its violations have been due to an inability to obtain a copy of the Commission's rules. Thus, the licensee failed to notify the Commission's district engineer that its modulation monitor had been removed from service and the person making maintenance log entries failed to note the dates on which the modulation monitor was inoperative. "In the licensee's judgement, the previous owner of the facility failed to take field strength measurements. The licensee, therefore, was not aware of the necessity until the inspections of 1968." Economic factors, reorganization of the station's programing, and the delay involved in obtaining the services of the only consulting engineer in the area are also cited as factors which prevented adequate concern for the station's technical operation.

11. KVLB's application for renewal of its license was deferred due to the numerous rule violations (see paragraph 5, above). Yet, 13 months after its second inspection and 6 months after it was notified of apparent liability for forfeiture and specifically put on notice that its renewal depended upon its subsequent record of operation, Station KVLB was still found in extensive violation of the rules. For example, with the exception of several days in January, February, and August 1969, it appears that licensee failed to take field measurements at each monitoring point from at least April 3, 1968, to September 19, 1969. As noted in the official notice of violation issued on September 24, 1969, no record of such measurements had been kept for a period of 24 months. Hence, it appears that this violation continued to occur despite the fact that the licensee was cited therefor in the official notice of violation issued in April 1968. Further, numerous recurring violations were detected despite repeated assurances to the Commission that steps were being taken to eliminate the violations. We believe, therefore, that the seriousness of the violations and the failure of the licensee to promptly correct them raises a substantial question as to Stephen Van Sadler's qualifications to be a licensee.

12. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned application for renewal of license is designated for hearing to be held in Cleveland, Tex., at a time to be specified in a subsequent order, upon the following issues:

(1) To determine the nature and extent of violations of the Commission's rules and regulations committed by the above-captioned applicant for which official notices of violations have been issued on April 5, 1968, August 13, 1968, and September 24, 1969.

(2) To determine whether, in light of the evidence adduced pursuant to Issue (1), above, the applicant herein, in operation of his station, engaged in conduct which reflected such negligence, carelessness, ineptness, or disregard of the Commission's processes that the Commission cannot rely upon the applicant to fulfill the duties and responsibilities of a licensee.

(3) To determine whether, in light of the evidence adduced pursuant to Issue (1) above, licensee was so lacking in candor or engaged in misrepresentations to the Commission regarding his efforts to correct the violations set forth in the official notices of violation issued on April 5, 1968, August 13, 1968, and September 24, 1969.

(4) To determine, in light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application for renewal of the license of Station KVLB would serve the public interest, convenience and necessity.

13. *It is further ordered,* That the initial burden of coming forward with the introduction of evidence shall be on the Broadcast Bureau with respect to issues (1), (2), and (3), above. The burden of proof on all issues will be on the applicant.

14. *It is further ordered,* That final action on the outstanding notice of apparent liability for forfeiture will be deferred pending the outcome of the hearing.

15. *It is further ordered,* That if it is finally determined that a grant of the application for renewal of license would not serve the public interest, convenience and necessity, the applicant will not be held liable for a forfeiture of $2,000.

16. *It is further ordered,* That to avail itself of the opportunity to be heard, the applicant, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

17. *It is further ordered,* That the applicant, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594(a) of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule and shall advise the Commission thereof as required by § 1.594(g) of the rules.

Adopted: April 8, 1971.

Released: April 16, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.71-5544 Filed 4-20-71;8:49 am]

[2] Chairman Burch absent.

[Docket No. 19216; FCC 71-419]

WESTERN UNION INTERNATIONAL, INC.

Memorandum Opinion and Order Instituting Investigation

In the matter of Western Union International, Inc.; proposed revisions of its Tariff FCC No. 4, establishing regulations covering the calculation of charges for leased facility service which commences on any day other than the first day of a month or terminates on any day other than the last day of the month, Docket No. 19216.

1. The Commission has before it a petition for suspension (petition) filed March 29, 1971, by ITT World Communications Inc. (ITT Worldcom) in which ITT Worldcom petitions the Commission to suspend certain revisions filed by Western Union International, Inc. (WUI), to its Tariff F.C.C. No. 4 to become effective April 15, 1971.[1] A reply was filed by WUI on April 6, 1971.[2] More specifically the revision sought to be suspended[3] is section 2.015 on 18th revised page 7, and reads as follows:

2.015 *Commencement or termination during a month.* When a full time service does not begin on the first day of a month or end on the last day of a month, the customer is billed on a daily basis for the number of days in such beginning or concluding month during which service is provided. The daily rate is obtained by dividing the monthly charge by the denominator 31.

2. ITT Worldcom contends that this provision is inconsistent with other provisions in WUI's tariff. In support of this contention, ITT Worldcom points out that although the subject revision would establish a daily rate for leased channel service which equals one thirty-first of the monthly charge, no change is made in the daily rate of one-thirtieth of the monthly charge used in calculating allowances for interruption of service. Thus we would have a situation where the daily interruption allowance exceeds the daily circuit charge for any period less than 1 month in duration.

3. ITT Worldcom also points out that calculating daily charges on the basis of a 31-day month is inconsistent with the recommendations of the International Telegraph and Telephone Consultative Committee (C.C.I.T.T.),[4] which states that daily charges should be one-thirtieth

[1] RCA Global Communications, Inc., filed a petition to suspend on Apr. 2, 1971. Since § 1.773(b) of the Commission's rules and regulations requires petitions for suspension to be filed at least 14 days before the effective date of the tariff, this pleading was not timely filed. However, it raises essentially the same points as does ITT Worldcom.

[2] WUI filed a request for an extension of time in which to file its reply. Since WUI's reply was timely filed, this matter is now moot, and we need not act on it.

[3] Although ITT Worldcom also requests suspension of an accompanying revision, reducing the minimum period of notice of cancellation from 10 days to 7 days, it fails to give any reason in support. In view of this, it does not appear that ITT Worldcom is seriously concerned with this revision. In any event, we see no reason to question it.

[4] WUI and other U.S. international carriers have been members of U.S. delegations to the C.C.I.T.T., which have supported this recommendation. In the current study period, which is considering revisions to the series of recommendations which include this provision, WUI has not proposed any change in the U.S. position. The second revision proposed by WUI, see footnote 3 supra, is in accord with C.C.I.T.T. recommendations supported by the United States.

of the monthly charges. Although not binding, nearly all members of C.C.I.T.T. follow its recommendations, and thus promote international cooperation in telecommunications.

4. WUI, in its reply, states that its tariff revisions promote the public interest by reducing the cost of commencing and terminating service within a month and by filling a void which previously existed in its tariff. In support, WUI points out that seven of the 12 months have 31 days and 60 percent of the days in the year fall in months having 31 days.

5. In answer to arguments relating to inconsistencies between various provisions in its tariff, WUI maintains that there is no valid relationship between the calculation of interruption allowances and partial monthly charges. Furthermore, WUI goes on to state, with detailed supporting examples, that there are many cases in which provisions in the tariffs of the international record carriers are seemingly inconsistent.

6. In addition, WUI contends that the C.C.I.T.T. recommendation is optional and that there are several areas in which U.S. practices differ from the recommendations of C.C.I.T.T. (again citing numerous supporting examples). WUI contends that "the 31-day denominator * * * should be of no consequence to foreign administrations. The proposed tariff deals only with administrative matters at the U.S. terminal and should in no way hamper the continuance of cordial relations between the U.S. carriers and their overseas correspondents".

7. We agree with ITT Worldcom that the above noted provisions of WUI's Tariff F.C.C. No. 4 appear, on the surface, to be inconsistent. Therefore we will suspend section 2.015 of Tariff F.C.C. No. 4 and institute an investigation into this section and section 2.074 on second revised page 10A[5] dealing with the calculation of allowances for interruptions of service, with a view towards consistency of application of these sections. We think that suspension is necessary, since the interaction of a 31-day month for the calculation of charges and a 30-day month for the calculation of interruption allowances could result in a lowering of leased channel charges for certain customers at the expense of other customers, in instances where interruption allowances exceed daily charges (see paragraph 2, supra). We realize that this leaves WUI without a tariff provision concerning this point, and will herein grant it, and other carriers offering a leased channel service, permission to file, on short notice, tariff amendments providing for a 30-day basis, pending the outcome of an investigation, for determining charges of the nature discussed herein. We think that the absence of such provision is unlawful, and, were a 31-day basis to be applied, in the absence of a tariff, there is a possible compounding of the unlawfulness.

[5] Section 2.074 states: "2.074 For the purpose of computing credit * * *, a month is considered to have 30 days".

8. *Accordingly, it is ordered,* That, pursuant to the provisions of sections 4(i), 201, 202, 204, 205, and 403 of the Communications Act, an investigation is hereby instituted into the lawfulness of (a) the tariff revision specified in paragraph 1 above, and (b) section 2.074 of WUI's Tariff F.C.C. No. 4.

9. *It is further ordered,* That, pursuant to section 204 of the Communications Act, such tariff revision is hereby suspended until July 15, 1971, and that during that period, no changes shall be made in such tariff revision except as authorized or directed by the Commission.

10. *It is further ordered,* That, without in any way limiting the scope of the proceeding, it shall include inquiry into the following issues:

1. Whether any of the charges, classifications, regulations, and practices contained in such tariff revision are or will be unjust or unreasonable within the meaning of section 201(b) of the Communications Act;

2. Whether such revision will make an unjust or unreasonable discrimination or will subject any person or class of persons to undue or unreasonable prejudice or disadvantage, or will give any undue or unreasonable preference or advantage to any person or class of persons, within the meaning of section 202(a) of the Communications Act;

3. Whether the Commission should prescribe just and reasonable charges, classifications, regulations, and practices to be hereafter followed with respect to the service governed by such tariff revision and, if so, the charges, classifications, regulations, and practices that should be prescribed.

11. *It is further ordered,* That a hearing be held in the proceeding at the Commission's office in Washington, D.C., at a time to be specified in a subsequent order and that the hearing examiner designated to preside at the hearing shall certify the record to the Commission for decision without preparing either an initial decision or a recommended decision, and that the Chief, Common Carrier Bureau, shall prepare and issue a recommended decision, which shall be subject to the submittal of exceptions and requests for oral argument as provided in §§ 1.276 and 1.277 of the Commission rules (47 CFR 1.276 and 1.277), after which the Commission shall issue its decision as provided in § 1.282 of the Commission's rules (47 CFR 1.282);

12. *It is further ordered,* That Western Union International, Inc., ITT World Communications, Inc., and RCA Global Communications, Inc., are hereby made parties to this proceeding.

Adopted: April 14, 1971.

Released: April 16, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-5546 Filed 4-20-71;8:50 am]

FEDERAL MARITIME COMMISSION

AMERICAN EXPORT ISBRANDTSEN LINES ET AL.

Notice of Agreement Filed

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, 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, 1405 I Street NW., Washington, D.C. 20573, within 7 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 for approval by:

Richard W. Kurrus, Esq., Kurrus and Jacobi, Attorneys at Law, 2000 K Street NW., Washington, DC 20006.

Agreement No. 9853, between the parties as owners of American-flag passenger vessels identified hereafter, will establish a cooperative working arrangement whereby the parties will meet and discuss, among themselves, the development of a program for the future operation or disposition of their vessels. The parties intend to attempt to develop a program for operating these vessels under the American flag, and discussion for this purpose shall be undertaken with the appropriate maritime unions. The parties will also attempt to develop a coordinated program for presentation to the Maritime Administration and the Congress of the United States, recognizing that such a program may involve the preparation of studies, statistics, testimony, exhibits and proposed legislation. The parties propose to employ whatever technical assistance or outside consulting or legal services as may be necessary, and agree to share equally among them the cost of such services.

Agreement No. 9853 provides for termination 6 months from the date of approval by the Commission, unless extended by mutual consent, for a period not to exceed 3 months.

The parties to this Agreement No. 9853 and their vessels are:

American Export Isbrandtsen Lines, "S.S. Independence", "S.S. Constitution".
Moore-McCormack Lines, "S.S. Argentina", "S.S. Brazil".
Prudential-Grace Lines, "S.S. Santa Paula", "S.S. Santa Rosa".
United States Lines, "S.S. United States".

Dated: April 19, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 71-5666 Filed 4-20-71;10:28 am]

FEDERAL POWER COMMISSION

[Docket No. G-18118, etc.]

APPALACHIAN EXPLORATION & DEVELOPMENT, INC.

Order Amending Certificate of Public Convenience and Necessity

APRIL 12, 1971.

On December 16, 1968, Appalachian Exploration & Development, Inc. (AED) filed a petition to amend the orders issuing certificates of public convenience and necessity to Cabot Corp. (Cabot) in Dockets Nos. G-18118, CI61-1823, CI67-81, CI69-665, CI69-666, CI69-667, and CI69-668. Specifically, it is requested that AED be substituted as the certificate holder and as to the rate schedules referred to therein.

AED alleges that it has entered into a contract of sale whereby upon Commission approval, Cabot will transfer to AED all of its interest in certain properties in the State of West Virginia from which gas is being sold by Cabot in interstate commerce and which are isolated from Cabot's intrastate public utility system. In the docketed cases referred to in the preceeding paragraph, the Commission has previously authorized the sale of gas from these properties.

After the petition was duly noticed, the West Virginia Public Service Commission (West Virginia) timely filed a "Notice of Intervention" which, together with a letter of explanation dated April 8, 1969, we have treated as a petition to intervene. West Virginia's petition maintained that our approval of the proposed amendment should be conditioned upon the requirement that AED and Cabot obtain state approval under West Virginia law. The same contention was made by West Virginia and rejected by this Commission in Mountain Gas Company and Cabot Corporation, Dockets Nos. CP68-303 and CP68-176, Opinion 564, 8/1/69, 42 FPC 305, rehearing denied 3/9/70, 43 FPC _____.

At the time of the filing of West Virginia's petition to intervene in the present case, our decision in Dockets Nos. CP68-303 and CP68-176 was pending review before the Fourth Circuit Court of Appeals in Public Service Commission of West Virginia v. F.P.C., et al., CA4 No. 14606, et al. Due to the similarity of issues, action upon AED's petition to amend and West Virginia's petition to intervene was deferred until the disposition of the Mountain Gas case by the Court of Appeals.

On February 16, 1971, the Commission's order in Public Service Commission of West Virginia v. F.P.C., et al., supra, was affirmed. Speaking on the issue presented by West Virginia in the present case, the Court of Appeals stated:

> If the acquisition of rights in an interstate transportation line were subject to the veto of every State regulatory agency along the line, a single agency could seriously impair interstate commerce and the interests protected by the Act and prevent FPC from performing its statutory duties.
>
> We conclude, therefore, that the exercise of Federal authority to sanction an interstate transaction of this nature cannot be made dependent upon approval by a State regulatory commission. It follows that PSC's purported regulatory authority has been superseded and cannot be exercised.

West Virginia, by notice filed on March 10, 1971, withdrew its petition to intervene.

There being no interventions to this proceeding, the Commission has reviewed the petition to amend of AED and has concluded that it should be approved.

The Commission finds:

(1) That it is appropriate in carrying out the provisions of the Natural Gas Act that the temporary certificate issued in Docket No. G-18118 be amended to reflect the succession by AED to the interests of Cabot.

(2) That it is appropriate in carrying out the provisions of the Natural Gas Act that the permanent certificates issued in Dockets Nos. CI61-1823, CI67-81, CI69-665, CI69-666, CI69-667, and CI69-668 be amended to reflect the succession by AED to the interests of Cabot.

(3) That AED should advise the Commission within 30 days hereafter of the date on which the properties involved were transferred and submit copies of the transfer document as a proposed rate schedule supplement to each of the subject rate schedules.

(4) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the rate schedules related to the authorizations granted herein be redesignated and the related rate schedule filings be accepted for filing.

The Commission orders:

(A) The temporary certificate heretofore issued in Docket No. G-18118 is hereby amended by substituting AED as the holder of the certificate.

(B) The permanent certificates heretofore issued in Dockets Nos. CI61-1823, CI67-81, CI69-665, CI69-666, CI69-667, and CI69-668 are hereby amended by substituting AED as the holder of the certificates.

(C) AED shall advise the Commission within 30 days hereafter of the date on which the properties involved were transferred and submit copies of the transfer document as a proposed rate schedule supplement to each of the subject rate schedules.

(D) The rate schedules related to the authorizations granted herein are redesignated and the related rate schedule filings are accepted for filing as shown on the tabulation below.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

FPC GAS RATE SCHEDULE TO BE REDESIGNATED

Former designation	New designation
Cabot Corp. (GLC)	Appalachian Exploration & Development, Inc.

Docket No.	FPC Gas Rate Schedule No.	FPC gas rate schedule	
		Number	Supplement No.
G-18118	15	11	
	Notice of succession Dec. 16, 1968		
CI61-1823	64	12	
	Notice of succession Dec. 16, 1968		
CI67-81	84	13	
	Notice of succession Dec. 16, 1968		
	Letter Mar. 21, 1969	13	1
CI69-665	4	7	
	Supplements Nos. 1-2	7	1-2
	Notice of succession Dec. 16, 1968		
CI69-666	5	8	
	Notice of succession Dec. 16, 1968		
CI69-667	7	9	
	Supplements Nos. 1-4	9	1-4
	Notice of succession Dec. 16, 1968		
CI69-668	9	10	
	Notice of succession Dec. 16, 1968		

[FR Doc.71-5514 Filed 4-20-71;8:47 am]

[Docket No. RP71-77]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Extension of Time and Postponement of Hearing

APRIL 15, 1971.

On April 2, 1971, Commission Staff Counsel filed a motion requesting an extension of time of the dates set forth in the Commission order issued January 29, 1971, in the above-designated proceeding.

Upon consideration, notice is hereby given that the hearings scheduled to commence on April 27, 1971, is postponed to May 25, 1971, at 10 a.m., e.d.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC; the time is extended to and including July 13, 1971, within which Commission Staff shall serve its prepared testimony and exhibits; the time is extended to and including July 23, 1971, within which all intervenors shall serve their prepared testimony and exhibits; the time is extended to and including August 16, 1971, within which Consolidated Gas Supply Corp. shall serve any rebuttal evidence; the hearing on the issues is postponed to commence on August 24, 1971.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-5510 Filed 4-20-71;8:47 am]

[Dockets Nos. CP69-345, CP70-137]

EL PASO NATURAL GAS CO.

Notice of Petition To Amend

APRIL 14, 1971.

Take notice that on April 5, 1971, El Paso Natural Gas Co. (petitioner), Post Office Box 1492, El Paso, TX 79999, filed in Dockets Nos. CP69-345 and CP70-137 a petition to amend the Commission's orders heretofore issued in said dockets, under lead Docket G-8932, on January 20, 1970 (43 FPC 87), and on May 12, 1970 (43 FPC 723), issuing certificates of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, by authorizing the construction and operation of certain additional natural gas pipeline and compressor facilities, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that in the 2 years which have elapsed since the filing of its original applications in Dockets Nos. CP69-345 and CP70-137, there has occurred a substantial growth in firm market demands, accompanied by major changes in the location of such markets in its Northwest Division System. New pipeline safety standards have been promulgated under the Natural Gas Pipeline Safety Act of 1968 and petitioner states that this combination of developments requires this petition to amend seeking authorization to construct and operate additional facilities.

Specifically, petitioner seeks authorization to construct and operate 43.9 miles of 30-inch mainline loop pipeline, the installation of a new 4,000 horsepower compressor station, to be known as Station 15-B and to be located in Clark County, Wash., and certain minor pipeline and compressor modifications at existing compressor stations. The estimated cost of the facilities proposed herein is $18,196,000, which cost petitioner states will be financed by use of working funds supplemented as necessary by short-term borrowings.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 7, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-5511 Filed 4-20-71;8:47 am]

[Docket No. CP71-245]

NORTHERN NATURAL GAS CO.

Notice of Application

APRIL 15, 1971.

Take notice that on April 9, 1971, Northern Natural Gas Co. (applicant), 2223 Dodge Street, Omaha, NE 68102, filed in Docket No. CP71-245 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a new compressor station in Hugo, Minn., and the transportation and sale of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate one 3,500 horsepower compressor station, at an estimated cost of $1,025,600, which cost applicant states will be financed from cash on hand. Applicant proposes to transport natural gas under a new firm service, Peaking Service Rate Schedule, which will be available to its customers during the period of December 15 through March 15 of each heating season.

Applicant states that Peaking Service will have a two-part rate consisting of a Demand Charge equal to the Contract Demand Charge in a particular zone times three plus $6 per Mcf of Demand and a Commodity Charge equal to the appropriate zone commodity charge plus 25 cents per Mcf. For the 1971-72 heating season, applicant will limit Peaking Service Demand to 10½ percent of each customer's December 27, 1970, Contract Demand Peaking Service availability and utilization is restricted to 20 days out of each of three 30-day periods, thus, applicant states, the additional service will not provide for any additional total volumes during the heating season, but only provide a means whereby its customers can meet their increased peak day requirements during that period of time.

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, 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.71-5512 Filed 4-20-71;8:47 am]

[Docket No. E-7562]

SECRETARY OF THE INTERIOR ET AL.

Order Permitting Intervention in Complaint Proceeding and Setting Hearing

APRIL 14, 1971.

In the matter of Secretary of the Interior acting in his capacity as trustee for the Rincon, La Jolla, and San Pasqual Bands of Mission Indians v. Escondido Mutual Water Co. and City of Escondido, Calif; Docket No. E-7562.

The Escondido Mutual Water Co. (Mutual) holds a license for Project No. 176, in and near the City of Escondido, Calif.

(City). Parts of the licensed project are located on the reservations of the Rincon, La Jolla, and San Pasqual Bands of Mission Indians (Bands). Most of the facilities were constructed prior to the issuance of the license for a 50-year term effective June 25, 1924.

On September 25, 1970, the Secretary of the Interior, acting in his capacity as trustee for the Bands, filed a complaint with this Commission alleging that certain conditions of the license for Project No. 176 have been violated and that the continued operation of the project is in substantial conflict with the purpose for which the reservations were created or acquired.

On October 30, 1970, an answer to the complaint was filed by the City and Mutual.

On February 1, 1971, the Bands, in a filing designated a petition "To Intervene And Complaint In Intervention," petitioned to intervene and petitioned for the relief requested by the Secretary of the Interior, and for an order prohibiting the licensee from permitting continued use of the project by the Vista Irrigation District. At that time the Bands also filed a "Motion To Preserve Status Quo And To Set Hearing" to consider a proposed operating agreement between Mutual and the City. On March 1, 1971, the City and Mutual filed a response to this filing.

Matters involved in the dispute over the water diversion system of Mutual, in addition to being brought before this Commission in this complaint, have been brought before two other forums. A claim against the United States involving this water diversion is pending before the Indians Claims Commission, Docket No. 80–A. The Bands have filed suit against the Mutual, the City, the Secretary of the Interior, and the Attorney General in the case entitled Rincon Band of Mission Indians, et al., v. Escondido Mutual Water Co., et al., Civil No. 69–217–S now pending in the Federal District Court for the Southern District of California.

We construe the Secretary of the Interior's filing in Docket No. E–7562 to be a complaint under section 306 of the Federal Power Act (Act) and a request for determination or readjustment of annual charges under section 10(e) of the Act.

The Commission finds:

(1) It is appropriate and in the public interest that an investigation and hearing be instigated at this time to consider the alleged violations of the license and to determine the question of annual charges for Project No. 176.

(2) Participation by the Rincon, La Jolla, and San Pasqual Bands of Mission Indians in this proceeding may be in the public interest.

The Commission orders:

(A) An investigation is hereby instituted to consider the alleged violations of the terms of the license for Project No. 176 and the annual charges for the use of Indian lands.

(B) The above named petitioners are permitted to intervene in this proceeding, subject to the rules and regulations of this Commission: *Provided, however,* That the participation of such intervenors shall be limited to the matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene: *And provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that such intervenors, or any of them might be aggrieved by any order entered in this proceeding.

(C) Pursuant to the authority contained in, and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, particularly sections 4(e), 10(e), 306, 307, and 308 thereof, and the Commission's Rules of Practice and Procedure, a public hearing shall be held in a hearing room of the Commission at 441 G Street NW., Washington, D.C. concerning the matters specified in paragraph (A) above, at such time as shall be designated by the Presiding Examiner.

(D) Pursuant to § 1.18 of the Commission's rules of practice and procedure, a prehearing conference before the Presiding Examiner shall commence at 10 a.m., e.s.t., on May 11, 1971, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC, for the purpose of defining the issues, reaching an agreement and stipulation thereon and on any facts relevant to this matter, and, if necessary, to prescribe procedure for hearings therein.

By the Commission.

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

[FR Doc.71–5513 Filed 4–20–71;8:47 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (71–5)]

VARIOUS DRAFT ENVIRONMENTAL IMPACT STATEMENTS

Public Notice Regarding Availability

Notice is hereby given of the public availability of draft Environmental Impact Statements with respect to the following Installation and Programs of the National Aeronautics and Space Administration:

(a) *The NASA Installation at the Manned Spacecraft Center, Houston, Tex.* This statement describes the Manned Spacecraft Center Installation, its mission and operations and also the White Sands Test facility of NASA in New Mexico.

(b) *The Physics and Astronomy Sounding Rocket Program.* This program utilizes small rockets, balloons, and aircraft to study the nature, characteristics, and compositions of the upper atmosphere, ionosphere and near space up to approximately one earth radius and provides a means to flight test experiments being developed for satellites, observatories and space probes. Rocket launches are primarily from Wallops Island in Virginia; White Sands, N. Mex.; Fort Churchill in Manitoba, Canada; Natal, Brazil; Thumba, India; and Kiruna, Sweden.

(c) *The Earth Resources Technology Satellite Program (ERTS).* This program will design, develop, launch and test two spacecraft conducting experiments which will lead to a reliable assessment of the utility of spaceborne sensors for the survey, control and management of earth resources. It will also lead to an evaluation of the complementary roles of aircraft and spacecraft in acquiring data on the earth's resources. The program will utilize Nimbus-type spacecraft and Thor-Delta launch vehicles. They will be launched in 1972 and 1973 from the Western Range, Vandenberg Air Force Base, Calif.

(d) *The Earth Resources Aircraft Program.* The basic objective of this program is complementary to the Earth Resources Technology Program in that it uses aircraft borne platforms to collect earth observation data over approximately 250 test sites. Data collected are analyzed by cooperating scientists and results are compared to known phenomena and conditions established at the test site. The sensors developed can later be flown in space by the ERTS program. The ultimate goal is the practical application of remote sensing to the management of the ecology. Presently four aircraft are utilized in the program.

(e) *The Nimbus Program.* The objectives of this program, which was initiated in 1959, are to develop a significantly improved meteorological satellite to provide data on atmospheric parameters for use by the scientific community; to carry out flight tests to prove the applicability of the instrumentation; to fulfill special data requirements of the atmospheric sciences research community which can be provided uniquely by this instrumentation functioning as a space meteorological observatory; and to provide the basis for further significant technological advances in meteorological satellites to improve the accuracy of long-range weather forecasting as well as scientific uses. The program includes development, launch, and operation of a series of satellites exhibiting evolutionary advances in operating characteristics, and testing in orbit of sophisticated experiments for atmospheric research and operational demonstration. The additional approved missions in the Nimbus series are Nimbus E and F, planned for launch in the third quarter of calendar years 1972 and 1973 on Delta launch vehicles from the Vandenberg Air Force Base, Calif. These missions will test new infrared radiometric and spectrometric and microwave instrumentation designed to allow determination of the vertical structure of the atmosphere in cloudy areas.

(f) *The Tiros Program.* The television and infrared observational satellite

(Tiros) program is a joint continuing effort of NASA and the Department of Commerce (DOC) to provide systematic, global, cloud-cover observations. This ongoing program was established in 1961. Twelve operational meteorological satellites have been launched to date, the latest one being NOAA–1, an Improved Tiros, which was launched from the Western Test Range on December 11, 1970. Six more launches on Delta Vehicles from Vandenberg Air Force Base, Calif., are planned from August 1971 through the first half of 1974. The basic objective of the program is to improve tracking of weather systems which in turn contributes to more reliable and timely worldwide environmental services.

(g) *The Global Atmospheric Research Program (GARP)*. This program is an international cooperative research program designed to increase understanding of the general circulation of the atmosphere and to establish the physical and mathematical bases for methods of long-range predictions. Two major experiments are planned as part of the total GARP program, a tropical experiment in the tropical Atlantic Ocean area in the summer of 1974, and a first GARP global experiment during the period 1976–77. During fiscal year 1972, NASA will continue efforts to establish preliminary systems designs for satellite global observing systems employing operational and experimental satellites available through participation by interested nations. Detailed studies and comparative analyses will be conducted to identify facilities, logistics operations, and advanced technology, and advanced development tasks required to provide data acquisition, data transmission, and data processing support for the tropical experiment and the first GARP global experiment.

Comments on the draft Environmental Statements and on matters set forth therein are solicited from, and may be submitted by, State and local agencies and members of the public. Such comments should be submitted to the Associate Administrator, National Aeronautics and Space Administration, Washington, D.C. 20546. All comments must be received within 60 calendar days of the publication of this notice in the FEDERAL REGISTER in order to be considered in the preparation of any final environmental statements and in the ultimate program or activity reassessment.

Copies of the draft statements may be purchased (price $1 each) or examined at any of the following locations:

(a) National Aeronautics and Space Administration, Public Documents Room (Room 126), Independence Avenue SW., Washington, DC 20546.

(b) Ames Research Center, NASA (Building 201, Room 17), Moffett Field, CA 94035.

(c) Flight Research Center, NASA (Building 4800, Room 1017), Post Office Box 273, Edwards, CA 93523.

(d) Goddard Space Flight Center, NASA (Building 8, Room 150), Greenbelt, MD 20771.

(e) John F. Kennedy Space Center, NASA (Headquarters Building, Room 1207), Kennedy Space Center, FL 32899.

(f) Langley Research Center, NASA (Building 1219, Room 304), Hampton, VA 23365.

(g) Lewis Research Center, NASA (Administration Building, Room 120), 21000 Brookpark Road, Cleveland, OH 44135.

(h) Manned Spacecraft Center, NASA (Building 1, Room 136), Houston, TX 77058.

(i) George C. Marshall Space Flight Center, NASA (Building 4200, Room G–11), Huntsville, AL 35812.

(j) Mississippi Test Facility, NASA (Building 1100, Room A–213), Bay St. Louis, MS 39520.

(k) NASA Pasadena Office (Jet Propulsion Laboratory, Building 180, Room 600), 4800 Oak Grove Drive, Pasadena, CA 91103.

(l) Wallops Station, NASA (Library Building, Room E–105), Wallops Island, VA 23337.

Done at Washington, D.C., this 13th day of April 1971.

By direction of the Acting Administrator.

HOMER E. NEWELL,
Associate Administrator, National Aeronautics and Space Administration.

[FR Doc.71–5507 Filed 4–20–71;8:46 am]

OFFICE OF EMERGENCY PREPAREDNESS

OIL IMPORT PROGRAM

Information Concerning Asphalt Supply

The Office of Emergency Preparedness is analyzing the relationship of the Oil Import Program to the supply of asphalt in the United States. In order to develop a good factual foundation for policy formulation, additional information pertaining to domestic asphalt production, supply, demand, and marketing is needed to supplement information already available to the Federal Government. Accordingly, petroleum refiners and asphalt users are requested to provide data and projections on the topics listed below. Other interested parties are also invited to respond to applicable portions of the inquiry.

Information of a business confidential nature should be labeled "proprietary" and provided separately. Information so labeled will be held in strictest confidence and will not be disseminated outside this Federal Government agency in any manner that might reveal the identity of the respondent.

Replies and requests for clarification should be sent to the Office of Emergency Preparedness, 604 17th Street NW., Washington, DC 20504 (telephone contact: 395–5650). Ten copies of each ordinary and "proprietary" reply should be submitted not later than 30 days after publication of this notice in the FEDERAL REGISTER.

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

SECTION I. *Petroleum refiners.* Using the refinery asphalt production definition of the Bureau of Mines, petroleum refiners in Districts I–V are requested to provide the following information:

A. *Individual refinery information.* 1. Maximum potential sustained asphalt production capacity (b/d) for each of your refineries. (Do not include asphalt received for further processing.) How would production at this maximum alter your production of other petroleum products?

2. Number of days per year, for 1968, 1969, and 1970, in which you produced asphalt (provide data by refinery).

3. Storage capacity, and the extent to which this capacity could be augmented without any significant additional capital expenditure, for the following categories (cite figures (000 barrels) for each refinery for the months of highest and lowest asphalt production):

a. Storage dedicated solely to asphalt.

b. Storage alternately available for asphalt, but sometimes used for other products.

4. Relationship of prices of asphalt and residual fuel oil to your decisions regarding the production of these two products during 1968, 1969, and 1970.

5. Extent of your markets, i.e., under normal circumstances, distance your asphalt moves from the refinery (or port of entry for domestic or foreign product recepits) by tanker, barge, tank car, and road transport tankers. Show separately deliveries to:

a. Consuming customers;

b. Processors or distributors.

6. Typical shipping and through-put handling costs for asphalt shipment of 25, 100, and 500 miles by tanker, barge, rail, and truck.

7. New asphalt business turned down and traditional asphalt business reduced during each of the past 3 years and the reasons for these decisions. If none, so specify.

8. Estimated production of asphalt in each of your refineries during each of the next 5 years, beginning in 1972, assuming termination of asphalt product imports at end of 1971, under each of the following conditions (assume also that these would be long-term programs and that the exchange provisions governing regular oil import allocations would be in effect for allocations to produce asphalt):

a. No specific oil import incentive program for asphalt production.

b. Import exemption for the portion of crude and unfinished oil imports used to produce asphalt.

c. Allocation of additional crude oil import licenses for asphalt production (1 barrel of additional allocation for every 2 barrels of asphalt produced).

d. Same as c, above, except 1 barrel of additional allocation for every 5 barrels of asphalt produced.

9. Estimated production of asphalt in each of your refineries under each of the conditions listed in question 8, above, for the same years, assuming unrestricted asphalt product imports.

B. *Forecasts of industry asphalt production.* 10. Your estimates of total asphalt production, by Petroleum Administration District, under the conditions cited in questions 8 and 9 for the same years.

11. Potential shipping or storage bottlenecks under conditions outlined in questions 8 and 9 above.

SEC. II. *Asphalt users.* Asphalt cement users are requested to provide the following information (provide figures for asphalt cement and for associated petroleum product separately):

A. *Paving.* 1. Quantities of asphalt cement used and average cost per ton for paving grade asphalts for each half of 1968, 1969, 1970, and for 1971 to April 15. Report figures on a State basis.

2. For the second half of 1970, amounts of asphalt cement acquired, and prices paid, on special purchases due to the unavailability of material from usual sources or at usual terms.

3. Paving not completed during the second half of 1970 because of the unavailability of asphalt cement, expressed as hot-mix asphalt tonnage and as man-days of lost employment.

4. Extra costs incurred on completed work because of delays in delivery of asphalt. Express extra costs in total dollar amounts and as percentage of total costs of your component of the projects involved.

B. *Other asphalt users (manufacturers of building materials, roofers, builders, etc.).* With appropriate modifications, provide same data as in section II.A, above. Key responses to numbered elements of that section.

Dated: April 19, 1971.

W. C. TRUPPNER,

Assistant Director for Resource Analysis, Office of Emergency Preparedness.

[FR Doc.71-5595 Filed 4-20-71;8:52 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24NY-6943]

FANTONIX ENTERPRISES, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

APRIL 14, 1971.

I. Fantonix Enterprises, Inc. (Fantonix), is a New York corporation located at 510 Avenue of the Americas, New York, N.Y. On September 29, 1969, it filed a notification in the New York Regional Office pursuant to Regulation A in connection with a proposed offering of 60,000 shares of its $0.01 par value common stock at $5 per share.

The offering was to be conducted by Fox Securities Co. as underwriter on a best efforts "one-half (30,000) or none" basis. The notification became effective on January 5, 1970.

According to the offering circular Fantonix was organized "for the purpose of engaging in the business (through wholly owned subsidiaries) of importing, wholesaling, and retailing merchandise * * *."

II. The Commission, on the basis of information reported to it by its staff, has reasonable cause to believe that:

A. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, with respect to the following:

1. The offering circular contains untrue statements of material facts concerning the business of Fantonix, in particular the operations of its two subsidiaries, Fantastic Crates Canal Corp. (Fantastic) and The House of Onix, Inc. (Onix);

2. The offering circular contains untrue statements of material facts concerning the proposed use of proceeds of the offering, in particular, that $67,000 of the proceeds will be used to promote the business of Fantastic and Onix through the use of advertising and trade shows; and for assembly facilities for Onix;

3. The offering circular omits to state material facts concerning the operation of a "rock" magazine called "Crawdaddy" by Fantonix.

B. The terms and conditions of Regulation A have not been complied with in that the issuer has failed to file a Form 2-A report, required by Rule 260, which became due on August 5, 1970.

C. The use of the offering circular by the issuer operated as a fraud and deceit upon purchasers of the securities in violation of section 17(a) of the Securities Act of 1933, as amended.

D. The terms and conditions of Regulation A have not been complied with in that the underwriter sold securities of the issuer in violation of Rule 256, which requires the offering circular to be delivered concurrently with the confirmation of sale.

E. The underwriter (Fox Securities Company) engaged in practices designed to defraud purchasers, in violation of section 17(a) of the Securities Act of 1933, by means of untrue statements of material facts and omission to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended:

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for a hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-5525 Filed 4-20-71;8:48 am]

[812-2917]

NORTHWESTERN MUTUAL LIFE INSURANCE CO. AND NML VARIABLE ANNUITY ACCOUNT B

Notice of Application for Exemption

APRIL 13, 1971.

Notice is thereby given that The Northwestern Mutual Life Insurance Co. (Northwestern Mutual), 720 East Wisconsin Avenue, Milwaukee, WI 53202, a mutual life insurance company organized in 1857 by a special statute of the legislature of the State of Wisconsin, and NML Variable Annuity Account B (Account B), a unit investment trust registered under the Investment Company Act of 1940 (Act), hereinafter collectively called "Applicants," have filed an application pursuant to section 6(c) of the Act for an order of exemption to the extent noted below from the provisions of sections 22(d) and 27(a)(3) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations which are summarized below.

Account B was established by NML in connection with the sale of certain "qualified" variable annuity contracts (the "Contracts"). After May 1, 1971, it is anticipated that the Contracts offered will be restricted to Contracts designed to provide retirement annuity benefits for employees of public educational institutions and of organizations exempt from tax under section 501(c)(3) of the Internal Revenue Code of 1954, as amended, as tax deferred annuity contracts pursuant to the provisions of section 403(b) of the Code.

Under the Contracts a purchaser makes a number of payments until a maturity date selected by the purchaser. These payments (net of various deductions) are allocated to Account B, which invests in shares of NML Fund, Inc. (Fund), a Maryland corporation and an open-end, diversified management investment company registered under the Act. The value of a Contract before the maturity date will fluctuate with the fluctuations in value of the shares of the Fund. After the maturity date the Contracts provide lifetime annuity payments, either variable or fixed, or other settlement options. The amount of the first annuity payment will be the same whether a fixed or variable annuity is chosen. If a fixed annuity payment option is selected the amount of the payments are assured. If a variable annuity payment option is selected the annuity payments subsequent to the first will fluctuate as the value of the Fund shares fluctuate.

Under Wisconsin insurance laws Account B is an integral part of Northwestern Mutual. The latter holds all the assets of Account and is responsible for the performance of the obligations of Account B under the contracts. However, under Wisconsin insurance laws, the income, gains and losses, realized or unrealized, of Account B are credited to or charged against the amounts allocated to Account B in accordance with the terms of the contracts without regard to other income, gains or losses of Northwestern Mutual; and the assets of Account B are not chargeable with any liabilities arising out of any other business of Northwestern Mutual.

Applicants request exemption from the following provisions of the Act to the extent stated below:

Section 22(d), in pertinent part, provides that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus. Pursuant to a previous Commission order (Investment Company Act Release No. 5659), Applicants received an exemption permitting a deduction from each payment of 8 percent plus 50 cents (but not in excess of 1 percent). The 50 cents charge was designed to cover the cost of processing each payment.

Applicants now propose to reduce the percentage deduction based upon the amount of purchase payments during a contract year (a 12-month period beginning with the contract date or anniversary thereof), so that the deduction would be 50 cents per payment plus the following:

Payments during a contract year	*Percentage deduction*
First $5,000	8
Next $20,000	4
Next $75,000	2
Excess over $100,000	1

In the absence of the requested exemptive order of the Commission, the proposed graded deductions may be prohibited by section 22(d) in that the 50 cents deduction from each payment if considered to be a part of the sales charge would result in a varying, rather than a uniform, sales charge when expressed in terms of a percentage of the offering price. This is because it is a fixed 50 cents deduction on payments which vary in dollar amount.

Applicants state that the exemption requested is a variation of the quantity discounts permitted by Rule 22d-1(a)(2) and (3). Applicants further state that the above graded deductions permit recognition of an appropriate reduction in charges for volume purchases without unduly complicating administrative procedures.

Section 27(a)(3) makes it unlawful for any registered investment company issuing periodic payment plan certificates, or for any depositor of or underwriter for such company, to sell any such certificate if the amount of sales load deducted from any one of the first 12 monthly payments exceeds proportionately the amount deducted from any other such payment or if the amount of sales load deduction from any subsequent payment exceeds proportionately the amount deducted from any other subsequent payment.

Applicants request an exemption from section 27(a)(3) of the Act to permit such a schedule of sales load deductions or any similar schedule under which the percentage amount of sales load deducted from payments under contracts issued in connection with Account B may decrease within a contract year. The percentage amount of sales load deducted from any payment under any contract will not exceed 9 percent of such payment. Applicants represent that section 27(a)(3) of the Act was designed to lessen losses which might be incurred upon early termination of periodic payment plan certificates involving front-end load arrangements. Applicants further represent that their proposed sales deductions schedule does not involve a front-end load arrangement and that such a schedule cannot lead to the abuses intended to be curbed by section 27(a)(3).

Section 6(c) provides that the Commission, by order upon application, may conditionally or unconditionally exempt any persons or transactions from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 28, 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, if any, 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 Applicants at the address stated above. Proof of such service by affidavit (or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in the 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.71-5526 Filed 4-20-71;8:48 am]

INTERSTATE COMMERCE COMMISSION

[Notice 10]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

APRIL 16, 1971.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commisison under the Commission's Revised Deviation Rules-Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

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 1042.2(c)(9)) 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 PASSENGERS

No. MC-61599 (Deviation No. 6), QUEEN CITY COACH COMPANY, Post Office Box 2387, Charlotte, NC 28201, filed April 7, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation

route as follows: From Statesville, N.C., over Interstate Highway 40 to Winston-Salem, N.C., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Asheville, N.C., over U.S. Highway 70 via Oteen, Black Mountain, Morganton, and Conover, N.C., to Salisbury, N.C., and (2) from Shelby, N.C., over North Carolina Highway 150 via Cherryville, N.C., to Winston-Salem, N.C., and return over the same routes.

By the Commission.

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

[FR Doc.71-5550 Filed 4-20-71;8:50 am]

[Notice 13]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

APRIL 16, 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-59583 (Deviation No. 40), THE MASON & DIXON LINES, INCORPORATED, Post Office Box 969, Kingport, TN 37662, filed April 6, 1971. Carrier's representative: Robert G. Olterman (same address as applicant). Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Atlanta, Ga., over U.S. Highway 78 (also over Interstate Highway 20) to junction Alabama Highway 21, thence over Alabama Highway 21 to junction U.S. Highway 431, thence over U.S. Highway 431 to junction U.S. Highway 278, thence over U.S. Highway 278 to junction U.S. Highway 31, thence over U.S. Highway 31 to junction Alternate U.S. Highway 72, thence over Alternate U.S. Highway 72 to junction U.S. Highway 72, thence over U.S. Highway 72 to Memphis, Tenn., and (2) from Atlanta, Ga., over U.S. Highway 78 (also over Interstate Highway 20) to Birmingham, Ala., thence over U.S. Highway 78 to Memphis, Tenn., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Atlanta, Ga., over U.S. Highway 41 to junction Georgia Highway 293, thence over Georgia Highway 293 to junction unnumbered highway near Emerson, Ga., thence over unnumbered highway via Cartersville, Ga., to Cass Station, Ga., thence over U.S. Highway 411 to Rome, Ga., thence over U.S. Highway 27 to Chattanooga, Tenn., thence over U.S. Highway 11 to Knoxville, Tenn., (2) from Chattanooga, Tenn., over U.S. Highway 41 to Cartersville, Ga., (3) from Chattanooga, Tenn., over U.S. Highway 41 to Nashville, Tenn., thence over U.S. Highway 31W via Goodlettsville, Tenn., to Sellersburg, Ind., thence over U.S. Highway 31 to junction Alternate U.S. Highway 31, thence over Alternate U.S. Highway 31 via Seymour, Ind., to junction U.S. Highway 31, thence over U.S. Highway 31 to junction Indiana Highway 431, at a point just south of Greenwood, Ind., thence over Indiana Highway 431 to Indianapolis, Ind., thence over U.S. Highway 52 to Kentland, Ind., thence over U.S. Highway 41 to Chicago, Ill., and (4) from Nashville, Tenn., over Tennessee Highway 100 via Linden, Tenn., to junction Tennessee Highway 20, thence over Tennessee Highway 20 via Lexington, Tenn., to junction U.S. Highway 70, thence over U.S. Highway 70 via Jackson and Brownsville, Tenn., to Memphis, Tenn., and return over the same routes.

No. MC-69833 (Deviation No. 21), ASSOCIATED TRUCK LINES, INC., Vandenberg Center, Grand Rapids, Mich. 49502, filed April 8, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Norwalk, Ohio, over Ohio Highway 18 to junction Ohio Highway 57, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Toledo, Ohio, over Ohio Highway 120 to junction U.S. Highway 20, thence over U.S. Highway 20 to Cleveland, Ohio, (2) from junction U.S. Highway 20 and Ohio Highway 17, over Ohio Highway 17 to junction Interstate Highway 71, thence over Interstate Highway 71 to junction Ohio Highway 18, (3) from Lorain, Ohio, over unnumbered highway (formerly portion Ohio Highway 57) via Elyria, Ohio, to junction Ohio Highway 57, thence over Ohio Highway 57 to Medina, Ohio, thence over Ohio Highway 18 to Akron, Ohio, and return over the same routes.

No. MC-109847 (Deviation No. 5), BOSS-LINCO LINES, INC., 450 Genesee Building, One West Genesee Street, Buffalo, NY 14240, filed April 8, 1971. Carrier's representative: Harold G. Hernly, Jr., 711 Fourteenth Street NW., Washington, DC 20005. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Jamestown, N.Y., over New York Highway 17 to Olean, N.Y., for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Buffalo over New York Highway 16 to Olean, N.Y., thence over New York Highway 17 to junction U.S. Highway 219 (at Salamanca, N.Y.), thence over U.S. Highway 219 to Bradford, Pa.; and return over U.S. Highway 219 to Salamanca, N.Y., thence over unnumbered highway to junction New York Highway 18, thence over New York Highway 18 to Little Valley, N.Y., thence over unnumbered highway to New Albion, N.Y., thence over unnumbered highway to Cattaraugus, N.Y., thence over New York Highway 18 to Buffalo, N.Y. (also return over the above-specified route to Salamanca, N.Y., thence over unnumbered highway to junction U.S. Highway 219, thence over U.S. Highway 219 to Ellicottsville, N.Y., thence over New York Highway 242, to Little Valley, N.Y., thence over the above-specified route to Buffalo, N.Y., (2) from Jamestown, N.Y., over New York Highway 17 via Falconer and Kennedy to Walterboro, N.Y., thence over unnumbered highway via Conewango and South Dayton to Dayton, N.Y.; and return over the same route to South Dayton, N.Y., thence over unnumbered highway to Balcom, N.Y.;

Thence over New York Highway 83 to Hamlet, N.Y., thence return over New York Highway 83 to Balcom, thence continue over New York Highway 83 to Conewango Valley, N.Y., thence over U.S. Highway 62 to Kennedy, N.Y., thence over New York Highway 17 via Falconer to Jamestown, N.Y., (3) from Jamestown, N.Y., over New York Highway 17 to East Randolph, N.Y., thence over New York Highway 242 to Napoli, N.Y., thence return over New York Highway 242 to East Randolph, N.Y., thence over New York Highway 17 to junction New York Highway 280, thence over New York Highway 280 to Quaker Bridge, N.Y., thence return over New York Highway 280 to junction New York Highway 17, thence over New York Highway 17 to Red House, N.Y.; and return over New York Highway 17 to East Randolph, N.Y., thence over New York 242 to Napoli, N.Y., thence over New York Highway 242 to East Randolph, thence over New York Highway 17 to Jamestown, N.Y., (4) from Kennedy, N.Y., over U.S. Highway 62 to junction unnumbered highway, thence over unnumbered highway via Onoville, N.Y., to the New York-Pennsylvania State line, thence over unnumbered highway to Corydon, Pa., thence over Pennsylvania Highway 346 to Bradford, Pa., (5) from Corydon, Pa., over Pennsylvania Highway 346 to Sugar Run, Pa., and return over the same route, and

(6) from Olean, N.Y., over New York Highway 16–A to the New York-Pennsylvania State line, thence over Pennsylvania Highway 646 to Derrick City, Pa., thence over Pennsylvania Highway 346 to Foster Brook, Pa., and return over the same route and (7) from Salamanca, N.Y., over New York Highway 17 to Red House, N.Y., and return over the same route.

No. MC–103435 (Deviation No. 19), UNITED-BUCKINGHAM FREIGHT LINES, Post Office Box 192, Littleton, CO 80120, filed March 31, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Lincoln, Nebr., over Interstate Highway 80 to junction Interstate Highway 80–S near the Colorado-Nebraska State line, thence over Interstate Highway 80–S to Sterling, Colo., and (2) from Sterling, Colo., over Interstate Highway 80–S to Denver, Colo., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Lincoln, Nebr., over U.S. Highway 6 to junction Nebraska Highway 3, thence over Nebraska Highway 3 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction U.S. Highway 34, thence over U.S. Highway 34 to junction U.S. Highway 6, thence over U.S. Highway 6 to Sterling, Colo., and (2) from Sterling, Colo., over U.S. Highway 6 to junction Colorado Highway 63, thence over Colorado Highway 63 to junction U.S. Highway 34, thence over U.S. Highway 34 to junction U.S. Highway 6, thence over U.S. Highway 6 to Denver, Colo., and return over the same routes.

By the Commission.

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

[FR Doc.71–5551 Filed 4–20–71;8:50 am]

[Notice 30]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

APRIL 16, 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 108068 (Sub-No. 82) (Republication), filed June 16, 1969, published in the FEDERAL REGISTER, issues of July 25, 1969, and July 31, 1969, and republished this issue. Applicant: U.S.A.C. TRANSPORT, INC., Post Office Box G, Joplin, MO 64801. Applicant's representative: A. N. Jacobs (same address as applicant) and Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, OK 73112. A decision and order of the Commission, Review Board No. 2, dated February 26, 1971, and served March 4, 1971, finds: That the present and future public convenience and necessity require operation by TRI-STATE MOTOR TRANSIT CO (substituted applicant in this proceeding) in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) aircraft and aircraft parts, and (2) equipment and machinery and parts and materials and supplies used in the maintenance, servicing, repairing, and operation of aircraft (except commodities in bulk) (a) between points in Arkansas, California, Colorado, Florida, Georgia, Illinois, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, New York, Oklahoma, Oregon, Tennessee, Texas, Virginia, Washington, and the District of Columbia, and (b) between points in (a) above, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). The authority granted herein which duplicates the authority presently held by applicant or its affiliated carriers shall not be construed as conferring more than a single operating right. 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 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 a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it had been so prejudiced.

No. MC 119493 (Sub-No. 58) (Republication), filed June 23, 1970, published in the FEDERAL REGISTER, issued of July 16, 1970, and republished this issue. Applicant: MONKEM COMPANY, INC., West 20th Street Road, Post Office Box 1196, Joplin, MO 64801. Applicant's representative: Ray F. Kempt, Post Office Box 1196, Joplin, MO 64801. The modified procedure has been followed in this proceeding and a report and order of the Commission, Review Board No. 3, decided March 29, 1971, and served April 9, 1971, finds: That the present and future public convenience and necessity require operation by applicant, as a common carrier, by motor vehicle, over irregular routes, of dry phosphatic feed ingredients, from Houston and Port Arthur, Tex., to points in Oklahoma, Kansas, Missouri (except St. Louis, Mo., and points in the commercial zone thereof), Colorado, Nebraska, Louisiana, New Mexico, and Mississippi. Because it is possible that other parties who have relied upon the notice of the FEDERAL REGISTER of the application as orginally published may have an interest in and would be prejudiced by the lack of proper notice of the grant of authority in the 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 124027 (Sub-No. 5) (Republication), filed December 22, 1969, published in the FEDERAL REGISTER issue of February 27, 1970, and republished this issue. Applicant: MIDWEST BULK, INCORPORATED, 1100 Winneconne Avenue, Neenah, WI 54956. Applicant's representative: C. A. Schultz, Post Office Box 726, Neenah, WI 54956. A Report and Recommended Order of the Commission, of February 1, 1971, was corrected by notice to the parties, dated February 18, 1971, was made effective by notice dated March 12, 1971, and which was served on March 24, 1971, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle in interstate or foreign commerce, of (1) stone and stone products from the plantsites and mines of Aggregate Specialties, Inc., and of Felch Quarry Corp., located in Dickinson County, Mich., to points in Illinois, Indiana, Iowa, Ohio, Michigan, and Wisconsin; (2) coal, in bulk, from the plant and storage sites of Hometown, Inc., at Milwaukee, Wis., to points in Illinois; (3) sand, lime silica, silica flour, foundry facings, cereal binder, bentonite, sea coal in bulk, in dump vehicles, from Appleton and Neenah, Wis., to points in Wisconsin and the Upper Peninsula of Michigan, restricted to shipments having a prior movement by rail, and the further restriction to shipments originating at the plantsites or privately owned or leased rail transfer facilities of Rail-to-Truck Transfer Inc., located at or near Neenah and Appleton, Wis., and destined to the States above named;

(4) Limestone and slag (Way-Lite) from Green Bay, Wis., to points in Wisconsin on, south and east of a line formed by Interstate Highway 90 from the Wisconsin-Illinois State line to the junction with Interstate Highway 94 at Madison, Wisconsin; thence along Interstate

Highway 94 to junction with U.S. Highway 53 at Eau Claire, Wis.; thence along U.S. Highway 54 to the junction with U.S. Highway 2 near Superior, Wis.; and thence along U.S. Highway 2 to the Wisconsin-Michigan State line, and to points in the Upper Peninsula of Michigan, lying within the following described area: U.S. Highway 2 from Ironwood to Wakefield, Mich., Michigan Highway 28 from Wakefield to Seney, Mich., and Michigan Highway 77 from Seney, Mich., to junction with U.S. Highway 2 near Blaney Park, Mich., and U.S. Highway 2 from this junction to Manistique, Mich.; (5) sea coal and foundry facings (except liquid foundry facings) in bulk, from the plant and warehouse sites of Black Products Co. at Chicago, Ill., to points in Wisconsin and the Upper Peninsula of Michigan. Because it is possible that other persons who may have relied upon notice of the application as published, may have an interest in and would be prejudiced by lack of proper notice of the authority actually granted herein, a notice of the authority actually granted to applicant will be published in the FEDERAL REGISTER and issuance of a certificate herein 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 a petition to reopen or for other appropriate relief, setting forth in detail the precise manner in which it has been prejudiced.

NOTICE OF FILING OF PETITION

No. MC 123605 (Sub-No. 13), (Notice of filing of petition to add additional shipper to present operating authority), filed March 29, 1971. Petitioner: BOYD BROTHERS TRANSPORTATION COMPANY INC., Clayton, Ala. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Petitioner holds a Certificate of Public Convenience and Necessity authorizing the transportation, by motor vehicle, as a common carrier, of: Foodstuffs (except frozen and foods and commodities in bulk), from the plantsite and storage facilities of HCA Food Corp., at Brundidge, Ala., to Norfolk and Salem, Va., and points in Georgia, North Carolina, and South Carolina, with no transportation for compensation on return except as otherwise authorized, restricted to the transportation of shipments originating at said plantsite or storage facilities. By the instant petition, petitioner seeks to add the plantsite of Brundidge Foods, Inc., Brundidge, Ala., as an additional plantsite from which to operate. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

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-11139. Authority sought for purchase by NORTH AMERICAN VAN LINES, INC., Lincoln Highway East and Meyer Road, Post Office Box 988, Fort Wayne, Ind. 46801, a portion of the operating rights of SHAMROCK VAN LINES, INC. (L. E. CREEL III, Trustee in Bankruptcy), 3525 Southland Center, Dallas, TX 75201, and for acquisition by PEPSICO, INC., New York, N.Y. 10577, of control of such rights through the purchase. Applicants' attorneys: Martin A. Weissert, Post Office Box 988, Fort Wayne, IN 46801, and Leroy Hallman, 4555 First National Bank Building, Dallas, TX 75202. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, livestock, household goods and commodities in bulk, as a *common carrier* over irregular routes, from New York, N.Y., Philadelphia, Pa., and Baltimore, Md., to High Point and Greensboro, N.C.; *new furniture, plywood, and veneers*, from High Point, N.C., and points in North Carolina within 150 miles of High Point, to Wilmington, Del., Baltimore, Md., Freeport, N.Y., points in the New York, N.Y., commercial zone as defined by the Commission in 1 M.C.C. 665, and those in Pennsylvania, New Jersey, South Carolina, Virginia, West Virginia, and the District of Columbia; *furniture parts, supplies, and accessories* therefor, and *pianos*, from New York, N.Y., and Philadelphia, Pa., to High Point, N.C., and points in North Carolina within 150 miles of High Point. Vendee is authorized to operate as a *common carrier* in all of the States in the United States (except Hawaii). Application has been filed for temporary authority under section 210a(b).

No. MC-F-11140. Authority sought for control by CANADIAN NATIONAL TRANSPORTATION, LIMITED, Montreal Quebec, Canada, of ROYAL TRANSPORTATION, LIMITED, Winnipeg, Manitoba, Canada, and for acquisition by CANADIAN NATIONAL RAILWAY COMPANY, Montreal, Quebec, Canada, of control of ROYAL TRANSPORTATION, LIMITED, through the acquisition by CANADIAN NATIONAL TRANSPORTATION, LIMITED. Applicants' attorney: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Operating rights sought to be controlled: *General commodities*, except those of unusual value, and except dangerous explosives and livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier* over regular routes, between Pembina, N. Dak., and Noyes, Minn., and the boundary of the United States and Canada. CANADIAN NATIONAL TRANSPORTATION, LIMITED, holds no authority from this Commission. However, it is affiliated with SCOBIE'S TRANSPORT, LIMITED, 10 Centre Street, Post Office Box 5695, Ontario, Canada, which is authorized to operate as a common carrier in Canada and New York, and is also affiliated with railroad companies, CENTRAL VERMONT RAILWAY COMPANY AND GRAND TRUNK WESTERN RAILROAD COMPANY. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11141. Authority sought for purchase by BROWN TRANSPORT CORP., Post Office Box 551, Waynesboro, GA 31566, of the operating rights of POOL FREIGHT LINE, INC., 101 Goldsmith Street, Greenville, SC 29609, and for acquisition by CLAUDE P. BROWN, 125 Milton Avenue SE., Atlanta, GA 30315, of control of such rights through the purchase. Applicants attorney: John P. Carlton, 327 Frank Nelson Building, Birmingham, AL 35203. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC-98138 Sub-No. 1, covering the transportation of general commodities, as a common carrier in interstate commerce, within the State of South Carolina. Vendee is authorized to operate as a *common carrier* in Kansas, Georgia, North Carolina, Tennessee, Colorado, Montana, Oklahoma, Wyoming, Oregon, Idaho, Utah, Minnesota, Washington, Wisconsin, Florida, Alabama, Louisiana, Deleware, Illinois, Indiana, Mississippi, Missouri, South Carolina, Ohio, Virginia, West Virginia, Michigan, Kentucky, Arizona, California, Texas, Iowa, Nebraska, Nevada, New Mexico, Maryland, New Jersey, New York, Pennsylvania, and the District of Columbia. Application has been filed for temporary authority under section 210a(b). NOTE: No. MC-56679 Sub-No. 52, is a matter directly related.

No. MC-F-11142. Authority sought for purchase by B. O. W. EXPRESS, INC., 1251 Taney Road, North Kansas City, MO 64116, of the operating rights of JOHN ROBBINS, doing business as WAVERLY TRUCK LINE, Waverly, Kans., and for acquisition by ROBERT L. WINSKY, 6615 Flora, Kansas City, MO 64131, WALTER S. PARKER, 507 West 77th Street, Kansas City, MO 64114, and FRANCIS M. CHIARELLI, 13309 Donnelly, Grandview, MO 64030, of control of such rights through the purchase. Applicants' attorney: Michael J. Drape, 925 Argyle Building, Kansas City, MO 64106. Operating rights sought to be transferred: *General commodities*, excepting among others, high explosives, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between Burlington, Kans., and Kansas City, Mo., serving certain intermediate and off-route points in Kansas. Vendee is authorized to operate as a *common carrier* in Kansas and Missouri. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11143. Authority sought for purchase by GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, TN 38102, a portion of the operating rights of A-OK MOTOR LINES, INC.

(SAMUEL KAUFMAN, Trustee in Bankruptcy), Post Office Box 1186, Montgomery, AL 36102, and for acquisition by M. M. GORDON, 4005 Grandview Avenue, Memphis, TN; A. W. GORDON, JR., 4679 Walnut Grove, Memphis, TN., and J. K. GORDON, 3910 Paula Drive, Memphis, TN, of control of such rights through the purchase. Applicants' attorneys and representative: W. F. Goodwin, 185 West McLemore Avenue, Memphis, TN 38102; Phineas Stevens, Post Office Box 22567, Jackson, MS 39205, and Warren A. Goff, 2111 Sterick Building, Memphis, TN 38103. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC-121218 Sub-1, covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of Alabama. Vendee is authorized to operate as a *common carrier* in Illinois, Tennessee, Missouri, Arkansas, Mississippi, Louisiana, Alabama, Kentucky, Georgia, Oklahoma, Texas, Indiana, Iowa, and Minnesota. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11144. Authority sought for purchase by McLEAN TRUCKING COMPANY, Box 213, 617 Waughtown Street, Winston-Salem, NC 27102, of the operating rights of BOSTON AND MAINE TRANSPORTATION (JOSEPH P. HEALEY, Trustee in Bankruptcy), 111 State Street, Boston, MA 02109, through the purchase. Applicants' attorneys: Francis W. McInery, 1000 16th Street NW., Washington, DC 20036 and Kenneth B. Williams, 111 State Street, Boston, MA 02109. Authority sought to be transferred: *General commodities*, with certain exceptions, as a *common carrier*, over regular routes, between Orange, Mass., and Williamstown, Mass., between Springfield, Mass., and White River Junction, Vt., between junction U.S. Highway 5 and Massachusetts Highway 141, at Holyoke and Northampton, Mass., between Bernardston, Mass., and Brattleboro, Vt., between junction U.S. Highway 5 and Vermont Highway 12, near Bellows Falls, and Ascutney, Vt., serving all intermediate points and the off-route point of Claremont Junction, N.H., with restriction; between Dover, N.H., and Springvale, Wells, and South Berwick, Maine, serving all intermediate points, between Berwick, Maine, and South Berwick, Maine, between Dover, N.H., and Newburyport, Mass., between Dover, N.H., and Manchester, N.H., between Durham, N.H., and Northwood, N.H., between Manchester, N.H., and Hampton, N.H., between Boston, Mass., North Reading, Wakefield, and Orange, Mass., between Lynnfield, Mass., and North Reading, Mass., between Woburn, Mass., and Littleton Common, Mass., between junction Massachusetts Highway 62 and Massachusetts Highway 38 (near Wilmington, Mass.), and junction Massachusetts Highway 62 and Massachusetts Highway 28, between Phillipston, Mass., and Athol, Mass., between Fitchburg, Mass., and Baldwinville, Mass., between Gardner, Mass., and Baldwinville, South Ashburnham, Mass., and junction Massachusetts Highway 140 and Massachusetts Highway 12, between Ayer, Mass., and Fitchburg, Mass.;

Between Littleton, Mass., and Lunenburg, Mass., between Concord, Mass., and Littleton, Mass., between Boston, Mass., and Hudson and North Chelmsford, Mass., between Wayland, Mass., and Hudson, Mass., between Waltham, Mass., and Malden and Maynard, Mass., between Concord, Mass., and junction Massachusetts Highway 117 between Amesbury, Mass., and Salisburg, Mass., between North Chelmsford, Mass., and Forge Village, Mass., between Maynard, Mass., and Hudson, Mass., between junction Massachusetts Highway 125 and Massachusetts Highway 28, and North Andover, Mass., between Boston, Mass., and Manchester, N.H., between Reading, Mass., and Manchester, N.H., between Raymond, N.H., and Fremont, N.H., between Nashua, N.H., and Wilton, N.H., between Winchendon Mass., and Brattleboro, Vt., between Winchendon, Mass., and Keene, N.H., between Dublin, N.H., and junction unnumbered highway and New Hampshire Highway 101, between Peterborough, N.H., and Greenfield, N.H., between Lowell, Mass., and Exeter, N.H., serving all intermediate points, and the off-route points of Merrimac, Mass., and Atkinson, N.H., between Boston, Mass., and Buxton, Maine, between Everett, Mass., and Newburyport, Mass., serving all intermediate points and the off-route point of Marblehead, Mass., between Chelsea, Mass., and Salem, Mass., serving all intermediate points, and the off-route point of Winthrop, Mass., between Lynn, Mass., and Danvers, Mass.;

Between Salem, Mass., and Peabody, Mass., between Malden, Mass., and Saugus, Mass., between Portsmouth, N.H., and Alton Bay, N.H., serving all intermediate points and the off-route points of East Rochester and Gonic, N.H., between junction New Hampshire Highway 16 and New Hampshire Highway 16A, near Dover, N.H., and junction New Hampshire Highway 16 and New Hampshire Highway 16A, near Somersworth, N.H., between Rochester, N.H., and Milton, N.H., serving all intermediate points, and the off-route points of East Rochester and Gonic, N.H., between Dover, N.H., and Barrington, N.H., between Ashburnham, Mass., and South Ashburnham, Mass., between Keene, N.H., and Harrisville, N.H., serving all intermediate points, between Concord, N.H., and Laconia, and Plymouth, N.H., serving all intermediate points which are stations on the Boston & Maine Railroad, between Tilton, N.H., and Ashland, N.H., between Franklin, N.H., and Gaza, N.H., between Concord, N.H., and White River Junction, Vt., between Franklin, N.H., and Andover, N.H., between West Andover, N.H., and Mascoma, N.H., between White River Junction, Vt., and Littleton, N.H., serving all intermediate points which are stations on the Boston & Maine Railroad, with restriction; between Manchester, N.H., and East Weare, N.H., serving all intermediate points and the off-route point of New Boston, N.H., between Henniker, N.H., and North Weare, N.H.;

Between Danbury, N.H., and Bristol, N.H., between Franklin, N.H., and Bristol, N.H., with restriction, between Portland, Maine, and junction U.S. Highway 1 and Maine Turnpike near Kittery, Maine, between Milton, N.H., and Intervale, N.H., serving all intermediate points which are stations on the rail lines of the Boston and Maine Railroad, and the off-route point of Center Ossipee (Mountainview), N.H., between West Ossipee, N.H., and junction New Hampshire Highways 113 and 16, between junction New Hampshire Highway 16 and unnumbered highway, north of North Wakefield, N.H., and junction New Hampshire Highways 28 and 16, between Sanbornville, N.H., and Wolfeboro, N.H., between Wolfeboro Center, N.H., and Ossipee, N.H., serving all intermediate points which are stations on the rail lines of the Boston and Maine Railroad and the off-route point of Center Ossipee (Mountainview), N.H., with restriction, between Beverly, Mass., and Rockport, Mass., between Beverly, Mass., and junction Massachusetts Highway 127 and Massachusetts Highway 128, serving all intermediate points, with restriction, between Littleton, N.H., and Berlin, N.H., between Whitefield, N.H., and Berlin, N.H., between Lancaster, N.H., and junction U.S. Highway 2 and New Hampshire Highway 116 (near Jefferson, N.H.), between Intervale, N.H., and junction U.S. Highway 2 and New Hampshire Highway 16, serving all intermediate points which are stations on the rail lines of Boston and Maine Railroad, with restriction, between Concord, N.H., and junction U.S. Highway 3 and New Hampshire Highway 28 (near Suncook, N.H.), serving all intermediate points which are stations on the rail lines of the Boston and Maine Railroad, and the off-route point of Suncook, N.H.;

Between junction New Hampshire Highway 106 and U.S. Highway 4, and junction U.S. Highway 4 and New Hampshire Highway 28 (near Gossville, N.H.), between Rochester, N.H., and junction U.S. Highway 202 and New Hampshire Highway 4 near (Barrington, N.H.), between Leominster, Mass., and Worcester, Mass., between Westminster, Mass., and West Boylston, Mass., between Ayer, Mass., and West Boylston, Mass., between Holyoke, Mass., and Athol, Mass., between East Northfield, Mass., and Winchester, N.H., serving all intermediate points which are stations on the rail lines of the Boston and Maine Railroad, with restriction; and holds certain alternate route authority; *baggage, newspapers, and express*, in motor trucks, between Whitefield, N.H., and Groveton, N.H. Vendee is authorized to operate as a *common carrier* in Virginia, Massachusetts, Delaware, Maryland, Georgia, Missouri, North Carolina, South Carolina, New York, Illinois, Tennessee, Iowa, Indiana, Ohio, Texas, Maine, Michigan, Mississippi, New Jersey, Ohio, New Hampshire, Rhode Island, Vermont, Wisconsin, Kentucky,

West Virginia, Pennsylvania, Minnesota, Kansas, Connecticut, Texas, Louisiana, Florida, Arkansas, Alabama, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11145. Authority sought for merger into NORTHERN PACIFIC TRANSPORT CO., 176 East Fifth Street, St. Paul, MN 55101, of the operating rights and property of BURLINGTON TRUCK LINES, INC., 796 South Pearl Street, Galesburg, IL 61401, and for acquisition by BURLINGTON NORTHERN INC., also of St. Paul, Minn. 55101, of control of such rights and property through the transaction. Applicants' attorney: Barry McGrath, 176 East Fifth Street, St. Paul, MN 55101. Operating rights sought to be merged: *General commodities*, with certain specified exceptions, and numerous other specified commodities, as a *common carrier*, over regular and irregular routes, from, to, and between specified points in the States of Colorado, Nebraska, Missouri, Illinois, Iowa, Kansas, Wyoming, and Montana, with certain restrictions, serving various intermediate and off-route points, over numerous alternate routes for operating convenience only, as more specifically described in Docket No. MC-107500 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 purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety thereof. NORTHERN PACIFIC TRANSPORT CO., is authorized to operate as a *common carirer* in Washington, Montana, North Dakota, Minnesota, Oregon, Idaho, and Wisconsin. Application has not been filed for temporary authority under section 210a(b). NOTE: As suggested by the Commission in Finance Docket 21478 et al., in approving the Northern Lines merger the Commission suggested that the Motor Carrier subsidiaries be unified.

By the Commission.

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

[FR Doc.71-5552 Filed 4-20-71;8:50 am]

[Notice 32]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

APRIL 16, 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

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the Special Rules of Procedure for Hearing outlined below:

Special rules of procedure for hearing. (1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 99776 (Sub-No. 5) (Republication), filed March 9, 1971, published in the FEDERAL REGISTER, issue of April 8, 1971, and republished this issue to reflect the hearing information. Applicant: BUCKNER TRUCKING, INC., 8802 Liberty Road, Houston, TX 77028. Applicant's representative: J. G. Dail, Jr., 1111 E Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Antipollution systems equipment and parts; liquid cooling and vapor condensing systems equipment and parts; environmental control and protective systems equipment and parts; and equipment, materials, and supplies* used in the construction or installation of antipollution and environmental control and protective systems, and liquid cooling and vapor condensing systems, (1) between points in Arkansas, Kansas, Louisiana, Oklahoma, and Texas; and (2) between points named in (1) above, on the one hand, and, on the other, points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicate authority is being sought.

HEARING: May 3, 1971, in Room 5-A15-17, New Federal Building and Courthouse, 1100 Commerce Street, Dallas, TX.

No. MC 106407 (Sub-No. 26), filed March 24, 1971. Applicant: T. E. MERCER TRUCKING CO., a corporation, 920 North Main Street, Post Office Box 1809, Fort Worth, TX 76101. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, TX 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Antipollution systems, equipment and parts; liquid cooling and vapor condensing systems, equipment and parts; environmental control and protective systems, equipment and parts* and (2) *equipment materials and supplies used in the construction, installation or maintenance of antipollution, liquid cooling and vapor condensing and environmental control and protective systems*, between points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority.

HEARING: May 3, 1971, in Room 5-A15-17, New Federal Building and Courthouse, 1100 Commerce Street, Dallas, TX.

No. MC 109064 (Sub-No. 24), filed March 24, 1971. Applicant: TEX-O-KAN TRANSPORTATION COMPANY, INC., Post Office Box 8367, 3301 Southeast Loop 820, Fort Worth, TX 76112. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, TX 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Antipollution systems, equipment and parts; liquid cooling and vapor condensing systems, equipment and parts; environmental control and protective systems, equipment and parts* and (2) *Equipment materials and supplies* used in the construction, installation, or maintenance of antipollution, liquid cooling and vapor condensing and environmental control and protective systems, between points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant seeks no duplicating authority.

HEARING: May 3, 1971, in Room 5-A15-17, New Federal Building and Courthouse, 1100 Commerce Street, Dallas, TX.

By the Commission.

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

[FR Doc.71-5553 Filed 4-20-71;8:50 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

APRIL 16, 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 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. (Unknown), filed April 6, 1971. Applicant: CHARLES H. KITTELMANN AND KLOPE KITTELMANN, a partnership, doing business as BIG SKY EXPRESS, 2619 Leighton Boulevard, Miles City, MT 59301. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities* (except in bulk, in tank vehicles), (1) between Miles City and Baker, Mont., over Highway 12, serving all intermediate points and (2) between Baker and Ekalaka, Mont., over Highway 7 serving all intermediate points. Both intrastate and interstate authority sought.

HEARING: unknown. Requests for precedural information including the time for filing protests concerning this application should be addressed to the Public Service Commission of Montana, 1227 11th Avenue, Helena, MT 59601, and should not be directed to the Interstate Commerce Commission.

State Docket Case No. T-26, 150 (Sub 1), filed April 7, 1971. Applicant: LAVERNE STOCKTON, doing business as MARSHFIELD DRAYAGE COMPANY, 302 West Second, Marshfield, MO 65706. Applicant's representative: Turner White, 805 Woodruff Building, Springfield, MO 65806. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, except explosives, articles of unusual value, household good, commodities in bulk, commodities requiring special equipment and articles injurious and contaminating to other freight, between Marshfield, Mo., and Lebanon, Mo., and the commercial zones of each of such places: Over Interstate Highway 44 (U.S. Highway 66) from Marshfield, Mo., to Lebanon, Mo., and return over the same route, serving the commercial zones of both of said cities and serving all intermediate points; with authority to accept property for transportation between points on the routes of existing regular route common carriers and between points on the routes of any two or more regular route common carriers where through or joint service has been authorized or established, and to tack or join the authority presently held by applicant to the authority sought herein for the purpose of providing a through service. This authority is to be used in conjunction with existing authority, both in interstate and intrastate commerce.

HEARING: July 20, 1971, 10 a.m., d.s.t., Public Service Commission, 100 East Capitol Avenue, Jefferson City, Mo. Requests for procedural information, including the time for filing protests concerning this application should be addressed to the Missouri Public Service Commission, 100 East Capitol Avenue, Jefferson City, Mo., and should not be directed to the Interstate Commerce Commission.

State Docket No. MC 21834 (Sub-No. 2), filed April 2, 1971. Applicant: MAURICE SMITH AUSLEY, II, doing business as AUSLEY MOTOR FREIGHT, 935 South Miles, El Reno, OK. Applicant's representative: Dean Williamson, 280 National Foundation Life Building, 3535 Northwest 58th Street, Oklahoma City, OK 73112. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities* over the following routes: Between Oklahoma City, Okla., and Frederick, Okla., over State Highway 152 to its intersection with State Highway 146 west of Binger, thence south on State Highway 146 to Fort Cobb, thence over State Highway 9 to Gotebo, thence south on State Highway 54 to its intersection with State Highway 19 south to Cooperton, thence over State Highway 19 to Roosevelt, thence over U.S. Highway 183 to Manitou thence over State Highway 5C to Tipton, thence over State Highway 5 to Frederick, Okla., and return over the same route serving Oklahoma City, Cooperton, Roosevelt, Mountain Park, Snyder, Manitou, Tipton, and Frederick; and between Oklahoma City and Frederick over H. E. Bailey Turnpike from Oklahoma City to its intersection with State Highway 5, thence over State Highway 5 to Frederick and return over the same route, restricted to the use of said route as a closed door alternate route for operating convenience only serving no intermediate points, between Oklahoma City, Okla., and Watonga, Okla., over Interstate Highway 40 from Oklahoma City to its intersection with U.S. Highway 270, thence over U.S. Highway 270 to Geary, Okla., thence over U.S. Highway 281 to Watonga and return over the same route, serving Oklahoma City, Calumet, Geary, Greenfield, and Watonga, Okla. Applicant is requesting authority to conduct operations in both intrastate and interstate and foreign commerce over all routes and serving all points as described above.

HEARING: June 7, 1971, at 9 a.m., at Oklahoma Corporation Commission, Jim Thorpe Building, Oklahoma City, Okla. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Oklahoma Corporation Commission, Jim Thorpe Building, Oklahoma City, Okla. 73105, and should not be directed to the Interstate Commerce Commission.

State Docket No. Application 24880-Extension, filed March 30, 1971. Applicant: RICHARD J. ESHE AND LOIS MAE ESHE, doing business as SOUTH PARK MOTOR LINES, 48 East 56th Avenue, Denver, CO 80216. Applicant's representative: Marion F. Jones, 420 Denver Club Building, Denver, CO 80202. Certificate of public convenience and necessity sought to operate a freight service as follows: (a) Transportation of *General commodities*, except livestock, between Denver and Denver, over a circle route, as follows: From Denver to Frisco over U.S. Highway 6, U.S. Highways 40 and I70, thence from Frisco to Hartsel over Colorado Highway 9. From junction of Colorado Highway 9 and U.S. Highway 285 over U.S. Highway 285 to Denver; with the right to operate in either direction over all above routes, serving all intermediate points on U.S. Highways 6 and I70 between Georgetown and Frisco (excluding Georgetown, East Portal and West Portal), those on Colorado Highway 9 between Frisco and Hartsel, including off-route points within 4 miles of Colorado Highway 9, and those on U.S. Highway 285 between the junction of Colorado Highway 9 and U.S. Highway 285 and Denver, and also serving off-route points within a 5-mile radius of Denver on traffic originating or terminating at authorized points on line of applicant. Restricted against transportation of commodities in bulk, in tank vehicles, on that portion of the above routes between Denver and Frisco over U.S. Highway 6 and U.S. Highways 40 and I70; (b) transportation of *General commodities*, within a radius of 20 miles of Hartsel, Colo., and (c) transportation of *General commodities*, except livestock and farm products, between points within a radius of 10 miles of Jefferson, Colo., with the right to join the above separate authorities. Both intrastate and interstate authority sought.

HEARING: 10 a.m. June 24, 1971, at 507 Columbine Building, 1845 Sherman Street, Denver, CO. Requests for procedural information including the time for filing protests concerning this application should be addressed to The Public Utilities Commission of the State of Colorado, 500 Columbine Building, 1845 Sherman Street, Denver, CO 80203, and should not be directed to the Interstate Commerce Commission.

State Docket No. 52537, filed April 7, 1971. Applicant: LEITE DRAYAGE CO., Inc., 543 Oak Park Drive, San Francisco, CA 94131. Applicant's representative: Bertram S. Silver, 140 Montgomery Street, San Francisco, CA 94104. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, between points and places in the San Francisco Territory described as follows: San Francisco Territory includes all the city of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County boundary line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an

imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Co. right-of-way at Arastradero Road; southeasterly along the Southern Pacific Co. right-of-way to Pollard Road, including industries served by the Southern Pacific Co. spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to West Parr Avenue; easterly along West Parr Avenue to Capri Drive; southerly along Capri Drive to East Parr Avenue; easterly along East Parr Avenue to the Southern Pacific Co. right-of-way; southerly along the Southern Pacific Co. right-of-way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road;

Northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive, and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the city of Richmond; southwesterly along the highway extending from the city of Richmond to point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning.

Except that applicant shall not transport any shipments of: (1) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10–C of Minimum Rate Tariff No. 4–A; (2) automobiles, trucks and buses, viz.: New and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis; (3) livestock, viz.: Bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags, or swine; (4) liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles; (5) commodities when transported in bulk in dump trucks or in hopper-type trucks; (6) commodities when transported in motor vehicles equipped for mechanical mixing in transit; (7) cement; (8) logs; (9) commodities of unusual or extraordinary value. Both intrastate and interstate authority sought.

HEARING: Time and place unknown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, CA 94102 and should not be directed to the Interstate Commerce Commission.

By the Commission.

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

[FR Doc.71–5549 Filed 4–20–71;8:50 am]

[Notice 280]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 15, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective uly 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 730 (Sub-No. 327 TA), filed April 6, 1971. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Post Office Box 958, 94604, Oakland, CA 94612. Applicant's representative: R. N. Cooledge (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chocolate*, in bulk, in tank vehicles, from Union City, Calif., to Salt Lake City, Utah, for 150 days. Supporting shipper: Boldemann Chocolate Co., Inc., 1515 Pacific Street, Union City, CA 94587. Send protests to: District Supervisor Wm. E. Murphy, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, CA 94102.

No. MC 2202 (Sub-No. 394 TA), filed April 12, 1971. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, OH 44309. Applicant's representative: James W. Conner (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the borough and township of North East and the township of Harborcreek, Pa., as off-route points in connection with carrier's regular route operations in No. MC 2202 and subs thereunder, for 180 days. NOTE: Applicant intends to tack with authority in MC 2202 and subs thereto. Supporting shipper: RIdg-U-Rak, Inc., North East, PA 16428. Send protests to: G. J. Baccei, District Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East North Street, Cleveland, OH 44199.

No. MC 55898 (Sub-No. 46 TA), filed April 6, 1971. Applicant: HARRY A. DECATO, doing business as DECATO BROS. TRUCKING CO., Heater Road, Lebanon, NH 03766. Applicant's representative: David M. Marshall, 135 State Street, Springfield, MA 01103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rags*, in bales and bundles, from points in the New York, N.Y., commercial zone, as defined by the Commission in New York, N.Y., commercial zone, 53 M.C.C. 451, Roselle Park, Passaic, and Jersey City, N.J., Lawrence, Worcester, Boston, and Framingham, Mass., Philadelphia, Pa., and Baltimore, Md., to the ports of entry on the United States-Canada boundary line located at or near Rouses Point, N.Y., and Morses Line and Highgate Springs, Vt., for 150 days. NOTE: No tacking with other authority issued by the Interstate Commerce Commission, but will be tacked with authority issued by Quebec Transportation Board to provide service into Canada. Supporting shippers: Canadian Cotton & Wool Waste Co., Ltd., 5485 Boul. Des Grandes Prairies, St. Leonard, Montreal 457, Quebec, Canada; The Dominion, Sanitary Wiper Co., Ltd., 215 Common Street,

Montreal, Quebec, Canada; Atlas Sterilized Wiping Products, Inc., 167 St. Hubert Street, Pont Viau Montreal, Quebec, Canada. Send protests to: District Supervisor Ross J. Seymour, Bureau of Operations, Interstate Commerce Commission, 424 Federal Building, Concord, NH 03301.

No. MC 103993 (Sub-No. 627 TA), filed April 6, 1971. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Durham County, N.C., to points in the United States East of the Mississippi River and Louisiana and Minnesota, for 180 days. Supporting shipper: Kauffman & Broad Home Systems, Inc., Durham, N.C. Send protests to: District Supervisor J. H. Gray, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 107162 (Sub-No. 29 TA), filed April 6, 1971. Applicant: NOBLE GRAHAM, Route No. 1, Brimley, MI 49715. Applicant's representative: Philip H. Porter, 121 South Pinckney Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica sand* (except in bulk), from plantsite or facilities of Manley Sand Division of Martin Marietta Co., at or near Portage, Wis., to points in the Upper Peninsula of Michigan, for 180 days. NOTE: No tacking nor interlining intended. Supporting shipper: Bosk Paint & Sandblast, 3214 Lake Shore Drive, Escanaba, MI 49829. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Federal Building, Room 225, Lansing, MI 48933.

No. MC 119439 (Sub-No. 69 TA), filed April 12, 1971. Applicant: MONKEM COMPANY, INC., West 20th Street Road, Post Office Box 1196, Joplin, MO 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal and charcoal briquets*, from Meta, Mo., to points in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Nebraska, Nevada, New Mexico, Oklahoma, South Dakota, Tennessee, Texas, and Utah, for 180 days. Supporting shipper: Standard Milling Co., 1009 Central Street, Kansas City, MO 64105. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City MO 64106.

No. MC 119632 (Sub-No. 43 TA), filed April 8, 1971. Applicant: REED LINES, INC., 634 Ralston Avenue, Defiance, OH 43512. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials, fertilizer ingredients, fungicides, insecticides, pesticides, herbicides, and rodenticides* (except commodities in bulk), between Orrville, Ohio; on the one hand, and, on the other, points in Indiana and Michigan, for 180 days. Supporting shipper: Swift Agricultural Chemicals Corp., 2 North Riverside Plaza, Chicago, IL 60606. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5234 Federal Office Building, Toledo, OH 43604.

No. MC 123639 (Sub-No. 133 TA), filed April 12, 1971. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver, CO 80216. Applicant's representative: John F. DeCock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats, frozen meats, and packinghouse products*, from Greeley, Colo., to points in Wisconsin, Michigan, Ohio, Pennsylvania, Maryland, Massachusetts, District of Columbia, New Jersey, New York, Connecticut, Virginia, Maine, and Indiana, for 180 days. supporting shipper: Monfort Packing Co., Box 1407, Greeley, CO 80631. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, CO 80202.

No. MC 127047 (Sub-No. 12 TA), filed April 12, 1971. Applicant: ED RACETTE & SON, INC., 5409 North Broadway, Wichita, KS 67219. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Axles, wheels, axle parts, hub and drum assemblies, wheel rims, and related parts and accessories*, from Newton, Kans., to points in Wisconsin, Illinois, and Indiana; and (2) *pallets and gondolas*, from Newton, Kans., to Chicago, Ill., *supplies and materials used in the manufacture and distribution of commodities* in (1) above from Chicago, Ill., and Ashburn, Ga., to Newton, Kans., for 180 days. Supporting shipper: Foreman Manufacturing Co. (a Division of Motor Wheel Corp. of Chicago, Ill.), Newton, Kans. 67114. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, KS 67202.

No. MC 128030 (Sub-No. 25 TA), filed April 12, 1971. Applicant: THE STOUT TRUCKING CO., INC., Post Office Box 177, Rural Route No. 1, Urbana, IL 61801. Applicant's representative: James F. Flanagan, 111 West Washington Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bumpers and parts thereof*, from the plantsite of Flex-N-Gate Sales at Urbana, Ill., to points in Indiana, Ohio, Michigan, and Minnesota, for 180 days. Supporting shipper: Flex-N-Gate Sales, Inc., Urbana, Ill. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 128988 (Sub-No. 13 TA), filed April 12, 1971. Applicant: JO/KEL, INC., Post Office Box 22265, Los Angeles, CA 90022. Applicant's representative: Louis C. Currier (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic products*, except in bulk, from Wilmington, Calif., to Denver, Colo., and to points in the United States in and east of North Dakota, Nebraska, Kansas, Oklahoma, and Texas. Restriction: The transportation authorized is restricted to traffic that originates at the plantsites or facilities of J. W. Carroll & Sons, Division of U.S. Industries, Inc., at Wilmington, Calif., and is limited to a transportation service to be performed under a continuing contract with J. W. Carroll & Sons, Division of U.S. Industries, Inc., for 180 days. Supporting shipper: J. W. Carroll & Sons, Plastic Extrusions, 22600 South Bonita Street, Wilmington, CA 90744. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 134375 (Sub-No. 3 TA), filed April 12, 1971. Applicant: ELDON GRAVES, doing business as ELDON GRAVES TRUCKING, 17 West Washington Avenue, Yakima, WA 98903. Applicant's representative: Philip G. Skofstad, 4410 Northwest Fremont, Portland, OR 97213. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed supplements*, in sacks and in bulk, between points in California north of Santa Barbara, Los Angeles, Ventura, and San Bernardino Counties, on the one hand, and points in Oregon and Washington, on the other; and between points in Oregon, on the one hand and points in Washington on the other, for 180 days. Supporting shippers: H. J. Stoll & Sons, Inc., 2320 Southeast Grand Avenue, Portland, Oreg. 97214; Western Feed Supplements, Post Office Box 622, Ellensburg, WA 98926; Wilbur Ellis Co., Post Office Box 8838, Portland, Oreg. 97208; Peavey Co., 1100 Board of Trade Building, Portland, Oreg. 97204. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 120 Southwest Fourth Avenue, Portland, OR 97204.

No. MC 134599 (Sub-No. 16 TA), filed April 12, 1971. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, Post Office Box 16407, Stockyard Station, Denver, CO 80216. Applicant's representative: Oscar Mandel (same address as above). Authority sought to operate as a *contract carrier*, by motor

vehicle, over irregular routes, transporting: *Backyard playground equipment, sandboxes, picnic tables, associated accessories, toys, and games, outdoor laundry dryers and T-poles, barstools, and sleds*, from DuQuoin, Ill., to points in New Hampshire, Vermont, Pennsylvania, New York, New Jersey, Rhode Island, Massachusetts, Connecticut, Maine, Maryland, Ohio, Michigan, Indiana, Virginia, West Virginia, Delaware, Washington, Oregon, and California, for 180 days. Supporting shipper: Turco Manufacturing Co., 501 South Line, DuQuoin, Ill. 62832. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 135460 (Sub-No. 1 TA), filed April 12, 1971. Applicant: SOUTHERN TRANSPORT, INC., 1200 West Hillsboro, El Dorado, AR 71730. Applicant's representative: Louis Tarlowski, Pyramid Life Building, Little Rock, Ark. 72201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from the terminals storage and loading facilities utilized or operated by Mobil Oil Corp. in El Dorado, Ark., to points in Louisiana, under a continuing contract with Mobil Oil Corp., for 150 days. Supporting shipper: Mobil Oil Corp., Post Office Box 900, Dallas, TX 75221. Send protests to: District Supervisor William H. Land, Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 135466 TA, filed April 8, 1971. Applicant: ALL POINTS MOVING & STORAGE, INC., 5618–B Virginia Beach Boulevard, Norfolk, VA 23502. Applicant's representative: Allan F. Wohlstetter, 1 Farragut Square South, Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between Norfolk, Newport News, Hampton, Virginia Beach, Williamsburg, Portsmouth, and Chesapeake, Va., and points in York, Isle of Wight, James City, Nansemond, Sussex, Surry, Prince George, Charles City, New Kent, Henrico, Southampton, Greensville, Essex, Gloucester, Mathews, Middlesex, King William, King and Queen, Accomack, Northampton, Richmond, Lancaster, and Northumberland Counties, Va., restricted to the transportation of traffic having a prior or subsequent movement in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating and decontainerization of such traffic, for 180 days. Supporting shippers: American Ensign Van Service, Inc., Post Office Box 2270, Wilmington, CA 90744; Getz Bros. & Co. (U.S.) 640 Sacramento Street, San Francisco, CA 94111. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10–52 Federal Building, Richmond, Va. 23240.

No. MC 135471 TA, filed April 12, 1971. Applicant: DONALD E. JORDAN, 6185 Southwest Erickson Avenue, Beaverton, OR 97005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, and crushed rock*, between points in Multnomah County, Oreg., and points in Clark County, Wash., for the account of Williamette Hi-Grade Concrete Co., a division of Willimette-Western Corp., for 180 days. Supporting shipper: Williamette Hi-Grade Concrete Co., Foot of North Portsmouth Avenue, Portland, OR 97203. Send protests to: District Supervisor, A. E. Odoms, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, Portland, OR 97402.

By the Commission.

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

[FR Doc.71-5554 Filed 4-20-71;8:50 am]

[Notice 281]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 16, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67, (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 13087 (Sub-No. 34 TA), filed April 12, 1971. Applicant: STOCKBERGER TRANSFER & STORAGE, INC., 524 Second Street SW., Mason City, IA 50401. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix 1 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 of Tama Corp. near Tama, Iowa, to points in Illinois, Indiana, Michigan, Minnesota, Missouri, and Wisconsin, for 180 days. Supporting shipper: Tama Corp., Tama, Iowa 52339. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 27356 (Sub-No. 5 TA), filed April 12, 1971. Applicant: M–F EXPRESS, INC., 553 South Broadway Street, Post Office Box 972, Greenville, MS 38701. Applicant's representative: Douglas C. Wynn, Post Office Box 1295, Greenville, MS 38701. Authority sought to operate as a *common carrier*, by motor vehicles, over regular routes, transporting: *General commodities* (except commodities in bulk, classes A and B explosives, household goods as defined by the Commission, and articles which because of size or weight or value require special equipment); (1) between Cleveland and Hattiesburg, Miss., from Cleveland, over U.S. Highway 61 to U.S. Highway Interstate 20 bypass, north of Vicksburg; thence over U.S. Highway Interstate 20 bypass to U.S. Highway 80 and Interstate Highway 20; thence over U.S. Highway 80 and Interstate Highway 20 to intersection of U.S. Highway 49 at or near Jackson, Miss., thence over U.S. Highway 49 to Hattiesburg, Miss., and return over the same route, serving Jackson, Miss., as a point of joinder only, and serving no intermediate points; and (2) between Jackson and Meridian, Miss., over U.S. Highway 80 and Interstate Highway 20 as an alternate route for operating convenience only serving no intermediate points, and serving Jackson as a point of joinder only, for 180 days. NOTE: Applicant intends to tack with MC–27356 and subs at Hattiesburg, Miss., and interline with MC–13308 Poplarville Truck Lines at Poplarville, Miss. Supporting shippers: There are 19 letters of support to this application, these letters of support are on file at the Jackson, Miss., office. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson, MS 39201.

No. MC 52579 (Sub-No. 128 TA), filed April 12, 1971. Applicant: GILBERT CARRIER CORP., 1 Gilbert Drive, Secaucus, NJ 07094. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, loose, on hangers, and *materials and supplies* used in the manufacture of wearing apparel, between Baxley, Ga., on the one hand, and, on the other, Jacksonville, Miami, and Hialeah, Fla., for 150 days. Supporting shipper: Silverstyle Dress Co., Inc., 501 Seventh Avenue, New York, NY 10018. Send protests to: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 52657 (Sub-No. 681 TA), filed April 8, 1971. Applicant: ARCO AUTO CARRIERS INC., 2140 West 79th, Chicago, IL 60620. Applicant's representative: S. J. Zangri (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks*, in initial truckaway service, from Bath, N.Y., to points in Wisconsin, Illinois, Minnesota, Indiana, Ohio, Missouri, Kansas, Louisiana, Texas, Georgia, Pennsylvania, New Jersey, Connecticut, New York, Maryland, Virginia, Florida, Iowa, and Massachusetts, for 150 days. Supporting shipper: Flexi-Truc Inc., Jay Madsen Division Air Springs Inc., Bath, N.Y. Send protests to: District Supervisor Robert G. Anderson, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 94580 (Sub-No. 7 TA), filed April 8, 1971. Applicant: CULBERSON MOTOR LINES, INC., Post Office Box 157, Moncure, NC 27559. Applicant's representative: R. C. Culberson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood fiberboard, wood fiberboard faced or finished with decorative and/or protective material, and accessories and supplies used in the installation thereof* (except commodities in bulk), from the plantsite of Evans Products Co., at or near Moncure, N.C., to points in Pennsylvania, Virginia, Delaware, Maryland, New Jersey, Georgia, and South Carolina, for 180 days. Supporting shipper: Evans Products Co., 2200 East Devon Avenue, Des Plaines, IL 60018. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 26896, Raleigh, N.C.

No. MC 102223 (Sub-No. 12 TA), filed April 12, 1971. Applicant: FRETTE-NICHOLSON TRUCK LINES, INC., 115 Kellogg Avenue, Ames, IA 50010. Applicant's representative: Kenneth F. Dudley, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Denison and Iowa Falls, Iowa, to points in Connecticut, Illinois, Kentucky, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, and the District of Columbia, for 180 days. Supporting shipper: Farmland Foods, Inc., Post Office Box 403, Denison, IA 51442. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, IA 50309.

No. MC 105782 (Sub-No. 6 TA), filed April 12, 1971. Applicant: W. W. HUGHES, doing business as HUGHES REFRIGERATED EXPRESS, 2208 Byberry Road, Cornwells Heights, PA 19020. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* frozen from the plantsite of Hanscom, Division of Litton Industries, Upper Merion Township, Pa., to the plantsites, cold storage, and distribution facilities of Stouffer Foods, and/or Hanscom, Divisions of Litton Industries in the Cleveland, Ohio, Syracuse, N.Y., and Bensalem Township, Pa., commercial zones, and on return movement, from the plantsites, cold storage and distribution facilities of Stouffer Foods, and/or Hanscom, Divisions of Litton Industries, located in the Cleveland, Ohio, and Syracuse, N.Y., commercial zones, to points in Pennsylvania, on and east of U.S. Highway No. 219, for 150 days. NOTE: Applicant does intend to tack the authority here applied for to MC-105782 Sub-No. 3. Supporting shipper: Hanscom Bros., Inc., Hanscom Road, King of Prussia, PA 19406. Send protests to: F. W. Doyle, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 113362 (Sub-No. 206 TA), filed April 6, 1971. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Applicant's representative: Milton D. Adams (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A, C, and D of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *equipment, materials, and supplies* used in the conduct of meatpacking businesses, from Joslin, Ill., to points in Connecticut, Delaware, Iowa, Maine, Maryland, Massachusetts, Minnesota, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, for 150 days. Supporting shipper: Illini Beef Packers, Inc., 221 North La Salle Street, Chicago, IL 60601. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, IA 50309.

No. MC 113528 (Sub-No. 18 TA), filed April 12, 1971. Applicant: MERCURY FREIGHT LINES, INC., 710 North Joachim Street, Post Office Box 1247, 36601, Mobile, AL 36603. Applicant's representative: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities, in bulk and those requiring special equipment), serving Norcross, Ga., and points in its commercial zone and the Tucker Stone Mountain Industrial District as off-route points in connection with applicant's authorized regular routes. Restriction: Restricted against transportation traffic between the named points herein, on the one hand, and, on the other, Atlanta, Ga., for 120 days. NOTE: Applicant states it will tack with existing authority in MC-113528 and subs and continue to interchange at existing service points. Supporting shippers: Thompson Industries, Inc., 4680 Lewis Road, Stone Mountain, GA 30083; Kellar & Stevens, Post Office Box 612, Stone Mountain, GA 30083; J. M. Tull Industries, Inc., Post Office Box 4628, Atlanta, GA 30302; Michelin Tire Corp., 2169 Interstate 85, Norcross, GA 30071; Lamex, Inc., Division Cities Service Industries, Norcross, GA 30071; Perma Pipe Corp,, 1609 Stoneridge Drive, Stone Mountain, GA 30083; Kearney Division, Kearney National, Post Office Box 49167, Atlanta, GA 30329; Container Corporation of American, Post Office Box 957, Atlanta, GA; Raybestos-Manhattan, Inc., 5682 Ponce de Leon Avenue, Stone Mountain, GA 30083; Southland Bonded Warehouse, Inc., 255 Ottley Drive NE., Post Office Box 13004, Station K, Atlanta, GA 30324. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814, 2121 Building, Birmingham, AL 35203.

No. MC 117815 (Sub-No. 172 TA), filed April 12, 1971. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, IA 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of Tama Corp., near Tama, Iowa, to points in Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin, for 180 days. Supporting shipper: Tama Corp., Tama, Iowa 52339. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, IA 50309.

No. MC 117883 (Sub-No. 154 TA), filed April 6, 1971. Applicant: SUBLER TRANSFER, INC., 791 East Main Street, Post Office Box 62, Versailles, OH 45380. Applicant's representative: Edward J. Subler (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *equipment, materials, and*

supplies used in the conduct of meatpacking business, from the plantsite and storage facilities of Illini Beef Packers, Inc., at or near Joslin, Ill., to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. Restriction: Restricted to the transportation of traffic originating at the above-named origins and destined to the above-named destinations, for 180 days. Supporting shipper: Illini Beef Packers, Inc., Post Office Box 248, 1039 South Oakwood, Geneseo, IL 61254. Send protests to: Emil P. Schwab, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514–B Federal Building, 550 Main Street, Cincinnati, OH 45202.

No. MC 135344 (Sub-No. 1 TA), (Clarification), filed March 25, 1971, published in the FEDERAL REGISTER, issue of April 6, 1971, clarified in part, and republished as clarified, this issue. Applicant: COMET TRUCKING, INC., 295 East Fourth North Street, American Fork, UT 84003. Applicant's representative: Myrna Mae Nebeker, 212 Phillips Petroleum Building, Salt Lake City, UT 84101. NOTE: The purpose of this partial republication is to complete the supporting shipper's address by adding *Brisbane, Calif.*, which was inadvertently omitted from the previous publication. The rest of the application remains the same.

No. MC 135472 TA, filed April 12, 1971. Applicant: GALE J. DOGGETT, doing business as DOGGETT TRUCKING COMPANY, Post Office Box 233, Lewiston, ID 83501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Cache County, Utah, to points in Arapahoe, Adams, Boulder, Douglas, Elbert, Jefferson, Larimer, Weld, and Denver Counties, Colo., under contract with Bear River Lumber Co., Inc., Logan, Utah, for 180 days. Supporting shipper: Bear River Lumber Co., Logan, Utah 84321. Send protests to: Interstate Commerce Commission, Bureau of Operations, 401 U.S. Post Office, Spokane, WA 99201.

By the Commission.

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

[FR Doc.71–5555 Filed 4–20–71;8:50 am]

[Notice 682]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 16, 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–72803. By order of April 14, 1971, the Motor Carrier Board approved the transfer to Jones Moving & Storage, Inc., Stamford, Conn., of that portion of the operating rights in certificate No. MC–36889 issued February 6, 1958, to C. Rickard & Sons, Inc., Bridgeport, Conn., authorizing the transportation of household goods between points in that part of Connecticut west of the Connecticut River, on the one hand, and on the other, points in Vermont, New Hampshire, Massachusetts, Rhode Island, New York, New Jersey, Delaware, Pennsylvania, and Maryland. Thomas W. Murrett, 342 North Main Street, West Hartford, Conn. 06117, attorney for applicants.

No. MC–FC–72804. By order of April 15, 1971, the Motor Carrier Board approved the transfer to Hillview Sand & Gravel Corp., 5013 West State Street, Milwaukee, WI 53208 of certificate No. MC–118443 (Sub No. 2) issued to Aggregates Transport Corp., 20695 West National Avenue, New Berlin, WI 53151 authorizing the transportation of: Rock salt, in bulk, between specified points in Wisconsin and Illinois.

No. MC–FC–72807. By order of April 15, 1971, the Motor Carrier Board approved the transfer to Lyle M. Garnett, Holly, Mich., of certificate No. MC–129425, issued to Emil Schlack doing business as Schlack Van Lines, Detroit, Mich., authorizing the transportation of: Livestock, and livestock, other than ordinary, and personal effects of attendants, etc., between points in Ohio, Illinois, Indiana, Kentucky, Michigan, Pennsylvania, Tennessee, West Virginia, North Carolina, and New York. William B. Elmer, attorney, 22644 Gratiott Avenue, East Detroit, MI 48021.

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

[FR Doc.71–5556 Filed 4–20–71;8:51 am]

[Notice 682–A]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 16, 1971.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC–FC–72826. By application filed April 13, 1971, TRI-STATE DUMP TRUCK SERVICE, INC., 2737 Chapline Street, Wheeling, WV 26003, seeks temporary authority to lease the operating rights of STEEL CITY TRUCK SERVICE, INC., 155 National Road, Triadelphia, WV 26059, under section 210a(b). The transfer to TRI-STATE DUMP TRUCK SERVICE, INC., of the operating rights of STEEL CITY TRUCK SERVICE, INC., is presently pending.

By the Commission.

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

[FR Doc.71–5557 Filed 4–20–71;8:51 am]

[No. 35364]

REA EXPRESS, INC.

Notice of Filing of Petition for Declaratory Order

APRIL 16, 1971.

Petitioner: REA Express, Inc.

Petitioner's attorney: John E. Robson, 1156 15th Street NW., Washington, DC 20005.

By petition filed December 31, 1970, petitioner requests a determination by the Commission that petitioner is an express company regulated under part I of the Interstate Commerce Act, and as such, is not subject to the cargo liability insurance requirements of section 215 of the Interstate Commerce Act or the provisions of § 1043.1(b) of Title 49 CFR, of the Commission's rules and regulations thereunder.

Section 1043.1(b) provides, as here material, that a common carrier subject to part II of the Interstate Commerce Act shall not engage in interstate or foreign commerce unless and until there shall have been filed with the Commission a surety bond, certificate of insurance, proof of qualifications as a self-insurer, or other securities or agreements, for protection of shipper or consignee against cargo loss or damage. Petitioner argues that, although it holds numerous certificates under Docket No. MC–66562 and subnumbers thereunder, its service thereunder is limited to service which is auxiliary to, or supplemental of, railway express service, and it is not a common carrier by motor vehicle subject to part II of the Interstate Commerce Act. Petitioner prays that an order be issued declaring that it is not subject to section 215 of the Act or the Commission's rules and regulations thereunder. Any interested person (including petitioner), desiring to participate in this matter shall file an original and 15 copies of his written representations, views, or arguments, in support of, or against, the relief requested, within 30 days from the date of publication in the FEDERAL REGISTER. Processing of this petition was delayed until this time at the request of petitioner.

By the Commission.

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

[FR Doc.71–5559 Filed 4–20–71;8:51 am]

CUMULATIVE LIST OF PARTS AFFECTED—APRIL

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during April.

3 CFR

5 CFR

7 CFR

8 CFR

9 CFR

10 CFR

12 CFR

13 CFR

14 CFR

14 CFR—Continued

Page

71 ... 6413–6415, 6741, 7049, 7224, 7225, 7302–7304, 7501
75 ... 6415, 7225
77 ... 5968, 6741
95 ... 5971
97 ... 6073, 6890, 7304
207 ... 6574, 7305, 7432
208 ... 6575, 7439
212 ... 6576, 7306, 7449
213 ... 7306
214 ... 6577, 7455
250 ... 7306
373 ... 6577
378 ... 6586
378a ... 6415
389 ... 6591
399 ... 7225, 7228, 7230

PROPOSED RULES:

25 ... 7257
39 ... 6836
71 ... 6015, 6434, 6760, 6761, 6836, 7072, 7073, 7143, 7144, 7257, 7258
75 ... 6837
Ch. II ... 6761
296 ... 7467
297 ... 7467

15 CFR

14 ... 7218
373 ... 5975
375 ... 5976
376 ... 5976
377 ... 5976
386 ... 5976, 7308
615 ... 7127

16 CFR

13 ... 6416, 6741–6744, 7501–7505
422 ... 7309

PROPOSED RULES:

240 ... 6524
410 ... 7536
433 ... 6592

17 CFR

230 ... 7050

PROPOSED RULES:

249 ... 6440
270 ... 6595
274 ... 6595

18 CFR

2 ... 7232, 7505
35 ... 6563
157 ... 7051
250 ... 7233
260 ... 7051

PROPOSED RULES:

3 ... 7020
4 ... 6596
101 ... 6596
141 ... 6596
154 ... 6596, 7150
156 ... 6596
157 ... 6596
201 ... 6596
260 ... 6596
604 ... 6762
622 ... 6762

19 CFR

Page

1 ... 7233
4 ... 6420
10 ... 7506
301 ... 7132

PROPOSED RULES:

153 ... 7012

20 CFR

404 ... 6420
405 ... 6943, 7050

PROPOSED RULES:

404 ... 6434
405 ... 7018

21 CFR

1 ... 6891
2 ... 7128
8 ... 6892
19 ... 7421
20 ... 7421
27 ... 6074
45 ... 7422
130 ... 6075
135c ... 7128, 7422
135e ... 5976
135g ... 5976
141 ... 7129, 7233, 7309
141e ... 5977
146e ... 5977
148g ... 7309
148i ... 7422
148k ... 7233
148w ... 7129
148z ... 7129
165 ... 7422
420 ... 6495, 6496, 6827

PROPOSED RULES:

1 ... 6833
16 ... 6835
17 ... 7466
19 ... 7506
27 ... 7467
130 ... 6833
147 ... 6899
191 ... 7255
420 ... 6523

22 CFR

201 ... 7096

24 CFR

200 ... 6896
235 ... 6897
1914 ... 6078, 6746, 7238
1915 ... 6079, 6747, 7239

PROPOSED RULES:

1710 ... 6594
1720 ... 7018

25 CFR

15 ... 7184
111 ... 6080
221 ... 6080, 6748, 7131

26 CFR

1 ... 5977, 6081, 6421, 6477, 7004
13 ... 7005
151 ... 6081, 6421

26 CFR—Continued

Page

PROPOSED RULES:

1 ... 6082, 6429, 6830, 7013, 7143, 7240
31 ... 7240
53 ... 6429, 7014
143 ... 6429
170 ... 6111
179 ... 7059
301 ... 7012

28 CFR

0 ... 6748

29 CFR

1 ... 6427
5 ... 6427
30 ... 6810
1518 ... 7340
1901 ... 7006

30 CFR

18 ... 7007
300 ... 7184
301 ... 7184
302 ... 7184

PROPOSED RULES:

75 ... 7016, 7513
81 ... 7513

31 CFR

0 ... 6828
202 ... 6748
203 ... 6749
306 ... 6749

32 CFR

577 ... 6711
906 ... 5977

33 CFR

3 ... 5978
82 ... 6422
92 ... 7417
117 ... 7132, 7133
153 ... 7009
204 ... 6422
208 ... 6497
209 ... 6564

PROPOSED RULES:

117 ... 6115, 6836, 7143

35 CFR

253 ... 7506

36 CFR

6 ... 7134
8 ... 7184
20 ... 7184

PROPOSED RULES:

7 ... 7143

37 CFR

1 ... 7312
3 ... 7312

39 CFR

144 ... 6750
154 ... 7050
158 ... 7050

PROPOSED RULES:

144 ... 6114

41 CFR

1-3 ... 5980
1-7 ... 5980
1-16 ... 5981
5A-1 ... 6943
5A-2 ... 5981
5A-3 ... 5982
5A-60 ... 6944
5A-76 ... 6944
5C-1 ... 6753
15-1 ... 7506
18-8 ... 6345
18-9 ... 6383
18-10 ... 6396
18-11 ... 6406
18-12 ... 6945
18-13 ... 6972
18-14 ... 6998
101-26 ... 6497, 7313
101-32 ... 6498
101-47 ... 7215
105-50 ... 6498
114-26 ... 6892

PROPOSED RULES:

60-3 ... 7532

42 CFR

73 ... 6500, 6503, 7314
78 ... 7215
250 ... 6423
481 ... 5982-5994

PROPOSED RULES:

54 ... 6116
73 ... 6828, 6835
78 ... 7256
420 ... 6680
459 ... 7145
460 ... 7145
461 ... 7145
462 ... 7145
463 ... 7145
464 ... 7145

43 CFR

4 ... 7185
13 ... 7185
21 ... 7185
23 ... 7185
230 ... 7207
1720 ... 6422
1840 ... 7207
1850 ... 7207
2850 ... 6828
3500 ... 7053
4120 ... 7207
4130 ... 7207
5490 ... 7207
5510 ... 7207

43 CFR—Continued

Page

PUBLIC LAND ORDERS:

649 (revoked by PLO 5043) ... 7415
1579 (see PLO 5040) ... 7053
4631 (revoked by PLO 5039) ... 6894
5034 ... 6503
5035 ... 6423
5036 ... 6754
5037 ... 6893
5038 ... 6893
5039 ... 6894
5040 ... 7053
5041 ... 7054
5042 ... 7054
5043 ... 7415
5044 ... 7416
5045 ... 7416
5046 ... 7416
5047 ... 7416

45 CFR

177 ... 6894
250 ... 6423

PROPOSED RULES:

151 ... 7017
156 ... 6009
157 ... 6011

46 CFR

308 ... 7054
381 ... 6894

PROPOSED RULES:

10 ... 6902
11 ... 6013, 6014, 6902
12 ... 6902
30 ... 6902
31 ... 6902
32 ... 6902
33 ... 6902
35 ... 6902
50 ... 6902
52 ... 6902
54 ... 6902
56 ... 6902
58 ... 6902
75 ... 6902
93 ... 6902
94 ... 6902
98 ... 6902
110 ... 6902
111 ... 6902
112 ... 6902
113 ... 6902
137 ... 6902
151 ... 6902
157 ... 6902
160 ... 6902

46 CFR—Continued

Page

PROPOSED RULES—Continued

162 ... 6902
177 ... 6902
182 ... 6902
183 ... 6902
192 ... 6902
Ch. II ... 6009, 6115, 6519, 6833, 7255
502 ... 6594
542 ... 6116
543 ... 7150

47 CFR

0 ... 7011
1 ... 6056, 6504, 7422
2 ... 6423
15 ... 6504
73 ... 6507, 7215, 7423
83 ... 6423, 7215
87 ... 7216
89 ... 7424
91 ... 7428, 7429
97 ... 6423, 7217

PROPOSED RULES:

13 ... 6437
15 ... 6438, 7018
25 ... 7020
73 ... 6440, 7259, 7260, 7468

49 CFR

1 ... 6570
191 ... 7507
567 ... 7056
568 ... 7057
571 ... 6895, 7058, 7218, 7315, 7419, 7420
1033 ... 5978, 5979, 6571-6573, 6829, 7420, 7507
1048 ... 7011
1100 ... 6425, 7134
1104 ... 7134
1332 ... 6425

PROPOSED RULES:

171 ... 7073
173 ... 6437, 7258
179 ... 7258
391 ... 7144
392 ... 7144
571 ... 6761, 6837-6839, 6903, 7259
1048 ... 7074
1115 ... 6595

50 CFR

28 ... 7431
32 ... 7221
33 ... 5980, 6754, 6896, 7221
230 ... 7431

LIST OF FEDERAL REGISTER PAGES AND DATES—APRIL

Pages	*Date*
5955-6066	April 1
6067-6328	2
6329-6469	3
6471-6552	6
6553-6701	7
6703-6816	8
6817-6878	9
6879-6937	10
6939-7042	13
7043-7117	14
7119-7208	15
7209-7294	16
7295-7410	17
7411-7494	20
7495-7573	21

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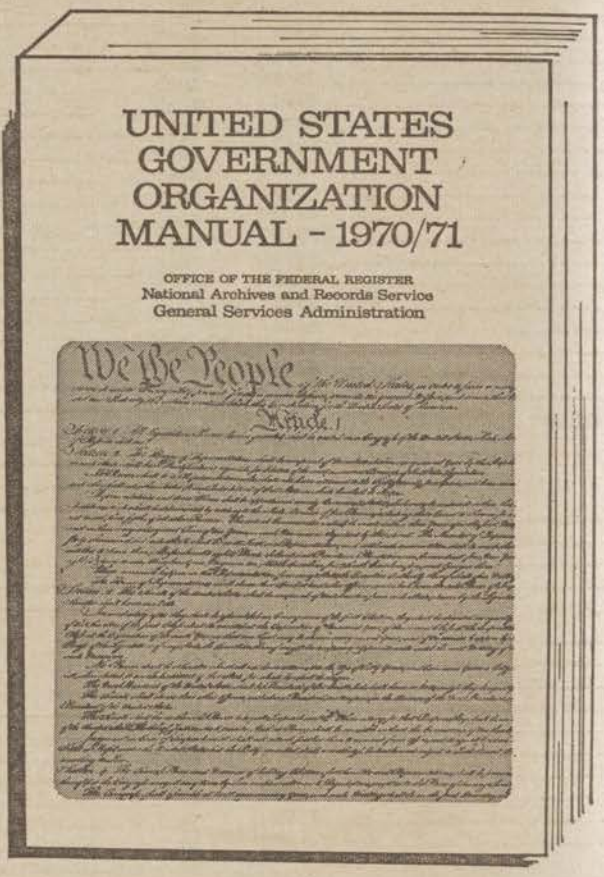

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