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Part I
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Rules and Regulations

Title 21—FOOD AND DRUGS

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

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

Animal Feed Labeling; Collective Names for Feed Ingredients

Correction

In F.R. Doc. 71-5010 appearing at page 6891 in the issue for Saturday, April 10, 1971, the word "Right" in the first line of the seventh paragraph should read "Eight".

MISCELLANEOUS AMENDMENTS TO CHAPTER

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 512, 701(a), 52 Stat. 1055, 82 Stat. 343–51; 21 U.S.C. 360b, 317(a)), in accordance with § 3.517 (21 CFR 3.517), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), the food additive regulations providing for the use of new animal drugs administered by implantation or injection in the treatment of food-producing animals are deleted from Part 121, Subpart C, and recodified in Part 135b, and, in order that proper reference is made to these regulations, Part 146a is editorially updated to incorporate the new section numbers, as follows:

PART 121—FOOD ADDITIVES

1. Part 121 is amended in Subpart C:

a. By deleting the following sections:

Sec.
121.243 Progesterone.
121.244 Testosterone propionate.
121.245 Estradiol benzoate.
121.257 Estradiol monopalmitate.
121.259 Polyethylene glycols.
121.299 Testosterone.
121.318 Sulfomyxin.

b. By deleting table 1 from paragraph (d) of § 121.217 *Tylosin.*

c. By deleting table 2 from paragraph (b) of § 121.241 *Diethylstilbestrol.*

d. By deleting table 3 from paragraph (b) of § 121.280 *Sulfaethoxypyridazine.*

e. By deleting item 3 from the table in paragraph (b) of § 121.309 *Sulfachlorpyridazine.*

f. By deleting paragraph (c) from § 121.249 *Food additives for use in milk-producing animals.*

g. By revising §§ 121.314(b), 121.315 (b), 121.316(b), and 121.317(b) to read as follows:

§ 121.314 Sodium penicillin * * *.

* * * * *

(b) Each such additive is used or intended for use as an intramammary infusion in food-producing animals in an amount not to exceed 100,000 units per dose. Its labeling shall comply with the requirements prescribed in § 135b.24(c)(2) of this chapter.

§ 121.315 Procaine penicillin for aqueous injection.

* * * * *

(b) It is used or intended for use as an intramammary infusion in food-producing animals in an amount not to exceed 100,000 units per dose. Its labeling shall comply with requirements prescribed in § 135b.25(c)(2) of this chapter.

§ 121.316 Procaine penicillin and buffered crystalline penicillin for aqueous injection.

* * * * *

(b) It is used or intended for use as an intramammary infusion in food-producing animals in an amount not to exceed 100,000 units per dose. Its labeling shall comply with the requirements prescribed in § 135b.26(c)(2) of this chapter.

§ 121.317 *l*-Ephenamine penicillin G for aqueous injection.

* * * * *

(b) It is used or intended for use as intramammary infusion in food-producing animals in an amount not to exceed 100,000 units per dose. Its labeling shall comply with the requirements prescribed in § 135b.27(c)(2) of this chapter.

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

2. Part 135b is amended by adding the following new sections:

§ 135b.2 Tylosin.

(a) *Specifications.* Tylosin is the antibiotic substance produced by growth of *Streptomyces fradiae* or the same antibiotic substance produced by any other means.

(b) *Sponsor.* See code No. 014 in § 135.501(c) of this chapter.

(c) *Special considerations.* The quantities of antibiotic in paragraph (e) of this section refer to the activity of the appropriate standard.

(d) *Related tolerances.* See § 135g.15 of this chapter.

(e) *Conditions of use.* It is used as follows:

FOR INJECTION

	Amount	Limitations	Indications for use
1. Tylosin	6.25 mg.–12.5 mg. per sinus.	For turkeys; not for laying turkeys; inject 6.25 mg. or 12.5 mg. per sinus, depending on severity of infecition; do not inject within 5 days of slaughter; as tyolsin tartrate; may be used in conjunction with tylosin in drinking water as indicated in item 2 of the table in § 135c.4(e) of this chapter.	Treatment of infectious sinusitis.
2. Tylosin	100 mg.–400 mg. per 100 lb. of body weight per day.	For swine; administer intramuscularly for not more than 3 days; do not administer within 4 days of slaughter; as tylosin base.	Treatment of erysipelas, pneumonia, dysentery (vibrionic) arthritis due to pleuropneumonia-like organisms.
3. Tylosin	100 mg.–200 mg. per 100 lb. of body weight per day.	For cattle; administer intramuscularly for not more than 5 days; do not administer within 8 days of slaughter; when used in milk-producing animals, milk that has been taken during treatment and for 96 hours (8 milkings) after the latest treatment must not be used for food; as tylosin base.	Treatment of contagious calf pneumonia (pneumoenteritis), diphtheria, foot rot (necrotic pododermatitis), metritis, and pneumonia.

§ 135b.3 Diethylstilbestrol.

(a) *Chemical name.* 3,4-bis(*p*-Hydroxyphenyl-3-hexene.

(b) *Sponsor.* See code No. 019 in § 135.501(c) of this chapter.

(c) *Related tolerances.* See § 135g.26 of this chapter.

(d) *Conditions of use.* It is used as follows:

FOR IMPLANTATION

	Mg. per dose	Limitations	Indications for use
1. Diethylstilbestrol.	3	For lambs as a subcutaneous ear implantation; not for use in breeding animals; implantation should be made at the start of the feeding period or approximately 70 days before marketing; implant one 3-mg. pellet per animal.	Increase rate of gain and improve feed efficiency.

§ 135b.4 Progesterone and estradiol benzoate in combination.

(a) *Chemical names.* (1) Progesterone: 4-Pregnene-3,20-dione.
(2) Estradiol benzoate: 1,3,5(10)-Estratriene-3,17beta-diol 3-benzoate.
(b) *Sponsor.* See code No. 036 in § 135.501(c) of this chapter.
(c) *Related tolerances.* See § 135g.28 and § 135g.30 of this chapter.
(d) *Conditions of use.* It is used as follows:

FOR IMPLANTATION

Ingredient	Amount	Ingredient	Amount	Limitations	Indications for use
1. Progesterone.	25 mg. per dose.	Estradiol benzoate.	2.5 mg. per dose.	For lambs weighing between 60 lb. and 85 lb.; for subcutaneous ear implantation, one dose per animal; not to be used within 60 days of slaughter.	Growth promotion and feed efficiency.
2. Progesterone.	200 mg. per dose.	Estradiol benzoate.	20 mg. per dose.	For steers weighing between 400 lb. and 1,000 lb.; for subcutaneous ear implantation, one dose per animal; not to be used within 60 days of slaughter.	Do.

§ 135b.5 Estradiol benzoate and testosterone propionate in combination.

(a) *Chemical names.* (1) Estradiol benzoate: 1,3,5(10)-Estratriene-3,17beta-diol 3-benzoate.
(2) Testosterone propionate: 17beta-Hydroxyandrost-4-en-3-one propionate.
(b) *Sponsor.* See code No. 036 in § 135.501(c) of this chapter.
(c) *Related tolerances.* See § 135g.29 and § 135g.30 of this chapter.
(d) *Conditions of use.* It is used as follows:

FOR IMPLANTATION

Ingredient	Amount	Ingredient	Amount	Limitations	Indications for use
1. Estradiol benzoate.	20 mg. per dose.	Testosterone propionate.	200 mg. per dose.	For heifers weighing between 400 lb. and 800 lb.; for subcutaneous ear implantation, one dose per animal; not to be used within 60 days of slaughter; not for dairy heifers.	Growth promotion and feed efficiency.

§ 135b.6 Testosterone and diethylstilbestrol in combination.

(a) *Chemical names.* (1) Diethylstilbestrol: 3,4-bis(*p*-Hydroxyphenyl)-3-hexene.
(2) Testosterone: 17beta-Hydroxyandrost-4-en-3-one.
(b) *Sponsor.* See code No. 035 in § 135.501(c) of this chapter.
(c) *Related tolerances.* See § 135g.26 and § 135g.53 of this chapter.
(d) *Conditions of use.* It is used as follows:

FOR IMPLANTATION

Ingredient	Amount	Ingredient	Amount	Limitations	Indications for use
1. Testosterone.	120 mg. per dose.	Diethylstilbestrol.	24 mg. per dose.	For beef cattle as subcutaneous ear implantation; one dose per animal; may be repeated after 60 days; do not use within 21 days of slaughter; may be administered to cattle being fed diethylstilbestrol in accordance with table 1, item 1, of § 121.241(b) of this chapter.	Stimulation of growth and of rate of finishing of beef cattle.

§ 135b.7 Estradiol monopalmitate.

(a) *Chemical name.* 1,3,5(10)-Estratriene-3,17beta-diol 17-palmitate.
(b) *Sponsor.* See code No. 022 in § 135.501(c) of this chapter.
(c) *Related tolerances.* See § 135g.38 of this chapter.
(d) *Conditions of use.* It is used as follows:

FOR INJECTION

Amount	Limitations	Indications for use
1. Estradiol monopalmitate. 10 mg. per dose.	For roasting chickens; one dose per bird by injection under skin at base of skull at not less than 5 weeks of age; not to be used within 6 weeks of slaughter.	Produce more uniform fat distribution; improve finish.

§ 135b.8 Sulfomyxin.

(a) *Specifications.* Sulfomyxin for injection is sterile. It is derived from the antibiotic substance produced by the growth of *Bacillus polymyxa* or is the same substance produced by any other means.

(b) *Sponsor.* See code No. 030 in § 135.501(c) of this chapter.

(c) *Special considerations.* The quantities of antibiotic in paragraph (e) of this section refer to the activity of the appropriate standard.

(d) *Related tolerances.* See § 135g.58 of this chapter.

(e) *Conditions of use.* (1) It is used or intended for use in chickens and turkeys as an aid in the treatment of disease caused or complicated by *E. coli*, such as colibacillosis and complicated chronic respiratory disease.

(2) It is administered by subcutaneous injection as follows:

Age of birds in days	Antibiotic activity	
	Chickens	Turkeys
	Units	*Units*
1 to 14	12,500	12,500
15 to 28	25,000	25,000
29 to 63	50,000	50,000
Over 63	50,000	100,000

(3) A second injection may be given 3 days later if symptoms persist.

(4) Not for use in laying hens; do not treat chickens within 5 days of slaughter; do not treat turkeys within 7 days of slaughter.

§ 135b.9 Sulfaethoxypyridazine.

(a) *Chemical name.* N^1-(6-Ethoxy-3-pyridazinyl) sulfanilamide.

(b) *Specifications.* Melting point range of 180° C. to 186° C.

(c) *Sponsor.* See code No. 004 in § 135.501(c) of this chapter.

(d) *Related tolerances.* See § 135g.35 of this chapter.

(e) *Conditions of use.* It is used as follows:

FOR INJECTION

Amount	Limitations	Indications for use
Sulfaethoxypyridazine. *Grams per 100 lb. of body weight per day* 2.5	For cattle; administer intravenously for not more than 4 days; or first treatment may be followed by 3 days of treatment with sulfaethoxypyridazine in drinking water, feed, or tablet in accordance with § 121.280(b) or § 135c.14(e) of this chapter; as sodium sulfaethoxypyridazine; do not treat within 16 days of slaughter; as sole source of sulfonamide; milk that has been taken from animals during treatment and for 72 hours (6 milkings) after the latest treatment must not be used for food; for use by or on the order of a licensed veterinarian.	Treatment of respiratory infection (pneumonia, shipping fever), foot rot, calf scours; as adjunctive therapy in septicemia accompanying mastitis and metritis.

§ 135b.10 Sulfachlorpyridazine.

(a) *Chemical name.* N^1-(6-Chloro-3-pyridazinyl) sulfanilamide.
(b) *Specifications.* Melting point range 190° C. to 191° C.
(c) *Sponsor.* See code No. 008 in § 135.501(c) of this chapter.
(d) *Related tolerances.* See § 135g.77 of this chapter.
(e) *Conditions of use.* It is used as follows:

FOR INJECTION

Amount	Limitations	Indications for use
1. Sulfachlorpyridazine. 30–45 mg. per lb. body weight per day.	For calves; administer as the sodium salt of sulfachlorpyridazine intravenously in aqueous solution for 1 to 5 days in divided doses twice daily; treated calves must not be slaughtered for food during treatment or for 5 days after the last treatment.	Treatment of diarrhea caused or complicated by *E. coli* (colibacillosis).

§ 135b.24 Sodium penicillin (penicillin sodium, penicillin sodium salt), calcium penicillin (penicillin calcium, penicillin calcium salt), crystalline penicillin (crystalline penicillin sodium, crystalline penicillin sodium salt, crystalline penicillin potassium, crystalline penicillin potassium salt, crystalline penicillin G sodium, crystalline penicillin G sodium salt, crystalline penicillin G potassium, crystalline penicillin G potassium salt, crystalline penicillin O sodium, crystalline penicillin O sodium salt, crystalline penicillin O potassium, crystalline penicillin O potassium salt).

(a) *Specifications.* Complies with the requirements of § 146a.24 of this chapter.

(b) *Sponsor.* [Reserved]

(c) *Special considerations.* (1) The labeling shall bear the statement "Warning—The use of this drug must be discontinued for 5 days before treated animals are slaughtered for food."

(2) If the drug is intended for use in animals producing milk for human consumption, the labeling shall also bear the statement "Milk that has been taken from animals during treatment and for _____ hours (_____ milkings) after the latest treatment must not be used for food," the blanks being filled with the figures 96 and 8 respectively, unless the sponsor of the drug has submitted the results of tests and assays demonstrating that residues of the drug in milk from treated animals persist for a shorter period of time and the shorter period is authorized by the Commissioner.

(3) If the drug is intended for use in poultry, the labeling shall bear a statement that the drug is not to be used in birds producing eggs for human consumption.

(d) *Related tolerances.* See § 135g.12 of this chapter.

(e) *Conditions of use.* As an intramuscular or intravenous injection in food-producing animals in an amount not to exceed 2,000 units per pound of body weight per day.

§ 135b.25 Procaine penicillin for aqueous injection.

(a) *Specifications.* Complies with the requirements of § 146a.47 of this chapter.

(b) *Sponsor.* [Reserved]

(c) *Special considerations.* (1) The labeling shall bear the statement "Warning—The use of this drug must be discontinued for 5 days before treated animals are slaughtered for food."

(2) If the drug is intended for use in animals producing milk for human consumption, the labeling shall also bear the statement "Milk that has been taken from animals during treatment and for _____ hours (_____ milkings) after the latest treatment must not be used for food," the blanks being filled with the figures 96 and 8 respectively, unless the sponsor of the drug has submitted the results of tests and assays demonstrating that residues of the drug in milk from treated animals persist for a shorter period of time and the shorter period is authorized by the Commissioner.

(3) If the drug is intended for use in poultry, the labeling shall bear a statement that the drug is not to be used in birds producing eggs for human consumption.

(d) *Related tolerances.* See § 135g.12 of this chapter.

(e) *Conditions of use.* As an intramuscular injection in food-producing animals in an amount not to exceed 2,000 units per pound of body weight per day.

§ 135b.26 Procaine penicillin with buffered crystalline penicillin for aqueous injection.

(a) *Specifications.* Complies with the requirements of § 146a.50 of this chapter.

(b) *Sponsor.* [Reserved]

(c) *Special considerations.* (1) The labeling shall bear the statement "Warning—The use of this drug must be discontinued for 5 days before treated animals are slaughtered for food."

(2) If the drug is intended for use in animals producing milk for human consumption, the labeling shall also bear the statement "Milk that has been taken from animals during treatment and for _____ hours (_____ milkings) after the latest treatment must not be used for food," the blanks being filled with figures 96 and 8 respectively, unless the sponsor of the drug has submitted the results of tests and assays demonstrating that residues of the drug in milk from treated animals persist for a shorter period of time and the shorter period is authorized by the Commissioner.

(3) If the drug is intended for use in poultry, the labeling shall bear a statement that the drug is not to be used in birds producing eggs for human consumption.

(d) *Related tolerances.* See § 135g.12 of this chapter.

(e) *Conditions of use.* As an intramuscular injection in food-producing animals in an amount not to exceed 2,000 units per pound of body weight per day.

§ 135b.27 *l*-Ephenamine penicillin G for aqueous injection.

(a) *Specifications.* Complies with the requirements of § 146a.66 of this chapter.

(b) *Sponsor.* [Reserved]

(c) *Special considerations.* (1) The labeling shall bear the statement "Warning—The use of this drug must be discontinued for 5 days before treated animals are slaughtered for food."

(2) If the drug is intended for use in animals producing milk for human consumption, the labeling shall also bear the statement "Milk that has been taken from animals during treatment and for _____ hours (_____ milkings) after the latest treatment must not be used for food," the blanks being filled with the figures 96 and 8 respectively, unless the sponsor of the drug has submitted the results of tests and assays demonstrating that residues of the drug in milk from treated animals persist for a shorter period of time and the shorter period is authorized by the Commissioner.

(3) If the drug is intended for use in poultry, the labeling shall bear a statement that the drug is not to be used in birds producing eggs for human consumption.

(d) *Related tolerances.* See § 135g.12 of this chapter.

(e) *Conditions of use.* As an intramuscular injection in food-producing animals in an amount not to exceed 2,000 units per pound of body weight per day.

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

3. Part 146a is amended by revising §§ 146a.24(c)(2)(ii), 146a.47(c)(2)(iii), and 146a.66(c)(2)(ii) and by adding a new paragraph (e) to § 146a.50 as follows:

§ 146a.24 Sodium penicillin * * *

* * * * *

(c) * * *

(2) * * *

(ii) If it is intended for use in animals raised for food production, it shall be used in accordance with § 121.314 or § 135b.24 of this chapter.

§ 146a.47 Procaine penicillin for aqueous injection.

* * * * *

(c) * * *

(2) * * *

(iii) If it is intended for use in animals raised for food production, it shall be used in accordance with § 121.315 or § 135b.25 of this chapter.

§ 146a.66 *l*-Ephenamine penicillin G for aqueous injection.

* * * * *

(c) * * *

(2) * * *

(ii) If it is intended for use in animals raised for food production, it shall be used in accordance with § 121.317 or § 135b.27 of this chapter.

§ 146a.50 Procaine penicillin and buffered crystalline penicillin for aqueous injection.

* * * * *

(e) If it is intended for use in animals raised for food production, it shall be used in accordance with § 121.316 or § 135b.26 of this chapter.

Since this order recodifies and rearranges existing material without introducing significant changes, notice, and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (4–23–71).

(Secs. 512, 701(a), 52 Stat. 1055, 82 Stat. 343–51; 21 U.S.C. 360b, 371(a))

Dated: April 1, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-5496 Filed 4-22-71;8:45 am]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 512, 701(a), 52 Stat. 1055, 82 Stat. 343–51; 21 U.S.C. 360b, 371(a)), in accordance with § 3.517 (21 CFR 3.517), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), the food additive regulations providing for the use in animals of certain drugs in oral dosage form are deleted from Part 121, Subpart C, and recodified in Part 135c, and, in order that proper reference is made to these regulations, Parts 146a, 146b, and 146c are being editorially updated to incorporate the new section numbers, as follows:

PART 121—FOOD ADDITIVES

1. Part 121 is amended in Subpart C:

a. By deleting the following sections:

Sec.
121.219 Promazine hydrochloride.
121.268 Dihydrostreptomycin sulfate.
121.278 Hexachlorophene.
121.279 Phenothiazine.
121.293 Sulfamethazine.
121.294 Sodium sulfachloropyrazine monohydrate.
121.309 Sulfachlorpyridazine.
121.311 Sulfadimethoxine.
121.321 Streptomycin.
121.324 Metoserpate hydrochloride.

b. By deleting tables 4 and 5 from paragraph (d) of § 121.208 *Chlortetracycline.*

c. By deleting table 2 from paragraph (c) of § 121.210 *Amprolium.*

d. By deleting table 2 from paragraph (d) of § 121.217 *Tylosin.*

e. By deleting table 3 from paragraph (d) of § 121.251 *Oxytetracycline.*

f. By deleting table 3 from paragraph (d) of § 121.256 *Procaine penicillin.*

g. By deleting tables 1 and 3 from paragraph (c) of § 121.258 *Dimetridazole.*

h. By deleting table 1 from paragraph (c) of § 121.260 *Thiabendazole.*

i. By deleting table 2 from paragraph (c) of § 121.264 *Sulfanitran(acetyl-(p-nitrophenyl)-sulfanilamide).*

j. By deleting table 2 from paragraph (c) of § 121.269 *Aklomide (2-chloro-4-nitrobenzamide).*

k. By deleting tables 2 and 4 from paragraph (b) of § 121.280 *Sulfaethoxypyridazine.*

l. By deleting item 1 from the table in paragraph (b) of § 121.295 *Poloxalene.*

m. By deleting paragraphs (e) and (f) of § 121.249 *Food additives for use in milk-producing animals.*

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

2. Part 135c is amended:

a. In § 135c.7 by revising paragraphs (a) and (c), by revising paragraph (d) and redesignating it as paragraph (e), and by adding a new paragraph (d), as follows:

§ 135c.7 Thiabendazole.

(a) *Chemical name.* 2-(4-Thiazolyl)-benzimidazole.

* * * * *

(c) *Sponsor.* (1) See code No. 047 in § 135.501(c) of this chapter for the sponsor of the usage provided by paragraph (e)(1) of this section.

(2) See code No. 023 in § 135.501(c) of this chapter for the sponsor of the usages provided by paragraph (e)(2) (i) and (ii) of this section.

(d) *Related tolerances.* See § 135g.39 of this chapter.

(e) *Conditions of use.* (1) It is used as a top dressing added to the usual feed of horses and administered at the rate of 2 grams of thiabendazole per 100 pounds of body weight mixed into that amount of the feed normally consumed at one feeding for the control of large strongyles, small strongyles, pinworms, and threadworms (including members of the genera *Strongylus, Cyathostomum, Cylicobrachytus,* and related genera, *Craterostomum, Oesophagodontus, Poteriostomum, Oxyuris,* and *Strongyloides*). WARNING: Not for use in horses intended for food.

(2) (i) It is used in baby pigs (1 to 8 weeks of age) as an oral paste administered at the rate of 200 milligrams of thiabendazole for each 5 to 7 pounds of body weight per dose. Treatment may be repeated in 5 to 7 days if necessary. It is used in the control of infections with *Strongyloides ransomi.* These infections are commonly found in the Southeastern United States. Before treatment, obtain an accurate diagnosis from a veterinarian or diagnostic laboratory. Do not treat within 30 days of slaughter.

(ii) It is also used as follows:

IN A DRENCH OR BOLUS

	Amount	Limitations	Indications for use
1. Thiabendazole.	3 grams per 100 lb. body weight.	For cattle; as a single oral dose; as a drench or bolus; may repeat once in 2 to 3 weeks; do not treat animals within 3 days of slaughter; milk taken from treated animals within 96 hours (8 milkings) after the latest treatment must not be used for food.	Control of infections of gastrointestinal roundworms (genera *Trichostrongylus spp., Haemonchus spp., Ostertagia spp.*).
2. Thiabendazole.	5 grams per 100 lb. body weight.	....do....	Control of severe infections of gastrointestinal roundworms (genera *Trichostrongylus spp., Haemonchus spp., Ostertagia spp.*); control of infections with *Cooperia* species.
3. Thiabendazole.	2 grams per 100 lb. body weight.	For sheep and goats; as a single oral dose; as a drench or bolus; do not treat animals within 30 days of slaughter; milk taken from treated animals within 96 hours (8 milkings) after the latest treatment must not be used for food; in severe infections in sheep, treatment should be repeated in 2 to 3 weeks.	Control of infections of gastrointestinal roundworms (genera *Trichostrongylus spp., Haemonchus spp., Ostertagia spp., Cooperia spp., Nematodirus spp., Bunostomum spp., Strongyloides spp., Chabertia spp.,* and *Oesophagostomum spp.*).
4. Thiabendazole.	3 grams per 100 lb. body weight.	For goats; as a single oral dose; as a drench or bolus; do not treat animals within 30 days of slaughter; milk taken from treated animals within 96 hours (8 milkings) after the latest treatment must not be used for food; treatment should be repeated in 2 to 3 weeks.	Control of severe infections of gastrointestinal roundworms (genera *Trichostrongylus spp., Haemonchus spp., Ostertagia spp., Cooperia spp., Nematodirus spp., Bunostomum spp., Strongyloides spp., Chabertia spp.,* and *Oesophagostomum spp.*).

b. In § 135c.23 by revising paragraphs (c) and (d) to read as follows:

§ 135c.23 Poloxalene.

* * * * *

(c) *Sponsor.* (1) See code No. 026 in § 135.501(c) of this chapter for the sponsor of the usage provided by paragraph (d)(1) of this section.

(2) See code No. 034 in § 135.501(c) of this chapter for the sponsor of the usage provided by paragraph (d)(2) of this section.

(d) *Conditions of use.* (1) For treatment of legume (alfalfa, clover) bloat in cattle. Administer as a drench at the rate of 25 grams for animals up to 500 pounds and 50 grams for animals over 500 pounds of body weight.

(2) For control of legume (alfalfa, clover) bloat in cattle. Administer, in molasses block containing 6.6 percent poloxalene, at the rate of 0.8 oz. of block (1.5 grams poloxalene) per 100 lbs. of body weight per day.

c. By adding the following new sections:

§ 135c.2 Chlortetracycline.

(a) *Specifications.* Meets the requirements of §§ 146c.205, 146c.265, and 146c.207 of this chapter.

(b) *Sponsor.* See code No. 004 in § 135.501(c) of this chapter.

(c) *Special considerations.* The quantities of antibiotic in paragraph (e) of this section refer to the activity of the master standard.

(d) *Related tolerances.* See § 135g.8 of this chapter.

(e) *Conditions of use.* It is used as follows:

TABLE 1—IN DRINKING WATER

	Milligrams per gallon	Limitations	Indications for use
1. Chlortetracycline	100	For chickens; as chlortetracycline hydrochloride or chlortetracycline bisulfate; not to be used for more than 14 consecutive days; as sole source of chlortetracycline.	Prevention of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis).
2. Chlortetracycline	100	For turkeys; as chlortetracycline hydrochloride or chlortetracycline bisulfate not to be used for more than 14 consecutive days; as sole source of chlortetracycline.	Prevention of blue comb (nonspecific infectious enteritis, mud fever), infectious sinusitis, hexamitiosis.
3. Chlortetracycline	200	For chickens; as chlortetracycline hydrochloride or chlortetracycline bisulfate; not to be used for more than 14 consecutive days; as sole source of chlortetracycline.	Treatment of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis); prevention of synovitis.
4. Chlortetracycline	200	For turkeys; as chlortetracycline hydrochloride or chlortetracycline bisulfate; not to be used for more than 14 consecutive days; as sole source of chlortetracycline.	Treatment of blue comb (nonspecific infectious enteritis, mud fever), infectious sinusitis, hexamitiasis; prevention of synovitis.
5. Chlortetracycline	400	For chickens and turkeys; as chlortetracycline hydrochloride or chlortetracycline bisulfate; not for laying chickens; not to be used for more than 14 consecutive days; as sole source of chlortetracycline.	Control of synovitis.
6. Chlortetracycline	1,000	For growing chickens; as chlortetracycline hydrochloride or chlortetracycline bisulfate; not for laying chickens; not to be used for more than 14 consecutive days; withdraw 24 hours prior to slaughter; as sole source of chlortetracycline.	Aid in the control of mortality due to fowl cholera.

TABLE 2.—IN TABLETS

	Amount	Limitations	Indications for use
1. Chlortetracycline	250 mg. per tablet.	In tablets for oral ingestion by calves; as sole source of chlortetracycline; 250 mg. per 100 lb. of animal weight per day for 3 days; do not administer within 24 hours of slaughter; as chlortetracycline hydrochloride.	Treatment of bacterial scours in calves.
2. Chlortetracycline	250 mg. per tablet.	In tablets for oral ingestion by calves; as sole source of chlortetracycline; 250 mg. per animal per day for not more than 3 days; as chlortetracycline hydrochloride; do not administer within 24 hours of slaughter.	Prevention of bacterial scours in newborn calves.
3. Chlortetracycline	25 mg. per tablet.	In tablets for oral ingestion by calves; 75 mg. per animal per day; as chlortetracycline hydrochloride.	Aid in reduction of incidence of bacterial scours in calves.

§ 135c.3 Amprolium.

(a) *Chemical name.* 1-(4-Amino-2-*n*-propyl-5-pyrimidinylmethyl)-2-picolinium chloride hydrochloride.

(b) *Sponsor.* See code No. 023 in § 135.501(c) of this chapter.

(c) *Related tolerances.* See § 135g.9 of this chapter.

(d) *Conditions of use.* It is used as follows:

IN DRINKING WATER

	Amount	Limitations	Indications for use
1. Amprolium	0.006%–0.024%	For chickens and turkeys; administer at the 0.012% level in drinking water as soon as coccidiosis is diagnosed and continue for from 3 to 5 days (in severe outbreaks, give amprolium at the 0.024% level); continue with 0.006% amprolium-medicated water for an additional 1 to 2 weeks; no other source of drinking water should be available to the birds during this time; as sole source of amprolium.	Treatment of coccidiosis.

§ 135c.4 Tylosin.

(a) *Specifications.* Tylosin is the antibiotic substance produced by growth of *Streptomyces fradiae* or the same antibiotic substance produced by any other means.

(b) *Sponsor.* See code No. 014 in § 135.501(c) of this chapter.

(c) *Special considerations.* The quantities of antibiotic in paragraph (e) of this section refer to the activity of the appropriate standard.

(d) *Related tolerances.* See § 135g.15 of this chapter.

(e) *Conditions of use.* It is used as follows:

IN DRINKING WATER

	Grams per gallon	Limitations	Indications for use
1. Tylosin	2	For chickens; do not use in layers producing eggs for human consumption; administer from 1 to 5 days as sole source of drinking water; treated chickens should consume enough medicated drinking water to provide 50 milligrams of tylosin per pound of body weight per day; prepare a fresh solution every 3 days; do not administer within 24 hours of slaughter; as tylosin tartrate.	As an aid in the treatment of chronic respiratory disease (CRD) caused by *Mycoplasma gallisepticum* sensitive to tylosin in broiler and replacement flocks; or, at time of vaccination or other stress, for the control of CRD caused by *Mycoplasma gallisepticum* sensitive to tylosin.
2. Tylosin	2	For turkeys; do not use in layers producing eggs for human consumption; administer from 2 to 5 days as sole source of drinking water; treated turkeys should consume enough medicated drinking water to provide 60 milligrams of tylosin per pound of body weight per day; prepare a fresh solution every 3 days; when sinus swelling is present, inject the sinus with tylosin injectable simultaneously with the drinking water treatment; do not administer within 5 days of slaughter; as tylosin tartrate.	Maintaining weight gains and feed efficiency in the presence of infectious sinusitis caused by *Mycoplasma gallisepticum* sensitive to tylosin.
3. Tylosin	0.25–1	For swine; administer not more than 10 days; withdraw 48 hours prior to slaughter; as tylosin base.	Prevention or treatment of swine dysentery (vibrionic).

§ 135c.5 Oxytetracycline and carbomycin in combination.

(a) *Specifications.* (1) Oxytetracycline: The antibiotic substance produced by growth of *Streptomyces rimosus* or the same antibiotic substance produced by any other means.

(2) Carbomycin: The antibiotic substance produced by growth of *Streptomyces halstedii* or the same antibiotic substance produced by any other means.

(b) *Sponsor.* See code No. 030 in § 135.501(c) of this chapter.

(c) *Special considerations.* The quantities of oxytetracycline in paragraph (e) of this section refer to the activity of oxytetracycline hydrochloride and the quantities of carbomycin listed refer to the activitiy of an appropriate standard.

(d) *Related tolerances.* See §§ 135g.14 and 135g.54 of this chapter.

IN DRINKING WATER

Ingredient	Grams per gallon	Ingredient	Grams per gallon	Limitations	Indications for use
1. Oxytetracycline.	1.0	Carbomycin.	1.0	For chickens; administer for not more than 5 days; not for use in chickens producing eggs for human consumption; withdraw 24 hours before slaughter; as oxytetracycline hydrochloride plus carbomycin base.	As an aid in the prevention and treatment of complicated chronic respiratory disease (air-sac infection) caused by *Mycoplasma gallisepticum* and secondary bacterial organisms associated with chronic respiratory disease such as *E. coli*.

§ 135c.6 Dimetridazole.

(a) *Chemical name.* 1,2-Dimethyl-5-nitroimidazole.

(b) *Specifications.* (1) Melting point range: 137° C. to 141° C.

(2) Assay (dry basis): 98 to 101 percent (by titration with perchloric acid in acetic acid).

(c) *Sponsor.* See code No. 031 in § 135.501(c) of this chapter.

(d) *Related tolerances.* See § 135g.44 of this chapter.

(e) *Conditions of use.* It is used as follows:

TABLE 1—IN DRINKING WATER

	Amount	Limitations	Indications for use
1. Dimetridazole	0.01%	For turkeys; as sole source of drinking water; do not give to birds producing eggs for human consumption; withdraw 5 days before slaughter; as sole source of dimetridazole.	Prevention of blackhead (histomoniasis, infectious enterohepatitis).
2. Dimetridazole	0.02%	----do----	Treatment of blackhead (histomoniasis, infectious enterohepatitis).
3. Dimetridazole	0.04%	For turkeys; as sole source of drinking water; treat for 5 days only; do not give to birds producing eggs for human consumption; withdraw 5 days before slaughter; as sole source of dimetridazole.	Treatment of severe outbreaks of blackhead (histomoniasis, infectious enterohepatitis).

TABLE 2—IN TABLETS

	Amount	Limitations	Indications for use
1. Dimetridazole	125 mg. per tablet.	For turkeys; administer 1 tablet per bird weighing not less than 1 lb. nor more than 10 lb., 2 tablets per bird over 10 lb.; do not give to birds producing eggs for human consumption; do not administer within 5 days of slaughter; as sole source of dimetridazole.	Treatment of blackhead (histomoniasis, infectious enterohepatitis).

§ 135c.8 Sulfanitran and aklomide in combination.

(a) *Chemical names.* (1) Sulfanitran: Acetyl-(*p*-nitrophenyl)-sulfanilamide.

(2) Aklomide: 2-Chloro-4-nitrobenzamide.

(b) *Specifications.* (1) Sulfanitran conforms to the following specifications:

(i) Melting point range: 260° C. to 261° C.

(ii) Assay (by sodium nitrite titration): 97 to 100.5 percent.

(iii) Moisture (method No. 5.96 "Official Methods of Analysis of the Association of Official Agricultural Chemists," 8th edition, 1955, p. 64): Not more than 2.0 percent.

(iv) Molecular weight: 335.34.

(v) Soluble in 0.1*N* sodium hydroxide, reprecipitating unchanged on acidification.

(2) Aklomide conforms to the following specifications:

(i) Minimum melting point: 170° C.

(ii) Moisture content: Not to exceed 1.0 percent.

(iii) Purity: Not less than 98 percent on an anhydrous basis.

(c) *Sponsor.* See code No. 031 in § 135.501(c) of this chapter.

(d) *Related tolerances.* See §§ 135g.59 and 135g.60 of this chapter.

(e) *Conditions of use.* It is used as follows:

IN DRINKING WATER

Ingredient	Milligrams per gallon	Ingredient	Milligrams per gallon	Limitations	Indications for use
1. Sulfanitran	374–747	Aklomide	477–954	For chickens; administer for 2 days at 747 mg. of sulfanitran per gallon and 954 mg. of aklomide per gallon, followed by 5 days at 374 mg. of sulfanitran per gallon and 477 mg. of aklomide per gallon; do not treat birds over 6 weeks of age; do not administer within 5 days of slaughter; not for laying chickens.	As an aid in the treatment of coccidiosis caused by *E. tenella*, *E. necatrix*, and *E. acervulina*.

§ 135c.9 Chlortetracycline and sulfamethazine in combination.

(a) *Chemical name.* Sulfamethazine: N^1-(4,6-Dimethyl-2-pyrimidinyl) sulfanilamide.

(b) *Specifications.* Meets the requirements of § 146c.207 as it regards chlortetracycline hydrochloride tablets and of § 146c.265 of this chapter.

(c) *Sponsor.* See code No. 004 in § 135.501(c) of this chapter.

(d) *Special considerations.* The quantities of antibiotic in paragraph (f) of this section refer to the activity of the master standard.

(e) *Related tolerances.* See §§ 135g.8 and 135g.27 of this chapter.

(f) *Conditions of use.* It is used as follows:

TABLE 1—IN DRINKING WATER

Ingredient	Milligrams per gallon	Ingredient	Milligrams per gallon	Limitations	Indications for use
1. Chlortetracycline.	250	Sulfamethazine.	250	For swine; as chlortetracycline bisulfate and sulfamethazine bisulfate; not to be used for more than 28 consecutive days; withdraw 7 days before slaughter; as sole source of chlortetracycline and sulfonamide.	Prevention and treatment of bacterial enteritis; aid in the reduction of the incidence of cervical abscesses; aid in the maintenance of weight gains in the presence of bacterial enteritis and atrophic rhinitis.

TABLE 2—IN TABLETS

Ingredient	Amount	Ingredient	Amount	Limitations	Indications for use
1. Chlortetracycline.	125 mg. per tablet.	Sulfamethazine.	2.5 grams per tablet.	In tablets for oral ingestion by calves; as sole source of chlortetracycline and sulfamethazine; 125 mg. of chlortetracycline with 2.5 grams of sulfamethazine per 100 lb. of animal weight per day for 3 days; do not administer within 5 days of slaughter for food; as chlortetracycline hydrochloride.	Treatment of bacterial scours in calves.

§ 135c.10 Sulfamethazine.

(a) *Chemical name.* N^1-(4,6-Dimethyl-2-pyrimidinyl) sulfanilamide.

(b) *Sponsor.* See code No. 026 in § 135.501(c) of this chapter.

(c) *Related tolerances.* See § 135g.27 of this chapter.

(d) *Conditions of use.* It is used as follows:

IN TABLETS

Amount	Limitations	Indications for use
1. Sulfamethazine.. 22.5 grams per bolus.	In sustained-release bolus for oral administration to nonlactating cattle; one bolus per each 185–200 lb. of body weight; do not slaughter for food within 21 days of treatment; for use by or on the order of a licensed veterinarian.	For treatment of infectious disease in which the causative organism is sensitive to sulfamethazine; for the prevention of bacterial infections associated with hemorrhagic septicemia (shipping fever complex).

§ 135c.11 Phenothiazine and hexachlorophene in combination.

(a) *Chemical names.* (1) Phenothiazine: Thiodiphenylamine.

(2) Hexachlorophene: 2,2'-Methylenebis(3,4,6-trichlorophenol).

(b) *Sponsor.* See code No. 036 in § 135.501(c) of this chapter.

(c) *Special considerations.* Do not use within 2 weeks of treatment with an organophosphorus insecticide. Do not treat sick or weak animals without supervision of a veterinarian.

(d) *Related tolerances.* See §§ 135g.50 and 135g.51 of this chapter.

(e) *Conditions of use.* It is used as follows:

IN A DRENCH

Ingredient	Amount	Ingredient	Amount	Limitations	Indications for use
1. Phenothiazine	12.5 grams per fluid oz. in water.	Hexachlorophene.	450 mg. per fluid oz. in water.	For cattle; administer as a single oral dose, 1 fluid oz. per 100 lb. of body weight up to a maximum of 6 fluid oz.; one treatment in spring; one in fall for liver flukes; repeat once in 3 weeks for heavy intestinal worm concentrations; do not treat animals within 14 days of slaughter; milk taken from treated animals within 96 hours (8 milkings) must be discarded.	Control of infestations of liver fluke (*F. hepatica*) and deer fluke (*F. magna*) and the gastrointestinal worms *Haemonchus* (large stomach worms), *Ostertagia* (medium stomach worms), *Trichostrongylus* (black scour worms, small intestinal worms), *Oesophagostomum* (nodular worms); efficacy against fluke may be reduced in animals weighing more than 650 lb.

§ 135c.13 Sulfadimethoxine.

(a) *Chemical name.* N^1-(2,6-Dimethoxy-4-pyrimidinyl) sulfanilamide.

(b) *Sponsor.* See code No. 020 in § 135.501(c) of this chapter.

(c) *Special considerations.* Poultry that have survived fowl cholera outbreaks should not be kept for laying house replacements or breeders unless tests show that they are not carriers.

(d) *Related tolerances.* See § 135g.57 of this chapter.

(e) *Conditions of use.* It is used as follows:

TABLE 1—IN DRINKING WATER

	Grams per gallon	Limitations	Indications for use
1. Sulfadimethoxine..	1.875 (0.03%)	For broiler and replacement chickens; administer for 6 consecutive days; as sole source of drinking water and sulfonamide medication; do not administer within 5 days of slaughter; not for laying chickens.	Treatment of disease outbreaks of coccidiosis, fowl cholera, and infectious coryza.
2. Sulfadimethoxine..	0.938 (0.025%)	For meat-producing turkeys; administer for 6 consecutive days as sole source of drinking water and sulfonamide medication; do not administer within 5 days of slaughter; not for use in laying turkeys.	Treatment of disease outbreaks of coccidiosis and fowl cholera.

TABLE 2—IN TABLETS

	Amount	Limitations	Indications for use
1. Sulfadimethoxine..	1.25 to 2.5 grams per 100 lb. body weight.	For cattle; administer 2.5 grams per 100 lb. body weight for first day followed by 1.25 grams per 100 lb. body weight per day; treat from 4 to 5 days; do not administer within 5 days of slaughter; milk that has been taken from animals during treatment and 48 hours (4 milkings) after the latest treatment must not be used for food.	Treatment of foot rot, bacterial pneumonia, shipping fever, and calf diphtheria.

§ 135c.14 Sulfaethoxypyridazine.

(a) *Chemical name.* N^1-(6-Ethoxy-3-pyridazinyl) sulfanilamide.

(b) *Specifications.* Melting point range of 180° C. to 186° C.

(c) *Sponsor.* See code No. 004 in § 135.501(c) of this chapter.

(d) *Related tolerances.* See § 135g.35 of this chapter.

(e) *Conditions of use.* It is used as follows:

TABLE 1—IN DRINKING WATER

	Amount	Limitations	Indications for use
1. Sulfaethoxypyridazine.	1.9–3.8 grams per gallon (0.05%–0.1%).	For swine; administer 3.8 grams per gallon for first day followed by 1.9 grams per gallon for not less than 3 days nor more than 9 days as sodium sulfaethoxypyridazine; do not treat within 10 days of slaughter; as sole source of sulfonamide; for use by or on the order of a licensed veterinarian.	Treatment of bacterial scours pneumonia-enteritis, bronchitis, septicemia accompanying *Salmonella cholerasuis* infection.
2. Sulfaethoxypyridazine.	2.5 grams per gallon (0.066%).	For cattle; administer at the rate of 1 gallon per 100 lb. of body weight per day for 4 days; as sodium sulfaethoxypyridazine; do not treat within 16 days of slaughter; as sole source of sulfonamide; for use by or on the order of a licensed veterinarian; milk that has been taken from animals during treatment and for 72 hours (6 milkings) after latest treatment must not be used for food.	Treatment of respiratory infections (pneumonia, shipping fever), foot rot, calf scours; as adjunctive therapy in septicemia accompanying mastitis and metritis.

TABLE 2—IN TABLETS

	Amount	Limitations	Indications for use
1. Sulfaethoxypyridazine.	2.5 or 15 grams per tablet.	For cattle; administer 25 mg. per lb. of animal weight per day for 4 days; do not treat within 16 days of slaughter; as sole source of sulfonamide; milk that has been taken from animals during treatment and for 72 hours (6 milkings) after the latest treatment must not be used for food; for use only by or on the order of a licensed veterinarian.	Treatment for respiratory infections (pneumonia, shipping fever), foot rot, calf scours; as adjunctive therapy in septicemia accompanying mastitis and metritis.

§ 135c.15 Dihydrostreptomycin and chlorhexidine dihydrochloride in combination.

(a) *Chemical name.* Chlorhexidine dihydrochloride: 1,1'-hexamethylenebis [5-(*p*-chlorophenyl) biguanide] dihydrochloride.

(b) *Specifications.* (1) The drug in tablet form conforms to the requirements of § 146b.104 of this chapter and in oral suspension to § 146b.108 of this chapter.

(2) Dihydrostreptomycin sulfate is the sulfate salt of the antibiotic substance obtained by hydrogenation of the antibiotic substance produced by the growth of *Streptomyces griseus* or the same antibiotic substance produced by any other means.

(c) *Sponsor.* See code No. 017 in § 135.501(c) of this chapter.

(d) *Special considerations.* The quantities of antibiotic in paragraph (f) of this section refer to the activity of the master standard.

(e) *Related tolerances.* See §§ 135g.18 and 135g.47 of this chapter.

(f) *Conditions of use.* It is used as follows:

IN TABLETS OR SUSPENSION

Ingredient	Amount	Ingredient	Amount	Limitations	Indications for use
1. Dihydrostreptomycin.	150 mg. per 100 lb. body weight per day.	Chlorhexidine dihydrochloride.	1.5 grams per 100 lb. body weight per day.	In tablets or suspension for oral administration to calves; as dihydrostreptomycin sulfate; administer one dose per day for 5 days; withdraw 3 days before slaughter.	For treatment of bacterial scours in calves.

§ 135c.16 Sodium sulfachloropyrazine monohydrate.

(a) *Chemical name.* 2-Sulfamido-6-chloroxyrazine, sodium.
(b) *Sponsor.* See code Nos. 004 and 018 in § 135.501(c) of this chapter.
(c) *Related tolerances.* See § 135g.52 of this chapter.
(d) *Conditions of use.* It is used as follows:

IN DRINKING WATER

	Amount	Limitations	Indications for use
1. Sodium sulfachloropyrazine monohydrate.	0.03%	For broilers, breeder flocks, and replacement chickens; administer in drinking water for 3 days as sole source of drinking water and sulfonamide medication; withdraw 4 days prior to slaughter; not to be administered to chickens producing eggs for human consumption.	Treatment of coccidiosis.

§ 135c.17 Metoserpate hydrochloride.

(a) *Chemical name.* Methyl-*o*-methyl-18-epireserpate hydrochloride.
(b) *Sponsor.* See code No. 018 in § 135.501(c) of this chapter
(c) *Related tolerances.* See § 135g.61 of this chapter.
(d) *Conditions of use.* It is used as follows:

IN DRINKING WATER

	Amount	Limitations	Indications for use
1. Metoserpate hydrochloride.	568.5 mg. per gallon (0.015%).	To be used one time as a treatment for replacement chickens up to 16 weeks of age; usual drinking water should be withheld prior to treatment to provide adequate consumption of medicated drinking water; not for use in laying chickens; chickens slaughtered within 72 hours following treatment must not be used for food.	As a tranquilizer for flock treatment of chickens prior to handling.

§ 135c.28 Sulfachlorpyridazine.

(a) *Chemical name.* N^1-(6-Chloro-3-pyridazinyl) sulfanilamide.
(b) *Specifications.* Melting point range: 190° C. to 191° C.
(c) *Sponsor.* See code No. 035 in § 135.501(c) of this chapter.
(d) *Related tolerances.* See § 135g.77 of this chapter.
(e) *Conditions of use.* It is used as follows:

	Amount	Limitations	Indications for use
	Mg. per lb. body weight per day		
1. Sulfachlorpyridazine.	30-45	For calves; administer in a bolus containing 2 grams of sulfachlorpyridazine for 1 to 5 days in divided doses twice daily; treated calves must not be slaughtered for food during treatment or for 7 days after the last treatment.	Treatment of diarrhea caused or complicated by *E. coli* (colibacillosis).
2. Sulfachlorpyridazine.	30-45	For calves; administer as the sodium salt of sulfachlorpyridazine in milk or milk-replacer formulations for 1 to 5 days in divided doses twice daily; treated calves must not be slaughtered for food during treatment or for 7 days after the last treatment.	Do.
3. Sulfachlorpyridazine.	20-35	For swine; administer as the sodium salt of sulfachlorpyridazine in drinking water for 1 to 5 days; for individual treatment administer orally in divided doses twice daily; treated swine must not be slaughtered for food during treatment or for 4 days after the last treatment.	Do.
4. Sulfachlorpyridazine.	20-35	For swine; administer individually in an oral suspension containing 50 milligrams of sulfachlorpyridazine per milliliter in divided doses twice daily for 1 to 5 days; treated swine must not be slaughtered for food during treatment or for 4 days after the last treatment.	Do.

§ 135c.29 Promazine hydrochloride.

(a) *Chemical name.* 10-[3-(Dimethylamino) propyl] phenothiazine monohydrochloride.

(b) *Specifications.* Conforms to N.F. XII.

(c) *Sponsor.* See code Nos. 017 and 040 in § 135.501(c) of this chapter.

(d) *Related tolerances.* See § 135g.16 of this chapter.

(e) *Conditions of use.* It is a tranquilizer used as a top dressing on the feed of horses and cattle (except lactating dairy animals). Administer at 0.75 to 1.25 milligrams per pound of body weight. Do not administer within at least 72 hours prior to slaughter.

§ 135c.38 Chlortetracycline and neomycin in combination.

(a) *Specifications.* Meets the requirements of § 146c.228 of this chapter.

(b) *Sponsor.* See code No. 004 in § 135.501(c) of this chapter.

(c) *Special considerations.* The quantities of antibiotics in paragraph (e) of this section refer to the activity of the master standard.

(d) *Related tolerances.* See §§ 135g.8 and 135g.25 of this chapter.

(e) *Conditions of use.* It is used as follows:

IN TABLETS

Ingredient	Amount	Ingredient	Amount	Limitations	Indications for use
1. Chlortetracycline.	125 mg. per tablet	Neomycin...	125 mg. per tablet.	In tablets for oral ingestion by calves; as sole source of chlortetracycline and neomycin; 125 mg. of neomycin and of chlortetracycline per 100 lb. of animal weight per day for 3 days; do not administer within 24 hours of slaughter; as chlortetracycline hydrochloride and neomycin sulfate.	Treatment of bacterial scours in calves.

§ 135c.43 **Procaine penicillin.**

(a) *Specifications.* Complies with the requirements for procaine penicillin found in § 146a.27 or § 146a.51 of this chapter.
(b) *Sponsor.* [Reserved]
(c) *Special considerations.* The quantities of antibiotic in paragraph (e) of this section refer to the activity of the master standard.
(d) *Related tolerances.* See § 135g.12 of this chapter.
(e) *Conditions of use.* It is used as follows:

IN DRINKING WATER

	Amount per gallon	Limitations	Indications for use
	Units		
1. Penicillin	100,000	For chickens; as procaine penicillin; not for use in laying chickens; prepare fresh solution daily; withdraw 1 day before slaughter; as sole source of penicillin.	For treatment of chronic respiratory disease (air-sac infection) and blue comb (nonspecific infectious enteritis).
2. Penicillin	50,000–100,000	do	For prevention of chronic respiratory disease (air-sac infection) and blue comb (nonspecific infectious enteritis).

§ 135c.44 **Streptomycin sulfate.**

(a) *Specifications.* Complies with the requirements for streptomycin sulfate found in § 146b.104, § 146b.115, or § 146b.119 of this chapter.
(b) *Sponsor.* [Reserved]
(c) *Special considerations.* The quantities of antibiotic in paragraph (e) of this section refer to the activity of the master standard.
(d) *Related tolerances.* See § 135g.11 of this chapter.
(e) *Conditions of use.* It is used as follows:

IN DRINKING WATER

	Amount per gallon	Limitations	Indications for use
1. Streptomycin	0.5–1.5 grams.	For chickens; as streptomycin sulfate; administer not more than 5 days; not for use in laying chickens; prepare fresh solution daily; withdraw 4 days before slaughter; as sole source of streptomycin.	Treatment of chronic respiratory disease (air-sac infection); maintenance of weight gains during periods of stress; treatment of blue comb (nonspecific infectious enteritis).
2. Streptomycin	0.5–1.5 grams.	For calves; as streptomycin sulfate; administer not more than 5 days; prepare fresh solution daily; withdraw 2 days before slaughter; as sole source of streptomycin.	Treatment of bacterial diarrhea (scours) of calves.
3. Streptomycin	0.5–1.5 grams.	For swine; as streptomycin sulfate; administer not more than 4 days; prepare fresh solution daily; as sole source of streptomycin.	Treatment of bacterial enteritis (scours) in swine.

§ 135c.45 **Procaine penicillin and streptomycin sulfate in combination.**

(a) *Specifications.* Complies with the requirements for penicillin-streptomycin powder veterinary found in § 146a.93 of this chapter.
(b) *Sponsor.* [Reserved]
(c) *Special considerations.* The quantities of antibiotics in paragraph (e) of this section refer to the activity of the master standards.
(d) *Related tolerances.* See §§ 135g.11 and 135g.12 of this chapter.
(e) *Conditions of use.* It is used as follows:

IN DRINKING WATER

Ingredient	Amount per gallon	Ingredient	Amount per gallon	Limitations	Indications for use
1. Penicillin	100,000–119,000 units.	Streptomycin	250–304 mg.	For chickens; as procaine penicillin plus streptomycin sulfate; not for use in laying chickens; prepare fresh solution daily; withdraw 1 day before slaughter; as sole source of penicillin and streptomycin.	For treatment of chronic respiratory disease (air-sac infection) and blue comb (nonspecific infectious enteritis).
2. Penicillin	50,000–100,000 units.	Streptomycin	125–250 mg.	do	For prevention of chronic respiratory disease (air-sac infection) and blue comb (nonspecific infectious enteritis).
3. Penicillin	100,000–119,000 units.	Streptomycin	250–304 mg.	For turkeys; as procaine penicillin plus streptomycin sulfate; not for use in laying birds; prepare fresh solution daily; withdraw 3 days before slaughter; as sole source of penicillin and streptomycin.	For treatment of infectious sinusitis and blue comb (nonspecific infectious enteritis).

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

3. Part 146a is amended:

a. By revising § 146a.27(c)(2)(iii) to read as follows:

§ 146a.27 **Penicillin tablets.**

* * * * *

(c) * * *
(2) * * *
(iii) If it is intended for use in animals raised for food production, it shall be used in accordance with § 135c.43 of this chapter.

* * * * *

b. By revising § 146a.51(c)(2)(iii) to read as follows:

§ 146a.51 **Buffered penicillin powder, penicillin powder with buffered aqueous diluent.**

* * * * *

(c) * * *
(2) * * *
(iii) If it is intended for use in animals raised for food production, it shall be used in accordance with § 135c.43 of this chapter.

* * * * *

PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

4. Part 146b is amended:

a. By revising § 146b.104(c)(2)(ii) to read as follows:

§ 146b.104 **Streptomycin tablets; dihydrostreptomycin tablets.**

* * * * *

(c) * * *
(2) * * *
(ii) If it is intended for use in animals raised for food production, it shall be used in accordance with § 135c.15 or § 135c.44 of this chapter.

* * * * *

b. By revising § 146b.108(c)(2) to read as follows:

§ 146b.108 **Streptomycin syrup;** * * *.

* * * * *

(c) * * *
(2) *It is packaged for dispensing and intended solely for veterinary use.* (i) Its label and labeling shall comply with all the requirements prescribed by subparagraph (1) of this paragraph, except that in lieu of the statement "Caution: Federal law prohibits dispensing without prescription" each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity.
(ii) If it is intended for use in animals raised for food production, it shall be used in accordance with § 135c.15 of this chapter.

* * * * *

c. By revising § 146b.115(c)(1)(vii) to read as follows:

§ 146b.115 Streptomycin sulfate powder oral veterinary; * * *.

* * * * *

(c) * * *

(1) * * *

(vii) If it is intended for use in animals raised for food production, it shall be used in accordance with § 135c.44 of this chapter.

* * * * *

d. By revising § 146b.119(c)(7) to read as follows:

§ 146b.119 Streptomycin hydrochloride solution oral veterinary; * * *.

* * * * *

(c) * * *

(7) If it is intended for use in animals raised for food production, it shall be used in accordance with § 135c.44 of this chapter.

* * * * *

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-CONTAINING DRUGS

5. Part 146c is amended by revising § 146c.265(c)(1)(iv) to read as follows:

§ 146c.265 Chlortetracycline bisulfate soluble powder veterinary.

* * * * *

(c) * * *

(1) * * *

(iv) It is labeled for use in accordance with § 135c.2 or § 135c.9 of this chapter.

* * * * *

Since this order recodifies and rearranges existing material without introducing significant changes, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (4–23–71).

(Secs. 512, 701(a), 52 Stat. 1055, 82 Stat. 343–51; 21 U.S.C. 360b, 371(a))

Dated: April 1, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc. 71-5498 Filed 4-22-71;8:45 am]

PART 135—NEW ANIMAL DRUGS

Subpart C—Sponsors of Approved Applications

CODING OF NAMES AND ADDRESSES FOR HOLDERS OF APPROVED NEW ANIMAL DRUG APPLICATIONS

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 512, 701(a), 52 Stat. 1055, 82 Stat. 343–51; 21 U.S.C. 360b, 371(a)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), Part 135 is amended by establishing a new Subpart C consisting at this time of one section, as follows:

§ 135.501 Names, addresses, and code numbers of sponsors of approved applications.

(a) Section 512(i) of the act requires publication of names and addresses of sponsors of approved applications for new animal drugs.

(b) In this section each name and address is identified by a numerical code. The code numbers identify the sponsors of the new animal drug applications associated with the regulations published pursuant to section 512(i) of the act. The code numbers will appear in the appropriate regulations and serve as a reference to the names and addresses listed in this section.

(c) The following are names, addresses, and code numbers of sponsors of approved new animal drug applications:

Code No.	*Firm name and address*
001	Albers Milling Co., Carnation Bldg., 5045 Wilshire Blvd., Los Angeles, Calif. 90036.
002	Allied Chemical Corp., Agricultural Division, 40 Rector St., New York, N.Y. 10006.
003	Amdal Co., Division of Abbott Laboratories, 14th St. & Sheridian Rd., North Chicago, Ill. 60064.
004	American Cyanamid Co., Post Office Box 400, Princeton, N.J. 08540.
005	Balfour Guthrie & Co., Ltd., 315 North H St., Fresno, Calif. 93701.
006	Central Soya Co., McMillan Feed Division, Ft. Wayne, Ind. 46805.
007	Chemagro Corp., Hawthorn Rd., Post Office Box 4913, Kansas City, Mo. 64120.
008	Ciba Pharmaceutical Co., 556 Morris Ave., Summit, N.J. 07901.
009	Commercial Solvents Corp., 1331 South First St., Terre Haute, Ind. 47808.
010	William Cooper & Nephews, Inc., 1909–25 Clifton Ave., Clifton, Ill. 60614.
011	Dawse Laboratories, 4800 South Richmond St., Chicago, Ill. 60632.
012	The Dow Chemical Co., Post Office Box 1706, Midland, Mich. 48641.
013	Eaton Laboratories, Division of Norwich Pharmacal Co., Post Office Box 191, Norwich, N.Y. 13815.
014	Elanco Products Co., Post Office Box 1750, Indianapolis, Ind. 46206.
015	Feed Products, Inc., 1000 West 47th Ave., Denver, Colo. 80211.
016	Formica Laboratories, 124 East Fifth St., Little Rock, Ark. 72115.
017	Fort Dodge Laboratories, Fort Dodge, Iowa 50501.
018	Gland-O-Lac Co., 1818 Leavenworth St., Omaha, Nebr. 68102.
019	Hess & Clark, Division of Richardson-Merrell, Inc., Ashland, Ohio 44805.
020	Hoffman-La Roche, Inc., Nutley, N.J. 07110.
021	Dr. LeGear, Inc., 4161 Beck Ave., St. Louis, Mo. 63116.
022	Mattox & Moore, Inc., 1503 East Riverside Dr., Indianapolis, Ind. 46207.
023	Merck Sharp & Dohme Research Laboratories, Division of Merck and Co., Inc., Rahway, N.J. 07065.
024	Nixon and Co., Klewitt Plaza, Omaha, Nebr. 88501.
025	Diamond Shamrock Chemical Co., 60 Park Place, Newark, N.J. 07101.
026	Norden Laboratories, Inc., Lincoln, Nebr. 68501.
027	Norwich Pharmacal Co., Post Office Box 191, Norwich, N.Y. 13815.
028	S. B. Penick & Co., 100 Church St., New York, N.Y. 10008.
029	Peter Hand Foundation, 2 East Madison St., Waukegan, Ill. 33142.
030	Pfizer, Inc., 235 East 42d St., New York, N.Y. 10017.
031	Salsbury Laboratories, Charles City, Iowa 50616.
032	Schering Corp., 86 Orange St., Bloomfield, N.J. 07003.
033	Shell Chemical Co., Agricultural Chemicals Division, 110 West 51st St., New York, N.Y. 10020.
034	Smith Kline & French Laboratories, 1500 Spring Garden St., Philadelphia, Pa. 19101.
035	E. R. Squibb & Sons, Georges Rd., New Brunswick, N.J. 08902.
036	Syntex Laboratories, Inc., 3401 Hillview Dr., Palo Alto, Calif. 94304.
037	The Upjohn Co., Kalamazoo, Mich. 49001.
038	Ayerst Laboratories, Division of American Home Products Corp., 685 Third Ave., New York, N.Y. 10017.
039	Whitmoyer Laboratories, 19 North Railroad St., Myerstown, Pa. 19067.
040	Wyeth Laboratories, Division of American Home Products Corp., Post Office Box 8299, Philadelphia, Pa. 19101.
041	Grain Processing Corp., Muscatine, Iowa 52761.
042	Premier Malt Products, Inc., Milwaukee, Wis. 53201.
043	McClellan Laboratories, Inc., 19600 Sixth Ave., Lakeview, Calif. 92353.
044	Bristol Laboratories, Division of Bristol-Myers Co., Post Office Box 657, Syracuse, N.Y. 13201.
045	Fromm Laboratories, Inc., Grafton, Wis. 53024.
046	S. E. Massengill Co., 527 Fifth St., Bristol, Tenn. 37620.
047	Ralston-Purina Co., Checkerboard Square, St. Louis, Mo. 63199.
048	The Farnam Companies, Inc., 8701 North 29th St., Omaha, Nebr. 68112.
049	Parke, Davis & Co., Joseph Campau Ave. at the River, Detroit, Mich. 48232.

Since this order in effect rearranges existing information without introducing significant changes, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (4–23–71).

(Secs. 512, 701(a), 52 Stat. 1055, 82 Stat. 343–51; 21 U.S.C. 360b, 371(a))

Dated: April 1, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-5497 Filed 4-22-71;8:45 am]

Title 7—AGRICULTURE

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

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 7]

PART 777—PROCESSOR WHEAT MARKETING CERTIFICATE REGULATIONS

Certificate Cost and Interest Rate

The following amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (see sections 379a to 379j, 52 Stat. 31, as amended, 7 U.S.C. 1379a to 1379j) to provide the following changes to the Republication of the Processor Wheat Marketing Certificate Regulations, as amended (33 F.R. 14676, 34 F.R. 5817, 6907, 11412, 13522, 19063, 35 F.R. 11689).

(1) Extend certificate requirements, together with the marketing certificate cost of 75 cents per bushel through the marketing year beginning July 1, 1973.

(2) Change the rate of interest charges applicable under the regulations to 6.5 percent per annum.

The extensions provided are necessary as the Agricultural Act of 1970 extended the processor wheat marketing certificate provisions through the marketing year beginning July 1, 1973, and established a certificate cost to processors of 75 cents per bushel for the extended period.

The reduction in the rate of interest charges reflects the recent downward trend of commercial interest charges.

Since the provisions of this amendment extending certificate requirements at a cost to processors of 75 cents per bushel is required by statute and the reduction in the rate of interest charges is to the advantage of the participants under the program, it is hereby found and determined that compliance with the notice, public procedure and the 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 553) is unnecessary, and contrary to the public interest and that this amendment shall be effective as follows:

Effective date. The extension of the certificate cost shall be effective with respect to processing report periods beginning on and after July 1, 1971, and the change in interest shall be effective with respect to wheat processed or flour second clears used on which interest first begins to accrue on and after April 16, 1971.

The amendment reads as follows:

1. Section 777.5(a) is amended by changing the penultimate sentence to read as follows:

§ 777.5 Applicability of certificate requirements.

(a) *General.* * * * The cost of domestic certificates shall be 75 cents a bushel during the marketing years covered by the period beginning July 1, 1965, through June 30, 1974. * * *

* * * * *

§§ 777.7, 777.11, 777.12, 777.19 [Amended]

2. The interest rate is changed to read "six and one-half percent per annum" rather than "eight percent per annum" in the applicable sections as follows: In § 777.7(b), the last sentence; § 777.11 (b), subparagraph (2); § 777.11(c), subparagraph (2) (i) and (ii); § 777.11(e), subparagraph (2); § 777.12(g), the sixth sentence; § 777.19(f), subparagraph (2); § 777.19(j), the last sentence.

Signed at Washington, D.C., on April 16, 1971.

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

[FR Doc.71-5689 Filed 4-22-71;8:48 am]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 1, Amdt. 2]

PART 102—DISCLOSURE OF INFORMATION

Appearances and Testimony by Officers and Employees

Part 102 of Title 13 of the Code of Federal Regulations is hereby amended by revising § 102.7 thereof to read as follows:

§ 102.7 Appearances and testimony by SBA officers and employees.

Whenever an officer or employee of SBA is served with a subpena demanding the disclosure of the information or the production of files, documents, and records described in this part, or is requested by any court, committee or other body to disclose such information, the officer or employee shall promptly inform his superior of the requirements of the subpena or request and shall ask for instructions from the Assistant Administrator for Administration or the Deputy Assistant Administrator for Administration (Management) with respect thereto. Such officer or employee shall appear before the court, committee or body and, if the Assistant Administrator for Administration or the Deputy Assistant Administrator for Administration (Management) has not authorized disclosure, the employee shall respectfully decline to disclose the information or produce the files, documents, and records demanded or requested, basing such refusal upon this part.

Effective date: April 15, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-5679 Filed 4-22-71;8:48 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 71-SO-11]

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

Designation, Alteration, and Revocation of Transition Areas

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 designate, alter and revoke controlled airspace in the State of Kentucky by designating the Kentucky transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 24, 1971, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the following transition area is added:

KENTUCKY

That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Kentucky.

In § 71.181 (36 F.R. 2140), the 1,200-foot above the surface portions of the following transition areas are revoked:

Bowling Green, Ky.	Louisville, Ky.
Hopkinsville, Ky.	Paducah, Ky.
Lexington, Ky.	Somerset, Ky.
London, Ky.	Evansville, Ind.

In § 71.181 (36 F.R. 2140), the Paris and Union City, Tenn., transition areas are amended as follows:

Paris, Tenn. All after "* * * 353° bearing from Paris RBN, * * *" is deleted and "* * * extending from the 5-mile radius area to 8.5 miles north of the RBN * * *." is substituted therefor.

Union City, Tenn. All after "* * * longitude 88°58'50" W.), * * *" is deleted and "* * * extending from the 5.5-mile radius area to 8.5 miles north and south of the RBN * * *." is substituted therefor.

In § 71.181 (36 F.R. 2140), the Logansport and Marion, Ky., transition areas are revoked.

In § 71.181 (36 F.R. 2140), the 2,500-foot above the surface portion of the Hopkinsville, Ky., transition area is revoked.

In § 71.181 (36 F.R. 2140), the West Virginia transition area is amended as follows: "* * * lat. 37°23'00" N., long. 82°11'30" W.; thence to lat. 38°02'00" N., long. 82°15'00" W.; to lat. 38°00'00" N., long. 82°55'00" W.; to lat. 38°45'00" N., long. 83°30'00" W.; * * *" is deleted

and "* * * to the intersection of the Kentucky State line; thence counterclockwise along the Kentucky State line, to and north along long. 83°30'00" W., to lat. 38°45'00" N.; * * *" is substituted therefor.

In § 71.181 (36 F.R. 2140), the Cincinnati, Ohio, 1,200-foot transition area is amended to read:

CINCINNATI, OHIO

That airspace extending upward from 1,200 feet above the surface beginning at lat. 39°40'00" N., long. 84°25'00" W., to lat. 39°19'00" N., long. 84°00'00" W.; thence south along long. 84°00'00" W., to and counterclockwise along the Kentucky State line, to and north along the Indiana State line, to and northeast along a line extending from lat. 39°12'00" N., long. 85°30'00" W., to lat. 39°40'00" N., long. 84°25'00" W., to point of beginning.

In § 71.181 (36 F.R. 2140), the 5,000-foot above the surface portion of the Blytheville, Ark., transition area is amended as follows: "* * * excluding the portion within the Paducah, Ky., transition area * * *" is deleted and "* * * excluding the portion within the State of Kentucky * * *." is substituted therefor.

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

Issued in East Point, Ga., on April 13, 1971.

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

[FR Doc.71-5656 Filed 4-22-71;8:46 am]

[Airspace Docket No. 71-SO-59]

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

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Asheville, N.C., control zone and transition area.

The Asheville control zone is described in § 71.171 (36 F.R. 2055). In the description, an extension is predicated on Runway 16/34 centerlines extended with a designated width of 4 miles and extends from the 5-mile radius zone to the Broad River and Biltmore RBNs. This extension provided controlled airspace protection for departures and for the NDB (ADF) RWY 16 Instrument Approach Procedure.

The Asheville transition area is described in § 71.181 (36 F.R. 2140). In the description, extensions are predicated on:

1. The ILS localizer south course with a designated width of 13 miles and length of 12 miles.

2. The 339° bearing from Biltmore RBN with a designated width of 8 miles.

3. The Sugarloaf Mountain VORTAC 230° radial with a designated width of 4 miles and extending from the VORTAC to Broad River RBN.

U.S. Standards for Terminal Instrument Procedures (TERPs), issued after extensive consideration and discussion with Government agencies concerned and affected industry groups, are now being applied to update the criteria for instrument approach procedures. The criteria for the designation of controlled airspace protection for these procedures were revised to conform to TERPs and achieve increased and efficient utilization of airspace.

Because of this revised criteria, it is necessary to make the following alterations:

Control zone. Designate an extension predicated on the 340° bearing from Broad River RBN 5 miles wide and extending to 2 miles north of the RBN to provide required controlled airspace protection for NDB(ADF) RWY 16 Instrument Approach Procedure.

Transition area. 1. Increase the extension predicated on the ILS localizer south course 1 mile in width and 6.5 miles in length.

2. Increase the extension predicated on the Sugarloaf Mountain VORTAC 234° radial 6 miles in width.

3. Increase the extension predicated on the 339° bearing from Biltmore RBN 2 miles in width and 0.5 mile in length.

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

In § 71.171 (36 F.R. 2055), the Asheville, N.C., control zone is amended to read:

ASHEVILLE, N.C.

Within a 5-mile radius of Asheville Municipal Airport (lat. 35°26'04" N., long. 82°32'25" W.); within 2.5 miles each side of the 340° bearing from Broad River RBN, extending from the 5-mile-radius zone to 2 miles north of the RBN; within 2 miles each side of Runway 16/34 extended centerlines, extending from the 5-mile-radius zone to the Broad River and Biltmore RBNs.

In § 71.181 (36 F.R. 2140), the Asheville, N.C., transition area is amended to read:

ASHEVILLE, N.C.

That airspace extending upward from 700 feet above the surface within 7 miles east and west of the 160° and 340° bearings from Biltmore RBN, extending from 7 miles north of Biltmore RBN to 12 miles south of Broad River RBN; within 9.5 miles east and 4.5 miles west of the ILS localizer south course, extending from Broad River RBN to 18.5 miles south of the RBN; within 5 miles each side of Sugarloaf Mountain VORTAC 230° radial, extending from the VORTAC to Broad River RBN; within 3 miles each side of the 339° bearing from Biltmore RBN, extending from the RBN to 8.5 miles north of the RBN.

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

Issued in East Point, Ga., on April 14, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-5657 Filed 4-22-71;8:46 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 34-9144]

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Delegation of Authority To Grant or Deny Extension of Time for Filing of Broker-Dealer Reports

The Securities and Exchange Commission has further amended its rules under which certain functions of the Commission have been delegated to Directors of Divisions and certain other staff officials. The latest amendments delegate to the Director of the Division of Trading and Markets authority under the Securities Exchange Act of 1934 (the Act) to consider requests for extensions of time for filing reports on Form X-17A-10 (17 CFR 249.618) pursuant to Rule 17a-10 (17 CFR 240.17a-10) under the Act.

Rule 17a-10 (with certain exemptions)[1] requires members of national securities exchanges and registered brokers and dealers to file with the Commission, after the close of each calendar year, a report of their income and expenses and related financial and other information for such calendar year. The Commission has determined to delegate to the Director, Division of Trading and Markets, the authority to grant or deny applications for extensions of time to a specified date for filing a report on Form X-17A-10. Under paragraph (d) of Rule 17a-10, any extension granted shall not be later than 150 days after the close of the calendar year for which the report is made and can be granted in cases of undue hardship. If an applicant's request for extension is denied, he may have such denial reviewed by the Commission.

In addition, paragraph (b)(5) of Article 30-3 (17 CFR 200.30-3) and para-

[1] Members of a national securities exchange or association which has qualified a plan pursuant to paragraph (b) of Rule 17a-10 under the Act are required to file their annual income and expense reports (i.e., a version of Form X-17A-10) with their exchange or association in accordance with the plan and are exempt from filing Form X-17A-10 with the Commission. The National Association of Securities Dealers, Inc. (NASD), has qualified a plan covering all their members while the American, Midwest and Philadelphia-Baltimore-Washington Stock Exchanges have qualified plans generally covering their respective non-NASD members. Members of the NASD and non-NASD members of the above-mentioned exchanges should file their applications for extension of time for filing their annual income and expense reports with their respective self-regulatory organizations which can grant an extension in accordance with the provisions of their respective plans. They should not file such requests with the Commission.

graph (c) of Article 30–4 (17 CFR 200.30–4) of the Delegation Rules which deal with the delegation of authority to certain Commission staff officials to grant or deny extensions of time within which to file Form X–17A–5 (17 CFR 249.617) reports, as required by Rule 17a–5 (17 CFR 240.17a–5) under the Act, have been amended to provide specifically that where the applicant's request for extension is denied, he may have such denial reviewed by the Commission.

Commission action. Pursuant to authority in Public Law 87–592, and sections 17(a) and 23(a) of the Securities Exchange Act of 1934, as amended, the Commission hereby amends §§ 200.30–3 and 200.30–4 of Chapter II of Title 17 of the Code of Federal Regulations as set forth below.

I. Paragraph (b) of § 200.30–3 is amended by revising subparagraph (5), and by adding a new subparagraph (9) thereunder, and as so amended, reads as follows:

§ 200.30–3 Delegation of authority to Director of Division of Trading and Markets.

* * * * *

(b) * * *

(5) Pursuant to Rule 17a–5(d) (§ 240.17a–5(d) of this chapter), to consider applications, by broker-dealers who are nonresidents of the United States, for extensions of time within which to file reports required by Rule 17a–5 (§ 240.17a–5 of this chapter), and to grant, and to authorize the issuance of orders denying, such applications: *Provided*, Such applicant is advised of his right to have such denial reviewed by the Commission.

* * * * *

(9) Pursuant to Rule 17a–10(d) (§ 240.17a–10(d) of this chapter), to consider applications by broker-dealers for extensions of time within which to file reports required by Rule 17a–10 (§ 240.17a–10 of this chapter), and to grant, and to authorize the issuance of order denying, such applications: *Provided*, Such applicant is advised of his right to have such denial reviewed by the Commission. Any extension granted shall not be for more than 150 days after the close of the calendar year for which the report on Form X–17A–10 (§ 249.618 of this chapter) is made.

* * * * *

II. Paragraph (c) of § 200.30–4 is amended to read as follows:

§ 200.30–4 Delegation of authority to Regional Administrators.

* * * * *

(c) With respect to the Securities Exchange Act of 1934, 15 U.S.C. 78a et seq.: Pursuant to Rule 17a–5(d) (§ 240.17a–5(d) of this chapter), to consider applications by brokers and dealers for extensions of time within which to file reports required by Rule 17a–5 (§ 240.17a–5 of this chapter), and to grant, and to authorize the issuance of orders denying, such applications: *Provided*, Such applicant is advised of his right to have such denial reviewed by the Commission.

* * * * *

The Commission hereby finds that the foregoing amendments involve solely matters of agency organization or procedure, and that notice and procedures specified by 5 U.S.C. 553 are unnecessary. Accordingly, the foregoing amendments shall become effective on April 14, 1971.

(Secs. 17(a), 23(a), 48 Stat. 897, 901, secs. 4, 8, 49 Stat. 1379, 15 U.S.C. 78r, 78w; sec. 1, 76 Stat. 394, 15 U.S.C. 15d–1)

By the Commission, April 14, 1971.

[SEAL] ROSALIE F. SCHNEIDER, *Recording Secretary.*

[FR Doc.71–5651 Filed 4–22–71;8:46 am]

Title 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 54—GOLD REGULATIONS

Manufacture and Sale of Gold Medals

Section 54.4(a)(14) of the Gold Regulations is being amended to authorize the Director of the Office of Domestic Gold and Silver Operations to license foreign subsidiaries of U.S. corporations to manufacture gold medals for sale to persons not subject to the jurisdiction of the United States. The purpose is to assure a fair competitive position for these firms in the markets in which they operate. The manufacture by persons or firms located in the United States or sale of gold medals to persons subject to the jurisdiction of the United States other than special award medals, antique medals, and commemorative medals for regular public display by a museum or other institution serving the public, will continue to be prohibited by the Gold Regulations. In addition, the amendment will remove the existing restrictions on the gold plating of any coins and the acquisition, holding, transportation, importation, or exportation of any gold-plated coins. These restrictions were imposed to prevent the diversion of coins to decorative uses during the recent coin shortage. Since all coins are now in ample supply such restrictions are no longer necessary.

Because the amendments relieve existing restrictions it is found that notice and public procedure thereon is not necessary.

Section 54.4(a)(14) is amended to read:

§ 54.4 Definitions.

(a) * * *

(14) "Customary industrial, professional or artistic use" means the use of gold in industry, profession or art, in a manner, for a purpose, in a form, and in quantities in which gold is customarily used in industry, profession or art. Without limitation, the following are not deemed to be customary industrial, professional or artistic uses of gold:

(i) The manufacture of gold medals other than the manufacture of special award medals and the manufacture by persons subject to the jurisdiction of the United States but situated abroad of gold medals for sale abroad to persons not subject to the jurisdiction of the United States; and

(ii) The acquisition and holding, transportation, importation, or exportation of any gold medals other than: Special award medals; antique medals; and commemorative medals for regular public display by a museum or other institution serving the public.

* * * * *

(Sec. 5(b), 40 Stat. 415, as amended, secs. 3, 8, 9, 11, 48 Stat. 340, 341, 342; 12 U.S.C. 95a, 31 U.S.C. 442, 733, 734, 822b, E.O. 6260, Aug. 28, 1933, as amended by E.O. 10896, 25 F.R. 12281, E.O. 10905, 26 F.R. 321, E.O. 11037, 27 F.R. 6967; 3 CFR, 1959–63 Comp. and E.O. 6359, Oct. 25, 1933, E.O. 9193, as amended, 7 F.R. 5205; 3 CFR, 1943 Cum. Supp., E.O. 10289, 16 F.R. 9499; 3 CFR 1949–53 Comp.)

Effective date. These amendments shall become effective on publication in the FEDERAL REGISTER (4–23–71).

Dated: April 19, 1971.

[SEAL] PAUL A. VOLCKER, *Under Secretary of the Treasury for Monetary Affairs.*

[FR Doc.71–5678 Filed 4–22–71;8:48 am]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

ADDITIONAL DISABILITY SUFFERED BY VETERAN WHILE RECEIVING CARE AT A CONTRACT NURSING HOME

In § 3.358(c), subparagraph (7) is added to read as follows:

§ 3.358 Determinations for disability or death from hospitalization, medical or surgical treatment, examinations or vocational rehabilitation training (§ 3.800).

* * * * *

(c) *Cause.* * * *

(7) Nursing home care furnished under section 620 of title 38, United States Code is not hospitalization within the meaning of this section. Such a nursing home is an independent contractor and, accordingly, its agents and employees are not to be deemed agents and employees of the Veterans Administration. If additional disability results from medical or surgical treatment or examination through negligence or other wrongful act or omission on the part of such a nursing home, its employees or agents, entitlement does not exist under this section unless there was concurring negligence or wrongful act or omission on the part of the Veterans Administration and such acts on the part of both were the proximate cause of the additional disability.

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

This VA regulation is effective December 14, 1970.

Approved: April 19, 1971.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.71-5680 Filed 4-22-71;8:48 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 5A of Title 41 is amended as follows:

PART 5A–74—SPECIAL PURCHASE PROGRAMS

Subpart 5A–74.4—Overseas Supply Support Program

1. Section 5A–74.407–2 is amended as follows:

§ 5A–74.407–2 Agency for International Development (AID).

(a) *Procurement forms.* The forms prescribed in § 5A–2.201–70 shall be used for formally advertised and negotiated AID procurements. GSA Form 1246, GSA Supplemental Provisions (AID Procurement), shall be incorporated in all solicitations and contracts which are executed on behalf of AID.

(b) *Buy American Act—Limitations on source.* Article 14 of GSA Form 1246 deletes Article 14 (Buy American Act) of SF 32 and paragraph 7 (Buy American Certificate) of SF 33. Due to a recent change in AID policy for calculating eligible components (35 F.R. 19574, dated Dec. 24, 1970), the following provision shall be included in solicitations which incorporate GSA Form 1246 until a new edition of that form is issued, except where a different percentage than the new 50-percent standard is specified by AID, in which case such AID specified percentage shall be used.

AMENDMENT TO GSA FORM 1246

GSA Form 1246, GSA Supplemental Provisions (AID Procurement), August 1970 edition, is amended as follows:

The number before the word "percent" in paragraph (e) of Article 1 (Definitions) and in paragraph (b) of Article 14 (Buy American Act—Limitations on Source) is changed from "10" to "50."

(c) *Use of negotiation authority.* In meeting the supply requirements for AID, procurements in excess of $2,500 shall be made by formal advertising where feasible and practicable (see FPR § 1–3.101). Where formal advertising is not feasible and practicable, contracts may be negotiated pursuant to the authority of section 302(c)(15) of the Federal Property and Administrative Services Act of 1949, as amended. Except where proprietary procurement has been determined necessary by AID, the negotiation authority to be cited on each such negotiated contract shall be as follows: "Section 302(c)(15), Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.)." Where the AID requisition calls for the procurement of a proprietary item, the procedures set forth in § 5A–74.407–2(g) apply. The basis upon which GSA may utilize the authority available under the Foreign Assistance Act to negotiate procurements on behalf of AID is contained in AID's letter of November 23, 1970, to the Acting Assistant Commissioner for Procurement, FSS (see text in § 5A–76.310).

* * * * *

(f) *Availability of funds.* (1) Contracting officers shall observe the fund limitation on each requisition and where, at time of procurement, it appears that the amount cited is not adequate to cover all costs including estimated freight and accessorial charges, shall advise the AID ordering office through the order processing activity of the appropriate overseas support office.

* * * * *

(3) Items extracted to POD or other regional offices for procurement action shall be supported by a citation of funds sufficient to cover the procurement transportation and all accessorial charges.

(g) *Procurement of proprietary items.* (1) Where AID has determined that a proprietary item is needed to meet its requirements, AID will include the following statement on the requisition document:

Negotiated procurement of the specific items covered by this request is authorized under the provisions of the Foreign Assistance Act of 1961, as amended.

(2) When the above statement is included with the purchase request, no additional justification or determination is required by FSS to execute a proprietary procurement by negotiation. The contract shall cite "Section 302(c)(15), Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.)" as the negotiation authority. Where the proprietary statement is not included in the purchase request, the procurement shall be processed in accordance with § 5A–74.407–2(c).

(h) * * *

(2) In view of the nature of the commodities involved and the need for central coordination of these types of items, GSA has further agreed that AID/Washington will forward the requisitions direct to POD for procurement action. In this connection, POD will establish a central control point to receive and provide status information to O/PS on the requisition during the procurement process. Status information will be provided by forwarding a copy of each document generated in the sequence of procurement actions. Such documents will be transmitted to the O/PS addressee designated on the requisition to receive status information by use of the GSA Form 6332, Requisition Control and GSA Form 6538, Procurement Status (FSS P 2900.2, Chap. 7–15, 16, and 17).

* * * * *

(4) Notwithstanding the special arrangements described in (2) and (3), above, it is possible that the overseas support office may receive inquiries from the AID Missions which originate requirements for public safety items processed through O/PS. Accordingly, POD shall make certain that a copy of each requisition received from AID/Washington is forwarded to the order processing activity of the appropriate overseas support office. This copy should be forwarded by appropriate transmittal indicating procurement action taken and/or any special handling required.

* * * * *

(6) Contract administration services and shipments shall be handled as provided in § 5A–74.406. However, in connection with shipments bearing "Immediate Priority (A)," POD may request operational assistance directly from the Traffic Services Division, TCS Central Office, in coordinating arrangements for emergency shipments.

(i) *Export packing.* Article 29 of GSA Form 1246 sets forth only general performance-type requirements for preservation, packaging, and packing for export. Therefore, where the contractor is contractually required to perform the export packing, additional detailed packing specifications to the extent known, must be stated in the solicitation for offers. AID basic types of packing containers and related codes normally used in contracts calling for shipments to AID missions are illustrated and described in § 5A–76.311. In some circumstances, AID purchase requests will cite these packing codes. If no specific packing requirements are cited, contracting officers shall consult with FSS packing specialists, as appropriate, to assure that solicitations for offers include suitable packing requirements.

(j) *Priorities and allocation support.* (1) The Procurement Operations Division (FPN), Special Programs Division (FPH), and Region 9, are authorized to apply a Defense Materials System priority rating, identified by the Symbol DO D–7, to specified contracts and delivery orders which cover procurements for AID in support of counterinsurgency and preventive incipient insurgency operations in South East Asia within the dollar limitation of annual authorizations made to GSA by the Department of Commerce. Requests for additional quotas shall be submitted to the Office of Procurement (FPP).

(2) Procedures and guidelines for the application of the DOD ratings to contracts and purchase orders and for maintaining records and reports are prescribed in GSA Order FSS 2800.13 as amended. Article 44 (Priorities, Allocations, and Controlled Materials) of GSA

Form 1246 is the applicable contract clause prescribed in § 5A–1.311.

(3) Contracts and delivery orders rated "DO D–7" for fertilizer shall bear the statement "For Export Only."

2. Section 5A–74.407–3 is amended as follows:

§ 5A–74.407–3 Peace Corps.

(a) * * *

(2) When documentation to reflect the actual costs of the purchase transaction is not provided within 30 days after purchase action, the contracting office shall, through the order processing activity of the overseas support office, furnish advice to the ordering office on those transactions in (1), above, on which it is authorized to proceed.

* * * * *

(b) *Procurement of proprietary items.* (1) Where the Peace Corps has determined that a proprietary item is needed to meet its requirements, a statement substantially as follows must appear on or be attached to the requisition document:

Negotiated procurement of the specific items covered by this request is authorized under the provisions of (Peace Corps will insert reference to the current statute authorizing Peace Corps to negotiate procurements, notwithstanding other provisions of law.)

(2) When the above statement, properly completed, is on record with the requisition, no additional justification or determination is required by FSS. If the above statement is missing from a requisition for a proprietary item, the procurement activity shall request the Peace Corps requisitioning activity to furnish either (i) the prescribed statement or (ii) specifications or acceptable brand names, model references or commodity technical characteristics to permit procurement on a competitive basis (see FPR 1–1.305 and 1–1.307).

(3) Requests for foreign-made items, supported by the statement set forth in paragraph (b)(1), above, shall be processed in the same manner as a request for an American-made proprietary item.

* * * * *

PART 5A–76—EXHIBITS

The table of contents for Part 5A–76 is amended by adding the following new entries:

Sec.
5A–76.310 GSA/AID letter of understanding.
5A–76.311 AID types and codes of packing containers.

NOTE: The exhibits identified in this Subpart 5A–76.3 are filed with the original document. Copies may be obtained from the General Services Administration (FPP), Washington, DC 20406.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5–1.101(c))

Effective date. These regulations are effective 30 days from the date shown below.

Dated: April 8, 1971.

L. E. SPANGLER,
Acting Commissioner,
Federal Supply Service.

[FR Doc.71–5675 Filed 4–22–71;8:47 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1064]

[Docket No. AO-23-A40]

MILK IN GREATER KANSAS CITY MARKETING AREA

Decision on Proposed Amendments to Marketing Agreement and to Order

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Greater Kansas City marketing area. 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 Kansas City, Mo., on December 15, 1970, pursuant to notice thereof issued on November 17, 1970 (35 F.R. 17859), and November 23, 1970 (35 F.R. 18202).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on March 1, 1971 (36 F.R. 4415), filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved, adopted and are set forth in full herein, subject to modifications of paragraphs 12 and 15 under Issue No. 5 and addition of a new paragraph at the end thereof.

The material issues on the record relate to:

1. Pool plant performance requirements for cooperative supply plants.
2. Supply plant pooling standards.
3. Diversions of producer milk.
4. Mileage limitation on transfers and diversions to nonpool plants.
5. Class II and Class III prices.
6. Emergency action.

FINDINGS AND CONCLUSIONS

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

1. *Pool plant performance requirements for cooperative supply plants.* The performance requirements for a supply plant operated by a cooperative association should be revised to allow such a plant to be pooled on the basis of milk movements to pool distributing plants during either the current month or the 12-month period ending with the current month.

The revised provision would require that, during the applicable period of qualification, 50 percent or more of member producer milk be received at pool distributing plants by transfer from the supply plant or directly from member producers' farms. Milk delivered directly from farms of member producers to pool distributing plants would be considered a receipt at the supply plant of the cooperative for the purpose of determining the qualification of such plant as a pool plant.

To qualify a cooperative supply plant presently, 65 percent of member producer milk must be received at pool distributing plants during the months of September through January, either by transfer from the supply plant or directly from member producers' farms. In the remaining months of the year only 50 percent of member producer milk must be so received.

The cooperative association representing a large majority of producers operates a balancing plant in the market. The percentage of its member producer milk received at pool distributing plants has declined significantly, particularly by shipment from such supply plant. In October 1969, 81.5 percent of its member producer milk was received at pool distributing plants by transfer from its Sabetha, Kans., plant and directly from member producer farms. By October 1970, only 68.4 percent of its member producer milk was received at pool distributing plants.

Since the present pooling standard requires receipt of 65 percent of a cooperative's member producer milk at pool distributing plants, the supply plant of such cooperative may not qualify in the future under such standard without incurring additional hauling and handling costs.

The reasons for the decrease in shipments to Kansas City pool distributing plants are varied. In 1968, a handler discontinued his packaging operations and transferred them to a plant in another market. The milk formerly received at the Kansas City plant was diverted to other uses. Another Kansas City handler closed his plant in December 1969. The route sales of that plant were then served from another plant of that handler regulated by the Des Moines, Iowa, order. Here again, producer milk of the cooperative had to be diverted to other uses. Average daily Class I sales by nonpool plants have increased by over 50 percent from November of 1969 to November of 1970, and in each month of 1970 were greater than they were for the corresponding month in 1969.

With the exception of April, the Class I sales of pool distributing plants declined in each month through November 1970 from the corresponding month a year earlier. Such decreases ranged from 1.5 percent in February to 5.2 percent in May, and averaged 2.4 percent monthly through November 1970.

Producer milk pooled on the Kansas City market increased throughout most of 1970. Average daily producer milk pooled on the Kansas City market increased 6.3 percent in May from 1 year ago, in June 5.5 percent, July 9.9 percent, August 5.3 percent, September 10.9 percent, and October 12 percent.

Proponents requested that the pooling requirements be based on receipts of member producer milk at pool plants during the previous 12 months. Pooling on the basis of aggregate performance in the immediately preceding 12-month period should be adopted as an alternative to current month performance. This will reflect that a cooperative has demonstrated the regular association of a balancing plant and producer milk with this market. It also will provide flexibility for a cooperative in adjusting its operations to meet variable marketing conditions.

Proponent's proposal would abandon the current month performance standard for pooling that is contained in the present order. It would not permit a cooperative with a supply plant first becoming associated with this market by meeting the cooperative plant pooling requirement in the current month to be pooled on the same basis as other similar plants. This could be unduly restrictive, however. A cooperative having 50 percent of its member producer milk on the market might have similar balancing problems in supplying other handlers even though it had only been on the market a short time.

The current month performance standard therefore should be continued in the order as the basic pooling provision. However, if a cooperative supply plant demonstrates its association with the market as a balancing plant for a period of 1 year, it should have the opportunity to be pooled on the alternate 12-month aggregate basis.

It is necessary further to establish rules to determine under which order a cooperative supply plant qualifying by either of the above means should be regulated, if it meets the pooling requirements of more than one order.

Proponent suggested that in the event that a cooperative supply plant under this order should meet the pooling qualifications under another order as well, a written request to the market administrator should be sufficient to maintain pool plant status under this order.

Generally, a plant should be pooled under the order for the market where it is most closely associated by delivery performance. Most of the orders in this region provide that a supply plant shall be subject to regulation when it meets the specified shipping requirements of the particular order and delivers a greater percentage of its milk to plants defined as pool distributing plants under

such order than is delivered to pool plants under the other order to which it might be subject.

As previously stated, pool status for a cooperative supply plant under this order is based, however, on either direct shipments from member producers' farms or shipments from the supply plant, to pool distributing plants. Qualification on this basis is related to the particular function of the plant as a balancing plant for the Greater Kansas City market.

In view of the limited volume of milk likely to move through a cooperative supply plant in performing its function as a balancing plant, even small shipments of milk to other order plants could result in a shift of regulation of such plant from the Greater Kansas City order. It is concluded therefore that the milk which is delivered directly to pool distributing plants from the farms of member producers should be considered a receipt at the cooperative supply plant for the purpose of qualifying such plant as a pool plant under the Greater Kansas City order. With such a provision, shipments from the plant to other markets should not result in the plant becoming a pool plant under some other order as long as the supply of producer milk of the cooperative continues to be primarily associated with the Greater Kansas City market.

2. *Supply plant pooling standards.* The pooling requirements for a supply plant (other than a cooperative supply plant) should be changed to require that at least 50 percent of the plant's monthly receipts of Grade A milk from dairy farmers either be shipped as fluid milk products to pool distributing plants or otherwise be disposed of in the marketing area as Class I. This would change the present 30 percent shipping requirement to 50 percent for each month of November, December, and January. Pooling requirements for the remaining months of the year would continue to be 50 percent. However, a plant which qualifies as a pool plant during each month of September through January could continue to be qualified without meeting shipment requirements during the following months of February through August, unless nonpool plant status is requested by the handler.

The order was amended on February 1, 1967, to reduce the percentage shipping requirement in November, December, and January from 50 percent of dairy farmer receipts at supply plants to 30 percent. Official notice is taken of the decision issued on January 27, 1967 (32 F.R. 1133). At that time the one supply plant on the market experienced difficulty in meeting the 50 percent shipping requirement because deliveries of producer milk directly from farms to pool distributing plants increased to the extent that shipments from the supply plant were halved. The plant involved now qualifies under the provision for pooling a cooperative supply plant.

There are no present supply plants on the market other than the two operated by the cooperatives. Consequently, no present plant would be affected by this change. Some shipping standard is needed in each month, however, for any other supply plant that may come on the market at a future time. In view of an equal or possibly greater dependence on supply plants during the fall and winter than at other times, the proposed 50 precent shipping requirement is reasonable for these months as well as for other months of the year.

A 50 percent shipping requirement for supply plants to attain pool plant status in the fall and winter period is contained in other nearby orders also. This order had the 50 percent standard for November through January prior to February 1967. Reinstatement of this pooling standard under the Greater Kansas City order will provide similar basis for market pooling under different orders for supply plants that compete for milk in overlapping procurement areas.

Under these revised standards, a plant which meets the minimum pooling requirements during September through January would be required to ship only 21 percent of its milk on an annual basis, since it may continue to have pool plant status for February through August without further shipments.

3. *Diversions of producer milk.* The provisions relating to diversion of producer milk by a handler or a cooperative should be revised to provide the same basis for diversion of producer milk in September through January as now provided for February through August. This change would permit maximum diversions of producer milk from pool distributing plants to pool supply plants and to nonpool plants in an amount not to exceed that received physically at pool distributing plants during the month instead of the present 35 percent of such receipts.

A cooperative in the market proposed more liberal diversions of producer milk. Specifically, its proposal would allow for each month of the year the diversion of an amount of producer milk equal to the amount of producer milk actually received at pool distributing plants. This cooperative acts as a handler on most of the milk that must be diverted from the market for use in manufactured dairy products. It was necessary to suspend the 35 percent diversion limit for the November 1970–January 1971 period to accommodate the orderly disposition of reserve milk supplies for the market.

The diversion privilege is intended primarily to promote efficient disposition of milk not needed at pool distributing plants for fluid purposes. When milk is not needed at pool distributing plants, it is more efficient to divert it to manufacturing plants located near farms of producers rather than receive it at bottling plants and subsequently move it to manufacturing plants.

In September 1970, the proponent cooperative diverted 21 percent of its member milk from pool distributing plants compared to 11.6 percent in September 1969. In the month of October 1970, the cooperative diverted 32 percent of its member producer milk from pool distributing plants compared to 14.6 percent in the same month a year earlier. For the first 11 months of 1970, 172 million pounds of producer milk, or 18 percent of total producer milk, was diverted. For the same period in 1969, producer milk diversions totaled 126 million pounds, or 14 percent of producer milk on the market. The cooperative handled approximately 90 percent of the total producer milk diverted in both years.

Several recent developments in the market prompt the need for revising the diversion provisions. As pointed out previously, these include the closing of local distributing plants and shifts of their Class I sales to pool plants under other orders, a change in procurement methods of a local handler, the manufacture of cottage cheese at nonpool plants instead of in pool plant facilities, and some increase in local producer supplies in relation to Class I sales.

As Class I sales have declined, the average daily producer milk receipts at pool plants have increased. Some of this increase in producer milk supplies has resulted from the association of an additional cooperative supply plant with the market as a pool plant effective in May 1970. Average daily producer milk deliveries increased in May and June 1970 by 6 percent from May and June 1969, and have continued to increase on a daily basis over the same month a year ago by 10 percent in July, 5 percent in August, 11 percent in September, and 12 percent in October and November 1970.

The effect of these developments during recent months has been to increase the percentage of producer milk in Class II and Class III uses. In 1968 and 1969, the percentage of producer milk in Class II and Class III uses was 33 and 34, respectively. Of the 959 million pounds of producer milk pooled during January through November 1970, 375 million pounds, or 39 percent, were utilized in Class II and Class III uses. About 46 percent of the total producer milk used in the reserve milk classes in these 11 months was diverted milk.

The cooperative diverting most of the producer milk on the market diverted from 19 percent to 43 percent of its member producer milk received at pool distributing plants in each of the first 10 months of 1970. This was a substantial increase from the same months during 1969 when from 12 percent to 29 percent of its member producer milk at pool distributing plants was diverted.

May, June, and July are usually the months when the proportion of producer milk that must be diverted is greatest. However, greater diversions are being made in September through January than in the past. In October 1970, diversions by the cooperative were near the present 35 percent limit.

There is substantial variation in daily fluid milk needs of distributing plants throughout the year. Increasing numbers of distributing plants do not process and package milk on weekends. Holidays also affect the need for milk packaged at distributing plants. The daily sales volume

of plants during the week is uneven because consumers tend to buy at stores toward the end of the week. Distributing plant operators typically maintain a sufficient supply of milk to meet requirements on peak bottling days during seasonally low production months. Consequently, there are substantial quantities of milk produced on other days which must be diverted to manufactured dairy product uses.

Accordingly, the order should be revised to allow cooperatives and handlers to divert, in each month of the year, a maximum quantity of producer milk to pool supply plants and nonpool plants equal to that received physically at pool distributing plants.

4. *Mileage limitation on transfers and diversions to nonpool plants.* The order should be amended to remove the mandatory Class I classification of bulk fluid milk products transferred or diverted to nonpool plants located more than 400 miles from the nearer of Kansas City, Mo., or Topeka, Kans. Such transfers or diversions would be classified on the basis of actual use as now provided for transfers and diversions to nonpool plants located within a 400-mile radius from such basing points. Transfers of packaged milk to nonpool plants would continue to be classified as Class I irrespective of location.

Although this provision has not interfered up to the present time with the movement of milk to nonpool plants, retention could affect the orderly disposition of reserve milk supplies in the future, especially since nonpool manufacturing plants and the farms of some of the producers delivering to the Kansas City market are located in Minnesota. Minnesota lies largely outside the 400-mile line of demarcation. Proponent cooperative operates a pool supply plant under the Kansas City order which is located at Faribault, Minn. The cooperative also operates a plant located at Pine Island, Minn., which is currently regulated under the Southeastern Minnesota-Northern Iowa order. Pine Island is approximately 427 miles from Kansas City. The cooperative has a third plant at Pine Island which was recently converted to the manufacture of cheddar cheese.

Witness for the cooperative stated that effective January 1, 1971, the Pine Island plant, now pooled under the Southeastern Minnesota-Northern Iowa order would probably qualify as a pool plant under the Kansas City order. Milk excess to the fluid milk requirements at Kansas City pool distributing plants then would be moved from the Faribault and Pine Island pool plants to the cheese manufacturing plant at Pine Island for processing.

Another cooperative supported removal of the mileage basis for classifying bulk milk movements. No one opposed it at the hearing.

The present provision of the order requiring Class I classification of milk moved more than 400 miles from the market has been suspended since November 1, 1970. Amendment of the order will continue to permit milk moved to the cheese plant at Pine Island to be classified and priced on the basis of its use or disposition at such plant.

In earlier days, it was economically feasible to move milk from the market to outlets beyond the 400 miles only if it were intended for Class I use. Because Class III milk has about the same value at all locations, it was considered uneconomical under usual circumstances to transport it long distances for use in manufactured dairy products. However, under current marketing conditions, milk associated with this market can be handled at manufacturing plants located more than 400 miles from the market without incurring unnecessary transportation and handling costs. The Pine Island cheese manufacturing plant is located near the farms of some producers for this market and it represents a desirable outlet for some milk excess to Class I needs in this market.

In the past, limiting distant movements of milk to Class I classification tended to save administrative cost. The cost involved in verifying utilization at distant plants is greatly lessened now because the Federal order system is extensive throughout much of the continental United States. Arrangements for verifying utilization at distant nonpool plants are feasible through facilities of several market administrators' offices near the nonpool plants representing actual or potential outlets for the market reserve. Also, the market administrator is required presently to check utilization at plants in the general area, but within 400 miles of Kansas City. It would not represent much greater expense to verify utilization at a plant, such as Pine Island, which is only a few miles more distant than a plant at which utilization is verified currently.

Removal of the automatic Class I classification for milk moved to points 400 miles or more from the market will result in handlers accounting to the producer-settlement fund on the basis of use at the plant to which the milk is transferred or diverted. Handlers, including cooperatives, will be required to claim Class II or Class III utilization in their monthly reports of receipts and utilization and will be required to maintain plant records which must be made available to the market administrator upon request.

5. *Class II and Class III prices.* The Class III price should be the basic formula price for the current month and the Class II price for milk used in cottage cheese should be the basic formula price for the month plus 15 cents. The basic formula price is the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported monthly by the Department, adjusted to a 3.5 percent butterfat test.

Currently, the Class III price is the Minnesota-Wisconsin formula price for the current month, but not to exceed a price based on butter and nonfat dry milk values in a formula recognizing yield factors and manufacturing allowances for these products. The Class II price is the Class III price plus 15 cents per hundredweight, but not less than the the basic formula price (Minnesota-Wisconsin series) for the month.

A cooperative supplying milk to the market proposed that the butter-nonfat dry milk formula, used as a "snubber" in determining the Class III price, be deleted from the order and that the Class II price be the Class III price plus 15 cents.

The proponent cooperative is the primary handler of reserve milk supplies in this market. It maintains that a price determined by butter and nonfat dry milk values is too low and not representative of a competitive pay prices for milk in manufactured product uses in this area.

A cooperative operating a pool supply plant located in Minnesota and a handler witness opposed any increase in reserve milk prices at this time in this market. Both testified that action should await hearing or hearings held on classification and pricing on a number of orders to achieve uniformity among them.

The objective in pricing reserve milk disposed of in manufactured product uses is to price such milk at a level to result in orderly disposition of all excess supplies, but yet maximize returns to producers from the values obtained in manufactured product disposition. Establishment of a price too high to clear the market of milk excess to Class I requirements would interfere with the orderly marketing of milk and encourage the use of other, more distant sources of milk instead of producer supplies. Fixing a price too low would not obtain the highest possible returns for producers and would encourage handlers to associate additional supplies with the market to obtain low cost milk for manufacturing uses.

The Minnesota-Wisconsin price series represents actual prices paid farmers for manufacturing grade milk in Minnesota and Wisconsin. It is announced monthly, on or before the fifth of the month, by the Department. It is based on a large sampling of plants in Minnesota and Wisconsin. Approximately one-half of the manufacturing grade milk sold in the United States is produced in these two states. The most competitive situation existing for manufacturing grade milk in the United States is in Minnesota and Wisconsin. The Minnesota-Wisconsin price series represents an excellent measure of the average value of manufacturing grade milk because the series reflects supply and demand under highly competitive conditions for milk used in maunfactured dairy products. Milk products that are manufactured from excess milk in the Kansas City market compete with manufactured dairy products within a marketing system which is national in scale.

In 1969 the proponent cooperative paid its members who produced manufacturing grade milk a price which averaged 9 cents below the Minnesota-Wisconsin price. During the first 10 months of 1970, however, the price paid members

averaged only 2 cents below the Minnesota-Wisconsin price and in 3 months was higher than such price.

The proponent cooperative handles the major volume of the reserve milk. In 1969 this cooperative obtained a price for excess Grade A milk moved to nonpool plants which averaged 3 cents below the Minnesota-Wisconsin price series. For the first 10 months of 1970, the price obtained averaged 2 cents above the Minnesota-Wisconsin price series.

The cooperative is obtaining 20 cents above the Minnesota-Wisconsin price for milk used in evaporated milk, and from 25 to 30 cents above the Minnesota-Wisconsin price for milk used in cheese.

In 1969, the butter-nonfat dry milk formula under the Greater Kansas City order resulted in a price 17 cents below the Minnesota-Wisconsin price. For the first 10 months of 1970, the butter-nonfat dry milk price averaged 12 cents below the Minnesota-Wisconsin price. The cooperative, however, paid its member manufacturing milk shippers prices approaching the Minnesota-Wisconsin level during this period.

The cooperative has a manufacturing plant in this market, and also operates plants in the Nebraska-Western Iowa, the Des Moines, the St. Louis-Ozarks and the Neosho Valley market. The Minnesota-Wisconsin price is the basis for establishing reserve milk prices in such surrounding markets. The proponent cooperative witness testified that the cooperative has returned to its member producers in this market a price competitive with reserve milk prices under surrounding orders for producer milk used in manufactured dairy products at plants in this area.

The Class II price should be the basic formula price for the month plus 15 cents. The same cooperative, handling most of the producer milk in the market, proposed that the Class II price be increased to this level. Another cooperative and handlers opposed any increase until all orders in the region are simultaneously amended.

The effective minimum Class II milk price under the current order for each of the months of May through September 1970 was the Minnesota-Wisconsin price plus 15 cents. For the first 10 months of 1970, however, use of the basic formula price plus 15 cents would have resulted in a Class II price averaging 6 cents higher than the order Class II prices during that period. Prices handlers paid for producer milk in cottage cheese uses, including handling charges, were above the proposed level during this 10-month period.

The price for Class II milk should be at a level which will obtain for producers some extra value for producer skim milk used in cottage cheese above its value in other manufactured dairy products. Handlers prefer to purchase producer skim milk for delivery at pool plants located in the metropolitan Kansas City area. Usually, cottage cheese manufacture is operated in conjunction with fluid milk packaging operations. The cooperative supplying most of the milk for cottage cheese uses performs a service by delivering such milk in the quantities desired and at the times desired to centrally located pool plants of handlers. Therefore, there is some additional value for milk supplied to handlers for use in cottage cheese at city pool plants which should be reflected in return to producers. The Class II price should not be established, however, at a level substantially higher than the cost of alternative supplies for this use, if producers are to retain this outlet for their milk.

Cottage cheese represents one of the largest outlets for producer skim milk that is excess to fluid uses in the Kansas City market. Approximately 12 percent of the total producer milk supply is so utilized each month. Handlers use producer milk for cottage cheese manufacture in preference to other sources.

The cooperative spokesman testified that four alternative sources of supply, in addition to producer milk, are available for cottage cheese use in the Kansas City market. These include manufacturing grade milk from unregulated supply plants, manufactured dairy products, such as nonfat dry milk, which may be used to produce cottage cheese, cottage cheese made from milk priced under another order, and cottage cheese and cottage cheese curd from nonpool plants.

The prices for non-Grade A milk returned to dairy farmer members of the cooperative averaged $4.61 during the first 10 months of 1970. This was 2 cents per hundredweight less than the Minnesota-Wisconsin price but does not include a handling charge or any additional hauling cost. Handlers in this market have not requested the cooperative to supply non-Grade A milk for their cottage cheese requirements. However, had they done so, the cost to them, including the customary handling charge, would have approximated the proposed Class II price.

Handlers presumably could purchase nonfat dry milk and reconstitute it into liquid skim for use in cottage cheese. The price per pound of nonfat dry milk produced locally was 27.2 cents at the time of the hearing. At such price the cost of nonfat dry milk (skim milk equivalent basis) used to produce cottage cheese would exceed the proposed Class II price level.

Plants under other Federal orders are a third potential source of milk for cottage cheese. The price for regulated milk used in cottage cheese at plants under the Nebraska-Western Iowa order is the Minnesota-Wisconsin price plus 15 cents. While some other markets price milk for cottage cheese at the basic formula price level, the milk or cottage cheese imported from such markets could be presumed to carry handling or transportation charges from the other market, or both.

A fourth source of cottage cheese to handlers would be cottage cheese or curd from nonpool plants. The proponent cooperative operates such a plant at Eldorado Springs, Mo. Producers of manufacturing grade milk received at this plant were paid $4.64 per hundredweight for their milk in the first 10 months of 1970. This was about 1 cent more than the Minnesota-Wisconsin price for the same period. About two-thirds of the cottage cheese manufactured at this plant is made from Grade A excess milk. Milk diverted from Greater Kansas City pool plants to this nonpool plant is classified as Class II and is so priced under this order. The proponent cooperative also manufactures cottage cheese at a nonpool plant located at Minneapolis, Minn., and regulated under the Minneapolis-St. Paul Federal order. Milk in cottage cheese at that plant is priced at the Minnesota-Wisconsin price level. Considering transportation cost, cottage cheese from this source moved to Kansas City would be as high or higher than cottage cheese made from producer milk at the proposed Class II price. These plants were the only sources of finished cottage cheese or curd referred to in the testimony. No lower-priced sources were indicated.

At no time during recent months has any handler refused producer milk for cottage cheese, nor has any handler sought a supply other than producer milk for cottage cheese use. The proposal for establishing the Class II price at the basic formula price plus 15 cents is reasonable and is adopted.

While exceptors maintained any change in reserve milk prices should await a national or regional hearing to achieve uniformity in classification and pricing provisions among milk orders, there is no assurance that such hearing or hearings will be held. The proposed increase in Class II and Class III prices is nominal. Moreover, it would not exceed the current competitive prices paid for reserve milk in the area. Therefore, exceptors' request for delay in taking amendatory action is denied.

6. *Emergency action.* Consideration was given at the hearing to the need for emergency action, with respect to the material issues. The witness for the proponent cooperative which originally requested emergency action stated the cooperative was not seeking omission of the recommended decision, but prompt action on the necessary amendments.

The provisions considered for amendment are important and complex. Therefore, the recommended decision with respect to these matters should not be omitted.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied

for the reasons previously stated in this decision.

GENERAL FINDINGS

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

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) 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 marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held;

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 order regulating the handling of milk in the Greater Kansas City marketing area 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 order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Greater Kansas City marketing area is approved or favored by producers, as defined under the terms of the order, 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 aforesaid marketing area.

Signed at Washington, D.C., on April 14, 1971.

RICHARD E. LYNG,
Assistant Secretary.

Order[1] Amending the Order, Regulating the Handling of Milk in the Greater Kansas City Marketing Area

FINDINGS AND DETERMINATIONS

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

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Greater Kansas City marketing area. 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 and procedure (7 CFR Part 900).

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

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

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

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

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Greater Kansas City marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on March 1, 1971, and published in the FEDERAL REGISTER on March 5, 1971 (36 F.R. 4415) shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein:

1. In § 1064.12, paragraphs (b) and (c) are revised to read as follows:

§ 1064.12 Pool plant.

* * * * *

(b) A supply plant from which during the month 50 percent or more of the Grade A milk received at such plant from dairy farmers (including receipts from a handler pursuant to § 1064.7(c), except receipts of milk diverted pursuant to § 1064.15) is disposed of as fluid milk products, except filled milk, in one or both of the following ways: (1) shipped to and received at pool distributing plants, or (2) sold as Class I in the marketing area on routes. A supply plant which is a pool plant under this paragraph during each month of September through January shall be pooled for the following months of February through August, if the required percentage pursuant to this paragraph is not met, unless the plant operator files written request with the market administrator that such plant not be a pool plant, such nonpool status to be effective the first month following such request and thereafter until the plant qualifies as a pool plant on the basis of shipments.

(c) A supply plant operated by a cooperative association in any month in which the member producer milk of such cooperative association received at pool distributing plants during the current month, or the immediately preceding 12-month period ending with the current month, either by transfer from such supply plant or directly from member producers' farms, is 50 percent or more of such cooperative's total member producer milk. Such direct deliveries from member producers' farms shall be considered as having been received first at the plant of such cooperative association for the purpose of determining the qualification of such plant as a pool plant pursuant to this paragraph. If two or more cooperative associations desire to qualify a supply plant operated by one of the associations as a pool plant on the basis of

[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.

their combined deliveries to pool distributing plants and have filed a written request to this effect with the market administrator on or before the first day of the month the agreement is effective, such a supply plant shall be a pool plant during the month if the above specified percentage of the total member producer milk of such cooperative associations was received at pool distributing plants during the current month, or the immediately preceding 12 month period ending with the current month.

2. In § 1064.15, paragraphs (a) and (b) are revised to read as follows:

§ 1064.15 Diverted milk.

* * * * *

(a) A handler pursuant to § 1064.7(b) may divert for its account the milk of any member producer whose milk is received at a pool distributing plant for at least 1 day's delivery during the month, without limit during the other days of the month. The total quantity of milk so diverted may not exceed the larger of the following amounts: (1) The total quantity of its member producer milk received at all pool distributing plants during the current month, or (2) the average daily quantity of its member producer milk received at pool distributing plants during the previous month, multiplied by the number of days in the current month.

(b) A handler operating a pool distributing plant may divert for his account the milk of any producer, other than a member of a cooperative association which has diverted milk pursuant to paragraph (a) of this section, whose milk is received at his pool distributing plant for at least 1 day's delivery during the month, without limit during the other days of the month. However, the total quantity of milk so diverted may not exceed the larger of the following amounts: (1) The total quantity of producer milk received at such plant during the current month from producers who are not members of a cooperative association that has diverted milk pursuant to paragraph (a) of this section, or (2) the average daily quantity of producer milk received at such plant during the previous month from producers who are not members of a cooperative association that has diverted milk in the current month pursuant to paragraph (a) of this section, multiplied by the number of days in the current month.

* * * * *

§ 1064.44 [Amended]

3. In § 1064.44, paragraph (c) is revoked.

4. In § 1064.44, the introductory text of paragraph (d) preceding subparagraph (1) is revised to read as follows:

§ 1064.44 Transfers.

* * * * *

(d) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant, a producer-handler plant, or the plant of a handler pursuant to § 1064.7(f); unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph.

* * * * *

5. In § 1064.51, paragraphs (b) and (c) are revised to read as follows:

§ 1064.51 Class prices.

* * * * *

(b) As Class I milk, if transferred or shall be the basic formula price for the month plus 15 cents.

(c) *Class III milk.* The Class III price shall be the basic formula price for the month.

6. In § 1064.62, paragraph (c) is revised and a new paragraph (c–1) is added to read as follows:

§ 1064.62 Plants subject to other Federal orders.

* * * * *

(c) A supply plant meeting the requirements of § 1064.12(b), which also meets the pooling requirements of another Federal order, and which has greater direct marketing area route disposition in the form of fluid milk products, except filled milk, and qualifying shipments to plants regulated under such other order than are made under this order, unless during any month of February through August automatic pool plant status for such plant is retained under this part for such month.

(c–1) A supply plant which would be subject to the classification and pricing provisions of another order issued pursuant to the Act, unless such plant also qualified as a pool plant pursuant to § 1064.12(c).

* * * * *

[FR Doc.71–5691 Filed 4–22–71;8:49 am]

[7 CFR Parts 1120, 1121, 1126, 1127, 1128, 1129, 1130]

[Docket No. AO–364–A3 etc.]

MILK IN SOUTH TEXAS AND CERTAIN OTHER MARKETING AREAS

Partial Decision on Proposed Amendments to Marketing Agreements and to Orders

7 CFR Part	Market	Docket No.
1120	Lubbock-Plainview	AO–328–A11.
1121	South Texas	AO–364–A3.
1126	North Texas	AO–231–A35.
1127	San Antonio	AO–232–A21.
1128	Central West Texas	AO–238–A24.
1129	Austin-Waco	AO–256–A17.
1130	Corpus Christi	AO–259–A21.

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in each of the marketing areas heretofore specified.

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 Dallas, Tex., June 23–25, 1970, pursuant to notice thereof issued on June 12, 1970 (35 F.R. 10022).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on February 8, 1971 (36 F.R. 2916), filed with the Hearing Clerk, U.S. Department of Agriculture, his partial recommended decision containing notice of the opportunity to file written exceptions thereto.

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

1. Under Issue No. 4 two new paragraphs are added after the 10th paragraph, and a new paragraph is added after the 12th paragraph.

2. Under Issue No. 11 three new final paragraphs are added.

3. Under Issue No. 12 new language is added in the 15th paragraph.

4. Under Issue No. 15 new language is added in the fourth paragraph, the eighth and ninth paragraphs are deleted and three new paragraphs are substituted therefor; the 10th and 11th paragraphs are modified and two new final paragraphs are added.

5. A correction is noted of a typographical error in § 1120.12 of the Lubbock-Plainview order.

The material issues on the record relate to:

ISSUES AFFECTING NORTH TEXAS AND SOUTH TEXAS ORDERS

1. Class I price levels.
2. Location adjustments.
3. Method of paying producers through the market administrator.
4. Interest on overdue obligations.
5. Request for emergency action with respect to issue No. 2.
6. Applicable order to regulate a plant qualified as a fully regulated plant under more than one order.

ISSUES AFFECTING SEVERAL ORDERS

7. Class I prices and basic formula price (Lubbock-Plainview, Central West Texas, San Antonio, Austin-Waco and Corpus Christi orders).

8. Cheese price to be used in establishing certain class prices (Central West Texas, North Texas, Austin-Waco and San Antonio).

9. An appropriate limit on location adjustments applied to the Class I price in computing the obligation of a pool plant for receipts of unregulated milk, and in computing the obligation of a partially regulated plant (Lubbock-Plainview, Central West Texas, North Texas, San Antonio, South Texas, and Corpus Christi).

10. Appropriate application of the order to milk received at a pool plant from an unregulated supply plant which in turn receives milk from a fully regulated plant where such milk has been priced and polled (Lubbock-Plainview

Central West Texas, North Texas, San Antonio, South Texas, and Corpus Christi).

11. Criteria for excluding a handler's milk from computation of the uniform price (Lubbock-Plainview, Central West Texas, North Texas, San Antonio, South Texas, and Corpus Christi).

OTHER ISSUES AFFECTING ONLY NORTH TEXAS ORDER

12. Definitions of "producer" and "producer milk."

13. Definition of pool plant.

14. Classification of transfers from pool plants to other plants.

15. Shrinkage, including that occurring in the fortification of fluid milk products.

16. Location at which diverted milk should be priced.

ISSUE AFFECTING THE SAN ANTONIO ORDER ONLY

17. Classification of dumped milk.

An earlier partial decision (35 F.R. 18287) on the record of this hearing dealt with issues No. 1 and No. 2 relating to Class I prices and location adjustments, respectively, in both the North Texas and South Texas orders; issue No. 5 relating to a request for emergency action to change a location differential pursuant to the South Texas order; and issue No. 16 relating to the location at which diverted milk should be priced pursuant to the North Texas order. This decision deals with the remaining issues. Issue No. 9 concerning the limitation on location adjustments applied to the value of Class I milk in the obligation for receipts of unregulated milk at a pool plant and in the computation of the obligation of a partially regulated plant, was reserved as an issue separate from the consideration of rates of location adjustments in issue No. 2.

FINDINGS AND CONCLUSIONS

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

NORTH TEXAS AND SOUTH TEXAS ORDERS

3. *Method of paying producers.* The proposal that in the North Texas and South Texas markets the respective market administrator make all payments to producers and cooperative associations should not be adopted.

The proposal made by a cooperative would require handlers to pay the market administrator all money for producer milk received. The market administrator would then pay to producers, or to any cooperative association which receives payment for milk of producer members, the uniform price for milk delivered. The partial payment now made for producer milk received during the first 15 days of the month would also be paid through the market administrator.

Proponent cooperative supported its proposal on the claim of greater efficiency and better compliance with the order, and better understanding of the procedures, than is provided by the present plan under which payments are made into and out of the producer-settlement fund. The cooperative witness stated also that the proposal would tend to relieve pressure on cooperatives from handlers to grant them credit by agreeing to delayed payments.

Several handlers in these markets objected to the proposal on ground that the established method of payment is of considerable value to them as a method of maintaining favorable relationships with producers. These handlers also questioned that cost reduction and better compliance would result under the proposed method.

With respect to comparison of costs under the proposed method and the present method of payment, the necessary information is not available to judge which method is more economical. Within the market administrators' functions there would be both increases and decreases in cost. It is possible that more equipment and personnel would be required for handling the greater number of payments. While some reduction in cost might be achieved in payroll auditing, there would still be the need for the market administrator to verify quantities, butterfat tests and authorized deductions by examining original records of handlers.

Claimed reductions in cost for handlers because they would write one check to the market administrator instead of individual checks to many producers would tend to be offset by some increase in cost to the market administrator. There is therefore a question of whether there would be any net saving in cost to them.

Handlers in these markets are generally purchasing milk from producers at prices above the minimum order prices. Payments in excess of the order price may not be handled through the market administrator and in such circumstance there would be no significant cost reduction for handlers. To the contrary the fact that both the market administrator and handlers would be making payments to producers could increase the cost of paying producers.

Further, the proposal would not provide for significant saving in the cost of handling payments for the milk received by handlers from cooperatives where the handler is now paying with a single check for all member milk delivered by the cooperative.

In the absence of specific data of prospective changes in cost to handlers and the market administrator, no real judgement can be made as to whether the proposed method is more economical than the present method.

With respect to the possibility of better enforcement of payments under the proposed payment plan, the cooperative stressed that the market administrator would know immediately of any default of a payment owed him by a handler, while failure of a handler to pay a cooperative or producer might not come to the market administrator's knowledge until sometime later.

This does not appear to be an important element in the enforcement of payments in these markets since relatively few instances of failure to pay individual producers have occurred, and in the case of any delinquency of payment to a cooperative, the latter is in a position to inform the market administrator at once of such delinquency. Also, in the case of a cooperative granting credit to a handler, certainly the option not to do this rests with the cooperative.

There was no showing of a significant problem in these markets which the new plan would remedy. Delays in payment were not shown to be a general problem. In a particular instance cited failure to pay could not be attributed to the existing system of payment. The established system which has been in effect in this area for 19 years is functioning satisfactorily and unquestionably is well understood by handlers and producers. Any change from an established system which is working satisfactorily should be supported with substantial reasons that it is a necessary provision to effectuate the main aspects of regulation. The testimony on this record does not support such a conclusion.

4. *Interest on overdue accounts.* The interest charges on overdue accounts under the North Texas and South Texas orders should be changed to three-quarters of 1 percent per month. Such interest charge should apply beginning on the day following the date on which the payment is due.

The order provision for interest charges on overdue obligations was established for the purpose of discouraging delinquency by handlers in their payments. The charge made on unpaid obligations is not a substitute for prompt payment as required by the Act and the order.

A producer cooperative association proposed that under these orders the rate of interest charged on overdue obligations be increased to reflect the current relatively high level of interest rates on commercial loans.

The rate in these orders is now one-half of 1 percent per month. The proposal noticed in the hearing call would increase the charge on overdue obligations to 1 percent per month. The present rate, proponent stated, is only about half the going interest rate on secured commercial loans in this area and therefore is insufficient to insure prompt payment since it, in effect, permits borrowing money from producers at a rate much less than the interest the handler would have to pay for money borrowed from a bank.

The reasoning of proponent was based mainly on the apparent opportunity of handlers to take advantage of the current disparity between the interest rate under the order as compared to the rate at which borrowed money may be obtained from conventional sources. It was not claimed by proponent in testimony that delays of payments by handlers in these markets is a general problem.

The cooperative witness requested that the interest charge apply not later than the third day following the date the money is due. It was pointed out that the money owed by the handler is for

milk delivered in a preceding period beginning more than a month earlier. Thus, the handler has had the use of the farmer's product for a considerable time even before the specified date for payment.

Several handlers also supported an increase in the interest charged on overdue accounts to a rate more nearly commensurate with the cost of borrowed money under current conditions. They considered a rate of 1 percent per month to be representative of commercial interest cost at the time of the hearing. Their desire was that no handler should gain advantage by delaying payment of his obligations to the market administrator.

The purpose of encouraging prompt settlement of accounts will be served by a reasonable interest charge in line with the rates at which money may be borrowed from conventional sources. This rate need not be as high as that requested by proponent. Testimony at the hearing was based on experience during an extended period of generally rising interest rates applicable to all types of credit. This trend has not continued, and it is a matter of common knowledge that, more recently, interest rates on short-term credit have receded from the highest levels reached in 1970. Accordingly, the interest rate on overdue obligations should be increased to three-quarters of 1 percent per month.

The interest charges should continue to apply to the same types of obligations of handlers as now in each of these two orders. Interest charges apply to payments due to the producer-settlement fund, marketing service payments and payments for administrative expense. Also, unpaid interest accrued under this provision would be an additional obligation to which the interest charge would apply. Obligations due the market administrator include also audit adjustments arising out of verification by the market administrator of receipts and utilization of a handler. Payment of obligations discovered by such verification are due on the next date for making payments applying to the provision under which the error occurred. In the case of delay in determination of a handler's obligation due to the handler's failure to submit a report when due, the interest charge would begin to apply on the day following the date on which the obligation would have been due if the report had been submitted on time.

Partially regulated handlers should also be subject to interest charges on money due the producer-settlement fund if not received by the date on which due.

In the North Texas order, interest applies to overdue payments owed by handlers to producers, but does not apply to such accounts under the South Texas order. In exceptions a cooperative association requested the interest apply on such obligations in both orders.

Various circumstances which may cause administrative difficulties in application of interest charges on payments overdue to producers, such as apparent consent to delay by a party to whom payment is due and disputes as to the amount due, were not sufficiently explored on the record to judge whether there should be a change in either order as to this particular application of interest. Pending the availability of better information, the respective orders are unchanged (except as to rate) in this respect.

In each of these two orders interest charges also apply to overdue money owed by the market administrator to handlers. Such interest charges serve no useful purpose. There is no reason for the market administrator to withhold money which he has on hand and which is due from him to a handler except for offset against a charge owed by the handler. It is true that at times it may be necessary that the market administrator reduce payments to handlers if the money in the producer-settlement fund is insufficient for such payments. Such circumstances are specifically provided for in the orders which state that the market administrator shall reduce uniformly the required payments and shall complete the payments as soon as the necessary funds are available. In such circumstance, the order permits the handler, in turn, to reduce his payments to producers by an equivalent amount until he receives full payment from the market administrator.

The initial interest charge should apply to any overdue obligation on the first day following due date. Prompt application of the interest is necessary to discourage further delay. In this respect the present provision lacks effectiveness in failing to apply interest until the first day of the next month following due date. This allows the handler to retain the money free of charge for the interim period.

If the obligation remains unpaid, additional interest should be added in the next month and, in each following month, on the day following the date on which such type of payment is normally due. Each interest computation would apply to the accumulated interest due as well as to the original unpaid obligation.

6. *Plants subject to other Federal orders.* The South Texas order should be modified to specify the applicable order of regulation in the case of a plant which has route distribution in both the South Texas and another marketing area, while at the same time acting as a supply plant for a pool plant under the South Texas order.

A handler operates a plant which has route disposition in both the North Texas and South Texas marketing areas and which also ships bulk milk to a South Texas pool plant. The plant has been continuously qualified under the North Texas order as a fully regulated fluid milk distributing plant. At times, however, the quantity of bulk milk shipped from the plant to a South Texas pool plant has approached the 50 percent of receipts which would qualify it as a pool supply plant under the South Texas order.

To avoid a conflict as to which order should regulate the plant, the handler proposed that the applicable order be that governing the marketing area where the plant has its greatest route disposition.

The plant in question has greater route disposition in the North Texas marketing area than in the South Texas marketing area. At the same time it regularly ships milk to a South Texas pool plant. It could ship enough milk to the South Texas market to qualify there as a pool supply plant and still qualify as a North Texas pool plant under the "system" pooling provision of that order.

The North Texas order allows a handler to pool several distributing plants as a unit if each plant has Class I route disposition in the marketing area amounting to 10 percent or more of its Grade A receipts and the entire system has combined Class I route disposition of at least 50 percent of the combined Grade A milk receipts of all the plants.

To prevent a conflict in regulations the South Texas order should provide that such a plant will be regulated as a pool distributing plant under the order governing the marketing area where the plant has the greatest route disposition if the plant qualifies as a pool plant under such order. Provisions now in the two orders determine the applicable order for a distributing plant based on the relative quantities of Class I milk disposed of on routes in the two marketing areas.

This new provision would be an exception to the present provision with respect to supply plants which specifies that a supply plant shall be regulated under the order applicable where it makes the greatest qualifying shipments.

The proposal was presented on the record without objection or any suggested modification by other parties.

ISSUES AFFECTING SEVERAL ORDERS

7. *Class I and basic formula prices.* The Class I price formula should be stated individually in the Lubbock-Plainview, Central West Texas, San Antonio, Austin-Waco, and Corpus Christi orders.

In each of these orders the Class I price is determined by adding a differential to the North Texas order Class I price. In the Lubbock-Plainview order, for instance, the Class I price is the North Texas order Class I price plus 10 cents per hundredweight.

The Class I price for the Lubbock-Plainview order could be stated, however, in the same manner as the North Texas Class I price, by adding a certain dollar and cents figure (per hundredweight) to the basic formula price. The North Texas order price is the sum of the basic formula price of the preceding month plus $2.12, plus 20 cents. Thus, in effect, the Lubbock-Plainview price is in each month, $2.22, plus 20 cents, over the basic formula price of the preceding month. Such basic formula price is the average price per hundredweight for manufacturing grade milk f.o.b. plants in Wisconsin and Minnesota adjusted to a 3.5 percent butterfat content.

Each of these five orders which now have Class I prices based on the North Texas order should have its own price formula in which the Class I prices are determined by adding the following stated differentials to the basic formula price of the preceding month:

Market	Differential over basic formula
Lubbock-Plainview	$2.22 plus 20 cents
Central West Texas	2.37 plus 20 cents
San Antonio	2.54 plus 20 cents
Austin-Waco	2.50 plus 20 cents
Corpus Christi	2.87 plus 20 cents

The resulting pricing formulas would preserve the same price levels and uniformity of price changes as now exist among these markets and with North Texas, since each order would use the same basic formula price as used in the North Texas order.

If in any case, however, on the basis of a public hearing it was found that the relationship among these markets should be changed, change could be made in the individual market where conditions require such action.

8. *Cheese price quotation.* The price for "barrel" Cheddar cheese, f.o.b. Wisconsin assembling points as reported by Dairy and Poultry Market News, Consumer and Marketing Service, USDA, should be used instead of the "Cheddars" price described in the present price formulas of the North Texas, San Antonio, Central West Texas, and Austin-Waco orders.

Because the price reported for the "Cheddars" style of cheese at Wisconsin assembling points is being discontinued by the Dairy and Poultry Market News, it is necessary to consider a substitute price to be used in these four milk orders.

Of the several styles in which Cheddar cheese is manufactured and sold, the largest volumes are put up in 40-pound blocks, 60-pound blocks and barrels. The style which is known simply as "Cheddars" has become less important volumewise, and now constitutes a very minor part of cheese production. While Dairy and Poultry Market News currently reports prices for all of these styles, that agency has indicated that the price quotation for "Cheddars" will be discontinued in the near future. Price quotations will be furnished for barrels, 40-pound blocks and 60-pound blocks.

A producer cooperative proposed that the barrel price for cheese be substituted in the order pricing formulas where the "Cheddars" price is now used. All cheese production under these Texas orders, it was stated, is sold in barrels. The price for barrel cheese would be that published by Dairy and Poultry Market News, f.o.b. Wisconsin assembling points, carlot and trucklots.

The purpose of the proponent in this matter was to provide an available price quotation related to the main type of cheese made in Texas plants. Proponent stated no change was intended, however, in the returns for milk under these orders as a result of substituting the barrel price for the "Cheddars" price.

In the San Antonio and Central West Texas orders, a cheese price formula based on the price per pound of cheese at Wisconsin primary markets ("Cheddars" f.o.b. Wisconsin assembly points, cars or truckloads) establishes the price for producer milk under these orders used to produce Cheddar cheese. For other manufacturing milk uses there is a pricing formula based on butter and nonfat dry milk prices reported by the Department. In the San Antonio order, however, if the cheese price formula is higher, it applies to the other milk product uses as well as to cheese use.

In the North Texas and Austin-Waco orders, there is no separate cheese class, but the Class II price in each order depends on alternative computations, one based on the Cheddar cheese price and the other based on prices for butter and nonfat dry milk.

A comparison of the prices for "Cheddars" and for barrel cheese since May 1968 (the earliest month in which a barrel price was published) shows that the latter price has been consistently lower than the "Cheddars" price. A mere substitution of the barrel price therefore would reduce the returns for milk priced by the cheese formulas.

Accordingly an adjustment must be added to the barrel price to maintain the same level of returns for producers' milk under the formulas now using the "Cheddar" price. A recent representative difference is the most appropriate basis for the adjustment. During the 12 months of 1970 the "Cheddar" price averaged about 2 cents higher than the barrel price.[1] An adjustment of 2 cents per pound therefore should be added to the barrel price for use in the pricing formulas in these orders to replace the "Cheddar" price.

9. *Limitation on location adjustment in obligation for unregulated milk.* In the case of handler obligations for receipts of unregulated milk, location adjustments should not reduce either the Class I or uniform price below the specified manufacturing class price of the respective order.

A payment is required by a pool plant operator with respect to unregulated supply plant milk allocated to Class I use in the handler's plant. The handler's payment is determined under the North Texas order, for instance, by charging him at the Class I price pursuant to § 1126.70(e) and crediting him at the uniform price pursuant to § 1126.93(b)(2). These prices are adjusted to the location of the unregulated plant from which the fluid milk products are received, but the order states that the location adjustment to the uniform price may not result in a price less than the Class II price.

The adjustment to the Class I price for location of the nonpool plant should be similarly limited. If the nonpool plant from which the milk is received is at a great distance, the location adjustment could reduce the Class I price to less than the Class II price. In these circumstances the computation would indicate a payment out of the producer-settlement fund to the handler, tending to subsidize the receipt of unregulated milk.

The same problem exists with respect to the obligation of a partially regulated distributing plant pursuant to § 1126.62(b)(5) of the North Texas order. The obligation of the partially regulated distributing plant is based on the Class I price less the uniform price both adjusted to the location of the plant. The order states that the uniform price after adjustment may not be less than the Class II price. The Class I price, similarly, after adjustment for location should not be less than the Class II price. The corresponding changes should be made in the Lubbock-Plainview, South Texas, San Antonio, Central West Texas, and Corpus Christi orders. In the Corpus Christi order the Class III price would be the lower limit to which the Class I price could be adjusted.

In another provision a payment is required from a handler regulated under a handler pool order when disposing of filled milk containing reconstituted skim milk on routes in any of these marketing areas where a market pool applies. The location adjustment applied to the Class I price at the handler's plant should be limited so that it will not reduce the price below the Class II price (Class III price in Corpus Christi).

10. *Receipts of priced milk from an unregulated plant.* The Lubbock-Plainview, North Texas, South Texas, Central West Texas, San Antonio, and Corpus Christi orders should be amended to specify that there will be no obligation required of a pool plant operator for milk received from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such unregulated plant by handlers fully regulated under the same or another order has been priced as Class I milk and is not used as an offset on any other payment obligation under this or another order.

Without such provision a charge at the Class I price less the uniform price would apply as explained in discussion of the preceding issue. It is necessary to prevent a double charge on milk which, having been priced by one order, then passes through an unregulated plant fully regulated under the same or another order.

A similar problem exists in computing the obligation of a partially regulated distributing plant. It should be made clear that no charge applies to Class I transfers to a pool plant if such transfer is assigned to milk received at the partially regulated distributing plant from a fully regulated plant at which it has been priced as Class I. The language revisions in this provision are designed only to clarify that there is not to be any duplication of charges on any of the milk handled by the partially regulated plant. The modifications are not intended to increase or decrease the amount of obligation of a partially regulated handler except insofar as duplication of charges

[1] Official notice is taken of the June through December 1970 monthly average prices published by the Dairy and Poultry Market News.

might have been considered to apply under existing language.

In the South Texas order in § 1121.61 *Obligation of handler operating a partially regulated distributing plant,* the reference in paragraph (a)(1)(ii) to § 1121.9 should be changed to § 1121.10 (b), since the latter provision describes the requirements for a supply plant as such requirements would apply to a plant shipping milk to a partially regulated distributing plant.

11. *Computation of uniform price (exclusion of a handler's report).* In each of these orders with market pooling, the market administrator should not include a handler's report in the uniform price computation if in the preceding month the handler has failed to pay money owed for equalization to the producer-settlement fund.

The uniform price is computed by combining into one total the producer milk values, as classified, based on the reports received from fully regulated handlers. This total is the principal sum used to arrive at the average value per hundredweight of producer milk. The entire computation includes certain adjustments such as additions or subtractions in relation to reserve money in the producer-settlement fund.

The order specifies a date by which the market administrator must announce the uniform price. If a handler's report has not been submitted to the market administrator, the producer milk the handler has received cannot be included in the uniform price computation.

The market administrator notifies each handler of his total obligation for milk received, and the amount, if any, which the handler owes to the producer-settlement fund.

The producer-settlement fund of the order is an equalization account into which some handlers pay and from which other handlers receive money in amounts so that all handlers can pay the uniform price to producers. Handlers who pay into the fund are those whose producer milk utilization under the classification scheme has a higher value per hundredweight than the average of producer milk received by all handlers included in the pool. Conversely, handlers receiving money from the fund are those whose producer milk utilization has a value less than the average.

If in this equalization operation a handler fails to pay his obligation, funds are not available to pay to other handlers who under the plan should receive payments. In effect, the value of some producer milk which has been included in the price computation is not available for the pooling operation. In these circumstances reserve money in the producer-settlement fund may be used by the market administrator to pay handlers to whom money is due.

To guard against continuation of such withdrawals from the reserve fund the market administrator in the month following should exclude from the uniform price computation the producer milk of the handler who did not make his equalization payment in the prior month. Continuing to include a defaulting handler until the reserve money in the producer-settlement fund is depleted would render the market pool inoperable.

The exclusion of the handler's producer milk from the uniform price computation does not in any sense excuse his obligation to pay to the producer-settlement fund the money owed. The handler's failure to pay makes him subject to the enforcement procedures which apply in such cases.

Some of these orders exclude a handler's report from the uniform price computation if he has not paid money owed to producers. This requirement is impractical since knowledge of actual payment for prior periods may not be available by the date of the uniform price computation. The objective of the pooling operation is to include the value of all producer milk on the market. Thus every handler's producer milk should be included if he has submitted a report of receipts and utilization and is not in default on equalization payment for the prior month.

One cooperative nevertheless argued in exceptions that nonpayment of producers by a handler in a prior month is a proper basis for excluding his utilization from the uniform price when such nonpayment becomes known to the market administrator. Exceptor cited a hypothetical example of a handler to whom an equalization payment is due out of the producer-settlement fund although in default of payments to producers. In such case it was argued that the order is supporting a handler who is tending to disrupt orderly marketing.

This request is not adopted. In addition to the reasons previously stated it is observed that in the hypothetical case cited by the exceptor, exclusion of the handler's utilization from the uniform price computation raises the level of the uniform price. Thus, although the proposed provision would be used because the handler is not in compliance with payment of a prior uniform price, the immediate effect of the provision is to render more difficult his compliance with the current uniform price.

In any instance of nonpayment of producers by a handler, legal procedures to obtain compliance would be used, of course, by the Department to enforce the order.

12. *Definition of "producer" and "producer milk" (North Texas).* In the North Texas order the definition of "producer" should be modified to delete provisions relating to diverted milk which should appear, instead, in the definition of "producer milk." The definition of "producer milk" should be modified, also, in relation to receipts of milk by cooperative associations as handlers. The provisions for diverting producer milk to nonpool plants should be modified with respect to the quantity which may be diverted.

As mentioned previously, in a prior action on this record the point of pricing of diverted producer milk was modified by amending the pertinent order language in the definition of "producer." Such amendment was made effective December 1, 1970 (35 F.R. 18448). In dealing with the remaining proposals on this record, the order provisions relating to the diversion of producer milk, including the point of pricing, are transferred to the definition of "producer milk."

The definition of "producer milk" should be modified to allow more specific description throughout the order of the respective responsibilities of both proprietary handlers and cooperatives acting as handlers. The order now defines "producer milk" to mean "skim milk or butterfat contained in milk (a) received at a pool plant directly from producers, or (b) diverted from the pool plant to a nonpool plant in accordance with the conditions set forth in § 1126.13."

The provision should also define as "producer milk" that milk received from producers by a cooperative association in the role of a handler assembling milk from producers' farms in tank trucks for delivery to pool plants. A cooperative may be a handler performing such function under § 1126.12 (c) or (d). Other producer milk for which a cooperative association would be responsible would include milk of a producer received directly at a pool plant operated by the cooperative and milk of a producer diverted by the cooperative association for its account from a pool plant (whether or not operated by the cooperative) to a nonpool plant, in accordance with the rules for diversion.

The operator of a pool plant would be responsible for producer milk received by him directly from producers at the pool plant and milk of producers diverted by him from the pool plant to a nonpool plant in compliance with the rules of diversion. With respect to milk received by the pool plant operator from a cooperative in its capacity as a handler pursuant to § 1126.12 (c) or (d), such milk would be considered as a transfer from the cooperative and not as a receipt of producer milk by the pool plant operator.

Corresponding changes are necessary in the reporting provisions of the order. These provisions should state separately the reports to be required from a proprietary handler and from a cooperative in its various functions as a handler.

A further conforming change would eliminate superfluous language in § 1126.12 (c) and (d) under which a cooperative is a handler delivering milk to another handler's pool plant. The superfluous language relates to the treatment of such milk under other order provisions dealing with shrinkage, location differentials and expense of administration. The appropriate treatment of such milk delivered by the cooperative is specified in the related provisions throughout the order.

The provision in the order for diverting producer milk to a nonpool plant serves an essential purpose in the efficient handling of reserve milk of the market. When supplies of milk from qualified producers are not needed for use in pool plants, the order allows the

diversion of such milk directly from producers' farms to nonpool plants while yet maintaining the "producer" status of the dairy farmers whose milk is so handled. The diversion of producer milk to nonpool plants, primarily to be used in manufactured dairy products, therefore is an essential part of an orderly marketing system designed to maintain an adequate supply at all times for the fluid market.

A very large part of the reserve milk in the North Texas market is handled by cooperative associations, but both proprietary handlers and cooperatives need to use diversion to some degree as a method of handling such milk. Although the testimony for modifying the diversion provisions was offered by a proprietary handler, the changes made herein are designed to serve equally for diversion of producer milk by both types of handlers. No objection was made by cooperative association representatives to the type of revisions proposed in this connection.

The milk of a producer may now be diverted to a nonpool plant on any day during the months of January through July and on not more than half of the days of delivery during any other month. The order should specify instead a limit on the total quantity of producer milk which a handler or cooperative may divert each month.

This change will promote the more efficient handling of reserve milk which is diverted to nonpool plants. Certain producers may be better located for diversion to a particular plant, and savings in transportation can be achieved if their milk is selected for diversion during the month. The proposed method will also reduce the burden of bookkeeping needed to check the number of days each farmer's milk is diverted.

An appropriate limit for the quantity of milk which may be diverted by a handler may be established in proportion to the quantity of producer milk the handler physically receives at his plant. The handler proposed a diversion allowance equal in quantity to one-third of the milk a handler receives at his pool plants. This would be 25 percent of total producer milk reported by the handler, including both milk diverted and that received at the pool plant. Although such a diversion allowance is a lesser proportion of a handler's milk than the presently possible diversion of a producer's milk (on half of the days of delivery during August through December) the greater flexibility in handling operations made possible when the limit is in terms of total quantity will enhance efficiency. The new diversion limitation here adopted should apply in all months as proposed at the hearing.

The same limitations should apply to diversions by cooperative associations. A cooperative should be permitted to divert a quantity of member producer milk equal to one-third of the quantity of member producer milk physically received at pool plants.

It is possible that a handler (whether proprietary or a cooperative association) will divert during a month more milk than allowed under the proposed limitation. In this case it would be necessary that such handler designate the dairy farmers whose diverted milk is not to be included as producer milk. If the handler fails to designate such producers, the entire quantity of milk diverted by the handler should be excluded from producer milk status.

The order should specify that milk is eligible for diversion as producer milk only if the person producing such milk had been delivering milk as producer milk to a pool plant on a regular basis prior to the diversion. The concept and purpose of "diversion" carries with it the connotation that the normal place of delivery is the pool plant and the order should be amended appropriately to clarify this.

No provision should be made for diverting milk between pool plants. Such interplant diversion was proposed by a handler wishing to divert producers from one of his pool plants to any other of the pool plants he operates.

The reason given was that reporting a producer's deliveries at two plants complicates the handler's bookkeeping for producer payrolls. If diversion between pool plants were allowed, the handler could continue the producer on the payroll at the same plant while his milk deliveries are temporarily shifted to another plant.

There is no essential need for diversion between pool plants in this market. The proponent handler, as an operator of several pool plants, should be able generally to arrange the deliveries from his various producer sources so that any need for shifting deliveries of a producer from one pool plant to another during a month would be minimized. Further, since much of the market supply is from cooperative members, cooperative associations also are in a position to allocate deliveries closely tailored to any handler's needs at each pool plant. In these circumstances the proposed diversion between pool plants is not needed to serve the general purpose of achieving a regular and adequate supply at each pool plant.

Without any essential need shown for such a diversion provision, it is undesirable to add it to the order since it complicates the provisions for pool plant qualification and the application of location differentials.

In this connection it is noted that the introductory text of § 1126.44(a) dealing with interplant transfers contains a reference to diversion between pool plants which should be deleted since such diversion is not provided. Also, there should be deleted from this introductory text the words "other than a producer-handler", since the provision applies only to transfers to pool plants and thus could not apply to transfers to producer-handlers. Transfers to producer-handlers are treated in paragraph (b) of the same section.

13. *Definition of pool plant.* The North Texas order should not provide for pooling a plant as part of a handler's "system" if the plant disposes of less than 10 percent of the receipts of Grade A milk at such plant as route disposition in the marketing area.

The proposal made by a handler would pool as part of his system a plant with only minor disposition of fluid milk products in the marketing area. The products would be disposed of in packaged form in Federal order markets throughout the southwest by delivery to plants regulated under the respective orders.

Under the North Texas order deliveries of packaged fluid milk products to pool plants are within the definition of "route" disposition. The quantity proponent's plant would so dispose of in the North Texas marketing area, however, would be substantially less than 10 percent of the Grade A milk received at the plant. The plant, therefore, could not qualify as a pool distributing plant based on only its shipments to pool plants.

The proponent handler described the alternative situation which would occur if his plant were not pooled. In such case the plant would be supplied with milk pooled under the North Texas order and delivered to his plant as diverted milk. Under these circumstances, however, he feared there would be a double charge on some of its Class I disposition, first as milk priced under the North Texas order and secondly when products of the plant are delivered to pool plants or to plants regulated under other orders. At such regulated plants proponent presumed the respective orders would treat the receipts as being from an unregulated plant subject to a compensatory charge. The handler witness stated that his primary purpose in securing pool status for his plant was to avoid such double charges.

With respect to the question of pooling the plant, it must be observed that the plant would serve only in a minor degree to furnish Class I milk supplies to the North Texas marketing area. Similarly, only small percentages of the milk handled in the plant would be disposed of as Class I items in the marketing areas of other orders. The larger part of the milk received by the plant would be processed into manufactured products such as ice cream mix. The operation, therefore, may not be characterized as that of a plant primarily engaged in supplying the Class I market.

The proposal to pool this type of plant should not be adopted. There are other methods for avoiding a second payment for a Class I product which has already been priced and paid for as producer milk under a Federal order. In this decision it is proposed that the several orders at issue here not require payment on milk received from an unregulated plant if the milk can be allocated to a receipt at the unregulated plant from a Federal order source where the milk has been priced and paid for as Class I milk. Six orders, North Texas, Central West Texas, San Antonio, South Texas, Corpus Christi, and Lubbock-Plainview, which have market pools, would be amended in this manner. Since the Austin-Waco market has individual handler pooling,

the problem of payments on unregulated milk does not arise. Official notice is taken also that similar provisions have been adopted effective July 1, 1970, in the New Orleans and Mississippi Federal orders (35 F.R. 10665) and effective October 1, 1970, in the Rio Grande Valley Federal order (35 F.R. 13826).

14. *Classification of milk transferred or diverted from a pool plant to other plants.* In the North Texas order, the specified areas to which milk may be transferred or diverted to a nonpool plant for other than Class I use should be eliminated.

The order now provides that for milk transferred or diverted from a pool plant to a nonpool plant located in the marketing area or in certain counties in Texas, Missouri, Oklahoma, and Arkansas the diverting handler may request classification according to utilization in the nonpool plant. On the other hand, if the milk is moved to a nonpool plant outside of the named areas, the order requires Class I classification.

A North Texas handler requested deletion of such provisions which require Class I classification unless the transfers or diversions are to plants in certain areas. He stated that these provisions are obsolete and unnecessary in view of the verification procedures available to the market administrator.

The establishment of additional Federal orders throughout the several southwest States since the North Texas order was issued in 1951 and the changes in transportation and marketing practices make the aforementioned area restrictions unnecessary. When first issued the order required Class I classification for milk if transferred more than 200 miles from the transferor plant. In the decision (16 F.R. 7029) issued July 17, 1951, it was found as follows:

"Transfers in the form of milk or skim milk from an approved plant to an unapproved plant more than 200 miles distant should be Class I milk. Milk and skim milk ordinarily do not move long distances for manufacturing purposes. There are ample manufacturing facilities within 200 miles of each approved plant to dispose of any prospective surplus of producer milk. Accordingly, it is not necessary to provide classification as other than Class I milk for such transfers. To do so would be administratively impracticable in view of the distances at which the market administrator would have to verify any claimed utilization as Class II milk."

Such conditions no longer apply. Milk is at times moved long distances for manufacturing uses if local facilities are not available or are insufficient for handling reserve milk. Also, milk originating from distant sources may be diverted to manufacturing plants close to the farms of origin. The best outlets for such reserve milk often would be outside the areas now designated in this order.

Classification now can be based in all instances on verification of the utilization in the nonpool plant. Such verification can be made by the North Texas market administrator or by the administrator of another Federal order.

The order, consequently, should provide that milk transferred or diverted to a nonpool plant may be classified according to utilization in the nonpool plant if the handler so requests and the operator of the nonpool plant maintains books and records showing the utilization of the milk received and such records are made available to the market administrator. This is the procedure which now applies in the order to milk transferred to a nonpool plant within the designated areas.

Cream transferred to a nonpool plant should be classified in the same manner as transfers of other fluid milk products. In view of the changes described above with respect to classification of transfers to nonpool plants, the special provision in the order for classifying transfers of cream is no longer necesasry.

There was no contention on the record that proper classification of fluid milk products transferred to any nonpool plant could not be established through verification by the market administrator providing satisfactory records are made available by the plant operator.

15. *Shrinkage.* The shrinkage provision of the North Texas order should be restated to conform with the revised definition of "producer milk" and to be made more explicit in application to transfers between handlers. A separate shrinkage allowance should be provided under certain conditions for loss of nonfat milk solids added in the modification of fluid milk products.

The order provides that a pool plant receiving milk directly from producers is accorded a shrinkage allowance of 2 percent with respect to such milk but if the plant transfers milk to another plant the shrinkage allowance is reduced by 1½ percent for the quantity transferred to the second plant. In effect, the allowance thus is one-half of 1 percent for the milk which moved through the handler's plant to another pool plant. The same type of shrinkage calculation should apply when the pool plant transfers milk in bulk to a nonpool plant.

In the case of transfers of cream between handlers, the shrinkage allowance of the transferor handler should not be reduced for such transfer, since the principal processing would have occurred prior to the transfer.

In the case of milk received at a pool plant from a cooperative acting as a handler delivering the milk from the members' farms, the plant shrinkage allowance is 1½ percent. For the handling of such milk performed by the cooperative association an allowance of one half of 1 percent is implicit in the provision. The order should be changed to be explicit with respect to such shrinkage allowances to the cooperative and the transferee handler. The order should provide further that if the pool plant operator notifies the market administrator that he is accounting for such receipts on the basis of the butterfat tests of farm drawn samples and farm weights determined by the cooperative association, the applicable allowance to the plant operator shall be 2 percent. In the latter case, no shrinkage allowance would apply to the cooperative association delivering the milk.

In the case of fluid milk products modified by adding nonfat milk solids, a shrinkage allowance (in Class II) equal to 2 percent of the fluid equivalent of the quantity of nonfat milk solids added in this process should apply.

Fluid milk products modified by the addition of nonfat milk solids, commonly called fortified products, represent a significant Class I disposition of handlers. Under the order the modified products are accounted for as Class I in a quantity equal to the weight of an equal volume of unmodified product of the same butterfat content. There is a small increase in the volume due to the addition of the nonfat milk solids which is accounted for when the fortified product is disposed of as Class I. The remainder of the fluid equivalent of nonfat milk solids added but not represented by a volume increase in the fortified product is classified as Class II.

The market administrator in this market, by laboratory testing of milk products reported by a handler to contain added milk solids, determines the nonfat milk solids content of the modified product. This he compares with the nonfat milk solids content of milk received by the handler to determine the quantity of solids added.

The quantity of nonfat milk solids determined by the market administrator to have been added in the fortified product is the basis for the computation of the Class I and Class II portions of added solids (fluid equivalent basis) pursuant to the accounting procedure previously described.

A handler of fluid milk products complained that the order makes no allowance for loss of nonfat dry milk solids used in fortification. Normal losses which might occur would be spillage, powder sticking to the bag, or other losses which ordinarily occur in the processing of fluid products.

It was stated in handler's testimony, however, that some of the disappearance of the nonfat dry milk may be due to incomplete records of the handler. For instance, when a batch of fluid products fortified with added nonfat milk solids is in excess of the quantity needed for packaging on a particular day, the excess may be diverted into any other Class I or Class II product of the plant where it may be used. In such case specific record may not be made by the handler of the use.

In this particular instance where the amount of nonfat milk solids in the modified fluid products is determined by product testing, as performed by the market administrator, there is a basis for a shrinkage allowance. A 2 percent shrinkage allowance should apply based on the quantity of nonfat milk solids (fluid equivalent basis) determined by the laboratory tests to be used in the fortification process. This is the same rate of allowance as provided in the case

of producer receipts and should be adequate in the circumstances described by proponent handler.

The loss of nonfat milk solids here associated with the fortifying process should be treated separately from the shrinkage allowance applied to receipts of fluid milk products. The shrinkage allowance in this case should be part of the classification procedure of the specific modified fluid milk product disposed of. The present classification provisions specify that in the case of a modified fluid milk product, part of the product is classified as Class II milk. The shrinkage allowance should be a quantity of Class II milk in addition to the quantity now calculated under such provision. The shrinkage allowance to the handler in the case of the added nonfat milk solids should be equal to 2 percent (fluid equivalent basis) of the quantity of solids determined by the market administrator's laboratory tests to be added nonfat milk solids. This would be the maximum loss allowed in Class II on this basis.

With respect to any disappearance of nonfat milk solids in excess of the 2 percent limit, such disappearance would enter into the total plant accounting for receipts and disposition under the present provisions for shrinkage allowance.

The shrinkage allowance adopted here would apply in the same manner whether the added nonfat milk solids were in the form of nonfat dry milk, condensed milk, or any milk solids other than butterfat.

The shrinkage allowance in the case of nonfat milk solids should not be part of the proration of overall plant loss as proposed by the handler because such proration applies to fluid receipts, while the product used in the fortifying process is ordinarily dry solids.

17. *Classification of dumped milk.* The San Antonio order should be modified to classify as Class II milk any fluid milk products dumped after prior notification to the market administrator and opportunity for him to verify the dumping.

A witness for a handler operating a fluid milk plant testified that occasional quantities of fluid products become unsalable if a culturing process fails or if there is an equipment breakdown. There often is no method of disposing of the product except by dumping. While minor quantities can be disposed of as livestock feed, such disposition cannot be used on an emergency basis for any substantial quantity. Class II classification was requested by the handler for fluid milk products which must be dumped because of such circumstances. There was no objection at the hearing to provision for such classification if subject to proper verification of the dumping by the market administrator.

Class II classification of dumped fluid milk products recognizes that such disposition is of no economic value to the handler. Such dumping should be subject to reasonable requirements allowing verification by the market administrator in order to assure that producers' returns are not adversely affected by any abuse of the provision by a handler. It is apparent that the verification problem in the case of dumped products differs from verification of use of milk in a product for sale, since in the latter case the end product is either in inventory, or sales records as well as production records tend to substantiate the handler's report. It is necessary, therefore, that advance notice be given to the market administrator, allowing him opportunity to verify the dumping.

Correction

In § 1120.12(b) of the Lubbock-Plainview order, which defines a supply plant, the reference to "§ 1120.17(a)(2)" should be corrected to read "§ 1120.17(c)(2)". The provision in § 1120.12(b) at this point refers to a cooperative association in its capacity as a handler delivering milk from farms to the pool plant of another handler in a tank truck owned and operated by, under contract to, or under the control of such cooperative association. Such definition of a cooperative acting in this manner as a handler is defined in § 1120.17(c)(2) which therefore is the correct reference to be used in paragraph (b) of § 1120.12.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

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

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) 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 marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

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 documents, a marketing agreement with respect to regulating the handling of milk in each of the marketing areas, and an order amending the orders regulating the handling of milk in the aforesaid 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 in the case of each marketing area whether the issuance of the order, as amended and as hereby proposed to be amended, regulating the handling of milk in the respective marketing area is approved or favored by producers, as defined under the terms of the respective order 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 area.

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

Richard E. Lyng,
Assistant Secretary.

Order[1] Amending the Order, Regulating the Handling of Milk in the South Texas, North Texas, San Antonio, Central West Texas, Austin-Waco, Corpus Christi and Lubbock-Plainview Marketing Areas

[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.

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid 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.

(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 specified 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 and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found with respect to each of such orders that:

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

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

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

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 agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on February 8, 1971, and published in the FEDERAL REGISTER on February 12, 1971 (36 F.R. 2916), shall be and are the terms and provisions of this order, amending the orders, and are set forth in full herein subject to the following modifications:

1. In § 1121.86 paragraph (b) is modified.

2. In § 1126.14 new language is added at the end of paragraph (e).

3. In § 1126.41(b)(5) new language is added in subdivisions (ii) and (vi).

4. In § 1126.41 paragraph (b)(7) is modified.

5. In § 1126.95 paragraph (b) is modified.

I. In Part 1120—Lubbock-Plainview:

1. In the text of § 1120.12(b) the reference to "§ 1120.17(a)(2)" is changed to "§ 1120.17(c)(2)."

1a. In § 1120.44 paragraph (d)(3)(iii) is revised as follows:

§ 1120.44 Transfers.

* * * * *

(d) * * *

(3) * * *

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph (exclusive of transfers of fluid milk products to pool plants and other order plants) shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and all remaining Class I utilization (including transfers of fluid milk products to pool plants and other order plants) shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

* * * * *

2. In § 1120.46(a) subparagraphs (1) and (3)(iv) are revised, in subparagraph (4) subdivision (i) and the introduction language of subdivision (ii) are revised, and subparagraph (6) and (7)(i) are revised.

§ 1120.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(1) Subtract from the total pounds of skim milk classified:

(i) From Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under this or any other Federal milk order is classified and priced as Class I and is not used as an offset on any other payment obligation under this or any other order;

(ii) From Class II the pounds of skim milk classified as Class II pursuant to § 1120.41(b)(6)(i) through (iii);

* * * * *

(3) * * *

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants that were not subtracted pursuant to subparagraph (1)(i) of this paragraph; and

(4) * * *

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (1)(i) or (3)(iv) of this paragraph, for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II:

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (1)(i) or (3)(iv) of this paragraph and subdivision (i) of this subparagraph which are in excess of the pounds of skim milk determined as follows:

* * * * *

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1)(ii) of this paragraph;

(7) (i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (1)(i), (3)(iv), (4)(i) or (ii) of this paragraph;

* * * * *

3. Section 1120.50(a) is revised as follows:

§ 1120.50 Basic formula and class prices.

(a) *Class I price.* The minimum Class I milk price shall be the basic formula price for the preceding month plus $2.22 and plus 20 cents. The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential, rounded to the nearest one-tenth cent, computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent. For the purpose of computing Class I prices from the effective date hereof, the basic formula price shall not be less than $4.33.

4. Section 1120.61(d)(2) is revised as follows:

§ 1120.61 Plants subject to other Federal orders.

* * * * *

(d) * * *

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this marketing area, at the Class I price under this part applicable at the location of the other order plant (not to be less than the Class II price) and subtract its value at the Class II price.

5. In § 1120.62 paragraph (a) is revised and in paragraph (b) subparagraphs (2) and (5) are revised.

§ 1120.62 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(a) The amount resulting from the following computations:

(1) Determine the obligation that would have been computed pursuant to

§ 1120.70 for the partially regulated distributing plant if the plant had been a pool plant, subject to the following modifications:

(i) Receipts at the partially regulated distributing plant from a pool plant or an other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plants;

(ii) Transfers from the partially regulated distributing plant to a pool plant or an other order plant shall be classified at the partially regulated distributing plant in the class to which allocated at the fully regulated plant. Such transfers shall be allocated (to the extent possible) to receipts of the partially regulated distributing plant from pool plants and other order plants classified in the corresponding class pursuant to subdivision (i) of this subparagraph. Any such transfers remaining after the above allocation which are classified in Class I and on which an obligation is computed for the handler operating the partially regulated distributing plant pursuant to § 1120.70 shall be priced at the uniform price (or at the weighted average price) of the respective order regulating the handling of milk at the transferee plant, with such uniform price adjusted to the location of the nonpool plant but not to be less than the lowest class price of the respective order, except that transfers of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective order.

(iii) If the operator of the partially regulated distributing plant so requests, in lieu of the obligation pursuant to § 1120.70(e) and the credit specified in § 1120.82(b)(2), the obligation for such handler shall include a similar obligation for each nonpool plant (not an other order plant) which serves as a supply plant for such partially regulated distributing plant by making shipments to such plant during the month equivalent to the requirements of § 1120.12(b) subject to the following conditions:

(*a*) The operator of the partially regulated distributing plant submits with his reports filed pursuant to §§ 1120.30 (b) and 1120.31 similar reports for such nonpool supply plant;

(*b*) The operator of such nonpool supply plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for verification purposes; and

(*c*) The obligation for such nonpool supply plant shall be determined in the same manner prescribed for computing the obligation of such partially regulated distributing plant; and

(2) From the obligation computed pursuant to subparagraph (1) of this paragraph, subtract:

(i) The gross payments by the operator of such partially regulated distributing plant for Grade A milk received at the plant during the month from dairy farmers;

(ii) If subparagraph (1)(iii) of this paragraph applies, the gross payments by the operator of such nonpool supply plant for Grade A milk received at the plant during the month from dairy farmers; and

(iii) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant and like payments by the operator of an unregulated supply plant if subparagraph (1)(iii) of this paragraph applies to such plant.

(b) * * *

(2) Deduct the respective amounts of skim milk and butterfat received at the plant:

(i) As Class I milk from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act; and

(ii) From a nonpool plant that is not an other order plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such nonpool plant by handlers fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order;

* * * * *

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant (not to be less than the Class II price), subtract its value at the uniform price applicable at such location or the Class II price, whichever is higher and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant (not to be less than the Class II price) less the value of such skim milk at the Class II price.

6. Section 1120.70(e) is revised as follows:

§ 1120.70 Computation of the net pool obligation of each pool handler.

* * * * *

(e) With respect to skim milk and butterfat subtracted from Class I pursuant to § 1120.46(a)(7) and the corresponding step of § 1120.46(b) (excluding skim milk or butterfat in bulk receipts of fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order), add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent weight was received, but in no event shall such adjustment result in a Class I price lower than the Class II price.

7. Section 1120.71(a) is revised as follows:

§ 1120.71 Computation of aggregate value used to determine uniform price(s).

* * * * *

(a) Combine into one total the values computed pursuant to § 1120.70 for all pool handlers who made the reports prescribed in § 1120.30(a) for the month and who have made the payments required pursuant to § 1120.82 for the preceding month;

* * * * *

8. Section 1120.86 is revised as follows:

§ 1120.86 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler, except a cooperative association in its capacity as a handler pursuant to § 1120.17(c)(2), shall pay to the market administrator on or before the 15th day after the end of the month 5 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk (including such handler's own production) and milk received from a cooperative association as a handler pursuant to § 1120.17(c)(2); (b) other source milk allocated to Class I pursuant to § 1120.46 (a) (3) and (7) and the corresponding steps of § 1120.46(b), except other source milk on which no handler obligation applies pursuant to § 1120.70(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 § 1120.62(b)(2): *Provided*, That if a handler elects pursuant to § 1120.34 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 2 or such lesser rates as the Secretary may determine is demonstrated as appropriate in terms of the particular cost of administering the additional accounting period.

II. In Part 1121—South Texas:

1. In § 1121.44 paragraph (c)(3)(iii) is revised as follows:

§ 1121.44 Transfers.

* * * * *

(c) * * *

(3) * * *

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph (exclusive of transfers of fluid milk products to pool plants and other order plants) shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and all remaining Class I utilization (including transfers of fluid milk products to pool plants and other order plants) shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

* * * * *

2. In § 1121.46(a) subparagraphs (1) and (4)(iv) are revised, the introductory text of subparagraph (5)(i) is revised, and subparagraphs (7) and (8) are revised as follows:

§ 1121.46 **Allocation of skim milk and butterfat classified.**

* * * * *

(a) * * *

(1) Subtract from the total pounds of skim milk classified:

(i) From Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under this or any other Federal milk order is classified and priced as Class I and is not used as an offset on any other payment obligation under this or any other order;

(ii) From the total pounds of skim milk in Class II milk the pounds of skim milk classified as Class II milk pursuant to § 1121.41(b)(8);

* * * * *

(4) * * *

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants that were not subtracted pursuant to subparagraph (1)(i) of this paragraph; and

* * * * *

(5) * * *

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (1)(i) or (4)(iv) of this paragraph;

* * * * *

(7) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1)(ii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (1)(i), (4)(iv), or (5)(i) of this paragraph;

* * * * *

3. In § 1121.60 paragraphs (c) and (e)(2) are revised as follows:

§ 1121.60 **Plants subject to other Federal orders.**

* * * * *

(c) A plant meeting the requirements of § 1121.10(b) which also meets the pooling requirements of another Federal order, and either qualifies as a fully regulated distributing plant under such other Federal order subject to paragraphs (a) and (b) of this section, or from such plant greater qualifying shipments are made as a supply plant during the month to plants regulated under such other order than are made to plants regulated under this part, except that this paragraph shall not apply during the months of January through August if such plant retains automatic pooling status under this part pursuant to § 1121.10(b)(2).

* * * * *

(e) * * *

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this marketing area at the Class I price under this part applicable at the location of the other order plant (not to be less than the Class II price) and subtract its value at the Class II price.

4. In § 1121.61 paragraph (a) is revised and in paragraph (b) subparagraphs (2) and (5) are revised as follows:

§ 1121.61 **Obligation of a handler operating a partially regulated distributing plant.**

* * * * *

(a) The amount resulting from the following computations:

(1) Determine the obligation that would have been computed pursuant to § 1121.70 for the partially regulated distributing plant if the plant had been a pool plant, subject to the following modifications:

(i) Receipts at the partially regulated distributing plant from a pool plant or an other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plants;

(ii) Transfers from the partially regulated distributing plant to a pool plant or an other order plant shall be classified at the partially regulated distributing plant in the class to which allocated at the fully regulated plant. Such transfers shall be allocated (to the extent possible) to receipts of the partially regulated distributing plant from pool plants and other order plants classified in the corresponding class pursuant to subdivision (i) of this subparagraph. Any such transfers remaining after the above allocation which are classified in Class I and on which an obligation is computed for the handler operating the partially regulated distributing plant pursuant to § 1121.70 shall be priced at the uniform price (or at the weighted average price) of the respective order regulating the handling of milk at the transferee plant, with such uniform price adjusted to the location of the nonpool plant but not to be less than the lowest class price of the respective order, except that transfers of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective order.

(iii) If the operator of the partially regulated distributing plant so requests, in lieu of the obligation pursuant to § 1121.70(e) and the credit specified in § 1121.84(b)(2), the obligation for such handler shall include a similar obligation for each nonpool plant (not an other order plant) which serves as a supply plant for such partially regulated distributing plant by making shipments to such plant during the month equivalent to the requirements of § 1121.10(b) subject to the following conditions:

(*a*) The operator of the partially regulated distributing plant submits with his reports filed pursuant to §§ 1121.30 and 1121.31 similar reports for such nonpool supply plant;

(*b*) The operator of such nonpool supply plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for verification purposes; and

(*c*) The obligation for such nonpool supply plant shall be determined in the same manner prescribed for computing the obligation of such partially regulated distributing plant; and

(2) From the obligation computed pursuant to subparagraph (1) of this paragraph, subtract:

(i) The gross payments by the operator of such partially regulated distributing plant for Grade A milk received at the plant during the month from dairy farmers;

(ii) If subparagraph (1)(iii) of this paragraph applies, the gross payments by the operator of such nonpool supply plant for Grade A milk received at the plant during the month from dairy farmers; and

(iii) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant and like payments by the operator of an unregulated supply plant if subparagraph (1)(iii) applies to such plant.

* * * * *

(b) * * *

(2) Deduct the respective amounts of skim milk and butterfat received at the plant:

(i) As Class I milk from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act; and

(ii) From a nonpool plant that is not an other order plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such nonpool plant by handlers fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order;

* * * * *

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant (not to be less than the Class II price), subtract its value at the uniform price applicable at such location or the Class II price, whichever is higher, and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant (not to be less than the Class II price) less the value of such skim milk at the Class II price.

5. Section 1121.70(e) is revised as follows:

§ 1121.70 **Computation of the net pool obligation of each pool handler.**

* * * * *

(e) With respect to skim milk and butterfat subtracted from Class I pursuant to § 1121.46(a)(8) and the corresponding step of § 1121.46(b) (excluding skim milk or butterfat in bulk receipts of fluid milk products from an unregulated supply plant to the extent that an

equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order), add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent weight was received, but in no event shall such adjustment result in a Class I price lower than the Class II price.

6. Section 1121.71(a) is revised as follows:

§ 1121.71 Computation of aggregate value used to determine uniform price.

* * * * *

(a) Combine into one total the values computed pursuant to § 1121.70 for all handlers who have made the reports prescribed in § 1121.30 for the month and who have made the payments required pursuant to § 1121.84 for the preceding month;

* * * * *

7. Section 1121.86(b) is revised as follows:

§ 1121.86 Adjustment of accounts.

* * * * *

(b) *Overdue accounts.* The unpaid obligation of a handler pursuant to § 1121.61, § 1121.84, § 1121.87, § 1121.88 or paragraph (a)(1) of this section shall be increased three-fourths of 1 percent per month beginning on the first day after due date, and on each date of subsequent months following the day on which such type of obligation is normally due: *Provided,* That—

(1) The amounts payable pursuant to this paragraph shall be computed monthly on each unpaid obligation, which shall include any unpaid interest charges previously computed pursuant to this paragraph; and

(2) For the purpose of this paragraph any unpaid obligation that was determined at a date later than that previously prescribed by the order because of a handler's failure to submit a report to the market administrator when due shall be considered to have been payable by the date it would have been due if the report had been filed when due.

8. Section 1121.88 is revised as follows:

§ 1121.88 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 13th day after the end of the month 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to:

(a) Producer milk (including that pursuant to § 1121.14(a)(2) and such handler's own production);

(b) Other source milk allocated to Class I pursuant to § 1121.46(a) (4) and (8) and the corresponding steps of § 1121.46(b) except other source milk on which no handler obligation applies pursuant to § 1121.70(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 § 1121.61 (b)(2).

III. In Part 1126—North Texas:

1. In § 1126.12(c) the last sentence should be revised to read as follows:

§ 1126.12 Handler.

* * * * *

(c) * * * For the purpose of location adjustments such milk shall be considered to have been received by the cooperative association at the location of the pool plant to which it is delivered.

* * * * *

2. In § 1126.12(d), the last sentence should be revised to read as follows:

§ 1126.12 Handler.

* * * * *

(d) * * * The cooperative association shall be considered the handler for such milk, effective the first day of the month following receipt of such notice, and milk so delivered shall be considered for purposes of location adjustments to have been received by such cooperative association at the location of the pool plant to which it is delivered.

* * * * *

2a. In § 1126.13(a) subparagraphs (1) and (2) are revised as follows:

§ 1126.13 Producer.

(a) * * *

(1) Received at a pool plant, including milk of a dairy farmer delivered to the pool plant by a cooperative as a handler pursuant to § 1126.12 (c) or (d).

(2) Diverted by a handler for his account from a pool plant to a nonpool plant, subject to the provisions of § 1126.14.

2b. Section 1126.14 is revised as follows:

§ 1126.14 Producer milk.

"Producer milk" of a handler operating a pool plant means only that skim milk and butterfat contained in milk described in paragraphs (a) and (b) of this section, and producer milk of a cooperative association as a handler pursuant to § 1126.12 (b), (c), and (d) means milk described in paragraphs (c) and (d) of this section:

(a) Milk received from producers at a pool plant except that for which a cooperative association is the handler pursuant to § 1126.12 (c) and (d);

(b) Milk of a producer diverted by the operator of a pool plant to a nonpool plant for his account, subject to the conditions of paragraph (e) of this section;

(c) Milk of a producer diverted by a cooperative association from the pool plant of another handler (or the pool plant of the cooperative) to a nonpool plant for the account of such cooperative association subject to the conditions of paragraph (e) of this section;

(d) Milk received from a producer by a cooperative association as a handler pursuant to § 1126.12 (c) or (d); and

(e) With respect to milk diverted to nonpool plants, milk diverted in excess of the limit specified herein shall not be producer milk and the diverting handler shall specify the dairy farmers whose diverted milk is ineligible as producer milk. If the diverting handler fails to designate such producers, producer milk status shall be forfeited with respect to all milk diverted by such handler.

(1) A cooperative association may divert for its account a total quantity of producer milk equal to not more than one-third of the total producer milk of its members physically received at all pool plants during the month.

(2) A handler, other than a cooperative association, operating a pool plant(s) may divert for his account milk of producers other than members of a cooperative association diverting milk pursuant to subparagraph (1) of this paragraph, in a total quantity equal to not more than one-third of the milk physically received at such handler's pool plant(s) during the month from producers who are not members of such a cooperative association.

(3) Diverted milk shall be deemed to have been received by the diverting handler at the location of the plant to which it was diverted.

(f) Milk shall be eligible for diversion as producer milk only if the person producing such milk has been delivering milk as producer milk to a pool plant on a regular basis prior to the diversion.

3. Section 1126.30 *Reports of receipts and utilization* is revised to read as follows:

§ 1126.30 Reports of receipts and utilization.

On or before the seventh day after the end of each month, each handler, except a producer-handler, shall report to the market administrator, in the detail and on forms prescribed by the market administrator as follows:

(a) Each handler operating a pool plant shall report for each of his pool plants:

(1) The quantities of skim milk and butterfat contained in receipts of producer milk;

(2) The quantities of skim milk and butterfat contained in receipts of fluid milk products from other pool plants and separately the quantities of skim milk and butterfat contained in receipts of milk from a cooperative association pursuant to § 1126.12 (c) or (d);

(3) The quantities of skim milk and butterfat contained in other source milk;

(4) Inventories of fluid milk products on hand at the beginning and end of the month;

(5) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(6) The disposition of fluid milk products on routes wholly outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk; and

(7) Such other information with respect to receipts and utilization as the marketing administrator may prescribe.

(b) Each cooperative association shall report with respect to milk for which it is the handler pursuant to § 1126.12 (b), (c), or (d):

(1) Receipts of skim milk and butterfat from producers;

(2) The quantities delivered to each pool plant and to each nonpool plant;

(3) The utilization of all milk delivered to each pool plant and to each nonpool plant; and

(4) Such other information as the market administrator may require.

(c) Each handler operating a partially regulated distributing plant shall report as required by paragraph (a) of this section except that receipts of Grade A milk from dairy farmers shall be reported in lieu of receipts of producer milk. Such report shall include a separate statement showing Class I disposition on routes in the marketing area of each of the following: skim milk and butterfat, respectively, in fluid milk products and the quantity thereof which is reconstituted skim milk.

4. In § 1126.41(b) subparagraphs (5) and (7) are revised and new subparagraphs (9) and (10) are added as follows:

§ 1126.41 Classes of utilization.

* * * * *

(b) * * *

(5) In actual shrinkage at each pool plant and on producer milk diverted by the handler operating the pool plant, but not in excess of the following amount;

(i) Two percent of producer milk receipts; plus

(ii) 1.5 percent of receipts from a cooperative association as a handler pursuant to § 1126.12 (c) or (d), except that if the handler operating the pool plant files notice with the market administrator that he is accounting for such milk on the basis of the butterfat tests of farm drawn samples and farm weights determined by the cooperative association, the applicable percentage shall be 2 percent; plus

(iii) 1.5 percent of bulk fluid milk products (except cream) received from other pool plants; plus

(iv) 1.5 percent of bulk fluid milk products received from other order plants, exclusive of the quantity for which Class II utilization was requested by the operator of such plant and the handler; plus

(v) 1.5 percent of bulk fluid milk products received from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler; less

(vi) 1.5 percent of bulk fluid milk products (except cream) disposed of to other milk plants, except that in the case of milk diverted to a nonpool plant, if the operator of the plant to which the milk is diverted accounts for such milk on the basis of the butterfat tests of farm drawn samples and farm weights, the applicable percentage shall be 2 percent.

* * * * *

(7) That portion of modified fluid milk products excluded from Class I pursuant to paragraph (a)(1) of this section, plus the fluid equivalent of loss of nonfat milk solids occurring in the process of modification in any case where determination of the quantity of added nonfat milk solids disposed of in such products is based upon laboratory analysis by the market administrator, such loss allowable pursuant to this subparagraph not to exceed 2 percent of the fluid equivalent of the quantity of added nonfat milk solids so determined to be added.

* * * * *

(9) In shrinkage of producer milk received by a cooperative association as a handler pursuant to § 1126.12 (b), (c), or (d), not to exceed 0.5 percent of such receipts, exclusive of receipts for which the plant operator receiving the milk from the cooperative accounts for it on the basis of farm weights determined by the cooperative association.

(10 In shrinkage of skim milk and butterfat, respectively, in other source milk assigned pursuant to § 1126.42(b)(2); and

* * * * *

5. In § 1126.42 paragraph (b)(1) is revised to read as follows:

§ 1126.42 Shrinkage.

* * * * *

(b) * * *

(1) Items specified in § 1126.41(b)(5); and

* * * * *

6. In § 1126.44 the introductory text of paragraph (a) is revised, paragraph (c) is deleted, in paragraph (d) the introductory text is revised and paragraph (3)(iii) is revised, paragraph (e) is revised and paragraph (f) is deleted.

§ 1126.44 Transfers.

* * * * *

(a) At the utilization indicated by the operators of both plants (or by the cooperative association and the operator of the transferee plant in the case of transfers from a cooperative association as a handler to a pool plant), otherwise as Class I milk if transferred in the form of fluid milk products from a pool plant or from a cooperative association as a handler pursuant to § 1126.12 (c) or (d) to the pool plant of another handler subject to the following conditions:

* * * * *

(c) [Reserved]

(d) As Class I milk, if transferred or diverted in the form of bulk fluid milk products to a nonpool plant that is neither an other order plant nor a producer-handler plant unless the requirements of subparagraphs (1) and (2) of this subparagraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

* * * * *

(3) * * *

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph (exclusive of transfers of fluid milk products to pool plants and other order plants) shall be assigned first to the remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant, and all remaining Class I utilization (including transfers of fluid milk products to pool plants and other order plants) shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

* * * * *

(e) In the case of bulk fluid milk products transferred from a nonpool plant described in paragraph (d) of this section to a second nonpool plant, that is neither an other order plant nor a producer-handler plant, such fluid milk products shall be classified according to the procedure described in paragraph (d) of this section;

* * * * *

(f) [Reserved]

* * * * *

7. In § 1126.46(a) subparagraph (1) is revised, in subparagraph (3) subdivision (iv) is revised, in subparagraph (4) subdivisions (i) and (ii) are revised, subparagraph (6) is revised and in subparagraph (7) subdivision (i) is revised as follows:

§ 1126.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(1) Subtract from the total pounds of skim milk classified:

(i) From Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under this or any other Federal milk order is classified and priced as Class I and is not used as an offset on any other payment obligation under this or any other order;

(ii) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1126.41(b)(5);

* * * * *

(3) * * *

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants that were not subtracted pursuant to subparagraph (1)(i) of this paragraph; and

* * * * *

(4) * * *

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraphs (1)(i) and (3)(iv) of this paragraph, for which the handler requests Class II utilization but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (1)(i) and (3)(iv) of this paragraph and subdivision (i) of this

subparagraph which are in excess of the pounds of skim milk determined as follows:

* * * * *

(6) Add to the remaining pounds of skim milk in Class II the pounds subtracted pursuant to subparagraph (1)(ii) of this paragraph.

(7) (i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (1)(i), (3)(iv), and (4) (i) and (ii) of this paragraph;

* * * * *

8. In § 1126.51 paragraph (b)(2) is revised as follows:

§ 1126.51 Class prices.

* * * * *

(b) * * *

(2) The price per hundredweight, rounded to the nearest one-tenth cent, computed by adding 2 cents to the average of the daily prices per pound of cheese (f.o.b.) Wisconsin assembling points for "barrel cheese", carlots or trucklots, as reported by the Department during the month and multiplying the result by 8.4.

9. In § 1126.61 paragraph (e)(2) is amended as follows:

§ 1126.61 Plants subject to other Federal orders.

* * * * *

(e) * * *

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this marketing area at the Class I price under this part applicable at the location of the other order plant (not to be less than the Class II price) and subtract its value at the Class II price.

10. In § 1126.62 paragraph (a) is revised and in paragraph (b) subparagraphs (2) and (5) are revised as follows:

§ 1126.62 Obligation of handler operating a partially regulated distributing plant.

* * * * *

(a) The amount resulting from the following computations:

(1) Determine the obligation that would have been computed pursuant to § 1126.70 for the partially regulated distributing plant if the plant had been a pool plant, subject to the following modifications:

(i) Receipts at the partially regulated distributing plant from a pool plant or an other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plants;

(ii) Transfers from the partially regulated distributing plant to a pool plant or an other order plant shall be classified at the partially regulated distributing plant in the class to which allocated at the fully regulated plant. Such transfers shall be allocated (to the extent possible) to receipts of the partially regulated distributing plant from pool plants and other order plants classified in the corresponding class pursuant to subdivision (i) of this subparagraph. Any such transfers remaining after the above allocation which are classified in Class I and on which an obligation is computed for the handler operating the partially regulated distributing plant pursuant to § 1126.70 shall be priced at the uniform price (or at the weighted average price) of the respective order regulating the handling of milk at the transferee plant, with such uniform price adjusted to the location of the nonpool plant but not to be less than the lowest class price of the respective order, except that transfers of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective order.

(iii) If the operator of the partially regulated distributing plant so requests, in lieu of the obligation pursuant to § 1126.70(e) and the credit specified in § 1126.93(b)(2), the obligation for such handler shall include a similar obligation for each nonpool plant (not an other order plant) which serves as a supply plant for such partially regulated distributing plant by making shipments to such plant during the month equivalent to the requirements of § 1126.9 subject to the following conditions:

(*a*) The operator of the partially regulated distributing plant submits with his reports filed pursuant to §§ 1126.30 and 1126.31 similar reports for such nonpool supply plant;

(*b*) The operator of such nonpool supply plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for verification purposes; and

(*c*) The obligation for such nonpool supply plant shall be determined in the same manner prescribed for computing the obligation of such partially regulated distributing plant; and

(2) From the obligation computed pursuant to subparagraph (1) of this paragraph, subtract:

(i) The gross payments by the operator of such partially regulated distributing plant for Grade A milk received at the plant during the month from dairy farmers;

(ii) If subparagraph (1)(iii) of this paragraph applies, the gross payments by the operator of such nonpool supply plant for Grade A milk received at the plant during the month from dairy farmers; and

(iii) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant and like payments by the operator of an unregulated supply plant if subparagraph (1)(iii) of this paragraph applies to such plant.

(b) * * *

(2) Deduct the respective amounts of skim milk and butterfat received at the plant;

(i) As Class I milk from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act; and

(ii) From a nonpool plant that is not an other order plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such nonpool plant by handlers fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order;

* * * * *

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant (not to be less than the Class II price) subtract its value at the uniform price applicable at such location (not to be less than the Class II price) and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant (not to be less than the Class II price) less the value of such skim milk at the Class II price.

11. In § 1126.70 paragraphs (a) and (e) are revised as follows:

§ 1126.70 Computation of the net pool obligation of each handler.

* * * * *

(a) Multiply the quantity of producer milk in each class as computed pursuant to § 1126.46(c) by the applicable class prices (adjusted pursuant to §§ 1126.52 and 1126.53), and in the case of a cooperative association as a handler pursuant to § 1126.12 (b), (c), or (d) multiply the quantity of producer milk in each class as classified pursuant to § 1126.44 by the applicable class prices (adjusted pursuant to §§ 1126.52 and 1126.53);

* * * * *

(e) With respect to skim milk and butterfat subtracted from Class I pursuant to § 1126.46(a)(7) and the corresponding step of § 1126.46(b) (excluding skim milk or butterfat in bulk receipts of fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order), add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent weight was received, but in no event shall such adjustment result in a Class I price lower than the Class II price.

12. Section 1126.95(b) is revised as follows:

§ 1126.95 Adjustment of accounts.

* * * * *

(b) *Overdue accounts.* Any unpaid obligation of a handler pursuant to

§ 1126.62, § 1126.90, § 1126.93, § 1126.96, § 1126.97 or paragraph (a) (1) or (3) of this section shall be increased three-fourths of 1 percent per month beginning on the first day after due date, and on each date of subsequent months following the day on which such type of obligation is normally due: *Provided*, That—

(1) The amounts payable pursuant to this paragraph shall be computed monthly on each unpaid obligation, which shall include any unpaid interest charges previously computed pursuant to this paragraph; and

(2) For the purpose of this paragraph any obligation that was determined at a date later than that prescribed by the order because of a handler's failure to submit a report to the market administrator when due shall be considered to have been payable by the date it would have been due if the report had been filed when due.

13. Section 1126.97 is revised as follows:

§ 1126.97 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 15th day after the end of the month 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe with respect to:

(a) Receipts from producers (including such handler's own production) except receipts by a cooperative association as a handler pursuant to § 1126.12 (c) and (d);

(b) Receipts from cooperative associations in their capacity as a handler pursuant to § 1126.12 (c) and (d);

(c) Other source milk allocated to Class I pursuant to § 1126.46(a) (3) and (7) and the corresponding steps of § 1126.46(b), except other source milk on which no handler obligation applies pursuant to § 1126.70(e); and

(d) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk specified in § 1126.62 (b)(2).

IV. In Part 1127—San Antonio:

1. In § 1127.41(b) a new subparagraph (5) is added as follows:

§ 1127.41 Classes of utilization.

* * * * *

(b) * * *

(5) In fluid milk products dumped by a handler after notification to and opportunity for verification by the market administrator.

* * * * *

2. In § 1127.44 paragraph (b) (3) (iii) is revised as follows:

§ 1127.44 Transfers.

* * * * *

(b) * * *

(3) * * *

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph (exclusive of transfers of fluid milk products to pool plants and other order plants) shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and all remaining Class I utilization (including transfers of fluid milk products to pool plants and other order plants) shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

* * * * *

3. In § 1127.46(a) subparagraphs (2) and (4) (iv) are revised, the introductory text of subparagraph (5) (i) is revised and subparagraphs (6) and (7) are revised as follows:

§ 1127.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(2) Subtract from the total pounds of skim milk remaining in each class:

(i) The pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under this or any other Federal milk order is classified and priced as Class I and is not used as an offset on any other payment obligation under this or any other order;

(ii) From Class II the pounds of skim milk classified as Class II pursuant to § 1127.41(b) (3) (i);

* * * * *

(4) * * *

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants that were not subtracted pursuant to subparagraph (2) (i) of this paragraph; and

* * * * *

(5) * * *

(i) Receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (2) (i) or (4) (iv) of this paragraph;

* * * * *

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (2) (ii) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraphs (2) (i), (4) (iv), or (5) (i) of this paragraph;

* * * * *

4. Section 1127.50 is revised as follows:

§ 1127.50 Minimum prices and basic formula price.

(a) Subject to the appropriate differentials computed pursuant to §§ 1127.53 and 1127.54 each handler shall pay in the manner set forth in §§ 1127.70 through 1127.86 for milk received at his pool plant from producers at not less than the prices per hundredweight set forth in §§ 1127.51 and 1127.52.

(b) *Basic formula price.* The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b., plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential, rounded to the nearest one-tenth cent, computed 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent. For the purpose of computing Class I prices from the effective date hereof, the basic formula price shall not be less than $4.33.

5. Section 1127.51 is revised as follows:

§ 1127.51 Class I milk.

The minimum Class I milk price shall be the basic formula price for the preceeding month plus $2.54 and plus 20 cents.

6. Section 1127.52(b) is revised as follows:

§ 1127.52 Class II and Class II–A milk.

* * * * *

(b) *Class II–A milk.* The minimum price per hundredweight to be paid by each handler for milk received at his plant from producers and classified as Class II–A milk shall be computed by adding 2 cents to the average of the daily prices per pound of cheese (f.o.b.) Wisconsin assembling points for "barrel cheese", carlots, or trucklots, as reported by the Department during the month and multiplying the result by 8.4, such result to be further adjusted to a 3.5 percent butterfat basis by subtracting five times the butterfat differential computed pursuant to § 1127.53(b), and rounding to the nearest full cent.

7. Section 1127.60(d)(2) is revised as follows:

§ 1127.60 Handlers subject to other Federal orders.

* * * * *

(d) * * *

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this marketing area, at the Class I price under this part applicable at the location of the other order plant (not to be less than the Class II price) and subtract its value at the Class II price.

8. In § 1127.61 paragraphs (a) and (b) (2) and (5) are revised as follows:

§ 1127.61 Obligation of a handler operating a partially regulated distributing plant.

* * * * *

(a) The amount resulting from the following computations:

(1) Determine the obligation that would have been computed pursuant to § 1127.70 for the partially regulated distributing plant if the plant had been a pool plant, subject to the following modifications:

(i) Receipts at the partially regulated distributing plant from a pool plant or an other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plants;

(ii) Transfers from the partially regulated distributing plant to a pool plant or an other order plant shall be classified at the partially regulated distributing plant in the class to which allocated at the fully regulated plant. Such transfers shall be allocated (to the extent possible) to receipts of the partially regulated distributing plant from pool plants and other order plants classified in the corresponding class pursuant to subdivision (i) of this subparagraph. Any such transfers remaining after the above allocation which are classified in Class I and on which an obligation is computed for the handler operating the partially regulated distributing plant pursuant to § 1127.70 shall be priced at the uniform price (or at the weighted average price) of the respective order regulating the handling of milk at the transferee plant, with such uniform price adjusted to the location of the nonpool plant but not to be less than the lowest class price of the respective order, except that transfers of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective order.

(iii) If the operator of the partially regulated distributing plant so requests, in lieu of the obligation pursuant to § 1127.70(d) and the credit specified in § 1127.84(b)(2), the obligation for such handler shall include a similar obligation for each nonpool plant (not an other order plant) which serves as a supply plant for such partially regulated distributing plant by making shipments to such plant during the month equivalent to the requirements of § 1127.7 subject to the following conditions:

(*a*) The operator of the partially regulated distributing plant submits with his reports filed pursuant to § 1127.32 similar reports for such nonpool supply plant;

(*b*) The operator of such nonpool supply plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for verification purposes; and

(*c*) The obligation for such nonpool supply plant shall be determined in the same manner prescribed for computing the obligation of such partially regulated distributing plant; and

(2) From the obligation computed pursuant to subparagraph (1) of this paragraph, subtract:

(i) The gross payments by the operator of such partially regulated distributing plant for Grade A milk received at the plant during the month from dairy farmers;

(ii) If subparagraph (1)(iii) of this paragraph applies, the gross payments by the operator of such nonpool supply plant for Grade A milk received at the plant during the month from dairy farmers; and

(iii) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant and like payments by the operator of an unregulated supply plant if subparagraph (1)(iii) of this paragraph applies to such plant.

(b) * * *

(2) Deduct the respective amounts of skim milk and butterfat received at the plant:

(i) As Class I milk from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act; and

(ii) From a nonpool plant that is not an other order plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such nonpool plant by handlers fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order;

* * * * *

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant (not to be less than the Class II price), subtract its value at the uniform price applicable at the location of the nonpool plant (not to be less than the Class II price) less the value of such skim milk at the Class II price.

9. Section 1127.70(d) is revised as follows:

§ 1127.70 Computation of the net pool obligation of each pool handler.

* * * * *

(d) With respect to skim milk and butterfat subtracted from Class I pursuant to § 1127.46(a)(7) and the corresponding step of § 1127.46(b) (excluding skim milk or butterfat in bulk receipts of fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order), add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent weight was received, but in no event shall such adjustment result in a Class I price lower than the Class II price.

10. Section 1127.71(a) is revised as follows:

§ 1127.71 Computation of uniform price.

* * * * *

(a) Combine into one total the values computed pursuant to § 1127.70 for all handlers who have made the reports prescribed by § 1127.30 for the month and who have made the payment required pursuant to § 1127.84 for the preceding month;

* * * * *

11. Section 1127.88 is revised as follows:

§ 1127.88 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 15th day after the end of the month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) skim milk and butterfat received from producers (including such handler's own production), (b) other source milk allocated to Class I pursuant to § 1127.46 (a) (4) and (7) and the corresponding steps of § 1127.46(b), except other source milk on which no handler obligation applies pursuant to § 1127.70 (d), 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 §1127.61 (b)(2).

V. In Part 1128—Central West Texas:

1. In § 1128.7 the introductory text preceding paragraph (a) is revised as follows:

§ 1128.7 Approved plant.

"Approved plant" (or pool plant) means:

* * * * *

2. In § 1128.8 the introductory text preceding paragraph (a) is revised as follows:

§ 1128.8 Unapproved plant.

"Unapproved plant" (or nonpool plant) means any milk or filled milk receiving, manufacturing or processing plant other than an approved plant. The following categories of unapproved plant (or nonpool plant) are further defined as follows:

* * * * *

3. In § 1128.44 paragraph (d)(3)(iii) is revised as follows:

§ 1128.44 Transfers.

* * * * *

(d) * * *

(3) * * *

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph (exclusive of transfers of fluid milk products to pool plants and other order plants) shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such unapproved plant and all remaining Class I utilization (including transfers of fluid milk products to pool plants and other order plants) shall be assigned pro rata to unassigned receipts at such unapproved plant from all pool and other order plants; and

* * * * *

4. In § 1128.46(a) subparagraph (1) is revised, subparagraph (3)(iv) is revised, in subparagraph (4) the introductory language, subdivision (i) and the introductory text of subdivision (ii) are revised, subparagraph (6) is revised, in subparagraph (7) subdivision (i) is revised as follows:

§ 1128.46 **Allocation of skim milk and butterfat classified.**

* * * * *

(a) * * *

(1) Subtract from the total pounds of skim milk classified:

(i) From Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under this or any other Federal milk order is classified and priced as Class I and is not used as an offset on any other payment obligation under this or any other order;

(ii) From the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1128.41(b)(3) (i) through (iii);

* * * * *

(3) * * *

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants that were not subtracted pursuant to subparagraph (1)(i) of this paragraph; and

* * * * *

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II–A and Class II (beginning with Class II–A) but not in excess of such quantity or quantities;

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (1)(i) or (3)(iv) of this paragraph, for which the handler requests Class II or Class II–A utilization;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (1)(i) or (3)(iv) of this paragraph and subdivision (i) of this subparagraph which are in excess of the pounds of skim milk determined as follows:

* * * * *

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1)(ii) of this paragraph;

(7)(i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all approved plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (1)(i), (3)(iv), (4)(i) or (ii) of this paragraph;

* * * * *

5. Section 1128.50 is revised as follows:

§ 1128.50 **Basic formula and Class I milk price.**

(a) *Basic formula price.* The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential, rounded to the nearest one-tenth cent, computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent. For the purpose of computing Class I prices from the effective date hereof, the basic formula price shall not be less than $4.33.

(b) *Class I milk price.* Subject to the provisions of §§ 1128.52 and 1128.53 the minimum Class I milk price per hundredweight for the month shall be the basic formula price for the preceeding month plus $2.37 and plus 20 cents.

6. Section 1128.51(b) is revised as follows:

§ 1128.51 **Class II and Class II–A milk.**

* * * * *

(b) *Class II–A milk.* Subject to the provisions of § 1128.52, the minimum price per hundredweight to be paid by each handler for milk received at his plant from producers and classified as Class II–A milk shall be computed by adding 2 cents to the average of the daily prices paid per pound of cheese (f.o.b.) Wisconsin assembling points for "barrel cheese", carlots, or trucklots, as reported by the Department during the month, multiplying the result by 8.4, such result to be further adjusted by subtracting 5 times the butterfat differential computed pursuant to § 1128.52(b).

7. Section 1128.61(e)(2) is revised as follows:

§ 1128.61 **Plants subject to other Federal orders.**

* * * * *

(e) * * *

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this marketing area, at the Class I price under this part applicable at the location of the other order plant (not to be less than the Class II price) and subtract its value at the Class II price.

8. In § 1128.62 paragraphs (a) and (b)(2) and (5) are revised as follows:

§ 1128.62 **Obligation of a handler operating a partially regulated distributing plant.**

* * * * *

(a) The amount resulting from the following computations:

(1) Determine the obligation that would have been computed pursuant to § 1128.70 for the partially regulated distributing plant if the plant had been a pool plant, subject to the following modifications:

(i) Receipts at the partially regulated distributing plant from a pool plant or an other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plants;

(ii) Transfers from the partially regulated distributing plant to a pool plant or an other order plant shall be classified at the partially regulated distributing plant in the class to which allocated at the fully regulated plant. Such transfers shall be allocated (to the extent possible) to receipts of the partially regulated distributing plant from pool plants and other order plants classified in the corresponding class pursuant to subdivision (i) of this subparagraph. Any such transfers remaining after the above allocation which are classified in Class I and on which an obligation is computed for the handler operating the partially regulated distributing plant pursuant to § 1128.70 shall be priced at the uniform price (or at the weighted average price) of the respective order regulating the handling of milk at the transferee plant, with such uniform price adjusted to the location of the nonpool plant but not to be less than the lowest class price of the respective order, except that transfers of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective order.

(iii) If the operator of the partially regulated distributing plant so requests, in lieu of the obligation pursuant to § 1128.70(e) and the credit specified in § 1128.94(b)(2), the obligation for such handler shall include a similar obligation for each nonpool plant (not an other order plant) which serves as a supply plant for such partially regulated distributing plant by making shipments to such plant during the month equivalent to the requirements of § 1128.70(a)(2) subject to the following conditions:

(*a*) The operator of the partially regulated distributing plant submits with his reports filed pursuant to § 1128.32(b) similar reports for such nonpool supply plant;

(*b*) The operator of such nonpool supply plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for verification purposes; and

(*c*) The obligation for such nonpool supply plant shall be determined in the same manner prescribed for computing the obligation for such partially regulated distributing plant; and

(2) From the obligation computed pursuant to subparagraph (1) of this paragraph, subtract:

(i) The gross payments by the operator of such partially regulated distributing plant for Grade A milk received at the plant during the month from dairy farmers;

(ii) If subparagraph (1)(iii) of this paragraph applies, the gross payments by the operator of such nonpool supply plant for Grade A milk received at the plant during the month from dairy farmers; and

(iii) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant and like payments by the operator of an unregulated supply plant if subparagraph (1)(iii) of this paragraph applies to such plant.

(b) * * *

(2) Deduct the respective amounts of skim milk and butterfat received at the plant:

(i) As Class I milk from pool plants and other order plants, except that de-

ducted under a similar provision of another order issued pursuant to the Act; and

(ii) From a nonpool plant that is not an other order plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such nonpool plant by handlers fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order;

* * * * *

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant (not to be less than the Class II price), subtract its value at the uniform price applicable at such location or the Class II price, whichever is higher, and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant (not to be less than the Class II price) less the value of such skim milk at the Class II price.

9. Section 1128.70(e) is revised as follows:

§ 1128.70 Computation of each handler's pool obligation.

* * * * *

(e) With respect to skim milk and butterfat subtracted from Class I pursuant to § 1128.46(a)(7) and the corresponding step of § 1128.46(b) (excluding skim milk or butterfat in bulk receipts of fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order), add an amount equal to the value at the Class I price, adjusted for location of the nearest unapproved plant(s) from which an equivalent volume was received, but in no event shall such adjustment result in a Class I price lower than the Class II price.

10. Section 1128.71(a) is revised as follows:

§ 1128.71 Computation of aggregate value used to determine uniform price.

* * * * *

(a) Combine into one total the values computed pursuant to § 1128.70 for all handlers who have made the reports prescribed in § 1128.30 and who have made the payments required pursuant to § 1128.94 for the preceding month;

* * * * *

11. Section 1128.98 is revised as follows:

§ 1128.98 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler, except a cooperative in its capacity as a handler pursuant to § 1128.9(c), shall pay to the market administrator on or before the 15th day after the end of the month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk (including such handler's own production) and milk received from a cooperative association as a handler pursuant to § 1128.9(c); (b) other source milk allocated to Class I pursuant to § 1128.46(a)(3) and (7) and the corresponding steps of § 1128.46(b), except other source milk on which no handler obligation applies pursuant to § 1128.70(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 § 1128.62(b)(2).

VI. In Part 1129—Austin–Waco:

1. Section 1129.50 is revised as follows:

§ 1129.50 Basic formula and Class I milk price.

(a) *Basic formula price.* The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential, rounded to the nearest one-tenth cent, computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent. For the purpose of computing Class I prices from the effective date hereof, the basic formula price shall not be less than $4.33.

(b) *Class I milk price.* Subject to the provisions of §§ 1129.52 and 1129.53 the minimum Class I milk price per hundredweight for the month shall be the basic formula price for the preceeding month plus $2.50 and plus 20 cents.

2. In § 1129.51 paragraph (b) is revised as follows:

§ 1129.51 Class II milk.

* * * * *

(b) The price per hundredweight computed by adding 2 cents to the average of the daily prices paid per pound of cheese (f.o.b.) Wisconsin assembling points for "barrel cheese," carlots or trucklots, as reported by the Department during the month and multiplying the result by 8.4, such result to be further adjusted by subtracting 5 times the butterfat differential computed pursuant to § 1129.52(b).

VII. In Part 1130—Corpus Christi:

1. In § 1130.44 paragraph (c)(3)(iii) is revised as follows:

§ 1130.44 Transfers.

* * * * *

(c) * * *

(3) * * *

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph (exclusive of transfers of fluid milk products to pool plants an other order plants) shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant, and all remaining Class I utilization (including transfers of fluid milk products to pool plants and other order plants) shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool plants and other order plants; and

* * * * *

2. In § 1130.46 paragraph (a) is revised as follows: subparagraph (1) is revised, in subparagraph (4) subdivision (iv) is revised, in subparagraph (5) the introductory text of subdivision (i) is revised and subparagraphs (7) and (8) are revised.

§ 1130.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(1) Subtract from the total pounds of skim milk classified.

(i) From Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under this or any other Federal milk order is classified and priced as Class I and is not used as an offset on any other payment obligation under this or any other order;

(ii) From the total pounds of skim milk in Class III milk the pounds of skim milk classified as Class III milk pursuant to § 1130.41(c)(7);

* * * * *

(4) * * *

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants that were not subtracted pursuant to subparagraph (1)(i) of this paragraph;

* * * * *

(5) * * *

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraphs (1)(i) or (4)(iv) of this paragraph;

* * * * *

(7) Add to the remaining pounds of skim milk in Class III milk the pounds subtracted pursuant to subparagraph (1)(ii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraphs (1)(i), (4)(iv) or (5)(i) of this paragraph;

* * * * *

3. A new § 1130.50 is added as follows:

§ 1130.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b., plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential, rounded to

the nearest one-tenth cent, computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent. For the purpose of computing Class I prices from the effective date hereof, the basic formula price shall not be less than $4.33.

4. In § 1130.51 paragraph (a) is revised as follows:

§ 1130.51 Class prices.

* * * * *

(a) *Class I price.* The minimum Class I milk price shall be the basic formula price for the preceding month plus $2.87 and plus 20 cents.

* * * * *

5. Section 1130.60(e)(2) is revised as follows:

§ 1130.60 Plants subject to other Federal orders.

* * * * *

(e) * * *

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this marketing area, at the Class I price under this part applicable at the location of the other order plant (not to be less than the Class III price) and subtract its value at the Class III price.

6. In § 1130.61 paragraphs (a) and (b) (2) and (5) are revised as follows:

§ 1130.61 Obligation of handler operating a partially regulated distributing plant.

* * * * *

(a) The amount resulting from the following computations:

(1) Determine the obligation that would have been computed pursuant to § 1130.70 for the partially regulated distributing plant if the plant had been a pool plant, subject to the following modifications:

(i) Receipts at the partially regulated distributing plant from a pool plant or an other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plants;

(ii) Transfers from the partially regulated distributing plant to a pool plant or an other order plant shall be classified at the partially regulated distributing plant in the class to which allocated at the fully regulated plant. Such transfers shall be allocated (to the extent possible) to receipts of the partially regulated distributing plant from pool plants and other order plants classified in the corresponding class pursuant to subdivision (i) of this subparagraph. Any such transfers remaining after the above allocation which are classified in Class I and on which an obligation is computed for the handler operating the partially regulated distributing plant pursuant to § 1130.70 shall be priced at the uniform price (or at the weighted average price) of the respective order regulating the handling of milk at the transferee plant, with such uniform price adjusted to the location of the nonpool plant but not to be less than the lowest class price of the respective order, except that transfers of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective order.

(iii) If the operator of the partially regulated distributing plant so requests, in lieu of the obligation pursuant to § 1130.70(e) and the credit specified in § 1130.84(b)(2), the obligation for such handler shall include a similar obligation for each nonpool plant (not an other order plant) which serves as a supply plant for such partially regulated distributing plant by making shipments to such plant during the month equivalent to the requirements of § 1130.10(b) subject to the following conditions:

(*a*) The operator of the partially regulated distributing plant submits with his reports filed pursuant to §§ 1130.30 and 1130.31 similar reports for such nonpool supply plant;

(*b*) The operator of such nonpool supply plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for verification purposes; and

(*c*) The obligation for such nonpool supply plant shall be determined in the same manner prescribed for computing the obligation of such partially regulated distributing plant; and

(2) From the obligation computed pursuant to subparagraph (1) of this paragraph, subtract:

(i) The gross payments by the operator of such partially regulated distributing plant for Grade A milk received at the plant during the month from dairy farmers;

(ii) If subparagraph (1)(iii) of this paragraph applies, the gross payments by the operator of such nonpool supply plant for Grade A milk received at the plant during the month from dairy farmers; and

(iii) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant and like payments by the operator of an unregulated supply plant if subparagraph (1)(iii) of this paragraph applies to such plant.

(b) * * *

(2) Deduct the respective amounts of skim milk and butterfat received at the plant:

(i) As Class I milk from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act; and

(ii) From a nonpool plant that is not an other order plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such nonpool plant by handlers fully regulated under this or any other order issued pursuant to the Act is classified and, priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order;

* * * * *

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant (not to be less than the Class III price) subtract its value at the uniform price applicable at such location or the Class III price, whichever is higher and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant (not to be less than the Class III price) less the value of such skim milk as the Class III price.

7. Section 1130.70(e) is revised as follows:

§ 1130.70 Computation of the net pool obligation of each pool handler.

* * * * *

(e) With respect to skim milk and butterfat subtracted from Class I pursuant to § 1130.46(a)(8) and the corresponding step of § 1130.46(b) (excluding skim milk or butterfat in bulk receipts of fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order), add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent weight was received, but in no event shall such adjustment result in a Class I price lower than the Class III price.

* * * * *

8. Section 1130.71(a) is revised as follows:

§ 1130.71 Computation of aggregate value used to determine uniform price.

* * * * *

(a) Combine into one total the values computed pursuant to § 1130.70 for all handlers who have made the reports prescribed in § 1130.30 for the month and who have made the payments required pursuant to § 1130.84 for the preceding month;

9. Section 1130.88 is revised as follows:

§ 1130.88 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 13th day after the end of the month 5 cents per hundredweight, or such lesser amount as the Secretary may prescribe with respect to:

(a) Producer milk (including that pursuant to § 1130.14(a)(2) and such handler's own production);

(b) Other source milk allocated to Class I pursuant to § 1130.46(a) (4) and (8) and the corresponding steps of § 1130.46(b) except other source milk on which no handler obligation applies pursuant to § 1130.70(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 § 1130.61(b)(2).

[FR Doc.71-5667 Filed 4-22-71;8:47 am]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 657, 673, 699, 727]

[Administrative Order No. 618]

INDUSTRY COMMITTEES FOR VARIOUS INDUSTRIES IN PUERTO RICO

Appointment; Convention; Notice of Hearings

1. Pursuant to section 5 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and 29 CFR Part 511, I hereby appoint the following committees for the indicated industries:

Committee No.:	*Industry*
103	Textile and Textile Products Industry in Puerto Rico.
104	Tobacco Industry in Puerto Rico.
105	Food and Related Products Industry in Puerto Rico.
106	General Agriculture Industry in Puerto Rico.

2. These industries are defined as follows:

(a) The textile and textile products industry in Puerto Rico is defined as follows: The preparation of textile fibers, including the ginning and compressing of cotton; the manufacture of batting, wadding, and filling; the manufacture, including dyeing and finishing of yarn, thread, cordage, twine, felt, woven and knitted fabrics, and lace-machine products from cotton, jute, sisal, coir, maguey, silk, rayon, nylon, wool, or other vegetable, animal, or synthetic fiber, or from mixtures of these fibers; and the manufacture of blankets, textile bags, mattresses, quilts, pillows, hairnets, oilcloth, and artificial leather containing a textile or paper base, woven carpets and rugs, and hooked or punched rugs and carpeting: *Provided, however,* That the industry shall not include the chemical manufacturing of synthetic fiber and such related processing of yarn as is conducted in establishments manufacturing synthetic fiber.

(b) The tobacco industry in Puerto Rico is defined as the processing of leaf tobacco including, but without limitation, the grading, fermenting, stemming, chopping, packing, storing, drying, and handling of tobacco; and the manufacture of cigarettes, cigars, cheroots, little cigars, snuff, chewing tobacco, and smoking tobacco.

(c) The food and related products industry in Puerto Rico is defined as follows: The canning, preserving (including freezing, drying, dehydrating, curing, pickling, and similar processes), or other manufacturing or processing, and the packaging in conjunction therewith, of foods, ice, and nonalcoholic beverages, including, but without limitation, meat-animals and meat animal products, poultry and poultry products, milk and dairy products, fish and seafood products, fruits and vegetables, and fruit or vegetable products, grains and grain products, bakery products, confectionery and related products, and miscellaneous foods and food products; and the handling, grading, packing, or preparing in their raw or natural state of fresh vegetables, fresh fruits, or nuts, and the gathering of wild plant or animal life: *Provided, however,* That the industry shall not include any product or activity included in the sugar manufacturing industry in Puerto Rico (29 CFR Part 689), the alcoholic beverage and industrial alcohol industry in Puerto Rico (29 CFR Part 619), or the chemical, petroleum, and related products industry in Puerto Rico (29 CFR Part 670).

(d) The general agriculture industry in Puerto Rico is defined as follows: Farming in all its branches, including the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities, the raising of livestock, bees, fur bearing animals, or poultry, and any practices performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including the preparation for market, delivery to storage or to market or to the carriers for transportation to market: *Provided, however,* That the general agriculture industry shall not include any activities included in the sugarcane industry in Puerto Rico as defined in Administrative Order 610 (34 F.R. 17732), the food and related products industry in Puerto Rico (29 CFR Part 673), the sugar manufacturing industry in Puerto Rico (29 CFR Part 689), the tobacco industry in Puerto Rico (29 CFR Part 657), and the communications, utilities, and transportation industry in Puerto Rico (29 CFR Part 671): *And provided further,* That the industry shall not include any activity to which the Fair Labor Standards Act of 1938 would have applied prior to the Fair Labor Standards Amendments of 1966.

3. Pursuant to section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949–1953 Comp., p. 1004), and 29 CFR Part 511, I hereby:

(a) Convene the above-appointed industry committees;

(b) Refer to the industry committees the question of the minimum rates of wages to be fixed for the above-mentioned industries in Puerto Rico as these industries are herein defined.

(c) Give notice of the hearings to be held by the several committees at the times and place indicated below. The committees shall investigate conditions in the industries, and the committees, or any authorized subcommittee thereof, shall hear witnesses and receive such evidence as may be necessary or appropriate to enable the committees to perform their duties and functions under the aforementioned Act.

(1) Industry Committee No. 103 will meet in executive session to commence its investigation at 9:30 a.m. and begin its public hearing at 10:30 a.m. on Tuesday, October 19, 1971.

(2) Industry Committee No. 104 will meet in executive session to commence its investigation at 9:30 a.m. and begin its public hearing at 10:30 a.m. on Tuesday, October 26, 1971.

(3) Industry Committee No. 105 will meet in executive session to commence its investigation at 9:30 a.m. and begin its public hearing at 10:30 a.m. on Monday, November 15, 1971.

(4) Industry Committee No. 106 will meet in executive session to commence its investigation at 9:30 a.m. and begin its public hearing at 10:30 a.m. on Monday, December 6, 1971.

4. The hearings will take place in the offices of the Wage and Hour Division on the seventh floor of the Condominio San Alberto Building, 1200 Ponce De Leon Avenue, Santurce, P.R.

5. Each industry committee shall recommend to the Administrator of the Wage and Hour Division of the Department of Labor the highest minimum wage rates for the industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry, and will not give any industry in Puerto Rico a competive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands, of American Samoa. However, no industry committee shall recommend minimum wage rates in excess of $1.60 an hour; nor shall Industry Committee No. 106 recommend minimum rates in excess of $1.30 an hour for any classification in the general agriculture industry.

6. Whenever an industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities in the industry than may be determined for other employees in that industry, the committee shall recommend such reasonable classifications within the industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein and in 29 CFR 511.10 which will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within an industry, in making such classifications, and in determining the minimum wage rates for such classifications, each industry committee shall consider, among other relevant factors, the following: (a) Competitive conditions as affected by transportation, living, and production costs; (b) wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (c) wages paid for work of like or

comparable character by employers who voluntarily maintain minimum wage standards in the industry.

7. The Administrator shall prepare an economic report for each industry committee containing such data as he is able to assemble pertinent to the matters referred to them. Copies of such reports may be obtained at the national and Puerto Rican offices of the Wage and Hour Division of the U.S. Department of Labor as soon as they are completed and prior to the hearings. The industry committees shall take official notice of the facts stated in the economic reports to the extent that they are not refuted at the hearing.

8. The procedure of industry committees shall be governed by 29 CFR Part 511. Interested persons wishing to participate in any of the hearings shall file prehearing statements, as provided in 29 CFR 511.8 containing the data specified in that section not later than 10 days before the first hearing date set for each committee as set forth in this notice of hearing i.e., October 9, 1971, for matters to be considered by Industry Committee No. 103; October 16, 1971, for matters to be considered by Industry Committee No. 104; November 5, 1971, for matters to be considered by Industry Committee No. 105; and November 26, 1971, for matters to be considered by Industry Committee No. 106.

Signed at Washington, D.C., this 24th day of March 1971.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.71-5665 Filed 4-22-71;8:47 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 147]

[DESI 90235]

ANTIBIOTIC SUSCEPTIBILITY DISCS

Drug Efficacy Study Implementation

Correction

In F.R. Doc. 71-4988 appearing at page 6899 in the issue for Saturday, April 10, 1971, delete the eighth line of the last paragraph in the third column on page 6899.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-SO-60]

TRANSITION AREAS

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Cochran and Dublin, Ga., transition areas.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Cochran and Dublin transition areas described in § 71.181 (36 F.R. 2140) would be redesignated as:

COCHRAN, GA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Cochran Airport (lat. 32°23'45" N., long. 83°16'45" W.); within 2.5 miles each side of Vienna VORTAC 046° radial, extending from the 5-mile-radius area to 12.5 miles northeast of the VORTAC.

DUBLIN, GA.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Dublin Municipal Airport (lat. 32°33'55" N., long. 82°59'10" W.); within 2.5 miles each side of Dublin VORTAC 069° radial, extending from the 6-mile-radius area to 1.5 miles east of the VORTAC.

The proposed alterations are required to provide controlled airspace protection for IFR operations in the Cochran and Dublin terminal areas in conformance with the application of Terminal Instrument Procedures (TERPs) and current airspace criteria.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on April 13, 1971.

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

[FR Doc.71-5658 Filed 4-22-71;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SO-61]

TRANSITION AREAS

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Hazlehurst and Waycross, Ga., transition areas.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Hazlehurst and Waycross transition areas described in § 71.181 (36 F.R. 2140) would be redesignated as:

HAZLEHURST, GA.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Hazlehurst Airport (lat. 31°53'00" N., long. 82°38'45" W.); within 2.5 miles each side of Alma VORTAC 342° radial, extending from the 6-mile-radius area to 18 miles north of the VORTAC.

WAYCROSS, GA.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Waycross-Ware County Airport (lat. 31°14'55" N., long. 82°23'48" W.); within 1.5 miles each side of Waycross VORTAC 099° radial, extending from the 8.5-mile radius area to the VORTAC; excluding the portion within a 1.5-mile radius of Bivins Airport (lat. 31°11'06" N., long. 82°16'25" W.).

The proposed alterations are required to provide controlled airspace protection for IFR operations in the Hazlehurst and Waycross terminal areas in conformance with the application of Terminal Instrument Procedures (TERPs) and current airspace criteria.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on April 14, 1971.

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

[FR Doc.71-5659 Filed 4-22-71;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SO-62]

TRANSITION AREAS

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the La Grange and Winder, Ga., transition areas.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The La Grange and Winder transition areas described in § 71.181 (36 F.R. 2140) would be redesignated as:

LA GRANGE, GA.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Callaway Airport (lat. 33°00'0" N., long. 85°04'20" W.); within 1.5 miles each side of La Grange VORTAC 110° radial, extending from the 6-mile-radius area to the VORTAC.

WINDER, GA.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Winder Airport (lat. 33°58'52" N., long. 83°40'02" W.); within 2 miles each side of Athens VORTAC 277° radial, extending from the 6-mile-radius area to 13.5 miles west of the VORTAC.

The proposed alterations are required to provide controlled airspace protection for IFR operations in the La Grange and Winder terminal areas in conformance with Terminal Instrument Procedures (TERPs) and current airspace criteria.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 (a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on April, 14, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-5660 Filed 4-22-71;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SO-63]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Moultire, Ga., control zone and transition area and the Tifton, Ga., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Moultrie control zone described in § 71.171 (36 F.R. 2055) would be redesignated as:

Within a 5-mile radius of Moultrie-Thomasville Airport (lat. 31°04'58" N., long. 83°48'15" W.); within 3 miles each side of Moultrie VOR 031° radial, extending from the 5-mile-radius zone to 8.5 miles northeast of the VOR; within 2 miles each side of Moultrie VOR 199° radial, extending from the 5-mile-radius zone to 11.5 miles south of the VOR; within 3 miles each side of Moultrie VOR 230° radial, extending from the 5-mile-radius zone to 8.5 miles southwest of the VOR; within a 5-mile radius of Spence AF Auxiliary Field (lat. 31°08'15" N., long. 83°42'15" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

The Moultrie and Tifton transition areas described in § 71.181 (36 F.R. 2140) would be redesignated as:

MOULTRIE, GA.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Moultrie-Thomasville Airport (lat. 31°04'58" N., long. 83°48'15" W.); within an 8.5-mile radius of Thomasville Municipal Airport (lat. 30°54'05" N., long. 83°53'00" W.); within an 8.5-mile radius of Spence AF Auxiliary Field (lat. 31°08'15" N., long. 83°42'15" W.).

TIFTON, GA.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Henry Tift Meyers Airport (lat. 31°25'36" N., long. 83°29'06" W.).

The proposed alterations are required to provide controlled airspace protection for IFR operations in the Moultrie and Tifton terminal areas in conformance with Terminal Instrument Procedures (TERPS) and current airspace criteria.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on April 14, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-5661 Filed 4-22-71;8:46 am]

[14 CFR Part 71]

[Airpace Docket No. 71-SO-49]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Anniston, Ala., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, Ga.

The Anniston transition area described in § 71.181 (36 F.R. 2140) would be amended as follows: "* * * excluding the portion within R-2101 * * *" would be deleted and "* * * within an 8-mile radius of St. Clair County Airport, Pell City, Ala. (lat. 33°33'22" N., long. 86°14'58" W.); excluding the portion within R-2101 * * *" would be substituted therefor.

The proposed alteration is required to provide controlled airspace protection for IFR operations at St. Clair County Airport. A prescribed instrument approach procedure to this airport, utilizing the Talladega VOR, is proposed in conjunction with the alteration of this transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on April 14, 1971.

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

[FR Doc.71-5662 Filed 4-22-71;8:46 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Dockets Nos. 16004, 18052; FCC 71-422]

FIELD STRENGTH CURVES AND MEASUREMENTS FOR FM AND TV BROADCAST STATIONS

Further Notice of Proposed Rule Making

In the matter of amendment of §§ 73.333 and 73.699, field strength curves for FM and TV broadcast stations, Docket No. 16004; amendment of Part 73 of the rules regarding field strength measurements for FM and TV broadcast stations, Docket No. 18052.

1. The notice of proposed rule making in Docket No. 16004, issued on May 10, 1965, contemplates the adoption of revised F(50,50) field strength curves, in lieu of those now contained in § 73.333 of the rules governing FM broadcast stations and § 73.699 for television stations, and the adoption of new F(50,10) curves for both broadcast services. The curves originally proposed in this proceeding were revised by a working group of government and industry engineers meeting in the spring of 1966. The revised curves are included in Report No. R-6602 of the Research Division of the Office of the Chief Engineer, FCC, issued on September 7, 1966. This Report also proposes the use of a terrain roughness factor, developed by the working group, to be used in appropriate circumstances to adjust field strength values derived from the curves. The Report was made a part of the record in this proceeding, and comments were invited thereon, with a deadline of November 21, 1966. Except for matters raised in this further notice, Docket 16004 is ready for decision.

2. Section 73.686 of the television broadcast rules sets forth a procedure for making field strength measurements, but permits their consideration by the Commission only if they have been requested by the Commission in an individual case or are submitted in connection with rule making proceedings concerned with the amendment of the technical standards. The rules governing FM broadcast stations make no provision for the employment of field strength measurements for any purpose (other, perhaps, than for the establishment of the level of spurious emissions). The proceeding in Docket 18052, initiated on March 1, 1968, in response to a petition filed by the engineering firm of Kear and Kennedy, concerns the amendment of § 73.686 to make the results of field strength measurements acceptable, in lieu of fields predicted by the field strength curves, in Commission proceedings where the accurate location of service contours of individual stations or the establishment of fields prevailing at specific locations becomes a matter of importance. The measurement procedure prescribed in § 73.686, generally recognized as unsatisfactory in a number of respects, would be revised to conform generally with the procedures recommended and employed by the Television Allocations Study Organization (TASO). The notice contemplates that any amendment of § 73.686 adopted as a result of this proceeding would be accompanied by the adoption of rules for the FM broadcast service of similar content and effect.

3. The final date for filing of reply comments in this proceeding was December 9, 1968, and the record accordingly is complete up to this time.

4. The above proceedings are closely related. It is recognized by all parties and the Commission that field strength curves are a statistical tool, suitable for use in overall allocation proceedings, and a practical necessity for use in individual cases where no better information is available or can be obtained. However, in such individual cases the results achieved by the use of the curves often depart very substantially from reality. Accordingly, a number of the parties arguing the merits of the field strength curves proposed in Docket No. 16004 indicated that the precise characteristics of these curves become a matter of lesser importance if, in individual instances, licensees and applicants had available to them the alternative of establishing service contours by means of measurements. Docket 18052 contemplates that such an alternative would be offered, together with an improved procedure for making such measurements.

5. Therefore, we are consolidating the two proceedings, and will dispose of both matters in a single decision. A further consideration recommends this action, and is the primary reason for the issuance of this further notice. We believe the consolidated proceeding an appropriate forum in which to consider another change in our rules which we now propose, which is related to the subject matter considered herein—a revision of the F(50,50) field strengths applying to the Grade B contours, now specified in § 73.683 of the rules.

6. The proposed values are set forth in the table below, together with the figures contained in the present rules:

Channels	VHF 2-6	VHF 7-13	UHF 14-69
Grade B present (dbu)	47	56	60
Grade B proposed (dbu)	46	50	64

The median field strengths required for the present Grade B contours were established by the sixth report and order in Dockets Nos. 8736, 8975, 9175, and 8976, adopted in April 1952, and have remained unchanged up to this time.[1] The justification for now reestablishing these contours at generally lower field strength levels rests largely on the availability and use of television receivers with noise figures substantially lower than those found in receivers of the early fifties. In arriving at the revised values, adjustments have been made in other parameters affecting the final field strength figures, to reflect what we believe to be a more realistic assessment of the present day performance of antennas and transmision lines in installations employed for reception at distances of 50 miles or more from television stations, and to take into account current information on time fading factors.[2] It may be noted that relatively little change is proposed in the median field strength required for Grade B service on Channels 2-6. Such a result stems from the fact that we have been unable to ignore available information on man-made and galactic rural noise, which on the lower VHF channels appreciably raises the level of the signal required to provide an acceptable grade of rural service. The external noise figure included in the Channel 2-6 computation in recognition of this effect largely cancels the improvement in performance otherwise resulting from the use of a lower receiver noise figure. The figure included for rural noise in perhaps optimistic, reflecting the level of such noise to be expected at a comparatively "quiet" location. On the upper VHF and on UHF channels external noise is not a limiting factor, and, accordingly, a substantial reduction in the field strength necessary for Grade B service is proposed for these channels.

7. Appendix A presents the mathematical basis and sets forth the factors used for the computation of the F(50,50) field strengths proposed to be associated with the Grade B contours for low band and high band VHF stations and for UHF stations. For comparison, the magnitudes of factors pertinent to the development of the contours presently used are shown. Appendix B lists the sources of technical information which provide the basis for the proposed changes.

8. This proposal to assign revised F(50,50) values to the Grade B contour should be considered by interested parties in the following context. The Commission has tentatively decided to adopt the revised F(50,50) and the new F(50,10) field strength curves for VHF and

[1] The assumptions made and the procedures followed in determining the field strengths assigned to the present contours are outlined in section II of Appendix B to the third notice of further proposed rule making in Dockets 8736, 8975, 8976, and 9175, March 21, 1951.

[2] No change is proposed in the median field strengths specified for Grade A contours, since these are set at levels deemed necessary to overcome urban noise. Internal receiver noise is of comparatively minor consequence, and its reduction does not have an appreciable effect on the quality of service at the signal levels needed for Grade A service.

UHF television stations which are included in Report No. R–6602, as identified above. It would not adopt, however, the procedures described in this Report which are intended to provide corrections for terrain roughness of the values determined from the curves.

9. The Commission has tentatively decided to revise its rules to permit field strength measurements to be made in individual instances where it is necessary or desirable to locate the Grade A or Grade B contours of a television station with a greater degree of precision than can be achieved by the application of the field strength curves, or to determine the field strengths prevailing at a specific location. The Commission did not propose and does not intend to permit the use of measurements in determining desired to undesired signal ratios in support of any specified proposal to locate a television station at a distance from other stations less than is required by the Commission's rules, or for any similar purpose.

10. The measurement procedure now presented in § 73.686 of the rules would be amended to adopt, with minor modifications, the TASO procedure detailed in Appendix B to the notice in Docket 18052. The rules governing FM broadcast stations would be appropriately amended to permit measurements for similar purposes and by a procedure similar to that which would be specified for TV measurements.

11. If and when the Commission finally decides to amend its rules in the manner described, it will issue, of course, a decision which will present a reasoned and detailed justification of its action. We announce these tentative conclusions now to provide a suitable background against which our proposal to establish revised field strength levels for the Grade B contour may be evaluated.

12. For instance, participants in these proceedings have remarked the new F(50,50) curves for VHF frequencies generally show somewhat lower fields than the present curves from tall antennas at distances less than 70 to 80 miles from the antenna, and hence when applied to the establishment of the present Grade B contours, in many cases will place these contours closer to the stations producing them than do the present curves. The definition of the Grade B contour at a lower signal level will partially or completely compensate for this effect.

13. The parties have generally agreed that the new UHF curves, while depicting substantially lower field strength values than the Channel 2–6 curves presently employed in predicting UHF field strengths, nevertheless permit a more realistic approximation of realized fields than do present procedures. In such cases, the substantial loss in predicted service is to some extent mitigated by the proposed Grade B contour field strength adjustment.

14. If rules are adopted as proposed, we do not contemplate that the licensees of existing stations would be required to submit revised Grade B contours to the Commission. However, in any Commission proceeding in which the location of the Grade B contour of an existing station becomes a matter of importance, information as to its location would be submitted under the new rules. A licensee would have the option of establishing its location by properly executed measurements. In any contested proceeding, acceptable measurements establishing the location of a contour, or the magnitude of fields existing at a given location would take precedence over predicted values.

15. Comments therefore are invited on our proposal to redefine the Grade B contour, as a part of a "package" which includes the adoption of the new field strength curves, adoption of a revised field strength measurement procedure, and a general enlargement of the areas in which the results of field strength measurements become the acceptable or preferred method of presentation to the Commission. Comments have already been received on the proposed curves, and on the proposed measurement procedure, and we do not think any useful purpose will be served by soliciting or accepting further pleadings going to the engineering merits of either of these two proposals. Rather, comments should be confined to the Grade B proposal, both going to its intrinsic merits, and to its relationship to the other proposals in this consolidated proceeding.

16. Finally, it appears appropriate in a proceeding such as this to give some consideration to a proposal made to the Commission by the committee for the full development of all-channel broadcasting[3] that all depictions of Grade B contours filed with the Commission include showings of areas within these contours subject to interference from co-channel and adjacent channel stations. While we do not espouse this proposal, we now offer it for consideration. It should be noted that the Commission does not need or use such interference information in its day-to-day regulation of television broadcast stations, and the justification for imposing the burden on applicants and licensees for supplying such information must rest on the assumption that either (1) in the future we intend to employ such information for regulatory purposes (e.g., the interference-free contour might be substituted for the noise limited (Grade B) in matters concerning multiple ownership, comparative coverage and CATV), or (2) there are other public interest considerations sufficiently impelling to justify requiring television stations to submit showing of interference-free coverage within their Grade B contours. We do not propose to change our regulatory procedures, and we therefore request comment on the desirability of requiring such showings for other purposes.

17. In addition, we request comments on the practical and technical problems involved in implementing such a requirement, particularly on the following: (1) Shall all stations be required to file revised Grade B contour showings which depict areas of interference within these contours? (2) Shall all stations be required to keep these showings up to date, filing revised material when any change in assignments of other station facilities results in a change in the extent of interference received? (3) Should interference showings be based on full channel occupancy, or show only the effect of existing stations; should such stations be considered as operating with actual facilities or maximum permissible facilities? (4) What technical standards should be used in determining the degree of interference portrayed, particularly with respect to adjacent channel interference? (5) What provision should be made for the situation in Zone III, where greater than normal geographical separations are employed to limit interference exceeding that predicted solely with the propagation curves? (6) What provision should be made, if any, for those residual effects which are presently limited by observance of the UHF taboos? (7) What provision should be made for situations where pairs or groups of stations operate with precise offset?

18. Comments need not be confined only to the specific questions raised above, but may include any other material or discussion pertinent to this proposal. If, on the basis of these comments, we find it in the public interest to require interference showings within the Grade B contour, we will initiate a further rule making proceeding setting forth the specific rule amendments which we consider necessary to implement this decision.

19. The criteria for television/land mobile sharing of UHF Channels 14–20 adopted in the first report and order in Docket 18261, 23 FCC 2d 325, require protection of each television station affected at an assumed Grade B contour (64 dBu) 55 miles from the television transmitter location. We wish to point out that whatever the outcome of the instant proceeding we do not intend to change the criteria already established for sharing television channels by land mobile stations.

20. Pursuant to applicable procedures set forth in § 1.415 in the Commission's rules, interested parties may file comments on or before June 28, 1971, and reply comments on or before July 15, 1971. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision herein, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

21. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: April 14, 1971.

Released: April 19, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[4]

[SEAL] BEN F. WAPLE, *Secretary.*

[3] Report of Committee No. 1 (Technical Group), February 1965, Recommendations of Subcommittee 1.5, pp. 16–26.

[4] Commissioner Johnson concurring in the result.

APPENDIX A

COMPUTATION OF THE REQUIRED FIELD STRENGTH AT THE GRADE B CONTOUR

	VHF channels 2-6				VHF channels 7-13				UHF channels			
	New		Old		New		Old		New		Old	
Geometric mean frequency (MHz)	69		69		195		195		619		647	
Available thermal noise (4MHz bandwidth) (dBW)		−138		−138		−138		−138		−138		−138
Receiver noise figure (dB)	5		12		6		12		10		15	
Rural noise figure (dB)	(fr=3.2) 10 (fam=10)											
Overall noise figure [10 log (fr+fam−1)] (dB)		10.8		12		6		12		10		15
Receiver input noise (4 MHz bandwidth) (dBW)		−127.2		−126		−132		−126		−128		−123
Required S/N ratio, Grade B (dB)		30		30		30		30		30		30
Minimum signal necessary at receiver input (dBW)		−97.2		−96.0		−102		−96		−98		−93
Effective area of ½ λ dipole (dBm²)	3.9		3.9		−5.1		−5.1		−15.1		−15.5	
Receiving antenna gain over ½ λ dipole (dB)	6		6		8		6		13		13	
Effective area of receiving antenna (dBm²) (sign reversed)		−9.9		−9.9		−2.9		−0.9		2.1		2.5
Line loss (dB)		1		1		2		2		3		5
Required power flux density (dBW/m²)		−106.1		−104.9		−102.9		−94.9		−92.9		−85.5
Required local field strength (dBu)		39.7		40.9		42.9		50.9		52.9		60.3
Time fading factor (90%) (dB)		6		6		7		5		7		4
Required F(50, 50) field (dBu)		46		47		50		56		60		64

APPENDIX B

INFORMATION SOURCES

FCC-OCE Research Division Report No. R-6602.

Atmospheric and man-made noise—ESSA Technical Report ERL 150—ITS 98.

Receiver noise figures—Based on examination of information supplied to the Commission by manufacturers seeking certification of receivers pursuant to § 15.69(a) (2) of the Commission's rules, and other pertinent information in the Commission's files.

Antennas and transmission lines—Based on characteristics of currently available equipment as described in manufacturer's catalogues and data sheets.

[FR Doc.71-5624 Filed 4-22-71;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Parts 35, 154]

[Docket No. R-419]

NATURAL GAS COMPANIES AND PUBLIC UTILITIES

Rates of Interest on Amounts Subject to Refund and Procedures for Placing Rates or Charges in Effect Subject to Refund

APRIL 19, 1971.

Notice is hereby given, pursuant to section 553 of title 5 of the United States Code, that the Commission is proposing to amend its regulations under the Federal Power Act and the Natural Gas Act (1) to provide that the amount of interest payable on monies refunded under those Acts by public utilities and pipeline companies be computed at the fixed rate of seven (7) percent, (2) to provide for uniform accounting and reporting procedures with respect to the differences between firm and proposed rates being collected when public utilities place increased rates or charges in effect subject to refund under the Federal Power Act, (3) to codify in the regulations the conditions heretofore prescribed on an ad hoc basis with which a natural gas pipeline company shall comply when it files its motion to make effective at the expiration of the suspension period, proposed increased rates or charges which have been suspended under the Natural Gas Act, and (4) to make certain changes to the numbering of sections of our existing regulations required by the proposals contained herein.

In the past, the Commission has set the interest rate to be paid by public utilities and natural gas pipeline companies on possible refunds resulting from suspension proceedings under the Federal Power Act and Natural Gas Act on an ad hoc basis. That procedure has resulted in widely varying interest rates between companies and, at times, by the same company on different filings. Consequently, there have been a number of requests to modify our practice in setting these interest rates. We have established a uniform rate for independent gas producer refunds (§ 154.102(c) of our regulations), which has proved mutually beneficial to all parties. We believe that the rate established by us should be uniformly applied to all jurisdictional companies, i.e., public utilities, natural gas pipelines, and independent producers. Accordingly, we propose to amend our regulations to provide for a seven (7) percent interest rate (the same rate that is presently applicable for independent producer refunds), which will apply to refunds made by public utilities and natural gas pipeline companies under the relevant Acts.

Section 205(e) of the Federal Power Act (49 Stat. 851; 16 U.S.C. 824d) states, inter alia, that the Commission may order public utilities to keep accurate and detailed accounts of amounts collected under increased rates that become effective after suspension but prior to conclusion of the proceeding and to report thereon periodically. The practice of the Commission has been to require such procedures when proposed increased rates or charges have been suspended. We believe that those procedures should be uniformly required in future proceedings, subject to modification if the facts in a specific case warrant it.

Section 4 of the Natural Gas Act (52 Stat. 822; 76 Stat. 72; 15 U.S.C. 717c) provides, among other things, that the Commission may suspend, for a period not to exceed five (5) months, proposed changes in a natural gas company's tariff and that if at the end of the suspension period the proceeding has not been concluded and an order made the proposed changes in the company's tariff shall go into effect upon motion of the company being duly filed. Section 4 of the Natural Gas Act further provides that any increased charges collected pursuant to the proposed changes in the company's tariff made effective at the end of the suspension period shall be collected subject to refund, with interest as determined by the Commission, of the portion of any increased rates or charges found by the Commission to be not justified.

The Commission has in the past established the conditions under which a natural gas pipeline company may collect increased rates or charges made effective by motion duly filed by the company through the issuance of ad hoc orders applicable only to the particular rate suspension involved. The rule proposed herein would impose by general order the same conditions under which a pipeline company may collect increased rates or charges made effective at the end of the suspension period as has been imposed by the Commission in its ad hoc orders.

Accordingly, we propose, subject to consideration of comments by interested persons, to amend Part 35 of our regulations under the Federal Power Act and Part 154 of our regulations under the Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations, by adding new § 35.19a immediately following "§ 35.18, Rates established by order of the Commission," and by adding new § 154.67a immediately following "§ 154.66. Changes relating to suspended tariffs executed service agreements or parts thereof". New §§ 35.19a and 154.67a will read as follows:

SUBCHAPTER B—REGULATIONS UNDER THE FEDERAL POWER ACT

PART 35—FILING OF RATE SCHEDULES

§ 35.19a Refund requirements under suspension orders.

Unless otherwise ordered by the Commission, the public utility whose proposed increased rates or charges were suspended shall refund at such times and in such amounts to the person entitled thereto, and in such manner as may be required by final order of the Commission in the suspension proceeding, the portion of the increased rates or charges found by the Commission in that proceeding not justified, together with interest at the rate of 7 percent per annum from the date of payment until refunded; shall bear all costs of such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges which become effective after the suspension period, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and one copy) in writing and under oath, to the Commission monthly, for each billing period, and for each purchaser the billing determinants of electric energy sold and delivered to such purchasers under the suspended agreements or tariffs and the revenues resulting therefrom as computed under the rates in effect immediately prior to the date the proposed increased rates or become effective after the suspension charges become effective, and under the proposed increased rates or charges that become effective after the suspension period, together with the differences in the revenues so computed.

SUBCHAPTER E—REGULATIONS UNDER NATURAL GAS ACT

PART 154—RATE SCHEDULES AND TARIFFS

§ 154.67a Suspended changes in rate schedules; motions to make effective at end of period of suspension; procedure.

(a) If a rate suspension proceeding initiated under section 4(e) of the Natural Gas Act has not been concluded and an order made at the expiration of the suspension period, the proposed change of rate, charge, classification, or service shall go into effect upon motion of the pipeline company proposing the change and shall be charged, effective as of a date not earlier than the date of receipt of such motion by the Commission or the expiration of the suspension period, whichever is later. Concurrently with the motion to make the suspended rate effective the company shall file an undertaking complying with provisions of paragraphs (c) and (e) of this section. Three copies of the motion and undertaking shall be filed. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of filing, such motion and undertaking shall be deemed to be satisfactory and to have been accepted for filing.

(b) Unless otherwise ordered by the Commission, increased rates or charges shall be charged and collected pursuant to paragraph (a) of this section.

(c) The pipeline company shall refund at such time and in such manner as may be required by final order of the Commission, the portion of any increased rates and charges found by the Commission in that proceeding to be not justified, together with interest at the rate of 7 percent per annum from the date of payment to the pipeline company until refunded; shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges made effective as provided in this order, for each billing period; and shall report (original and one copy) in writing and under oath to the Commission monthly, for each billing period, by customer, the billing determinants of natural gas sold and transported and the revenues resulting therefrom, as computed under the rates in effect immediately prior to the effective date of change, and under the rates which become effective pursuant to the motion, together with the differences in the revenues so computed.

(d) The pipeline company shall file an undertaking with the Secretary of this Commission to comply with the terms of this section, signed by a responsible officer of the company, evidenced by proper authority from the Board of Directors, and accompanied by a Certificate showing service of copies thereof upon the purchasers under the rate schedules to be made effective by motion of the company, and in conformity to the model undertaking below.

AGREEMENT AND UNDERTAKING OF [COMPANY] TO COMPLY WITH THE TERMS AND CONDITIONS OF SECTION 154.67 OF THE COMMISSION'S RULES AND REGULATIONS UNDER THE NATURAL GAS ACT IN RESPECT TO [COMPANY'S] MOTION TO HAVE ITS PROPOSED TARIFF SHEETS IN DOCKET NO. RP ------ PLACED INTO EFFECT

In conformity with the requirements of section 154.67 of the Commission's rules and regulations under the Natural Gas Act [Company] hereby agrees and undertakes to comply with the terms and conditions of said section of the Commission's rules and regulations and has caused this agreement and undertaking to be executed and sealed in its name by its officers thereupon duly authorized in accordance with the terms of the resolution of its Board of Directors, a certified copy of which is appended hereto this ------ day of ----------, 19--.

[Company]

By ----------

Attest:

(e) If the pipeline company, acting in conformity with the terms and conditions of the undertaking required by this section, makes the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise it shall remain in full force and effect.

The amendments to the regulations under the Federal Power Act and under the Natural Gas Act are proposed to be issued under authority granted the Commission by the Federal Power Act, as amended, particularly sections 205 and 309 thereof (49 Stat. 851, 858; 16 U.S.C. 824d, 825h) and by the Natural Gas Act, as amended, particularly sections 4 and 16 thereof (52 Stat. 822, 830; 76 Stat. 72; 15 U.S.C. 717c, 710o).

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than June 1, 1971, data, views, comments, and suggestions in writing, concerning the proposed amendments. An original and 14 conformed copies should be filed with the Acting Secretary of the Commission. Submissions to the Commission should indicate the name, title, address and telephone number of the person to whom correspondence in regard to the proposal should be addressed, and whether the person filing them requests a conference at the Federal Power Commission to discuss the proposed amendments. The Commission will consider all such written submissions before acting on the proposed amendments.

The Acting Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-5682 Filed 4-22-71;8:48 am]

[18 CFR Parts 201, 260]

[Docket No. R-411]

ACCOUNTING AND RATE TREATMENT OF ADVANCE PAYMENTS TO SUPPLIERS FOR EXPLORATION AND LEASE ACQUISITION OF GAS PRODUCING PROPERTIES

Notice Denying Request for Extension of Time

APRIL 15, 1971.

On April 13, 1971, Mobil Oil Corp., filed a request for an extension of time within which to file responses to the comments to the notice of proposed rulemaking issued on January 8, 1971 (36 F.R. 377), in the above-designated matter.

Upon consideration, notice is hereby given that the request for an extension of time within which to file responses to the comments filed in the above-designated matter is denied.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-5673 Filed 4-22-71;8:47 am]

Notices

DEPARTMENT OF STATE

Agency for International Development

ACCION INTERNATIONAL

Register of Voluntary Foreign Aid Agencies

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (A.I.D. Regulation 3), 22 CFR Part 203, promulgated pursuant to section 621 of the Foreign Assistance Act of 1961, as amended, notice is hereby given that a Certificate of Registration as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development to the following agency:

ACCION International, 151 East 50th Street, New York, NY 10022.

HARRIETT S. CROWLEY,
Director, Office for Private Overseas Programs.

APRIL 14, 1971.

[FR Doc.71-5650 Filed 4-22-71;8:46 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

TESUQUE INDIAN RESERVATION, N. MEX.

Ordinance Relating to Application of Federal Indian Liquor Laws

APRIL 16, 1971.

In accordance with authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2, and in accordance with the Act of August 15, 1953, Public Law 277, 83d Congress, first session (67 Stat. 586), I certify that the following ordinance relating to the application of the Federal Indian Liquor Laws on the Tesuque Indian Reservation, N. Mex., was adopted on December 8, 1970, by the Council of the Pueblo of Tesuque, which has jurisdiction over the areas of Indian Country included in the ordinance, reading as follows:

Whereas, Public Law 277, 83d Congress, approved August 15, 1953, provides that sections 1154, 1156, 3113, 3488, and 3618 of title 18, United States Code, commonly referred to as the Federal Indian Liquor Laws, shall not apply to any act or transaction within any area of Indian Country provided such act or transaction is in conformity with both the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the Tribe having jurisdiction over such area of Indian Country, certified by the Secretary of the Interior, and published in the FEDERAL REGISTER.

Whereas, the Council of the Pueblo of Tesuque requests that the introduction, sale or possession of intoxicating beverages shall be lawful within that area of Indian Country under the jurisdiction of the Pueblo of Tesuque, which lies east of the east right-of-way boundary of U.S. Highway 64-84-285: *Provided*, That such introduction, sale or possession is in conformity with the laws of the State of New Mexico, and subject to such licensing or regulation as the Council of the Pueblo of Tesuque may require.

Therefore, be it ordained by the Council of the Pueblo of Tesuque that said introduction, sale or possession of intoxicating beverages shall be lawful within that area of Indian Country, under the jurisdiction of the Pueblo of Tesuque, which lies east of east right-of-way boundary of U.S. Highway 64-84-285: *Provided*, That such introduction, sale, or possession be in conformity with the laws of the State of New Mexico and in conformity with such licensing or regulation as the Council of the Pueblo of Tesuque may, by appropriate ordinance subject to approval by the Secretary of the Interior, require.

Be it further enacted that any tribal laws, resolutions or ordinances heretofore enacted which prohibit the sale, introduction, or possession of intoxicating beverages are hereby repealed with the exception of those lands, under the jurisdiction of the Pueblo of Tesuque, lying west of the east right-of-way boundary of U.S. Highway 285-84-64, upon which the introduction, sale, or possession of intoxicating beverages shall remain illegal.

Be it further enacted, that this ordinance shall be effective at such time as it is certified by the Secretary of the Interior and duly published in the FEDERAL REGISTER, as required by law.

FLORE LEKANOF,
Acting Commissioner of Indian Affairs.

[FR Doc.71-5676 Filed 4-22-71;8:48 am]

Bureau of Land Management

ALASKA

Grazing District Boundaries; Modification

Pursuant to the act of March 4, 1927 (44 Stat. 1452; 48 U.S.C. 471, 471a-471o), as amended by the act of July 18, 1968 (82 Stat. 358), notice was made in each Judicial District in Alaska between December 1969 and March 1970 of a proposal to alter the Alaska grazing district boundaries. The purpose of the alteration is to facilitate administration by following natural topographic and resource boundaries.

Public hearings held subsequent to the notices proposing the alteration resulted in no adverse comments. There being no known objections, the boundary dividing the Anchorage and Fairbanks grazing districts, effective May 24, 1971, is modified to read:

Beginning at a point on the Alaskan-Canadian boundary at which the township line between Tps. 4 and 5 N., C.R.M., intersects (latitude 62°09'51.649" N., longitude 141°00' W.), thence west to corner T. 5 N., Rs. 14-15 E., C.R.M., north to corner T. 8 N., Rs. 14-15 E., C.R.M., east to corner T. 9 N., Rs. 14-15 E., C.R.M., north to corner Tps. 9-10 N., Rs. 14-15 E., C.R.M., west to corner Tps. 9-10 N., Rs. 12-13 E., C.R.M., north to corner Tps. 10-11 N., Rs. 12-13 E., C.R.M., west to corner Tps. 10-11 N., Rs. 10-11 E., C.R.M., north to corner T. 12 N., Rs. 10-11 E., C.R.M., west to corner T. 13 N., Rs. 9-10 E., C.R.M., north to corner Tps. 14-15 N., Rs. 9-10 E., C.R.M., west to corner Tps. 14-15 N., Rs. 6-7 E., C.R.M., north to corner Tps. 15-16 N., Rs. 6-7 E., C.R.M., west to corner Tps. 15-16 N., Rs. 5-6 E., C.R.M., north to corner T. 16 N., Rs. 5-6 E., C.R.M., west to Fourth Guide Meridian East, F.M. at latitude 63°12'14.205" N., longitude 144°34'40.580" W., north to corner Tps. 19-20 S., R. 16 E., F.M., west to corner Tps. 19-20 S., Rs. 15-16 E., F.M., north to corner Tps. 18-19 S., Rs. 15-16 E., F.M., west to corner Tps. 18-19 S., Rs. 12-13 E., F.M., north to corner Tps. 17-18 S., Rs. 12-13 E., F.M., west to corner Tps. 17-18 S., Rs. 5-6 E., F.M., north to corner T. 17 S., Rs. 5-6 E., F.M., east to corner T. 16 S., Rs. 5-6 E., F.M., north to corner Tps. 15-16 S., Rs. 5-6 E., F.M., west to corner Tps. 15-16 S., Rs. 7-8 W., F.M., south to corner T. 16 S., Rs. 7-8 W., F.M., west to corner T. 17 S., Rs. 12-13 W., F.M., south to corner Tps. 17-18 S., Rs. 12-13 W., F.M., west to corner Tps. 17-18 S., Rs. 14-15 W., F.M., south to corner Tps. 18-19 S., Rs. 14-15 W., F.M., west to corner Tps. 18-19 S., Rs. 16-17 W., F.M., south to corner Tps. 19-20 S., Rs. 16-17 W., F.M., west to corner Tps. 19-20 S., Rs. 22-23 W., F.M., north to corner T. 17 S., Rs. 22-23 W., F.M., west to corner T. 16 S., Rs. 22-23 W., F.M., north to corner T. 13 S., Rs. 22-23 W., F.M., west to corner T. 12 S., Rs. 22-23 W., F.M., north to corner Tps. 10-11 S., Rs. 22-23 W., F.M., west to boundary between Fairbanks and Kateel River Meridians at latitude 63°59'52.014" N., longitude 153°00'00.000" W., north to Fourth Standard Parallel South, K.R.M., west along the Fourth Standard Parallel South, K.R.M. to line of mean high tide, Norton Sound, approximately S. 72° W., out to sea passing between St. Lawrence and St. Matthew Islands.

Maps showing the old and new boundary lines are on file in the Alaska State Office and the two District Offices. Persons desiring information on grazing should direct their inquiries to the Manager, Anchorage District Office, 4700 East 72d Street, Anchorage, AK 99502 for areas south of the boundary line and to the Manager, Fairbanks District and Land Office, Post Office Box 1150, Fairbanks, AK 99701 for areas north of the boundary line.

BURTON W. SILCOCK,
State Director.

Approved: April 16, 1971.

JOHN O. CROW,
Associate Director.

[FR Doc.71-5643 Filed 4-22-71;8:45 am]

National Park Service

COULEE DAM NATIONAL RECREATION AREA

Notice of Intention To Issue a Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior proposes to issue a concession permit to Willard Pfaffle authorizing him to provide concession facilities and services for the public at Coulee Dam National Recreation Area for a period of five (5) years from January 1, 1971, through December 31, 1975.

The foregoing concessioner has performed his obligations under a prior permit to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the Act cited above, the National Park Service is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Superintendent, Coulee Dam National Recreation Area, Coulee Dam, Wash. 99116, for information as to the requirements of the proposed permit.

Dated: April 14, 1971.

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

[FR Doc.71-5648 Filed 4-22-71;8:45 am]

GRAND PORTAGE NATIONAL MONUMENT

Notice of Intention To Issue a Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior proposes to issue a concession permit to Grand Portage Band, Minnesota Chippewa Tribe authorizing it to provide concession facilities and services for the public at Grand Portage National Monument for a period of two (2) years from January 1, 1971, through December 31, 1972.

The foregoing concessioner has performed its obligations under a prior permit to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the Act cited above, the National Park Service is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Superintendent, Grand Portage National Monument, Post Office Box 666, Grand Marais, MN 55604 for information as to the requirement of the proposed permit.

Dated: April 14, 1971.

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

[FR Doc.71-5644 Filed 4-22-71;8:45 am]

GRAND PORTAGE NATIONAL MONUMENT

Notice of Intention To Issue a Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior proposes to issue a concession permit to Sivertson Brothers Fisheries authorizing it to provide concession facilities and services for the public at Grand Portage National Monument for a period of five (5) years from January 1, 1971, through December 31, 1975.

The foregoing concessioner has performed its obligations under a prior permit to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the Act cited above, the National Park Service is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Superintendent, Grand Portage National Monument, Post Office Box 666, Grand Marais, MN 55604, for information as to the requirements of the proposed permit.

Dated: April 14, 1971.

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

[FR Doc.71-5645 Filed 4-22-71;8:45 am]

GRAND TETON NATIONAL PARK

Notice of Intention To Issue Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior proposes to issue a concession permit to Maurice E. Horn authorizing him to provide ski tour concession facilities and services for the public in Grand Teton National Park for a period of approximately five (5) years, from July 1, 1971, through June 30, 1976.

The foregoing concessioner has performed his obligations under a prior permit to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the Act cited above, the National Park Service is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Superintendent, Grand Teton National Park, Post Office Box 67, Moose, WY 83012 for information as to the requirements of the proposed permit.

Dated: April 14, 1971.

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

[FR Doc.71-5647 Filed 4-22-71;8:45 am]

GRAND TETON NATIONAL PARK

Notice of Intention To Issue Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior proposes to issue a concession permit to Jackson Hole Mountain Guides, Inc., authorizing it to provide mountain guide facilities and services for the public in Grand Teton National Park for a period of approximately 5 years, January 1, 1971, through December 31, 1975.

The foregoing concessioner has performed its obligations under a prior permit to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the Act cited above, the National Park Service is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Superintendent, Grand Teton National Park, Post Office Box 67, Moose, WY 83012, for information as to the requirements of the proposed permit.

Dated: April 14, 1971.

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

[FR Doc.71-5649 Filed 4-22-71;8:45 am]

SHADOW MOUNTAIN NATIONAL RECREATION AREA

Notice of Intention To Issue Concession Permits

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior proposes to issue the following concession permits to: Burton Adams doing business as Sunrise Harbor; Richard Albert & Michael McQueen doing business as Shadow Mountain Water Shows, Inc.; William Bell doing business as Bell Crest Resort; Joe Carpenter doing business as Beacon Boatel; Marvin Fischer doing business as Lake Kove Resort; Glen Moss doing business as Shadow Mountain Marina; Henry Pohl and J. R. Steward doing business as Trail Ridge Marina; Ecil Scott doing business as El Navajo Lodge; Edward Scott doing business as Gala Marina, Inc., authorizing them to provide concession facilities and services for the public at Shadow Mountain National Recreation Area for the period of five (5) years, from January 1, 1971, through December 31, 1975.

The foregoing concessioners have performed their obligations under a prior permit to the satisfaction of the National Park Service and therefore, pursuant to the Act cited above, are entitled to be given preference in the renewal of permits and in the negotiation of new permits. However, under the Act cited above, the National Park Service is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Superintendent, Rocky Mountain Group, National Park Service, Estes Park, CO 80517 for information as to the requirements of the proposed permits.

Dated: April 14, 1971.

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

[FR Doc.71-5646 Filed 4-22-71;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

WOODSY OWL SYMBOL

Notice Concerning Plans and Protection

The Forest Service, U.S. Department of Agriculture, has embarked on a new public service educational campaign for a quality environment. It applies to Forest Service responsibilities in research, national forest and State and private forest land management. The campaign will be largely financed through nonprofit foundations and private funds donated to the Public Service Council specifically for antipollution/environmental education and through merchandising royalties.

Symbol of the new campaign is "Woodsy Owl." Its slogan is "Give a Hoot—Don't Pollute."

Patterned along the lines of the Forest Service Smokey Bear Program for forest fire prevention, the antipollution/environmental education campaign will stress the contributions that individuals can make toward solution of the problems.

Television, radio, newspapers, and other mass media will donate public service time and space to Woodsy's message. A major television producer is preparing a series of animated films and a special program featuring Woodsy and his educational environmental messages for national release. A number of short public service spots are also planned at no cost to the Government.

Consideration will be given to other requests for legitimate use of the symbol and slogan, based on their contribution to the public good, to the values and goals of the campaign, and their relative production plans, commitments and distribution.

The Woodsy Owl symbol was designed by the Forest Service in March 1970. It is being filed with the Patent Office as an Agriculture Department service mark. The character, Woodsy Owl, and his slogan have already received protection through laws governing interstate trade.

Use of the symbol and slogan is subject to approval by the Forest Service, U.S. Department of Agriculture, 12th and Independence Avenue SW., Washington, DC 20250, in the public interest. Unauthorized use will be in violation of Federal Law.

EDWARD P. CLIFF,
Chief, Forest Service.

[FR Doc.71-5690 Filed 4-22-71;8:49 am]

DEPARTMENT OF COMMERCE

National Bureau of Standards

VOLUNTARY PRODUCT STANDARDS

Notice of Action on Proposed Withdrawal

In accordance with § 10.12 of the Department of Commerce Procedures for the Dvelopment of Voluntary Product Standards (15 CFR Part 10, as amended; 35 F.R. 8349 dated May 28, 1970), notice is hereby given of the withdrawal of 111 Voluntary Product Standards identified below, including 78 standards identified as "Simplified Practice Recommendations" (R), and 33 standards previously identified as "Commercial Standards" (CS). Each of these standards has been found to be obsolete, technically inadequate, no longer acceptable to and used by the industry, or otherwise not in the public interest.

Public notice of the Department's intention to withdraw these standards was published in the FEDERAL REGISTER on February 10, 1971 (36 F.R. 2813), and a 45-day period was provided for the submission of comments or objections concerning the proposed withdrawal of any of these standards. No objections to the Department's intention of withdrawing any of these standards have been received by the National Bureau of Standards.

The effective date for the withdrawal of these standards will be 60 days after the publication of this notice. This withdrawal action terminates the authority to refer to these standards as Voluntary Product Standards developed under the Department of Commerce Procedures.

R	4-36	Asphalt.
R	8-50	Ferrous range boilers, expansion tanks, and solar tanks.
R	9-47	Galvanized woven-wire fencing and barbed wire.
R	19-37	Asbestos paper and asbestos millboard.
R	21-46	Lavatory and sink traps.
R	23-54	Plow bolts.
R	26-50	Steel reinforcing bars.
R	35-44	Steel lockers.
R	38-37	Sand-lime brick.
R	49-26	Sidewalk, floor, and roof lights.
R	59-27	Rotary-cut lumber stock for wire-bound boxes.
R	63-28	Metal spools (for annealing, handling and shipping wire).
R	65-31	Packaging of overhead electric railway material.
R	67-36	Taper roller bearings.
R	68-41	Metal and nonconducting flashlight cases.
R	69-27	Packaging of razor blades.
R	71-28	Turnbuckles.
R	74-49	Hospital and institutional cotton textiles.
R	75-29	Composition blackboard.
R	80-28	Folding and portable wooden chairs.
R	82-28	Hollow metal single-acting swing doors, frames and trim.
R	83-28	Kalamein single acting swing doors, frames, and trim.
R	88-37	Floor sweeps.
R	89-55	Coated abrasive products.
R	92-38	Hard fiber twine and lath yarn (ply and yarn goods).
R	93-39	Paper shipping tags.
R	94-53	Open-web steel joists and open-web mailer steel joists.
R	95-30	Skid platforms.
R	97-47	Bell-bottom screw jacks.
R	101-40	Metal partitions for toilets and showers.
R	102-33	Granite curbstone.
R	105-32	Wheelbarrows.
R	107-31	Glassine bags.
R	110-29	Soft fiber (jute) twine.
R	112-29	Elastic shoe goring.
R	115-30	Full-disk buffing wheels.
R	119-31	Fast-selvage terry towels.
R	122-31	Wire insect-screen cloth.
R	123-43	Carbonated beverage bottles.
R	124-31	Polished cotton twine.
R	126-41	Set-up paper boxes (used by department and specialty stores).
R	127-41	Folding paper boxes (used by department and specialty stores).
R	128-41	Corrugated fiber boxes (used by department and specialty stores).
R	131-35	Glass containers for mayonnaise.
R	138-32	Dental rubber (base and veneering).

R	145–33	Packaging of electric railway motor and controller parts.
R	154–38	Cupola refractories.
R	156–41	Extracted honey packages.
R	158–42	Forged axes.
R	159–42	Forged hammers.
R	160–42	Forged hatchets.
R	161–35	Packaging of automotive (bus) engine parts.
R	166–37	Color code for marking steel bars.
R	169–45	Bolts and nuts (stock production sizes).
R	171–38	Wooden boxes for canned fruits and vegetables.
R	172–54	Stock folding boxes for garments and dry cleaning.
R	177–41	Single-faced corrugated-board rolls (used by department and specialty stores).
R	178–41	First-aid unit dressings and treatments (packaging of).
R	181–41	Nonferrous range boilers.
R	188–54	Spring and slotted clothespins (sizes and packaging).
R	189–42	Round and flat hardwood toothpicks (sizes and packaging).
R	196–42	Glass containers for green olives.
R	199–43	Cloth window shades.
R	201–43	Iron and steel pop safety valves.
R	202–48	Tank-mounted air compressors (¼ to 10 horsepower).
R	203–44	Containers and packages for household insecticides (liquid spray type).
R	204–44	Bronze pop safety valves, and bronze, iron and steel relief valves.
R	205–44	Iron and steel relief valves for petroleum, chemical and general industrial services.
R	209–45	Peanut butter packages and containers.
R	212–45	Cast brass solder-joint fittings.
R	215–46	Luggage (trunks and suitcases).
R	219–46	Automatic regulating valves.
R	232–48	Low-pressure lubricating devices.
R	233–48	Rotary files and burs.
R	234–48	Welded-wire fabric reinforcement concrete pipe.
R	249–52	Plastic tableware.
R	253–54	Retail container sizes for frozen fruits and vegetables.
R	266–63	Gypsum board products.
CS	3–40	Stoddard solvents (dry cleaning).
CS	7–29	Standard weights malleable iron or steel screwed unions.
CS	19–32	Foundry patterns of wood.
CS	32–31	Cotton cloth for rubber and pyroxylin coating.
CS	36–33	Fourdrinier wire cloth.
CS	48–40	Domestic burners for Pennsylvania anthracite (underfed type).
CS	56E–41	Oak flooring (exports).
CS	59–44	Textiles-testing and reporting.
CS	62–38	Colors for kitchen accessories.
CS	63–38	Colors for bathroom accessories.
CS	68–38	Liquid phyochlorite disinfectant, deodorant, and germicide.
CS	93–50	Portable electric drills (exclusive of high frequency).
CS	94–41	Calking lead.
CS	95–41	Lead pipe.
CS	96–41	Lead traps and bends.
CS	102E–42	Diesel and fuel-oil engines (export classifications).
CS	108–43	Treading automobile and truck tires.
CS	110–43	Tire repairs—vulcanized (passenger, truck, and bus tires).
CS	112–43	Homogeneous fiber wallboard.
CS	E124–45	Master disks.
CS	126–56	Tank-mounted air compressors (classification and testing).
CS	139–47	Work gloves.
CS	154E–49	Wire rope (export classifications).
CS	164E–50	Concrete mixers (export classifications).
CS	170–50	Cotton flour-bag (sack) towels.
CS	175–51	Circular-knitted gloves and mittens.
CS	179–51	Installation of attic ventilation fans in residences.
CS	181–52	Water-resistant organic adhesives for installation of clay tile.
CS	212–57	Steel sliding closet door and frame units.
CS	213–57	Steel knockdown sliding closet door units (for wood frame installation).
CS	221–59	Gel-coated glass-fiber-reinforced polyester resin bathtubs.
CS	222–59	Gel-coated glass-fiber-reinforced polyester resin shower receptors.
CS	229–60	Copper drainage tube (DWV).

LEWIS M. BRANSCOMB,
Director.

APRIL 15, 1971.

Approved: April 19, 1971.

JAMES H. WAKELIN, Jr.,
Assistant Secretary for Science and Technology.

[FR Doc.71–5674 Filed 4–22–71;8:47 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 7819]

TOPICAL PREPARATIONS CONTAINING DIAMTHAZOLE DIHYDROCHLORIDE

Drugs for Human Use; Drug Efficacy Study Implementation

Correction

In F.R. Doc. 71–5015 appearing at page 6911 in the issue for Saturday, April 10, 1971, the reference to "(NDA 7–219)" in the eighth line should read "(NDA 7–819)".

Public Health Service

ASSISTANT SECRETARY FOR HEALTH AND SCIENTIFIC AFFAIRS AND DIRECTOR, BUREAU OF COMMUNITY ENVIRONMENTAL MANAGEMENT

Delegations of Authority

Statement of organization and delegations of authority (34 F.R. 9896) is amended by adding the following paragraph:

Notice is hereby given that the following delegations of authority have been made under the Lead-Based Paint Poisoning Prevention Act (Public Law 91–695):

1. Delegation from the Secretary to the Assistant Secretary for Health and Scientific Affairs to perform all functions vested in the Secretary by the Act. The delegated authority may be redelegated.

2. Delegation from the Assistant Secretary for Health and Scientific Affairs to the Director, Bureau of Community Environmental Management to exercise all authorities delegated to the Assistant Secretary by the Secretary under the Lead-Based Paint Poisoning Prevention Act.

Dated: April 16, 1971

RONALD BRAND,
Deputy Assistant Secretary for Management.

[FR Doc.71–5681 Filed 4–22–71;8:48 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50–293]

BOSTON EDISON CO.

Notice of Consideration of Issuance of Facility Operating License

The Atomic Energy Commission (the Commission) will consider the issuance of a facility operating license to the Boston Edison Co. (the applicant) which would authorize the applicant to possess, use, and operate the Pilgrim Nuclear Power Station (the facility) at steady state power levels not to exceed 1,998 megawatts (thermal) in accordance with the provisions of the license and appended Technical Specifications. The facility is a single cycle, forced circulation, boiling water reactor, and is located in the town of Plymouth, Plymouth County, Mass. Construction of this facility was authorized by Provisional Construction Permit No. CPPR–49 issued by the Commission on August 26, 1968.

No such operating license will be issued until receipt of a report on the application by the Advisory Committee on Reactor Safeguards, the issuance of a favorable safety evaluation for the facility by the AEC Division of Reactor Licensing, and findings by the Commission that the application for the facility license (as amended) complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations in 10 CFR Chapter I.

Prior to issuance of an operating license for the facility, the facility will be inspected by the Commission to determine whether it has been constructed in accordance with the application, as amended, and the provisions of Provisional Construction Permit No. CPPR–49. The license for the facility will not be issued until the Commission has made

the findings, reflecting its review of the application, which will be set forth in the proposed license, and has concluded that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public. Upon issuance of the license, the applicant will be required to execute an indemnity agreement as required by section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

In the event that construction of the facility has not been completed to permit full power operation, the Commission may issue a facility operating license consistent with the level of construction completed to permit initial fuel loading and low power testing for the facility prior to the issuance of the full power license.

Within thirty (30) 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 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 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. In accordance with 10 CFR 2.714, a petition for leave to intervene which is not timely filed will be dismissed unless the petitioner shows good cause for failure to file it on time.

Prior to issuance of an operating license for the facility, the Commission will issue a detailed environmental statement for the Pilgrim Nuclear Power Station. The availability of the statement will be published in the FEDERAL REGISTER. The statement will be prepared consistent with Appendix D of 10 CFR Part 50 of the Commission's regulations.

For further details with respect to matters under consideration, see (1) the Boston Edison Co. application for the construction permit and facility license dated June 23, 1967, as amended, (2) the report of the Advisory Committee on Reactor Safeguards on the application for the facility operating license, dated April 7, 1971, and as they become available, (3) the proposed facility operating license, (4) the Technical Specifications which will be attached as Appendix A to the proposed facility operating license, and (5) the safety evaluation prepared by the Division of Reactor Licensing, which will be available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of items (2), and when they become available, (3) and (5) may be obtained upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 19th day of April 1971.

For the Atomic Energy Commission.

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

[FR Doc.71-5664 Filed 4-22-71;8:47 am]

[Docket No. 50-322]

LONG ISLAND LIGHTING CO.

Schedule for Hearing

In the matter of Long Island Lighting Co. (Shoreham Nuclear Power Station).

The hearing in the captioned matter will be continued on Tuesday, May 11, 1971, at 10 a.m., local time, at the Holiday Inn, 4089 Nesconset, Port Jefferson Highway, Centereach, Long Island, NY 11720.

The purpose of this session is to complete rebuttal testimony and to close the hearing.

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

ATOMIC SAFETY AND LICENSING BOARD,
JAMES R. YORE,
Chairman.

[FR Doc.71-5670 Filed 4-22-71;8:47 am]

NEVADA TEST SITE

Notice of Availability of the General Manager's Draft Environmental Statement; Underground Nuclear Test Programs for FY 1972

Notice is hereby given that a document entitled, "Draft Environmental Statement—Underground Nuclear Test Programs for FY 1972, Nevada Test Site (Tests of One Megaton or Less)," issued pursuant to the Atomic Energy Commission's implementation of section 102(2)(C) of the National Environmental Policy Act of 1969 is being placed in the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545, and in the Commission's Nevada Operations Office, 2753 South Highland, Las Vegas, NV 89102; the San Francisco Operations Office, 2111 Bancroft Way, Berkeley, CA 94704; the Chicago Operations Office, 9800 South Cass, Argonne, IL 60439; and the New York Operations Office, 376 Hudson Street, New York, NY 10014. This statement covers all underground noncratering nuclear tests of 1 megaton or less for FY 1972 at the Commission's Nevada Test Site.

The draft environmental statement will be furnished upon request addressed to the General Manager, U.S. Atomic Energy Commission, Washington, D.C. 20545.

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

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary of the Commission.

[FR Doc.71-5669 Filed 4-22-71;8:47 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23228; Order 71-4-119]

AMERICAN AIRLINES, INC.

Order Dismissing Complaint

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of April 1971.

By tariff revisions[1] marked to become effective on April 25, 1971, American Airlines, Inc. (American) proposes to revise its fares and applicable routings between Los Angeles and Little Rock. Presently American publishes two local fares, one applying to direct service, and a second applicable via Memphis at a level equal to the Los Angeles-Memphis fare. American's proposal would cancel the second-level fare and routing and apply the direct fare to service via Memphis.

United Air Lines, Inc., (United) has filed a complaint urging suspension and investigation of the proposal, alleging that charging the direct-route fare for service via Memphis would cause substantial revenue losses for both American and United, since it would undercut both existing joint fares which apply for services connecting at Memphis and the direct Memphis-Los Angeles fares. United is concerned that Memphis-bound passengers would purchase the lower-priced Little Rock ticket and deplane at Memphis, either destroying or reselling the remaining Memphis-Little Rock ticket coupon and saving $6.48 in coach service. United maintains that it could lose $150,000 in revenue in the Memphis market if all its passengers used the lower Little Rock-Los Angeles joint fares it would be forced to establish.

American has not answered United's complaint.

Upon consideration of all relevant matters, the Board finds that the complaint does not set forth facts sufficient to warrant suspension, and consequently the request therefor will be denied. This matter is already under investigation in Phase 9 of the Domestic Passenger-Fare Investigation.

We recognize that the proposal will result in an anomaly in the fare structure, in that Little Rock-Los Angeles passengers traveling via Memphis will pay less than Memphis-Los Angeles passengers. On the other hand, it will result in additional services alternatives for Little Rock passengers at the direct-route fare.

American's proposal will, as alleged, make it possible for a Los Angeles-Memphis passenger to purchase a lower-priced Los Angeles-Little Rock ticket for his transportation. However, we are not persuaded that abuse of this sort will occur in significant degree. In any event, if such abuse should occur, we would expect that American would take appropriate measures to curtail it, since it like-

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariff CAB Nos. 99 and 136.

wise has an interest in preserving its revenues from service to Memphis.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204, 403, 404, and 1002 thereof:

It is ordered, That:

1. The complaint of United Air Lines, Inc., in Docket 23228 is dismissed; and

2. A copy of this order be served upon American Airlines, Inc., and United Air Lines, Inc.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-5696 Filed 4-22-71;8:49 am]

[Docket No. 22956]

CHICAGO-ACAPULCO NONSTOP SERVICE INVESTIGATION

Notice of Change in Date of Hearing

Notice is hereby given that the hearing in the above-entitled matter scheduled for May 5, 1971 is postponed until May 6, 1971, at 10 a.m., e.d.s.t., in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned Examiner.

Dated at Washington, D.C., April 19, 1971.

[SEAL] ROBERT L. PARK,
Hearing Examiner.

[FR Doc.71-5692 Filed 4-22-71;8:49 am]

[Docket No. 22162 etc.]

COUNTY OF SULLIVAN, N.Y. ET AL.

Notice of Prehearing Conference

The County of Sullivan, State of New York, and the Sullivan County Airport Commission.

Order 71-1-64 remanded the above-entitled case to the examiner for further evidentiary hearings, in accordance with the views expressed therein. A petition for reconsideration was denied by Order 71-4-62, dated April 9, 1971. Accordingly, notice is hereby given that a prehearing conference on the matter is assigned to be held on May 5, 1971, at 10 a.m., e.d.s.t., in Room 726, Universal Building, Connecticut and Florida Avenues NW., Washington, DC, before the undersigned examiner.

Dated at Washington, D.C., April 19, 1971.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[FR Doc.71-5693 Filed 4-22-71;8:49 am]

[Docket No. 20993; Order 71-4-109]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority April 16, 1971.

Agreement adopted by the Joint Conferences of the International Air Transport Association relating to specific commodity rates, Docket 20993, Agreement CAB 22332.[1]

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA). The agreement, which has been assigned the above-designated CAB agreement number, was adopted by the 11th Meeting of the Joint Specfic Commodity Rates Board held in Geneva. February 22-26, 1971.

As it applies in air transportation, the subject portion of the agreement relates to the application of specific commodity rates on transpacific routes to and from the United States for an intended effectiveness on May 1, 1971. Several specific commodity rates, earlier approved by the Board and implemented since the 10th Meeting of the Joint Specific Commodity Rates Board (held in Montreal in October of 1970), would be extended for a further period of effectiveness. The agreement also names a few rates between additional points under existing commodity descriptions and proposes several reduced rates under new commodity descriptions, and these are set forth in Attachment A.[2] Additionally a few commodity descriptions would be amended so as to eliminate variances as between geographic areas, and, insofar as transpacific descriptions are concerned, this results in changes as indicated in Attachment B.[2]

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act: *Provided,* That approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on the subject portion of Agreement CAB 22332 be and hereby is deferred with a view toward eventual approval: *Provided,* That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication: *Provided further,* That tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

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

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-5698 Filed 4-22-71;8:49 am]

[Docket No. 23260; Order 71-4-98]

JIM HANKINS AIR SERVICE, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority April 15, 1971.

The Postmaster General filed a notice of intent April 2, 1971, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 68.9 cents per great circle aircraft mile for the transportation of mail by aircraft between Columbus, Ohio, and Bristol, Va./Tenn., via Charleston and Bluefield, W. Va., based on five round trips per week.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft 18 aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Jim Hankins Air Service, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 68.9 cents per great circle aircraft mile between Columbus, Ohio, and Bristol, Va./Tenn., via Charleston and Bluefield, W. Va., based on five round trips per week flown with Beechcraft 18 aircraft.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16 (f):

[1] Excluding matters relating to North Atlantic specific commodity rates which are not intended for effectiveness until June 1, 1971, and which will be the subject of a future order.

[2] Attachments A and B filed as part of the original document.

[1] This order to show cause is not a final action and is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will be applicable to final action taken by the staff under authority delegated in § 385.16(g).

It is ordered, That:

1. Jim Hankins Air Service, Inc., the Postmaster General, American Airlines, Inc., Eastern Air Lines, Inc., Piedmont Aviation, Inc., United Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Jim Hankins Air Service, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Jim Hankins Air Service, Inc., the Postmaster General, American Airlines, Inc., Eastern Air Lines, Inc., Piedmont Aviation, Inc., and United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-5697 Filed 4-22-71;8:49 am]

[Docket No. 23259; Order 71-4-99]

NICHOLSON AIR SERVICE, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority April 15, 1971.

The Postmaster General filed a notice of intent April 2, 1971, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate of 55 cents per great circle aircraft mile for the transportation of mail by aircraft between Norfolk, Va., and Charleston, W. Va., via Richmond, Va., based on five round trips per week.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft 18 aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Nicholson Air Service, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 55 cents per great circle aircraft mile between Norfolk, Va., and Charleston, W. Va., via Richmond, Va., based on five round trips per week flown with Beechcraft 18 aircraft.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f):

It is ordered, That:

1. Nicholson Air Service, Inc., the Postmaster General, Eastern Air Lines, Inc., National Airlines, Inc., Piedmont Aviation, Inc., United Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Nicholson Air Service, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Nicholson Air Service, Inc., the Postmaster General, Eastern Air Lines, Inc., National Airlines, Inc., Piedmont Aviation, Inc., and United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-5699 Filed 4-22-71;8:49 am]

[1] This order to show cause is not a final action and is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will be applicable to final action taken by the staff under authority delegated in § 385.16(g).

[Docket No. 18104, etc.]

REMANDED ADDITIONAL SERVICE TO SAN DIEGO CASE

Notice of Prehearing Conference

Pursuant to Order 71-4-112, April 16, 1971, notice is hereby given that a prehearing conference in the above-entitled proceeding (San Diego-Denver) is assigned to be held on May 27, 1971, at 10 a.m., e.d.s.t., in Room 726, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned hearing examiner.

Requests for information and evidence, statement of issues, proposed stipulations, and proposed procedural dates will be submitted to the examiner by Bureau counsel and served upon all parties on or before May 17, 1971. Responses to Bureau counsel's submission by other parties will be submitted to the examiner and served upon Bureau counsel and other parties on or before May 21, 1971.

Dated at Washington, D.C., April 19, 1971.

[SEAL] HYMAN GOLDBERG,
Hearing Examiner.

[FR Doc.71-5694 Filed 4-22-71;8:49 am]

[Docket No. 21790]

WESTERN ALASKA AIRLINES, INC., AND ALASKA AIRCRAFT LEASING CO., INC.

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on May 20, 1971, at 10 a.m., e.d.s.t., in Room 805, Universal Building, 1825 Connecticut

Avenue NW., Washington, DC, before the undersigned examiner.

Dated at Washington, D.C., April 20, 1971.

[SEAL] LOUIS W. SORNSON,
Hearing Examiner.

[FR Doc.71-5695 Filed 4-22-71;8:49 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report 539]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

APRIL 12, 1971.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign and nature of application

5502-C2-P-71—Loomis Electronic Protection, Inc. (New), C.P. for a new 1-way station to be located at 3300 Airport Road, Fairbanks, AK, to operate on frequency 152.24 MHz.

5526-C2-AL-71—Mobile Radiophone & Paging Service, Consent to assignment of license from Paul A. Root doing business as Mobile Radiophone and Paging Service, Assignor, to: Instant Communcations, Inc., Assignee. Station: KQK771, Ann Arbor, Mich.

5527-C2-P-71—Radio Comm. Co. (New), C.P. for a new 2-way station to be located at 3 miles south of Washington, Mo., to operate on frequency 454.275 MHz.

5528-C2-P-71—Athens Radio Corp. (New), C.P. for a new 2-way station to be located at 0.3 mile west of intersection of U.S. Highway No. 9W and Limestreet Road, Athens, NY.

5582-C2-MP-71—Marianas Telephone Co. (WWA347), Modification of C.P. to replace the base transmitter operating on 152.21 MHz and add repeater facilities to operate on 459.100 MHz at location No. 1: Libugan Hill, Agana, Asan, Guam, and establish control facilities to operate on 454.100 MHz at location No. 2: 1.9 miles southeast of Agana, Guam.

2096-C2-R-71—Bell Telephone Co. of Nevada (KD9271), Renewal of license (Developmental) expiring Apr. 27, 1971. Term: Apr. 27, 1971 to Apr. 27, 1972.

Major Amendment

3285-C2-P-(3)-70—Gulf Mobilphone (New), Add base station facility, File No. 3506-C2-P-70, on frequency 454.10 MHz located at 127 South Roach Street, Jackson, MS. All other particulars are to remain as reported in Public Notice dated Dec. 8, 1969, Report No. 469.

Correction

5011-C2-P-71—Radio Communications, Inc. (KGC583), Correct description of location to location No. 3: WDCA-TV Tower. All other particulars same as reported in Public Notice dated Mar. 29, 1971, Report No. 537.

INFORMATIVE: It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reasons of potential electrical interference.

Iowa

Manpower Inc. of Cedar Rapids (New), 3413-C2-P-70.
Answer Iowa, Inc., (New), 4724-C2-P-70.
Answer Iowa, Inc., (New), 1577-C2-P-71.
Gerald Parker, doing business as Page I (New), 2954-C2-P-71.

RURAL RADIO SERVICE

5555-C1-P/L-71—Jim Mayfield (New), C.P. and license for a new rural subscriber station to be located near Clayton, N. Mex., to operate on frequency 158.55 MHz communicating with Station KLB710, Clayton, N. Mex.

5556-C1-P-71—Pacific Northwest Bell Telephone Co. (KTG55), C.P. to replace transmitter operating on 157.86 and 157.92 MHz communicating with Station KZS55, Cave Junction, Oreg. Station location: 13.5 miles east-southeast of Cave Junction, Oreg.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

American Telephone & Telegraph Co. Eleven (11) C.P. applications to construct one pair of Type TD-3A radio relay channels between Arkabutla, Miss., and Warrior, Ala., for telephone use and one Type TD-2/TD-3A channel from Arkabutla to Forrest City, Ark.

5504-C1-P-71—American Telephone & Telegraph Co. (WAY57), Add frequency 3910 MHz toward Forrest City, Ark. Station location: 5.2 miles southeast of Brickeys, Ark.

5505-C1-P-71—American Telephone & Telegraph Co. (KTG40), Add frequency 3870 MHz toward Brickeys, Ark., and 4010 MHz toward Como, Miss. Station location: 1 mile southwest of Arkabutla, Miss.

5506-C1-P-71—American Telephone & Telegraph Co. (KTR59), Add frequency 3970 MHz toward Arkabutla and Galena, Miss. Station location: 8 miles east of Como, Miss.

5507-C1-P-71—American Telephone & Telegraph Co. (KTR58), Add frequency 4010 MHz toward Como and Ashland, Miss. Station location: 0.35 mile north of Galena, Miss.

5508-C1-P-71—American Telephone & Telegraph Co. (KTR57), Add frequency 3970 MHz toward Galena and Dumas, Miss. Station location: 0.5 mile south of Ashland, Miss.

5509-C1-P-71—American Telephone & Telegraph Co. (KTR56), Add frequency 4010 MHz toward Ashland and Fulton, Miss. Station location: 5.5 miles east-northeast of Dumas, Miss.

5510-C1-P-71—American Telephone & Telegraph Co. (KTR55), Add frequency 3970 MHz toward Dumas, Miss., and toward Hodges, Ala. Station location: 11.8 miles north-northeast of Fulton, Miss.

5511-C1-P-71—American Telephone & Telegraph Co. (KTR54), Add frequency 4010 MHz toward Fulton, Miss., and toward Forkville, Ala. Station location: 1.3 miles south-southwest of Hodges, Ala.

5512-C1-P-71—American Telephone & Telegraph Co. (KTR53), Add frequency 3970 MHz toward Hodges and Nathan, Ala. Station location: 0.7 mile southwest of Forkville, Ala.

5513-C1-P-71—American Telephone & Telegraph Co. (KTR52), Add frequency 4010 MHz toward Forkville, Ala., and toward Warrior, Ala. Station location: 0.7 mile west of Nathan, Ala.

5514-C1-P-71—American Telephone & Telegraph Co. (KIS34), Add frequency 3970 MHz toward Nathan, Ala. Station location: 4.5 miles northwest of Warrior, Ala.

5529-C1-P-71—Pacific Northwest Bell Telephone Co. (KOM53), C.P. to add frequency 2162.0 MHz toward Mica Peak AFB, Wash., a new point of communication. Station location: West 501 Second Avenue, Spokane, WA.

5530-C1-P-71—Pacific Northwest Bell Telephone Co. (New), C.P. for a new station to be located at Mica Peak AFB, 6.3 miles northeast of Mica, Wash. Frequency: 2112.0 MHz toward Spokane, Wash.

5531–C1–P–71—The Pacific Telephone & Telegraph Co. (KNB53), C.P. to add frequency 4130 MHz toward Mount Diablo, Calif. Station location: 99 Moultrie Street, San Francisco, CA.

5532–C1–P–71—The Pacific Telephone & Telegraph Co. (KMA29), C.P. to add frequency 6315.9 MHz toward East Bay Hills, Calif., and 4170 MHz toward San Francisco, Calif. Station location: Mount Diablo, 3.6 miles northeast of Diablo, Calif.

5533–C1–P–71—The Pacific Telephone & Telegraph Co. (KMC67), C.P. to add frequency 6004.5 MHz toward, Oakland, Calif., and 6063.8 MHz toward Mount Diablo, Calif. Station location: East Bay Hills, 3750 Grizzly Peak Boulevard, Oakland, CA.

5534–C1–P–71—The Pacific Telephone & Telegraph Co. (KMQ36), C.P. to add frequency 6256.5 MHz toward East Bay Hills, Calif. Station location: 1587 Franklin Street, Oakland, CA.

American Telephone & Telegraph Co. Seventeen (17) C.P. applications to construct additional Western Electric Co. radio relay channels on existing radio relay routes.

5538–C1–P–71—American Telephone & Telegraph Co. (KGF64), C.P. add 6004.5 MHz toward Wyndmoor, Pa. Station location: 900 Race Street, Philadelphia, PA.

5539–C1–P–71—American Telephone & Telegraph Co. (KGA26), Add frequency 6256.5 MHz toward Philadelphia and Finland, Pa. Station location: Wyndmoor, Springfield, Pa.

5540–C1–P–71—American Telephone & Telegraph Co. (KGP40), Add frequency 6004.5 MHz toward Wyndmoor and 6063.8 MHz toward Lionville, Pa. Station location: 0.95 mile northwest of Finland, Pa.

5541–C1–P–71—American Telephone & Telegraph Co. (KGH83), Add frequency 6315.9 MHz toward Finland, Pa., and 6226.9 MHz toward Wayne, Pa., and 3810 and 3890 MHz toward Landenberg, Pa., and 3950 MHz toward Geigertown, Pa. Station location: 2.5 miles east-southeast of Lionville, Pa.

5542–C1–P–71—American Telephone & Telegraph Co. (KGH85), Add frequency 5974.8 MHz toward Lionville, Pa. Station location: 60 West Avenue, Wayne, Pa.

5543–C1–P–71—American Telephone & Telegraph Co. (KEM74), Add frequency 4110 MHz toward Richford, N.Y. Station location: 3.2 miles north of Tully, N.Y.

5544–C1–P–71—American Telephone & Telegraph Co. (KYS85), Add frequency 4150 MHz toward Tully and South Owego, N.Y. Station location: 3.4 miles northwest of Richford, N.Y.

5545–C1–P–71—American Telephone & Telegraph Co. (KYS84), Add frequency 4110 MHz toward Richford, N.Y., and 4050 MHz toward Forest Lake, Pa. Station location: 0.35 mile northeast of South Owego, N.Y.

5546–C1–P–71—American Telephone & Telegraph Co. (KYS99), Add frequency 4090 MHz toward South Owego, N.Y., and toward Beaumont, Pa. Station location: 1 mile northeast of Forest Lake, Pa.

5547–C1–P–71—American Telephone & Telegraph Co. (KVU41), Add frequency 4050 MHz toward Forest Lake and 3870 MHz toward Freeland, Pa. Station location: 2.2 miles north of Beaumont, Pa.

5548–C1–P–71—American Telephone & Telegraph Co. (KVU40), Add frequency 3910 MHz toward Beaumont, and Lynnport, Pa. Station location: 0.5 mile west of Freeland, Pa.

5549–C1–P–71—American Telephone & Telegraph Co. (KVU38), Add frequency 3870 MHz toward Freeland, Pa., and 3950 MHz toward Geigertown, Pa. Station location: 2.8 miles north of Lynnport, Pa.

5550–C1–P–71—American Telephone & Telegraph Co. (KVU37), Add frequency 3990 MHz toward Lynnport and Lionville, Pa. Station location: 2.3 miles northeast of Geigertown, Pa.

5551–C1–P–71—American Telephone & Telegraph Co. (KGP41), Add frequencies 3850 and 3930 MHz toward Lionville, Pa., and Glasgow, Del. Station location: Landenberg, 3 miles southeast of Avondale, Pa.

5552–C1–P–71—American Telephone & Telegraph Co. (KGP43), Add frequencies 3810 and 3890 MHz toward Landenberg, Pa., and toward Quinton, N.J. Station location: 2.3 miles south of Glasgow, Del.

5553–C1–P–71—American Telephone & Telegraph Co. (KEM73), Add frequencies 3850 and 3930 MHz toward Glasgow, Del., and 3930 MHz toward Wilmington, Del. Station location: 2 miles southeast of Quinton, N.J.

5554–C1–P–71—American Telephone & Telegraph Co. (KGP83), Add frequency 3890 MHz toward Quinton, N.J. Station location: 901 Tatnall Street, Wilmington, DE.

5557–C1–P–71—Pacific Northwest Bell Telephone Co. (KOJ91), C.P. to add 6264.0 and 6323.3 MHz toward Bluelight Hill, Wash. Station location: 208 West Yakima Avenue, Yakima, WA.

5558–C1–P–71—Pacific Northwest Bell Telephone Co. (KOJ92), C.P. to add frequencies 10,715 and 10,955 MHz toward Sunnyside, Wash., a new point of communication and add 5952.6 and 6011.9 MHz toward Yakima, Wash. Station location: Bluelight Hill, 6 miles northeast of Bickelton, Wash.

5559–C1–MP–71—South Central Bell Telephone Co. (WBP37), Modification of C.P. to change frequency 6049.0 MHz to 6108.3 MHz toward Tupelo, Miss. Station location: Liberty Street, Pontotoc, MS.

American Telephone & Telegraph Co. Twenty-two (22) C.P. applications to construct additional Western Electric Co. radio relay channels on existing radio relay routes.

5560–C1–P–71—American Telephone & Telegraph Co. (KQF58), Add frequencies 3870 and 3950 MHz toward Ayersville, Ohio. Station location: 0.5 mile south of West Unity, Ohio.

5561–C1–P–71—American Telephone & Telegraph Co. (KQA88), Add frequencies 3910 and 3990 MHz toward West Unity, Ohio, and 3910 MHz toward Bluffton, Ohio, and 3850, 3930, and 4010 MHz toward Grand Rapids, Ohio. Station location: 2.9 miles south of Ayersville, Ohio.

5562–C1–P–71—American Telephone & Telegraph Co. (KQA82), Add frequency 3870 MHz toward Ayersville, Ohio. Station location: 3 miles north of Bluffton, Ohio.

5563–C1–P–71—American Telephone & Telegraph Co. (KVU71), Add frequencies 3810, 3890, and 3970 MHz toward Ayersville and Lyons, Ohio. Station location: 1.5 miles southwest of Grand Rapids, Ohio.

5564–C1–P–71—American Telephone & Telegraph Co. (KVU72), Add frequencies 3850, 3930, and 4010 MHz toward Grand Rapids, Ohio, and toward Clinton, Mich. Station location: 1.1 miles northwest of Lyons, Ohio.

5565–C1–P–71—American Telephone & Telegraph Co. (KVU73), Add frequencies 3810, 3890, and 3970 MHz toward Lyons, Ohio, and Plymouth Junction, Mich. Station location: Clinton, 1.7 miles northwest of Macon, Mich.

5566–C1–P–71—American Telephone & Telegraph Co. (KVU74), Add frequencies 3850, 3930, and 4010 MHz toward Clinton, Mich., and 4170, 3750, and 3830 MHz toward Milford, Mich., and 3770 and 4170 MHz toward Southfield, Mich. Station location: 4 miles west of Plymouth Junction, Mich.

5567–C1–P–71—American Telephone & Telegraph Co. (KQG23), Add frequencies 3730 and 4130 MHz toward Plymouth Junction, and Detroit, Mich. Station location: Southfield, 2 miles north of city limits of Detroit, Mich.

5568–C1–P–71—American Telephone & Telegraph Co. (KQA83), Add frequencies 3770 and 4170 MHz toward Southfield, Mich. Station location: 1365 Cass Avenue, Detroit, MI.

5569–C1–P–71—American Telephone & Telegraph Co. (KQE91), Add frequencies 4130, 3710, and 3790 MHz toward Plymouth Junction, Mich., and 3890, 3970, and 4050 MHz toward Atlas, Mich. Station location: 4.5 miles southwest of Milford, Mich.

5570–C1–P–71—American Telephone & Telegraph Co. (KQF42), Add frequencies 4010, 4090, and 4170 MHz toward Milford, Mich., and 4010 MHz toward Dryden, Mich. Station location: 2 miles northeast of Atlas, Mich.

5571–C1–P–71—American Telephone & Telegraph Co. (KQO62), Add frequency 3890 MHz toward Atlas, Mich., and 3970 MHz toward Lamb, Mich. Station location: 1.4 miles west of Dryden, Mich.

5572–C1–P–71—American Telephone & Telegraph Co. (KQO63), Add frequency 3930 MHz toward Dryden, Mich., and 4010 MHz toward Wallaceburg, Ontario, Canada. Station location: 1.4 miles west of Dryden, Mich.

5573–C1–P–71—American Telephone & Telegraph Co. (KSB66), Add frequency 3910 MHz toward Sheridan, Ind. Station location: 240 North Meridian Street, Indianapolis, IN.

5574–C1–P–71—American Telephone & Telegraph Co. (KSO80), Add frequency 3870 MHz toward Indianapolis and Michigantown, Ind. Station location: 2.5 miles east of Sheridan, Ind.

5575–C1–P–71—American Telephone & Telegraph Co. (KSO81), Add frequency 3910 MHz toward Sheridan, Ind., and toward Burrows, Ind. Station location: 3 miles north of Michigantown, Ind.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

5576–C1–P–71—American Telephone & Telegraph Co. (KSO83), Add frequency 3870 MHz toward Michigantown, Ind., and 3910 MHz toward Monon, Ind. Station location: 1 mile southwest of Burrows, Ind.

5577–C1–P–71—American Telephone & Telegraph Co. (KSO82), Add frequency 3870 MHz toward Burrows, Ind., and 4050 MHz toward Winamac, Ind. Station location: 1.5 miles west of Monon, Ind.

5578–C1–P–71—American Telephone & Telegraph Co. (KVI56), Add frequency 4090 MHz toward Monon and toward Plymouth, Ind. Station location: 2.5 miles northeast of Winamac, Ind.

5579–C1–P–71—American Telephone & Telegraph Co. (KVI57), Add frequency 4050 MHz toward Winamac and Mishawaka, Ind. Station location: 2.4 miles south of Plymouth, Ind.

5580–C1–P–71—American Telephone & Telegraph Co. (KSA43), Add frequency 4090 MHz toward Plymouth, Ind., and 4190 MHz toward South Bend, Ind. Station location: 1.2 miles southwest of Mishawaka, Ind.

5581–C1–P–71—American Telephone & Telegraph Co. (KSI52), Add frequency 4050 MHz toward Mishawaka, Ind. Station location: 222 South Scott Street, South Bend, IN.

Correction

5013–C1–P–71—Cascade Utilities, Inc. (KGH29), Correction to change location of station to on Day Hill Road, 1.1 miles south of junction. Day Hill Road and Highway No. 211, Estacada, Oreg. All other particulars same as reported in Public Notice dated Mar. 29, 1971.

Correction

1439–C1–P–71—The Pacific Telephone & Telegraph Co. (KMN64), Correct call sign to read: KNM64. All other terms same as indicated in Report No. 537, dated Mar. 29, 1971.

POINT-TO-POINT MICROWAVE RADIO SERVICE

Applications Associated with Domestic Satellite Proposals

The following applications involve terrestrial microwave facilities which would be used for interconnection of proposed domestic satellite earth stations. As stated in the Commission's previous public notices (FCC 70–953 and FCC 71–174) applicants and other interested persons are requested to utilize the rule making proceeding in Docket No. 16495 rather than filing petitions to deny pursuant to section 309 of the Communications Act and § 21.27(c) of the rules. See Report and Order in Docket No. 16495 issued on March 24, 1970 (22 FCC 2d 86); Notice of Proposed Rule Making (22 FCC 2d 810); and Further Notice of Proposed Rule Making (FCC 70–1015). The cutoff provisions of § 21.30(b) of the rules relating to mutually exclusive applications are superseded by the dates prescribed in Docket No. 16495 except for cases involving frequency interference. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, or other documents filed shall be furnished to the Commission. In reaching its decision on these applications and on the proposed rule making, the Commission may take into account any other relevant information before it, in addition to the comments of the parties and the applications.

For interconnection with Earth Station at De Luz, Calif.:

5171–C1–P–71—American Telephone & Telegraph Co. (New), C.P. for a new station. Frequencies: 10,735, 10,775, 10,815, 10,855, 10,895, 10,935, 10,975, 11,015, 11,055, 11,095, 11,135, 11,175, and 2120 MHz on azimuth 69°36′ toward Temecula, Calif., and frequencies 10,715, 10,755, 10,795, 10,835, 10,875, 10,915, 10,955, 10,995, 11,035, 11,075, 11,115, 11,155, and 2128 MHz on azimuth 257°45′ toward Sky Ranch, Calif. Location: De Luz, Calif., at latitude 33°27′22″ N., longitude 117°18′03″ W.

5172–C1–P–71—American Telephone & Telegraph Co. (New), C.P. for a new station. Frequencies: 11,225, 11,265, 11,305, 11,345, 11,385, 11,425, 11,465, 11,505, 11,545, 11,585, 11,625, 11,665, and 2162 MHz on azimuth 335°48′ toward Sedco Hills, Calif., and frequencies 11,225, 11,265, 11,305, 11,345, 11,385, 11,425, 11,465, 11,505, 11,545, 11,585, 11,625, 11,665, and 2170 MHz on azimuth 249°40′ toward De Luz, Calif. Location: Temecula, Calif., at latitude 33°29′32″ N., longitude 117°11′05″ W.

5173–C1–P–71—American Telephone & Telegraph Co. (New), C.P. for a new station. Frequencies 10,735, 10,775, 10,815, 10,855, 10,895, 10,935, 10,975, 11,015, 11,055, 11,095, 11,135, 11,175, and 2128 MHz on azimuth 304°53′ toward Corona, Calif., and frequencies 10,735, 10,775, 10,815, 10,855, 10,895, 10,935, 10,975, 11,015, 11,055, 11,095, 11,135, 11,175, and 2112 MHz on azimuth 155°45′ toward Temecula, Calif. Location: Sedco Hills, Calif., at latitude 33°38′56″ N., longitude 117°16′08″ W.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)—continued

5174–C1–P–71—American Telephone & Telegraph Co. (New), C.P. for a new station. Frequencies 11,225, 11,265, 11,305, 11,345, 11,385, 11,425, 11,465, 11,505, 11,545, 11,585, 11,625, 11,665, and 2178 MHz on azimuth 124°43′ toward Sedco Hills, Calif. Location: Corona, Calif., at latitude 33°49′06″ N., longitude 117°33′38″ W.

5175–C1–P–71—American Telephone & Telegraph Co. (New), C.P. for a new station. Frequencies 11,245, 11,285, 11,325, 11,365, 11,405, 11,445, 11,485, 11,525, 11,565, 11,605, 11,645, 11,685, and 2178 MHz on azimuth 77°43′ toward De Luz, Calif., and frequencies 11,245, 11,285, 11,325, 11,365, 11,405, 11,445, 11,485, 11,525, 11,565, 11,605, 11,645, 11,685, and 2162 MHz on azimuth 315°28′ toward El Toro, Calif. Location: Sky Ranch, Calif., at latitude 33°26′39″ N., longitude 11°21′59″ W.

5176–C1–P–71—American Telephone & Telegraph Co. (New), C.P. for a new station. Frequencies 10,715, 10,755, 10,795, 10,835, 10,875, 10,915, 10,955, 10,995, 11,035, 11,075, 11,115, 11,155, and 2112 MHz on azimuth 135°17′ toward Sky Ranch, Calif., and frequencies 3750, 3770, 3830, 3850, 3910, 3930, 3990, 4010, 4070, 4090, 4150, 4170, and 2120 MHz on azimuth 247°17′ toward Palos Verdes, Calif. Location: El Toro, Calif., at latitude 33°43′43″ N., longitude 117°42′06″ W.

5177–C1–P–71—American Telephone & Telegraph Co. (New), C.P. for a new station. Frequencies 3710, 3730, 3790, 3810, 3870, 3890, 3950, 3970, 4030, 4050, 4110, 4130, and 2128 MHz on azimuth 93°54′ toward El Toro, Calif., and frequencies 3710, 3730, 3790, 3810, 3870, 3890, 3950, 3970, 4030, 4050, 4110, 4130, and 4190 MHz on azimuth 19°48′ toward Los Angeles, Calif. Location: Palos Verdes, Calif., at latitude 33°46′08″ N., longitude 118°22′27″ W.

5178–C1–P–71—American Telephone & Telegraph Co. (KMJ86), C.P. to add frequencies 3750, 3770, 3830, 3850, 3910, 3930, 4010, 4070, 4090, 4150, 3170, and 4198 MHz on azimuth 199°52′ toward Palos Verdes, Calif. Location: Los Angeles, Calif., at latitude 34°03′02″ N., longitude 118°15′08″ W.

For interconnection with earth station at Hawley, Pa.:

5179–C1–P–71—American Telephone & Telegraph Co. (New), C.P. for a new station. Frequencies 11,265, 11,325, 11,345, 11,365, 11,385, 11,405, 11,425, 11,485, 11,505, 11,525, 11,545, 11,565, 11,585, 11,605, 11,625, and 11,685 MHz on azimuths 185°46′ and 47°56′ toward Tafton, Pa., and Rowland, Pa. Location: Hawley, Pa., at latitude 41°27′51″ N., longitude 75°07′48″ W.

5180–C1–P–71—American Telephone & Telegraph Co. (New), C.P. for a new station. Frequencies 10,715, 10,775, 10,795, 10,815, 10,835, 10,855, 10,875, 10,935, 10,955, 10,975, 10,995, 11,015, 11,035, 11,055, 11,075, and 11,135 MHz on azimuths 227°58′ and 88°56′ toward Hawley, Pa., and Barryville, N.Y. Location: Rowland, Pa., at latitude 41°29′49″ N., longitude 75°04′54″ W.

5181–C1–P–71—American Telephone & Telegraph Co. (New), C.P. for a new station. Frequencies 11,265, 11,325, 11,345, 11,365, 11,385, 11,405, 11,425, 11,485, 11,505, 11,525, 11,545, 11,565, 11,585, 11,605, 11,625, and 11,685 MHz on azimuths 269°18′ and 136°56′ toward Rowland, Pa., and Colesville, N.J. Location: Barryville, N.Y., at latitude 41°29′57″ N., longitude 74°54′55″ W.

5182–C1–P–71—American Telephone & Telegraph Co. (KEE60), C.P. to add frequencies 10,715, 10,775, 10,795, 10,815, 10,835, 10,855, 10,875, 10,935, 10,955, 10,975, 10,995, 11,015, 11,035, 11,055, 11,075, and 11,135 MHz on azimuth 317°06′ toward Barryville, N.Y. Location: Colesville, N.J., at latitude 41°18′14″ N., longitude 74°40′25″ W.

5183–C1–P–71—American Telephone & Telegraph Co. (New), C.P. for a new station. Frequencies 10,715, 10,775, 10,795, 10,815, 10,835, 10,855, 10,875, 10,935, 10,955, 10,975, 10,995, 11,015, 11,035, 11,055, 11,075, and 11,135 MHz on azimuths 141°13′ and 5°46′ toward Pecks Pond, Pa., and Hawley, Pa. Location: Tafton, Pa., at latitude 41°24′30″ N., longitude 75°08′15″ W.

5184–C1–P–71—American Telephone & Telegraph Co. (New), C.P. for a new station. Frequencies 11,265, 11,325, 11,345, 11,365, 11,385, 11,405, 11,425, 11,485, 11,505, 11,525, 11,545, 11,565, 11,585, 11,605, 11,625, and 11,685 MHz on azimuths 173°01′ and 321°17′ toward Bushkill, Pa., and Tafton, Pa. Location: Pecks Pond, Pa., at latitude 41°19′08″ N., longitude 75°02′32″ W.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)—continued

5185–C1–P–71—American Telephone & Telegraph Co. (New), C.P. for a new station. Frequencies 10,715, 10,775, 10,795, 10,815, 10,835, 10,855, 10,875, 10,935, 10,955, 10,975, 10,995, 11,015, 11,035, 11,055, 11,075, and 11,135 MHz on azimuths 161°32′ and 353°01′ toward Blairstown, N.J., and Pecks Pond, Pa. Location: Bushkill, Pa., at latitude 41°11′26″ N., longitude 75°01′17″ W.

5186–C1–P–71—American Telephone & Telegraph Co. (New), C.P. for a new station. Frequencies 11,265, 11,345, 11,365, 11,385, 11,405, 11,425, 11,445, 11,465, 11,505, 11,545, 11,565, 11,585, 11,605, 11,625, 1,645, and 11,685 MHz on azimuth 171°06′ toward Hope, N.J., and frequencies 11,265, 11,325, 11,345, 11,365, 11,385, 11,405, 11,425, 11,485, 11,505, 11,525, 11,545, 11,565, 11,585, 11,605, 11,625, and 11,685 MHz on azimuth 341°35′ toward Bushkill, Pa. Location: Blairstown, N.J., at latitude 41°03′32″ N., longitude 74°57′48″ W.

5187–C1–P–71—American Telephone & Telegraph Co. (KIQ69), C.P. to add frequencies 10,715, 10,775, 10,795, 10,815, 10,835, 10,855, 10,875, 10,895, 10,935, 10,975, 11,015, 11,035, 11,055, 11,075, 11,095, and 11,135 MHz on azimuths 101°30′ and 351°07′ toward Netcong, N.J., and Blairstown, N.J. Location: Hope, N.J., at latitude 40°54′15″ N., longitude 74°55′53″ W.

5188–C1–P–71—American Telephone & Telegraph Co. (KEM64), C.P. to add frequencies 11,265, 11,345, 11,365, 11,385, 11,405, 11,425, 11,445, 11,465, 11,505, 11,545, 11,565, 11,585, 11,605, 11,625, 11,645, and 11,685 MHz on azimuth 281°40′ toward Hope, N.J. Location: Netcong, N.J., at latitude 40°51′54″ N., longitude 74°40′47″ W.

For interconnection with earth station at Hanover, Ill.:

5189–C1–P–71—American Telephone & Telegraph Co. (New), C.P. for a new station. Frequencies 11,225, 11,265, 11,305, 11,345, 11,385, 11,425, 11,465, 11,505, 11,545, 11,585, 11,625, and 11,665 MHz on azimuth 120°27′ toward Elizabeth, Ill., and frequencies 11,245, 11,285, 11,325, 11,365, 11,405, 11,445, 11,485, 11,525, 11,565, 11,605, 11,645, and 11,685 MHz on azimuth 72°53′ toward Stockton, Ill. Location: Hanover, Ill., at latitude 42°19′06″ N., longitude 90°21′29″ W.

5190–C1–P–71—American Telephone & Telegraph Co. (New), C.P. for a new station. Frequencies 10,715, 10,755, 10,795, 10,835, 10,875, 10,915, 10,955, 10,995, 11,035, 11,075, 11,115, and 11,155 MHz on azimuth 253°06′ toward Hanover, Ill., and frequencies 3710, 3730, 3790, 3810, 3870, 3890, 3950, 3970, 4030, 4050, 4110, and 4130 MHz on azimuth 119°55′ toward Baileyville, Ill. Location: Stockton, Ill., at latitude 42°23′26″ N., longitude 90°02′23″ W.

5191–C1–P–71—American Telephone & Telegraph Co. (New), C.P. for a new station. Frequencies 3750, 3770, 3830, 3850, 3910, 3930, 3990, 4010, 4070, 4090, 4150, and 4170 MHz on azimuths 300°14′ and 150°46′ toward Stockton, Ill., and Oregon, Ill. Location: Baileyville, Ill., at latitude 42°11′11″ N., longitude 89°33′54″ W.

5192–C1–P–71—American Telephone & Telegraph Co. (New), C.P. for a new station. Frequencies 3710, 3730, 3790, 3810, 3870, 3890, 3950, 3970, 4030, 4050, 4110, and 4130 MHz on azimuths 330°52′ and 138°09′ toward Baileyville, Ill., and Compton, Ill. Location: Oregon, Ill., at latitude 41°58′28″ N., longitude 89°24′22″ W.

5193–C1–P–71—American Telephone & Telegraph Co. (New), C.P. for a new station. Frequencies 3750, 3770, 3830, 3850, 3910, 3930, 3990, 4010, 4070, 4090, 4150, and 4170 MHz on azimuths 318°22′ and 89°13′ toward Oregon, Ill., and Plano, Ill. Location: Compton, Ill., at latitude 41°42′04″ N., longitude 89°04′48″ W.

5194–C1–P–71—American Telephone & Telegraph Co. (New), C.P. for a new station. Frequencies 3710, 3730, 3790, 3810, 3870, 3890, 3950, 3970, 4030, 4050, 4110, and 4130 MHz on azimuth 269°36′ toward Compton, Ill. Location: Plano, Ill. at latitude 41°42′20″ N., longitude 88°30′27″ W.

5195–C1–P–71—American Telephone & Telegraph Co. (New), C.P. for a new station. Frequencies 3750, 3770, 3830, 3850, 3910, 3930, 3990, 4010, 4070, 4090, 4150, and 4170 MHz on azimuth 142°41′ toward Chadwick, Ill., and frequencies 10,735, 10,775, 10,815, 10,855, 10,895, 10,935, 10,975, 11,015, 11,055, 11,095, and 11,135 MHz on azimuth 300°36′ toward Hanover, Ill. Location: Elizabeth, Ill., at latitude 42°13′31″ No., longitude 90°08′44″ W.

5196–C1–P–71—American Telephone & Telegraph Co. (New), C.P. for a new station. Frequencies 3710, 3730, 3790, 3810, 3970, 3890, 3950, 3970, 4030, 4050, 4110, and 4130 MHz on azimuths 113°04′ and 322°50′ toward Franklin Grove, Ill., and Elizabeth, Ill. Location: Chadwick, Ill., at latitude 42°00′04″ N., longitude 89°55′00″ W.

5197–C1–P–71—American Telephone & Telegraph Co. (New), C.P. for a new station. Frequencies 3750, 3770, 3830, 3850, 3910, 3930, 3990, 4010, 4070, 4090, 4150, and 4170 MHz on azimuths 80°37′ and 293°29′ toward Lee, Ill., and Chadwick, Ill. Location: Franklin Grove, Ill., at latitude 41°48′02″ N., longitude 89°17′34″ W.

5198–C1–P–71—American Telephone & Telegraph Co. (KSA49), C.P. to add frequencies 3710, 3730, 3790, 3810, 3870, 3890, 3950, 3970, 4030, 4050, 4110, and 4130 MHz on azimuth 260°52′ toward Franklin Grove, Ill. Location: Lee, Ill., at latitude 41°50′44″ N., longitude 88°55′26″ W.

For interconnection with earth station at Brazos, Tex.:

5199–C1–P–71—American Telephone & Telegraph Co. (New), C.P. for a new station. Frequencies 10,735, 10,815, 10,855, 10,895, 11,015, and 11,055 MHz on azimuth 93°39′ toward Brock, Tex., and frequencies 10,715, 10,795, 10,835, 10,875, 10,915, 10,995, 11,035, and 11,115 MHz on azimuth 52°20′ toward Mineral Wells, Tex. Location: Brazos, Tex., at latitude 32°40′45″ N., longitude 98°10′40″ W.

5200–C1–P–71—American Telephone & Telegraph Co. (New), C.P. for a new station. Frequencies 11,285, 11,365, 11,405, 11,445, 11,485, 11,565, 11,605, and 11,685 MHz on azimuth 232°24′ toward Brazos, Tex., and frequencies 6197.2, 6226.9, 6256.5, 6286.2, 6315.9, 6345.5, 6375.2, and 6404.8 MHz on azimuth 15°01′ toward Perrin, Tex. Location: Mineral Wells, Tex., at latitude 32°45′20″ N., longitude 98°03′38″ W.

5201–C1–P–71—American Telephone & Telegraph Co. (KLS89), C.P. to add frequencies 5945.2, 5874.8, 6004.5, 6034.2, 6063.8, 6093.5, 6123.1, and 6152.8 MHz on azimuth 195°04′ and 58°22′ toward Mineral Wells, Tex., and Decatur, Tex. Location: Perrin, Tex., at latitude 33°01′21″ N., longitude 97°58′32″ W.

5202–C1–P–71—American Telephone & Telegraph Co. (KLS88) C.P. to add frequencies 6197.2, 6226.9, 6256.5, 6286.2, 6315.9, 6345.5, 6375.2, and 6404.8 MHz on azimuths 238°36′ and 132°24′ toward Perrin, Tex., and Roanoke, Tex. Location: Decatur, Tex., at latitude 33°13′59″ N., longitude 97°34′03″ W.

5203–C1–P–71—American Telephone & Telegraph Co. (KYZ91), C.P. to add frequencies 5945.2, 5974.8, 6004.5, 6034.2, 6063.8, 6093.5, 6123.1, and 6152.8 MHz on azimuth 312°33′ toward Decatur, Tex. Location: Roanoke, Tex., at latitude 33°01′41″ N., longitude 97°18′05″ W.

5204–C1–P–71—American Telephone & Telegraph Co. (New), C.P. for a new station. Frequencies 11,285, 11,365, 11,405, 11,445, 11,565, and 11,605 MHz on azimuth 92°01′ toward Weatherford, Tex., and frequencies 11,265, 11,345, 11,425, 11,545, and 11,585 MHz on azimuth 273°46′ toward Brazos, Tex. Location: Brock, Tex., at latitude 32°40′02″ N., longitude 97°57′35″ W.

5205–C1–P–71—American Telephone & Telegraph Co. (New), C.P. for a new station. Frequencies 3710, 3790, 3870, 3950, 4030, and 4110 MHz on azimuth 127°50′ toward Joshua, Tex., and frequencies 10,715, 10,795, 10,835, 10,875, 10,995, and 11,035 MHz on azimuth 272°08′ toward Brock, Tex. Location: Weatherford, Tex., at latitude 32°39′37″ N., longitude 97°43′58″ W.

5206–C1–P–71—American Telephone & Telegraph Co. (New), C.P. for a new station. Frequencies 3750, 3830, 3910, 3990, 4070, and 4150 MHz on azimuths 108°09′ and 307°59′ toward Maypearl, Tex., and Weatherford, Tex. Location: Joshua, Tex., at latitude 32° 27′50″ N., longitude 97°26′06″ W.

5207–C1–P–71—American Telephone & Telegraph Co. (New), C.P. for a new station. Frequencies 3710, 3790, 3870, 3850, 4030, and 4110 MHz on azimuths 93°33′ and 288°24′ toward Ennis, Tex., and Joshua, Tex. Location: Maypearl, Tex., at latitude 32°19′51″ N., longitude 96°57′37″ W.

5208–C1–P–71—American Telephone & Telegraph Co. (KKK30), C.P. to add frequencies 3750, 3830, 3910, 3990, 4070, and 4150 MHz on azimuth 273°45′ toward Maypearl, Tex. Location: Ennis, 3910, Tex., at latitude 32°18′39″ N., longitude 96°35′27″ W.

For interconnection with earth station at Woodbury, Ga.:

5209–C1–P–71—American Telephone & Telegraph Co. (New), C.P. for a new station. Frequencies 10,775, 10,935, 11.015, and 11,095 MHz on azimuth 61°01′ toward Zebulon, Ga., and frequencies 10,735, 10,815, 10,895, 10,975, and 11,135 MHz on azimuth 329°24′ toward

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)—continued

Luthersville, Ga. Location: Woodbury Junction, Ga., at latitude 32°57'13" N., longitude 84°32'44" W.

5210–C1–P–71—American Telephone & Telegraph Co. (New), C.P. for a new station. Frequencies 3770, 3850, 3930, and 4010 MHz on azimuth 83°04' toward Goggins, Ga., and frequencies 11,345, 11,425, 11,505, and 11,665 MHz on azimuth 241°07' toward Woodbury Junction, Ga. Location: Zebulon, Ga., at latitude 33°03'00" N., longitude 84°20'19" W.

5211–C1–P–71—American Telephone & Telegraph Co. (New), C.P. for a new station. Frequencies 3730, 3810, 3890, and 3970 MHz on azimuths 47°19' and 263°12' toward Monticello, Ga., and Zebulon, Ga. Location: Goggins, Ga., at latitude 33°04'24" N., longitude 84°06'31" W.

5212–C1–P–71—American Telephone & Telegraph Co. (New), C.P. for a new station. Frequencies 3770, 3850, 3930, and 4010 MHz on azimuth 227°30' toward Goggins, Ga. Location: Monticello, Ga., at latitude 33°20'16" N., longitude 83°45'59" W.

5213–C1–P–71—American Telephone & Telegraph Co. (New), C.P. for a new station. Frequencies 11,225, 11,305, 11,385, 11,545, and 11,625 MHz on azimuth 149°19' toward Woodbury Junction, Ga., and frequencies 3730, 3810, 3890, 3970, 4050 MHz on azimuth 353°50' toward Palmetto, Ga. Location: Luthersville, Ga., at latitude 33°11'13" N., longitude 84°42'35" W.

5214–C1–P–71—American Telephone & Telegraph Co. (KIK95), C.P. to add frequencies 3770, 3850, 3930, 4010, and 4090 MHz on azimuths 173°49' and 331°15' toward Luthersville, Ga., and Villa Rica, Ga. Location: Palmetto, Ga., at latitude 33°31'38" N., longitude 84°45'13" W.

5215–C1–P–71—American Telephone & Telegraph Co. (KIT28), C.P. to add frequencies 3730, 3810, 3890, 3970, and 4050 MHz on azimuth 151°11' toward Palmetto, Ga. Location: Villa Rica, Ga., at latitude 33°43'43" N., longitude 84°53'09" W.

For interconnection with Comsat (multipurpose) earth station at Southbury, Conn.:

5170–C1–P–71—American Telephone & Telegraph Co. (New), C.P. for a new station. Frequencies 3710, 3730, 3790, 3810, 3870, 3890, 3950, 3970, 4030, 4050, 4110, and 4130 MHz on azimuth 160°45' toward Booth Hill, Conn. Location: South Britain, Conn., at latitude 41°28'39" N., longitude 73°16'38" W.

5169–C1–P–71—American Telephone & Telegraph Co. (KCA79), C.P. to add frequencies 3750, 3770, 3830, 3850, 3910, 3930, 3990, 4010, 4070, 4090, 4150, and 4170 MHz on azimuth 340°49' toward South Britain, Conn. Location: Booth Hill, Conn., at latitude 41°16'46" N., longitude 73°11'08" W.

For interconnection with Comsat (multipurpose) earth station at Santa Paula, Calif.:

5167–C1–P–71—General Telephone Co. of California (New), C.P. for a new station. Frequencies 11,685, 11,445, 11,365, 11,285, 11,245, 11,325, 11,405, and 11,645 MHz toward Fillmore, Calif., via passive reflector. Location: Santa Paula, Calif., at latitude 34°24'05" N., longitude 119°04'26" W.

5168–C1–P–71—General Telephone Co. of California (New), C.P. for a new station. Frequencies 10,755, 10,835, 10,915, 11,155, 10,715, 10,795, 10,875, and 11,115 MHz toward Santa Paula, Calif., via passive reflector and frequencies 5945.2, 6004.5, and 6063.8, 6123.1, 5974.8, 6034.1, 6093.4, and 6152.7 MHz on azimuth 144°57' toward Topanga Ridge, Calif. Location: Fillmore, Calif., at latitude 34°21'25" N., longitude 118°52'04" W.

INFORMATIVE: Applicant proposes three microwave links to provide terrestrial microwave interconnection with proposed domestic satellite earth stations located near Juneau, Fairbanks, and Ketchikan, Alaska.

For interconnection with earth station at Juneau, Alaska:

5217–C1–P–71—RCA Alaska Communications, Inc. (New), C.P. for a new station at Juneau, Alaska, latitude 58°17'56" N., longitude 134°24'07" W. Frequencies 11,285, 11,445, 11,605, and 11,365 MHz on azimuth 294°44' (via passive reflector on azimuth 52°05') toward Lena Point, Alaska.

5218–C1–P–71—RCA Alaska Communications, Inc. (New), C.P. for a new station at Lena Point, Alaska, latitude 58°23'26" N., longitude 134°46'02" W. Frequencies 10,715, 10,755, 10,795, 10,835, 10,875, and 10,915 MHz on azimuth 232°06' (via passive reflector on azimuth 114°25') toward Juneau, Alaska.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)—continued

For interconnection with earth station at Fairbanks, Alaska:

5219–C1–P–71—RCA Alaska Communications, Inc. (WGF58), C.P. to add frequencies 11,285, 11,365, 11,445, 11,525, 11,605, and 11,685 MHz on azimuth 276°23' (via passive reflector on azimuth 24°14') toward Goldstream Road, Alaska. Location: Fairbanks, Alaska, at latitude 64°50'12" N., longitude 147°42'22" W.

5220–C1–P–71—RCA Alaska Communications, Inc. (New), C.P. for a new station at Goldstream Road, Alaska, latitude 64°56'51" N., longitude 147°48'47" W. Frequencies 10,715, 10,755, 10,795, 10,835, 10,875, and 10,915 MHz on azimuth 204°20' (via passive reflector on azimuth 96°11') toward Fairbanks, Alaska.

For interconnection with earth station at Ketchikan, Alaska:

5221–C1–P–71—RCA Alaska Communications, Inc. (WGF49), C.P. to add frequencies 11,285, 11,445, and 11,605 MHz on azimuth 126°05' (via double passive reflectors on azimuths 290°29' and 41°00' respectively) toward Ward Creek, Alaska. Location: Ketchikan, Alaska, latitude 55°21'12" N., longitude 131°40'51" W.

5222–C1–P–71—RCA Alaska Communications, Inc. (New), C.P. for a new station at Ward Creek, Alaska, latitude 55°24'30" N., longitude 131°42'24" W. Frequencies 10,715, 10,755, 10,795, 10,835, and 10,875 MHz on azimuth 110°24' (via double passive reflectors on azimuths 306°05' and 221°03' respectively) toward Ketchikan, Alaska.

INFORMATIVE: Applicant proposes eight microwave stations to provide terrestrial interconnection from the proposed receive-only domestic satellite earth station at Lake Redding, Calif., to affiliate studio.

5223–C1–P–71—The Western Union Telegraph Co. (New), C.P. for a new station at Lake Redding, Calif., latitude 40°35'52" N., longitude 122°24'44" W. Frequency 6212.0 MHz on azimuth 141°39' toward Salt Creek, Calif., and frequency 6330.7 MHz on azimuth 175°17' toward KRCR, Redding, Calif.

5224–C1–P–71—The Western Union Telegraph Co. (New), C.P. for a new station at Salt Creek, Calif., latitude 40°16'09" N., longitude 122°04'24" W. Frequency 5960.0 MHz on azimuth 137°49' toward Cohasset, Calif.

5225–C1–P–71—The Western Union Telegraph Co. (New), C.P. for a new station at Cohasset, Calif., latitude 39°57'39" N., longitude 121°42'39" W. Frequency 6404.8 MHz on azimuth 202°54' toward KHSL, Chico, Calif.

For interconnection with earth station at Griffin Creek, Oreg.:

5226–C1–P–71—The Western Union Telegraph Co. (New), C.P. for a new station at Griffin Creek, Oreg., latitude 42°16'43" N., longitude 122°54'26" W. Frequency 11,565 MHz on azimuth 358°07' toward KMED, Medford, Oreg., and frequency 11,245 MHz on azimuth 18°03' toward KOBI, Medford, Oreg.

For interconection with earth station at Goshen, Oreg.:

5527–C1–P–71—The Western Union Telegraph Co. (New), C.P. for a new station at Goshen, Oreg., latitude 44°00'34" N., longitude 123°00'36" W. Frequency 11,365 MHz on azimuth 332°13' toward KEZI, Eugene, Oreg., and frequency 11,685 MHz on azimuth 264°22' toward KVAL, Eugene, Oreg.

For interconnection with earth station at Moxee City, Wash.:

5228–C1–P–71—The Western Union Telegraph Co. (New), C.P. for a new station at Moxee City, Wash., latitude 46°31'38" N., longitude 120°21'25" W. Frequency 11,325 MHz on azimuth 291°08' toward KNDO, Yakima, Wash., and frequency 11,645 MHz on azimuth 317°43' toward KIMA, Yakima, Wash.

For interconnection with earth station at Camp Union, Wash.:

5229–C1–P–71—The Western Union Telegraph Co. (New), C.P. for a new station at Camp Union, Wash., latitude 47°35'00" N., longitude 122°48'27" W. Frequency 10,995 MHz on azimuth 83°00' toward KING, Seattle, Wash., frequency 10,835 MHz on azimuth 83°19' toward KOMO, Seattle, Wash., and frequency 11,155 MHz on azimuth 83°20' toward KIRO, Seattle, Wash.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)—continued

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)—continued

For interconnection with earth station at East Spokane, Wash.:

5230–C1–P–71—The Western Union Telegraph Co. (New), C.P. for a new station at East Spokane, Wash., latitude 47°38'35'' N., longitude 117°18'16'' W. Frequency 11,245 MHz on azimuth 288°09' toward KXLY, Spokane, Wash., frequency 11,405 MHz on azimuth 238°35' toward KREM, Spokane, Wash., and frequency 11,565 MHz on azimuth 237°32' toward KHQ, Spokane, Wash.

INFORMATIVE: Applicant proposes three microwave stations to provide terrestrial interconnection from the domestic satellite earth station at Kipapa, Hawaii, to operating centers and affiliate studios in Honolulu.

5231–C1–P–71—The Western Union Telegraph Co. (New), C.P. for a new station at Kipapa, Hawaii, at latitude 21°28'14'' N., longitude 157°58'23'' W. Frequencies 11,245, 11,325, 11,485, and 11,645 MHz on azimuth 259°54' toward Waipio Acres, Hawaii.

5232–C1–P–71—The Western Union Telegraph Co. (New), C.P. for a new station at Waipio Acres, Hawaii, latitude 21°28'06'' N., longitude 157°59'11'' W. Frequency 10,795 MHz on azimuth 79°54' toward Kipapa, Hawaii; frequency 6293.6 MHz on azimuth 142°05' toward KGMB, Honolulu, Hawaii; frequency 6182.4 MHz on azimuth 143°50' toward KHVH, Honolulu, Hawaii; frequency 6382.6 MHz on azimuth 144°08' toward KHON, Honolulu, Hawaii, and frequency 6264.0 MHz on 144°15' toward Honolulu, Hawaii.

5233–C1–P–71—The Western Union Telegraph Co. (New), C.P. for a new station at Honolulu, Hawaii, latitude 21°18'40'' N., longitude 157°51'56'' W. Frequency 6011.9 MHz on azimuth 324°17' toward Waipio Acres, Hawaii.

INFORMATIVE: Applicant proposes to operate facilities in conjunction with its simultaneously proposed domestic satellite earth terminal at Sleepy Hollow, Calif., to provide network television, data/analog and CATV services to the Los Angeles metropolitan area.

5234–C1–P–71—Western Tele-Communications, Inc. (New), C.P. for a new fixed station Sleepy Hollow, Calif., at latitude 33°57'23'' N., longitude 117°45'57'' W. Frequencies 11,385, 11,665, 11,625, 11,425, 11,305, 11,585, 11,545, 11,345, 11,225, 11,505, 11,465, 11,265, 6004.5 and 6123.1 MHz on azimuth 342°14'.

5235–C1–P–71—Western Tele-Communications, Inc. (New), C.P. for a new station Chino, Calif., at latitude 33°58'15'' N., longitude 117°46'17'' W. Frequencies 3730, 3810, 3890, 3970, 4050, 4130, 3710, 3790, 3870, 3950, 4030, 4110, 6256.5 and 6375.2 MHz on azimuth 339°04' and frequencies 10,775, 10,975, 11,015, 10,735, 11,175, 10,895, 10,935, 11,135, 11,095, 10,815, 10,855, 11,055, 3730, 3810, 3890, 3970, 4050, and 4130 MHz on azimuth 162°14'.

5236–C1–P–71—Western Tele-Communciations, Inc. (New), C.P. for a new station San Jose Hills, Calif., at latitude 34°04'14'' N., longitude 117°49'02'' W. Frequencies 3770, 3850, 3930, 4010, 4090, 4170, 3750, 3830, 3910, 3990, 4070, 4150, 6004.5, and 6123.1 MHz on azimuth 278°53' and frequencies 3770, 3850, 3930, 4010, 4090, 4170, 3750, 3830, 3910, 3990, 4070, 4150, 5945.2, 5974.8, 6004.5, 6034.2, 6063.8, and 6093.5 MHz on azimuth 159°03'.

5237–C1–P–71—Western Tele-Communications, Inc. (New), C.P. for a new station Mount Lee, Calif., at latitude 34°08'05'' N., longitude 118°19'09'' W. Frequencies 3730, 3810, 3890, 3970, 4050, 4130, 3710, 3790, 3870, and 4030 MHz on azimuth 195°37' and 11,325, on azimuth 134°35' and 4110 MHz on azimuth 187°43' and 3950 MHz on azimuth 182°12' and 3870 MHz on azimuth 328°48' and 3730, 3810, 3890, 3970, 4050, 4130, 3710, 3790, 3870, 3950, 4030, 4110, 6197.2, 6226.9, 6256.5, 6286.2, 6315.9 and 6345.5 MHz on azimuth 98°36'.

5238–C1–P–71—Western Tele-Communications, Inc. (New), C.P. for a new station Los Angeles, Calif. KABC–TV at latitude 34°06'11'' N., longitude 118°16'50'' W. Frequencies 11,155 and 10,915 MHz on azimuth 314°37'.

5239–C1–P–71—Western Tele-Communications, Inc. (New), C.P. for a new station Los Angeles, Calif. KNBC–TV at latitude 34°09'15'' N., longitude 118°20'00'' W. Frequencies 3910 and 4070 MHz on azimuth 148°47'.

5240–C1–P–71—Western Tele-Communications Inc. (New), C.P. for a new station Los Angeles, Calif. KNXT at latitude 34°05'55'' N., longitude 118°19'15'' W. Frequencies 3990 and 6063.8 MHz on azimuth 02°12'.

5241–C1–P–71—Western Tele-Communications, Inc. (New), C.P. for a new station Los Angeles, Calif. at latitude 33°57'27'' N., longitude 118°22'43'' W. Frequencies 3770, 3850, 3930, 4010, 4090, 4170, 3750, 3830, 3910, and 4070 MHz on azimuth 15°35'.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)—continued

5242–C1–P–71—Western Tele-Communications, Inc. (New), C.P. for a new station Hollywood, Calif., KCET at latitude 34°05'50'' N., longitude 118°19'31'' W. Frequencies 4150 and 5945.2 MHz on azimuth 07°43'.

INFORMATIVE: Applicant proposes to use these facilities in conjunction with its simultaneously proposed domestic satellite earth terminal at Morrison, Colo., to provide network television, data/analog and CATV services to the Denver Metropolitan Area.

5243–C1–P–71—Western Tele-Communications, Inc. (New), C.P. for a new station Morrison, Colo. at latitude 39°37'57'' N., longitude 105°10'25'' W. Frequencies 10,735, 10,775, 10,815, 10,895, 10,935, 10,975, 11,015, 11,095, 11,135, and 11,175 MHz on azimuth 95°35' and 11,175 MHz on azimuth 54°28' and 11,015 MHz on azimuth 55°22' and 11,095 MHz on azimuth 57°14' and 10,935 MHz on azimuth 51°55'.

5244–C1–P–71—Western Tele-Communications, Inc. (New), C.P. for a new station Denver Tech Center, Colo. at latitude 39°37'03'' N., longitude 104°53'36'' W. Frequencies 11,225, 11,305, 11,345, 11,385, 11,425, 11,505, 11,545, 11,585, 11,625 and 11,665 MHz on azimuth 275°46'.

5245–C1–P–71—Western Tele-Communications, Inc. (New), C.P. for a new Station KBTV, Denver, Colo., at latitude 39°44'01'' N., longitude 104°59'24'' W. Frequencies 11,345 MHz on azimuth 234°35'.

5246–C1–P–71—Western Tele-Communications, Inc. (New), C.P. for a new Station KOA–TV, Denver, Colo., at latitude 39°43'58'' N., longitude 104°59'07'' W. Frequency 11,505 MHz on azimuth 235°29'.

5247–C1–P–71—Western Tele-Communications, Inc. (New), C.P. for a new Station KLZ–TV, Denver, Colo., at latitude 39°43'34'' N., longitude 104°59'06'' W. Frequency 11,425 MHz on azimuth 237°21'.

5248–C1–P–71—Western Tele-Communications, Inc. (New), C.P. for a new Station KRMA, Denver, Colo., at latitude 39°44'26'' N., longitude 104°59'38'' W. Frequency 11,585 MHz on azimuth 232°02'.

INFORMATIVE: Applicant proposes to use these facilities in conjunction with its simultaneously proposed domestic satellite earth terminal at Sugar Loaf, N.Y., to provide network television, data/analog and CATV services to and from the New York City area.

5249–C1–P–71—Western Tele-Communications, Inc. (New), C.P. for a new station Empire State Building, New York City, NY, at latitude 40°44'54'' N., longitude 73°59'10'' W. Frequencies 11,385, 11,665, 11,425, 11,305, 11,345, 11,505, 11,465, 11,265, and 11,605 MHz on azimuth 12°20' and 11,665, 11,425, 11,305, 11,585, 11,345, 11,225, 11,465, 11,505, and 11,265 MHz on azimuth 276°26'.

5250–C–P–71—Western Tele-Communications, Inc. (New), C.P. for a new station Orange, N.J. at latitude 40°46'26'' N., longitude 74°17'20'' W. Frequencies 10,775, 10,975, 11,015, 10,735, 11,175, 10,935, 11,135, 10,815, and 11,055 MHz on azimuth 352°57' and 10,975, 10,735, 11,175, 10,895, 10,935, 11,135, and 11,055 MHz on azimuth 96°14'.

5251–C1–P–71—Western Tele-Communications, Inc. (New), C.P. for a new station Stone Town, N.J. at latitude 41°04'36'' N., longitude 74°20'18'' W. Frequencies 11,385, 11,665, 11,625, 11,425, 11,305, 11,585, 11,545, 11,225, and 11,465 MHz on azimuth 1°55' and 11,665, 11,425, 11,305, 11,585, 11,225, 11,505, and 11,465 MHz on azimuth 172°55'.

5252–C1–P–71—Western Tele-Communications, Inc. (New), C.P. for a new station Bell Vale, N.J., at latitude 41°12'31'' N., longitude 74°19'57'' W. Frequencies 10,775, 10,975, 11,015, 10,735, 11,175, 10,895, 11,135, 10,815, and 11,055 MHz on azimuth 25°01' and 10,775, 10,975, 10,735, 10,895, 11,135, 10,815, and 11,055 MHz on azimuth 181°55'.

5253–C1–P–71—Western Tele-Communications, Inc. (New), C.P. for a new station Sugar Loaf, N.Y., at latitude 41°18'57'' N., longitude 74°15'58'' W. Freuqencies 11,385, 11,665, 11,625, 11,305, 11,545, 11,225, and 11,465 MHz on azimuth 205°04' and 11,385, 11,665, 11,625, 11,305, 11,545, 11,225, and 11,465 MHz on azimuth 158°26'.

5254–C1–P–71—Western Tele-Communications, Inc. (New), C.P. for a new station Sterling, N.Y., at latitude 41°15'46'' N., longitude 74°14'18'' W. Frequencies 10,775, 10,975, 11,015, 10,735, 11,175, 10,895, 11,135, 10,815, and 11,055 MHz on azimuth 338°28' and 10,775, 10,975, 10,735, 10,895, 11,135 10,815, and 11,055 MHz on azimuth 168°40'.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)—continued

5255–C1–P–71—Western Tele-Communications, Inc. (New), C.P. for a new station Hillburn, N.J., at latitude 41°07'16" N., longitude 74°12'05" W. Frequencies 11,385, 11,665, 11,625, 11,425, 11,305, 11,585, 11,545, 11,225, and 11,465 MHz on azimuth 348°42' and 11,665, 11,425, 11,305, 11,585, 11,225, 11,505, and 11,465 MHz on azimuth 123°31'.

5256–C1–P–71—Western Tele-Communications, Inc. (New), C.P. for a new station Closter, N.J., at latitude 40°58'46" N., longitude 73°55'10" W. Frequencies 10,975, 10,735, 11,175, 10,895, 10,935, 11,095, and 11,055 MHz on azimuth 192°22' and 10,775, 10,975, 11,015, 10,735, 10,895, 10,935, 11,135, 10,815, and 11,055 MHz on azimuth 303°43'.

INFORMATIVE: Applicant proposes to use these facilities in conjunction with its simultaneously proposed domestic satellite earth terminal at Marengo, Ill., to provide network television data/analog and CATV services to and from the Chicago area.

5257–C1–P–71—Western Tele-Communications, Inc. (New), C.P. for a new station Coral, Ill., at latitude 42°13'06" N., longitude 88°35'00" W. Frequencies 6034.2, 6004.5, 10,775, 10,975, 11,015, 10,735, 11,175, 10,895, 10,935, 11,135, 11,095, 10,815, 10,855, and 11,055 on azimuth 103°18'.

5258–C1–P–71—Western Tele-Communications, Inc. (New), C.P. for a new fixed station Algonquin, Ill., at latitude 42°09'48" N., longitude 88°16'24" W. Frequencies 6286.2, 6256.5, 6404.8, 6375.2, 6226.9, 6197.2, 11,385, 11,665, 11,625, 11,425, 11,305, 11,585, 11,545, 11,345, 11,225, 11,505, 11,465, and 11,265 MHz on azimuth 288°37' and 6286.2, 6256.5, 3770, 3850, 3930, 4010, 4090, 4170, 3750, 3830, 3910, 3990, 4070, and 4150 MHz on azimuth 113°37'.

5259–C1–P–71—Western Tele-Communications, Inc. (New), C.P. for a new station Arlington Heights, Ill., at latitude 42°04'21" N., longitude 87°59'44" W. Frequencies 6034.2, 6004.5, 3730, 3810, 3890, 3970, 4050, 4130, 3710, 3790, 3870, 3950, 4030, and 4110 MHz on azimuth 121°53' and 6034.2, 6004.5, 6152.8, 6123.1, 5974.8, 5945.2, 3730, 3810, 3890, 3970, 4050, 4130, 3710, 3790, 3870, 3950, 4030, and 4110 MHz on azimuth 293°48'.

5260–C1–P–71—Western Tele-Communications, Inc. (New), C.P. for a new station Chicago, Ill., at latitude 41°53'56" N., longitude 87°37'24" W. Frequencies 6286.2, 6256.5, 6404.8, 6375.2, 6226.9, 6197.2, 3770, 3850, 3930, 4010, 4090, 4170, 3750, 3990, 3830, 3910, 4070, 4150 MHz on azimuth 302°08'.

INFORMATIVE: Applicant proposes to use this station in conjunction with its simultaneously filed domestic satellite earth terminal at Desert Springs, Nev., to provide network television service to Las Vegas, Nev.

5261–C1–P–71—Western Tele-Communications, Inc. (New), C.P. for a new station Las Vegas Range, Nev., at latitude 36°24'25" N., longitude 115°06'30" W. Frequencies 5945.2 MHz on azimuth 193°16' and 6004.5 MHz on azimuth 189°21' and 6063.8 MHz on azimuth 175°45' and 6123.1 MHz on azimuth 174°16'.

INFORMATIVE: Fairchild Hiller Corp. proposes 35 microwave stations to interconnect proposed domestic satellite earth stations located at Muddy Ridge, Ga.; Springfield, Wis.; San Jacinto Valley, Calif.; Big Tree Creek, Wash.; Vernon Valley, N.J.; and Ink, Ark., with terrestrial facilities in Atlanta, Chicago, Los Angeles, Portland, New York, and Dallas.

For interconnection with earth station at Muddy Ridge, Ga.:

5266–C1–P–71—Fairchild Hiller Corp. (New), C.P. for a new station at Muddy Ridge, Ga., latitude 32°56'15" N., longitude 84°30'38" W. Frequencies 11,665 and 11,585 MHz on azimuth 345°24' toward Gay, Ga.

5267–C1–P–71—Fairchild Hiller Corp. (New), C.P. for a new station at Gay, Ga., latitude 33°06'20" N., longitude 84°34'25" W. Frequencies 10,975 and 10,895 MHz on azimuth 165°24' toward Muddy Ridge, Ga., and frequencies 10,735 and 11,135 MHz on azimuth 05°30' toward Senoia, Ga.

5268–C1–P–71—Fairchild Hiller Corp. (New), C.P. for a new station at Senoia, Ga., latitude 33°20'00' N., longitude 84°30'44" W. Frequencies 11,425 and 11,345 MHz on azimuth 185°30' toward Gay, Ga., and frequencies 11,665 and 11,585 MHz on azimuth 331°54' toward Palmetto, Ga.

5269–C1–P–71—Fairchild Hiller Corp. (New), C.P. for a new station at Palmetto, Ga., latitude 33°32'30" N., longitude 84°40'26" W. Frequencies 10,975 and 10,895 MHz on azimuth 151°48' toward Senoia, Ga., and frequencies 10,735 and 11,135 MHz on azimuth 228°06' toward Carrollton, Ga.

5270–C1–P–71—Fairchild Hiller Corp. (New), C.P. for a new station at Carrollton, Ga., latitude 33°36'21" N., longitude 84°54'18" W. Frequencies 11,425 and 11,345 MHz on azimuth 107°54' toward Palmetto, Ga., and frequencies 11,665 and 11,585 MHz on azimuth 42°00' toward Douglasville, Ga.

5271–C1–P–71—Fairchild Hiller Corp. (New), C.P. for a new station at Douglasville, Ga., latitude 33°45'09" N., longitude 84°44'48" W. Frequencies 10,975 and 10,895 MHz on azimuth 222°06' toward Carrollton, Ga.

For interconnection with earth station at Springfield, Wis.:

5272–C1–P–71—Fairchild Hiller Corp. (New), C.P. for a new station at Springfield, Wis., latitude 42°38'30" N., longitude 88°22'53" W. Frequencies 11,665 and 11,585 MHz on azimuth 183°12' toward Richmond, Ill.

5273–C1–P–71—Fairchild Hiller Corp. (New), C.P. for a new station at Richmond, Ill., latitude 42°27'28" N., longitude 88°23'45" W. Frequencies 11,055 and 10,975 MHz on azimuth 03°12' toward Springfield, Wis., and frequencies 10,735 and 10,875 MHz on azimuth 181°42' toward Crystal Lake, Ill.

5274–C1–P–71—Fairchild Hiller Corp. (New), C.P. for a new station at Crystal Lake, Ill., latitude 42°14'50" N., longitude 88°24'15" W. Frequencies 11,425 and 11,585 MHz on azimuth 01°42' toward Richmond, Ill., and frequencies 11,385 and 11,625 MHz on azimuth 154°06' toward Elgin, Ill.

5275–C1–P–71—Fairchild Hiller Corp. (New), C.P. for a new station at Elgin, Ill., latitude 42°02'05" N., longitude 88°15'58" W. Frequencies 10,775 and 11,015 MHz on azimuth 332°24' toward Crystal Lake, Ill., and frequencies 10,775 and 11,015 MHz on azimuth 105°36' toward Chicago, Ill.

5276–C1–P–71—Fairchild Hiller Corp. (New), C.P. for a new station at Chicago, Ill., latitude 41°53'56" N., longitude 87°37'24" W. Frequencies 11,385 and 11,625 MHz on azimuth 286°00' toward Elgin, Ill.

For interconnection with earth station at San Jacinto Valley, Calif.

5277–C1–P–71—Fairchild Hiller Corp. (New), C.P. for a new station at Beaumont, Calif., latitude 33°51'41" N., longitude 117°06'53" W. Frequencies 10,895 and 11,055 MHz on azimuth 360°46' toward Running Spring, Calif.

5278–C1–P–71—Fairchild Hiller Corp. (New), C.P. for a new station at Running Spring, Calif., latitude 34°11'19" N., longitude 117°05'56" W. Frequencies, 11,585 and 11,265 MHz on azimuth 180°46' toward Beaumont, Calif., and frequencies 11,545 and 11,225 MHz on azimuth 289°00' toward Wrightwood, Calif.

5279–C1–P–71—Fairchild Hiller Corp. (New), C.P. for a new station at Wrightwood, Calif., latitude 34°21'04" N., longitude 117°40'26" W. Frequencies 10,935 and 11,095 MHz on azimuth 108°36' toward Running Spring, Calif., and frequencies 11,465 and 10,835 MHz on azimuth 237°24' toward Los Angeles, Calif.

5280–C1–P–71—Fairchild Hiller Corp. (New), C.P. for a new station at Los Angeles, Calif., latitude 34°02'43" N., longitude 118°14'56" W. Frequencies 11,525 and 11,285 MHz on azimuth 57°00' toward Wrightwood, Calif.

For interconnection with earth station at Big Tree Valley, Wash.:

5281–C1–P–71—Fairchild Hiller Corp. (New), C.P. for a new station at Big Tree Creek, Wash., latitude 45°51'00" N., longitude 122°22'30" W. Frequencies 10,735 and 11,135 MHz on azimuth 193°42' toward Mount Scott, Oreg.

5282–C1–P–71—Fairchild Hiller Corp. (New), C.P. for a new station at Mount Scott, Oreg., latitude 45°27'15" N., longitude 122°33'07" W. Frequencies 11,425 and 11,345 MHz on azimuth 13°36' toward Big Tree Creek, Wash., and frequencies 11,665 and 11,585 MHz on azimuth 313°30' toward Portland, Oreg.

5283–C1–P–71—Fairchild Hiller Corp. (New), C.P. for a new station at Portland, Oreg., latitude 45°28'15" N., longitude 122°38'30" W. Frequencies 10,975 and 10,895 MHz on azimuth 133°30' toward Mount Scott, Oreg.

For interconnection with earth station at Vernon Valley, N.J.:

5284–C1–P–71—Fairchild Hiller Corp. (New), C.P. for a new station at Pochuk Mountain, N.J., latitude 41°13'42" N., longitude 74°30'09" W. Frequencies 11,585 and 11,665 MHz on azimuth 347°39' toward Quarryville, N.J.

5285–C1–P–71—Fairchild Hiller Corp. (New), C.P. for a new station at Quarryville, N.J., latitude 41°15'46" N., longitude 74°30'45" W. Frequencies 10,895 and 10,975 MHz on azimuth 167°38' toward Pochuck Mountain, N.J.

For interconnection with earth station at Ink, Ark.:

5286–C1–P–71—Fairchild Hiller Corp. (New), C.P. for a new station at Ink, Ark., latitude 34°35'10" N., longitude 94°06'18" W. Frequencies 11,225 and 11,465 MHz on azimuth 255°30' toward Mena, Ark.

5287–C1–P–71—Fairchild Hiller Corp. (New), C.P. for a new station at Mena, Ark., latitude 34°32'10" N., longitude 94°20'15" W. Frequencies 11,095 and 10,855 MHz on azimuth 75°24' toward Ink, Ark., and frequencies 11,305 and 11,545 MHz on azimuth 259°36' toward Zafra, Okla.

5288–C1–P–71—Fairchild Hiller Corp. (New), C.P. for a new station at Zafra, Okla., latitude 34°31'10" N., longitude 94°33'24" W. Frequencies 11,175 and 10,935 MHz on azimuth 79°24' toward Mena, Ark., and frequencies 11,225 and 11,465 MHz on azimuth 247°00' toward Bethel, Okla.

5289–C1–P–71—Fairchild Hiller Corp. (New), C.P. for a new station at Bethel, Okla., latitude 34°25'15" N., longitude 94°47'11" W. Frequencies 11,095 and 11,855 MHz on azimuth 66°54' toward Zafra, Okla., and frequencies 11,175 and 10,935 MHz on azimuth 246°24' toward Alikchi, Okla.

5290–C1–P–71—Fairchild Hiller Corp. (New), C.P. for a new station at Alikchi, Okla., latitude 34°20'10" N., longitude 95°01'11" W. Frequencies 11,305 and 11,545 MHz on azimuth 66°18' toward Bethel, Okla., and frequencies 11,225 and 11,465 MHz on azimuth 252°00' toward Sobol, Okla.

5291–C1–P–71 (New), C.P. for a new station at Sobol, Okla., latitude 34°15'10" N., longitude 95°12'30" W. Frequencies 11,095 and 10,855 MHz on azimuth 61°54' toward Alikchi, Okla., and frequencies 11,175 and 10,935 MHz on azimuth 231°18' toward Hugo, Okla.

5292–C1–P–71—Fairchild Hiller Corp. (New), C.P. for a new station at Hugo, Okla., latitude 34°06'20" N., longitude 95°25'45" W. Frequencies 11,305 and 11,545 MHz on azimuth 51°12' toward Sobol, Okla., and frequencies 11,225 and 11,465 MHz on azimuth 197°24' toward Powderly, Tex.

5293–C1–P–71—Fairchild Hiller Corp. (New), C.P. for a new station at Powderly, Tex., latitude 33°49'00" N., longitude 95°30'15" W. Frequencies 11,095 and 10,855 MHz on azimuth 17°18' toward Hugo, Okla., and frequencies 11,175 and 10,935 MHz on azimuth 186°36' toward Paris, Tex.

5294–C1–P–71—Fairchild Hiller Corp. (New), C.P. for a new station at Paris, Tex., latitude 33°40'25" N., longitude 95°30'10" W. Frequencies 11,305 and 11,545 MHz on azimuth 06°30' toward Powderly, Tex., and frequencies 11,225 and 11,465 MHz on azimuth 210°48' toward Cooper, Tex.

5295–C1–P–71—Fairchild Hiller Corp. (New), C.P. for a new station at Cooper, Tex., latitude 33°26'07" N., longitude 95°42'54" W. Frequencies 11,095 and 10,855 MHz on azimuth 30°42' toward Paris, Tex., and frequencies 11,175 and 10,935 MHz on azimuth 216°00' toward Commerce, Tex.

5296–C1–P–71—Fairchild Hiller Corp. (New), C.P. for a new station at Commerce, Tex., latitude 33°12'10" N., longitude 95°54'00" W. Frequencies 11,305 and 11,545 MHz on azimuth 35°00' toward Cooper, Tex., and frequencies 11,225 and 11,465 MHz on azimuth 249°42' toward Greenville, Tex.

5297–C1–P–71—Fairchild Hiller Corp. (New), C.P. for a new station at Greenville, Tex., latitude 33°08'20" N., longitude 96°06'15" W. Frequencies 11,095 and 10,855 MHz on azimuth 69°30' toward Commerce, Tex., and frequencies 11,015 and 11,175 MHz on azimuth 245°12' toward Josephine, Tex.

5298–C1–P–71—Fairchild Hiller Corp. (New), C.P. for a new station at Josephine, Tex., latitude 33°04'20" N., longitude 96°16'30" W. Frequencies 11,305 and 11,545 MHz on azimuth 65°06' toward Greenville, Tex., and frequencies 11,225 and 11,465 MHz on azimuth 242°18' toward Pleasant Valley, Tex.

5299–C1–P–71—Fairchild Hiller Corp. (New), C.P. for a new station at Pleasant Valley, Tex., latitude 32°56'11" N., longitude 96°34'30" W. Frequencies 11,095 and 10,855 MHz on azimuth 62°12' toward Josephine, Tex., and frequencies 11,175 and 10,935 MHz on azimuth 248°54' toward Dallas, Tex.

5300–C1–P–71—Fairchild Hiller Corp. (New), C.P. for a new station at Dallas, Tex., latitude 32°51'56" N., longitude 96°48'02" W. Frequencies 11,305 and 11,545 MHz on azimuth 68°48' toward Pleasant Valley, Tex.

INFORMATIVE: MCI Lockheed Satellite Corp. proposes 29 microwave stations to interconnect proposed domestic satellite earth stations located at Agoura, Calif.; Kent, Conn.; Weatherford, Tex; Troy, Wis.; and Holland, Ga., with terrestrial facilities in Los Angeles, New York, Dallas, Chicago, and Atlanta.

For interconnection with earth station at Agoura, Calif.:

5445–C1–P–71—MCI Lockheed Satellite Corp. (New), C.P. for a new station at Agoura, Calif., latitude 34°06'42" N., longitude 118°45'59" W. Frequencies 10,735 and 10,975 MHz on azimuth 209°16' toward Castro Peak, Calif.

5446–C1–P–71—MCI Lockheed Satellite Corp. (New), C.P. for a new station at Castro Peak, Calif., latitude 34°05'07" N., longitude 118°47'03" W. Frequencies 11,385 and 11,625 MHz on azimuth 29°16' toward Agoura, Calif., and frequencies 11,425 and 11,665 MHz on azimuth 84°46' toward Topanga, Calif.

5447–C1–P–71—MCI Lockheed Satellite Corp. (New), C.P. for a new station at Topanga, Calif., latitude 34°06'12" N., longitude 118°32'40" W. Frequencies 10,775 and 11,015 MHz on azimuth 264°54' toward Castro Peak, Calif., and frequencies 10,955 and 10,715 MHz on azimuth 102°09' toward Los Angeles, Calif.

5448–C1–P–71—MCI Lockheed Satellite Corp. (New), C.P. for a new station at Los Angeles, Calif., latitude 34°03'05" N., longitude 118°15'23" W. Frequencies 11,445 and 11,685 MHz on azimuth 282°18' toward Topanga, Calif.

For interconnection with earth station at Kent, Conn.:

5449–C1–P–71—MCI Lockheed Satellite Corp. (New), C.P. for a new station at New Preston, Conn., latitude 41°41'59" N., longitude 73°23'52" W. Frequencies 10,735 and 10,975 MHz on azimuth 295°00' toward Kent, Conn.

5450–C1–P–71—MCI Lockheed Satellite Corp. (New), C.P. for a new station at Kent, Conn., latitude 41°42'28" N., longitude 73°25'15" W. Frequencies 11,385 and 11,625 MHz on azimuth 114°59' toward New Preston, Conn., and frequencies 11,425 and 11,665 MHz on azimuth 232°36' toward Pecksville, N.Y.

5451–C1–P–71—MCI Lockheed Satellite Corp. (New), C.P. for a new station at Pecksville, N.Y., latitude 41°32'49" N., longitude 73°42'01" W. Frequencies 10,775 and 11,015 MHz on azimuth 52°25' toward Kent, Conn., and frequencies 6197.2 and 6315.9 MHz on azimuth 202°19' toward Croton-On-Hudson, N.Y.

5452–C1–P–71—MCI Lockheed Satellite Corp. (New), C.P. for a new station at Croton-On-Hudson, N.Y., latitude 41°14'47" N., longitude 73°51'49" W. Frequencies 5945.2 and 6063.8 MHz on azimuth 22°12' toward Pecksville, N.Y., and frequencies 10,775 and 11,015 MHz on azimuth 160°33' toward White Plains, N.Y.

5453–C1–P–71—MCI Lockheed Satellite Corp. (New), C.P. for a new station at White Plains, N.Y., latitude 41°01'38" N., longitude 73°45'41" W. Frequencies 11,425 and 11,665 MHz on azimuth 340°37' toward Croton-On-Hudson, N.Y., and frequencies 11,385 and 11,625 MHz on azimuth 203°54' toward Bronx, N.Y.

5454–C1–P–71—MCI Lockheed Satellite Corp. (New), C.P. for a new station at Bronx, N.Y., latitude 40°51'04" N., longitude 73°51'51" W. Frequencies 10,735 and 10,975 MHz on azimuth 23°50' toward White Plains, N.Y., and frequencies 10,775 and 11,015 MHz on azimuth 222°05' toward New York, N.Y.

5455–C1–P–71—MCI Lockheed Satellite Corp. (New), C.P. for a new station at New York, N.Y., latitude 40°44'54" N., longitude 73°59'10" W. Frequencies 11,425 and 11,665 MHz on azimuth 42°00' toward Bronx, N.Y.

For interconnection with earth station at Weatherford, Tex.:

5456–C1–P–71—MCI Lockheed Satellite Corp. (New), C.P. for a new station at Brock, Tex., latitude 32°38'28" N., longitude 97°49'43" W. Frequencies 10,775 and 10,995 MHz on azimuth 39°56" toward Weatherford, Tex.

5457–C1–P–71—MCI Lockheed Satellite Corp. (New), C.P. for a new station at Weatherford, Tex., latitude 32°41'47" N., longitude 97°46'26" W. Frequencies 11,445 and 11,685 MHz on azimuth 219°57' toward Brock, Tex., and frequencies 11,405 and 11,645 MHz on azimuth 92°30' toward Aledo, Tex.

5458–C1–P–71—MCI Lockheed Satellite Corp. (New), C.P. for a new station at Aledo, Tex., latitude 32°41'19" N., longitude 97°34'05" W. Frequencies 10,715 and 10,955 MHz on azimuth 272°37' toward Weatherford, Tex., and frequencies 10,755 and 10,995 MHz on azimuth 72°20' toward Fort Worth, Tex.

5459–C1–P–71—MCI Lockheed Satellite Corp. (New), C.P. for a new station at Fort Worth, Tex., latitude 32°45'08" N., longitude 97°19'51" W. Frequencies 11,445 and 11,685 MHz on azimuth 94°41' toward Arlington, Tex., and frequencies 11,445 and 11,685 MHz on azimuth 252°28' toward Aledo, Tex.

5460–C1–P–71—MCI Lockheed Satellite Corp. (New), C.P. for a new station at Arlington, Tex., latitude 32°44'04" N., longitude 97°04'40" W. Frequencies 11,075 and 10,835 MHz on azimuth 274°49' toward Fort Worth, Tex., and frequencies 10,795 and 11,035 MHz on azimuth 77°51' toward Dallas, Tex.

5461–C1–P–71—MCI Lockheed Satellite Corp. (New), C.P. for a new station at Dallas, Tex., latitude 32°47'07" N., longitude 96°47'47" W. Frequencies 11,245 and 11,485 MHz on azimuth 258°00' toward Arlington, Tex.

For interconnection with earth station at Troy, Wis.:

5462–C1–P–71—MCI Lockheed Satellite Corp. (New), C.P. for a new station at Troy, Wis., latitude 42°43'46" N., longitude 88°27'20" W. Frequencies 11,445 and 11,685 MHz on azimuth 78°54' toward East Troy, Wis.

5463–C1–P–71—MCI Lockheed Satellite Corp. (New), C.P. for a new station at East Troy, Wis., latitude 42°44'27" N., longitude 88°22'36" W. Frequencies 10,755 and 10,995 MHz on azimuth 258°57' toward Troy, Wis., and frequencies 10,735 and 10,975 MHz on azimuth 156°21' toward Silver Lake, Wis.

5464–C1–P–71—MCI Lockheed Satellite Corp. (New), C.P. for a new station at Silver Lake, Wis., latitude 42°29'48" N., longitude 88°13'56" W. Frequencies 11,385 and 11,625 MHz on azimuth 336°27' toward East Troy, Wis., and frequencies 11,425 and 11,665 MHz on azimuth 145°08' toward Mundelein, Ill.

5465–C1–P–71—MCI Lockheed Satellite Corp. (New), C.P. for a new station at Mundelein, Ill., latitude 42°18'00" N., longitude 88°02'52" W. Frequencies 10,775 and 11,015 MHz on azimuth 325°15' toward Silver Lake, Wis., and frequencies 10,855 and 11,095 MHz on azimuth 148°28' toward Glenview, Ill.

5466–C1–P–71—MCI Lockheed Satellite Corp. (New), C.P. for a new station at Glenview, Ill., latitude 42°04'38" N., longitude 87°51'52" W. Frequencies 11,345 and 11,585 MHz on azimuth 328°36' toward Mundelein, Ill., and frequencies 11,385 and 11,625 MHz on azimuth 134°40' toward Chicago, Ill.

5467–C1–P–71—MCI Lockheed Satellite Corp. (New), C.P. for a new station at Chicago, Ill., latitude 41°53'56" N., longitude 87°37'24" W. Frequencies 10,895 and 11,135 MHz on azimuth 314°50' toward Glenview, Ill.

For interconnection with earth station at Holland, Ga.

5468–C1–P–71—MCI Lockheed Satellite Corp. (New), C.P. for a new station at Holland, Ga., latitude 34°18'22" N., longitude 85°21'37" W. Frequencies 10,775 and 11,015 MHz on azimuth 95°04' toward Coosa, Ga.

5469–C1–P–71—MCI Lockheed Satellite Corp. (New), C.P. for a new station at Coosa, Ga., latitude 34°18'15" N., longitude 85°20'02" W. Frequencies 11,665 and 11,425 MHz on azimuth 275°05' toward Holland, Ga., and frequencies 11,385 and 11,625 MHz on azimuth 111°26' toward Rome, Ga.

5470–C1–P–71—MCI Lockheed Satellite Corp. (New), C.P. for a new station at Rome, Ga., latitude 34°15'00" N., longitude 85°10'05" W. Frequencies 10,735 and 10,975 MHz on azimuth 291°31' toward Holland, Ga., and frequencies 6286.2 and 6404.8 MHz on azimuth 108°28' toward Emerson, Ga.

5471–C1–P–71—MCI Lockheed Satellite Corp. (New), C.P. for a new station at Emerson, Ga., latitude 34°08'16" N., longitude 84°45'58" W. Frequencies 6004.5 and 6123.1 MHz on azimuth 288°41' toward Rome, Ga., and frequencies 6034.2 and 6152.8 MHz on azimuth 127°06' toward Marietta, Ga.

5472–C1–P–71—MCI Lockheed Satellite Corp. (New), C.P. for a new station at Marietta, Ga., latitude 33°58'19" N., longitude 84°30'12" W. Frequencies 6256.5 and 6375.2 MHz on azimuth 307°15' toward Emerson, Ga., and frequencies 11,425 and 11,665 MHz on azimuth 156°05' toward Atlanta, Ga.

5473–C1–P–71—MCI Lockheed Satellite Corp. (New), C.P. for a new station at Atlanta, Ga., latitude 33°45'21" N., longitude 84°23'19" W. Frequencies 10,775 and 11,015 MHz on azimuth 336°09' toward Marietta, Ga.

[FR Doc.71–5536 Filed 4–22–71;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RI71–968]

H. B. LIVELY ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

APRIL 16, 1971.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI71-968..	H. B. Lively et al	3	4 6	Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Brune Lease, Columbus Field, Colorado County Tex., RR. District No. 3).	.....	3-18-71	4-18-71	2 Accepted	.....	.....	
	do	3	7	do	$10,446	3-18-71	4-18-71	3 5-19-71	1 15.05543	1 18.05543	R170-738.

*The pressure base is 14.65 p.s.i.a.
1 Subject to a 0.21931-cent dehydration charge deducted by buyer.
2 Accepted, to become effective on the date shown in the "Effective Date" column, subject to the conditions prescribed elsewhere in this order.
3 61 days from the date of filing pursuant to Order No. 423.
4 Agreement dated Jan. 1, 1970.

The agreement filed by H. B. Lively (Operator) et al. in addition to providing for proposed increased rates also provides for future escalations to any higher area ceiling or settlement rate prescribed by the Comission. The provisions relating to the area rate do not conform with § 154.93(b-1) of the Commission's regulations. Consistent with Commission action taken on similar filings not in conformity with § 154.93(b-1), the agreement is accepted for filing upon expiration of statutory notice with the condition that the provisions relating to the area rate will only apply upon the Commission's approval of a just and reasonable rate, or settlement rate, in an applicable area rate proceeding, for gas of comparable quality and vintage.

The proposed increased rate and charge of H. B. Lively et al. exceeds the applicable area price level for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

[FR Doc.71-5672 Filed 4-22-71;8:47 am]

[Docket No. RP71-89]

NORTHERN NATURAL GAS CO.

Order Permitting Withdrawal of Filing, Granting Intervention, Dismissing Pleadings as Moot, and Deferring Action on Requests for Immediate Investigation and Hearing

APRIL 19, 1971.

Northern Natural Gas Co. (Northern) on March 22, 1971, filed a notice of withdrawal of the proposed changes to its FPC Gas Tariff, Third Revised Volume No. 1, Consisting of First Revised Sheet No. 60 Superseding Original Sheet No. 60 and Original Sheet No. 60a. The proposed tariff revisions would have amended paragraph 9 of the general terms and conditions of Northern's tariff to provide that Northern could curtail deliveries of gas to its customers down to 85 percent of their contract demands in the months of April and October and down to 70 percent of their contract demands during the months of May through September in order to assure the availability of sufficient volumes of gas and pipeline capacity to replenish Northern's Redfield underground storage field

Northern had requested that the proposed tariff sheets be made effective on February 27, 1971. The Commission's order issued herein on February 26, 1971, had suspended the proposed tariff changes until April 27, 1971, and, inter alia, had provided for a hearing to be held commencing March 23, 1971. However, on March 19, 1971, the Commission issued a second order partially granting motions for reconsideration of the February 26, 1971, order. The March 19 order extended the suspension period to the full statutory period or until July 27, 1971, after noting that Northern now has a provision in section 9.2 of the general terms and conditions of its tariff under which it can curtail contract demand deliveries to its customers when there is a gas shortage.

The reason given by Northern for filing the notice of withdrawal of the proposed changes to its tariffs is that the Commission's order of March 19, 1971, has made it clear that Northern may rely upon the provision in section 9.2 of its existing tariff to curtail contract demand deliveries for the purpose of obtaining gas for replenishing Redfield. Northern states that it expects to utilize the provisions in section 9.2 to obtain the gas for storage injections and that it therefore has become unnecessary to obtain a Commission ruling concerning the curtailment procedures which were set forth in the tariff sheets which it now seeks permission to withdraw.

There was not a sufficient period of time between the filing of Northern's notice of withdrawal on March 22, 1971, and the date of March 23, 1971, fixed for commencement of the hearing to permit all the parties to receive notice of Northern's action. Consequently, the hearing was convened on March 23 as scheduled and, when some of the parties indicated that they were tentatively opposed to Northern's being permitted to withdraw its proposed tariff changes, the Examiner allowed the parties a 10-day period within which to file answers to the notice of withdrawal. Thereafter the Examiner adjourned the proceeding indefinitely pending further action by the Commission with respect to Northern's notice of withdrawal.

Timely responses to Northern's notice of withdrawal were filed by Northern Illinois Gas Co. (NI-Gas) on March 30, 1971, and by Michigan Power Co. (Michigan Power) on March 31, 1971. Neither NI-Gas nor Michigan Power objects to Northern's being permitted to withdraw the tariff sheets which it had tendered for filing in Docket No. RP71-89. Both companies refer to the fact that Northern now has the right to curtail deliveries of gas to its customers under section 9.2 of the general terms and conditions, but whereas NI-Gas takes the position that "* * * the customers of Northern who will bear the brunt of any curtailment have reached an understanding of a method to interpret section 9.2 'without unreasonable discrimination'", Michigan Power contends that Northern's proposed method of curtailment under section 9.2 would distort its clear meaning and requests that the Commission initiate an immediate investigation and hearing.

The untimely response to Northern's notice of withdrawal filed by Iowa Power & Light Co. (Iowa Power) requests that the Commission deny Northern's request to withdraw its filing in Docket No. RP71-89 on the ground that Northern has failed, pursuant to § 154.66(a) of the Commission's regulations under the Natural Gas Act, to show "good cause" for being permitted to withdraw the tariff sheets tendered for filing in this proceeding. On page 4 of its response Iowa Power states that "* * * [b]ecause of the pendency of Docket RP71-89 and the prospects of an immediate hearing thereon, Iowa Power did not inject the issue of Northern's contract demand curtailment procedures into the settlement conference proceedings held in Docket RP70-43 on February 25, 1971." Iowa Power argues that if Northern is permitted to withdraw its filing in Docket No. RP71-89, it will have no opportunity in any forum to develop the facts which, its says, will show that the curtailment procedures which Northern expects to implement pursuant to section 9.2 of the general terms and conditions of its tariff are inequitable and unduly discriminatory."

The Commission is aware from the allegations made in the pleadings filed in this proceeding that Northern's curtailment procedure under section 9.2 primarily curtails contract demand deliveries to those of its customers which have large electric generating stations. On the other hand, the curtailment procedure which Northern proposed to invoke under section 9.4 of the tariff sheets which it now seeks to withdraw would have lessened curtailment of deliveries to power plants because all customers would have been curtailed regardless of the end use to be made of the gas. Since Iowa Power's petition to intervene filed in this proceeding stated that it annually consumes 11,281,913 Mcf of the gas it purchases from Northern in its own electric generating stations and purchases 4,490,068 Mcf of additional gas for

its Council Bluffs generating station from Northern's Council Bluffs Division, it is understandable why Iowa Power is opposed to Northern's being permitted to withdraw tariff revisions which would have lessened curtailments to its electric generating stations.

However, Iowa Power will not suffer any greater curtailments if Northern is permitted to withdraw its filing in Docket No. RP71–89 than Iowa Power would have experienced if the hearing had gone forward as scheduled. The reason for the foregoing conclusion is that when the Commission suspended the use of section 9.4 for the full statutory period or until July 27, 1971, in its order issued March 19, 1971, it recognized on page 3 of that order "* * * that Northern will be curtailing under the existing section 9.2 when the suspension period herein ends on July 27, 1971." Consequently, regardless of whether Northern is permitted to withdraw its filing or is denied withdrawal and forced to attend a hearing in this docket, there will be no change in Iowa Power's exposure to any curtailments which Northern may make pursuant to section 9.2. The March 19 order gave Northern notice that certain conditions would be imposed on any curtailments which might be made under section 9.4 at the end of the suspension period. In light of those conditions it is unlikely that Northern would have switched from curtailments under section 9.2 to curtailments under section 9.4. Thus, Iowa Power has not shown that granting Northern's request to withdraw its filing in Docket No. RP71–89 will have a direct impact on its curtailment exposure under section 9.2.

Moreover, if Northern's request to withdraw its filing were denied and a hearing were rescheduled in this proceeding, Northern would only have to decline to present any witnesses in support of its tariff revisions and its filing would thereafter have to be dismissed for failure of proof, particularly in view of the extreme opposition raised by many of the interveners to the curtailment procedures which were proposed therein.

Although Michigan Power is just as critical of Northern's plan to curtail under section 9.2 as Iowa Power is, it recognizes that nothing conducive to resolving the alleged inequities of curtailments under section 9.2 can be gained by refusing to allow Northern to withdraw tariff sheets which it is no longer willing to support and which will not be used as the basis for making any curtailments which may become necessary during the 1971 storage injection season. Thus, while the Commission concludes that Northern has shown good cause for being permitted to withdraw its filing in Docket No. RP71–89, it believes that Michigan Power and Iowa Power have raised questions concerning Northern's curtailment procedures which should be evaluated on the basis of an evidentiary proceeding.

However, as the discussion above shows, the issues raised in the responses should not be scheduled for hearing in Docket No. RP71–89. Since the Commission may wish, after careful consideration, to provide for the presentation of evidence concerning issues in addition to those raised by Iowa Power and Michigan Power, it will issue an order in the near future providing for a hearing to be held with respect to Northern's curtailment procedures. Inasmuch as § 1.11(d) of the Commission's rules provides that a notice of withdrawal shall be deemed to have become effective within 30 days after filing unless otherwise ordered by the Commission, it is appropriate, in light of Iowa Power's objections to the withdrawal, that the instant order be issued promptly so that the parties will know that Northern's notice of withdrawal will be considered to have become effective as of April 22, 1971, that is, 30 days after filing.

Inter-City Gas Ltd., filed a motion for reconsideration on March 15, 1971, and Terra Chemicals International, Inc., and Farmland Industries, Inc., filed a joint motion for reconsideration on March 19, 1971, of the Commission's order issued herein on February 26, 1971. Those motions were not received in time for consideration prior to the issuance of the Commission's order of March 19, 1971, granting partial reconsideration. The action taken herein will terminate further proceedings in Docket No. RP71–89 and make it appropriate to dismiss the aforementioned motions as moot.

The State Corporation Commission of the State of Kansas filed on March 22, 1971, a "Petition for Leave To Intervene Out of Time and Notice of Intervention" stating that the Kansas Commission was not fully aware of the possible adverse effects on Kansas gas consumers of Northern's proposal in Docket No. RP71–89 until shortly before the hearing which was scheduled to commence on March 23, 1971. Although the proceeding is being terminated, it is appropriate to grant the Kansas Commission's petition for leave to intervene since the General Counsel of the Kansas Commission entered an appearance at the hearing convened on March 23.

The Commission finds:

(1) It is appropriate in the administration of the Natural Gas Act to permit Northern's notice of withdrawal filed herein on March 22, 1971, to become effective as of April 22, 1971.

(2) Good cause has been shown to accept for filing and to grant the Petition for Leave To Intervene Out of Time of the State Corporation Commission of the State of Kansas.

(3) Michigan Power and Iowa Power have raised issues regarding Northern's curtailment procedures which should be evaluated on the basis of an evidentiary presentation which will be provided for by separate order to be issued in the near future.

(4) The motion for reconsideration filed by Inter-City Gas Ltd., and the joint motion for reconsideration filed by Terra Chemicals International, Inc., and Farmland Industries, Inc., should be dismissed as moot.

The Commission orders:

(A) The notice of withdrawal filed Co. shall be effective as of April 22, 1971, to withdraw the proposed tariff sheets tendered for filing on January 18, 1971, pursuant to § 1.11(a) of the Commission's rules of practice and procedure and § 154.66(a) of the Commission's regulations under the Natural Gas Act, and the proceedings in Docket No. RP71–89 shall be terminated as of April 22, 1971.

(B) The State Corporation Commission of the State of Kansas is hereby permitted to become an intervener in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervener shall be limited to 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 intervener shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(C) Action on Iowa Power's and Michigan Power's requests for a hearing concerning Northern's curtailment procedures is deferred pending the issuance in the near future of a separate Commission order providing for an evidentiary proceeding.

(D) The motion for reconsideration filed March 15, 1971, by Inter-City Gas Ltd., and the joint motion for reconsideration filed March 19, 1971, by Terra Chemicals International, Inc., and Farmland Industries, Inc., of the Commission's order issued February 26, 1971, are dismissed as moot.

By the Commission.

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

[FR Doc.71-5684 Filed 4-22-71;8:48 am]

[Docket No. RI71-969]

SOUTHERN NATURAL GAS CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

APRIL 16, 1971.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that

the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI71-969	Southern Natural Gas Co.	(1)	(1)	Sea Robin Pipeline Co. (Ship Shoal Block 222) (Offshore Louisiana).	[2] $15,300	3-19-71	.....	[2] 5-4-71	17	21.25	

*The pressure base is 15.025 p.s.i.a.
[1] First Revised Sheet No. 278A to FPC Gas Tariff, Original Volume No. 3.
[2] 45 days from the date of filing.
[3] Rate increase resulting from termination of moratorium in Southern Louisiana.

Under the provisions of the Commission's order issued October 27, 1970, in Docket No. AR69-1, producers in the Southern Louisiana area were able to file for higher contractually authorized rate within 30 days from such order (by November 27, 1970) and were permitted to collect such increased rate subject to refund after 75 days had passed (as of January 10, 1971). The 75-day period applies to those filings made by producers within 30 days of the issuance of the October 27, 1970, order. Producer filings made after November 27, 1970, however, were to be subject to normal Commission suspension procedures. The order, however, left open the question of the appropriate suspension period for filings made after November 27, 1970.

The increase involved here was filed after the November 27, 1970 deadline. In view of the action taken in the procedural order in Docket No. AR69-1 accompanying Order No. 413, we believe it appropriate to suspend and permit an increase filed after November 27, 1970, to become effective subject to refund on the date from January 10, 1971, that corresponds to the number of days that the filing was made after November 27, 1970. This order so provides.

Good cause has not been shown for granting Southern's request that the subject filing be treated as a correction to its original filing under this rate schedule which was accepted subject to refund as of January 10, 1971, in Docket No. RP71-48. The original filing proposing to increase the rate to 21.25 cents specifically pertained only to gas well gas, and did not purport to cover oil well gas.

[FR Doc.71-5671 Filed 4-22-71;8:47 am]

[Docket No. E-7614]

PENNSYLVANIA POWER AND LIGHT CO.

Notice of Extension of Time

APRIL 16, 1971.

On April 13, 1971, Municipal Boroughs filed a request for an extension of time within which to file comments in the above-designated matter.

Upon consideration, notice is hereby given that the time is extended to and including April 26, 1971, within which petitions to intervene or protests may be filed in the above-designated matter.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc. 5732 Filed 4-22-71;8:50 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. F-98]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the Federal Government in an electric service rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the interests of the Federal Government before the Pennsylvania Public Utility Commission in a proceeding involving the rates for electric services provided by the Pennsylvania Power and Light Co.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: April 15, 1971.

ROD KREGER,
Acting Administrator of General Services.

[FR Doc.71-5642 Filed 4-22-71;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[812-2473]

FIRST AMERICAN-AUSTRALIAN INVESTORS, LTD.

Notice of Application by Investment Company Organized in Australia for Order Permitting Registration and Sale of Securities in U.S.

APRIL 15, 1971.

Notice is hereby given that First American-Australian Investors Ltd. (Applicant), 19 London Circuit, Canberra, A.C.T., Australia, an investment company chartered under the Companies Ordinance of 1962-68 of the Australian Capital Territory, Commonwealth of Australia, has filed an application, under section 7(d) of the Investment Company Act of 1940 (Act) for an order of the Commission permitting Applicant to register as an investment company under the Act and to make a public offering of its securities in the United States. All interested persons are referred to the application on file for a statement of Applicant's representations which are summarized below.

Section 7(d) of the Act, among other things, prohibits a foreign investment company from selling its securities to the public through the mails or any means or instrumentalities of interstate commerce unless the Commission, upon

application, issues a conditional or unconditional order permitting such company to register under the Act and to make a public offering in the United States. To issue such an order the Commission must find that, by reason of special circumstances or arrangements, it is both legally and practically feasible effectively to enforce the provisions of the Act against such company and that the issuance of such order is otherwise consistent with the public interest and the protection of investors.

Applicant has been organized for the purpose of engaging in business as a closed-end diversified management investment company investing principally in the securities of Australian companies, including but not limited to those traded on the Sydney Stock Exchange.

The presently authorized capital stock of Applicant consists of ten thousand shares of one Australian dollar ($A1) par value. All shares have equal voting rights and will entitle the holder to one vote in the election of directors and all other matters. Applicant contemplates making a public offering in the United States of its common stock, through an underwriting group managed by Dominick & Dominick, Inc., to obtain approximately $20 million for its investment purposes.

Applicant has made undertakings and agreements which, together with the provisions of the Applicant's Memorandum of Association (Charter) and Articles of Association (By-laws), the Australian Capital Territory's Companies Ordinance of 1962–68 and the common law of Australia are submitted by the Applicant as special circumstances justifying the entry of the requested order. Applicant has agreed to all the conditions and arrangements provided for by Rule 7d–1 applicable to Canadian investment companies. In addition, Applicant alleges it has provided other undertakings and agreements for the protection of investors and as further assurance of the enforceability of the Act against the Applicant.

The Applicant's Charter and By-laws taken together contain, in substance and effect, the substantive provisions of the Act applicable to closed-end diversified management investment companies which provisions the Applicant has agreed may be enforced as a matter of contract right in the United States and Australia by Applicant's shareholders.

Applicant's By-laws also contain, among other things, provisions summarized as follows: (1) That Applicant will maintain the original or duplicate copies of all its books and records at the office of its custodian or other office located within the United States; (2) that Applicant's investment adviser will maintain its books and records relating to Applicant, or duplicate copies thereof, in the United States; (3) that at least a majority of Applicant's directors must be citizens of the United States, a majority of whom must also be residents of the United States; (4) not less than a majority of Applicant's executive officers and directors must be citizens of the United States, of whom a majority must also be residents of the United States; (5) that Applicant's principal underwriter will be a resident and citizen of the United States having its principal place of business therein; and (6) that Applicant will retain an independent public accountant with a permanent office and place of business in the United States.

Applicant has also undertaken and agreed in its application, among other things (i) that its Charter and By-laws will not be changed in any manner inconsistent with the Act of rules and regulations thereunder or the undertakings and agreements contained in the instant application without permission of the Commission; (ii) that Applicant's present and future officers, directors, investment advisers, principal underwriters and custodian will enter into agreements to comply with the Act, Applicant's Charter, by-laws, and undertakings and agreements contained in the instant application insofar as applicable to such persons and to do nothing inconsistent with such undertakings and agreements; (iii) that the aforesaid agreements as well as those of Applicant shall inure to the benefit of Applicant's shareholders as parties beneficiaries; (iv) Applicant's custodian will maintain a list of the affiliated persons of Applicant, its officers, directors, and investment adviser, and will not consummate any otherwise prohibited transaction with such persons unless specifically permitted by order of this Commission; (v) that Applicant and its directors who are nonresidents of the United States will waive any counsel fees and security for costs in any action based on its Charter, By-laws or the undertakings and agreements contained in the instant application brought by the shareholders in the Commonwealth of Australia; (vi) all of Applicant's shareholders meetings will be held in the United States, and Applicant will maintain in the United States a transfer agent and registrar; (vii) Applicant will promptly notify the Commission of any change in Australian law that will be contrary to the provisions of the Act; (viii) Applicant presently intends as soon as it can fulfill the applicable requirements, to apply to the New York Stock Exchange for listing of its shares; and (ix) that breach of the aforesaid agreements or violation of the Act by any of the contracting parties will permit revocation of the requested order and the liquidation and distribution of Applicant's assets.

Applicant has submitted a proposed custodian agreement to be entered into between applicant and The Chase Manhattan Bank (Chase). Chase is to act as trustee of, and maintain in its sole custody in the United States, all of Applicant's securities and cash (other than cash not in excess of $100,000 Australian necessary to meet Applicant's current administrative expenses).

Counsel for Applicant has represented that the Sydney Stock Exchange appears to be well regulated and amply empowered and equipped by statute rule or regulation to keep orderly markets in securities, to maintain and enforce high principles of commercial integrity among its members and to afford protection of the public interest.

Other agreements and undertakings contained in the application are designed to facilitate the judicial enforcement of the Act by the Commission or Applicant's shareholders in appropriate courts of the United States or the Commonwealth of Australia. To that end each of the contracting parties who are not citizens and residents of the United States will appoint, irrevocably, an agent within the United States for service of process.

Notice is further given that any interested person may, not later than May 6, 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 Applicant at the address stated above. Proof of such service by affidavit (or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in the matter including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71–5652 Filed 4–22–71;8:46 am]

[811–1619]

HALCYON FUND, INC.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

APRIL 16, 1971.

Notice is hereby given that Halcyon Fund, Inc. (Applicant), c/o William A. Kaynor, Secretary, 1 Chase Manhattan Plaza, New York, NY 10005, a Delaware corporation registered as an open-end diversified management investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring

that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations as set forth therein which are summarized below.

Applicant registered under the Act on March 4, 1968, by filing both a Notification of Registration on Form N–8A, and a Registration Statement on Form N–8B–1. On that same date, a registration statement on Form S–5 was filed with the Commission under the Securities Act of 1933. That registration statement was not made effective by the Commission, and Applicant's request for withdrawal of the registration statement was granted on July 9, 1970. Applicant represents that it has no assets or shareholders, and that it has filed a Certificate of Dissolution with the Secretary of the State of Delaware.

Section 3(c)(1) of the Act excepts from the definition of investment company any issuer whose outstanding securities are beneficially owned by not more than 100 persons, and which is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than May 7, 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 he be notified if the Commission should 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 (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time later than said date as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71–5653 Filed 4–22–71;8:46 am]

[81–108]

IOWA BEEF PROCESSORS, INC.

Notice of and Order for Hearing on Application for Exemption From Requirement To File Quarterly Reports

APRIL 15, 1971.

Notice is hereby given that Iowa Beef Processors, Inc. (applicant), Dakota City, NE 68731, has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended (Act), for a finding that by reason of the cyclical, rather than stable or seasonal, the cycles being relatively unpredictable, nature of its business an exemption from the requirement to file quarterly reports on Form 10–Q pursuant to Rule 13a–13 under the Act would not be inconsistent with the public interest or the protection of investors.

On October 28, 1970, the Commission adopted Form 10–Q, rescinded Form 9–K, and amended Rule 13a–13 (which amendment is effective for reporting periods ending after December 31, 1970). Rule 13a–13 provides that every issuer which has securities registered pursuant to section 12 of the Act and which is required to file annual reports pursuant to section 13 of the Act on Form 10–K, 12–K, or U5S shall file a quarterly report on Form 10–Q for each of the first three fiscal quarters of each fiscal year of the issuer. Form 10–Q requires summarized financial information which need not be certified, profit and loss information in more detail than was required by Form 9–K, data on earnings per common share, and information concerning capitalization and stockholders' equity.

Section 12(h) empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from the registration, periodic reporting and proxy solicitation provisions and to grant exemptions from the insider reporting and trading provisions of the Act if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The applicant's application states, in part:

1. The applicant's common stock has been listed on the New York Stock Exchange since May 15, 1968, and such securities are registered with the Commission under section 12(b) of the Act. As a consequence of such registration, the Company is required to file, among other reports, reports on Form 10–K with the Commission.

2. The applicant, a Delaware corporation, has been engaged, since 1960, in the beef slaughtering and processing business. It operates packing and processing plants at eight locations in four States.

3. Because of the perishable nature of applicant's product and the variations in demand for beef, the applicant's business tends to be cyclical rather than stable or seasonal and the cycles are relatively unpredictable.

4. Accordingly, the applicant does not believe that the quarterly results of its operations provide a basis for accurate historical comparison or valid prognostication for the results on a 12-month basis, and, therefore, the reporting and dissemination of such information would have little or no value to sophisticated investors and analysts as a basis for making informed investment decisions or recommendations and furthermore may be misleading in the hands of the average investor and produce both unwarranted and undesirable swings in the price of the applicant's stock.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Street, Washington, DC.

It is ordered, Pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended, that a hearing on the application of Iowa Beef Processors, Inc., for an exemption from the requirement to file quarterly reports on Form 10–Q pursuant to Rule 13a–13 under the Act be held on May 5, 1971, at 10 a.m. at the offices of the Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. At such time the hearing room clerk will designate the room in which such hearing will be held. An officer will be designated later to preside at the hearing. Any person desiring to be heard is directed to file with the Secretary of the Commission his request, as provided for by Rule 9(c) of the Commission's rules of practice, setting forth any issues of fact or law which he desires to controvert and/or setting forth any additional issues which he feels should be considered.

The Division of Corporation Finance advises that it has made a preliminary examination of the application and that, on the basis thereof, the following matters and questions are to be presented for consideration at the hearing:

1. Whether the number of public investors and the amount of trading interest, actual or potential, in applicant's securities is sufficiently limited to justify the requested exemption; and

2. Whether the nature and extent of the activities of the applicant are such to justify the requested exemption; and

3. Whether adequate information is and will be available to investors concerning the financial affairs of the applicant; and

4. Generally, whether the requested exemption is consistent with the public

interest and with the protection of investors.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this notice and order by registered mail to Iowa Beef Processors, Inc., and its attorney and that notice to all other persons be given by publication of this notice and order in the FEDERAL REGISTER, and that a general release of this Commission in respect of this notice and order be distributed to the press and mailed to those persons whose names appear on the mailing list for releases.

By the Commission.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-5654 Filed 4-22-71;8:46 am]

[70-5017]

MISSISSIPPI POWER CO.

Notice of Proposed Issue of First Mortgage Bonds for Sinking Fund Purposes

APRIL 16, 1971.

Notice is hereby given that Mississippi Power Co. (Mississippi), 2992 West Beach, Gulfport, MS 39501, an electric utility subsidiary company of The Southern Co., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and 7 of the Act as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Mississippi proposes, on or prior to June 1, 1971, to issue $1,146,000 principal amount of its first mortgage bonds, 2¾ percent series due 1980, under the provisions of its indenture dated as of September 1, 1941, between Mississippi and Morgan Guaranty Trust Company of New York, as trustee, as amended and supplemented, and to surrender such bonds to the trustee in accordance with the sinking fund provisions. The bonds are to be identical with those authorized by the Commission on April 3, 1957 (Holding Company Act Release No. 13437) and are to be issued on the basis of unfunded net property additions, thus making available for construction and other purposes cash which would otherwise be required to satisfy the sinking fund requirement or to purchase bonds for such purpose.

The fees and expenses to be paid by Mississippi in connection with the issuance of the bonds are estimated at $750, including $300 for charges of the Trustee and counsel fee of $250. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than May 6, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-5655 Filed 4-22-71;8:46 am]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTABLISHMENTS OR IN AGRICULTURE

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 595 (31 F.R. 12981), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly rates lower than the minimum wage rates otherwise applicable under section 6 of the act. While effective and expiration dates are shown for those certificates issued for less than a year, only the expiration dates are shown for certificates issued for a year. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base year.

Arfsten's, variety-department store; 314 West 63d, Kansas City, Mo.; 12-22-71.

Barbecue Inn, restaurant; 116 West Crosstimbers, Houston, Tex.; 1-8-72.

Ben Franklin Store, variety-department store; 123 Franklin Street, Port Washington, WI; 1-19-72.

Blackburn Jobbing Co., foodstore; Mountain City, Tenn.; 1-4-72.

Campbells, variety-department store; 51 South Brown Street, Rhinelander, WI; 12-30-71.

Carr's Cash & Carry Grocery, foodstore; 316 West Main, Lumberton, MS; 1-18-72.

Deelene Corp., restaurant; 1423 Laurel Avenue, Bowling Green, KY; 1-8-72.

Eigenrauch's Tom Boy Market, foodstore; 121 East St. Louis Street, Nashville, IL; 1-16-72.

Ernst Foods, foodstore; Nixon, Tex.; 1-12-72.

Flynn Super Market, foodstore; 116 North Main, Pocahontas, IA; 1-17-72.

Food Town, foodstore; 305 East First Avenue, Ashland, AL; 1-7-72.

Francis Department Store, variety-department store; Prestonsburg, Ky.; 1-16-72.

Fredericks' Super Market, foodstore; 240 West Main, West Concord, MN; 1-6-72.

Freeland-Brown Pharmacy, drugstore; 4508 South Peoria, Tulsa, OK; 1-16-72.

Goldblatt Bros., Inc., variety-department stores, 1-6-72: 9100 Commercial Avenue, Chicago, IL; Hillside Shopping Center, Hillside, Ill.

Good Samaritan Home, nursing home; 322 South Seventh Street, Wymore, NE; 12-28-71.

Good Samaritan Village, nursing home; Hastings, Nebr.; 12-22-71.

W. T. Grant Co., variety-department stores: No. 737, Kokomo, Ind., 1-2-72; No. 3554, Bristol, Pa., 1-15-72.

Hawkins Big Star, foodstore; No. 36, Somerville, Tenn.; 1-18-72.

Jack's Market, foodstore; 214 Main, Fowler, CO; 1-13-72.

S. S. Kresge Co., variety-department stores: No. 262, Waterbury, Conn., 12-26-71; No. 4591, Chicago, Ill., 1-12-72; No. 270, Davenport, Iowa, 1-19-71 to 9-2-71; No. 560, Detroit, Mich., 1-16-72; No. 699, Drayton Plains, Mich., 1-16-72; No. 4611, Sedalia, Mo., 1-19-71 to 12-17-71; No. 495, Akron, Ohio, 1-2-72; No. 638, Cincinnati, Ohio, 1-19-72; No. 541, Marietta, Ohio, 12-21-71.

Leed's Drug, Inc., drugstore; 219 East Main Street, Anoka, Minn.; 1-8-72.

Marjuran Corp., restaurant; 2500 South Kentucky Avenue, Evansville, IN; 12-27-71.

Mason Food Market, foodstore; 115 South Woodland, Riceville, IA; 1-9-72.

McCrory-McLellan-Green Stores, variety-department stores: No. 304, El Dorado, Ark., 12-28-71; No. 1031, Atlanta, Ga., 12-21-70 to 12-11-71; No. 1064, Des Moines, Iowa, 12-29-71; No. 125, Hamilton, Ohio, 12-21-71.

McDonald's Hamburgers, restaurant; 10302 East 40 Highway, Independence, MO; 1-12-72.

Meyers Dept. Store, Inc., variety-department store; 4805 South Ashland Avenue, Chicago, IL; 1-10-72.

Morgan & Lindsey, Inc., variety-depart-

ment stores: No. 3041, Kosciusko, Miss., 1–18–72; No. 3058, Beaumont, Tex., 12–21–71; No. 3066, Beaumont, Tex., 1–4–72.

Newman's, apparel store; 122 South Michigan, South Bend, IN; 1–6–72.

Piggly Wiggly, foodstore; Hemingway, SC; 1–4–72.

Pleasure Ridge Super Market, foodstore; 4838 Maryman Road, Pleasure Ridge Park, KY; 1–1–72.

Quinn Brothers Supermarket, foodstore; 610 Southwest Third Street, Aledo, IL; 1–12–72.

Rogerson's Red & White, foodstore; Andrews, S.C.; 12–22–71.

Savitz Drug Store, drugstore; 129 Court Square, Abbeville, SC; 1–6–72.

Serv-All Food Store, foodstores; 214 East Austin Street, Kermit, TX; 12–23–71.

Spurgeon's, variety-department stores: 713 Story Street, Boone, IA, 12–29–70 to 12–26–71; 117 North Maple, Creston, IA, 12–29–71; 814 Avenue G, Fort Madison, IA, 12–29–71; 911 Main Street, Grinnell, IA, 1–9–72; 620 West Sheridan, Shenandoah, IA, 1–15–72; Pinecrest Shopping Center, Burlington, WI, 1–11–72.

V & S Foodtown, foodstore; Obion, TN; 12–27–71.

Wagner's Supermarket, Inc., variety-department store; 523 Nebraska Avenue, Arapahoe, NE; 1–13–72.

Westside Grocery, foodstore; 1020 West First Street, Abilene, KS; 1–9–72.

Whittaker Inc., foodstore; No. 1, Oklahoma City, OK; 1–18–72.

Wolter's, foodstore; Gibbon, MN; 1–19–72.

The following certificates were issued to establishments relying on the base-year employment experience of other establishments, either because they came into existence after the beginning of the applicable base year or because they did not have available base-year records. The certificates permit the employment of full-time students at rates of not less than 85 percent of the statutory minimum in the classes of occupations listed, and provide for the indicated monthly limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

Ben Franklin Store, variety-department store; No. 3390, Warwick, R.I.; bagger; 2 to 3 percent; 1–6–72.

Best Super Market, foodstore; 5555 East Fifth Street, Tucson, AZ; carryout, cleanup, stock clerk; 13 to 24 percent; 1–11–71 to 12–31–71.

Bishop Stoddard Cafeteria Co., restaurant; 101 Omaha Mall, Omaha, NE; tray carrier, bus help; 0 to 15 percent; 12–22–71.

Carlton's Foodland, foodstore; Highway 64 East, Somerville, TN; sacker, carryout, stock clerk, cleanup; 18 to 20 percent; 1–3–72.

Colonial Manor Nursing Home, Inc., nursing home; Route 16, Glover, VT; housekeeping aide, tray girl (boy); 6 to 7 percent; 1–13–72.

Cooper & Ratcliff of Martinsville, Inc., foodstore; Brookdale Road, Martinsville, Va.; bagger, carryout; 10 percent; 1–1–72.

Country School of Evansville, restaurant; 4511 First Avenue, Evansville, IN; kitchen help, bus boy (girl), waiter-waitress, cleanup; 40 to 50 percent; 1–14–72.

Dillon Companies, Inc., foodstores, for the occupations of cashier, checker, carryout, wrapper, clerk, maintenance, 11 to 32 percent, 12–31–71: No. 106, Fayetteville, Ark.; No. 107, Rogers, Ark.

Dyche Jones Food Stores Inc., foodstore; No. 4, Manchester, Ky.; bagger, carryout, cleanup, stock clerk; 5 to 10 percent; 1–11–72.

Goldblatt Bros. Inc., variety-department store; 1084 Mount Prospect Plaza, Mount Prospect, IL; salesclerk, stock clerk; 3 to 5 percent; 1–6–72.

W. T. Grant Co., variety-department stores, for the occupations of salesclerk, cashier, office clerk, stock clerk, except as otherwise indicated: No. 460, Burnham, Pa., 9 to 44 percent, 12–31–71; No. 1136, Norristown, Pa., 11 to 24 percent, 1–11–72; No. 105, Provo, Utah, 1 to 15 percent, 1–4–71 to 1–2–72 (salesclerk).

H.E.B. Food Store, foodstores, for the occupations of package clerk, bottle clerk, sacker, 10 percent: No. 94, Portland, Tex., 1–2–72; No. 67, San Antonio, Tex., 12–30–71.

Hilltop Manor Convalescent Center, nursing home; 1711 East Broad Street, Hazleton, Pa.; floor aide, kitchen aide; 8 to 12 percent; 1–1–72.

Holmes IGA Market, foodstore; Dixfield, Maine; bagger, stock clerk; 13 to 20 percent; 12–20–71.

Howard City Plaza Inc., foodstore; West M 46, Howard City, MI; carryout, stock clerk; 13 to 20 percent; 1–14–72.

Kentucky Fried Chicken, restaurant; 890 Wadsworth, Lakewood, CO; general restaurant worker; 29 to 47 percent; 1–10–72.

Klaus Dept. Store, variety-department store; 2865 North Milwaukee Avenue, Chicago, Ill.; salesclerk, stock clerk, cashier, merchandise marker; 1 to 6 percent; 1–18–72.

S. S. Kresge Co., variety-department stores, for the occupations of salesclerk, stock clerk, checker-cashier, office clerk, 12 to 20 percent, except as otherwise indicated: No. 4087, Florence, Ala., 1–8–71 to 12–31–71 (salesclerk, checker, 11 to 22 percent); No. 755, Decatur, Ga., 12–22–71 (salesclerk, counter filling, 4 to 9 percent); No. 4211, Chicago Heights, Ill., 1–17–72; No. 4593, Chicago, Ill., 1–13–72 (16 to 42 percent); No. 4221, Collinsville, Ill., 1–2–72 (5 to 10 percent); No. 4214, Des Plaines, Ill., 1–11–72; No. 4262, Dolton, Ill., 1–5–72 (5 to 10 percent); No. 4100, Lombard, Ill., 1–17–72; No. 4228, Wheeling, Ill., 12–22–71; No. 4073, Clarksville, Ind., 1–2–72 (3 to 7 percent); No. 4587, Hammond, Ind., 1–3–72 (14 to 25 percent); No. 4171, Wichita, Kans., 1–13–71 to 12–4–71 (16 to 25 percent); No. 4379, Lafayette, La., 12–21–71 (salesclerk, stock clerk, office clerk, checker-cashier, maintenance, 4 to 15 percent); No. 4027, Detroit, Mich., 1–10–72 (stock clerk, maintenance, office clerk, food preparation, salesclerk, register operation, counter filling, customer service, 10 percent); No. 4066, Jackson, Mich., 1–2–72 (stock clerk, maintenance, office clerk, food preparation, salesclerk, register operation, counter filling, customer service, 10 percent); No. 4015, Port Huron, Mich., 1–7–72 (stock clerk, maintenance, office clerk, food preparation, salesclerk, register operation, counter filling, customer service, 10 percent); No. 4057, Fargo, N. Dak., 1–6–71 to 12–26–71 (salesclerk, stock clerk, office clerk, 5 to 10 percent); No. 4529, Ashland, Ohio, 1–11–72 (stock clerk, maintenance, office clerk, food preparation, register operation, counter filling, salesclerk, customer service, 10 percent); No. 133, Cincinnati, Ohio, 1–13–72 (salesclerk, 7 to 22 percent); No. 4165, Cincinnati, Ohio, 1–14–72 (salesclerk, stock clerk, maintenance, office clerk, checker-cashier, customer service, counter filling, 7 to 19 percent); No. 4169, Massillon, Ohio, 1–18–72 (stock clerk, maintenance, office clerk, food preparation, salesclerk, register operation, counter filling, customer service, 6 to 10 percent); No. 4033, Knoxville, Tenn., 12–22–71 (maintenance, stock clerk, counter filling, register operation, customer service, salesclerk, office clerk, 2 to 17 percent); No. 4541, Racine, Wis., 1–13–72 (15 to 23 percent).

Lerner Shops, apparel store; No. 342, Pompano Beach, Fla.; salesclerk, cashier, credit clerk; 13 to 27 percent; 1–4–72.

Lord's Market, foodstore; Route 2, Bangor, ME; bagger, stock clerk; 13 to 20 percent; 12–27–71.

McCrory-McLellan-Green Stores, variety-department stores, for the occupations of salesclerk, stock clerk, office clerk, 1–14–72, except as otherwise indicated: No. 221, Fort Lauderdale, Fla., 13 to 26 percent (1–1–72); No. 263, Margate, Fla., 14 to 26 percent (salesclerk, office clerk); No. 237, Salisbury, Md., 27 to 38 percent (1–10–72); No. 357, Trenton, N.J., 3 to 9 percent (12–31–71); No. 615, Merrill, Wis., 10 to 33 percent.

McDonald's Hamburgers, restaurant; 4701 Lincoln Avenue, Evansville, IN; general restaurant worker; 40 to 75 percent; 1–14–72.

Mercy Hospital, hospital; East Seventh Street, Devils Lake, ND; general hospital aide; 1 to 9 percent; 1–11–72.

Morgan & Lindsey, Inc., variety-department store; No. 3063, Thibodaux, La., clerk, stock clerk, salesclerk, 3 to 24 percent, 12–21–71; No. 3107, Picayune, Miss., salesclerk, stock clerk, 4 to 21 percent; 1–15–72.

G. C. Murphy Co., variety-department store; No. 333, Gastonia, N.C.; salesclerk, stock clerk, office clerk, janitorial; 12 to 24 percent; 1–17–72.

Newman's Town & Country, apparel store; 2346 Miracle Lane, Mishawaka, IN; stock clerk, office clerk, marking clerk, checker; 8 to 9 percent; 1–6–72.

Northland IGA Foodliner Inc., foodstore; Second and Main, Harrison, MI; carryout, stock clerk; 13 to 20 percent; 1–14–72.

Piggly Wiggly, foodstore; Siloam Springs, Ark., package clerk, stock clerk, checker; 18 to 25 percent; 1–18–72.

Prenger's IGA Foodliner, foodstore; Centralia, Mo.; stock clerk, carryout, bottle clerk; 11 to 29 percent; 12–28–71.

Rose's Stores, Inc., variety-department store; No. 19, Scotland Neck, N.C.; salesclerk, stock clerk; 5 to 29 percent; 1–1–72.

T.G. & Y. Stores Co., variety-department stores, for the occupations of office clerk, salesclerk, stock clerk: No. 179, Mesa, Ariz., 16 to 30 percent, 12–22–71; No. 296, Kansas City, Mo., 22 to 30 percent, 12–22–71; No. 427, Ardmore, Okla., 10 to 30 percent, 1–1–72; No. 101, Spearman, Tex., 14 to 30 percent, 1–4–72.

Thomas Kilpatrick & Co., variety-department store; Westroads Shopping Center, Omaha, Nebr.; 1 to 8 percent; 1–5–71 to 1–1–72.

Tranquility Nursing Home, Inc., nursing home; 50 Randolph Avenue, Randolph, VT; housekeeping aide, tray girl (boy); 6 to 7 percent; 1–3–72.

Western Quality Meats Inc., foodstore; 4000 East Eight Mile Road, Detroit, MI; stock clerk, wrapper, carryout, cleanup; 25 percent; 1–1–72.

Westside Cafe Inc., restaurant; Winner, S. Dak.; general restaurant worker; 3 to 11 percent; 1–11–72.

Whittaker Inc., foodstore; 7957 Northwest 23d, Bethany, OK; sacker, carryout; 15 percent; 1–18–72.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificates may be annulled or withdrawn, as

indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within thirty days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 5th day of April 1971.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[FR Doc.71-5677 Filed 4-22-71;8:48 am]

INTERSTATE COMMERCE COMMISSION

[Notice 282]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 19, 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 47010 (Sub-No. 4 TA), filed April 6, 1971. Applicant: BERRY TRANSPORT, INC., 5315 Northwest St. Helens Road, Portland, OR 97210. Applicant's representative: Nick I. Goyak, 404 Oregon National Building, 610 Southwest Alder Street, Portland, OR 97205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods, cannery supplies, and machinery*, between Vancouver and Yakima, Wash., for the account of Del Monte Corp., for 180 days. NOTE: Applicant states it does intend to tack the authority in MC 47010. Supporting shipper: Del Monte Corp., Northwest Distribution Center, Plant 260, 2001 Del Monte Way, Post Office Box 150, Vancouver, WA 98660. 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 59367 (Sub-No. 75 TA), filed April 12, 1971. Applicant: DECKER TRUCK LINE, INC., Post Office Box 915, 3584 Fifth Avenue South, Fort Dodge, IA 50501. 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, 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, IA 50309.

No. MC 100449 (Sub-No. 25 TA), filed April 12, 1971. Applicant: MALLINGER TRUCK LINE, INC., Otho, Iowa 50569. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *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, Missouri, 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 106274 (Sub-No. 14 TA), filed April 12, 1971. Applicant: RAEFORD TRUCKING COMPANY, Post Office Box 45, Sanford, NC 27330. Applicant's representative: J. L. Keith (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 materials, and accessories and supplies used in the installation thereof* (except commodities in bulk) from Moncure, N.C., to points in Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia, for 180 days. Supporting shipper: Evans Products Co., 2200 East Devon Avenue, Des Plaines, IL 60018. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 26896, Raleigh, NC 27611.

No. MC 107544 (Sub-No. 100 TA), filed April 12, 1971. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, Post Office Box 580, Marion, VA 24354. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone products*, in bulk, from points in Knox County, Tenn., to points in West Virginia, for 180 days. NOTE: Applicant states no tacking possibilities at present time. Supporting shipper: Foote Mineral Co., Exton, Pa., 19341. Send protests to: Clatin M. Harmon, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Avenue SW., Roanoke, VA 24011.

No. MC 127042 (Sub-No. 78 TA), filed April 12, 1971. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 98, Leeds Station, Sioux City, IA 51108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses*, as described in sections A 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 Omaha, Nebr., to points in Cook, Lake, and Du Page Counties, Ill., for 150 days. Supporting shipper: Armour & Co., Chicago, Ill. Send protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 304, Old Post Office Building, Sioux City, IA 51101.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-5685 Filed 4-22-71;8:48 am]

[Notice 283]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 20, 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 107496 (Sub-No. 807 TA), filed April 14, 1971. Applicant: RUAN TRANSPORT CORPORATION, Post Office Box 855, Third and Keosauqua Way, Des Moines, IA 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Davenport, Iowa, to points in Illinois, for 150 days. Supporting shipper: American Oil Co., Post Office Box 5690, Chicago, IL 60680. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 107496 (Sub-No. 808 TA), filed April 14, 1971. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Post Office Box 855, Des Moines, IA 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potash*, in bulk, in tank vehicles, from Fulton, Ill., to points in Iowa, for 150 days. Supporting shipper: Terra Chemicals International, Inc., 507 Sixth Street, Sioux City, IA 51101. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 109397 (Sub-No. 253 TA), filed April 14, 1971. Applicant: TRI-STATE MOTOR TRANSIT CO., Post Office Box 113, East on Interstate Business Route 44, Joplin, MO 64801. Applicant's representative: Max G. Morgan, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods and table sauces*, from facilities of Del Monte Corp. in Alameda, Oakland, San Leandro, San Jose, and Sacramento, Calif., to Houston, San Antonio, Dallas, and Fort Worth, Tex., for 150 days. Supporting shipper: Del Monte Corp., 215 Fremont Street, San Francisco, CA 94119. 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 111401 (Sub-No. 331 TA), filed April 14, 1971. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, OK 73701. Applicant's representative: Victor R. Comstock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer materials*, in bulk, from Lawrence, Kans., to points in Arkansas, Minnesota, Iowa, and Nebraska, for 180 days. Supporting shipper: Robert E. Chipley, Supervisor of Transportation Farmland Industries, Inc., 3315 North Oak Trafficway, Kansas City, MO. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 111729 (Sub-No. 314 TA), filed April 14, 1971. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records and audit and accounting media of all kinds*, (a) between Newport News and Roanoke, Va., on the one hand, and, on the other, Frederick and Hagerstown, Md.; Durham, Kinston, Raleigh, Wilson, and Winston-Salem, N.C.; Charleston, Columbia, Florence, and Spartanburg, S.C.; (b) between Pottsville (Schuylkill County), Pa., on the one hand, and, on the other, points in Mercer and Union Counties, N.J., and New York, N.Y.; (c) from Newark and Paterson, N.J., Garden City and New York, N.Y., to Horseheads, N.Y.; (d) between Philadelphia, Pa., on the one hand, and, on the other, Horseheads, Painted Post, and Poughkeepsie, N.Y., and Somerville, N.J.; (e) between Roanoke, Va., and Charlotte, N.C.; (2) *cut flowers and decorative greens*, between Minneapolis, Minn., on the one hand, and, on the other, points in S. Dak.; (3) *exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies, and advertising material moving therewith* (excluding motion picture film used primarily for commercial theatre and television exhibitions); (a) between Roanoke, Va., on the one hand, and, on the other, Charlotte, N.C.; (b) between Philadelphia, Pa., on the one hand, and, on the other, Horseheads and Troy, N.Y.; (4) *proofs, cuts, copy, manuscripts, advertising poster material and matters pertaining thereto*, between Salem, Va., on the one hand, and, on the other, points in North Carolina; (5) *ophthalmic goods and audit and accounting media moving therewith*, between Pennsauken, N.J., on the one hand, and, on the other, New York, N.Y., and points in Nassau and Westchester County, N.Y., Dauphin and Lehigh County, Pa., New Castle County, Del., Baltimore County, and the City of Baltimore, Md., and Washington, D.C., for 180 days. Supporting shippers: Noland Co., 2700 Warwick Boulevard, Newport News, VA 23607; Advanced Computer Service, Inc., American Bank Building, Pottsville, PA 17901; The Great Atlantic & Pacific Tea Co., Inc., National Traffic and Transportation Department, 90 Delaware Avenue, Paterson, NJ 07503; Globe Security Systems, Inc., 2011 Walnut Street, Philadelphia, PA 19103; Colorcraft of Roanoke, Inc., Post Office Box 1238, Roanoke, VA 24006; Twin City Florist Supply, Inc., 1211 Washington Avenue South, Minneapolis, MN 55415; Perfect Photo, 4747 North Broad Street, Philadelphia, PA 19141; Brand and Edmonds Associates, 117 Brand Road, Salem, VA; American Optical Co., 66 North Juniper Street, Philadelphia, PA 19105. Send protests to: Antony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 112822 (Sub-No. 191 TA), filed April 14, 1971. Applicant: BRAY LINES INCORPORATED, 1401 North Little Street, Post Office Box 1191, Cushing, OK 74023. Applicant's representative: Joe W. Ballard (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk, in bags, from Lawrence, Kans., to points in Arkansas, Minnesota, and Missouri, for 150 days. Supporting shipper: Robert E. Chipley, Supervisor of Transportation, Farmland Industries, Inc., 3315 North Oak Trafficway, Kansas City, MO. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 115669 (Sub-No. 123 TA), filed April 14, 1971. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Post Office Box 95, Clay Center, NE 68933. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer materials*, in bulk, from Military, Kans., to points in Iowa, Missouri, Nebraska, Oklahoma, and Texas on and east of Routes I–80 and U.S. 281, for 150 days. Supporting shipper: J. J. Stefanec, Transportation Manager, Gulf Oil Chemicals Co., Dwight Building, Kansas City, MO 64105. Send protests to: District Supervisor Max H. Johnston, 320 Federal Building and Courthouse, Lincoln, NE 68508. Bureau of Operations, Interstate Commerce Commission.

No. MC 125161 (Sub-No. 15 TA), filed April 14, 1971. Applicant: UNITED FREIGHTWAYS, INC., 671 Chestnut Street, North Andover, MA 01845. Applicant's representative: George C. O'Brien, 15 Court Square, Boston, MA 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pumice*, in bulk, in dump vehicles, from Portsmouth, N.H., to Green Island, N.Y., for 150 days. Supporting shipper: Pumice Aggregate Corp., 500 State Street, Bridgeport, CT 06603. Send protests to: John B. Thomas, District Supervisor, Interstate Commerce Commission, Bureau of Operations, J. F. Kennedy Building, Room 2211–B, Government Center, Boston, MA 02203.

No. MC 126489 (Sub-No. 10 TA), filed April 14, 1971. Applicant: GASTON FEED TRANSPORTS, INC., 1203 West Fourth Street, Post Office Box 1066, Hutchinson, KS 67501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cottonseed products*, from

points in Oklahoma and Texas, to points in New Mexico, Kansas, Colorado, and Nebraska, for 180 days. Supporting shippers: There are approximately 16 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, 221 South Broadway, Wichita, KS 67202.

No. MC 133070 (Sub-No. 6 TA), filed April 14, 1971. Applicant: TRANS-AIR SERVICE, INC., Post Office Box 230, 1505 Cleveland Drive, Buffalo, NY 14225. Applicant's representative: William J. Hirsch, 35 Court Street, Buffalo, NY 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods, commodities in bulk, and those requiring special equipment), restricted to traffic having a prior or subsequent movement by aircraft between the Greater Buffalo International Airport (Erie County), N.Y., Cleveland-Hopkins Municipal Airport (Cuyahoga County), Ohio, Detroit Metropolitan Airport (Wayne County), Mich., Niagara Falls Airport, Niagara Falls, N.Y., Clarence E. Hancock Airport (Onondaga County), and Willow Run Airport (Washtenaw County), Mich., and (2) between Buffalo and Lockport, N.Y., on the one hand, and, on the other, the airports named in (1) above, for 120 days. Supporting shippers: Harrison Radiator Division, General Motors Corp., Upper Mountain Road, Lockport, N.Y. 14094; The Flying Tiger Line, Inc., Building 723, Detroit Metropolitan Airport, Detroit, Mich. 48242; F. N. Burt Co., Inc., 2345 Walden Avenue, Cheektowaga, NY 14225. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Office Building, 121 Ellicott Street, Buffalo, NY 14203.

No. MC 133755 (Sub-No. 10 TA), filed April 14, 1971. Applicant: MILLIS BROS. TRANSFER, INC., Post Office Box 112, Black River, Falls, WI 54615. Applicant's representative: Eric F. Stutz, 104 Main Street, Black River Falls, WI 54615. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *malt beverages*, from Milwaukee, Wis., to Minneapolis, Minn., for 180 days. Supporting shipper: Pohle Sales, Inc., 730 29th Avenue SE., Minneapolis, MN. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 206, Madison, WI 53703.

No. MC 135185 (Sub-No. 2 TA), filed April 14, 1971. Applicant: COLUMBINE CARRIERS, INC., 2700 23d Avenue, Council Bluffs, IA 51501. Applicant's representative: David R. Parker, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products and articles* distributed by meat packinghouses, as defined in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsites and storage facilities of Spencer Foods, Inc., located at Spencer, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia. Restriction: All shipments are restricted to traffic originating at the named origin points and destined to points in the named States for 180 days. Supporting shipper: Spencer Foods, Inc., Post Office Box 1228, Spencer, IA 51301. Snd protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 135453 (Sub-No. 7 TA), filed April 14, 1971. Applicant: BARLAGE, INC., Eldred, Ill. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, IL 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, from White Hall, Ill., to points in Missouri, for the account of American Oil Co., for 150 days. Supporting shipper: David Sinise, American Oil Co., Post Office Box 5690, Chicago, IL 60680. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, IL 62704.

No. MC 135489 TA, filed April 14, 1971. Applicant: BURLINGTON TRANSPORT SERVICE, INC., 9 Magnolia Street, Arlington, MA 02174. Applicant's representative: John F. Curley, Court Square, Boston, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tin plates*, in sheets, from Trenton, N.J., and Baltimore, Md., to plantsite of Lipton Pet Foods, Inc., Woburn, Mass., for 180 days. Supporting shipper: Lipton Pet Foods, Inc., 209 New Boston Street, Woburn, MA 01801. Send protests to: James F. Martin, Jr., Assistant Regional Director, Interstate Commerce Commission, Bureau of Operations, John F. Kennedy Building, Boston, Mass. 02203.

By the Commission.

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

[FR Doc.71-5686 Filed 4-22-71;8:48 am]

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PART II

COUNCIL ON ENVIRONMENTAL QUALITY

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STATEMENTS ON PROPOSED FEDERAL ACTIONS AFFECTING THE ENVIRONMENT

GUIDELINES

COUNCIL ON ENVIRONMENTAL QUALITY

STATEMENTS ON PROPOSED FEDERAL ACTIONS AFFECTING THE ENVIRONMENT

Guidelines

1. *Purpose.* This memorandum provides guidelines to Federal departments, agencies, and establishments for preparing detailed environmental statements on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment as required by section 102(2)(C) of the National Environmental Policy Act (Public Law 91–190) (hereafter "the Act"). Underlying the preparation of such environmental statements is the mandate of both the Act and Executive Order 11514 (35 F.R. 4247) of March 4, 1970, that all Federal agencies, to the fullest extent possible, direct their policies, plans and programs so as to meet national environmental goals. The objective of section 102(2)(C) of the Act and of these guidelines is to build into the agency decision making process an appropriate and careful consideration of the environmental aspects of proposed action and to assist agencies in implementing not only the letter, but the spirit, of the Act. This memorandum also provides guidance on implementation of section 309 of the Clean Air Act, as amended (42 U.S.C. 1857 et seq.).

2. *Policy.* As early as possible and in all cases prior to agency decision concerning major action or recommendation or a favorable report on legislation that significantly affects the environment, Federal agencies will, in consultation with other appropriate Federal, State, and local agencies, assess in detail the potential environmental impact in order that adverse effects are avoided, and environmental quality is restored or enhanced, to the fullest extent practicable. In particular, alternative actions that will minimize adverse impact should be explored and both the long- and short-range implications to man, his physical and social surroundings, and to nature, should be evaluated in order to avoid to the fullest extent practicable undesirable consequences for the environment.

3. *Agency and OMB procedures.* (a) Pursuant to section 2(f) of Executive Order 11514, the heads of Federal agencies have been directed to proceed with measures required by section 102(2)(C) of the Act. Consequently, each agency will establish, in consultation with the Council on Environmental Quality, not later than June 1, 1970 (and, by July 1, 1971, with respect to requirements imposed by revisions in these guidelines, which will apply to draft environmental statements circulated after June 30, 1971), its own formal procedures for (1) identifying those agency actions requiring environmental statements, the appropriate time prior to decision for the consultations required by section 102(2)(C), and the agency review process for which environmental statements are to be available, (2) obtaining information required in their preparation, (3) designating the officials who are to be responsible for the statements, (4) consulting with and taking account of the comments of appropriate Federal, State, and local agencies, including obtaining the comment of the Administrator of the Environmental Protection Agency, whether or not an environmental statement is prepared, when required under section 309 of the Clean Air Act, as amended, and section 8 of these guidelines, and (5) meeting the requirements of section 2(b) of Executive Order 11514 for providing timely public information on Federal plans and programs with environmental impact including procedures responsive to section 10 of these guidelines. These procedures should be consonant with the guidelines contained herein. Each agency should file seven (7) copies of all such procedures with the Council on Environmental Quality, which will provide advice to agencies in the preparation of their procedures and guidance on the application and interpretation of the Council's guidelines. The Environmental Protection Agency will assist in resolving any question relating to section 309 of the Clean Air Act, as amended.

(b) Each Federal agency should consult, with the assistance of the Council on Environmental Quality and the Office of Management and Budget if desired, with other appropriate Federal agencies in the development of the above procedures so as to achieve consistency in dealing with similar activities and to assure effective coordination among agencies in their review of proposed activities.

(c) State and local review of agency procedures, regulations, and policies for the administration of Federal programs of assistance to State and local governments will be conducted pursuant to procedures established by the Office of Management and Budget Circular No. A–85. For agency procedures subject to OMB Circular No. A–85 a 30-day extension in the July 1, 1971, deadline set in section 3(a) is granted.

(d) It is imperative that existing mechanisms for obtaining the views of Federal, State, and local agencies on proposed Federal actions be utilized to the extent practicable in dealing with environmental matters. The Office of Management and Budget will issue instructions, as necessary, to take full advantage of existing mechanisms (relating to procedures for handling legislation, preparation of budgetary materials, new procedures, water resource and other projects, etc.).

4. *Federal agencies included.* Section 102(2)(C) applies to all agencies of the Federal Government with respect to recommendations or favorable reports on proposals for (i) legislation and (ii) other major Federal actions significantly affecting the quality of the human environment. The phrase "to the fullest extent possible" in section 102(2)(C) is meant to make clear that each agency of the Federal Government shall comply with the requirement unless existing law applicable to the agency's operations expressly prohibits or makes compliance impossible. (Section 105 of the Act provides that "The policies and goals set forth in this Act are supplementary to those set forth in existing authorizations of Federal agencies.")

5. *Actions included.* The following criteria will be employed by agencies in deciding whether a proposed action requires the preparation of an environmental statement:

(a) "Actions" include but are not limited to:

(i) Recommendations or favorable reports relating to legislation including that for appropriations. The requirement for following the section 102(2)(C) procedure as elaborated in these guidelines applies to both (i) agency recommendations on their own proposals for legislation and (ii) agency reports on legislation initiated elsewhere. (In the latter case only the agency which has primary responsibility for the subject matter involved will prepare an environmental statement.) The Office of Management and Budget will supplement these general guidelines with specific instructions relating to the way in which the section 102(2)(C) procedure fits into its legislative clearance process;

(ii) Projects and continuing activities: directly undertaken by Federal agencies; supported in whole or in part through Federal contracts, grants, subsidies, loans, or other forms of funding assistance; involving a Federal lease, permit, license, certificate or other entitlement for use;

(iii) Policy, regulations, and procedure-making.

(b) The statutory clause "major Federal actions significantly affecting the quality of the human environment" is to be construed by agencies with a view to the overall, cumulative impact of the action proposed (and of further actions contemplated). Such actions may be localized in their impact, but if there is potential that the environment may be significantly affected, the statement is to be prepared. Proposed actions, the environmental impact of which is likely to be highly controversial, should be covered in all cases. In considering what constitutes major action significantly affecting the environment, agencies should bear in mind that the effect of many Federal decisions about a project or complex of projects can be individually limited but cumulatively considerable. This can occur when one or more agencies over a period of years puts into a project individually minor but collectively major resources, when one decision involving a limited amount of money is a precedent for action in much larger cases or represents a decision in principle about a future major course of action, or when several Government agencies individually make decisions about partial aspects of a major action. The lead agency

should prepare an environmental statement if it is reasonable to anticipate a cumulatively significant impact on the environment from Federal action. "Lead agency" refers to the Federal agency which has primary authority for committing the Federal Government to a course of action with significant environmental impact. As necessary, the Council on Environmental Quality will assist in resolving questions of lead agency determination.

(c) Section 101(b) of the Act indicates the broad range of aspects of the environment to be surveyed in any assessment of significant effect. The Act also indicates that adverse significant effects include those that degrade the quality of the environment, curtail the range of beneficial uses of the environment, and serve short-term, to the disadvantage of long-term, environmental goals. Significant effects can also include actions which may have both beneficial and detrimental effects, even if, on balance, the agency believes that the effect will be beneficial. Significant adverse effects on the quality of the human environment include both those that directly affect human beings and those that indirectly affect human beings through adverse effects on the environment.

(d) Because of the Act's legislative history, environmental protective regulatory activities concurred in or taken by the Environmental Protection Agency are not deemed actions which require the preparation of environmental statements under section 102(2)(C) of the Act.

6. *Content of environmental statement.* (a) The following points are to be covered:

(i) A description of the proposed action including information and technical data adequate to permit a careful assessment of environmental impact by commenting agencies. Where relevant, maps should be provided.

(ii) The probable impact of the proposed action on the environment, including impact on ecological systems such as wildlife, fish, and marine life. Both primary and secondary significant consequences for the environment should be included in the analysis. For example, the implications, if any, of the action for population distribution or concentration should be estimated and an assessment made of the effect of any possible change in population patterns upon the resource base, including land use, water, and public services, of the area in question.

(iii) Any probable adverse environmental effects which cannot be avoided (such as water or air pollution, undesirable land use patterns, damage to life systems, urban congestion, threats to health or other consequences adverse to the environmental goals set out in section 101(b) of the Act).

(iv) Alternatives to the proposed action (section 102(2)(D) of the Act requires the responsible agency to "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources"). A rigorous exploration and objective evaluation of alternative actions that might avoid some or all of the adverse environmental effects is essential. Sufficient analysis of such alternatives and their costs and impact on the environment should accompany the proposed action through the agency review process in order not to foreclose prematurely options which might have less detrimental effects.

(v) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity. This in essence requires the agency to assess the action for cumulative and long-term effects from the perspective that each generation is trustee of the environment for succeeding generations.

(vi) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented. This requires the agency to identify the extent to which the action curtails the range of beneficial uses of the environment.

(vii) Where appropriate, a discussion of problems and objections raised by other Federal, State, and local agencies and by private organizations and individuals in the review process and the disposition of the issues involved. (This section may be added at the end of the review process in the final text of the environmental statement.)

(b) With respect to water quality aspects of the proposed action which have been previously certified by the appropriate State or interstate organization as being in substantial compliance with applicable water quality standards, the comment of the Environmental Protection Agency should also be requested.

(c) Each environmental statement should be prepared in accordance with the precept in section 102(2)(A) of the Act that all agencies of the Federal Government "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decisionmaking which may have an impact on man's environment."

(d) Where an agency follows a practice of declining to favor an alternative until public hearings have been held on a proposed action, a draft environmental statement may be prepared and circulated indicating that two or more alternatives are under consideration.

(e) Appendix 1 prescribes the form of the summary sheet which should accompany each draft and final environmental statement.

7. Federal agencies to be consulted in connection with preparation of environmental statement. A Federal agency considering an action requiring an environmental statement, on the basis of (i) a draft environmental statement for which it takes responsibility or (ii) comparable information followed by a hearing subject to the provisions of the Administrative Procedure Act, should consult with, and obtain the comment on the environmental impact of the action of, Federal agencies with jurisdiction by law or special expertise with respect to any environmental impact involved. These Federal agencies include components of (depending on the aspect or aspects of the environment):

Advisory Council on Historic Preservation.
Department of Agriculture.
Department of Commerce.
Department of Defense.
Department of Health, Education, and Welfare.
Department of Housing and Urban Development.
Department of the Interior.
Department of State.
Department of Transportation.
Atomic Energy Commission.
Federal Power Commission.
Environmental Protection Agency.
Office of Economic Opportunity.

For actions specifically affecting the environment of their geographic jurisdictions, the following Federal and Federal-State agencies are also to be consulted:

Tennessee Valley Authority.
Appalachian Regional Commission.
National Capital Planning Commission.
Delaware River Basin Commission.
Susquehanna River Basin Commission.

Agencies seeking comment should determine which one or more of the above listed agencies are appropriate to consult on the basis of the areas of expertise identified in Appendix 2 to these guidelines. It is recommended (i) that the above listed departments and agencies establish contact points, which often are most appropriately regional offices, for providing comments on the environmental statements and (ii) that departments from which comment is solicited coordinate and consolidate the comments of their component entities. The requirement in section 102(2)(C) to obtain comment from Federal agencies having jurisdiction or special expertise is in addition to any specific statutory obligation of any Federal agency to coordinate or consult with any other Federal or State agency. Agencies seeking comment may establish time limits of not less than thirty (30) days for reply, after which it may be presumed, unless the agency consulted requests a specified extension of time, that the agency consulted has no comment to make. Agencies seeking comment should endeavor to comply with requests for extensions of time of up to fifteen (15) days.

8. *Interim EPA procedures for implementation of section 309 of the Clean Air Act, as amended.* (a) Section 309 of the Clean Air Act, as amended, provides:

SEC. 309. (a) The Administrator shall review and comment in writing on the environmental impact of any matter relating to duties and responsibilities granted pursuant to this Act or other provisions of the authority of the Administrator, contained in any (1) legislation proposed by any Federal department or agency, (2) newly authorized Federal projects for construction and any major Federal agency action (other than a project for construction) to which section 102(2)(C) of Public Law 91-190 applies, and (3) proposed regulations published by any

department or agency of the Federal Government. Such written comment shall be made public at the conclusion of any such review.

(b) In the event the Administrator determines that any such legislation, action, or regulation is unsatisfactory from the standpoint of public health or welfare or environmental quality, he shall publish his determination and the matter shall be referred to the Council on Environmental Quality.

(b) Accordingly, wherever an agency action related to air or water quality, noise abatement and control, pesticide regulation, solid waste disposal, radiation criteria and standards, or other provisions of the authority of the Administrator if the Environmental Protection Agency is involved, including his enforcement authority, Federal agencies are required to submit for review and comment by the Administrator in writing: (i) proposals for new Federal construction projects and other major Federal agency actions to which section 102(2)(C) of the National Environmental Policy Act applies and (ii) proposed legislation and regulations, whether or not section 102(2)(C) of the National Environmental Policy Act applies. (Actions requiring review by the Administrator do not include litigation or enforcement proceedings.) The Administrator's comments shall constitute his comments for the purposes of both section 309 of the Clean Air Act and section 102(2)(C) of the National Environmental Policy Act. A period of 45 days shall be allowed for such review. The Administrator's written comment shall be furnished to the responsible Federal department or agency, to the Council on Environmental Quality and summarized in a notice published in the FEDERAL REGISTER. The public may obtain copies of such comment on request from the Environmental Protection Agency.

9. *State and local review.* Where no public hearing has been held on the proposed action at which the appropriate State and local review has been invited, and where review of the environmental impact of the proposed action by State and local agencies authorized to develop and enforce environmental standards is relevant, such State and local review shall be provided as follows:

(a) For direct Federal development projects and projects assisted under programs listed in Attachment D of the Office of Management and Budget Circular No. A–95, review of draft environmental statements by State and local governments will be through procedures set forth under Part 1 of Circular No. A–95.

(b) Where these procedures are not appropriate and where a proposed action affects matters within their jurisdiction, review of the draft environmental statement on a proposed action by State and local agencies authorized to develop and enforce environmental standards and their comments on the environmental impact of the proposed action may be obtained directly or by distributing the draft environmental statement to the appropriate State, regional and metropolitan clearinghouses unless the Governor of the State involved has designated some other point for obtaining this review.

10. *Use of statements in agency review processes; distribution to Council on Environmental Quality; availability to public.* (a) Agencies will need to identify at what stage or stages of a series of actions relating to a particular matter the environmental statement procedures of this directive will be applied. It will often be necessary to use the procedures both in the development of a national program and in the review of proposed projects within the national program. However, where a grant-in-aid program does not entail prior approval by Federal agencies of specific projects the view of Federal, State, and local agencies in the legislative process may have to suffice. The principle to be applied is to obtain views of other agencies at the earliest feasible time in the development of program and project proposals. Care should be exercised so as not to duplicate the clearance process, but when actions being considered differ significantly from those that have already been reviewed pursuant to section 102(2)(C) of the Act an environmental statement should be provided.

(b) Ten (10) copies of draft environmental statements (when prepared), ten (10) copies of all comments made thereon (to be forwarded to the Council by the entity making comment at the time comment is forwarded to the responsible agency), and ten (10) copies of the final text of environmental statements (together with all comments received thereon by the responsible agency from Federal, State, and local agencies and from private organizations and individuals) shall be supplied to the Council on Environmental Quality in the Executive Office of the President (this will serve as making environmental statements available to the President). It is important that draft environmental statements be prepared and circulated for comment and furnished to the Council early enough in the agency review process before an action is taken in order to permit meaningful consideration of the environmental issues involved. To the maximum extent practicable no administrative action (i.e., any proposed action to be taken by the agency other than agency proposals for legislation to Congress or agency reports on legislation) subject to section 102(2)(C) is to be taken sooner than ninety (90) days after a draft environmental statement has been circulated for comment, furnished to the Council and, except where advance public disclosure will result in significantly increased costs of procurement to the Government, made available to the public pursuant to these guidelines; neither should such administrative action be taken sooner than thirty (30) days after the final text of an environmental statement (together with comments) has been made available to the Council and the public. If the final text of an environmental statement is filed within ninety (90) days after a draft statement has been circulated for comment, furnished to the Council and made public pursuant to this section of these guidelines, the thirty (30) day period and ninety (90) day period may run concurrently to the extent that they overlap.

(c) With respect to recommendations or reports on proposals for legislation to which section 102(2)(C) applies, the final text of the environmental statement and comments thereon should be available to the Congress and to the public in support of the proposed legislation or report. In cases where the scheduling of congressional hearings on recommendations or reports on proposals for legislation which the Federal agency has forwarded to the Congress does not allow adequate time for the completion of a final text of an environmental statement (together with comments), a draft environmental statement may be furnished to the Congress and made available to the public pending transmittal of the comments as received and the final text.

(d) Where emergency circumstances make it necessary to take an action with significant environmental impact without observing the provisions of these guidelines concerning minimum periods for agency review and advance availability of environmental statements, the Federal agency proposing to take the action should consult with the Council on Environmental Quality about alternative arrangements. Similarly, where there are overriding considerations of expense to the Government or impaired program effectiveness, the responsible agency should consult the Council concerning appropriate modifications of the minimum periods.

(e) In accord with the policy of the National Environmental Policy Act and Executive Order 11514 agencies have a responsibility to develop procedures to insure the fullest practicable provision of timely public information and understanding of Federal plans and programs with environmental impact in order to obtain the views of interested parties. These procedures shall include, whenever appropriate, provision for public hearings, and shall provide the public with relevant information, including information on alternative courses of action. Agencies which hold hearings on proposed administrative actions or legislation should make the draft environmental statement available to the public at least fifteen (15) days prior to the time of the relevant hearings except where the agency prepares the draft statement on the basis of a hearing subject to the Administrative Procedure Act and preceded by adequate public notice and information to identify the issues and obtain the comments provided for in sections 6–9 of these guidelines.

(f) The agency which prepared the environmental statement is responsible for making the statement and the comments received available to the public pursuant to the provisions of the Freedom of Information Act (5 U.S.C., sec. 552), without regard to the exclusion of interagency memoranda when such

memoranda transmit comments of Federal agencies listed in section 7 of these guidelines upon the environmental impact of proposed actions subject to section 102(2)(C).

(g) Agency procedures prepared pursuant to section 3 of these guidelines shall implement these public information requirements and shall include arrangements for availability of environmental statements and comments at the head and appropriate regional offices of the responsible agency and at appropriate State, regional, and metropolitan clearinghouses unless the Governor of the State involved designates some other point for receipt of this information.

11. *Application of section 102(2)(C) procedure to existing projects and programs.* To the maximum extent practicable the section 102(2)(C) procedure should be applied to further major Federal actions having a significant effect on the environment even though they arise from projects or programs initiated prior to enactment of the Act on January 1, 1970. Where it is not practicable to reassess the basic course of action, it is still important that further incremental major actions be shaped so as to minimize adverse environmental consequences. It is also important in further action that account be taken of environmental consequences not fully evaluated at the outset of the project or program.

12. *Supplementary guidelines, evaluation of procedures.* (a) The Council on Environmental Quality after examining environmental statements and agency procedures with respect to such statements will issue such supplements to these guidelines as are necessary.

(b) Agencies will continue to assess their experience in the implementation of the section 102(2)(C) provisions of the Act and in conforming with these guidelines and report thereon to the Council on Environmental Quality by December 1, 1971. Such reports should include an identification of the problem areas and suggestions for revision or clarification of these guidelines to achieve effective coordination of views on environmental aspects (and alternatives, where appropriate) of proposed actions without imposing unproductive administrative procedures.

RUSSELL E. TRAIN,
Chairman.

APPENDIX I

(Check one) ( ) Draft. ( ) Final Environmental Statement.

Name of Responsible Federal Agency (with name of operating division where appropriate).

1. Name of Action. (Check one) ( ) Administrative Action. ( ) Legislative Action.

2. Brief description of action indicating what States (and counties) particularly affected.

3. Summary of environmental impact and adverse environmental effects.

4. List alternatives considered.

5. a. (For draft statements) List all Federal, State, and local agencies from which comments have been requested.

b. (For final statements) List all Federal, State, and local agencies and other sources from which written comments have been received.

6. Dates draft statement and final statement made available to Council on Environmental Quality and public.

APPENDIX II—FEDERAL AGENCIES WITH JURISDICTION BY LAW OR SPECIAL EXPERTISE TO COMMENT ON VARIOUS TYPES OF ENVIRONMENTAL IMPACTS

AIR

Air Quality and Air Pollution Control

Department of Agriculture—
Forest Service (effects on vegetation).
Department of Health, Education, and Welfare (Health aspects).
Environmental Protection Agency—
Air Pollution Control Office.
Department of the Interior—
Bureau of Mines (fossil and gaseous fuel combustion).
Bureau of Sport Fisheries and Wildlife (wildlife).
Department of Transportation—
Assistant Secretary for Systems Development and Technology (auto emissions).
Coast Guard (vessel emissions).
Federal Aviation Administration (aircraft emissions).

Weather Modification

Department of Commerce—
National Oceanic and Atmospheric Administration.
Department of Defense—
Department of the Air Force.
Department of the Interior—
Bureau of Reclamation.

ENERGY

Environmental Aspects of Electric Energy Generation and Transmission

Atomic Energy Commission (nuclear power).
Environmental Protection Agency—
Water Quality Office.
Air Pollution Control Office.
Department of Agriculture—
Rural Electrification Administration (rural areas).
Department of Defense—
Army Corps of Engineers (hydro-facilities).
Federal Power Commission (hydro-facilities and transmission lines).
Department of Housing and Urban Development (urban areas).
Department of the Interior—(facilities on Government lands).

Natural Gas Energy Development, Transmission and Generation

Federal Power Commission (natural gas production, transmission and supply).
Department of the Interior—
Geological Survey.
Bureau of Mines.

HAZARDOUS SUBSTANCES

Toxic Materials

Department of Commerce—
National Oceanic and Atmospheric Administration.
Department of Health, Education and Welfare (Health aspects).
Environmental Protection Agency.
Department of Agriculture—
Agricultural Research Service.
Consumer and Marketing Service.
Department of Defense.
Department of the Interior—
Bureau of Sport Fisheries and Wildlife.

Pesticides

Department of Agriculture—
Agricultural Research Service (biological controls, food and fiber production).
Consumer and Marketing Service.
Forest Service.
Department of Commerce—
National Marine Fisheries Service.
National Oceanic and Atmospheric Administration.
Environmental Protection Agency—
Office of Pesticides.
Department of the Interior—
Bureau of Sport Fisheries and Wildlife (effects on fish and wildlife).
Bureau of Land Management.
Department of Health, Education, and Welfare (Health aspects).

Herbicides

Department of Agriculture—
Agricultural Research Service.
Forest Service.
Environmental Protection Agency—
Office of Pesticides.
Department of Health, Education, and Welfare (Health aspects).
Department of the Interior—
Bureau of Sport Fisheries and Wildlife.
Bureau of Land Management.
Bureau of Reclamation.

Transportation and Handling of Hazardous Materials

Department of Commerce—
Maritime Administration.
National Marine Fisheries Service.
National Oceanic and Atmospheric Administration (impact on marine life).
Department of Defense—
Armed Services Explosive Safety Board.
Army Corps of Engineers (navigable waterways).
Department of Health, Education, and Welfare—
Office of the Surgeon General (Health aspects).
Department of Transportation—
Federal Highway Administration Bureau of Motor Carrier Safety.
Coast Guard.
Federal Railroad Administration.
Federal Aviation Administration.
Assistant Secretary for Systems Development and Technology.
Office of Hazardous Materials.
Office of Pipeline Safety.
Environmental Protection Agecny (hazardous substances).
Atomic Energy Commission (radioactive substances).

LAND USE AND MANAGEMENT

Coastal Areas: Wetlands, Estuaries, Waterfowl Refuges, and Beaches

Department of Agriculture—
Forest Service.
Department of Commerce—
National Marine Fisheries Service (impact on marine life).
National Oceanic and Atmospheric Administration (impact on marine life).
Department of Transportation—
Coast Guard (bridges, navigation).
Department of Defense—
Army Corps of Engineers (beaches, dredge and fill permits, Refuse Act permits).
Department of the Interior—
Bureau of Sport Fisheries and Wildlife.
National Park Service.
U.S. Geological Survey (coastal geology).
Bureau of Outdoor Recreation (beaches).
Department of Agriculture—
Soil Conservation Service (soil stability, hydrology).
Environmental Protection Agency—
Water Quality Office.

Historic and Archeological Sites

Department of the Interior—
National Park Service.
Advisory Council on Historic Preservation.

Department of Housing and Urban Development (urban areas).

Flood Plains and Watersheds

Department of Agriculture—
Agricultural Stabilization and Research Service.
Soil Conservation Service.
Forest Service.
Department of the Interior—
Bureau of Outdoor Recreation.
Bureau of Reclamation.
Bureau of Sport Fisheries and Wildlife.
Bureau of Land Measurement.
U.S. Geological Survey.
Department of Housing and Urban Development (urban areas).
Department of Defense—
Army Corps of Engineers.

Mineral Land Reclamation

Appalachian Regional Commission.
Department of Agriculture—
Forest Service.
Department of the Interior—
Bureau of Mines.
Bureau of Outdoor Recreation.
Bureau of Sport Fisheries and Wildlife.
Bureau of Land Management.
U.S. Geological Survey.
Tennessee Valley Authority.

Parks, Forests, and Outdoor Recreation

Department of Agriculture—
Forest Service.
Soil Conservation Service.
Department of the Interior—
Bureau of Land Management.
National Park Service.
Bureau of Outdoor Recreation.
Bureau of Sport Fisheries and Wildlife.
Department of Defense—
Army Corps of Engineers.
Department of Housing and Urban Development (urban areas).

Soil and Plant Life, Sedimentation, Erosion and Hydrologic Conditions

Department of Agriculture—
Soil Conservation Service.
Agricultural Research Service.
Forest Service.
Department of Defense—
Army Corps of Engineers (dredging, aquatic plants).
Department of Commerce—
National Oceanic and Atmospheric Administration.
Department of the Interior—
Bureau of Land Management.
Bureau of Sport Fisheries and Wildlife.
Geological Survey.
Bureau of Reclamation.

NOISE

Noise Control and Abatement

Department of Health, Education, and Welfare (Health aspects).
Department of Commerce—
National Bureau of Standards.
Department of Transportation—
Assistant Secretary for Systems Development and Technology.
Federal Aviation Administration (Office of Noise Abatement).
Environmental Protection Agency (Office of Noise).
Department of Housing and Urban Development (urban land use aspects, building materials standards).

PHYSIOLOGICAL HEALTH AND HUMAN WELL BEING

Chemical Contamination of Food Products

Department of Agriculture—
Consumer and Marketing Service.
Department of Health, Education, and Welfare (Health aspects).
Environmental Protection Agency—
Office of Pesticides (economic poisons).

Food Additives and Food Sanitation

Department of Health, Education, and Welfare (Health aspects).
Environmental Protection Agency—
Office of Pesticides (economic poisons, e.g., pesticide residues).
Department of Agriculture—
Consumer Marketing Service (meat and poultry products).

Microbiological Contamination

Department of Health, Education, and Welfare (Health aspects).

Radiation and Radiological Health

Department of Commerce—
National Bureau of Standards.
Atomic Energy Commission.
Environmental Protection Agency—
Office of Radiation.
Department of the Interior—
Bureau of Mines (uranium mines).

Sanitation and Waste Systems

Department of Health, Education, and Welfare—(Health aspects).
Department of Defense—
Army Corps of Engineers.
Environmental Protection Agency—
Solid Waste Office.
Water Quality Office.
Department of Transportation—
U.S. Coast Guard (ship sanitation).
Department of the Interior—
Bureau of Mines (mineral waste and recycling, mine acid wastes, urban solid wastes).
Bureau of Land Management (solid wastes on public lands).
Office of Saline Water (demineralization of liquid wastes).

Shellfish Sanitation

Department of Commerce—
National Marine Fisheries Service.
National Oceanic and Atmospheric Administration.
Department of Health, Education, and Welfare (Health aspects).
Environmental Protection Agency—
Office of Water Quality.

TRANSPORTATION

Air Quality

Environmental Protection Agency—
Air Pollution Control Office.
Department of Transportation—
Federal Aviation Administration.
Department of the Interior—
Bureau of Outdoor Recreation.
Bureau of Sport Fisheries and Wildlife.
Department of Commerce—
National Oceanic and Atmospheric Administration (meteorological conditions).

Water Quality

Environmental Protection Agency—
Office of Water Quality.
Department of the Interior—
Bureau of Sport Fisheries and Wildlife.
Department of Commerce—
National Oceanic and Atmospheric Administration (impact on marine life and ocean monitoring).
Department of Defense—
Army Corps of Engineers.
Department of Transportation—
Coast Guard.

URBAN

Congestion in Urban Areas, Housing and Building Displacement

Department of Transportation—
Federal Highway Administration.
tion.
Federal Highway Administration.
Office of Economic Opportunity.
Department of Housing and Urban Development.
Department of the Interior—
Bureau of Outdoor Recreation.

Environmental Effects With Special Impact in Low-Income Neighborhoods

Department of the Interior—
National Park Service.
Office of Economic Opportunity.
Department of Housing and Urban Development (urban areas).
Department of Commerce (economic development areas).
Economic Development Administration.
Department of Transportation—
Urban Mass Transportation Administration.

Rodent Control

Department of Health, Education, and Welfare (Health aspects).
Department of Housing and Urban Development (urban areas).

Urban Planning

Department of Transportation—
Federal Highway Administration
Department of Housing and Urban Development.
Environmental Protection Agency.
Department of the Interior—
Geological Survey.
Bureau of Outdoor Recreation.
Department of Commerce—
Economic Development Administration.

WATER

Water Quality and Water Pollution Control

Department of Agriculture—
Soil Conservation Service.
Forest Service.
Department of the Interior—
Bureau of Reclamation.
Bureau of Land Management.
Bureau of Sports Fisheries and Wildlife.
Bureau of Outdoor Recreation.
Geological Survey.
Office of Saline Water.
Environmental Protection Agency—
Water Quality Office.
Department of Health, Education, and Welfare (Health aspects).
Department of Defense—
Army Corps of Engineers.
Department of the Navy (ship pollution control).
Department of Transportation—
Coast Guard (oil spills, ship sanitation).
Department of Commerce—
National Oceanic and Atmospheric Administration.

Marine Pollution

Department of Commerce—
National Oceanic and Atmospheric Administration.
Department of Transportation—
Coast Guard.
Department of Defense—
Army Corps of Engineers.
Office of Oceanographer of the Navy.

River and Canal Regulation and Stream Channelization

Department of Agriculture—
Soil Conservation Service.
Department of Defense—
Army Corps of Engineers.

Department of the Interior—
Bureau of Reclamation.
Geological Survey.
ureau of Sport Fisheries and Wildlife.
Department of Transportation—
Coast Guard.
WILDLIFE
Environmental Protection Agency.
Department of Agriculture—
Forest Service.
Soil Conservation Service.
Department of the Interior—
Bureau of Sport Fisheries and Wildlife.
Bureau of Land Management.
Bureau of Outdoor Recreation.

FEDERAL AGENCY OFFICES FOR RECEIVING AND COORDINATING COMMENTS UPON ENVIRONMENTAL IMPACT STATEMENTS

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Robert Garvey, Executive Director, Suite 618, 801 19th Street NW., Washington, DC 20006, 343–8607.

DEPARTMENT OF AGRICULTURE

Dr. T. C. Byerly, Office of the Secretary, Washington, D.C., 20250, 388–7803.

APPALACHIAN REGIONAL COMMISSION

Orville H. Lerch, Alternate Federal Co-Chairman, 1666 Connecticut Avenue NW., Washington, DC 20235, 967–4103.

DEPARTMENT OF THE ARMY (CORPS OF ENGINEERS)

Col. J. B. Newman, Executive Director of Civil Works, Office of the Chief of Engineers, Washington, D.C. 20314, 693–7168.

ATOMIC ENERGY COMMISSION

For nonregulatory matters: Joseph J. DiNunno, Director, Office of Environmental Affairs, Washington, D.C. 20545, 973–5391.

For regulatory matters: Christopher L. Henderson, Assistant Director for Regulation, Washington, D.C. 20545, 973–7531.

DEPARTMENT OF COMMERCE

Dr. Sydney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Washington, D.C. 20230, 967–4335.

DEPARTMENT OF DEFENSE

Dr. Louis M. Rousselot, Assistant Secretary for Defense (Health and Environment), Room 3E172, The Pentagon, Washington, DC 20301, 697–2111.

DELAWARE RIVER BASIN COMMISSION

W. Brinton Whitall, Secretary, Post Office Box 360, Trenton, NJ 08603, 609–883–9500.

ENVIRONMENTAL PROTECTION AGENCY

Charles Fabrikant, Director of Impact Statements Office, 1626 K Street NW., Washington, DC 20460, 632–7719.

FEDERAL POWER COMMISSION

Frederick H. Warren, Commission's Advisor on Environmental Quality, 441 G Street NW., Washington, DC 20426, 386–6084.

GENERAL SERVICES ADMINISTRATION

Rod Kreger, Deputy Administrator, General Services Administration–AD, Washington, D.C. 20405, 343–6077.

Alternate contact: Aaron Woloshin, Director, Office of Environmental Affairs, General Services Administration–ADF, 343–4161.

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Roger O. Egeberg, Assistant Secretary for Health and Science Affairs, HEW North Building, Washington, D.C. 20202, 963–4254.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT[1]

Charles Orlebeke, Deputy Under Secretary, 451 Seventh Street SW., Washington, DC 20410, 755–6960.

Alternate contact: George Wright, Office of the Deputy Under Secretary, 755–8192.

[1] Contact the Deputy Under Secretary with regard to environmental impacts of legislation, policy statements, program regulations and procedures, and precedent-making project decisions. For all other HUD consultation, contact the HUD Regional Administrator in whose jurisdiction the project lies, as follows:

James J. Barry, Regional Administrator I, Attention: Environmental Clearance Officer, Room 405, John F. Kennedy Federal Building, Boston, MA 02203, 617–223–4066.

S. William Green, Regional Administrator II, Attention: Environmental Clearance Officer, 26 Federal Plaza, New York, NY 10007, 212–264–8068.

Warren P. Phelan, Regional Administrator III, Attention: Environmental Clearance Officer, Curtis Building, Sixth and Walnut Street, Philadelphia, PA 19106, 215–597–2560.

Edward H. Baxter, Regional Administrator IV, Attention: Environmental Clearance Officer, Peachtree-Seventh Building, Atlanta, GA 30323, 404–526–5585.

George Vavoulis, Regional Administrator V, Attention: Environmental Clearance Officer, 360 North Michigan Avenue, Chicago, IL 60601, 312–353–5680.

DEPARTMENT OF THE INTERIOR

Jack O. Horton, Deputy Assistant Secretary for Programs, Washington, D.C. 20240, 343–6181.

NATIONAL CAPITAL PLANNING COMMISSION

Charles H. Conrad, Executive Director, Washington, D.C. 20576, 382–1163.

OFFICE OF ECONOMIC OPPORTUNITY

Frank Carlucci, Director, 1200 19th Street, NW., Washington, DC 20506, 254–6000.

SUSQUEHANA RIVER BASIN COMMISSION

Alan J. Summerville, Water Resources Coordinator, Department of Environmental Resources, 105 South Office Building, Harrisburg, PA. 17120, 717–787–2315.

TENNESSEE VALLEY AUTHORITY

Dr. Francis Gartrell, Director of Environmental Research and Development, 720 Edney Building, Chattanooga, TN 37401, 615–755–2002.

DEPARTMENT OF TRANSPORTATION

Herbert F. DeSimone, Assistant Secretary for Environment and Urban Systems, Washington, D.C. 20590, 426–4563.

DEPARTMENT OF TREASURY

Richard E. Slitor, Assistant Director, Office of Tax Analysis, Washington, D.C. 20220, 964–2797.

DEPARTMENT OF STATE

Christian Herter, Jr., Special Assistant to the Secretary for Environmental Affairs, Washington, D.C. 20520, 632–7964.

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Richard L. Morgan, Regional Administrator VI, Attention: Environmental Clearance Officer, Federal Office Building, 819 Taylor Street, Fort Worth, TX 76102, 817–334–2867.

Harry T. Morley, Jr., Regional Administrator VII, Attention: Environmental Clearance Officer, 911 Walnut Street, Kansas City, MO 64106, 816–374–2661.

Robert C. Rosenheim, Regional Administrator VIII, Attention: Environmental Clearance Officer, Samsonite Building, 1051 South Broadway, Denver, CO 80209, 303–837–4061.

Robert H. Baida, Regional Administrator IX, Attention: Environmental Clearance Officer, 450 Golden Gate Avenue, Post Office Box 36003, San Francisco, CA 94102, 415–556–4752.

Oscar P. Pederson, Regional Administrator X, Attention: Environmental Clearance Officer, Room 226, Arcade Plaza Building, Seattle, WA 98101, 206–583–5415.

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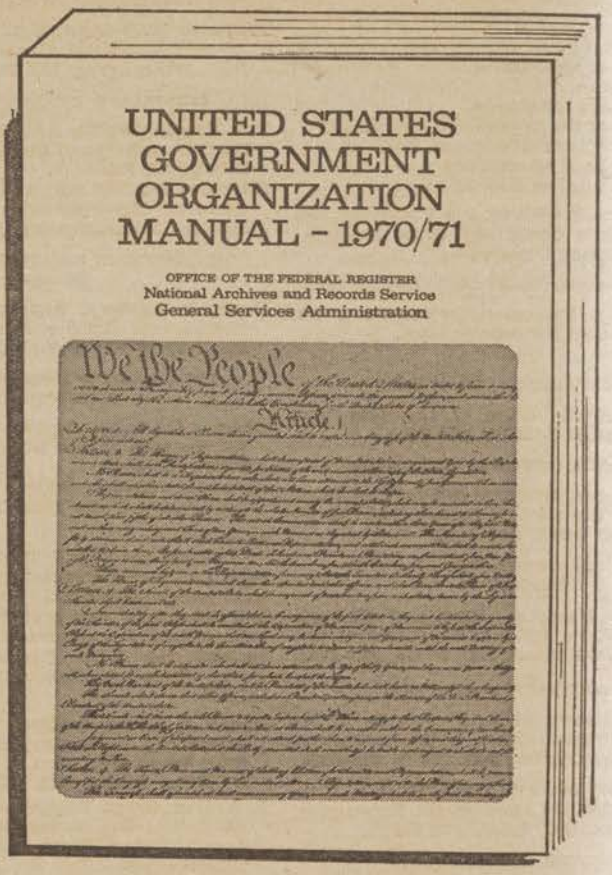

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