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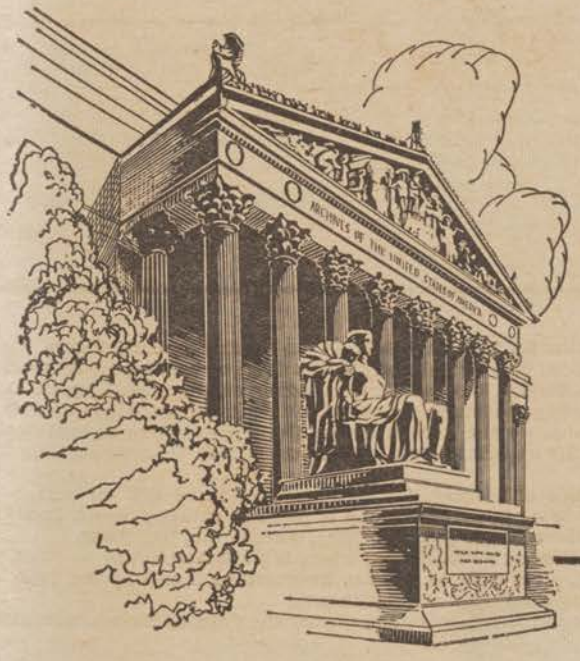

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EXECUTIVE ORDER 11590

Applicability of Executive Order No. 11222 and Executive Order No. 11478 to the United States Postal Service and of Executive Order No. 11478 to the Postal Rate Commission

By virtue of the authority vested in me by sections 7151 and 7301 of title 5, United States Code, as made applicable to the Postal Service and the Postal Rate Commission by the Postal Reorganization Act, and section 301 of title 3, United States Code, it is hereby ordered as follows:

SECTION 1. *Executive Order No. 11222.*[1] Executive Order No. 11222 of May 8, 1965, is amended by adding thereto a new section 706 as follows:

"SEC. 706. This Order shall be applicable to the United States Postal Service established by the Postal Reorganization Act of 1970."

SEC. 2. *Executive Order No. 11478.*[2] Executive Order No. 11478 of August 8, 1969, is amended by adding thereto a new section 8 as follows:

"SEC. 8. This Order shall be applicable to the United States Postal Service and to the Postal Rate Commission established by the Postal Reorganization Act of 1970."

Richard Nixon

THE WHITE HOUSE,
April 23, 1971.

[FR Doc.71-5939 Filed 4-26-71;9:39 am]

[1] 30 F.R. 6469; 3 CFR, 1964–1965 Comp., p. 306.
[2] 34 F.R. 12985; 3 CFR, 1969 Comp., p. 133.

EXECUTIVE ORDER 11591

Amending Executive Order No. 11157 as It Relates to Basic Allowances for Quarters for Members With Dependents

By virtue of the authority vested in me by section 403(g) of title 37, United States Code, and as President of the United States and Commander in Chief of the Armed Forces of the United States, section 403(ii) of Executive Order No. 11157 [1] of June 22, 1964, is amended by inserting the words "duty or" before the word "leave".

Richard Nixon

THE WHITE HOUSE,
April 23, 1971.

[FR Doc.71-5940 Filed 4-26-71;9:39 am]

[1] 29 F.R. 7973; 3 CFR, 1964–1965 Comp., p. 200.

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Division Name Change

Under authority delegated at 29 F.R. 16210, as amended, the parts listed above in Chapter III, Title 7, Code of Federal Regulations, are hereby amended in the following respect, pursuant to the statutory authorities cited in said parts as the basis for their issuance.

Wherever in Parts 302, 318, 319, 320, 321, 330, 351, 352, 353, and 354 of Chapter III, Title 7 of the Code of Federal Regulations, the name "Plant Quarantine Division" appears, the name "Agricultural Quarantine Inspection Division" is substituted therefor.

The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER (4–27–71).

Done at Washington, D.C., this 21st day of April 1971.

[SEAL] F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[FR Doc.71-5797 Filed 4-26-71;8:49 am]

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PART 706—NAVAL STORES CONSERVATION

Subpart G—1971

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AUTHORITY: The provisions of this Subpart G issued under sec. 4, 49 Stat. 164, secs. 7–15, 16(a), and 17, 49 Stat. 1148, as amended; 16 U.S.C. 590d, 590g to 590o, 590p (a), and 590q.

GENERAL PROVISIONS

§ 706.901 Purposes and general requirements.

(a) *Purposes.* The purpose of the 1971 Naval Stores Conservation Program (referred to in this subpart as "this program") is to restrict turpentining to the most productive timber, to conserve the worked trees, to protect and permit undisturbed growth of the uncupped trees, and to conserve the soil, water, and timber resources. Under this program the Federal Government will effectuate such purposes by sharing with turpentine farmers the cost of carrying out approved conservation practices in accordance with the provisions of the regulations in this subpart and such modifications thereof as may hereafter be made. Cost-shares are predicated upon the economic use and conservation of soil and timber resources on turpentine farms, and computed on the faces in the tract or drift where an approved conservation practice is carried out. This program provides cost-sharing for conservation practices only on turpentine farms having tracts or drifts of faces which were installed during, or after, the 1967 season.

(b) *General requirements.* No tract or drift can qualify for cost-sharing under more than one conservation practice other than as provided for under practices specified in §§ 706.915, 706.916, and 706.917. In each of the practices the faces are to be worked sufficiently to obtain at least one dipping of gum from the current year's working.

§ 706.902 Required performance.

(a) *Approved conservation practices.* Each participating producer shall carry out at least one of the approved conservation practices in every tract or drift of faces operated by him during the 1971 turpentine season. This requirement will not apply if the U.S. Forest Service or State Forest Agency determines that the condition of a particular tract or drift does not warrant carrying out approved conservation practices as a practical or economic matter, in which case the U.S. Forest Service or State Forest Agency may approve face installations made without carrying out a conservation

practice. In cases where such approval is given for specific tracts or drifts of the turpentine farm, no cost will be shared for any faces in such tracts or drifts.

(b) *Practice components.* Cost-sharing may be approved under the 1971 program for only the component parts of the practices which are completed during the program year. The producer must complete all the remaining components of the practice in accordance with good forestry practices and all applicable requirements of this program to be eligible for cost-sharing under a subsequent program. Separate rates of cost-sharing have been established for each component part of each practice.

(c) *First year working.* The cost-share for this component is applicable to tracts or drifts having only eligible virgin working faces, i.e., faces installed for the first working during the 1971 season. If faces have been installed contrary to the requirements for eligible faces, the cups and tins for such faces shall be removed within 60 days after the producer is notified by the U.S. Forest Service or State Forest Agency, or the tract or drift will be considered only for qualification for cost-shares under the practice with the next lower rate of payment.

(d) *Second, third, fourth, or fifth year working.* The cost-shares for working of faces for second, third, fourth, or fifth years are applicable under the 1971 program to faces which were installed and met the eligible face requirements during the 1967, 1968, 1969, or 1970 season. Such cost-shares may also be allowed to new participating producers working tracts or drifts which had some undersized trees from which cups have been removed by the time of first elevation. New faces installed in 1971 and those installed in 1971 or prior years contrary to the requirements for eligible faces will disqualify the tracts or drifts for cost-sharing, unless the cups and tins on such faces shall be removed within 60 days after the producer is notified by the U.S. Forest Service or State Forest Agency. If such faces are not removed within the 60-day period, there may be withheld or required to be refunded the entire cost-shares for the tract or drift previously paid to the producer who installed the improper faces.

(e) *Practices under § 706.909, § 706.910, § 706.911, § 706.912, § 706.913, § 706.914, § 706.915, or § 706.918 which require more than 1 year for completion.* Cost-shares may be approved under this program for the completion of a component of a practice as provided in such sections only on the condition that the producer agrees in writing to complete the remaining components of the practice according to program provisions and within the time prescribed by the U.S. Forest Service, unless prevented from doing so by reasons beyond his control, or to refund the cost-shares paid to him. The extension of the period for completion of the components shall not constitute a commitment to approve cost-shares therefor under a subsequent program. Approval of cost-sharing for other practices under a subsequent program may also be denied until the remaining components are completed.

§ 706.903 Double-headed nails requirement.

Use of double-headed nails is required in the elevation of all cups and tins.

§ 706.904 Fire protection.

Each producer shall during the 1971 turpentine season cooperate with any existing cooperative fire control system serving the general area where his turpentine farm is located, unless he is otherwise following approved forest fire protection on his turpentine farm.

§ 706.905 Bark-bar requirement.

No back face shall be worked on any tree unless a live bark-bar on each side of the back face is provided and maintained throughout the 1971 turpentine season, the total of the two bark-bars being not less than 7 inches in width, measured horizontally along the bark surface at the narrowest point: *Provided, however,* That the restriction with respect to the width of the bark bar shall not apply to any tree which has on it two or more old faces, including any back face installed prior to 1971. Faces having bark-bars totaling less than 7 inches shall not be worked in a manner that will result in leaving bark-bars less than those of former workings measured at the narrowest point.

§ 706.906 Inspection assistance.

Each producer shall assist representatives of the U.S. Forest Service or State Forest Agency in the administration of this program by:

(a) Giving them free access to his turpentine farm or farms;

(b) Counting all faces and reporting separately thereon by tracts and drifts to the local inspector;

(c) Furnishing information on burned areas, cutting operations, and interests in other turpentine farms as requested;

(d) Furnishing competent labor to assist the local inspector in counting faces;

(e) Submitting an application for payment of Federal cost-shares (Form 3200–3) and other prescribed forms;

(f) Notifying the U.S. Forest Service or State Forest Agency promptly of any change in ownership, control, or number of faces worked; and

(g) Otherwise facilitating the work of the local inspector in checking compliance with the terms and conditions of this program.

Conservation Practices and Rates of Federal Cost-Shares

§ 706.909 Practice 1: Working only 9-inch d.b.h. or larger trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 9-inch d.b.h. or larger trees over a period of 2 to 5 years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a wraked-out face) on trees which are less than 9 inches d.b.h. and only one face on trees less than 14 inches d.b.h.

(c) *Components of practice and rates of cost-sharing.* Components of the practice and rates of cost-sharing thereof shall be as follows:

(1) Initial installation and first year working of 9-inch d.b.h. or larger trees; 4 cents per face.

(2) Working of faces for second, third, fourth, or fifth year; 1 cent per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the trees; 1 cent per face. This component is not applicable where § 706.915 is used.

§ 706.910 Practice 2: Working only 10-inch d.b.h. or larger trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 10-inch d.b.h. or larger trees over a period of 2 to 5 years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 10 inches d.b.h. and only one face on trees less than 14 inches d.b.h.

(c) *Components of practice and rates of cost-sharing.* Components of the practice and the rates of cost-sharing thereof shall be as follows:

(1) Initial installation and first year working of 10-inch d.b.h. or larger trees; 9 cents per face.

(2) Working of faces for second, third, fourth, or fifth year; 6 cents per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; 1 cent per face. This component is not applicable where § 706.915 is used.

§ 706.911 Practice 3: Working only 11-inch d.b.h. or larger trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 11-inch d.b.h. or larger trees over a period of 2 to 5 years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 11 inches d.b.h. and only one face on trees less than 14 inches d.b.h.

(c) *Components of practice and rates of cost-sharing.* Components of the practice and rates of cost-sharing thereof shall be as follows:

(1) Initial installation and first year working of 11-inch d.b.h. or larger trees; 10 cents per face.

(2) Working of faces for second, third, fourth, or fifth year; 6 cents per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; 1 cent per

face. This component is not applicable where § 706.915 is used.

§ 706.912 Practice 4: Working only 12-inch d.b.h. or larger trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 12-inch d.b.h. or larger trees over a period of 2 to 5 years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 12 inches d.b.h. and only one face on trees less than 14 inches d.b.h.

(c) *Components of practice and rates of cost-sharing.* Components of the practice and rates of cost-sharing thereof shall be as follows:

(1) Initial installation and first year working of 12-inch d.b.h. or larger trees; 11 cents per face.

(2) Working of faces for second, third, fourth, or fifth year; 6 cents per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; 1 cent per face. This component is not applicable where § 706.915 is used.

§ 706.913 Practice 5: Restricting turpentining to previously worked trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins over a period of 2 to 5 years only on trees having a previously worked face.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces on round trees.

(c) *Components of practice and rates of cost-sharing.* Components of the practice and rates of cost-sharing thereof shall be as follows:

(1) Initial installation and first year working of faces on previously worked trees; 12 cents per face.

(2) Working of faces for second, third, fourth, or fifth year; 6 cents per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; 1 cent per face. This component is not applicable where § 706.915 is used.

§ 706.914 Practice 6: Working only selectively marked trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on selectively marked trees over a period of 2 to 5 years.

(b) *Eligible faces.* Only trees 9 inches or more d.b.h. which should be removed to improve the timber stand may be cupped and there shall be only one face on trees less than 14 inches d.b.h. Cupping shall be limited to trees selectively marked in advance in accordance with good, approved timber management practices to insure production of larger diameter class timber or to provide other stand improvement measures as approved by the U.S. Forest Service: *Provided,* That the number of remaining uncupped trees per acre shall average at least the minimum number per acre specified by the U.S. Forest Service in its Minimum Stocking Guide issued June 4, 1956, as amended, and be well distributed over the area.

(c) *Components of practice and rates of cost-sharing.* Components of the practice and rates of cost-sharing thereof shall be as follows:

(1) Initial installation and first year working of selectively marked trees; 12 cents per face. If faces have been installed contrary to the requirements for eligible faces, the area will be considered only for qualification for cost-shares under one of the diameter cupping practices, specified in § 706.909, § 706.910, § 706.911, or § 706.912.

(2) Working of faces for second, third, fourth, or fifth year; 6 cents per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; 1 cent per face. This component is not applicable where § 706.915 is used.

§ 706.915 Practice 7: Initial use of spiral gutters or Varn aprons and double-headed nails.

(a) *Purpose.* The purpose of this practice is to minimize damage to the tree in installing faces for the virgin year or in the first elevation and to conserve the worked portion of the tree.

(b) *Description of practice.* This practice consists of using spiral gutter or Varn aprons attached with double-headed nails when cups and tins are initially installed on the face or when cups and tins are elevated for the first time.

(c) *Eligible faces.* Faces on trees installed to meet the requirements of §§ 706.909, 706.910, 706.911, 706.912, 706.913, 706.914, and 706.918 may qualify for this practice, the cost-share for which is in addition to the aforesaid sections.

(d) *Rate of cost-sharing.* The rate of cost-sharing for this practice is 4 cents per face.

(e) *Cost-sharing limited to virgin working faces.* This practice is limited to tracts or drifts having only virgin working faces, i.e., faces installed for the first working during the 1971 season or faces upon which the cups and tins are elevated for the first time during the 1971 season. On accepting cost-sharing for this practice the producer agrees to use the spiral gutter or Varn apron and double-headed nails to attach the tins in all subsequent raisings and attachment of tins to the face.

(f) *Installation of cups and tins.* Cups and tins shall be installed in a manner that will minimize the loss of gum and restrict amount of damage to the tree. Spiral gutters or Varn aprons shall be used and the tins shall be attached to the tree with double-headed nails. In smoothing the tree and seating the cup for virgin installation, exposure of wood shall be limited to areas on the tree having burls, ridges, or other deformities.

§ 706.916 Practice 8: Use of disposable paper bags.

(a) *Purpose.* The purpose of this practice is to encourage producers to use paper bags to improve the quality of gum, keep the butt section of the tree available for other uses, and to promote greater productivity from the woods laborers.

(b) *Description of practice.* This practice consists of using disposable paper bags instead of spiral gutters or Varn aprons and metal or clay cups.

(c) *Eligible faces.* Faces on trees installed to meet the requirements of §§ 706.909, 706.910, 706.911, 706.912, 706.913, 706.914, and 706.918 may qualify this practice, the cost-share for which is in addition to the aforesaid sections.

(d) *Rate of cost-sharing.* The rate of cost-sharing for this practice is 9 cents per face.

(e) *Use of paper bags.* On accepting cost-sharing for this practice the producer agrees to use paper bags attached with wire staples in combination with a bark-jump streak in lieu of metal gutters or tins. Once installed, the producer agrees to continue the use of paper bags throughout the 1971 season. Paper bags will be installed in a manner that will minimize the loss of gum and restrict the amount of damage to the tree. In smoothing the tree and seating the bag for virgin installation, exposure of wood shall be limited to areas on the tree having burls, ridges, or other deformities.

§ 706.917 Practice 9: Removal of cups and tins from faces on small trees.

(a) *Purpose.* The purpose of this practice is to encourage producers who have not participated in the 1969 and 1970 programs to discontinue working small unproductive trees, to promote improved naval stores and forestry practices, and to improve productivity of the woodland.

(b) *Description of practice.* This practice consists of removing the cups and tins and discontinuing the working of small unproductive timber and meeting all other requirements for participation in this program.

(c) *Eligible faces.* All faces installed for the first working in 1971 on trees under 9 inches d.b.h. and all but one face on trees between 9 and 14 inches d.b.h. having two or more faces shall be eligible. Working of faces shall be discontinued and cups and tins removed by tracts or drifts within 60 days after the producer is notified by the U.S. Forest Service or State Forest Agency to meet the eligible face requirements of § 706.909. Only producers who did not participate in the 1969 and 1970 programs are eligible for cost-sharing under this practice.

(d) *Rate of cost-sharing.* The rate of cost-sharing for this practice is 10 cents per face. (The cost-share is applicable to faces discontinued by removal of cups and tins to permit the tract or drift to meet the eligible face requirements of § 706.909.)

§ 706.918 Practice 10: Pilot plant tests of new methods and equipment.

(a) *Purpose.* The purpose of this practice is to conduct controlled demonstrations or experiments to test values of management practices, new methods, and equipment for gum production.

(b) *Description of practice.* This practice consists of carrying out practical demonstrations or tests of management practices, new methods, or equipment, according to requirements of the U.S. Forest Service.

(c) *Eligible faces.* Only faces or check trees in selected tracts used in controlled demonstrations or tests carried out in accordance with provisions prescribed by the U.S. Forest Service are eligible for cost-sharing.

(d) *Components of practice and rates of cost-sharing.* Components of the practice and the rate of cost-sharing thereof are 15 cents per face for faces meeting the requirements of §§ 706.909, 706.910, 706.911, 706.912, 706.913, and 706.914.

GENERAL PROVISIONS RELATING TO FEDERAL COST-SHARING

§ 706.919 Increase in small Federal cost-shares.

The total of the payment computed for any producer with respect to his turpentine farm under the Naval Stores Conservation Program and the cost-share computed for him on the same farm under the Rural Environmental Assistance Program for practices other than practice F–4 (§ 701.94) shall be increased as follows: (a) Any Federal cost-sharing amounting to 71 cents or less shall be increased to $1; (b) any Federal cost-sharing amounting to more than 71 cents but less than $1 shall be increased by 40 percent; (c) any Federal cost-sharing amounting to $1 or more shall be increased in accordance with the following schedule:

Amount of cost-shares computed:	*Increase in cost-shares*
$1.00 to $1.99	$0.40
$2.00 to $2.99	.80
$3.00 to $3.99	1.20
$4.00 to $4.99	1.60
$5.00 to $5.99	2.00
$6.00 to $6.99	2.40
$7.00 to $7.99	2.80
$8.00 to $8.99	3.20
$9.00 to $9.99	3.60
$10.00 to $10.99	4.00
$11.00 to $11.99	4.40
$12.00 to $12.99	4.80
$13.00 to $13.99	5.20
$14.00 to $14.99	5.60
$15.00 to $15.99	6.00
$16.00 to $16.99	6.40
$17.00 to $17.99	6.80
$18.00 to $18.99	7.20
$19.00 to $19.99	7.60
$20.00 to $20.99	8.00
$21.00 to $21.99	8.20
$22.00 to $22.99	8.40
$23.00 to $23.99	8.60
$24.00 to $24.99	8.80
$25.00 to $25.99	9.00
$26.00 to $26.99	9.20
$27.00 to $27.99	9.40
$28.00 to $28.99	9.60
$29.00 to $29.99	9.80
$30.00 to $30.99	10.00
$31.00 to $31.99	10.20
$32.00 to $32.99	10.40
$33.00 to $33.99	10.60
$34.00 to $34.99	10.80
$35.00 to $35.99	11.00
$36.00 to $36.99	11.20
$37.00 to $37.99	11.40
$38.00 to $38.99	11.60
$39.00 to $39.99	11.80
$40.00 to $40.99	12.00
$41.00 to $41.99	12.10
$42.00 to $42.99	12.20
$43.00 to $43.99	12.30
$44.00 to $44.99	12.40
$45.00 to $45.99	12.50
$46.00 to $46.99	12.60
$47.00 to $47.99	12.70
$48.00 to $48.99	12.80
$49.00 to $49.99	12.90
$50.00 to $50.99	13.00
$51.00 to $51.99	13.10
$52.00 to $52.99	13.20
$53.00 to $53.99	13.30
$54.00 to $54.99	13.40
$55.00 to $55.99	13.50
$56.00 to $56.99	13.60
$57.00 to $57.99	13.70
$58.00 to $58.99	13.80
$59.00 to $59.99	13.90
$60.00 to $185.99	14.00
$186.00 to $199.99	(1)
$200.00 and over	(2)

[1] Increase to $200.
[2] No increase.

§ 706.920 Maintenance of practices.

The sharing of costs by the Federal Government for performance of approved practices included in this program will be subject to the condition that the producer with whom the costs are shared will maintain such practices in accordance with good forestry practices as long as the timber remains under his control. There may be withheld or required to be refunded all cost-shares under this program or previous programs on tracts or drifts in which there occurs a failure to maintain any or all practices in accordance with good forestry practices, except as modified by this section or § 706.902(d). The producer shall not be expected to maintain and complete the practice when prevented by destruction of the timber by fire, weather, insects, diseases, or other conditions beyond his control. Measures which will be considered as failure to maintain practices in accordance with good forestry practices shall include, but are not restricted to the following:

(a) *The cutting contrary to good forestry practices of turpentine trees in tracts or drifts (including current nonworking areas) on which costs have been or would be shared under this program or the 1967, 1968, 1969, or 1970 program.* There may be withheld or required to be refunded the amount previously paid for each face for which costs were shared in 1967, 1968, 1969, 1970, or 1971 in the tracts or drifts in which such cutting occurs. Conformity to the following rules shall be considered good cutting practice:

(1) When turpentine trees are cut for thinnings at least the minimum number of trees per acre specified in the Minimum Stocking Guide issued by the U.S. Forest Service June 4, 1956, as amended, shall be left uncut and undamaged and well distributed over the cutting area.

(2) When turpentine trees are cut in a harvest cutting, at least 400 turpentine trees per acre shall be left uncut and undamaged and well distributed over the cutting area, or a minimum of the following number or combination of numbers of thrifty turpentine seed trees per acre; 9 inches or over d.b.h.—six trees, 8 inches d.b.h.—nine trees, or 7 inches d.b.h.—12 trees, shall be left uncut and undamaged, or if clear cut, artificial planting of at least 500 trees per acre will be accomplished prior to April 1, 1974.

(b) *Raising cups and tins without double-headed nails.* There may be withheld or required to be refunded all of the cost-shares earned under this or previous programs on the tracts or drifts in which such improper raising occurs.

(c) *Picking up additional faces after the first year's working will disqualify the tract or drift for any further cost-sharing, unless the hardware is removed to limit the working to one age class of faces.* Such removal must be accomplished within 60 days of notification by the U.S. Forest Service or State Forest Agency.

(d) *Failure to meet bark-bar requirement.* There may be withheld or required to be refunded all or any part of cost-shares earned under this program on the tracts or drifts in which such improper chipping occurs.

(e) *The burning by the producer on any tract or drift of of his turpentine farm which will destroy natural reforestation on land which is not fully stocked with turpentine trees or which will result in damage to established turpentine tree reproduction.* There may be withheld or required to be refunded all or any part of cost-shares earned under this program on the tracts or drifts in which such improper burning occurs.

(f) *The installation of new faces on round trees less than 9 inches d.b.h. or more than one face on round trees between 9 and 14 inches d.b.h. in tracts or drifts having working faces installed prior to the 1967 turpentine season.* There may be withheld or required to be refunded 2 cents per face for each working face installed prior to 1967 in the tracts or drifts in which such installation occurs.

§ 706.921 Practices defeating purposes of programs.

If the U.S. Forest Service or State Forest Agency finds that any producer has adopted or participated in any practice which tends to defeat the purposes of this program or previous programs, it may withhold or require to be refunded all or any part of any cost-share which has been or otherwise would be made to such producer under this program, except as modified by § 706.902(d) or § 706.920.

§ 706.922 **Federal cost-shares not subject to claims.**

Any Federal cost-share, or portion thereof, due any person shall be determined and allowed without regard to questions of title under State law; without deduction of claims for advances (except as provided in § 706.923 and except for indebtedness to the United States subject to setoff under Part 13 of this title); and without regard to any claim or lien against any crop or proceeds thereof, in favor of the owner or any other creditor.

§ 706.923 **Assignments.**

Any producer who may be entitled to any Federal cost-share under the 1971 program may assign his right thereto, in whole or in part, in accordance with the regulations governing the assignment of payments, Part 709 of this chapter, as amended.

§ 706.924 **Death, incompetency, or disappearance of producer.**

In case of the death, incompetency, or disappearance of any producer, the cost-share due him shall be paid to his successor, as determined in accordance with the regulations in Part 707 of this chapter, as amended.

§ 706.925 **Maximum Federal cost-share limitation.**

For practices other than practice F–4 (§ 701.94), the total of all Federal cost-shares under this program and the 1971 Rural Environmental Assistance Program to any person with respect to farms, ranching units, and turpentine places in the United States, Puerto Rico, and the Virgin Islands for approved practices which are not carried out under pooling agreements shall not exceed the sum of $2,500, and for all approved practices, including those carried out under pooling agreements, shall not exceed the sum of $10,000. The rules for applying the maximum Federal cost-share limitation contained in the regulations governing the Rural Environmental Assistance Program, Part 701 of this chapter, shall be applicable to this program.

§ 706.926 **Evasion.**

All or any part of any Federal cost-share which has been or otherwise would be made to any producer participating in this program may be withheld or required to be refunded if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means which was designed to evade the provisions of §706.925.

APPLICATION FOR PAYMENT OF FEDERAL COST-SHARES

§ 706.927 **Persons eligible to file application for payment of Federal cost-shares.**

An application for payment of Federal cost-shares may be filed by any producer who contributed to the performance of any approved Naval Stores Conservation practice and is working faces for the production of gum naval stores, during the 1971 turpentine season, which were installed during or after the 1967 season. If it is determined that two or more producers contributed to carrying out the practice, the Federal cost-shares shall be divided among such producers in the proportion which the Program Supervisor determines they contributed to carrying out the practice. In making this determination, the Program Supervisor shall take into consideration the value of the labor, equipment, or material contributed by each person toward the carrying out of each practice on a particular acreage, and shall assume that each contributed equally unless it is established to the satisfaction of the Program Supervisor that their respective contributions thereto were not in equal proportion. The furnishing of land, trees, or the right to use water will not be considered as a contribution to the carrying out of any practice.

§ 706.928 **Time and manner of filing applications and required information.**

Payment of Federal cost-shares will be made only when a report of performance is submitted to the U.S. Forest Service or State Forest Agency on or before December 31, 1971, on the prescribed Form (3200–3) Application for Payment. Payment of Federal cost-shares may be withheld from any producer who fails to file any form or furnish any information required with respect to any turpentine farm which is being operated by him.

APPEALS

§ 706.929 **Appeals.**

Any producer may, within 15 days after notice thereof is forwarded to or made available to him, request the Southeastern Area Director in writing to review the recommendation or determination of the Program Supervisor in any matter affecting the right to or the amount of his Federal cost-shares with respect to the producer's turpentine farm. The Southeastern Area Director shall notify the producer of his decision in writing within 60 days after the submission of the appeal. If the producer is dissatisfied with the decision of the Southeastern Area Director he may, within 15 days after the decision is forwarded to or made available to him, request the Chief of the U.S. Forest Service to review the case and render his decision, which shall be final.

DEFINITIONS

§ 706.930 **Definitions.**

(a) *Gum naval stores.* Crude gum (oleoresin), gum turpentine, and gum rosin produced from living trees.

(b) *Producer or turpentine farmer.* Any person, firm, partnership, corporation, or other business enterprise doing business as a single legal entity, producing gum naval stores from turpentine trees controlled through fee ownership, cash lease, percentage lease, share lease, or other form of control.

(c) *Turpentine tree.* Any tree of either of the two species, longleaf pine (Pinus palustris) or slash pine (Pinus elliottii engelm).

(d) *Turpentine farm.* This includes (1) land growing turpentine trees, owned or leased by a producer in one general locality, which are currently being worked for gum naval stores, herein referred to as a working area; and (2) all commercially valuable or potentially valuable forest land, owned by a producer on which turpentine trees are growing and which are not being currently worked for gum naval stores, herein referred to as a nonworking area.

(e) *Tract.* A portion of a working area having a continuous stand of trees supporting faces of one age class or intermingled age classes.

(f) *Drift.* A portion or subdivision of a tract set apart for convenience of operation or administration.

(g) *Turpentine season.* The entire calendar year, or, if a farm is operated less than the full calendar year, that period within the calendar year during which a producer is operating his turpentine farm for the production of gum naval stores.

(h) *Face.* The whole wound or aggregate of streaks made by chipping, streaking, or pulling the live tree to stimulate the flow of crude gum (oleoresin), herein referred to as gum.

(i) *Cup.* A container made of metal, clay, or other material hung on or below the face to accumulate the flow of gum.

(j) *Tins.* The gutters or aprons, made of sheet metal or other material, used to conduct the gum from a face into a cup.

(k) *D.b.h.* Diameter breast height, i.e., diameter of tree measured 4½ feet from the ground.

(l) *Round tree.* Any tree which has not been faced or scarred.

(m) *Scarred tree.* A tree having an idle face not over 36 inches in vertical measurement from the shoulder of the first streak to the shoulder of the last streak.

(n) *Worked-out face.* An idle face which is 60 inches or more in vertical measurement between the shoulder of the first streak and the shoulder of the last streak, or dry face.

(o) *Back face.* A face placed on a tree having a previously worked face.

(p) *Spiral gutter.* A curved gutter that follows a spiral path around the tree.

(q) *Varn apron.* A curved two-piece adjustable apron with tacking flange.

(r) *Double-headed nail.* A nail with two heads meeting minimum specifications as follows: The overall length shall be 1⅜ inches; distance between heads a minimum of one-fourth inch; its wire gauge no smaller than 13; the driving head shall be of flat "Common Nail" type with diameter between five-thirty-seconds and one-fourth inch and diameter of clinching head one-fourth inch. (Double-headed nails specially designed for naval stores' use are produced commercially by several manufacturers. Experience has shown that the use of

double-headed nails meeting these specifications is satisfactory and meets the requirements for any type of installation and easy removal from the trees.)

(s) *Disposable paper bag.* A paper bag meeting the following minimum specifications: The bag shall be fabricated from 50-pound, wet-strength, Kraft paper laminated to a plastic film. Dimensions of the bag shall be approximately 16 inches wide laterally, 9½ inches high overall, with 3½-inch gussets, and an outside from 8½ inches high.

(t) *Staples for attaching paper bags.* Staples manufactured of soft iron, one-half to nine-sixteenths inch in length, averaging 16 to 21 staples per inch of clip, are satisfactory.

(u) *Virgin streak.* The first chipping of the tree following initial installation of the face.

(v) *Hardware.* All gutters, aprons, or metal strips of any kind whatsoever together with nails used to support same and nails used to support cups for the collection of raw gum resin.

(w) *State Forest Agency.* State Forester or comparable State official who has entered into a cooperative agreement with the U.S. Forest Service to provide technical assistance in carrying out this program.

AUTHORITY, AVAILABILITY OF FUNDS, APPLICABILITY AND ADMINISTRATION

§ 706.931 Authority.

This program is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 15, 16(a), and 17 of the Soil Conservation and Domestic Allotment Act, as amended.

§ 706.932 Availability of funds.

(a) The provisions of this program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the paying of the Federal cost-shares herein provided for is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such Federal cost-shares will necessarily be within the limits finally determined by such appropriation and by the extent of participation in this program.

(b) The funds provided for this program will not be available for the payment of applications filed after December 31, 1972.

(c) If the total estimated cost-shares under the Naval Stores Conservation Program exceed the total funds available for cost-sharing, such cost-shares will be reduced equitably.

§ 706.933 Applicability.

(a) The provisions of this program are not applicable to any turpentining operations within the public domain of the United States, including the lands and timber owned by the United States which were acquired or reserved for conservation purposes, or which are to be retained permanently under Government ownership (such lands include, but are not limited to lands owned by the United States which are administered by the U.S. Forest Service of the Department of Agriculture or by the U.S. Fish and Wildlife Service of the Department of the Interior).

(b) This program is applicable to:

(1) Turpentine farms on privately owned lands;

(2) Lands owned by a State or political subdivision or agency thereof; or

(3) Lands owned by corporations which are either partly or wholly owned by the United States provided such lands are temporarily under such Government or corporation ownership and are not acquired or reserved for conservation purposes. (These include lands administered by the Farmers Home Administration, the Federal Farm Mortgage Corporation, a Production Credit Association, or the U.S. Department of Defense, and lands administered by any other agency complying with all of the foregoing provisions for eligibility.)

§ 706.934 Administration.

The U.S. Forest Service shall have charge of the administration of this program and is hereby authorized to prepare and to issue such bulletins, instructions and forms, and to make such determinations, as may be required to administer this program pursuant to the provisions of the regulations in this subpart. The field work shall be administered by the U.S. Forest Service through the office of the Southeastern Area Director, U.S. Forest Service, 1720 Peachtree Road NW., Atlanta, GA 30309. Information concerning this program may be secured from the U.S. Forest Service, Post Office Box 1625, Valdosta, GA 31601, its representatives, or from State Forest Agency offices in Alabama, Florida, Georgia, and Mississippi.

Effective date. This Subpart G shall become effective upon publication in the FEDERAL REGISTER (4–27–71).

CLIFFORD M. HARDIN,
Secretary of Agriculture.

APRIL 19, 1971.

[FR Doc.71-5798 Filed 4-26-71;8:45 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 71-549]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2, the reference to the State of Missouri in the introductory portion of paragraph (e) and paragraph (e)(12) relating to the State of Missouri are deleted.

2. In § 76.2, paragraph (f) is amended by adding thereto the name of the State of Nebraska.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments exclude a portion of Lafayette County, Mo., from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded area, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the excluded area. No areas in Missouri remain under the quarantine.

The amendments add Nebraska to the list of hog cholera eradication States in § 76.2(f), and the special provisions pertaining to the interstate movement of swine and swine products from or to such eradication States are applicable to Nebraska.

Insofar as the amendments relieve certain restrictions presently imposed but no longer deemed necessary to prevent the spread of hog cholera, they must be made effective immediately to be of maximum benefit to affected persons. Insofar as they impose restrictions, they should be made effective promptly in order to prevent the spread of hog cholera. It does not appear that public participation in this rule making proceeding would make additional relevant information available to this Department. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

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

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

[FR Doc.71-5838 Filed 4-26-71;8:52 am]

Chapter II—Packers and Stockyards Administration, Department of Agriculture

PART 201—REGULATIONS UNDER THE PACKERS AND STOCKYARDS ACT

Market Agencies Using Consigned Livestock To Fill Orders

On December 10, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 18745) that the Packers and Stockyards Administration was considering an amendment to § 201.62 of the regulations with respect to the use of consigned livestock by market agencies to fill orders.

Interested persons were given 60 days after publication to submit written data, views, or arguments concerning the proposed amendment. After consideration of all relevant matters submitted by interested persons, and pursuant to the provisions of sections 305, 306, 307(a), 312(a), and 407(a) of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 206–208, 213(a), 228), § 201.62, Part 201, Chapter II, Title 9, Code of Federal Regulations, is amended to read as follows:

§ 201.62 Using consigned livestock to fill orders.

Whenever a market agency uses livestock consigned to it for sale to fill, in whole or in part, an order which it has received from a buyer, the market agency shall be presumed with respect to such livestock to be acting solely as the agent of the consignor and shall advise the consignor in its account of sale of such use and shall collect for its services only the selling commission provided in its tariff: *Provided*, That to offset expenses incurred by market agencies in soliciting bids on consigned livestock from off-the-market buyers, the market agencies at a stockyard may provide in their tariffs for assessing such buyers a uniform expense charge not to exceed one-half of the selling commission charges in effect at the market.

This amendment shall become effective on June 1, 1971.

(Secs. 305, 306, 307(a), 312(a), and 407(a), 42 Stat. 164, 165, 167, 169, 7 U.S.C. 206–208, 213(a), 228(a))

Done at Washington, D.C., this 21st day of April 1971.

GLENN G. BIERMAN,
Acting Administrator, Packers and Stockyards Administration.

[FR Doc.71-5802 Filed 4-26-71;8:49 am]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 10, Amdt. 1]

PART 121—SMALL BUSINESS SIZE STANDARDS

Appeals

The Administrator of the Small Business Administration hereby amends the Size Standards Regulation to delegate to the Size Appeals Board his final decisional authority with respect to size appeals matters, by adding a fifth member to the Board, and to provide that the Chairman shall vote only in the event of a tie.

Currently, the regulation provides that the Size Appeals Board shall consider appeals from size determinations and product classifications. The Board consists of four members and each member has an equal vote. Following its consideration, the Board recommends an appropriate decision to the Administrator who may adopt the Board's recommendation as the official Agency decision; if the Administrator disagrees with the Board's findings and conclusions, he shall render a decision setting forth the basis for his findings and conclusions.

Specifically, § 121.3–6 of Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is amended by: (A) Revising paragraphs (a) and (e)(1); (B) revising and consolidating paragraphs (f) and (g) as paragraph (f); and (C) revising paragraph (h) (4) and (5) and as so revised redesignating entire paragraph (h) as paragraph (g). As so revised and redesignated, paragraphs (a), (e)(1), (f), and (g) (4) and (5) of § 121.3–6 read as follows:

§ 121.3–6 Appeals.

(a) *Organization.* The Size Appeals Board shall review appeals from size determinations made pursuant to §§ 121.3–4 and 121.3–5 and from product classifications made pursuant to §§ 121.3–8 and 121.3–10 and shall make final decisions as to whether such determinations or classifications should be affirmed, reversed or modified. Size Appeals Board proceedings are essentially fact-finding and nonadversary in nature. The Size Appeals Board shall conduct such proceedings as it determines appropriate to enable it to discharge its duties.

(1) The Size Appeals Board shall consist of five members, to wit: The Deputy Administrator (Chairman), the Associate Administrator for Procurement and Management Assistance (Vice Chairman), the Associate Administrator for Financial Assistance, the Assistant Administrator for Planning, Research and Analysis, and the Associate Administrator for Investment.

(2) Each member of the Size Appeals Board shall, in writing, designate one or more alternates to serve in his stead in the event of absence or disability. Each member or his alternate shall have one vote, except that the Chairman, or the Vice Chairman acting in his stead, shall vote only in the event of a tie.

* * * * *

(e) *Consideration by the Size Appeals Board.* (1) The Size Appeals Board shall consider the appeal on the written submissions of the parties. The Board may also, in its discretion, conduct an oral inquiry. After consideration of all relevant information, the Board shall promptly render a decision which shall state the reason for such decision.

* * * * *

(f) *Decision of the Size Appeals Board.* The decision of the Size Appeals Board shall be predicated upon the entire record, and it shall state in writing the basis for its findings and conclusions. The Chairman shall promptly notify, in writing, the appellant and the other interested parties of the Board's decision together with the reasons therefor.

(g) *Reconsiderations.* * * *

(4) If the Board denies the request for reconsideration, it shall notify all parties. If the request for reconsideration is granted, the Board shall so notify all interested parties, setting forth a reasonable time within which the interested parties may, if appropriate, submit additional information. The Board may, in its discretion, provide interested parties with copies of appropriate information submitted by other parties where it determines that this is necessary in the interest of fairness or to better assist the Board in performing its factfinding functions.

(5) Following its reconsideration of the matter, the Board will promptly render a decision pursuant to paragraph (f) of this section. The decision of the Board shall constitute the final administrative remedy afforded by this Agency.

Effective date. This amendment shall become effective upon publication in the FEDERAL REGISTER (4–27–71).

Dated: April 19, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-5767 Filed 4-26-71;8:46 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 69–WE–12–AD; Amdt. 39–1197]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 707/720 Series Aircraft

Amendment 39–786 (34 F.R. 9748), AD 69–13–2, as amended by Amendments 39–800 (34 F.R. 12214) and 39–1174 (36 F.R. 5209), requires inspection and modification of the hydraulic power actuator support fitting. After issuing Amendment AD 69–13–2, as amended, the agency determined that, due to service experience, the eddy current and ultrasonic inspection programs required until terminating action, i.e., installation of an approved fitting, is accomplished, must be further and substantially altered. Coordination of this amendment, including a meeting with various operators and the Air Transport Association and the Boeing Co. at the FAA Western Regional office on April 14, 1971, to evaluate the inspection programs, scheduling, and availability of parts, has been effected. AD 69–13–2 is being superseded to place all aircraft in an inspection and modification program described in

Boeing Service Bulletin No. 2903, and later FAA-approved revisions, while crediting, to the extent possible, the inspections and modifications previously accomplished by the operators per AD 69–13–2, as amended. The new AD further intensifies the inspection program until terminating action is accomplished, and supersedes AD 69–13–2, as amended.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING. Applies to Model 707/720 series airplanes equipped with 7079/T6 rudder hydraulic power actuator support fittings.

Compliance required as indicated.

To detect cracks which might result in failure of the rudder hydraulic power actuator support fitting and to prevent additional cracking of the fitting in the vicinity of the actuator attachment holes, accomplish the following:

(a) For airplanes previously reworked in accordance with paragraph (b) of AD 69–13–2, as amended by Amendment 39–1174 effective March 18, 1971, within the next 100 hours' time in service after the effective date of this AD unless already accomplished in accordance with paragraph (d)(1) of that AD, perform either an ultrasonic inspection, or, after removal of bushings, an eddy current inspection to detect evidence of cracks in the support fitting.

(b) Unless already accomplished within the last 300 hours' time in service prior to the effective date of this AD, within the next 100 hours' time in service after the effective date of this AD, perform either another ultrasonic inspection or, with bushings removed, an eddy current inspection of all fittings previously inspected by ultrasonic means.

(c) At intervals not to exceed 400 hours' time in service after the last ultrasonic inspection, reinspect by ultrasonic means all fittings previously inspected in that manner in compliance with (a) and (b), above, until an eddy current inspection, with bushings removed, is performed per (d), below.

(d) Within 1,200 hours' time in service after the effective date of this AD but no later than 1,200 hours' time in service after the last eddy current inspection with bushings removed, remove all bushings and perform an eddy current inspection of the fitting.

(e) After accomplishment of the eddy current inspection per (b) or (d), above, perform either ultrasonic inspections at intervals not to exceed 650 hours' time in service or eddy current inspections, with bushings removed, at intervals not to exceed 1,200 hours' time in service, until the fitting is replaced in accordance with (f) or (i), below.

(f) When any fitting inspected in accordance with the foregoing paragraphs or paragraph (g), below, exhibits evidence of a crack which is found to exceed the rework limits outlined in Part II—Bushing Replacement of Boeing Service Bulletin 2903, dated June 2, 1969, or later FAA-approved revision, replace the fitting prior to further flight either with a new fitting made of 7075–T73 material, with an alternate replacement fitting described in an FAA-approved revision of Boeing Service Bulletin 2903, dated June 2, 1969, or with another replacement fitting approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(g) When any fitting inspected in accordance with paragraphs (a) through (e), above, or in accordance with this paragraph, exhibits evidence of a crack which is found to be within the rework limits of Part II—Bushing Replacement of Boeing Service Bulletin 2903, the fitting can be returned to service, provided: The fitting is reworked and new bushings are fabricated in accordance with Part II of Boeing Service Bulletin 2903, dated June 2, 1969, or later FAA-approved revision; the new bushings are installed in the fitting in accordance with (h), below; and either ultrasonic inspections or, with bushings removed, eddy current inspections are performed thereafter at intervals not to exceed 325 hours' time in service.

(h) Fittings inspected or reinspected by eddy current technique to comply with paragraphs (a) through (e) and (g), above, and fittings eligible for rework in accordance with (g), above, may be returned to service when the bushings are installed or reinstalled in the manner outlined in Boeing Service Bulletin 2903, Revision 5, dated February 3, 1971, or later FAA-approved revision.

(i) Within the next 5,400 hours' time in service but in any event before further flight after October 1, 1972, replace all 7079–T6 fittings with fittings made of 7075–T73 material, or with an alternate replacement fitting described in an FAA-approved revision of Boeing Service Bulletin 2903, or with another replacement fitting approved by the Chief, Aircraft Engineering Division, FAA Western Region. The special inspections prescribed by this AD are terminated when any airplane is modified to incorporate any of these replacement fittings.

(j) When a fitting is found to be cracked, the airplane may not be ferried under the provisions of FAR 21.197 (b) and (c). Airplanes may be ferried after issuance of individual special flight permits under the provisions of FAR 21.197(a)(1) and FAR 21.199 with all engines operating and after a pretakeoff determination that the rudder operates normally in the boost-on mode. Pursuant to FAR 21.199(a)(6), the limitations in the special flight permit will prohibit flights over congested areas or which may otherwise endanger persons or property on the ground.

(k) After the effective date of this AD, actuator support fittings not previously reworked by the installation of aluminum-nickel-bronze bushings in accordance with paragraph (b) of AD 69–13–2, effective June 6, 1969, must be inspected, reworked, or replaced as follows:

(1) Before further flight remove all bushings and perform an eddy current inspection of the support fitting.

(2) Before further flight, replace any fitting found to be cracked beyond rework limits, in accordance with (f), above.

(3) Any fitting found cracked within rework limits may be returned to service if reworked in accordance with (g), above, and the new bushings are installed in accordance with (h), above.

(4) Before further flight, fittings inspected in accordance with (k)(1), above, and found to be uncracked must be modified to incorporate flanged aluminum-nickel-bronze bushings described by paragraph C of Boeing Service Bulletin 2903, dated June 2, 1969, and by Part II—Bushing Replacement of that Service Bulletin, or in a manner approved by the Chief, Aircraft Engineering Division, FAA Western Region, unless the fitting is replaced in accordance with (f), above. Installation of flanged bushings must be performed in accordance with (h), above.

(5) All fittings reworked per (k)(4) must be reinspected in the manner and within the corresponding intervals specified in (e), above, until replaced in accordance with (k)(6).

(6) All 7079–T6 fittings must be replaced within the next 5,400 hours' time in service but in any event before further flight after October 1, 1972, in accordance with (i), above.

This supersedes Amendment 39–786 (34 F.R. 9748), AD 69–13–2, as amended by Amendment 39–800 (34 F.R. 12214), and Amendment 39–1174 (36 F.R. 5209).

This amendment becomes effective April 27, 1971.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on April 16, 1971.

ARVIN O. BASNIGHT,
Director, FAA Western Region.

[FR Doc.71–5768 Filed 4–26–71;8:46 am]

[Airworthiness Docket No. 71–WE–11–AD; Amdt. 39–1199]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 727 Series Airplanes

There have been reported cracks in the main landing gear actuator beam (Part No. 65–17658–11). Three such cracks resulted in complete beam failures. Since this condition is likely to develop in other Model 727 airplanes, an airworthiness directive is being issued to require inspection and replacement, as necessary, of the beam.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING. Applies to Model 727 airplanes listed in Boeing Service Bulletin 32–188, dated March 29, 1971, or later FAA-approved revisions.

Compliance required as indicated.

To detect cracking of the main landing gear actuator beam, accomplish the following:

A. Unless already accomplished within the last 300 hours' time in service preceding the effective date of this AD, within the next 300 hours' time in service after the effective date of this AD or prior to the accumulation of 5,300 hours' time in service, whichever occurs later, accomplish one of the following:

1. Visually inspect the main landing gear actuator beam for any evidence of cracking in accordance with Boeing Service Bulletin 32–188, dated March 29, 1971, or later FAA-approved revision, or an equivalent method approved by the Chief, Aircraft Engineering Division, FAA Western Region. Repeat the visual inspection at intervals not to exceed 600 hours' time in service, or

2. Ultrasonically inspect the main landing gear actuator beam for cracks in accordance with Boeing Service Bulletin 32-188, dated March 29, 1971, or later FAA-approved revision, or an equivalent method approved by the Chief, Aircraft Engineering Division, FAA Western Region. Repeat the ultrasonic inspection at intervals not to exceed 1,500 hours' time in service.

B. If cracks are found replace the beam with a serviceable beam.

C. Where records maintained by the operator are such as will permit a clear determination of the number of hours' time in service accumulated by the main landing gear actuator beam, P/N 65-17658-11, installed on the airplane, the inspection times prescribed by this AD may be applied to the beam rather than to the airplane.

D. Inspections prescribed by this AD do not apply to new replacement beams, P/N 65-57153-3, or to P/N 65-17658-11 beam until 5,300 hours' time in service is reached.

E. Airplanes having cracked main landing gear actuator beams which require replacement under this AD may, in accordance with FAR 21.197, be flown with the landing gear extended to a base where the replacement can be accomplished.

This AD becomes effective May 28, 1971.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on April 19, 1971.

ARVIN O. BASNIGHT,
Director, FAA Western Region.

[FR Doc. 71-5769 Filed 4-26-71;8:46 am]

[Airspace Docket No. 71-CE-2]

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

Alteration of Transition Area

On page 3015 of the FEDERAL REGISTER dated February 13, 1971, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Detroit Lakes, Minn.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

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

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

Issued in Kansas City, Mo., on April 9, 1971.

DANIEL E. BARROW,
Acting Director, Central Region.

In § 71.181 (35 F.R. 2134), the following transition area is amended to read:

DETROIT LAKES, MINN.

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Detroit Lakes Municipal Airport (latitude 46°49'35" N., longitude 95°53'05" W.); and within 3 miles each side of the 315° bearing from the Detroit Lakes Municipal Airport, extending from the 6½-mile-radius area to 7½ miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the 315° and 135° bearings from the Detroit Lakes Municipal Airport, extending from 6 miles southeast of the airport to 18½ miles northwest of the airport; and within 5 miles each side of the 135° bearing of the Detroit Lakes Municipal Airport, extending from the airport to 12 miles southeast of the airport excluding the portion that overlies the Fargo, N. Dak., transition area.

[FR Doc.71-5771 Filed 4-26-71;8:46 am]

[Airspace Docket No. 71-CE-16]

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

Alteration of Control Zone and Transition Area; Correction

In F.R. Doc. 71-3081, on page 4370 in the issue of Friday, March 5, 1971, line 8 of the Cut Bank, Mont., transition area description should be corrected to read "VORTAC; and within a 12-mile radius of the Cut Bank VORTAC ex-".

Issued in Kansas City, Mo., on April 7, 1971.

EDWARD C. MARSH,
Director, Central Region.

[FR Doc.71-5772 Filed 4-26-71;8:46 am]

[Airspace Docket No. 71-CE-21]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the transition area at Windom, Minn.

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

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

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

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

WINDOM, MINN.

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Windom Municipal Airport (latitude 43°54'50" N., longitude 95°06'35" W.); and within 9½ miles west and 4½ miles east of the 354° and 174° bearings from the Windom Municipal Airport extending from 4 miles south of the airport to 18½ miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the 174° bearing from the Windom Municipal Airport extending from the airport to 12 miles south of the airport.

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

Issued in Kansas City, Mo., on April 9, 1971.

DANIEL E. BARROW,
Acting Director, Central Region.

[FR Doc.71-5773 Filed 4-26-71;8:46 am]

[Airspace Docket No. 71-CE-23]

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 Des Moines, Iowa, control zone and transition area.

The instrument approach procedures for the Des Moines, Iowa, Municipal Airport are being changed with the result that the Des Moines control zone and transition area airspace designation must be revised to adequately protect aircraft executing the altered approach procedures. Action is taken herein to reflect these changes.

Since these alterations will reduce the existing amount of designated airspace in the Des Moines terminal area, it will impose no additional burden on any person. Consequently, notice and public procedure hereon are unnecessary.

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:

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

DES MOINES, IOWA

Within a 5-mile radius of Des Moines Municipal Airport (latitude 41°32'10" N.,

longitude 93°39'27" W.); and within 1 mile each side of the Des Moines ILS localizer northwest course, extending from the 5-mile-radius zone to 11½ miles northwest of the OM.

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

DES MOINES, IOWA

That airspace extending upward from 700 feet above the surface within a 14½-mile radius of Des Moines Municipal Airport (latitude 41°32'10" N., longitude 93°39'27" W.); that airspace extending upward from 1,200 feet above the surface beginning northeast of Des Moines at latitude 42°00'00" N., longitude 92°53'00" W., thence west along latitude 42°00'00" N., to and south along longitude 94°00'00" W., to and west along the south edge of V-172, to and south along longitude 94°42'00" W., to and east along the north edge of V-6, to longitude 94°25'00" W., thence southwest to latitude 40°56'30" N., longitude 93°54'00" N., thence to latitude 41°10'00" N., longitude 92°53'00" W., thence north to the point of beginning; and that airspace extending upward from 3,500 feet MSL bounded by a line starting at the intersection of longitude 92°57'00" W., and the southwest edge of V-52, thence southeast along V-52 to and southwest along the north edge of V-216, to and north along longitude 95°00'00" W., to and east along the south edge of V-6S to the intersection of the south edge of V-6S and longitude 94°10'15" W., thence southeast to latitude 40°56'30" N., longitude 93°54'00" W., thence northeast to the point of beginning.

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

Issued in Kansas City, Mo., on April 16, 1971.

DANIEL E. BARROW,
Acting Director, Central Region.

[FR Doc.71-5774 Filed 4-26-71;8:46 am]

[Airspace Docket No. 71-CE-30]

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 Traverse City, Mich., control zone and transition area.

The Traverse City, Mich., Municipal Airport has been renamed Cherry Capital Airport. Therefore, it is necessary to alter the Traverse City control zone and transition area which presently refer to the airport as Traverse City Municipal Airport to reflect the airport change of name. Action is taken herein to reflect this change.

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

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

(1) In § 71.171 (36 F.R. 2055), the Traverse City, Mich., control zone is altered by deleting "Traverse City Municipal Airport" in the text and substituting therefor "Cherry Capital Airport".

(2) In § 71.181 (36 F.R. 2140), the Traverse City, Mich., transition area is altered by deleting "Traverse City Municipal Airport" in the text and substituting therefor "Cherry Capital Airport".

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

Issued at Kansas City, Mo., on April 16, 1971.

DANIEL E. BARROW,
Acting Director, Central Region.

[FR Doc.71-5775 Filed 4-26-71;8:47 am]

[Airspace Docket No. 71-CE-31]

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

Alteration of Transition Area

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

The approach procedure for the Madison, Ind., Municipal Airport has been revised with the result that a minor adjustment of the Madison transition area description is necessary to protect the revised approach procedure. Action is taken herein to effect this change.

Since this alteration is minor in nature, it will not impose an additional burden on any person. Consequently, notice and public procedure hereon are unnecessary.

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 amended to read:

MADISON, IND.

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Madison Municipal Airport (latitude 38°45'38" N., longitude 85°27'41" W.); within 3 miles each side of the 217° bearing from Madison Municipal Airport, extending from 5½-mile-radius area to 8 miles southwest of the airport, excluding the portion which overlies Restricted Area R-3403.

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

Issued in Kansas City, Mo., on April 16, 1971.

DANIEL E. BARROW,
Acting Director, Central Region.

[FR Doc. 71-5776 Filed 4-26-71;8:47 am]

[Airspace Docket No. 71-CE-50]

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

Alteration of Control Zone and Transition Area

On pages 5515 and 5516 of the FEDERAL REGISTER dated March 24, 1971, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Missoula, Mont.

Interested persons were given 30 days to submit written comments, suggestions, or objections regarding the proposed amendments.

No objections have been received and the proposed amendments are hereby adopted without change and are set forth below.

These amendments shall be effective 0901 G.m.t., June 24, 1971.

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

Issued in Kansas City, Mo., on April 16, 1971.

EDWARD C. MARSH,
Director, Central Region.

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

MISSOULA, MONT.

Within a 5-mile radius of Johnson Bell Airport (latitude 46°54'54" N., longitude 114°05'14" W.); within 3 miles each side of the northwest localizer course extending from the 5-mile radius to 2 miles northwest of the Kona OM; and within 5 miles each side of the 302° radial of the Missoula VORTAC extending from the VORTAC to 11 miles northwest of the VORTAC.

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

MISSOULA, MONT.

That airspace extending upward from 700 feet above the surface within a 35-mile radius of the Missoula VORTAC extending from a line 5 miles southwest of and parallel to the 298° radial of the VORTAC clockwise to a line 5 miles east of and parallel to the 354° radial of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 11 miles southwest of the 302° and 122° radials of the Missoula VORTAC extending from 6 miles southeast of the VORTAC to 26 miles northwest of the VORTAC; and within 7 miles east of the Missoula 354° radial extending from the VORTAC to the south edge of V-120; and within 9½ miles southwest and 4½ miles northeast of 311° bearing from the Kona OM extending from the OM to 18½ miles northwest of the OM.

[FR Doc.71-5777 Filed 4-26-71;8:47 am]

[Airspace Docket No. 70-CE-122]

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

Alteration of Transition Area

On page 1911 of the FEDERAL REGISTER dated February 3, 1971, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Montevideo, Minn.

Interested persons were given 45 days to submit written comments, suggestions,

or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

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

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

Issued in Kansas City, Mo., on April 9, 1971.

DANIEL E. BARROW,
Acting Director, Central Region.

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

MONTEVIDEO, MINN.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Montevideo Municipal Airport (latitude 44°58'15" N., longtude 95°42'40" W.); and within 3 miles each side of the 313° bearing from the Montevideo Municipal Airport extending from the 5-mile radius to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 9½ miles southwest and 4½ miles northeast of the 313° and 133° bearings from the Montevideo Municipal Airport extending from 5 miles southeast of the airport to 18½ miles northwest of the airport; and within 5 miles each side of the 133° bearing from the Montevideo Municipal Airport extending from the airport to 12 miles southeast of the airport.

[FR Doc.71-5778 Filed 4-26-71;8:47 am]

[Airspace Docket No. 70-CE-123]

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

Alteration of Transition Area

On page 1911 of the FEDERAL REGISTER dated February 3, 1971, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Wisconsin Rapids, Wis.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

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

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

Issued in Kansas City, Mo., on April 9, 1971.

DANIEL E. BARROW,
Director, Central Region.

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

WISCONSIN RAPIDS, WIS.

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Alexander Field-Southwood County Airport (latitude 44°21'30" N., longitude 89°50'15" W.); and within 3 miles each side of the 193° bearing from Alexander Field-Southwood County Airport, extending from the 6½-mile-radius area to 8 miles south of the airport and within 3 miles each side of the 125° bearing from Alexander Field-Southwood County Airport, extending from the 6½-mile radius to 8 miles southeast of the airport.

[FR Doc.71-5779 Filed 4-26-71;8:47 am]

[Airspace Docket No. 71-AL-4]

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

Alteration of Control Zone and Transition Area

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to alter the Cordova, Alaska, control zone and transition area.

This alteration of the Cordova, Alaska, Terminal Airspace Structure is necessary to provide controlled airspace for aircraft conducting a newly developed instrument approach procedure utilizing a new localizer/DME navigation aid. In addition, conversion of the Cordova radio range to a nondirectional radio beacon (NDB) necessitates cancellation of the LFR-A and LFR-B approach procedures and establishment of a new NDB instrument approach procedure utilizing the 233° True bearing from the Cordova NDB.

The alteration of the control zone designates a control zone extension 10 miles east to protect the localizer/DME final approach course. It also redescribes the control zone extensions to the southeast and southwest based upon bearings from the NDB in lieu of the radio range courses. The airport coordinates are changed to conform with the surveyed airport reference point. Designation of the 1,200-foot transition area east and west of the Cordova airport is necessary to provide protected airspace for aircraft conducting the localizer/DME instrument approach procedure beyond the limits of the control zone including the holding pattern and transition routes. Portions of the transition area southeast and southwest of Cordova are redescribed based upon bearings from the Cordova (CDV) NDB in lieu of the radio range courses. The 1,200-foot portion of the transition area extending from 7 miles west to 13 east of Hinchinbrook RR is deleted. This airspace is provided for in this rule. Revocation of the control zone extension that extends 22 miles southeast and alteration of the offshore transition area southeast and southwest of Cordova will be effected by another airspace docket after coordination with the Department of Defense and the Department of State.

In consideration of the foregoing, in the interest of safety, notice and public procedure hereon are unnecessary and Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 24, 1971, as hereinafter set forth.

(1) In § 71.171 (36 F.R. 2055) the description of the Cordova, Alaska, control zone is amended as follows:

CORDOVA, ALASKA

Within a 5-mile radius of the Cordova (mile 13) airport, latitude 60°29'33" N., longitude 145°28'36" W.; within 2 miles each side of the 233° bearing from the Cordova (CDV) NDB extending from the 5-mile-radius zone to the intersection of the 233° bearing from the Cordova (CDV) NDB and the Hinchinbrook, Alaska, RR east course; within 2 miles each side of the 143° bearing from the Cordova (CDV) NDB extending from the 5-mile-radius zone to the intersection of the 143° bearing from Cordova (CDV) NDB and the Hinchinbrook RR east course; and within 2 miles each side of the Cordova localizer east course extending from the 5-mile-radius zone to 10 miles east of the localizer.

(2) In § 71.181 (36 F.R. 2140) the description of the Cordova, Alaska, transition area is amended as follows:

CORDOVA, ALASKA

That airspace extending upward from 700 feet above the surface within 5 miles northwest and 8 miles southeast of the 233° bearing from the Cordova (CDV) NDB extending from 8 miles southwest of the Cordova (CDV) NDB to 13 miles southwest of the intersection of the 233° bearing from the Cordova (CDV) NDB and the east course of the Hinchinbrook RR; that airspace extending upward from 1,200 feet above the surface within 5 miles northeast and 8 miles southwest of the 143° bearing from the Cordova (CDV) NDB extending from 13 miles southeast of the Cordova (CDV) NDB to 13 miles southeast of the intersection of the 143° bearing from the Cordova (CDV) NDB and the east course of the Hinchinbrook RR; within 6 miles each side of the Cordova localizer east course extending from the localizer to 40 miles east; and within 5 miles each side of a line extending from the Johnstone Point VOR to the Cordova (CDV) NDB.

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

Issued in Anchorage, Alaska, on April 15, 1971.

JACK G. WEBB,
Director, Alaskan Region.

[FR Doc.71-5780 Filed 4-26-71;8:47 am]

[Airspace Docket No. 71-WE-11]

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

Alteration of Transition Area

On March 11, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 4708) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Lemoore, Calif., transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. Only two comments were received. One expressed no objection. The other from the California Department of Aeronautics stated they

would have no objection provided there was no conflict with the four airports within the area. No conflict would result. An operating Letter of Agreement with the four crop duster airports in question has been in existence since July 1968.

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

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

Issued in Los Angeles, Calif., on April 16, 1971.

ARVIN O. BASNIGHT,
Director, Western Region.

In § 71.181 (36 F.R. 2140) the description of the Lemoore, Calif., transition area is amended as follows:

Delete all before "* * * and that airspace extending upward from 1,200 feet * * *" and substitute "* * * That airspace extending upward from 700 feet above the surface within a 10-mile radius of the NAS Lemoore TACAN, and within 5 miles each side of a 156° bearing from the NAS Lemoore RBN extending from the 10-mile-radius area to 13.0 miles southeast of the RBN; * * *" therefor.

[FR Doc.71-5782 Filed 4-26-71;8:47 am]

[Airspace Docket No. 70-WA-31]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Area High Routes; Correction

On March 3, 1971, F.R. Doc. 71-2822 was published in the FEDERAL REGISTER (36 F.R. 4044) with an effective date of April 29, 1971.

This document amended Part 75 of the Federal Aviation Regulations, in part, by establishing J800R, J801R, J802R, and J803R for service between Los Angeles, Calif./San Francisco, Calif., and New York City, N.Y.

Subsequent to the publication of this amendment, it has been determined that the name of the waypoint located at lat. 39°53'23" N., long. 87°00'54" W., should be changed from "Newton, Ind." to "Mellott, Ind." because of an existing intersection also named Newton in the State of Pennsylvania. In addition, the reference facility for the Cameron, Ariz., waypoint was incorrectly listed as "Tuba City, N. Mex." in lieu of "Tuba City, Ariz."; and the waypoint located at lat. 42°13'36" N., long. 83°58' 14" W., should be changed from "Wolverine, Ohio" to "Wolverine, Mich." Action is taken herein to reflect these changes.

Since this amendment is editorial in nature with no substantive change in the regulation, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, effective upon publication in the FEDERAL REGISTER (4-27-71), F.R. Doc. 71-2822 (36 F.R. 4044) is amended as hereinafter set forth.

In J800R "Newton, Ind." is deleted and "Mellott, Ind." is substituted therefor, and "Tuba City, N. Mex." is deleted and "Tuba City, Ariz." is substituted therefor. In the heading of the route extending from Robbinsville, N.J., VORTAC to Coaldale, Nev., VORTAC, "J80R2" is deleted and "J802R" is substituted therefor. In J801R and J803R "Wolverine, Ohio" is deleted and "Wolverine, Mich." is substituted therefor.

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

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

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

[FR Doc.71-5781 Filed 4-26-71;8:47 am]

Chapter II—Civil Aeronautics Board

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. PR-117, Amdt. 3]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Certain Time Limitations and Time Periods

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 22d day of April 1971.

In a notice of proposed rule making,[1] the Board proposed to amend Part 302, its Rules of Practice in Economic Proceedings (14 CFR Part 302), by changing certain of the time limitations and time periods prescribed in Rules 28, 1314, 1315, 1414, and 1415. Specifically, we proposed to amend the rules so as to provide that the time within which petitions for discretionary review of an initial decision may be filed pursuant to Rule 28 of Part 302 would be 21 days after service of the initial decision, rather than 25 days after service of the initial decision, and that the time within which petitions for discretionary review of an initial decision may be filed pursuant to Rules 1315 and 1415 of Subparts M and N, respectively, of Part 302[2] would be 14 days after service of the initial decision, rather than 10 days after service of the initial decision. Additionally, we proposed to amend Rules 1314 and 1414 of Subparts M and N, respectively, of Part 302 so as to provide that unless a petition for review is filed or the Board takes review upon its own motion, the initial decision would become effective as the final order of the Board 21 days after service of the initial decision, rather than 15 days after service of the initial decision.

[1] PDR-31, Jan. 20, 1971, Docket 23029 (36 F.R. 1209, Jan. 26, 1971).

[2] Subparts M and N pertain to expedited procedures for modifying or removing certain limitations or restrictions in local service for trunkline certificates, respectively.

The only comment in response to the notice of proposed rule making was filed by Western Airlines (Western).

Upon consideration of the comment filed by Western, we have determined to adopt the rule as proposed.

Western indicates its support of the proposed modifications of Rules 1314, 1414, 1315, and 1415 of Subparts M and N, respectively. However, Western opposes the proposed amendment to Rule 28, whereby the time for filing petitions for review pursuant to that rule would be reduced by 4 days. Western, citing delays in mailing, suggests that the time period be lengthened to 28 days, rather than shortened to 21 days.

It is our view that 21 days is an ample period of time for the filing of a petition for discretionary review pursuant to Rule 28, notwithstanding the possibility of delays in the mail. Thus, the final rule provides, as proposed in the notice, that a petition for discretionary review pursuant to Rule 28 may be filed within 21 days after service of the initial decision.

In consideration of the foregoing, the Board hereby amends Part 302 of the Procedural Regulations (14 CFR Part 302), effective May 28, 1971,[3] as follows:

1. Amend § 302.28(a)(1) to read as follows:

§ 302.28 Petitions for discretionary review of initial decisions; review proceedings.

(a) *Petitions for discretionary review.* (1) Review by the Board pursuant to this section is not a matter of right but of the sound discretion of the Board. Any party may file and serve a petition for discretionary review by the Board of an initial decision within 21 days after service thereof. Such petition shall be accompanied by proof of service on all parties.

* * * * *

2. Amend § 302.1314(a) to read as follows:

§ 302.1314 Examiner's initial decision.

Except for the following, the provisions of § 302.27 shall be applicable:

(a) Unless a petition for discretionary review is filed pursuant to §§ 302.28 and 302.1315 or the Board issues an order to review upon its own initiative, the initial decision shall become effective as the final order of the Board 21 days after service thereof; and

* * * * *

3. Amend § 302.1315(a) to read as follows:

§ 302.1315 Subsequent procedures.

* * * * *

(a) Any party may file and serve a petition for discretionary review by the Board of an initial decision within 14 days after service thereof;

* * * * *

4. Amend § 302.1414(a) to read as follows:

[3] The revised time periods in these amendments are applicable to initial decisions issued on and after this date.

§ 302.1414 **Examiner's initial decision.**

Except for the following, the provisions of § 302.27 shall be applicable:

(a) Unless a petition for discretionary review is filed pursuant to §§ 302.28 and 302.1415 or the Board issues an order to review upon its own initiative, the initial decision shall become effective as the final order of the Board 21 days after service thereof; and

* * * * *

5. Amend § 302.1514(a) to read as follows:

§ 302.1415 **Subsequent procedures.**

* * * * *

(a) Any party may file and serve a petition for discretionary review by the Board of an initial decision within 14 days after service thereof;

* * * * *

(Secs. 204(a), 1001, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 788; 49 U.S.C. 1324, 1481)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-5828 Filed 4-26-71;8:51 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Arsenamide Sodium Aqueous Injection Veterinary

The Commissioner of Food and Drugs has evaluated a new animal drug application (39-770V) filed by Fromm Laboratories, Inc., proposing the safe and effective use of arsenamide sodium aqueous injection for the treatment and prevention of canine heartworm disease caused by *Dirofilaria immitis*. The application is approved.

A supplemental new animal drug application (6-623V) filed by Abbott Laboratories and covering a similar product with similar conditions of use was previously approved. The Commissioner concludes that Abbott Laboratories' sponsorship should be included in this order.

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

§ 135b.21 **Arsenamide sodium aqueous injection veterinary.**

(a) *Chemical name.* [[(*p*-Carbamoylphenyl)arsylene]dithio] diacetic acid, sodium salt.

(b) *Specifications.* The drug is a sterile aqueous solution and each milliliter contains 10.0 milligrams of arsenamide sodium.

(c) *Sponsor.* (1) Abbott Laboratories, North Chicago, Ill. 60064.

(2) Fromm Laboratories, Inc., Grafton, Wisc. 53024.

(d) *Conditions of use.* (1) For the treatment and prevention of canine heartworm disease caused by *Dirofilaria immitis*.

(2) It is administered intravenously at 0.1 milliliter per pound of body weight (1.0 milliliter for every 10 pounds) twice a day for 2 days. For dogs in poor condition, particularly those with evidence of reduced liver function, a more conservative dosage schedule of 0.1 milliliter per pound of body weight daily for 15 days is recommended.

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

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (4-27-71).

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

Dated: April 14, 1971.

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

[FR Doc.71-5762 Filed 4-26-71;8:45 am]

PART 147—ANTIBIOTICS INTENDED FOR USE IN THE LABORATORY DIAGNOSIS OF DISEASE

PART 148x—LINCOMYCIN

Lincomycin

A. Effective on publication in the FEDERAL REGISTER (4-27-71), Part 148x is republished as follows to incorporate editorial and nonrestrictive technical changes. This order revokes all prior publications.

Sec.
148x.1 Nonsterile lincomycin hydrochloride monohydrate.
148x.1a Sterile lincomycin hydrochloride.
148x.2 Lincomycin hydrochloride monohydrate capsules.
148x.3 Lincomycin hydrochloride injection.
148x.4 [Reserved].
148x.5 Lincomycin hydrochloride syrup.

AUTHORITY: The provisions of this Part 148x issued under sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357.

§ 148x.1 **Nonsterile lincomycin hydrochloride monohydrate.**

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Lincomycin hydrochloride monohydrate is the monohydrated hydrochloride salt of lincomycin. It is freely soluble in water and soluble in acetone and dimethylformamide. It is so purified and dried that:

(i) Its potency is not less than 790 micrograms of lincomycin per milligram. milligram.

(ii) It passes the safety test.

(iii) Its moisture content is not less than 3.0 percent and is not more than 6.0 percent.

(iv) Its pH in an aqueous solution containing 100 milligrams per milliliter is not less than 3.0 and not more than 5.5.

(v) Its specific rotation in an aqueous solution at 25° C. is not less than +135° and not more than +150°.

(vi) It passes the infrared identity test.

(vii) Its content of lincomycin B is not more than 5 percent.

(viii) It passes the identity test if the elution pattern of the lincomycin sample compares quantitatively to that of the lincomycin working standard under identical conditions of vapor phase chromatography.

(ix) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3(b) of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, moisture, pH, specific rotation, infrared absorption spectrum, lincomycin B content, crystallinity, and identity.

(ii) Samples of the batch: 10 packages, each containing approximately 300 milligrams.

(b) *Tests and methods of assay—*(1) *Potency.* Use either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient sterile distilled water to give a stock solution of convenient concentration. Further dilute the stock solution with 0.1*M* potassium phosphate buffer, pH 8 (solution 3), to the reference concentration of 2 micrograms of lincomycin per milliliter (estimated).

(ii) *Vapor phase chromatography assay.* Proceed as directed in § 141.570 of this chapter.

(2) *Safety.* Proceed as directed in § 141.5 of this chapter.

(3) *Moisture.* Proceed as directed in § 141.502 of this chapter.

(4) *pH.* Proceed as directed in § 141.503 of this chapter, using an aqueous solution containing 100 milligrams per milliliter.

(5) *Specific rotation.* Accurately weigh 500 milligrams of lincomycin hydrochloride monohydrate in a 25-milliliter, glass stoppered volumetric flask and fill to volume with distilled water. Proceed as directed in § 141.520 of this chapter, using a 2.0-decimeter polarimeter tube and calculate the specific rotation on an anhydrous basis.

(6) *Infrared absorption spectrum.* Proceed as directed in § 141.521 of this chapter, using the sample preparation method described in paragraph (b)(2) of that section.

(7) *Lincomycin B content.* Proceed as directed in § 141.570 of this chapter.

(8) *Identity.* Proceed as described in § 141.570 of this chapter.

(9) *Crystallinity.* Proceed as directed in § 141.504(a) of this chapter.

§ 148x.1a Sterile lincomycin hydrochloride.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Lincomycin hydrochloride monohydrate is the monohydrated hydrochloride salt of lincomycin. It is freely soluble in water and soluble in acetone and dimethylformamide. It is so purified and dried that:

(i) Its potency is not less than 790 micrograms of lincomycin per milligram.

(ii) It is sterile.

(iii) It passes the safety test.

(iv) It is nonpyrogenic.

(v) It contains no histamine nor histamine-like substances.

(vi) Its moisture content is not less 3.0 percent and not more than 6.0 percent.

(vii) Its pH in an aqueous solution containing 100 milligrams per milliliter is not less than 3.0 and not more than 5.5.

(viiii) Its specific rotation in an aqueous solution at 25° C. is not less than +135° and not more than +150°.

(ix) It passes the infrared identity test.

(x) Its content of lincomycin B is not more than 5 percent.

(xi) It passes the identity test if the elution pattern of the lincomycin sample compares quantitatively to that of the lincomycin working standard under identical conditions of vapor phase chromatography.

(xii) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of §148.3(b) of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, safety, pyrogens, histamine, moisture, pH, specific rotation, infrared absorption spectrum, lincomycin B content, identity, and crystallinity.

(ii) Samples required:

(*a*) For all tests except sterility: 10 packages, each containing approximately 300 milligrams.

(*b*) For sterility testing: 20 packages, each containing approximately 300 milligrams.

(b) *Tests and methods of assay—*(1) *Potency.* Use either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient sterile distilled water to give a stock solution of convenient concentration. Further dilute the stock solution with 0.1*M* potassium phosphate buffer, pH 8 (solution 3), to the reference concentration of 2 micrograms of lincomycin per milliliter (estimated).

(ii) *Vapor phase chromatography assay.* Proceed as directed in § 141.570 of this chapter.

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Safety.* Proceed as directed in § 141.5 of this chapter.

(4) *Pyrogens.* Proceed as directed in § 141.4(a) of this chapter, using a solution containing 0.5 milligram of lincomycin per milliliter.

(5) *Histamine.* Proceed as directed in § 141.7 of this chapter.

(6) *Moisture.* Proceed as directed in § 141.502 of this chapter.

(7) *pH.* Proceed as directed in § 141.503 of this chapter, using an aqueous solution containing 100 milligrams per milliter.

(8) *Specific rotation.* Accurately weigh 500 milligrams of lincomycin hydrochloride monohydrate in a 25 milliliter, glass-stoppered volumetric flask and fill to volume with distilled water. Proceed as directed in § 141.520, using a 2.0-decimeter polarimeter tube and calculate the specific rotation on an anhydrous basis.

(9) *Infrared absorption spectrum.* Proceed as directed in § 141.521 of this chapter, using the sample preparation method described in paragraph (b)(2) of that section.

(10) *Lincomycin B content.* Proceed as directed in § 141.570 of this chapter.

(11) *Identity.* Proceed as directed in § 141.570 of this chapter.

(12) *Crystallinity.* Proceed as directed in § 141.504(a) of this chapter.

§ 148x.2 Lincomycin hydrochloride monohydrate capsules.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Lincomycin hydrochloride monohydrate capsules are composed of incomycin hydrochloride monohydrate and suitable diluents, enclosed in a gelatin capsule. Each capsule contains 250 milligrams of lincomycin or 500 milligrams of lincomycin. The lincomycin content is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of lincomycin that it is represented to contain. Its moisture content is not more than 7.0 percent. The lincomycin hydrochloride monohydrate used conforms to the standards prescribed by § 148x.1(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The lincomycin hydrochloride monohydrate used in making the batch for potency, safety, moisture, pH, specific rotation, infrared absorption spectrum, lincomycin B content, crystallinity, and identity.

(*b*) The batch for potency and moisture.

(ii) Samples required:

(*a*) The lincomycin hydrochloride monohydrate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 30 capsules.

(b) *Tests and methods of assay—*(1) *Potency.* Use either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Place a representative number of capsules in a high-speed glass blender with sufficient 0.1*M* potassium phosphate buffer, pH 8 (solution 3), to give a stock solution of convenient concentration. Blend for 3 to 5 minutes. Remove an aliquot and further dilute with solution 3 to the reference concentration of 2 micrograms of lincomycin per milliliter (estimated).

(ii) *Vapor phase chromatography assay.* Proceed as directed in § 141.570 of this chapter, except prepare the sample for assay as follows: Place the contents of 5 capsules in a 100-milliliter volumetric flask and add about 60 milliliters of methanol. Place on a steam bath and allow to boil gently for 5 minutes. Remove from the steam bath, add more methanol, and adjust to mark after cooling to ambient temperature. Dilute an aliquot equivalent to 50 milligrams of lincomycin to 25 milliliters with methanol. Transfer 2 milliliters to a centrifuge tube and evaporate to dryness on a steam bath with a stream of dry air. Dissolve the residue in 1 milliliter of dry pyridine. Calculate the lincomycin content of the capsules as follows:

$$\text{Lincomycin content in milligrams per capsule} = \frac{(Ru)(Ws)(d)(f)}{(Rs)(N)},$$

where:

$$Ru = \frac{\text{Area of lincomycin sample peak}}{\text{Area of internal standard}};$$

$$Rs = \frac{\text{Area of lincomycin standard peak}}{\text{Area of internal standard}};$$

Ws = Weight of lincomycin working standard in milligrams;
d = Dilution factor;
f = Potency of lincomycin working standard in milligrams of lincomycin per milligram;
N = Number of capsules used.

(2) *Moisture.* Proceed as directed in § 141.502 of this chapter.

§ 148x.3 Lincomycin hydrochloride injection.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Lincomycin hydrochloride injection is an aqueous solution of lincomycin hydrochloride monohydrate containing benzyl alcohol as a preservative. Each immediate container contains either 1, 2, or 10 milliliters of a solution containing, in each milliliter, 300 milligrams of lincomycin, and 9 milligrams of benzyl alcohol. The lincomycin content is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of lincomycin that it is represented to contain. It is sterile. It passes the safety test. It is nonpyrogenic. It contains no histamine or histamine-like substances. Its pH is not less than 3.0 and not more than 5.5. The lincomycin hydrochloride monohydrate used conforms to the standards prescribed by § 148x.1a(a)(1)(i), (vi), (vii), (viii), (ix), (x), and (xi).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter. If each immediate container contains only 1 milliliter of the drug, the labeling shall include the statement "For pediatric use."

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The lincomycin hydrochloride monohydrate used in making the batch for potency, moisture, pH, specific rotation infrared absorption spectrum, lincomycin B content, identity, and crystallinity.

(*b*) The batch for potency, sterility, safety, pyrogens, histamine, and pH.

(ii) Samples required:

(*a*) The lincomycin hydrochloride monohydrate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 10 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Use either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single-dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Place the portion into a suitable volumetric flask and bring to mark with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3). Remove an aliquot and dilute with solution 3 to the reference concentration of 2.0 micrograms of lincomycin per milliliter (estimated).

(ii) Vapor phase chromatography assay. Proceed as directed in § 141.570 of this chapter, except prepare the sample for assay as follows: Dilute the equivalent of 300 milligrams of lincomycin to 50 milliliters with methanol and shake. Transfer a 3-milliliter aliquot to a 10-milliliter volumetric flask and make to mark with methanol. Place a 2-milliliter aliquot into a 15-milliliter centrifuge tube and evaporate to dryness on a steam bath with a stream of dry air. Dissolve the residue in 1 milliliter of dry pyridine. Calculate the lincomycin content as follows:

$$\text{Lincomycin content in milligrams per milliliter} = \frac{(Ru)(Ws)(d)(f)}{(Rs)(\text{number of milliliters of sample})}$$

where:

$$Ru = \frac{\text{Area of lincomycin sample peak}}{\text{Area of internal standard}};$$

$$Rs = \frac{\text{Area of lincomycin standard peak}}{\text{Area of internal standard}};$$

Ws = Weight of lincomycin working standard in milligrams;

d = Dilution factor;

f = Potency of lincomycin working standard in milligrams of lincomycin per milligram.

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Safety.* Proceed as directed in § 141.5 of this chapter.

(4) *Pyrogens.* Proceed as directed in § 141.4(a) of this chapter.

(5) *Histamine.* Proceed as directed in § 141.7 of this chapter.

(6) *pH.* Proceed as directed in § 141.503 of this chapter, using the undiluted solution.

§ 148x.4 [Reserved]

§ 148x.5 Lincomycin hydrochloride syrup.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Lincomycin hydrochloride syrup is a syrup containing lincomycin hydrochloride monohydrate, one or more suitable preservatives, flavorings, sweetening agents, colorings, and purified water. Each milliliter contains lincomycin hydrochloride equivalent to either 25 milligrams or 50 milligrams of lincomycin. Its lincomycin content is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of lincomycin that it is represented to contain. The pH is not less than 3 and not more than 5.5. The lincomycin hydrochloride monohydrate used conforms to the standards prescribed by § 148x.1(a)(1)(i), (ii), (iv), (v), (vi), (vii), (viii), and (ix).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The lincomycin hydrochloride monohydrate used in making the batch for potency, safety, pH, specific rotation, infrared absorption spectrum, lincomycin B content, crystallinity, and identity.

(*b*) The batch for potency and pH.

(ii) Samples required:

(*a*) The lincomycin hydrochloride monohydrate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of five immediate containers.

(b) *Tests and methods of assay*—(1) *Potency.* Use either of the following methods; however, the results obtained from the method described in subdivision (i) of this subparagraph shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Remove an accurately measured sample of the syrup with a suitable syringe. Place into a high-speed glass blender with sufficient 0.1*M* potassium phosphate buffer, pH 8 (solution 3), to give a total volume of 500 milliliters. Blend 3 to 5 minutes. Further dilute with solution 3 to the reference concentration of 2 micrograms of lincomycin per milliliter (estimated).

(ii) *Vapor phase chromatography assay.* Proceed as directed in § 141.570 of this chapter, except prepare the sample for assay by either of the following methods:

(*a*) Place an aliquot of syrup, containing the equivalent of 250 milligrams of lincomycin into a 50-millliliter volumetric flask and add 30 milliliters of absolute ethanol. Place on a steam bath and boil gently for 5 minutes. Remove from the steam bath and cool. Add ethanol to prior volume level and let stand overnight. Adjust to mark, shake well, and transfer a 5-milliliter aliquot into a 25-milliliter volumetric flask and make to mark with methanol. Place 4 milliliters of this solution in a 15-milliliter centrifuge tube and evaporate to dryness on a steam bath with a stream of dry air. Dissolve the residue in 1 milliliter of dry pyridine. Calculate the lincomycin content as follows:

$$\text{Lincomycin content in milligrams per milliliter} = \frac{(Ru)(Ws)(d)(f)}{(Rs)(M)},$$

where:

$$Ru = \frac{\text{Area of lincomycin sample peak}}{\text{Area of internal standard}};$$

$$Rs = \frac{\text{Area of lincomycin standard peak}}{\text{Area of internal standard}};$$

Ws = Weight of lincomycin working standard in milligrams;
d = Dilution factor;
f = Potency of lincomycin working standard in milligrams of lincomycin per milligram;
M = Milliliters of syrup used.

(*b*) Treat the lincomycin working standard and sample in a similar manner, except lyophilize an aliquot of the sample containing the equivalent of 50 milligrams of lincomycin. To approximately 50 milligrams of the standard, accurately weighed, and to the dried residue of the sample, add 5 milliliters of dry pyridine which contains 10 milligrams of tetraphenylcyclopentadienone per milliliter. Warm on a hot plate for 5 minutes to attain complete solution. Remove from the hot plate and add 5 milliliters of hexamethyldisilazane and 2 milliliters of trimethylchlorosilane. Shake mechanically for 60 minutes, then centrifuge for 15 minutes. Inject 2 microliters of the supernate into the chromatograph. Calculate the lincomycin content as follows:

$$\text{Lincomycin content in milligrams per milliliter of syrup} = \frac{(Ru)(Ws)(f)}{(Rs)(M)},$$

where:

$$Ru = \frac{\text{Area of lincomycin sample peak}}{\text{Area of internal standard}};$$

$$Rs = \frac{\text{Area of lincomycin standard peak}}{\text{Area of internal standard}};$$

Ws = Weight of lincomycin working standard in milligrams;
f = Potency of lincomycin working standard in milligrams of lincomycin per milligram;
M = Milliliters of syrup used.

(2) *pH.* Proceed as directed in § 141.503 of this chapter, using the undiluted sample.

B. Also regarding lincomycin and also effective on publication (4–27–71), § 148x.4 is redesignated § 147.19 and, with editorial and technical changes, reads as follows:

§ 147.19 Lincomycin hydrochloride monohydrate diagnostic sensitivity powder.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Lincomycin hydrochloride monohydrate diagnostic sensitivity powder is lincomycin hydrochloride monohydrate powder packaged in vials and intended for use in clinical laboratories for determining in vitro the sensitivity of micro-organisms to lincomycin. Each vial contains 20 milligrams of lincomycin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of lincomycin that it is represented to contain. It is sterile. Its moisture content is not more than 7 percent. It gives a positive identity test for lincomycin hydrochloride monohydrate. The lincomycin hydrochloride monohydrate used conforms to the standards prescribed by § 148x.1(a)(1) (i), (iii), (iv), (v), and (ix) of this chapter.

(2) *Packaging.* The immediate container shall be of colorless, transparent glass, and it shall be a tight container as defined by the U.S.P. It shall be so sealed that the contents cannot be used without destroying such seal. It shall be of appropriate size to permit the addition of 20 milliliters of sterile broth medium when preparing a stock solution for use in making serial dilutions for microbial susceptibility testing.

(3) *Labeling.* In addition to the requirements of § 148.3(a)(3) of this chapter, each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) On its outside wrapper or container and on the immediate container:

(*a*) The statements "Not for therapeutic use" and "For laboratory diagnosis only."

(*b*) The statement "Sterile."

(*c*) The batch mark.

(*d*) The number of milligrams of lincomycin in each immediate container.

(*e*) The statements "Store in a refrigerator" and "Reconstituted solutions should be refrigerated."

(ii) On the circular or other labeling within or attached to the package, adequate information for use of the drug in the clinical laboratory.

(4) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The lincomycin hydrochloride monohydrate used in making the batch for potency, moisture, pH, crystallinity, and specific rotation.

(*b*) The batch for potency, sterility, moisture, and identity.

(ii) Samples required:

(*a*) The lincomycin hydrochloride monohydrate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 30 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Reconstitute as directed in the labeling. Dilute an aliquot with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to the reference concentration of 2.0 micrograms of lincomycin per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Moisture.* Proceed as directed in § 141.502 of this chapter.

(4) *Identity.* In a 100-milliliter beaker, dissolve sufficient sample to yield a concentration of at least 80 milligrams per milliliter, using no more than 2.0 milliliters of water. Add acetone until precipitation begins and then add an additional 20 milliliters of acetone. Filter the solution through filter paper and wash with two 10-milliliter portions of acetone. Expose the residue at room temperature until it is dry enough to be reduced to moderately fine particles. Dry the material for 4 hours in a 60° C. vacuum oven. After drying the material, care must be taken to avoid extended exposure to the atmosphere. The infrared spectrum of a mineral oil dispersion of the residue thus obtained exhibits maxima at the same wavelengths as that of the lincomycin working standard, similarly treated.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: April 12, 1971.

H. E. SIMMONS,
Director, Bureau of Drugs.

[FR Doc.71–5814 Filed 4–26–71;8:50 am]

PART 148g—GRISEOFULVIN

Griseofulvin Tablets

Correction

In F.R. Doc. 71–5309 appearing at page 7309 in the issue for Saturday, April 17, 1971, in the third line from the bottom of § 148g.2(b)(1)(i), preceding the equa-

tion, the phrase "292±nanometers" should read "292±2 nanometers."

PART 148k—NYSTATIN

Miscellaneous Amendments

Correction

In F.R. Doc. 71-5212 appearing at page 7233 in the issue for Friday, April 16, 1971, the last three lines of § 148k.6(a)(1) should read as follows: "not more than 5.5. Its moisture content is not more than 7.0 percent. The nystatin used conforms to the standards prescribed by § 148k.1(a)(1)."

Chapter II—Bureau of Narcotics and Dangerous Drugs, Department of Justice

PART 320—DEPRESSANT AND STIMULANT DRUGS; DEFINITIONS, PROCEDURAL AND INTERPRETATIVE REGULATIONS

Chlordiazepoxide and Its Salts and Diazepam; Judicial Stay of Order To Control

In the matter of listing chlordiazepoxide and its salts and diazepam as drugs subject to control under the Drug Abuse Control Amendments of 1965:

The Director of the Bureau of Narcotics and Dangerous Drugs published in the FEDERAL REGISTER of February 6, 1971 (36 F.R. 2555), an order ending the stay of the effectiveness of the order of March 19, 1966 (31 F.R. 4679), listing chlordiazepoxide and its salts and diazepam in § 166.3(c)(1) (redesignated § 320.3(c)(1)) as drugs subject to control under the Drug Abuse Control Amendments of 1965. The stay of the order of March 19, 1966, was announced in a notice appearing in the FEDERAL REGISTER of May 17, 1966 (31 F.R. 7174).

Petitioner, Hoffmann-La Roche Inc. of Nutley, N.J., was granted a stay of the Director's order of February 6, 1971, by order of the U.S. Court of Appeals for the Third Circuit on April 20, 1971.

Therefore, it is ordered, That the Director's order published in the FEDERAL REGISTER of February 6, 1971, listing chlordiazepoxide and its salts and diazepam as drugs subject to control is stayed until further notice.

This order shall become effective upon publication in the FEDERAL REGISTER (4-27-71).

Dated: April 22, 1971.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.71-5820 Filed 4-26-71;8:50 am]

Title 23—HIGHWAYS

Chapter I—Federal Highway Administration, Department of Transportation

PART 25—NATIONAL BRIDGE INSPECTION STANDARDS

On September 14, 1970, the Federal Highway Administrator issued a notice, indicating that he was considering implementation of section 26 of the Federal-Aid Highway Act of 1968, 23 U.S.C. 116(d) by adopting National Bridge Inspection Standards (35 F.R. 14864). The proposed standards set forth in that notice were based generally upon the contents of the "Manual for Maintenance Inspection of Bridges 1970" published by the American Association of State Highway Officials. Interested persons were invited to submit comments on the proposed standards. In response to that invitation, 145 comments were filed. Submissions were received from over half the State highway departments. Subdivisions of the States, private organizations, and government officials also made their views known.

The comments, together with other available data, have been carefully considered. In general, they indicated that the majority of the Nation's bridge owners will be able satisfactorily to comply with the standards as they were proposed.

After studying the available information, the Administrator has decided to issue the standards substantially as they appeared in the notice. A few changes have been made, principally for the purpose of eliminating ambiguous or unclear provisions and in order to strengthen the standards in areas where more stringent requirements appeared necessary.

Several comments pointed out that the opening paragraph of the proposal, which contained a definition of the bridges subject to the standards, was somewhat lacking in specificity. The language (now § 25.1) has been revised to eliminate any doubt about whether a particular structure is included among the bridges to which the standards are applicable. The last sentence of the third paragraph in the inspection procedures section (now § 25.3(c)) has also been reworded in an effort to clarify its intent. The section dealing with frequency of inspections (§ 25.4) has been changed to make it clear that, while each bridge must be inspected at least every 2 years, the depth of each inspection and the frequency of inspections within that time span are matters which must be resolved by the person in charge of the inspection program.

The provisions of section 3 of the proposed standards, dealing with qualifications of personnel, proved to be quite controversial. The Administrator was asked to reduce the level of qualifications to be required. He has declined to do so and has, in fact, made two changes with the objective of increasing the level of competence which both field inspection supervisors and their direct superiors must possess. Both experience and commonsense teach that the professional qualifications of the individuals in charge of performing inspections is a sine qua non of a sound program. All of the painstaking effort that has gone into development of the inspection procedures and the reporting and recordkeeping requirements is worthless if the people in charge of performing the inspections are not fully qualified to do so. A primary element of the qualifications of supervisory personnel is training in the techniques and criteria of inspection of bridges. Hence, the Administrator has provided that supervisors who do not possess the qualifications for registration as professional engineers must complete a comprehensive training course based upon the "Bridge Inspector's Training Manual."

Many bridge owners who commented on the inventory provisions of the proposed standards argued that they would require collection of data that were not readily available and would therefore require an expenditure of time and effort out of proportion to their value as part of the bridge inspection program. In informal discussions with various owners, it was learned that much of the information needed to complete the inventory form was already at hand, usually in the element of their organizations responsible for planning. There was a consensus that implementation of the inventorying requirement should be put off until July 1, 1973. However, the enactment of section 204 of the Federal Aid Highway Act of 1970 (84 Stat. 1713) introduced a note of urgency with respect to the matter of completing inventories of certain bridges. Section 204 authorizes a new special bridge replacement program, partially funded with Federal-aid highway funds. As a first step in the program, the statute requires the Secretary, in consultation with the States, to inventory all bridges on any of the Federal-aid highway systems over waterways and other topographical barriers. In order to bring the new program into operation as pomptly as possible, the Administrator has adhered to the July 1, 1972, deadline for inventorying bridges specified in that statute. The inventory of all other bridges must be completed by July 1, 1973.

In consideration of the foregoing, a new Part 25 is added to Title 23, CFR, incorporating the National Bridge Inspection Standards and reading as set forth below.

The National Bridge Inspection Standards are effective 30 days after the date upon which they are published in the FEDERAL REGISTER.

The National Bridge Inspection Standards are issued under the authority of section 26 of the Federal-Aid Highway Act of 1968, 23 U.S.C. 116(d) and the delegation of authority by the Secretary of Transportation in 49 CFR 1.48(b).

Issued on April 20, 1971.

F. C. TURNER,
Federal Highway Administrator.

Sec.
25.1 Application of standards.
25.3 Inspection procedures.
25.5 Frequency of inspections.
25.7 Qualifications of personnel.
25.9 Inspection report.
25.11 Inventory.

AUTHORITY: The provisions of this Part 25 issued under sec. 26, Federal-Aid Highway Act of 1968, 23 U.S.C. 116(d); delegation of authority in 49 CFR 1.48(b).

§ 25.1 Application of standards.

The National Bridge Inspection Standards in this part apply to all structures

defined as bridges located on any of the Federal-aid highway systems. In accordance with Federal-Aid Coding Manual Standards and the AASHO (American Association of State Highway Officials) Highway Definitions Manual, a "bridge" is defined as a structure including supports erected over a depression or an obstruction, as water, highway, or railway and having a track or passageway for carrying traffic or other moving loads, and having an opening measured along the center of the roadway of more than 20 feet between undercopings of abutments or spring lines of arches, or extreme ends of openings for multiple boxes; it may include multiple pipes, where the clear distance between openings is less than half of the smaller contiguous opening.

§ 25.3 Inspection procedures.

(a) Each highway department shall include a bridge inspection organization capable of performing inspections and preparing reports and determination of ratings in accordance with the provisions of the AASHO Manual[1] and the standards contained herein.

(b) Bridge inspectors shall meet the minimum qualifications stated in § 25.7.

(c) Each structure required to be inspected under the Standards shall be rated as to its safe load carrying capacity in accordance with section 4 of the AASHO Manual. If it is determined under this rating procedure that the maximum legal load under State law exceeds the load permitted under the Operating Rating Stress Level, the bridge must be posted in conformity with the AASHO Manual or in accordance with State law.

(d) Inspection records and bridge inventories shall be prepared and maintained in accordance with the Standards.

§ 25.5 Frequency of inspections.

(a) Each bridge is to be inspected at regular intervals not to exceed 2 years in accordance with section 2.3 of the AASHO Manual.

(b) The depth and frequency to which bridges are to be inspected will depend on such factors as age, traffic characteristics, state of maintenance, and known deficiencies. The evaluation of these factors will be the responsibility of the individual in charge of the inspection program.

§ 25.7 Qualifications of personnel.

(a) The individual in charge of the organizational unit that has been delegated the responsibilities for bridge inspection, reporting, and inventory shall possess the following minimum qualifications:

(1) Be a registered professional engineer; or

(2) Be qualified for registration as a professional engineer under the laws of the State; or

(3) Have a minimum of 10 years' experience in bridge inspection assignments in a responsible capacity and have completed a comprehensive training course based on the "Bridge Inspector's Training Manual," which has been developed by a joint Federal-State task force and is published by the Department of Transportation.[2]

(b) An individual in charge of a bridge inspection team shall possess the following minimum qualifications:

(1) Have the qualifications specified in paragraph (a) of this section; or

(2) Have a minimum of 5 years' experience in bridge inspection assignments in a responsible capacity and have completed a comprehensive training course based on the "Bridge Inspector's Training Manual," which has been developed by a joint Federal-State task force and is published by the Department of Transportation.

§ 25.9 Inspection report.

The findings and results of bridge inspections shall be recorded on standard forms. The data required to complete the forms and the functions which must be performed to compile the data are contained in section 3 of the AASHO Manual.

§ 25.11 Inventory.

(a) Each State shall prepare and maintain an inventory of all bridge structures subject to the Standards. If a State wishes to expand the inventory to include structures not subject to the Standards, the bridges which are subject to the Standards shall be separately identifiable in the records.

(b) Under the Standards certain structure inventory and appraisal data must be collected and retained within the various departments of the State organization for collection by the Federal Highway Administration as needed. A tabulation of these required data is contained in the structure inventory and appraisal sheet distributed by the Federal Highway Administration along with its Coding Guide in April of 1971. Annual reporting procedures will be developed by the Federal Highway Administration in consultation with the State highway departments.

(c) The inventory shall be completed for all bridges on any Federal-aid highway system over waterways and other topographical barriers as required by section 204(a) of the Federal-Aid Highway Act of 1970 (23 U.S.C. 144) no later than July 1, 1972. All other bridges on the Federal-aid system, such as grade separations and railroad crossings, must be completely inventoried by July 1, 1973. Newly completed structures or any modification of existing structures which would alter previously-recorded data on the inventory forms shall be entered in the State's records within 90 days.

NOTE: Incorporation by reference approved by the Director of the Federal Register on April 26, 1971.

[FR Doc.71-5803 Filed 4-26-71;8:49 am]

[1] The "AASHO Manual" referred to in this part is the "Manual for Maintenance Inspection of Bridges 1970" published by the American Association of State Highway Officials. A copy of the Manual may be examined during normal business hours at the office of each Division Engineer of the Federal Highway Administration, at the office of each Regional Federal Highway Administrator, and at the Washington headquarters of the Federal Highway Administration. The addresses of those document inspection facilities are set forth in Appendix D to Part 7 of the regulations of the Office of the Secretary (49 CFR Part 7). In addition, a copy of the Manual may be secured upon payment in advance of a fee of $0.75 by writing to the American Association of State Highway Officials, 341 National Press Building, Washington, DC 20004.

[2] The "Bridge Inspector's Training Manual" may be purchased (at a cost of $2.50) from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

Title 24—HOUSING AND HOUSING CREDIT

Chapter VII—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1909—GENERAL PROVISIONS

PART 1912—SALE OF INSURANCE AND ADJUSTMENT OF CLAIMS

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Miscellaneous Amendments

Subchapter B of Chapter VII of Title 24 of the Code of Federal Regulations is amended by revising §§ 1909.1, 1912.2(g), and 1914.3(c) (1) and (2), as follows:

The address of the National Flood Insurers Association, listed in §§ 1909.1 (definition of "National Flood Insurers Association"), 1912.2(g), and 1914.3(c) (2) is revised to read: 160 Water Street, New York, NY 10038.

Section 1914.3(c)(1) is revised to read:

(1) The Federal Insurance Administration, Department of Housing and Urban Development, Room 8146, 451 Seventh Street SW., Washington, DC 20410.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Effective date: April 27, 1971.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.71-5809 Filed 4-26-71;8:50 am]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Designated Areas

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1914.4 **List of designated areas.**

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Arizona	Santa Cruz	Unincorporated areas.				Apr. 23, 1971.
California	Tehama	do				Do.
Kansas	Johnson	Fairway	I 20 091 1770 03	Division of Water Resources, State Board of Agriculture, Topeka, Kans. 66612. Kansas Insurance Department, 1st Floor, Statehouse, Topeka, KS 66612.	Fairway City Hall, 5244 Norwood Rd., Shawnee Mission, KS 66205.	Do.
Louisiana	St. Tammany Parish.	Unincorporated areas.	I 22 103 0000 13 through I 22 103 0000 28	State Department of Public Works, Post Office Box 44155, Capitol Station, Baton Rouge, LA 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, LA 70804.	Department of Planning and Engineering, Suite M3, Courthouse, Covington, LA 70433.	Do.
Missouri	Cole	Jefferson City				Do.
Nebraska	Lancaster	Lincoln	I 31 109 2830 07 through I 31 109 2830 15	Nebraska Soil and Water Conservation Commission, State Capitol Bldg., Lincoln, NE 68509. Nebraska Insurance Department, 1324 State Capitol Bldg., Lincoln, NE 68509.	Salt Valley Watershed District, Federal Securities Bldg., Lincoln, NE 68509.	Do.
New Jersey	Hunterdon	Stockton Borough				Do.
South Carolina	Charleston	Unincorporated areas.	I 49 019 0000 02 through I 45 019 0000 88	South Carolina Water Resources Planning and Coordinating Committee, 1411 Barnwell St., Columbia, SC 29201. South Carolina Insurance Department, Federal Land Bank Bldg., 1401 Hampton St., Columbia, SC 29201.	Office of the Planning Director, Charleston County Planning Board, 2 Courthouse Square, Charleston, SC 29401.	Do.
Texas	Harris	Seabrook	I 48 201 6247 05 through I 48 201 6247 08	Texas Water Development Board, 301 West Second St., Austin, TX 78711. Texas State Board of Insurance, 1110 San Jacinto St., Austin, TX 78701.	Seabrook City Hall, 1700 1st St., Seabrook, TX 77586.	Do.
Do	Matagorda	Bay City	I 48 321 0470 05 through I 48 321 0470 08	do	City Hall, 1910 5th St., Bay City, TX 77414.	Do.
Virginia	Virginia Beach	Virginia Beach	I 51 810 2540 30 through I 51 810 2540 58	Division of Water Resources, Department of Conservation and Economic Development, 911 East Broad St., Richmond, VA 23219. Virginia Insurance Department, 700 Blanton Bldg., Post Office Box 1157, Richmond, VA 23209.	Office of the City Clerk, City Hall, Virginia Beach, VA 23456.	Do.
Wisconsin	Outagamie	Appleton				Do.
Do	Grant	Cassville				Do.
Do	St. Croix	Hudson				Do.
Do	Jefferson	Jefferson				Do.
Do	Crawford	Lynxville				Do.
Do	Pepin	Pepin				Do.
Do	do	Stockholm				Do.
Do	Sheboygan	Sheboygan				Do.
Do	Vernon	Stoddard				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: April 24, 1971.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.71-5756 Filed 4-26-71;8:45 am]

PART 1915—IDENTIFICATION OF FLOOD-PRONE AREAS

List of Flood Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of flood hazard areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Arizona	Santa Cruz	Unincorporated areas.				Apr. 24, 1971.
California	Tehama	do				Do.
Kansas	Johnson	Fairway	H 20 091 1770 03	Division of Water Resources, State Board of Agriculture, Topeka, Kans. 66612. Kansas Insurance Department, 1st Floor, Statehouse, Topeka, KS 66612.	Fairway City Hall, 5244 Norwood Road, Shawnee Mission, KS 66205.	June 19, 1970.
Louisiana	St. Tammany Parish.	Unincorporated areas.	H 22 103 0000 13 through H 22 103 0000 28	State Department of Public Works, Post Office Box 44155, Capitol Station, Baton Rouge, LA 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, LA 70804.	Department of Planning and Engineering, Suite M3, Courthouse, Covington, LA 70433.	Dec. 31, 1970.
Missouri	Cole	Jefferson City				Apr. 24, 1971.
Nebraska	Lancaster	Lincoln	H 31 109 2830 07 through H 31 109 2830 15	Nebraska Soil and Water Conservation Commission, State Capitol Bldg., Lincoln, NE 68509. Nebraska Insurance Department, 1324 State Capitol Bldg., Lincoln, NE 68509.	Salt Valley Watershed District, Federal Securities Bldg., Lincoln, NE 68509.	Apr. 17, 1970.
New Jersey	Hunterdon	Stockton Borough				Apr. 24, 1971.
South Carolina	Charleston	Unincorporated areas.	H 45 019 0000 02 through H 45 019 0000 88	South Carolina Water Resources Planning and Coordinating Committee, 1411 Barnwell St., Columbia, SC 29201. South Carolina Insurance Department, Federal Land Bank Bldg., 1401 Hampton St., Columbia, SC 29201.	Office of the Planning Director, Charleston County Planning Board, 2 Courthouse Square, Charleston, SC 29401.	June 27, 1970.
Texas	Harris	Seabrook	H 48 201 6247 05 through H 48 201 6247 08	Texas Water Development Board, 301 West 2nd St., Austin, TX 78711. Texas State Board of Insurance, 1110 San Jacinto St., Austin, TX 78701.	Seabrook City Hall, 1700 1st St., Seabrook, TX 77586.	May 26, 1970.
Do	Matagorda	Bay City	H 48 321 0470 05 through H 48 321 0470 08	do	City Hall, 1910 5th St., Bay City, TX 77414.	Aug. 11, 1970.
Virginia	Virginia Beach	Virginia Beach	H 51 810 2540 30 through H 51 810 2540 58	Division of Water Resources, Department of Conservation and Economic Development, 911 East Broad St., Richmond, VA 23219. Virginia Insurance Department, 700 Blanton Bldg., Post Office Box 1157, Richmond, VA 23209.	Office of the City Clerk, City Hall, Virginia Beach, Va 23456.	Sept. 8, 1970.
Wisconsin	Outagamie	Appleton				Apr. 24, 1971.
Do	Grant	Cassville				Do.
Do	St. Croix	Hudson				Do.
Do	Jefferson	Jefferson				Do.
Do	Crawford	Lynxville				Do.
Do	Pepin	Pepin				Do.
Do	do	Stockholm				Do.
Do	Sheboygan	Sheboygan				Do.
Do	Vernon	Stoddard				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: April 24, 1971.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.71-5757 Filed 4-26-71;8:45 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER J—BRIDGES

[CGFR 70-97a]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Doctor's Inlet, Fla.

This amendment revises the regulations for the Florida State Highway Department State Road 15 (U.S. 17) across Doctor's Inlet, Fla., to require that the draw open on signal from 6 a.m. to 10 p.m. and on 4 hours' advance notice from 10 p.m. to 6 a.m. The present regulations require that the draw open promptly on signal for the passage of vessels. This change is made because of the infrequent requests for openings from 10 p.m. to 6 a.m.

This amendment was circulated as a public notice dated September 15, 1970, by the Commander, Seventh Coast Guard District, and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGFR 70-97) on September 12, 1970 (35 F.R. 14407). No comments were received. This amendment differs from the proposal in that it adds a requirement that the procedure for giving advance notice be posted.

Accordingly, Part 117 is amended by adding § 117.431b to read as follows:

§ 117.431b Doctor's Inlet, Fla., Florida State Highway Department bridge on State Road 15 (U.S. 17).

(a) From 6 a.m. to 10 p.m. the draw shall open on signal. From 10 p.m. to 6 a.m. the draw shall open on signal if 4 hours' advance notice has been given.

(b) The owner or agency controlling this bridge shall post a notice containing a copy of this section and the procedures for giving notice to open the draw on the upstream and downstream sides of the bridge or elsewhere in such a manner that it can be read from an approaching vessel.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5) (35 F.R. 4959), 33 CFR 1.05-1(c)(4) (35 F.R. 15922))

Effective date. This revision shall become effective on May 17, 1971.

Dated: April 12, 1971.

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

[FR Doc.71-5788 Filed 4-26-71;8:48 am]

Title 49—TRANSPORTATION

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

PART 567—CERTIFICATION

PART 568—VEHICLES MANUFACTURED IN TWO OR MORE STAGES

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Miscellaneous Amendments; Correction

In F.R. Doc. 71-5182 appearing at page 7054 in the issue for Wednesday, April 14, 1971, the third line of the amendments to Part 571, that now reads "4. Sections 571.5(b) and 571.13, and" is corrected to read "4. Sections 571.7(b) and 571.13, and."

Also, the effective date of the main portion of the amendments, at the end of the preamble text in the second column of page 7056, was erroneously stated as "October 1, 1972," and is corrected to read "January 1, 1972."

(Secs. 103 and 119, National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1392, 1407; delegation of authority at 49 CFR 1.51)

DOUGLAS W. TOMS,
Acting Administrator.

[FR Doc.71-5886 Filed 4-26-71;8:52 am]

Proposed Rule Making

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Parts 214, 299]

NONIMMIGRANTS

Notice of Proposed Rule Making

Pursuant to section 553 of title 5 of the United States Code (80 Stat. 383), notice is hereby given of the proposed issuance of the following rules pertaining to temporary employees and intracompany transferees. In accordance with section 553, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 757, 119 D Street NE., Washington, DC 20536, written data, views, or arguments, in duplicate, relative to the proposed rules. Such representations may not be presented orally in any manner. All relevant material received within 20 days following the date of publication of this notice will be considered.

PART 214—NONIMMIGRANT CLASSES

1. The first two sentences of subparagraph (3) of paragraph (h) *Temporary employees* of § 214.2 *Special requirements for admission, extension, and maintenance of status* are amended to read as follows:

(3) *Admission, employment, and extension.* A beneficiary may apply for admission to the United States only during the period of validity of the petition, or during the period of any extension of his temporary stay authorized on Form I–171C. The authorized period of the beneficiary's admission shall be governed by the period of established need for his temporary services or training, but shall not exceed the date of validity of the petition or the date until which his temporary stay had been previously authorized by the Service. * * *

2. Paragraph (h) *Temporary employees* of § 214.2 *Special requirements for admission, extension, and maintenance of status* is amended by adding a new subparagraph (3a) to read as follows:

(3a) *Use of Form I–171C.* The Service shall notify the petitioner on Form I–171C whenever a visa petition or application for extension of temporary stay filed on Form I–129B is approved. The petitioner, who may not for this purpose duplicate the original Form I–171C received from the Service, may furnish that form to any one of the beneficiaries who desires to depart from and return to the United States within the period for which the visa petition is valid or for which his temporary stay in the United States has been authorized to resume the same employment or training. The Service may also issue an original Form I–171C, upon request, to individual beneficiaries who have received an extension of temporary stay through approval of an application for extension on Form I–129B or Form I–539, if such individual intends to depart from and return to the United States within the period for which his temporary stay has been authorized to resume the same employment or training. A beneficiary who is required to present a visa for admission and whose visa will have expired before the date of his intended return may use Form I–171C, as stated in the information on the form, to apply for a new or revalidated visa. If the beneficiary is exempt from the visa requirement, he may present the original Form I–171C at the U.S. port of entry upon his return, for consideration as to whether he may be readmitted until the date of expiration of the validity of the visa petition or authorized extension of temporary stay as shown in the Form I–171C. If a beneficiary will be returning to resume the same employment or training after the validity of the visa petition has expired and he is not in possession of an original Form I–171C showing extension of his temporary stay or, if in possession of such form, he will be returning to the United States after expiration of his authorized stay as shown therein, a new visa petition must first be filed by the petitioner and approved by the Service.

3. The existing first sentence of subparagraph (3) *Admission, employment, and extension* of paragraph (l) *Intracompany transferees* of § 214.2. *Special requirements for admission, extension, and maintenance of status* is deleted and the following two sentences are substituted in lieu thereof to read as follows: "A beneficiary may apply for admission to the United States only during the period of validity of the petition, or during the period of any extension of his temporary stay authorized on Form I–171C. The authorized period of the beneficiary's admission shall not exceed the date of validity of the petition or the date until which his temporary stay had been previously authorized by the Service."

4. Paragraph (l) *Intracompany transferees* of § 214.2 *Special requirements for admission, extension, and maintenance of status* is amended by adding the following new subparagraph (4) to read as follows:

(4) *Use of Form I–171C.* The Service shall notify the petitioner on Form I–171C upon approval of a visa petition filed on form I–129B. The petitioner, who may not for this purpose duplicate the original Form I–171C received from the Service, may furnish that form to a beneficiary who desires to depart from and return to the United States to resume the same employment within the period for which the visa petition is valid. The Service may also issue an original Form I–171C, upon request to a beneficiary alien defined in section 101(a)(15)(L) of the Act who has received an extension of his temporary stay and intends to depart from and return to the United States within the period for which his temporary stay has been authorized to resume the same employment. A beneficiary who is required to present a visa for admission and whose visa will have expired before the date of his intended return may use Form I–171C, as stated in the information on that form, to apply for a new or revalidated visa. If the beneficiary is exempt from the visa requirement, he may present the original Form I–171C at the U.S. port of entry upon his return, for consideration as to whether he may be readmitted until the date of expiration of the validity of the visa petition or authorized extension of temporary stay as shown in the Form I–171C. If a beneficiary will be returning to resume the same employment after expiration of his authorized stay as shown in that form, a new visa petition must first be filed by the petitioner and approved by the Service.

PART 299—IMMIGRATION FORMS

The list of forms in § 299.1 *Prescribed forms* is amended by adding the following form and reference thereto in alphabetical and numerical sequence:

Form No.	*Title and description*
I–171C	Notice of Approval of Nonimmigrant Visa Petition or of Extension of Stay of H or L Alien.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

Dated: April 21, 1971.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[FR Doc.71–5796 Filed 4–26–71;8:48 am]

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

YELLOWSTONE NATIONAL PARK, WYO.

Special Regulations

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended, 16 U.S.C. 3), and the Act of May 7, 1894 (23 Stat. 73, as amended, 16 U.S.C. 26), 245 DM1 (27 F.R. 6375), and National Park Service Order No. 21 (27

F.R. 7903) as amended, it is proposed to revise § 7.13 of Title 36 of the Code of Federal Regulations.

The purpose of this revision is to reprint in its entirety § 7.13, Title 36, Code of Federal Regulations, to include minor word and format changes for clarification and consistency; to eliminate certain provisions pertaining to the regulation of dogs and cats, travel on roads, oversnow vehicle use, and the posting of notices and orders which are adequately covered in Parts 1, 2, 3, 4, and 5 of Title 36, Code of Federal Regulations; to specify a maximum speed limit of 60 miles per hour on that portion of U.S. Highway 191 which traverses the northwest corner of Yellowstone National Park; to specify conditions and measures whereby persons must safeguard foodstuffs from wildlife while camping in the park's campgrounds; to apply the same protective measures to the Slough Creek cutthroat trout fishery as exists for cutthroat trout within the Yellowstone Lake complex; and to prohibit the swimming and bathing in the waters of natural thermal features within the park.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections to the Superintendent, Yellowstone National Park, Post Office Box 168, Yellowstone National Park, WY 82190, within 30 days of the publication of this notice in the FEDERAL REGISTER.

Section 7.13 is revised to read as follows:

§ 7.13 Yellowstone National Park.

(a) *Weight and size limits for vehicles.* The operation of a vehicle that does not conform to specified gross weight and size limitations is prohibited. Information detailing the specified gross weight and size limitations is available in the Office of the Superintendent.

(b) *Traffic control.* (1) Speed of vehicles, except vehicles on U.S. Highway 191, and except ambulances on emergency trips, shall not exceed the following prescribed limits when official signs specifying such limits are posted:

(i) Fifteen miles per hour: In all campgrounds, picnic areas, parking areas, and residential areas; upon that portion of a park road which passes through or borders upon the scene of an emergency such as a forest fire, accident, or similar emergency; and the visitor use development at Old Faithful.

(ii) Twenty-five miles per hour: Upon that portion of a park road which passes through or borders on visitor use developments at Mammoth Hot Springs, Tower Falls, Canyon, Lake Area, Fishing Bridge, West Thumb, Madison, Norris, and Grant Village; and one-way drives.

(iii) Thirty-five miles per hour: Trucks whose rated gross vehicle weight is in excess of 17,000 pounds.

(iv) Forty-five miles per hour: Passenger cars, buses, and trucks whose rated gross vehicle weight is 17,000 pounds or less except when otherwise posted at a lesser speed limit.

(2) The speed limit on U.S. Highway 191 in the park is 60 miles per hour.

(3) Employee motor vehicle permits:

(i) A motor vehicle owned and/or operated by an employee of the U.S. Government, park concessioners and contractors, whether employed in a permanent or temporary capacity, shall be registered with the Superintendent and a permit authorizing the use of said vehicle in the park is required. This requirement also applies to members of an employee's family living in the park who own or operate a motor vehicle within the park. Such permit, issued free of charge, may be secured only when the vehicle operator can produce a valid certificate of registration, and has in his possession a valid operator's license. No motor vehicle may be operated on park roads unless properly registered.

(ii) The permit is valid only for the calendar year of issue. Registry must be completed and permits secured by April 15 of each year or within one week after bringing a motor vehicle into the park, whichever date is later. The permit shall be affixed to the vehicle as designated by the Superintendent.

(c) *Trucking.* The park Superintendent may issue permits for the use of park roads for trucking, for which fees shall be charged. For schedule of fees, see Part 6 of this chapter.

(d) *Vessels.* (1) Permit:

(i) A general permit, issued by the Superintendent, is required for all vessels operated upon the waters of the park open to boating. In certain areas a special permit is required as specified hereinbelow. These permits must be carried within the vessel at all times when any person is aboard, and shall be exhibited upon request to any person authorized to enforce the regulations in this chapter.

(ii) A special permit shall be issued by the Superintendent to any holder of a general permit who expresses the intention to travel into either the South Arm or the Southeast Arm "Five Mile Per Hour Zones" of Yellowstone Lake, as defined in subparagraph (6) (ii) and (iii) of this paragraph, upon the completion and filing of a form statement in accordance with the provisions of subparagraph (10) of this paragraph.

(iii) Neither a general nor special permit shall be issued until the permittee has signed a statement certifying that he is familiar with the speed and all other limitations and requirements in these regulations. The applicant for a special permit shall also agree in writing to provide, in accordance with subparagraph (10) of this paragraph, information concerning the actual travel within the "Five Mile Per Hour Zones."

(2) Removal of vessels: All privately owned vessels, boat trailers, waterborne craft of any kind, buoys, mooring floats, and anchorage equipment will not be permitted in the park prior to May 1 and must be removed by November 1.

(3) Restricted landing areas:

(i) Prior to July 1 of each year, the landing of any vessel on the shore of Yellowstone Lake between Trail Creek and Beaverdam Creek is prohibited, except upon written permission of the Superintendent.

(ii) The landing or beaching of any vessel on the shores of Yellowstone Lake (*a*) within the confines of Bridge Bay Marina and Lagoon and the connecting channel with Yellowstone Lake; and (*b*) within the confines of Grant Village Marina and Lagoon and the connecting channel with Yellowstone Lake is prohibited except at the piers or docks provided for the purpose.

(4) Closed waters:

(i) Vessels are prohibited on Sylvan Lake, Eleanor Lake, Twin Lakes, and Beach Springs Lagoon.

(ii) Vessels are prohibited on park rivers and streams (as differentiated from lakes and lagoons), except on the channel between Lewis Lake and Shoshone Lake, which is open only to hand-propelled vessels.

(5) Lewis Lake motorboat waters: Motorboats are permitted on Lewis Lake.

(6) Yellowstone Lake motorboat waters: Motorboats are permitted on Yellowstone Lake except in Flat Mountain Arm as described in subdivision (i) of this subparagraph and as restricted within the South Arm and the Southeast Arm where operation is confined to areas known as "Five Mile Per Hour Zones" which waters are between the lines as described in subdivisions (ii) and (iii) of this subparagraph in the South Arm and Southeast Arm, but which specifically exclude the southernmost 2 miles of both Arms which are open only to hand-propelled vessels.

(i) The following portion of Flat Mountain Arm of Yellowstone Lake is restricted to hand-propelled vessels: West of a line beginning at a point marked by a monument located on the south shore of the Flat Mountain Arm and approximately 10,200 feet easterly form the southwest tip of the said arm, said point being approximately 44°22'-13.2'' N. latitude and 110°25'07.2'' W. longitude, then running approximately 2,800 feet due north to a point marked by a monument located on the north shore of the Flat Mountain Arm, said point being approximately 44°22'40'' N. latitude and 110°25'07.2'' W. longitude.

(ii) In the South Arm that portion between a line from Plover Point running generally east to a point marked by a monument on the northwest tip of the peninsula common to the South and Southeast Arms; and a line from a monument located on the west shore of the South Arm approximately 2 miles north of the cairn which marks the extreme southern extremity of Yellowstone Lake in accordance with the Act of Congress establishing Yellowstone National Park; said point being approximately in latitude 44°18'22.8'' N., at longitude 110° 20'04.8'' W., Greenwich Meridian, running due east to a point on the east shore of the South Arm marked by a monu-

ment. Operation of motorboats south of the latter line is prohibited.

(iii) In the southeast Arm that portion between a line from a monument on the northwest tip of the peninsula common to the South and Southeast Arms which runs generally east to a monument at the mouth of Columbine Creek; and a line from a cairn which marks the extreme eastern extremity of Yellowstone Lake, in accordance with the Act of Congress establishing Yellowstone National Park; said point being approximately in latitude 44°19'42.0" N., at longitude 110°12'06.0" W., Greenwich Meridian, running westerly to a point on the west shore of the Southeast Arm, marked by a monument; said point being approximately in latitude 44°20'03.6" N., at longitude 110°16'19.2" W., Greenwich Meridian. Operation of motorboats south of the latter line is prohibited.

(7) Motorboats are prohibited on park waters except as permitted in subparagraphs (5) and (6) of this paragraph.

(8) Hand-propelled vessel waters: Hand-propelled vessels and sail vessels may operate in park waters except on those waters named in subparagraph (4) of this paragraph.

(9) Five Mile Per Hour Zone motorboat restrictions: The operation of motorboats within "Five Mile Per Hour Zones" is subject to the following restrictions:

(i) Motorboats shall satisfy the flame arrestor requirements of the Motorboat Act of April 25, 1940, as amended (46 U.S.C. 526i) and the regulation at 46 CFR 25.35–1(a).

(ii) A speed of 5 miles per hour shall not be exceeded by motorboats.

(iii) Class 1 and Class 2 motorboats shall proceed no closer than one-quarter mile from the shoreline except to debark or embark passengers, or while moored when passengers are ashore.

(10) Permission required to operate motorboats in Five Mile Per Hour Zone: Written authority for motorboats to enter either or both the South Arm or the Southeast Arm "Five Mile Per Hour Zones" shall be granted to an operator providing that prior to commencement of such entry the operator completes and files with the Superintendent a form statement showing:

(i) Length, make, and number of motorboat.

(ii) Type of vessel, such as inboard, inboard-outboard, turbojet, and including make and horsepower rating of motor.

(iii) Name and address of head of party.

(iv) Number of persons in party.

(v) Number of nights planned to spend in each "Five Mile Per Hour Zone."

(vi) Place where camping is planned within each "Five Mile Per Hour Zone," or if applicable, whether party will remain overnight on board.

(11) The disturbance of birds inhabiting or nesting on either of the islands designated as "Molly Islands" in the Southeast Arm of Yellowstone Lake is prohibited; nor shall any vessel approach the shoreline of said islands within one-quarter mile.

(12) Boat racing, water pageants, and spectacular or unsafe types of recreational use of vessels are prohibited on park waters.

(13) The restrictions of this paragraph (d) shall not apply to vessels operated for administrative purposes or in emergencies.

(e) *Fishing*—(1) *Open fishing season.* (i) All rivers and creeks in the Yellowstone River drainage above the Upper Falls at Canyon, except as otherwise provided in subparagraph (2) of this paragraph, are open to fishing from 4 a.m., m.s.t., on July 15 to 9 p.m., m.s.t., on October 31. Rivers and creeks will include those portions of Yellowstone Lake marked by buoys within 100 yards of the river or creek inlet.

(ii) All lakes in the Yellowstone River drainage above the Upper Falls at Canyon, except as otherwise provided in subparagraph (2) of this paragraph, are open to fishing from 4 a.m., m.s.t., on June 15 to 9 p.m., m.s.t., on October 31. The marking buoys in the vicinity of the outlet of Yellowstone Lake shall define the northern limit of Yellowstone Lake.

(iii) All other waters, except as provided in subparagraph (2) of this paragraph, are open to fishing from 4 a.m., m.s.t., on May 28 to 9 p.m., m.s.t., on October 31.

(2) *Closed waters.* The following waters of the park are closed to fishing and are so designated by appropriate signs:

(i) The Yellowstone River and its tributary streams from the confluence of Alum Creek with the Yellowstone River upstream to the Sulphur Caldron.

(ii) The Yellowstone River from the top of the Upper Falls downstream to its confluence with Surface Creek.

(iii) Bridge Bay Lagoon and Marina, Grant Village Lagoon and Marina and their connecting channels with Yellowstone Lake.

(iv) Fishing is prohibited from the shores of the southern extreme of the West Thumb thermal area (posted) along the shore of Yellowstone Lake to the mouth of Little Thumb Creek.

(v) The Mammoth water supply reservoir.

(vi) Old Faithful water supply consisting of that section of the Firehole River from the Old Faithful water intake to the Shoshone Lake trail crossing above Lone Star Geyser.

(3) *Daily fishing period.* Fishing in those waters of the park that are open is permitted only between the hours of 4 a.m. and 9 p.m., m.s.t., or 5 a.m. and 10 p.m., m.d.t.

(4) *Daily limits by waters.* Daily limit shall mean the numbers, sizes, or species of fish that may be legally taken from specified waters during the legal fishing hours of a day. All fish a person does not elect to keep in possession shall be carefully and immediately returned to the water from which they were taken.

(i) The possession of grayling caught in park waters is prohibited (catch-and-release fishing only).

(ii) McBride Lake, Slough Creek, Yellowstone Lake, and the Yellowstone River outlet above the Upper Falls at Canyon (except as provided for in subparagraphs (1) and (2) of this paragraph): Three (3) fish, 14 inches or longer.

(iii) Firehole and Madison Rivers, Lower Gibbon River up to the base of Gibbon Falls: Two (2) fish, 16 inches or longer.

(iv) All other waters open to fishing: Five (5) fish, of which no more than three (3) may be cutthroat trout.

(5) *Possession limit.* Possession limit shall mean the numbers or species of fish taken within Yellowstone National Park which may be in the possession of a person, regardless if fresh, stored in freezers or ice chests, or otherwise preserved. A person must cease fishing immediately upon filling his possession limit.

(i) The possession limit is five (5) fish of which no more than three (3) may be cutthroat trout. The possession of grayling is prohibited.

(6) *Restriction of use of lines, bait, and lures.* (i) Each person fishing in park water shall use only one rod or line held in hand.

(ii) Only artificial flies on single hook or lures with one single, double, or treble hook may be used in park waters except as specified in the following paragraphs.

(iii) Only artificial flies with no more than a single hook may be used for fishing in the Firehole River, Madison River, and that section of the Gibbon River extending from the mouth of the stream to the base of Gibbon Falls.

(iv) When in the possession of any fishing equipment and while immediately adjacent to or on waters of the park, no person shall possess any fish bait (e.g., worms, insects, minnows, fish eggs, or other organic matter, or parts thereof) or fish lures, except as provided for in subdivisions (ii), (iii), and (v) of this subparagraph.

(v) Persons 12 years of age or under may fish with worms as bait on the Gardner River, Obsidian Creek, Indian Creek, and Panther Creek.

(f) *Commercial automobiles and buses.* The prohibition against the commercial transportation of passengers by motor vehicles to Yellowstone National Park contained in § 5.4 of this chapter, shall be subject to the following exception: A motor vehicle operated on an infrequent and unscheduled tour, which tour did not originate within 500 miles of the park boundaries, carrying only round-trip passengers traveling from the point of origin of the tour, will, subject to the conditions set forth in this paragraph, be accorded admission to the park for the purpose of delivering passengers to a point of stay in the park and exit from the park. After passengers have completed their stay, such motor vehicles shall leave the park by the most convenient exit station, considering their destination. Motor vehicles admitted to the park under this paragraph shall not, while in the park, engage in general

sightseeing operations. Admission will be accorded such vehicles upon establishing to the satisfaction of the Superintendent that the tour originated from such place and in such a manner as not to provide, in effect, a regular and duplicating service conflicting with, or in competition with, the services provided for the public at or outside of the park, pursuant to contract authorization from the Secretary. The Superintendent shall have the authority to specify the route to be followed by such vehicles within the park.

(g) *Camping.* (1) Camping in Yellowstone National Park by any person, party, or organization during any calendar year during the period Labor Day through June 30, inclusive, shall not exceed 30 days, either in a single period or combined separate periods, when such limitations are posted.

(2) The intensive public-use season for camping shall be the period July 1 to Labor Day. During this period camping by any person, party, or organization shall be limited to a total of 14 days either in a single period or combined separate periods.

(3) All food or similar organic material, must be kept completely sealed in a vehicle or camping unit that is constructed of solid, nonpliable material, or must be suspended at least 10 feet above the ground and 4 feet horizontally from any post or tree trunk. This restriction does not apply to food that is being eaten or is being prepared for eating.

(h) *Dogs and cats.* Dogs and cats on leash, crated, or otherwise under physical restraint are permitted in the park only along established roads, walks, paths, and trails, within one-quarter mile of roads or parking areas.

(i) *Alcoholic liquors.* (1) Definitions for the purposes of this section:

(i) The term "minor" means any person under 21 years of age regardless of marital status.

(ii) The term "alcoholic liquor" includes alcohol, spirits, wine and beer and every liquid containing alcohol, spirits, wine and beer and capable of being consumed as a beverage by a humam being.

(iii) The term "person" includes any natural person, corporation, partnership or association.

(2) The sale of alcoholic liquor within the park by any person not authorized to do so by written permit or contract issued by the Superintendent or the National Park Service is prohibited. This does not apply to employees of persons to whom permits have been issued, in carrying out their assigned duties.

(3) No person authorized to sell alcoholic liquor shall sell any alcoholic liquor between the hours of 1 a.m. Sunday and 2 p.m. Sunday. No person authorized to sell alcoholic liquor shall sell alcoholic liquor on weekdays between the hours of 1 a.m. and 6 a.m.

(4) No person authorized to sell alcoholic liquor within the park shall employ any minor to sell or dispense alcoholic liquor or permit any minor to sell or dispense any alcoholic liquor for him.

(5) No minor may sell or dispense or have in his possession or physical control any alcoholic liquor.

(6) No minor shall obtain, or attempt to obtain alcoholic liquor by misrepresentation of age, or by any other method in any place where alcoholic liquor is sold.

(7) No person authorized to sell alcoholic liquors shall engage in, allow, permit or suffer in or upon the premises where such alcoholic liquor is sold any disorderly conduct as defined in § 2.7 of this chapter.

(j) *Travel on trails.* Foot travel in all thermal areas and within the Yellowstone Canyon between the Upper Falls and Inspiration Point must be confined to boardwalks or trails that are maintained for such travel and are marked by official signs.

(k) *Portable engines and motors.* The operation of motor-driven chain saws, portable motor-driven electric light plants, portable motor-driven pumps and other implements driven by portable engines and motors is prohibited in the park, except in Mammoth, Canyon, Fishing Bridge, Bridge Bay, Grant Village, and Madison Campgrounds, for park operation purposes, and for construction and maintenance projects authorized by the Superintendent. This restriction shall not apply to outboard motors on waters open to motorboating.

(l) *Skiing, sledding, tobogganing, and snowshoeing.* (1) The following activities are prohibited:

(i) Skiing, sledding, tobogganing, and snowshoeing upon park roads and parking areas, when such roads and parking areas are open to automobiles, trucks, tractors, bicycles, or motorcycles.

(ii) Skiing, sledding, tobogganing, and snowshoeing within areas closed by the posting of signs or designated as closed on a map located in the Superintendent's Office.

(iii) The towing of persons on skis, sleds, or other sliding devices behind vehicles.

(2) The Superintendent may, by the posting of appropriate signs, require persons to register or obtain a permit before attempting any oversnow travel. The Superintendent shall issue a permit upon ascertaining that suitable winter survival supplies and equipment are available for human use in the event of mechanical failure. Where a permit is required, it must be carried on the person, or within the oversnow vehicle, and shall be exhibited upon request of any authorized person.

(m) *Swimming.* The swimming or bathing in a natural, historical, or archeological thermal pool or stream that has waters originating entirely from a thermal spring or pool is prohibited.

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

[FR Doc.71-5816 Filed 4-26-71;8:50 am]

[36 CFR Part 7]

BLUE RIDGE PARKWAY, VIRGINIA-NORTH CAROLINA

Commercial Bus Use

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), the Act of June 30, 1936 (49 Stat. 2041; 16 U.S.C. 460a-2 as amended), 245 DM.1 (27 F.R. 6395), and National Park Service Order No. 21 (27 F.R. 7903) as amended, it is proposed to amend § 7.34 of Title 36 of the Code of Federal Regulations as set forth below.

The purpose of this amendment is to delete and amend provisions of the present regulations covering bus travel on Blue Ridge Parkway so as to permit broader use of the Parkway by commercial buses.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Superintendent, Blue Ridge Parkway, Post Office Box 1710, Roanoke, VA 24008, within 30 days of the publication of this notice in the FEDERAL REGISTER.

Paragraph (g) (3), (4), and (5) of § 7.34 are deleted in their entirety.

Paragraph (g) (1) and (2) of § 7.34 are amended to read as follows:

§ 7.34 Blue Ridge Parkway.

* * * * *

(g) *Commercial automobiles and buses.* (1) Commercial passenger carrying buses shall be admitted to the Blue Ridge Parkway by special written permit from the Superintendent or his representative.

(2) The Superintendent shall issue special commercial bus permits upon satisfactory showing that the following standards have been met:

(i) The maximum loaded weight of the bus must not exceed 35,000 pounds and must meet other restrictions as to weight and road conditions as detailed in paragraph (f) (2) and (3) of this section.

(ii) The bus must comply with all applicable Federal and State standards as to safety and common carrier regulations.

(iii) The vehicle is subject to inspection by the Superintendent or his duly authorized representative at entrance points to the Parkway or at any location en route for compliance with the above stated regulations.

(iv) Permits may be obtained by written application to the Superintendent, or by applying in person to his authorized representatives in field areas.

(3) [Revoked]

(4) [Revoked]

(5) [Revoked]

* * * * *

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

[FR Doc.71-5815 Filed 4-26-71;8:50 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 191]

CERTAIN TOYS KNOWN AS CLACKER BALLS AND INTENDED FOR USE BY CHILDREN

Proposed Classification as Banned Hazardous Substances

The Federal Hazardous Substances Act, as amended by the Child Protection and Toy Safety Act of 1969 (Public Law 91–113; 83 Stat. 187–90), provides that any toy or other article intended for use by children may be classified as a hazardous substance upon a determination that it presents an electrical, mechanical, or thermal hazard. Such a determination may be made by a regulation promulgated in accordance with 5 U.S.C. 553. A determination that any toy or other article intended for use by children presents such a hazard classifies it as a banned hazardous substance.

The Food and Drug Administration has received reports of injuries caused by a novelty toy called clacker balls. The toy consists essentially of two balls connected by a length of line or cord. In use, the two balls are made to bang repeatedly against each other in an arc by raising and lowering the hand in an up-and-down motion. Injuries have been caused by fragments of these balls which have broken or shattered in use and by balls which have become missiles upon accidental detachment from their cords.

The Commissioner of Food and Drugs finds that the toy presents a mechanical hazard because its design or manufacture presents an unreasonable risk of personal injury from fracture, fragmentation, or disassembly of the toy and from propulsion of the toy or its part(s). The Commissioner concludes that these hazards can be minimized by amending Part 191 as proposed below to require a high standard of quality control and labeling to eliminate all unsafe clacker balls from distribution channels.

Therefore, pursuant to provisions of the Federal Hazardous Substances Act (secs. 2 (f) (1) (D), (s), 3(e) (1), 74 Stat. 372, 374, 375, as amended 83 Stat. 187–89; 15 U.S.C. 1261, 1262) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that a new subparagraph be added to § 191.9a(a) and another to § 191.65a(a), as follows:

§ 191.9a Banned toys.

(a) * * *

(7) Toys usually known as clacker balls and consisting of two balls of plastic or other material connected by a length of line or cord or similar to connector (referred to as "cord" in § 191.65a(a)(5)), intended to be operated in a rhythmic manner by an upward and downward motion of the hand so that the two balls will meet forcefully at the top and bottom of two semicircles thus causing a "clacking" sound, which toys present a mechanical hazard because their design or manufacture presents an unreasonable risk of personal injury from fracture, fragmentations, or disassembly of the toy and from propulsion of the toy or its part(s).

§ 191.65a Exemptions from classification as a banned toy.

(a) * * *

(5) Clacker balls described in § 191.9a (a)(7) that have been designed, manufactured, assembled, labeled, and tested in accordance with the following requirements, and when tested at the point of production or while in interstate commerce or while held for sale after shipment in interstate commerce do not exceed the failure rate requirements of the table in subdivision (vi) of this subparagraph:

(i) The toy shall be so designed and fabricated that:

(*a*) Each ball: Weighs less than 50 grams; will not shatter, crack, or chip; is free of cracks, flash (ridges due to imperfect mouldings), totally enclosed internal voids (holes, cavities, or air bubbles), and crazing (tiny surface cracks); and is free of rough or sharp edges around any hole where the cord enters or over any surface with which the cord may make contact.

(*b*) The cord: Is of high tensile strength, synthetic fibers that are braided or woven, having a breaking strength in excess of 100 pounds; is free of fraying or any other defect that might tend to reduce its strength in use; is not molded in balls made of casting resins which tend to wick or run up into the cord; and is affixed to a ball at the center of the horizontal plane of the ball when it is suspended by the cord.

(*c*) When the cord is attached to the ball by means of a knot, the end beneath the knot is chemically fused or otherwise treated to prevent the knot from slipping out or untying in use.

(ii) The toy shall be tested at the time of production:

(*a*) By using the sampling procedure described in the table in subdivision (vi) of this subparagraph to determine the number of units to be tested.

(*b*) By subjecting each ball tested to 10 drops of a 5-pound steel impact rod or weight (2½-inch diameter with a flat head) dropped 48 inches in a vented steel or aluminum tube (2⅜-inch diameter) when the ball is placed on a steel or cast iron mount. Any ball showing any chipping, cracking, or shattering shall be counted as a failure within the meaning of the third column of the table in subdivision (vi) of this subparagraph.

(*c*) By inspecting each ball tested for smoothness of finish in any holes, on outer surfaces, and on any other portion with which the cord is intended to come into contact or into or over which it may come into contact. A cotton swab shall be rubbed vigorously over each such surface or area; if any cotton fibers are removed, the ball shall be counted as a failure within the meaning of the fourth column of the table in subdivision (vi) of this subparagraph.

(*d*) By fully assembling the toy and testing the cord in such a manner as to test both the strength of the cord and the adequacy with which the cord is attached to the ball and any holding device such as a tab or ring included in the assembly. The fully assembled article shall be vertically suspended by one ball and a 100-pound test applied to the bottom ball. Any breaking, fraying, or unraveling of the cord or any sign of slipping, loosening, or unfastening shall be counted as a failure within the meaning of the fourth column of the table in subdivision (vi) of this subparagraph.

(*e*) By additionally subjecting any ring or other holding device to a 50-pound test load applied to both cords; the holding device is to be securely fixed horizontally in a suitable clamp in such a manner as to support 50 percent of the area of such holding device and the balls are suspended freely. Any breaking, cracking, or crazing of the ring or other holding device shall be counted as a failure within the meaning of the fourth column of the table in subdivision (vi) of this subparagraph.

(*f*) By cutting each ball tested in half and then cutting each half perpendicularly to the first cut into three or more pieces of approximately equal thickness. Each portion is to be inspected before and after cutting, and any ball showing any flash, crack, crazing, or internal voids on such inspection is to be counted as a failure within the meaning of the fourth column of the table in subdivision (vi) of this subparagraph. A transparent ball shall be subjected to the same requirements except that it may be visually inspected without cutting.

(iii) The toy shall be fully assembled for use at time of sale, including the proper attachments of balls, cords, knots, loops, or other holding devices.

(iv) The toy shall be labeled:

(*a*) With a conspicuous statement of the name and address of the manufacturer, packer, distributor, or seller.

(*b*) To bear on the toy itself and/or the package containing the toy and/or the shipping container, in addition to the invoice(s) and shipping document(s), a code or mark in a form and manner that will permit future identification of any given batch, lot, or shipment by the manufacturer.

(*c*) To bear a conspicuous warning statement on the front panel of the retail and display carton and on any accompanying literature: That if cracks develop in a ball or if the cord becomes frayed or loose or unfastened, use of the toy should be discontinued; and if a ring or loop or other holding device is present, the statement "In use, the ring or loop must be placed around the middle finger and the two cords positioned over the forefinger and held securely between the thumb and forefinger," or words to that effect which will provide adequate instructions and warnings to prevent the holding device from accidentally slipping out of the hand. Such statements shall be printed in sharply contrasting color

within a borderline and in letters at least one-quarter inch high on the main panel of the container and at least one-eighth inch high on all accompanying literature.

(v) The manufacturer of the toy shall make, keep, and maintain for 3 years records of sale, distribution, and results of inspections and tests conducted in accordance with this subparagraph and shall make such records available upon request at all reasonable hours by any officer or employee of the Food and Drug Administration, or any other officer or employee acting on behalf of the Secretary of Health, Education, and Welfare, and shall permit such officer or employee to inspect and copy such records and to make such inventories of stock as he deems necessary and otherwise to check the correctness of such records.

(vi) The lot size, sample size, and failure rate for testing clacker balls are as follows:

Number of units in batch, shipment, delivery, lot, or retail stock	Number of units in random sample	Failure rate constituting rejection when testing per §191.65a-(a)(5)(ii)(b)	Failure rate constituting rejection when testing per §191.65a-(a)(5)(ii)(c), (d), (e), and (f)
50 or less	8	1	1
51 to 90	13	1	1
91 to 150	20	1	1
151 to 280	32	1	2
281 to 500	50	1	2
501 to 1,200	80	2	4
1,201 to 3,200	125	2	6
3,201 to 10,000	200	3	10
10,001 to 35,000	315	4	16
35,001 to 150,000	500	6	25
150,001 to 500,000	800	8	40
500,001 and over	1,250	11	62

(vii) Applicability of the exemption provided by this subparagraph shall be determined through use of the table in subdivision (vi) of this subparagraph. A random sample of the number of articles as specified in the second column of the table shall be selected according to the number of articles in a particular batch, shipment, delivery, lot, or retail stock per the first column. A failure rate as shown in either the third or fourth column shall indicate that the entire batch, shipment, delivery, lot, or retail stock has failed and thus is not exempted under this subparagraph from classification as a banned hazardous substance.

Interested persons may, within 15 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: April 15, 1971.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.71-5829 Filed 4-26-71;8:45 am]

Office of Education

[45 CFR Part 116]

FINANCIAL ASSISTANCE TO MEET SPECIAL EDUCATIONAL NEEDS OF EDUCATIONALLY DEPRIVED CHILDREN

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth below, which are additions and amendments to 45 CFR Part 116, prescribe certain requirements (pursuant to section 105, 84 Stat. 123; section 110, 84 Stat. 124, 125; section 401, 84 Stat. 164, 168; section 108, 84 Stat. 124; and section 109, 84 Stat. 124; 42 U.S.C. 241e, 1231d) with respect to determining the number of children in average daily attendance, public information, parental involvement, bonus pay to teachers, and comparability of services in programs and projects conducted under Title I of the Elementary and Secondary Education Act of 1965.

Interested persons who wish to submit comments, suggestions, or objections pertaining thereto may present their views in writing to the U.S. Commissioner of Education, Department of Health, Education, and Welfare, 400 Maryland Avenue SW., Washington, DC 20202, within a period of 30 days from the date of publication in the FEDERAL REGISTER. The final regulations will be codified in Title 45 of the Code of Federal Regulations.

1. In § 116.1, paragraph (c) is amended to read as follows:

§ 116.1 Definitions.

* * * * *

(c) "Average daily attendance" means (1) average daily attendance in elementary and secondary schools, not beyond grade 12, as determined in accordance with State law and (2) in the case of schools for handicapped children and children in institutions for neglected or delinquent children operated or supported by a State agency, the average number of children under 21 years of age participating per day for the length of a normal school year in an organized program in such schools of instruction which is recognized under State law as furnishing elementary or secondary education, but not beyond grade 12. In the case of handicapped children daily attendance shall be measured by the number of daily hours of participation in such instruction as the State agency determines to be appropriate for children with the particular handicap involved, except that any such instruction for more than 1 hour, but less than 3 hours, a day shall be deemed to constitute a maximum of one-half day of attendance. Time spent primarily in custodial care or medical treatment or therapy cannot be counted in determining attendance. In the case of special instructional services provided by a State agency under contract or other arrangement (such as itinerant, resource room, or other types of part-day or part-week programs) to handicapped children in attendance at public or nonpublic schools, such children may be reported as being in average daily attendance if (i) a statute or official written rule, policy, or other standard applicable to such State agency provides a reliable basis for determining that such State agency, rather than a local educational agency, is directly responsible for providing educational services to such children; and (ii) such State agency's average per pupil contribution to the cost of providing education to such handicapped children exceeds (*a*) the State's average per pupil contribution to the cost of education of handicapped children in educational programs operated by local educational agencies in the State, and (*b*) exceeds one-half of the average per pupil expenditure in that State as defined in section 103(e) of title I, ESEA. For the purposes of this paragraph, a State agency's average per pupil contribution to the cost of providing education to such handicapped children, a State's average per pupil contribution to the cost of education of handicapped children by local educational agencies, and the average per pupil expenditure in a State shall be determined on the basis of data for the same fiscal year.

(20 U.S.C. 241c(a)(5))

* * * * *

2. In § 116.17, paragraph (h) is amended and new paragraphs (n), (o), and (p) are added to read as follows:

§ 116.17 Project covered by an application.

* * * * *

(h) Each application for a grant under Title I of the Act for educationally deprived children residing in a project area shall contain an assurance that the use of the grant funds will not result in a decrease in the use for educationally deprived children residing in that project area of State or local funds which, in the absence of funds under Title I of the Act, would be made available for that project area and that neither the project area nor the educationally deprived children residing therein will otherwise be penalized in the application of State and local funds because of such a use of funds under title I of the Act. No project under title I of the Act will be deemed to have been designed to meet the special educational needs of educationally deprived children unless the Federal funds made available for that project (1) will be used to supplement, and to the extent practical increase, the level of State and local funds that would, in the absence of such Federal funds, be made available for the education of pupils participating in that project; (2) will not be used to supplant State and local funds available for the education of such pupils; and (3) will

not be used to provide instructional or auxiliary services in project area schools that are ordinarily provided with State and local funds to children in nonproject area schools.

(20 U.S.C. 241e(a)(3))

* * * * *

(n) Each application by a local educational agency for a grant under title I of the Act shall include specific plans for disseminating information concerning the provisions of title I, and the applicant's past and present title I programs, including evaluations of such programs, to parents and to the general public and for making available to them upon request the full text of current and past title I applications, all pertinent documents related to those applications, evaluations of the applicant's past title I projects, all reports required by § 116.23 to be submitted to the State educational agency, and such other documents as may be reasonably necessary to meet the needs of such parents or other members of the public for information related to the comprehensive planning, operation, and evaluation of the title I program but not including information relating to the performance of identified children and teachers. Such plans shall include provision for the reproduction, upon request, of such documents at reasonable cost (not to exceed the additional cost incurred by such agency) or provisions whereby persons requesting such copies will be given adequate opportunity to arrange for the reproduction of such documents.

(20 U.S.C. 214e, 1231d)

(o) (1) Parental involvement at the local level is deemed to be an important means of increasing the effectiveness of programs under title I of the Act. Each application of a local educational agency (other than a State agency directly responsible for providing free public education for handicapped children or for children in institutions for neglected and delinquent children) for assistance under that title, therefore, (i) shall describe how parents of the children to be served were consulted and involved in the planning of the project and (ii) shall set forth specific plans for continuing the involvement of such parents in the further planning and in the development and operation of the project.

(2) Each local educational agency shall, prior to the submission of an application for fiscal year 1972 and any succeeding fiscal year, establish a council consisting entirely of parents of educationally deprived children residing in attendance areas which are to be served by the project, which parents are not employed by the local educational agency, or designate for that purpose an existing organized group in which such parents will constitute a majority, and shall include in its application sufficient information to enable the State educational agency to make the following determinations:

(i) That the local educational agency has taken appropriate measures to insure the selection of parents to the parent council who are representative (*a*) of the children eligible to be served (including such children enrolled in private schools) and (*b*) of the attendance areas to be included in the title I program of such agency;

(ii) That each member of the council has been furnished free of charge copies of title I of the Act, the Federal regulations, guidelines, and criteria issued pursuant thereto, State title I regulations and guidelines, and the local educational agency's current application; and that such other information as may be needed for the effective involvement of the council in the planning, development, operation, and evaluation of projects under said title I (including prior applications for title I projects and evaluations thereof) will also be made available to the council;

(iii) That the local educational agency has provided the parent council with the agency's plans for future title I projects and programs, together with a description of the process of planning and developing those projects and programs, and the projected times at which each stage of the process will start and be completed;

(iv) That the parent council has had an adequate opportunity to consider the information available concerning the special educational needs of the educationally deprived children residing in the project areas, and the various programs available to meet those needs, and to make recommendations concerning those needs which should be addressed through the title I program and similar programs;

(v) That the parent council has had an opportunity to review evaluations of prior title I programs and has been informed of the performance criteria by which the proposed program is to be evaluated;

(vi) That the title I program in each project area includes specific provisions for informing and consulting with parents concerning the services to be provided for their children under title I of the Act and the ways in which such parents can assist their children in realizing the benefits those services are intended to provide;

(vii) That the local educational agency has adequate procedures to insure prompt response to complaints and suggestions from parents and parent council;

(viii) That all parents of children to be served have had an opportunity to present their views concerning the application to the appropriate school personnel, and that the parent council has had an opportunity to submit comments to the State educational agency concerning the application at the time it is submitted, which comments the State educational agency shall consider in determining whether or not the application shall be approved.

(20 U.S.C. 1231d)

(p) An application for a grant for a project under title I of the Act may include, as a part of the applicant's program, provision for the payment of bonuses to teachers in a limited number of schools serving attendance areas with exceptionally high concentrations of children from low-income families. For the purposes of this paragraph, the term "teacher" means a person holding a teaching certificate in the State. Such a person is regarded as a teacher only to the extent that he has a regular instructional assignment and only to the extent that he is taken into account in the computation of pupil-teacher ratios in the State. The eligibility of teachers for such bonuses may be made subject to such conditions, including the completion of prescribed courses of special training, as may be imposed by the local educational agency with the approval of the State educational agency. Such bonuses must be reasonable in amount but must be deemed by the approving State educational agency to be sufficient to attract to, or retain at, such schools the teachers best qualified to help meet the special educational needs of the educationally deprived children to be served by the program of that agency. A project application that includes provision for the payment of teacher bonuses must demonstrate that the applicant's regular salary schedule has not attracted or has not retained sufficient numbers of teachers of high caliber in the area in which the teacher bonus provision is to be made applicable. It must also demonstrate how the local educational agency plans to recruit, hire, provide in-service training to, and evaluate all teachers who will receive bonuses, and how such teachers will serve as an integral part of the title I program. The continuation of the payment of teacher bonuses by a local educational agency beyond a 2-year period shall be conditioned upon a demonstration in project applications for subsequent years that bonus payments in the school district have in fact been effective in attracting and retaining teachers of high caliber and that such teachers have significantly contributed to improving the performance of educationally deprived children. For that purpose, the State educational agency must assume a special responsibility for monitoring and evaluating teacher bonus components of programs in the light of specific measurable goals and must collect and maintain data on the extent of the use and the effectiveness of such teacher bonus components of programs under title I of the Act.

(20 U.S.C. 241e(a)(1))

§ 116.18 [Amended]

3. In § 116.18, paragraph (f) is revoked.

4. A new § 116.26 is added, reading as follows:

§ 116.26 Comparability of services.

(a) A State educational agency shall not approve an application of a local educational agency (other than a State agency directly responsible for providing free public education for handicapped children or for children in institutions

for neglected or delinquent children) for the fiscal year 1972 and subsequent fiscal years unless that agency has filed, in accordance with instructions issued by the State educational agency, information as set forth in paragraphs (b) and (c) of this section upon which the State educational agency will determine whether the services, taken as a whole, to be provided with State and local funds in each of the school attendance areas to be served by a project under title I of the Act are at least comparable to the services being provided in the school attendance areas of the applicant's school district which are not to be served by a project under said title I. For the purpose of this section, State and local funds include funds under title I of Public Law 81–874, or shared-revenue funds, for whose expenditure no accountability to the Federal Government is otherwise called for.

(b) The State educational agency shall require each local educational agency, except as provided under paragraph (d) of this section, to submit data, based on services provided from State and local expenditures for subparagraphs (2) through (7) of this paragraph, for each public school to be served by a project under title I of the Act and, on a combined basis, for all other public schools in the district serving children in corresponding grade level, which schools are not served by projects under that title. Such data shall show (1) the average daily membership, (2) the average number of assigned certified classroom teachers, (3) the average number of assigned certified instructional staff other than teachers, (4) the average number of assigned noncertified instructional staff, (5) the amount expended for instructional salaries, (6) the amount of such salaries expended for longevity pay, and (7) the amounts expended for other instructional costs, such as the costs of textbooks, library resources, and other instructional materials, as defined in § 117.1(i) of this chapter; and such other information as the State educational agency may require and utilize for the purpose of determining comparability of services under this section. The data so provided shall be data for the second fiscal year preceding the fiscal year in which the project applied for under said title I is to be carried out unless a local educational agency finds that it has more recent adequate data from the immediately preceding fiscal year which would be more suitable for the purpose of determining comparability under this section.

(c) The data submitted by the local educational agency based on services provided with State and local expenditures, shall, in addition to the information required under paragraph (b) of this section, show for each public school serving children who are to participate in projects under title I of the Act and for the average of all public schools in the school district serving corresponding grade levels but not serving children under title I of the Act, on the basis of pupils in average daily membership:

(1) The average number of pupils per assigned certified classroom teacher;

(2) The average number of pupils per assigned certified instructional staff member (other than teachers);

(3) The average number of pupils per assigned noncertified instructional staff member;

(4) The amounts expended per pupil for instructional salaries (other than longevity pay); and,

(5) The amounts expended per pupil for other instructional costs, such as the costs of textbooks, library resources, and other instructional materials.

The services provided at a school where children will be served under said title I are deemed to be comparable for the purposes of this section if the ratios for that school determined in accordance with subparagraphs (1), (2), and (3) of this paragraph do not exceed 105 percent of the corresponding ratios for the said other schools in the district, and if the ratios for that school determined in accordance with subparagraphs (4) and (5) of this paragraph are at least 95 percent of the corresponding ratios for said other schools. State educational agencies may, subject to the approval of the Commissioner, propose and establish criteria, in addition to those specified in this section, which must be met by local educational agencies.

(d) The State educational agency shall not approve project applications under title I of the Act for fiscal year 1972 unless the applicant local educational agency has submitted the data required by paragraphs (b) and (c) of this section. Such data must be submitted to the State educational agency no later than July 1, 1971, and July 1 of each year thereafter. In the case of local educational agencies the data for which indicate a failure to meet the standards for comparability described in this section, such applications must indicate how such comparability will be achieved by the beginning of fiscal year 1973. Applications for fiscal year 1973 and succeeding fiscal years shall not be approved unless the State educational agency (1) finds, on the basis of the data submitted, that the local educational agency has achieved comparability (as described in this section) and has filed a satisfactory assurance that such comparability will be maintained, or, (2) in the case of a local educational agency the data for which indicate a failure to meet such standards of comparability, receives from that local educational agency information with respect to projected budgets, staff assignments, and other pertinent matters showing that comparability will be achieved by the beginning of that fiscal year, together with a satisfactory assurance that such comparability will be maintained during the period for which such application is submitted.

(e) An agency which has an allocation of less than $50,000 for the fiscal year under Parts A, B, and C of title I of the Act, and which is operating schools where children are not to be served under that title shall file a satisfactory assurance that it will use its State and local funds to provide services in its schools serving children who are to participate in projects under that title, which services are comparable to the services so provided in these schools serving children in corresponding grade levels which are not to be served by a project under that title. Such an agency shall also file the data required by paragraph (b) (1), (2), (3), and (4) of this section and the data required by paragraph (c) (1), (2), and (3) of this section.

(f) The requirements of this section are not applicable to a local educational agency which is operating only one school serving children at the grade levels at which services under said title I are to be provided or which has designated the whole of the school district as a project area in accordance with § 116.17(d).

(20 U.S.C. 241e(a)(3))

Dated: March 31, 1971.

SIDNEY P. MARLAND, JR.,
Commissioner of Education.

Approved: April 22, 1971.

ELLIOT L. RICHARDSON,
Secretary of Health, Education, and Welfare.

[FR Doc.71-5808 Filed 4-26-71;8:52 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-SO-34]

FEDERAL AIRWAY

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a VOR Federal airway from Norcross, Ga., to Columbia, S.C., via Athens, Ga.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 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. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW.,

Washington, DC 20590. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

If the airspace action proposed in this docket is adopted, V-324 would be designated from the Norcross, Ga., VORTAC direct to the Athens, Ga., VORTAC direct to the Columbia, S.C., VORTAC.

The present airway system between Atlanta and Columbia requires aircraft to be routed over Augusta, Ga., if they are to proceed via airways. The traffic between Atlanta and Columbia is increasing. The proposed airway would provide a route for east-west traffic to bypass the Augusta terminal area. Due to the absence of terminal radar at Augusta and Columbia, and limited Air Route Traffic Center radar in the Augusta/Columbia area, better air traffic service can be provided if the proposed airway is established.

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

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

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

[FR Doc.71-5783 Filed 4-26-71;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SO-50]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Tullahoma, Tenn., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within 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 Tullahoma transition area described in § 71.181 (36 F.R. 2140) would be amended as follows: "* * * southwest of the VOR." would be deleted and "* * * southwest of the VOR; within a 7-mile radius of William Northern Field (lat. 35°23'00" N., long. 86°14'30" W.); within 3 miles each side of Shelbyville VOR 140° radial, extending from the 7-mile-radius area to 8.5 miles southeast of Arnold VOR 226° radial; excluding the portion within Shelbyville transition area." would be substituted therefor.

The proposed alteration is required to provide controlled airspace protection for IFR operations at William Northern Field. A prescribed instrument approach procedure to this airport, utilizing the Shelbyville 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 15, 1971.

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

[FR Doc.71-5784 Filed 4-26-71;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SO-56]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation and Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the McComb, Miss., control zone and alter the McComb, Miss., 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 McComb control zone would be designated as:

Within a 5-mile radius of McComb-Pike County Airport (lat. 31°10'35" N., long. 90°28'08" W.); within 2 miles each side of McComb VORTAC 234° radial, extending from the 5-mile-radius zone to the VORTAC.

The McComb transition area described in § 71.181 (36 F.R. 2140) would be redesignated as:

That airspace extending upward from 700 feet above the surface within a 7-mile radius of McComb-Pike County Airport (lat. 31°10'35" N, long. 90°28'08" W).

The proposed designation and alteration are required to provide controlled airspace protection for IFR operations in the McComb terminal area in conformance with Terminal Instrument Procedures (TERPs) and current airspace criteria. The relocation of McComb Flight Service Station to McComb-Pike County Airport permits the designation of the control zone.

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 15, 1971.

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

[FR Doc. 71-5785 Filed 4-26-71;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SO-65]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Jacksonville, N.C., 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 21 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 Jacksonville transition area described in § 71.181 (36 F.R. 2140) would be redesignated as:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of New River MCAS (lat. 34°42'25" N., long. 77°26'35" W.); within an 8.5-mile radius of Albert J. Ellis Airport (lat. 34°49'49" N., long. 77°36'42" W.); within 3 miles each side of the 045° and 220° bearings from Onslow RBN (lat. 34°49'53" N., long. 77°36'51" W.), extending from the 8.5-mile-radius area to 8.5 miles northeast and southwest of the RBN; excluding the portion within R-5306 B and C.

The proposed alteration is required to provide controlled airspace protection for IFR operations in the Jacksonville terminal. Two prescribed instrument approach procedures to Albert J. Ellis Airport, utilizing the Onslow (Private) Nondirectiona' Radio Beacon, are 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 16, 1971.

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

[FR Doc.71-5786 Filed 4-26-71;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 71-WE-26]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Tucson, Ariz. (Tucson International Airport), control zone.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. 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 public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. 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.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, CA 90045.

The airspace requirements for the Tucson, Ariz., terminal area have been reviewed in accordance with U.S. Standard for Terminal Instrument Procedures. The review revealed that a small amount of additional control zone is required to provide controlled airspace protection for aircraft executing the current VOR-A, NDB-A, and VOR/DME-A instrument approach procedures while operating below 1,000 feet above the surface.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.181 (36 F.R. 2140) the description of the Tucson, Ariz. (Tucson International Airport), control zone is amended as follows:

After the geographical coordinates of the Tucson International Airport, delete "* * * within 2 miles each side of the Tucson VORTAC 273° radial extending from the 5-mile-radius zone to 14 miles west of the VORTAC; * * *" and substitute therefor "* * * within 3 miles each side of the Tucson VORTAC 273° radial extending from the 5-mile-radius zone to 15 miles west of the VORTAC; * * *".

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (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 Los Angeles, Calif., on April 16, 1971.

ARVIN O. BASNIGHT,
Director, Western Region.

[FR Doc.71-5787 Filed 4-26-71;8:48 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19142, FCC 71-426]

CHILDREN'S TELEVISION PROGRAMS

Order Extending Time for Filing Comments and Reply Comments

In the matter of petition of Action for Children's Television (ACT) for rule making looking toward the elimination of sponsorship and commercial content in children's programing and the establishment of a weekly 14-hour quota of children's television programs, RM-1569.

1. Comments in this proceeding (36 F.R. 1429) are now due May 3, 1971, with reply comments due June 1, 1971. The Commission has received a petition from Storer Broadcasting Co. (Storer), the licensee of a number of television stations, asking for a 90-day extension of the time for comments, to August 2, 1971. The petition urges the usual number of important rule making matters now pending in which comments are due at about the same time and which are occupying the efforts of broadcasters and counsel,[1] as well as Storer's desire to do a thorough job in presenting the information concerning its stations' children's TV activities as well as those of other stations in their markets, so as to comply with the Commission's desire to have as much information as possible.

2. We are of the view that, in view of the circumstances, some additional time is warranted, but not the full 90 days requested by Storer. We call attention in this connection to the fact that the petition which led to the Docket 19142 proceeding was on file for nearly a year before Commission action, so that Storer and all television licensees knew of it and could consider their positions; and the need for getting the pertinent material in this important area reasonably soon. It appears that about 2 months should be sufficient.

3. In view of the foregoing: *It is ordered,* Pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, that the dates for comments and reply comments in this proceeding, Docket 19142, are extended, to and including July 2, and August 2, 1971, respectively; and that the "Petition for Extension of Time to File Comments", filed herein on April 8, 1971, by Storer Broadcasting Co., is granted to the extent indicated and in all other respects is denied.

Adopted: April 14, 1971.

Released: April 21, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-5834 Filed 4-26-71;8:52 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 433]

PRESERVATION OF BUYERS' CLAIMS AND DEFENSES IN CONSUMER INSTALLMENT SALES

Notice of Additional Public Hearing Dates, Rescheduled Hearing Dates and Extension of Time for Submitting Data, Views or Arguments Regarding Proposed Trade Regulation Rule

Notice of a public hearing regarding the proposed Trade Regulation Rule was published in the FEDERAL REGISTER January 26, 1971, on page 1211 (36 F.R. 1211). The notice also set forth the text of the proposed rule.

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[1] These include the proceeding concerning territorial exclusivity in nonnetwork television programing (Docket 18179), comments of individual parties in the multiple ownership proceeding (Docket 18110), and two proceedings concerning renewal of broadcast licenses, Dockets 19153 and 19154.

Notice of an additional public hearing to be held on June 7–8, 1971, at the Federal Trade Commission's New York offices, Federal Building, 26 Federal Plaza, New York, NY, was published in the FEDERAL REGISTER April 7, 1971, on page 6592 (36 F.R. 6592). The New York hearing dates remain as announced.

The public hearing scheduled to be held in Washington, D.C., May 10–11, 1971, has been rescheduled for September 20–21, 1971, commencing at 10 a.m., e.d.t., each day in Room 532 of the Federal Trade Commission Building, Pennsylvania Avenue and Sixth Street, NW. Any person desiring to orally present his views at the hearing should so inform the Assistant Director for Industry Guidance at the Commission's address above, not later than September 13, 1971, and state the estimated time required for his oral presentation. In addition, all parties desiring to deliver a prepared statement at the hearing should file such statement with the Assistant Director for Industry Guidance, on or before September 13, 1971.

The Federal Trade Commission has scheduled an additional hearing on the above-captioned rule to be held in Chicago. The Chicago hearing will be held on July 12–14, 1971, commencing at 10 a.m., c.d.t., each day in Room 204C, Everett M. Dirksen Building, 219 South Dearborn Street, Chicago, IL.

All interested persons desiring to orally present views at the hearing should so inform Mr. Jerome S. Lamet, Assistant Attorney in Charge, Federal Trade Commission, Room 486, Everett M. Dirksen Building, 219 South Dearborn Street, Chicago, IL 60604, not later than July 6, 1971, and state the estimated time required for such oral presentation. Reasonable limitations upon the length of the time allotted to any person may be imposed. In addition, all parties desiring to deliver a prepared statement at the hearing should file such statement with Mr. Lamet, on or before July 6, 1971.

The Commission has extended from June 1, 1971, until September 13, 1971, the closing date for the submission of written data, views, or arguments concerning the proposed rule. These should be submitted to the Assistant Director for Industry Guidance, Bureau of Consumer Protection, Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., Washington, DC 20580.

To the extent practicable, persons filing written presentations or prepared statements which are in excess of two pages should submit 20 copies.

Copies of the original notice including the proposed rule may be obtained upon request to the Federal Trade Commission at any of the addresses shown herein.

Issued: April 23, 1971.

By direction of the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.71-5807 Filed 4-26-71;8:49 am]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 153]

FAIR VALUE DETERMINATION IN ANTIDUMPING INVESTIGATIONS

Notice of Proposed Rule Making

Section 205 of the Antidumping Act, 1921, as amended (19 U.S.C. 164), provides, inter alia, that the foreign market value of imported merchandise shall be the price, at the time of exportation of such merchandise to the United States, at which such or similar merchandise is sold "in the principal markets of the country from which exported," hereinafter referred to as the "home market." Section 205 provides also that "* * * if the Secretary [of the Treasury] determines that the quantity sold for home consumption is so small in relation to the quantity sold for exportation to countries other than the United States as to form an inadequate basis for comparison," then the foreign market value shall be the price at which such or similar merchandise is sold for exportation to countries other than the United States.

Section 153.4 of the Customs Regulations (19 CFR 153.4) states that merchandise sold for consumption in the home market will generally be considered to be an inadequate basis for comparison if it is less than 25 percent of the quantity sold other than for exportation to the United States.

This 25 percent rule was adopted by the Treasury Department for purposes of administrative convenience. The Department has now concluded that continued rigid adherence to the 25 percent rule is inappropriate, for it is Treasury's experience that frequently the quantity of such or similar merchandise sold in the home market, although less than 25 percent of the quantity sold other than for exportation to the United States, is more than adequate for purposes of making fair value comparisons.

Accordingly, it is proposed to amend § 153.4 of the Customs Regulations by deleting paragraph (b) and redesignating paragraph (c) as paragraph (b).

(Secs. 205, 407, 42 Stat. 13, as amended, 18; 19 U.S.C. 164, 173)

This amendment is proposed to be applied to all antidumping proceedings with respect to which neither a decision, final or tentative, nor a notice of withholding of appraisement has been published as of the date the amendment becomes effective.

Prior to the issuance of the proposed amendment, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20226, and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

Approved: April 23, 1971.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-5938 Filed 4-26-71;9:07 am]

Notices

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

FAMILY HOUSING PROJECTS (MINOR CONSTRUCTION)

Delegation of Authority To Approve Projects

The Assistant Secretary of Defense approved the following delegation of authority April 7, 1971:

REFS.:

(a) DOD Directive 7040.2, "Program for Improvement in Financial Management in the Area of Appropriations for Acquisition and Construction of Military Real Property," January 18, 1961.

(b) DOD Directive 4270.24, "Operations and Maintenance Facilities Program—Minor Construction Program—Programming, Review, and Reporting Procedure," June 30, 1961 (under revision).

(c) DOD Instruction 5100.37, "Delegation of Authority To Approve Family Housing Projects Performed Pursuant to 10 U.S.C. 2674," January 23, 1963 (hereby canceled).

(d) DOD Directive 7150.4, "Department of Defense Family Housing Program," October 20, 1969.

(e) DOD Instruction 7150.6, "Financing the DOD Family Housing Program—Administration and Management of Funds," October 20, 1969 (under revision).

(f) DOD Directive 5126.39, "Delegation of Authority—Provision of Family Housing," March 4, 1971 (36 F.R. 4897).

(g) Public Law 90–110, as amended, section 610(a).

I. *Reissuance and purposes.* This Instruction reissues referrence (c) and redelegates certain authorities outlined in reference (f). It increases the dollar amounts of approval authority for projects performed pursuant to 10 U.S.C. 2674 in connection with the Department of Defense Family Housing Program and eliminates (a) reporting requirements on projects which involve like alterations, additions-expansions, or replacements to more than one family unit and (b) restrictions regarding alterations, repairs and/or additions to leased houses in foreign countries. With respect to this program, the provisions of reference (b)[1] apply, subject to the further provisions prescribed herein. Reference (c) is hereby superseded and canceled.

II. *Applicability and scope.* The provisions of this Instruction apply to all DOD Components and cover the physical properties included in the Defense Family Housing Program as described by reference (d).[1] This Instruction supplements reference (b)[1] which governs the application of minor construction authority (10 U.S.C. 2674) to all military real property facilities.

III. *Definitions.* A. The terms (1) alterations, (2) addition-expansion-extension, and (3) replacement used in this Instruction are as defined in DOD Directive 7040.2 (reference (a)).[1]

B. "Family housing facilities" refer to the physical properties described in DOD Directive 7150.4 (reference (d))[1] as included in the Defense Family Housing Program.

IV. *Approval authority.* A. Pursuant to 10 U.S.C. 2674, reference (e)[1] authorizes the accomplishment of (1) alterations, (2) additions - expensions - extensions, and (3) replacements to pertinent family housing facilities under the major functional category, "Construction". Construction funds will be used.

B. For projects described under section IV.A., above, authority is hereby delegated to the Secretary of each Military Department and the Director of each Defense Agency to approve individual projects up to a maximum of $50,000 per project within the limits prescribed below. This authority may be redelegated to an Assistant Secretary or other statutory appointee of a Military Department, or to comparable position in Defense Agencies and may be executed by such designee within the Secretariat or comparable organizational component. Further delegation of this authority to a level of command below the Military Department of Defense Agency level, and above the installation level, may be made, subject to a limitation of $25,000.

1. This delegation and redelegation of authority is limited to $5,000 total expenses within a 12-month period for any one dwelling unit (excepting restoration of damaged family housing), or for two or more units when such units are to be combined into or used as a single-family housing unit.

2. The provisions of section 610(a) of Public Law 90–110, as amended (reference (g)), requiring specific authorization by law for projects exceeding a total cost of $10,000 per housing unit for improvements and concurrent repairs as defined therein apply to all family housing minor construction projects.

C. Any alteration, addition-expansion-extension and replacement project pertinent to family housing facilities which exceeds the project approval limitations set forth in IV.B., above, requires the prior approval of the Deputy Assistant Secretary of Defense (Installations and Housing), OASD(I&L), in coordination with the Deputy Assistant Secretary of Defense (Comptroller), OASD(Comp).

D. DOD Instruction 7150.6, reference (e),[1] enclosure 2, stipulates the limitations involving incidential alterations and additions - expansions - extensions performed under the authority of 10 U.S.C. 2674, when family housing operation and maintenance funds are used.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD Administration.

[FR Doc.71–5789 Filed 4–26–71;8:48 am]

[1] Filed as part of original. Copies available from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120, Attention: Code 300.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEVADA

Notice of Proposed Classification; Correction

In F.R. Doc. 71–4032 appearing at page 5624 in the issue of Thursday, March 25, 1971, the land description "Sec. 16, S½N½" should be "Sec. 16, S½S½."

For the State Director.

HARRY R. FINLAYSON,
District Manager.

[FR Doc.71–5764 Filed 4–26–71;8:46 am]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

PESTICIDE POISONING

Memorandum of Understanding To Avoid Incidents

Correction

In F.R. Doc. 71–5447 appearing at page 7471 in the issue of Tuesday, April 20, 1971, the State of New Hampshire should be included in the list of States which have executed a Memorandum of Understanding with the Agricultural Research Service.

Consumer and Marketing Service

MEAT INSPECTION

Notice of Determination Not To Designate Colorado and New Hampshire

On January 23, 1971, there was published in the FEDERAL REGISTER (36 F.R. 1165) a notice of intended designation of the States of Colorado and New Hampshire under section 301(c)(1) of the Federal Meat Inspection Act (21 U.S.C. 661(c)(1)). This notice was based on information that Colorado and New Hampshire had not developed and activated State meat inspection requirements, with respect to operations and transactions wholly within these States at least equal to those imposed under titles I and IV

of the Act. Upon subsequent review by this Department of the meat inspection programs of the States of Colorado and New Hampshire, it has been determined that these States have now developed and activated the prescribed State meat inspection requirements.

Accordingly, there is not now a basis for designation of the States of Colorado and New Hampshire under section 301 (c) (1) of the Act.

Done at Washington, D.C., on April 22, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-5800 Filed 4-26-71;8:49 am]

MEAT INSPECTION

Notice of Determination Not To Designate Louisiana

On February 5, 1971, there was published in the FEDERAL REGISTER (36 F.R. 2524) a notice of intended designation of the State of Louisiana under section 301(c) (1) of the Federal Meat Inspection Act (21 U.S.C 661(c) (1)). This notice was based on information that Louisiana had not developed and activated State meat inspection requirements, with respect to operations and transactions wholly within the State, at least equal to those imposed under titles I and IV of the Act. Subsequently, it has been determined that the State of Louisiana has now developed and activated the prescribed State meat inspection requirements.

Accordingly, there is not now a basis for designation of the State of Louisiana under section 301(c) (1) of the Act.

Done at Washington, D.C., on April 22, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-5799 Filed 4-26-71;8:49 am]

MEAT INSPECTION

Notice of Determination Not To Designate North Carolina

On February 5, 1971, there was published in the FEDERAL REGISTER (36 F.R. 2524) a notice of intended designation of the State of North Carolina under section 301(c) (1) of the Federal Meat Inspection Act (21 U.S.C. 661(c) (1)). This notice was based on information that North Carolina had not developed and activated State meat inspection requirements, with respect to operations and transactions wholly within the State, at least equal to those imposed under titles I and IV of the Act. Subsequently, it has been determined that the State of North Carolina has now developed and activated the prescribed State meat inspection requirements.

Accordingly, there is not now a basis for designation of the State of North Carolina under section 301(c) (1) of the Act.

Done at Washington, D.C., on April 22, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-5801 Filed 4-26-71;8:49 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN CYANAMID CO.

Notice of Filing of Petition Regarding Color Additive Pyrogallol and Ferric Ammonium Citrate

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (d), 74 Stat. 402; 21 U.S.C. 376(d)), notice is given that a petition (CAP No. 13) has been filed by the Davis & Geck Division, American Cyanamid Co., Danbury, Conn. 06813, proposing the issuance of a color additive regulation (21 CFR Part 8) to provide for the safe use and exemption from certification of the color additive pyrogallol (1,2,3-trihydroxybenzene) in combination with ferric ammonium citrate for the purpose of coloring plain or chromic catgut sutures for use in general and ophthalmic surgery.

Dated: April 15, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-5812 Filed 4-26-71;8:50 am]

PLOUGH, INC.

Notice of Filing of Petition Regarding Color Additive Dihydroxyacetone

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(d), 74 Stat. 402; 21 U.S.C. 376(d)), notice is given that a petition (CAP No. 8) has been filed by Plough, Inc., 3022 Jackson Avenue, Memphis, TN 38101, proposing the issuance of a color additive regulation (21 CFR Part 8) to provide for the safe use and exemption from certification of the color additive dihydroxyacetone (1,3-dihydroxy-2-propanone) in topically applied drugs and cosmetics for the purpose of coloring the human body.

Dated: April 15, 1971.

SAM D. FINE,
Associate Commissioner for Compliance

[FR Doc.71-5813 Filed 4-26-71;8:50 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-133]

PACIFIC GAS AND ELECTRIC CO.

Notice of Issuance of Facility License Amendment

The Atomic Energy Commission (the Commission) has issued, effective as of the date of issuance, Amendment No. 2 to Facility License No. DPR-7 dated January 21, 1969. The license authorizes the Pacific Gas and Electric Co. to possess, use, and operate the Humboldt Bay Power Plant Unit No. 3 located in Humboldt County, Calif., at steady-state power levels up to a maximum of 240 megawatts (thermal). The amendment revises the license (paragraph E) to delete the previously approved exemption from § 20.203(c) (2) of 10 CFR Part 20 relating to caution signs, labels, and signals for high radiation areas, and approves the use of Pacific Gas and Electric Co.'s alternate methods described in its application dated March 8, 1971, for controlling access to temporary high radiation areas established at the Humboldt Bay Power Plant Unit No. 3 for a period of 30 days or less, pursuant to the provisions of § 20.203(c) (5) of 10 CFR Part 20.

The Commission has found that the application for the amendment dated March 8, 1971, complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations published in 10 CFR chapter I. The Commission has made the findings required by the Act and the Commission's regulations which are set forth in the amendment, and has concluded that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within 15 days from the date of publication of the notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated March 8, 1971, and (2) the amendment to the facility license, which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, DC. Copies of item (2) above may be obtained upon request sent to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 16th day of April 1971.

For the Atomic Energy Commission.

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

[FR Doc.71-5811 Filed 4-26-71;8:50 am]

[Docket No. 50-171]

PHILADELPHIA ELECTRIC CO.

Notice of Issuance of Provisional Operating License Amendment

The Atomic Energy Commission ("the Commission") has issued, effective as of the date of issuance, Amendment No. 3 to Provisional Operating License No. DPR-12 dated January 24, 1966. The license presently authorizes the Philadelphia Electric Co. to possess, use and operate the Peach Bottom Atomic Power Station Unit No. 1 located in York County, Pa., at power levels up to 115 megawatts (thermal). Amendment No. 3 deletes sections 4.C (Records) and 4.D (Reports) of the license in their entirety inasmuch as the recordkeeping and reporting requirements are now included in the technical specifications appended to the license.

The Commission has found that the application for the amendment complies with the requirements of the Atomic Energy Act of 1954, as amended ("the Act"), and the Commission's regulations published in 10 CFR Chapter I. The Commission has made the findings required by the Act and the Commission's regulations which are set forth in the amendment, and has concluded that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within 15 days from the date of publication of the notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated December 15, 1970, (2) Amendment No. 3 to the license and (3) Change No. 13 to the technical specifications, all of which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, DC. Copies of item (2) and (3) may be obtained upon request sent to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 8th day of April 1971.

For the Atomic Energy Commission.

DUDLEY THOMPSON,
Acting Assistant Director for Reactor Operations, Division of Reactor Licensing.

[FR Doc.71-5810 Filed 4-26-71;8:50 am]

CIVIL AERONAUTICS BOARD

[Docket No. 21288]

AIRLIFT-CANADIAN AIRLIFT AGREEMENT

Notice of Postponement of Oral Argument

At the request of Airlift International, Inc., oral argument in the above-entitled case now scheduled for May 5, 1971, is indefinitely postponed. In its request, dated April 21, 1971, for further and indefinite deferral of this case, Airlift states that "within a reasonable time (60 to 90 days)" it expects to make a decision as to whether it will proceed with this matter or request dismissal.

Dated at Washington, D.C., April 22, 1971.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[FR Doc.71-5823 Filed 4-26-71;8:51 am]

[Docket No. 22360]

CHICAGO/ATLANTA-JAMAICA SERVICE INVESTIGATION

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held on May 12, 1971, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the Board.

Dated at Washington, D.C., April 22, 1971.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[FR Doc.71-5824 Filed 4-26-71;8:51 am]

[Docket No. 20993; Order 71-4-126]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Cargo Sales Agents

Issued under delegated authority April 19, 1971.

By Order 71-4-18, dated April 2, 1971, action was deferred, with a view toward eventual approval subject to condition in two instances, on an agreement relating to cargo sales agents as adopted by the International Air Transport Association (IATA). In deferring action on the agreement 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed actions.

No petitions have been received within the filing period. However, by letter dated April 12, 1971, Trans World Airlines, Inc. (TWA) requests clarification of the tentative condition to be imposed upon approval of resolutions governing reduced fares for cargo agents which would have the effect of precluding carriers from providing free transportation to agents under the guise of instructional and educational assistance provisions contained in other cargo agency rules.[1] Since no substantive change in the tentative condition is involved, we will grant TWA's request for clarification, namely that specific reference be made to the appropriate agency provisions in order to avoid any misunderstanding that might arise. Otherwise, the tentative conclusions in Order 71-4-18 are herein made final.

Accordingly, it is ordered, That:

1. Agreement CAB 22186, R-1, be and hereby is approved: *Provided,* That free or reduced rate transportation for United States-based agents shall be limited to the extent permitted by the provisions of Resolution 203a and shall not be provided under entertainment or instruction provisions of other cargo agency resolutions, e.g., Resolution 810b-section J, and Resolution 811b-paragraph (1) (e).

2. Agreement CAB 22186, R-3, be and hereby is approved: *Provided,* That approval shall not constitute approval of Resolution 203c, to which reference is made but which has not yet been adopted nor submitted to the Board for approval; and

3. Agreement CAB 22186, R-2, be and hereby is approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-5825 Filed 4-26-71;8:51 am]

[Docket No. 19078; Order 71-4-132]

NORTHEAST CORRIDOR VTOL INVESTIGATION

Order on Consolidation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st day of April 1970.

Allegheny Airlines, Inc., American Airlines, Inc., Eastern Air Lines, Inc., Interstate Airlift. Inc., Mohawk Airlines, Inc., Northwest Airlines, Inc., and Pan American World Airways, Inc., have filed timely amended applications[1] coupled with motions to consolidate, all conforming to the scope of Docket 19078, as modified by Order 70-9-44, September 8, 1970, and as now constituted. No answers were filed to the motions. Interstate Airlift, Inc., has, in addition, moved to consolidate its application, Docket 22637, which seeks approval under section 408, of certain control relationships resulting from

[1] This condition is intended to achieve conformity with action taken by the Board in Order 69-7-77 with respect to passenger sales agents.

[1] Allegheny, Docket 19348, Amendment No. 1; American, Docket 19349, Amendment No. 1; Eastern, Docket 19345, Amendment No. 1; Interstate Airlift, Docket 19346, Amendment No. 1; Mohawk, Docket 19341, Amendment No. 1; Northwest, Docket 19343, Amendment No. 1; and Pan American, Docket 19338, Amendment No. 1.

the ownership by certain individuals of a controlling interest in Interstate, and a controlling interest in various organizations engaged in aviation activities including, for example, Corsair Air Cargo Systems, Inc., which is a domestic and international air freight forwarder. No answers were filed to the motion to consolidate. We find that consolidation of the applications identified above will be conducive to the proper dispatch of the Board's business and to the ends of justice, and will not unduly delay the proceeding.

Finally, on February 19, 1971, Altair Airlines, Inc., filed an application, Docket 23120 seeking certificate authority within the scope of this proceeding, and also seeking authority to continue its noncertificated operations under Part 298 in the event that its certificate application is granted. Altair's application is about 2½ months late.[2] The carrier claims, however, that it did not become aware of Order 70–11–111 until late in January 1971 in the course of its participation in the Part 298 Weight Limitation Case, Docket 21761. We have decided to consolidate Altair's application since it is clearly within the scope of the issues in this proceeding and will not unduly expand the case. Moreover, since the prehearing conference in Phase II has not yet taken place, it is clear that consideration of Altair's late-filed application will not prejudice any party. Finally, it is noted that no objections were filed to the motion to consolidate.

Accordingly, it is ordered, That:

1. The motions to consolidate filed by Allegheny Airlines, Inc., Altair Airlines, Inc., American Airlines, Inc., Eastern Air Lines, Inc., Interstate Airlift, Inc., Mohawk Airlines, Inc., Northwest Airlines, Inc., and Pan American World Airways, Inc., be and they hereby are granted; and

2. The following applications be and they hereby are consolidated into Docket 19078 for hearing and decision: Docket 19348, Amendment No. 1; Docket No. 19349, Amendment No. 1; Docket 19345, Amendment No. 1; Docket 19346, Amendment No. 1; Docket 19341, Amendment No. 1; Docket 19343, Amendment No. 1; Docket 19338, Amendment No. 1; Docket 22637; and Docket 23120.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71–5826 Filed 4–26–71;8:51 am]

[2] By Order 70–11–111, Nov. 23, 1970, the Board modified the scope of the instant proceeding to consider applications from air taxi operators requesting a continuation of their exemption under Part 298 to provide noncertificated operations in the event that they are selected to provide all or part of the metroflight service at issue herein. Order 70–11–111 authorized the filing by interested air taxi operators of applications within 10 days after the service date of that order. Certain air taxis filed applications, and those applications were consolidated by Order 71–2–45, Feb. 9, 1971.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19143, FCC 71–384]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION ET AL.

Memorandum Opinion and Order Designating Matter for Hearing

1. This proceeding involves the complaints filed by the Equal Employment Opportunity Commission, et al., alleging that the American Telephone and Telegraph Co. and its operating companies engage in discrimination in employment against women, Negroes, Spanish surnamed Americans, and other minorities. On February 18, 1971, the California Rural Legal Assistance and Mexican American Legal Defense Fund, complaining parties in this case, requested Chief Hearing Examiner Arthur A. Gladstone to authorize a 2-day field hearing in California. By his Order, FCC 71M–338, released March 3, 1971, the Chief Hearing Examiner denied the request, stating that no need for a field hearing had been shown since the matters to be adduced at such a field hearing can be adequately developed through the use of interrogatories and depositions.

2. Now before us for consideration is an application for review of the Chief Hearing Examiner's order.[1] The petitioners assert that the refusal to allow a field hearing: (a) Restricts the participation of civil rights groups in this hearing, (b) fails to appreciate the need for live testimony by members of the Spanish speaking community and (c) is a fundamental abuse of discretion. The petitioners contend that the demeanor of the witnesses will be of substantial importance in this case, that the Spanish accents of the witnesses will be a subject of examination, and that it would be preferable for the Examiner to preside personally over the taking of such testimony. In addition, since they are nonprofit corporations operating on restricted budgets, and since the refusal to hold a field hearing would curtail their participation in this case, the petitioners conclude that a balancing of all interests warrants a field hearing in this first case involving our rules prohibiting discriminatory employment practices.

3. The Equal Employment Opportunity Commission (EEOC) and the Common Carrier Bureau have filed responses in support of the petitioners' request. EEOC argues that employers often refuse to hire Spanish surnamed Americans because of their alleged inability to speak English clearly, that it is not possible to explore this question in an adequate fashion by means of depositions, and that the presiding Examiner should have first hand exposure to the Spanish accents which are claimed to be "unintelligible." EEOC concludes that, in view of the petitioners' limited finances, a field hearing should be permitted to allow live witnesses to explain the human predicament of discrimination. The Bureau also urges that, if public groups are to be encouraged to make meaningful contributions in cases such as this one, our procedures must be fashioned reasonably to accommodate them.

4. The American Telephone and Telegraph Co. (A.T. & T.) has filed an opposition, contending that the petitioners have failed to show a need for a field hearing. A.T. & T. asserts that this hearing is concerned with patterns and practices of discrimination, not with individual complaints, that a field hearing of 1 or 2 days devoted to local grievances is unlikely to produce evidence of much probative value concerning such nationwide practices, and that the serious issues in this case cannot be properly resolved through the airing of individual grievances in a touring road show. Since the denial of a field hearing does not foreclose the petitioners from presenting evidence in this case by depositions and interrogatories, A.T. & T. concludes that, at the very least, a field hearing should not be permitted unless it is necessary to adduce evidence not otherwise available and as to which depositions would not be adequate.

5. One of the primary matters in this case concerns alleged discrimination against Spanish surnamed Americans which, as the petitioners assert, involves questions as to their ability to speak English clearly. While we agree with A.T. & T. that this proceeding should not be turned into a forum for the expression of local grievances unrelated to any national pattern of discrimination, it is apparent that a bare written record cannot adequately disclose the nuances of different witnesses' abilities to express themselves in English, which is an important element of petitioners' case. Without considering whether any further request for a field hearing in this case should be granted—that determination would of course depend upon the showing made in support of such a request—we are persuaded that a field hearing in California, for a period not to exceed 1 week, would be of substantial assistance in determining whether there is in fact any pattern or practice of discrimination against Spanish surnamed Americans.[2]

6. *Accordingly, it is ordered:*

(a) That the application for review filed by the California Rural Legal Assistance and the Mexican American Legal Defense Fund on March 9, 1971, is granted;

(b) That the Order, FCC 71M–338, released by Chief Hearing Examiner

[1] The application for review was filed on March 9, 1971, by the California Rural Legal Assistance and Mexican American Legal Defense Fund. The Equal Employment Opportunity Commission and the Common Carrier Bureau filed responses in support of the application for review on March 17, 1971. The American Telephone and Telegraph Company filed an opposition on March 17, 1971.

[2] Since this is our first hearing concerning allegations of discriminatory employment practices, we believe that a field hearing is particularly appropriate. However, this action should not be deemed a precedent with respect to any future proceeding involving similar questions.

Arthur A. Gladstone on March 3, 1971, is set aside; and

(c) That the request of the California Rural Legal Assistance and the Mexican American Legal Defense Fund for a field hearing in California at a time and place to be subsequently specified by the presiding Examiner is granted.

Adopted: April 14, 1971.

Released: April 21, 1971.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,[3]
BEN F. WAPLE,
Secretary.

[FR Doc.71-5833 Filed 4-26-71;8:52 am]

[Dockets Nos. 18845-18849; FCC 71-379]

LAMAR LIFE BROADCASTING CO. ET AL.

Memorandum Opinion and Order Setting Aside Action

In re applications of Lamar Life Broadcasting Co., Jackson, Miss., Docket No. 18845, File Nos. BPCT-4320, BRCT-326; Civic Communications Corp., Jackson, Miss., Docket No. 18846, File No. BPCT-4305; Dixie National Broadcasting Corp., Jackson, Miss., Docket No. 18847, File No. BPCT-4317; Jackson Television, Inc., Jackson, Miss., Docket No. 18848, File No. BPCT-4318; and Channel 3, Inc., Jackson, Miss., Docket No. 18849, File No. BPCT-4319; for a construction permit.

1. The Commission has before it for consideration: (a) The Review Board's memorandum opinion and order (36 F.R. 178), FCC 70R-456, 26 FCC 2d 940, released December 31, 1970; (b) an application for review of the Board's order, supra, filed by Lamar Life Broadcasting Co. on January 8, 1971; (c) opposition to the application for review filed by Civic Communications Corp., on January 15, 1971; (d) comments of the Broadcast Bureau filed on January 20, 1971; and (e) a reply to the opposition and comments filed by Lamar Life Broadcasting Co. on January 21, 1971.

2. A statement of the pertinent background of this proceeding is set forth in our memorandum opinion and order, FCC 70-817, 24 FCC 2d 618, denying reconsideration of the designation order (25 FCC 2d 101 (1970)) and need not be repeated herein.

3. On May 22, 1970, Civic Communications Corp. (Civic) filed with the Review Board a petition seeking, inter alia, enlargement of issues against Lamar Life Broadcasting Co. (Lamar) to determine the effect upon Lamar's basic qualifications of charges that in the years 1961-64 Lamar's programing had been unfair to various groups, particularly Negro groups, and that Lamar had discriminatorily denied such groups the opportunity for local expression over its facilities. Issues similar to those requested by Civic were specified in the Commission's 1966 order[1] designating Lamar's renewal application (BRCT-326) for hearing, except that the issues were not specifically limited to the 1961-64 period. The Board considered that it was free under Atlantic Broadcasting Co. (WUST), 5 FCC 2d 717 (1966), to reach the merits of Civic's petition to enlarge issues because it believed that the question of the issues previously specified against Lamar had not been specifically considered in the Commission's designation order herein and in its order denying reconsideration thereof. The Board therefore held that it was appropriate to specify the issues requested by Civic, and, further that the matters involved are relevant to Lamar's qualifications to receive a construction permit. The Board stated that it was persuaded to add the issues essentially because it read the Court of Appeal's decision in Office of Communication of the United Church of Christ v. F.C.C., —— U.S. App. D.C. —— 425 F. 2d 543 (1969), as holding that the renewal application of Lamar was unfinished business which remained to be resolved. The Board found "an apparent anomaly which could result if Lamar were ultimately to be preferred in this proceeding and the Commission were required to rule on the accompanying renewal application without the benefit of a record under the same qualifying issues which were specified earlier." (footnote omitted).

4. We believe that the Review Board has incorrectly appraised the present status of Lamar and the Lamar renewal application. As we read the Court's opinions, the Court did not intend that we re-try the Lamar renewal case, something the Court could readily have decreed if it believed such a course appropriate, but rather that consideration of the renewal be terminated and new applications for the channel be accepted, including a new application by Lamar if the Commission should so permit. It was made clear by the Court that Lamar was to be a renewal applicant "in name only" and that all new applicants, including Lamar, were to be treated as starting fresh with no advantage to Lamar because of its previous use of the channel. It was the light of this situation that we did not reinstate the former renewal issues, and that we specified the treatment to be given Lamar's past occupancy of the channel. We thus stated in the order of designation that the grant or denial of the pending renewal application (BRCT-326) for station WLBT would rest upon the determination made in this hearing with respect to Lamar's new application for a construction permit (BPCT-4320).[2] We further held that we did not think it reasonable or proper to re-try the renewal issue to permit Lamar to make a new attempt to show that it should be given a preference for above average performance. We see no need here to restate the full treatment we gave these matters in our earlier opinions. But we think it clear that inserting the former renewal issues into this matter would be inconsistent with both the Court's mandate and our own rulings subsequent to that mandate. To do so would improperly put Lamar back in the position of a renewal applicant fighting off new challengers. We find that the Review Board's order is inconsistent with the procedures which we have prescribed. In view of the consideration which we have given to these matters in our previous orders, we hold that the Board erred to the extent that it granted Civic's petition to enlarge issues and added qualifying issues against Lamar.

5. *Accordingly, it is ordered,* That the application for review filed by Lamar Life Broadcasting Co. on January 8, 1971, is granted to the extent indicated herein.

6. *It is further ordered,* That the Review Board's memorandum opinion and order, FCC 70R-456, 26 FCC 2d 940, released December 31, 1970, insofar as the Board granted a petition to enlarge issues filed by Civic Communications Corp. on May 22, 1970, and added issues against Lamar Life Broadcasting Co., is set aside.

Adopted: April 14, 1971.

Released: April 21, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-5830 Filed 4-26-71; 8:51am]

[Dockets Nos. 19204, 19205; FCC 71-387]

SILVER BEEHIVE TELEPHONE CO. AND MOUNTAIN STATES TELEPHONE AND TELEGRAPH CO.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In Re applications of Silver Beehive Telephone Co., Reno, Nevada, Docket No. 19204, File No. 512-M-P-69; and the Mountain States Telephone and Telegraph Co., Phoenix, Ariz., Docket No. 19205, File No. 786-M-P-99; for a Public Coast Class III-B radio station to serve the Lake Powell, Arizona-Utah area.

1. Two applications have been filed for a Public Coast Class III-B station authorization to serve the Lake Powell area on the Colorado River in the Glen Canyon National Recreation Area. Lake Powell is located partly in northern Arizona and partly in southern Utah. This class of station provides radiocommunication service for ships. Both applicants have requested the same working frequency, 161.9 Mc/s. Neither applicant has made a showing of need for more than one station to serve that area and we do not ordinarily authorize two stations to serve the same area unless an affirmative showing of need for additional facilities is made. The applications are therefore mutually exclusive. Except for

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[1] Commissioner Johnson concurring in the result.

[1] Lamar Life Broadcasting Co., 3 FCC 2d 784 (1966).

[2] This language must be read in the light of the Court's statement that Lamar is "a licensee in name only, and it is presumably in such light that * * * [Lamar] will take its place among competing applicants."

[3] Commissioners Johnson and Houser dissenting.

the issues hereinafter specified, both applicants are otherwise qualified.

2. One application was filed on June 20, 1969, by the Silver Beehive Telephone Co. (Silver Beehive) as a division of The Telephone Co., Inc. and was amended on three occasions thereafter requiring public notice. The applicant proposes to operate the station with a transmitter, and antenna on the Navaho tribal counsel microwave tower, located on Navaho Mountain at an elevation of 10,388 feet, and with a control point at Page, Utah, about 35 miles to the west, and a secondary control point at Bullfrog Basin, Utah, about 40 miles to the north. In a letter received by the Commission on August 25, 1969, the Mountain States Telephone and Telegraph Co. (Mountain Tel & Tel) commented on the application of Silver Beehive and asserts, in essence, that (1) the applicant has no agreement from the Navaho Tribe to operate a transmitter on Navaho Mountain; (2) no arrangements have been made for connections with a telephone network; (3) the station, operating from a single location, cannot adequately serve the area because of high mountains, vertical cliffs, and shadow effects from hills and bluffs; (4) operation from such a high altitude would "overshoot" the required service area and cause serious interference to other radio systems; and (5) that the application should, therefore, not be granted.

3. The other application was filed on September 8, 1969, by Mountain Tel & Tel. This applicant proposes to operate the station from two transmitter antenna locations on Lake Powell; one site at Page, Utah, at the lower end of the lake, elevation 4,320 feet, and the other site about 50 miles up the lake at a point known as "Hole in the Rock," elevation 4,515 feet. The control point for the station would be located at Flagstaff, Ariz., about 100–150 miles to the south.

4. Since the applications of Silver Beehive and Mountain Tel & Tel are mutually exclusive, a comparative evidentiary hearing is needed to determine which of the two applications should be granted. We do not consider that Mountain Tel & Tel's comment concerning interference with other radio systems raises a material or substantial question of fact since Lake Powell is located hundreds of miles inland and there are no other users of radio in that area operating on VHF public coast station frequencies.

5. *Accordingly, it is ordered,* That the above-entitled applications of Silver Beehive and Mountain Tel & Tel are designated for hearing at a time and place to be specified in a subsequent order on the following issues.

a. To determine which applicant will provide the public with the best public coast station service based on the following considerations:

(1) Coverage area and its relation to the greatest number of potential users;

(2) Hours of service;

(3) Ability to effectively provide maritime mobile radio safety service;

(4) Rates and charges;

(5) Qualifications of management, operators, and other personnel;

(6) Interconnection with landline facilities; and

(7) Reliability and efficiency of service.

b. To determine in the light of the evidence adduced on the items in the foregoing issue, which application should be granted.

6. *It is further ordered,* That the burden of proceeding with the introduction of evidence on issue a is placed on each applicant insofar as the respective items pertain to each of these parties. Issue b is conclusory.

7. *It is further ordered,* That the guide and reference source for preparing exhibits showing the geographical area in which satisfactory ship-shore maritime communications can technically be exchanged will be the criteria contained in the Commission's notice of proposed rule making released August 28, 1970, in Docket 18944 which proposes technical standards for the computation of service areas for Public Coast III–B stations.

8. *It is further ordered,* That to avail themselves of an opportunity to be heard, Silver Beehive and Mountain Tel & Tel, pursuant to § 1.221(c) of the rules, shall, within 20 days of the mailing of this order, file with the Commission in triplicate a written appearance stating an intention to appear on the date set for hearing and present evidence on the issue specified in this order. Pursuant to § 1.221(c) of the rules, the Chiefs of the Safety and Special Radio Services Bureau and the Common Carrier Bureau are parties to this proceeding and will be served copies of any filings or orders made herein.

Adopted: April 18, 1971.

Released: April 21, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-5831 Filed 4-26-71;8:51 am]

[Dockets Nos. 18906, 18907; FCC 71R-130]

SOUTHERN BROADCASTING CO. AND FURNITURE CITY TELEVISION CO., INC.

Memorandum Opinion and Order Enlarging Issues

In re applications of Southern Broadcasting Co. (WGHP–TV), High Point, N.C., Docket No. 18906, File No. BRCT–574, for renewal of broadcast license; and Furniture City Television Co., Inc., High Point, N.C., Docket No. 18907, File No. BPCT–4302, for construction permit for new television broadcast station.

1. The mutually exclusive applications of Southern Broadcasting Co. (Southern) for renewal of license of its television broadcast station WGHP–TV, operating on Channel 8 in High Point, N.C., and of Furniture City Television Co., Inc. (Furniture City), for a construction permit to establish a new television broadcast station, operating on the same channel in High Point, were designated for hearing by Commission Order, FCC 70–706, 35 F.R. 11277, published July 14, 1970. Presently before the Review Board is a petition to enlarge issues, filed February 2, 1971, by Southern, seeking the addition of misrepresentation issues against Furniture City based on alleged misrepresentations of fact with respect to the latter's witness list.[1]

2. In support of its requests, Southern alleges that Furniture City's list of witnesses which identifies those individuals who will testify for Furniture City as to Southern's programing and hiring practices is grossly misleading and represents an attempt to intentionally deceive the Commission. Specifically, petitioner alleges the following concerning the 249 persons listed by Furniture City: (1) Approximately 20 individuals have volunteered to testify for Southern; (2) at least eight individuals were duplicated within the list; (3) approximately 75 persons state that either they have never been contacted by Furniture City or, if contacted, had refused to testify[2]; (4) approximately 30 witnesses cannot be located in the local telephone directory; and (5) an additional 30 witnesses were described by only their last name and home town.[3] Thus, in view of the above allegations, Southern insists that Furniture City has intentionally misrepresented those who will testify on its behalf, and is attempting to "plant the erroneous impression that there are 249 people who would testify adversely to the programing and hiring practices of WGHP–TV." Therefore, Southern concludes, a misrepresentation issue is required.

3. In opposition, Furniture City first states that the disputed list was not compiled by chance or random selection, but consists of those individuals who are in a position to testify as to the needs and interests of their respective organizations and the responsiveness of Southern thereto.[4] Respondent has attached to its opposition a revised list of witnesses proposed to be called by Furniture City containing 235 names, and explains that the eight duplications that existed in the original list have been eliminated and

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[1] Other pleadings before the Board for consideration are (a) Comments filed Feb. 11, 1971, by the Broadcast Bureau; (b) opposition filed Feb. 19, 1971, by Furniture City; and (c) reply, filed Feb. 26, 1971, by Southern.

[2] Forty of these individuals have submitted affidavits while the others were interviewed by two Southern representatives who, themselves, have submitted affidavits testifying to these interviews.

[3] Petitioner explains that Furniture City has failed to comply with the Examiner's request that a name be accompanied by a one-line statement indicating the area of testimony; Furniture City simply submitted a covering page.

[4] Furniture City emphasizes that attached to its list was a transmittal letter including an inviation to aid petitioner if the latter should need any information in connection with the exhibits or the witness list.

that counsel for Furniture City assumes responsibility for such duplication; that certain names detailed in the original list were misspelled and that these mistakes have now been corrected; and that the majority of the persons on the original list were contacted, although in some instances the conversations were forgotten. Finally, Furniture City states its intention to speak with all of its proposed witnesses as to their willingness to testify, and emphasizes that the important question here is whether or not Southern has sufficiently served the community in question and that the testimony of those on the list is highly relevant to the resolution of that question. In conclusion, Furniture City states that it went much further than it was required to in supplying the witnesses' identification to Southern, and that there exists no basis for addition of the requested issue.

4. While the Broadcast Bureau supports Southern's request for a misrepresentation issue, it stresses in its comments that it believes Southern's petition has clearly depicted an abuse of the Commission's processes. It points out that while it is true that a party is never compelled to call each and every witness set forth in a witness list, it is fundamental that the Hearing Examiner and the other parties be able to rely on the basic accuracy of the list; a list as submitted by Furniture City would, insists the Bureau, require needless pretrial preparation attempting to track down witnessses who do not exist, are unaware of the proceeding, or have not agreed to testify. Further, the Bureau asserts that this represents another abuse in that it is not unusual for an Examiner to cutoff further testimony if he believes that the remaining persons on the list will present essentially identical evidence, and at that point the record would reflect that the remaining named individuals are available to testify and that their answers to the same questions would be substantially identical to those already on the record. Thus, the Bureau suggests that the Board, on its own motion, add an abuse of process issue.

5. In reply, Southern first takes issue with Furniture City's statement that its witness list contains the names of witnesses who will be used in a rebuttal capacity when no requirement or stipulation in this proceeding ever mentioned an exchange of names of rebuttal witnesses. Moreover, petitioner points out that Furniture City has admitted that the contacts with the so-called witnesses were made prior to the Examiner's request for a list, and actually the individuals were interviewed not as prospective witnesses but in regard to Furniture City's ascertainment of community needs. Southern also questioned why Furniture City has not already spoken with all the witnesses as to their willingness to testify instead of waiting until the list had been submitted. Finally, Southern points out that Furniture City's new list, submitted with its opposition, contains the same names of those people who have sworn that they have never been contacted by Furniture City or, if contacted, have refused to appear. Therefore, Southern reiterates its request for the addition of misrepresentation issues.

6. While the Review Board believes that the submission of a witness list of 249 names containing the various deficiencies alleged by the petitioner is clearly not conducive to the effective and orderly conduct of the proceeding,[5] we are of the opinion that these deficiencies do not warrant the addition of a misrepresentation issue. Nevertheless, we do concur with the Broadcast Bureau that Furniture City's submission of its witness list raises a substantial question as to whether Furniture City has abused Commission processes. Thus, as the Bureau points out, the purpose of pretrial procedures, such as witness lists, is to avoid trial by surprise and unnecessarily prolonging the hearing. And where, as here, witness lists contain the names of persons who do not exist, are unaware of the proceeding, or have not agreed to testify, the personal time and resources of other parties may be wasted, thereby subverting the very purpose for which such lists are prepared. Not only does the submission of such a list place a great burden on the other parties, but as the Bureau suggests, it may play an important part in the hearing if the Examiner ends the testimony and determines that the remaining witnesses would submit the same testimony as those who have already testified. Finally, since it cannot be determined from the pleadings whether Furniture City's action was a deliberate or an intentional attempt to harass Southern through use of Commission procedures, the issue added on the Board's own motion will inquire into this matter and its effect on the applicant's basic and comparative qualifications.

7. *Accordingly, it is ordered,* That the petition to enlarge issues, filed February 2, 1971, by Southern Broadcasting Co. (WGHP–TV), is denied; and

8. *It is further ordered,* That, upon the Review Board's own motion, the issues in this proceeding are enlarged to include the following issue: To determine whether, by the submission of its witness list, Furniture City Television Co., Inc., abused Commission processes, and if so, to determine the effect of such action on the basic and comparative qualifications of Furniture City Television Co., Inc. to be a Commission licensee; and

9. *It is further ordered,* That the burden of proceeding with the introduction of evidence and the burden of proof under the issue added herein shall be on Furniture City Television Co., Inc.

[5] We note that the Hearing Examiner, by Order, FCC 71M–257, released Feb. 18, 1971, dismissed "all pleadings and documents by whomsoever filed appertaining to Furniture City's proposed witnesses."

Adopted: April 16, 1971.

Released: April 21, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[6]

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71–5832 Filed 4–26–71;8:51 am]

[6] Dissenting statement of Review Board Member Nelson in which Board Member Kessler joins is filed as part of the original document.

FEDERAL POWER COMMISSION

[Docket No. CP71–221]

ATLANTA GAS LIGHT CO.

Notice of Application

APRIL 20, 1971.

Take notice that on March 16, 1971, Atlanta Gas Light Co. (petitioner), Atlanta, Ga., filed a petition for declaratory order of the Commission, pursuant to § 1.7(c) of the rules of practice and procedure, that certain proposed facilities and services in the area of McCaysville, Ga., will not be subject to Commission jurisdiction and will not affect the exemption previously issued Petitioner by the Commission, pursuant to section 1(c) of the Natural Gas Act, 14 FPC 1156 (1955).

Petitioner states that it plans to extend its facilities to serve markets in Fannin County, Ga., to include, among other things, retail service to the area of McCaysville, near the Georgia-Tennessee border, including Tennessee Copper Co., a division of Cities Service Co., which operates a copper smelting plant north of McCaysville.

Service to Copper Co. will be on an interruptible basis for direct-fired application in refining copper and other ores, pursuant to a certificate issued by the Georgia Public Service Commission.

Petitioner further states, as more fully stated in the petition on file at the offices of the Commission and available for inspection, that part of the proposed service area and Copper Co.'s plant are located in an area which is within Georgia, according to Georgia law, and within Tennessee, according to the law of Tennessee, making necessary the declaratory order requested by Petitioner so as to avoid loss of its exemption under section 1(c) of the Natural Gas Act, should it proceed with construction of facilities and services within the area described.

Any person desiring to be heard or to make any protest with reference to said petition should on or before May 11, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All

protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-5792 Filed 4-26-71;8:48 am]

[Docket No. CP71-249]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

APRIL 21, 1971.

Take notice that on April 14, 1971, Michigan Wisconsin Pipe Line Co. (applicant), 1 Woodward Avenue, Detroit, MI 48226, filed in Docket No. CP71-249 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities to enable applicant to connect to its pipeline system a new supply of natural gas from offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant proposes to purchase and receive natural gas from the Superior Oil Co. (Superior) at a producing platform in Block 72, Block 71 Field, West Cameron Area, offshore Louisiana. Applicant states that in order to receive this gas it will be necessary to construct and operate approximately 16.5 miles of 30-inch pipeline extending in a generally northeasterly direction from the Block 71 Field to a point on the 20-inch West Cameron Block 68 pipeline owned by Tennessee Gas Pipeline Co. (Tennessee), Cameron Parish, La. Applicant proposes to transport natural gas and condensate from the producing platform onshore, then redeliver the condensate to Superior and deliver between 50,000 to 80,000 Mcf of natural gas per day to Tennessee. Pursuant to an exchange agreement between Tennessee and applicant, Tennessee will concurrently redeliver to applicant, at an existing point of interconnection at Avalon, St. Mary Parish, La., equivalent volumes of natural gas.

Applicant states that it will also be necessary to construct and operate 0.2 mile of 12-inch pipeline to connect with the producing platform and 6.7 miles of 30-inch loop on its Krotz Springs line as minor reinforcements of its transmission capacity.

The estimated cost of the facilities proposed herein is $8,592,000 which cost applicant states will be financed with bank borrowings and internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 14, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-5793 Filed 4-26-71;8:48 am]

[Docket No. RI70-489]

JOSEPH P. MUELLER

Order Permitting Withdrawal of Increased Rate Filing and Terminating Proceeding

APRIL 20, 1971.

On March 17, 1971, Joseph P. Mueller (Movant) filed a motion requesting that he be permitted to withdraw his increased rate filing, designated as Supplement No. 6 to his FPC Gas Rate Schedule No. 1, since such filing was not contractually authorized, and that the above-entitled proceeding be terminated. In support of his request, Movant states that said Supplement No. 6, which reflects reimbursement of the Texas production tax levied October 1, 1969 for his jurisdictional sale of natural gas to Florida Gas Transmission Co., was suspended and placed in effect subject to refund in Docket No. RI70-489. However, Movant advised that no monies have been collected subject to refund.

The Commission finds: Good cause exists for granting Movant's motion filed herein on March 17, 1971, as hereinafter ordered.

The Commission orders:

(A) Supplement No. 6 to Joseph P. Mueller's FPC Gas Rate Schedule No. 1 is permitted to be and is considered withdrawn.

(B) The proceeding in Docket No. RI 70-489 is terminated.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-5794 Filed 4-26-71;8:48 am]

[Docket No. RP71-89]

NORTHERN NATURAL GAS CO.

Order Granting Partial Reconsideration, Amending Suspension Period, Denying Stay, and Determining Abandonment Issue; Correction

MARCH 20, 1971.

In the order granting partial reconsideration, amending suspension period, denying stay, and determining abandonment issue, issued March 19, 1971, and published in the FEDERAL REGISTER March 31, 1971 (36 F.R. 5938), second paragraph, change footnote "3" to "2". In the footnote, change the reference "3" to "2".

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-5795 Filed 4-26-71;8:48 am]

FEDERAL RESERVE SYSTEM

FIRST ALABAMA BANCSHARES, INC.

Order Approving Action To Become Bank Holding Company

In the matter of the application of First Alabama Bancshares, Inc., Birmingham, Ala., for approval of action to become a bank holding company through the acquisition of 80 percent or more of the voting shares of The First National Bank of Montgomery; Exchange Security Bank, Birmingham; and The First National Bank of Huntsville; all in Alabama.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First Alabama Bancshares, Inc., Birmingham, Ala., for the Board's prior approval of action whereby applicant would become a bank holding company through the acquisition of 80 percent or more of the voting shares of The First National Bank of Montgomery; Exchange Security Bank, Birmingham; and The First National Bank of Huntsville; all in Alabama.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and to the Superintendent of Banks for the State of Alabama and requested their views and recommendations. The Comptroller recommended approval; the Superintendent replied that since, under the law, it appeared that his disapproval of the application was necessary in order to assure a public hearing, he disapproved.

Notice of receipt of the application was published in the FEDERAL REGISTER on July 29, 1970 (35 F.R. 12163), which provided an opportunity for interested persons to submit comments and views with respect to the proposed transaction. The Order for Hearing was published in the FEDERAL REGISTER on September 9, 1970 (35 F.R. 14241), and all persons desiring to give testimony, present evidence or otherwise participate in the hearings held in Birmingham, Ala., on September 22–29, 1970, were permitted to do so. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. The time for filing comments and views has expired and all those received, the entire record of the hearing, including the transcript, exhibits, exceptions, rulings, all briefs and memoranda filed in connection with the hearing, and the Recommended Decision, findings of fact and conclusions of law filed by the Hearing Examiner have been considered by the Board. Excluded from consideration are allegations made by counsel in briefs filed on the Recommended Decision, which allegations were not part of the record at the hearing, and which are not properly subject to administrative notice by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved: *Provided,* That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[2]

April 20, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-5821 Filed 4-26-71;8:51 am]

FIRST & MERCHANTS CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by First & Merchants Corp., which is a bank holding company located in Richmond, Va., for prior approval by the Board of Governors of the acquisition by applicant of 100 percent (less directors' qualifying shares) of the voting shares of the successor by merger to The First National Bank of Danville, Danville, Va.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Richmond.

By order of the Board of Governors, April 21, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-5761 Filed 4-26-71;8:45 am]

FIRST AT ORLANDO CORP.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of First at Orlando Corp., Orlando, Fla., for approval of the acquisition of at least 30 percent of the voting shares of St. Johns River Bank, Jacksonville, Fla.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), the application of First at Orlando Corp., Orlando, Fla. (applicant), a registered bank holding company, for the Board's prior approval of the acquisition of at least 80 percent of the voting shares of St. Johns River Bank, Jacksonville, Fla. (bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Florida State Commissioner of Banking and requested his views and recommendation. The Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on March 6, 1971 (36 F.R. 4525), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served. Upon such consideration, the Board finds that:

Applicant, the fifth largest banking organization in Florida, controls 17 banks which hold combined deposits of approximately $493 million, representing 4.1 percent of the total deposits held by Florida's commercial banks. (All banking data are as of June 30, 1970, adjusted to reflect holding company formations and acquisitions approved by the Board through March 31, 1971.) Upon acquisition of Bank (deposits $13.3 million), Applicant would remain the fifth largest banking organization and its control of deposits in the State would increase slightly to 4.2 percent.

Bank, which operates one office in Jacksonville, is the 15th largest of 29 banks and the 10th largest of 13 banking organizations in Duval County with approximately 1 percent of the deposits in the county. Acquisition of Bank by Applicant will mark its initial entry into the Jacksonville area, and the nearest subsidiary of Applicant is located approximately 70 miles southwest of Bank. Because of the distances involved, Florida law which prohibits branch banking, and other facts of record, it appears that consummation of the proposal herein would not result in the elimination of any significant present competition nor the foreclosure of any significant potential competition between Bank and any of Applicant's subsidiaries. In fact, acquisition of Bank by Applicant may serve to enhance competition between Applicant and three other large holding companies which are dominant in the Jacksonville area.

On the record before the Board, considerations relating to the financial condition, management, and prospects of Applicant, its present subsidiaries and Bank are consistent with approval of the application. Although banking needs of the Jacksonville area appear to be adequately served, consummation of the proposed acquisition would facilitate the offering of larger loans and enable Bank to become an additional alternative source for services such as trust advice, data processing, and international banking. It is the Board's judgment that the proposed transaction would be in the

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta. Concurring Statement of Governor Brimmer and Dissenting Statement of Governors Robertson and Maisel also filed as part of the original document and available upon request.

[2] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Brimmer, and Sherrill. Voting against this action: Governors Robertson and Maisel.

public interest, and that the application should be approved.

It is hereby ordered, For the reasons set forth above, that said application be and hereby is approved: *Provided*, That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such time shall be extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] April 20, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-5758 Filed 4-26-71;8:45 am]

FIRST AT ORLANDO CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by First at Orlando Corp., which is a bank holding company located in Orlando, Fla., for prior approval by the Board of Governors of the acquisition by applicant of 100 percent (less directors' qualifying shares) of the voting shares of The Fort Pierce Bank, Fort Pierce, Fla., a proposed new bank.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

By order of the Board of Governors, April 20, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-5759 Filed 4-26-71;8:45 am]

MIDWEST BANCORPORATION, INC.

Order Approving Acquisition of Bank Stock By Bank Holding Company

In the matter of the application of Midwest Bancorporation, Inc., Kansas City, Mo., for approval of acquisition of over 80 percent of the voting shares of Community State Bank, Kansas City, Mo.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Midwest Bancorporation, Inc., Kansas City, Mo., a registered bank holding company, for the Board's prior approval of acquisition of over 80 percent of the voting shares of Community State Bank, Kansas City, Mo.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Finance of the State of Missouri and requested his views and recommendation. The Commissioner responded that he had no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on March 4, 1971 (36 F.R. 4314), which provided an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. The time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved: *Provided*, That the acquisition so approved shall not be consumated (a) before the 30th calendar day following this order, or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[2] April 20, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-5760 Filed 4-26-71;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. F-99]

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 a rate schedule 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 Florida Public Service Commission in a proceeding involving the billing provisions contained in the tariff of Gulf Power Co. (Docket No. 70543-EU).

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 20, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71-5763 Filed 4-26-71;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 816 (Class B)]

MAINE

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of April 1971, because of the effects of certain disasters damage

[1] Voting for this action: Chairman Burns and Governors Robertson, Daane, Maisel, Brimmer, and Sherrill. Absent and not voting: Governor Mitchell.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Bank of Kansas City.

[2] Voting for this action: Chairman Burns and Governors Robertson, Daane, Maisel, Brimmer and Sherrill. Absent and not voting: Governor Mitchell.

resulted to residences and business property located in the State of Maine;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the town of Phillips, Maine, suffered damage or destruction resulting from fire occurring on April 10, 1971.

OFFICE

Small Business Administration District Office, 40 Western Avenue, Augusta, ME 04330.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to October 31, 1971.

Dated: April 15, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-5765 Filed 4-26-71;8:46 am]

[Declaration of Disaster Loan Area 815 (Class B)]

SOUTH DAKOTA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of March 1971, because of the effects of certain disasters damage resulted to residences and business property located in the State of South Dakota;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the city of Garretson, S. Dak., suffered damage or destruction resulting from fire occurring on March 24, 1971.

OFFICE

Small Business Administration District Office, Eighth and Main Avenue, Sioux Falls, SD 57102

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to September 30, 1971.

Dated: April 14, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-5766 Filed 4-26-71;8:46 am]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[Case No. 417]

KARL DANIA

Order Denying Export Privileges

In the matter of Karl Dania, Mariahilferstrasse 95, Vienna 6, Austria, Respondent.

On November 20, 1970, the Director Investigations Division, Office of Export Control, issued a charging letter against the above respondent in which a violation of the Export Control Act of 1949 [1] and the regulations thereunder are charged. It is alleged, in substance, that in July 1966 a U.S. supplier exported from New York to the respondent in Vienna, Austria, an oscilloscope with accessories valued at $5,300; that on August 11, 1966, on instructions issued by respondent to the freight forwarder, Express Internationale Spedition G.m.b.H. (Express), Vienna, Austria, the equipment was forwarded by Express from Austria to the U.S.S.R.; that in the course of an official investigation concerning the disposition of said commodities the respondent stated to an official of the United States Government that the equipment in question had been shipped to Lebanon; that said statement was false since respondent knew that pursuant to his instructions the equipment had been shipped to the U.S.S.R. It is charged that the making of such false statement in these circumstances was a violation of § 387.5 of the U.S. Export Control Regulations.

The charging letter was served on the respondent and he submitted a letter in reply thereto. The letter does not deny the allegations of the charging letter. It states, in substance, that before the respondent entered into this transaction he was assured by competent Austrian authority that the commodity in question was not an embargoed item. The letter from the respondent does not comply with or attempt to comply with the requirement of § 388.5 of the Export Control Regulations regarding contents of an answer to a charging letter. Pursuant to § 388.4 of said regulations, respondent was held in default. in accordance with the usual practice in default cases, an informal hearing was held before the Compliance Commissioner at which time evidence in support of the charge was presented on behalf of the Government.

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

After considering the record in the case, and in accordance with the recommendation of the Compliance Commissioner, I make the following:

FINDINGS OF FACT

1. The respondent Karl Dania, is engaged in the import-export business in Vienna, Austria.

2. On April 19, 1966, the respondent, acting through another party, ordered from a U.S. supplier an oscilloscope and accessories valued at $5,300. On July 15, 1966, the U.S. supplier exported the equipment from New York to Vienna, Austria. On instructions from respondent, the named consignee in Austria, to whom the exportation was made, was the party who had ordered the goods on respondent's behalf. On arrival of the goods in Vienna, they were placed in bond subject to disposition on instructions from respondent.

3. After arrival of the goods in Vienna, they were in storage until August 11, 1966. On instructions from respondent the goods were turned over to the freight forwarding firm Express Internationale Spedition G.m.b.H. of Vienna. Also on instructions from respondent, the goods were forwarded by said freight forwarder to a consignee in the U.S.S.R.

4. In the course of an official investigation by the Office of Export Control to ascertain the disposition of the goods, the respondent stated to a representative of the U.S. Government that the goods had been shipped to Lebanon by way of Trieste, using the services of a Yugoslavian shipping company. The said statements by respondent as to the disposition of the goods were false since he knew that pursuant to his instructions the goods had been shipped to the U.S.S.R.

Based on the foregoing, I have concluded that the respondent violated § 387.5 of the U.S. Export Control Regulations in that during the course of an official investigation he knowingly made false representations concerning the disposition of goods exported from the United States and concealed the true destination of said goods.

The Compliance Commissioner recommended that the respondent be denied

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[1] This Act has been succeeded by the Export Administration Act of 1969, 50 U.S.C. App. 2401-2413, approved Dec. 30, 1969. Section 2412(b) of this Act provides, "All outstanding delegations, rules, regulations, orders, licenses, or other forms of administrative action under the Export Control Act of 1949 * * * shall, until amended or revoked, remain in full force and effect, the same as if promulgated under this Act."

all U.S. export privileges for 5 years. I am of the opinion that the recommendation as to the sanction that should be imposed is fair and just and calculated to achieve effective enforcement of the law. *Accordingly, it is hereby ordered:*

I. All outstanding valid export licenses in which respondent appears or participates in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondent for the period of 5 years is hereby denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States, in whole or in part, or to be exported, or which are otherwise subject to the Export Control Regulations. Without limitations of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control documents; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data; (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

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

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

Dated: April 20, 1971.

This order shall become effective forthwith.

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

[FR Doc.71-5969 Filed 4-26-71;11:12 am]

[Case No. 418]

EXPRESS INTERNATIONALE SPEDITION G.m.b.H.

Order Denying Export Privileges

In the matter of Express Internationale Spedition G.m.b.H., Wohllebengasse 18, 1041 Vienna 4, Austria, Respondent.

By charging letter dated November 20, 1970, the above respondent was charged with a violation of the Export Control Act of 1949[1] and the regulations thereunder, and also with a violation of a denial order outstanding against it.

It is alleged in substance that on March 12, 1959 (24 F.R. 1920, March 17, 1959) the Bureau of Foreign Commerce, predecessor of the Bureau of International Commerce, issued an order against respondent denying it all U.S. export privileges for an indefinite period because it failed to answer interrogatories served on it in accordance with § 388.15 of the Export Control Regulations; that the order, in part, prohibited respondent from participating in the forwarding of any commodity exported from the United States; that notwithstanding this provision of the denial order the respondent participated in the forwarding of a U.S.-origin oscilloscope and accessories from Austria to U.S.S.R. It is charged that respondent violated the denial order and § 387.4 of the Export Control Regulations in that it participated in the forwarding of a U.S.-origin commodity with knowledge that such participation was a violation of an order issued under the U.S. Export Control Regulations.

The respondent submitted an answer but did not request a hearing. The answer admitted the respondent had forwarded the consignment in question. It denied that it knew that the on-forwarding of the commodity in question to socialist countries was not allowed. The respondent did not deny that it knew of the U.S. origin of the commodity at the time it participated in the transaction.

It is to be noted that the charge against respondent is for participating in the forwarding of a U.S.-origin commodity in violation of the denial order and is not forwarding to an unauthorized designation.

On consideration of the record in the case and other matters that have been brought to the attention of the undersigned, it is found that there is good cause for terminating the indefinite denial order issued against this respondent on March 12, 1959, and the said order, as it relates to this respondent, is hereby terminated.

The Compliance Commissioner held an informal hearing on March 18, 1971, at which time evidence in support of the charge was submitted on behalf of the Investigations Division. The Compliance Commissioner considered the evidence and submitted findings of fact and a finding that a violation had occurred and he recommended that the sanction hereinafter set forth be imposed.

After considering the record, I confirm and adopt the findings of fact of the Compliance Commissioner, which are as follows:

FINDINGS OF FACT

1. The respondent Express Internationale Spedition G.m.b.H. is a freight forwarding firm with a place of business in Vienna, Austria.

2. On March 12, 1959, the Bureau of Foreign Commerce, predecessor of the Bureau of International Commerce, issued an order against respondent denying it all U.S. export privileges for an indefinite period of failure to answer interrogatories served on it pursuant to regulations under the Export Control Act. The said order was published in the FEDERAL REGISTER on March 17, 1959 (24 F.R. 1920) and has been in effect to the present time.

3. The aforementioned denial order, among other things, prohibited respondent from participating in any manner or capacity in the forwarding of commodities exported from the United States. The respondent knew of this restriction in the denial order.

4. Notwithstanding the above restriction of the denial order, the respondent between August 9, and August 11, 1966, participated in the forwarding of commodities that had been exported from the United States, as described below in findings of fact 5 and 6.

5. Pursuant to an order placed on behalf of Karl Dania of Vienna, Austria, a U.S. supplier on July 15, 1966, exported from the United States to Vienna, an oscilloscope and accessories valued at $5,315. On arrival of said equipment in Vienna it was subject to disposition on instructions from Dania.

6. On instructions given by Dania on August 9, 1966, the respondent forwarded said equipment on August 11, 1966, to a consignee in the U.S.S.R. At the time the respondent received the equipment in Vienna and forwarded same to U.S.S.R. it knew that the equipment had originally been exported from the United States.

Based on the foregoing I have concluded that the respondent violated

[1] This Act has been succeeded by the Export Administration Act of 1969, 50 U.S.C. App. 2401–2413, approved Dec. 30, 1969. Section 2412(b) of this Act provides, "All outstanding delegations, rules, regulations, orders, licenses, or other forms of administrative action under the Export Control Act of 1949 * * * shall, until amended or revoked, remain in full force and effect, the same as if promulgated under this Act".

§ 387.4 of the Export Control Regulations in that it forwarded commodities which had been exported from the United States with knowledge that such action was in violation of a denial order that was outstanding against it.

Now, after considering the record in the case and the report and recommendation of the Compliance Commissioner, and being of the opinion that his recommendation as to the sanction that should be imposed is fair and just and calculated to achieve effective enforcement of the law: *It is hereby ordered:*

I. As to the respondent Express Internationale Spedition G.m.b.H., this order replaces the indefinite denial order issued against it on March 12, 1959 (24 F.R. 1920), but the restrictions of said order are continued in full force and effect.

II. The respondent for the period of 5 years is hereby denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States, in whole or in part, or to be exported, or which are otherwise subject to the Export Control Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control documents; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data; (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

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

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

Dated: April 20, 1971.

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

[FR Doc.71-5970 Filed 4-26-71; 11:12 am]

National Oceanic and Atmospheric Administration

[Docket No. C-344]

R AND R

Notice of Loan Application

APRIL 20, 1971.

Robert N. Lee and Roger D. Davis, doing business as R and R, a copartnership, 295 Wagnon Road, Sebastopol, CA 95472, have applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 60-foot length overall wood vessel to engage in the fishery for salmon and albacore.

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

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

[FR Doc.71-5822 Filed 4-26-71; 8:51 am]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 22, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42176—*Beet or cane sugar from specified points in eastern territory.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2999), for interested rail carriers. Rates on sugar, beet or cane, other than raw, dry, in packages, in carloads, as described in the application, from specified points in eastern territory, to points in various States.

Grounds for relief—Revision of commodity description.

FSA No. 42177—*Liquefied carbon dioxide from Yazoo City, Miss.* Filed by O. W. South, Jr., agent (No. A6244), for interested rail carriers. Rates on carbon dioxide, liquified, in tank carloads, as described in the application, from Yazoo City, Miss., to Atlanta, Ga.

Grounds for relief—Market competition.

Tariff—Supplement 182 to Southern Freight Association, agent, tariff ICC S-699.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-5837 Filed 4-26-71; 8:52 am]

[Notice 284]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 21, 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 2253 (Sub-No. 44 TA), filed April 14, 1971. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, Post Office Box 697, Highway 150 East, Cherryville, NC 28021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, from New York, N.Y., to the terminal site of Harders Express, Inc., at or near Claverack, N.Y., to New York, N.Y. Restriction: service at said terminal site is restricted to traffic received from or delivered to Harders Express, Inc., for 180 days. NOTE: Applicant does intend to tack the authority in MC–2253. Supporting shipper: Carrier supports its own application. Send protests to: Jack H. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building), Charlotte, NC 28202.

No. MC 30837 (Sub-No. 429 TA) (Amendment), filed March 18, 1971, published in the FEDERAL REGISTER issue of March 26, 1971, and republished as amended this issue. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, WI 53140. Applicant's representative: Albert P. Barber (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks and buses*, as contained in Ex Parte MC–45, *Description in Motor Carrier Certificates*, 61 M.C.C. 209, in secondary movements, in truckaway and driveaway service, between points in Minnesota, North Dakota, South Dakota, and Wisconsin, for 180 days. Supporting shippers: Southern Service Co., Inc., Post Office Box 15184, New Orleans, LA 70115 (Delores Rodman, Traffic Manager); Volkswagen North Central Distributor, Inc., Deerfield, IL 60015 (E. E. Bach, Sales Organization Manager); Mercedes-Benz of North America, Inc., 3333 Charles Road, Franklin Park, IL 60131 (D. L. Suran, Manager MBNA Vehicle Distribution Center). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Walls Street, Room 807, Milwaukee, WI 53203. NOTE: The purpose of this republication is (1) to reflect a change in the commodity description, (2) to add the State of Wisconsin to the territorial description, and (3) to add two additional supporting shippers.

No. MC 97904 (Sub-No. 11 TA), filed April 19, 1971. Applicant: KNOXVILLE-MARYVILLE MOTOR EXPRESS, INC., 2335 Texas Avenue, Post Office Box 4006, Knoxville, TN 37921. Applicant's representative: Walter Harwood, Suite 1822, 404 James Roberson Parkway, Nashville, TN 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unsual value, household goods, commodities in bulk, and those requiring special equipment, between Knoxville and Jellico, Tenn., over U.S. Highway 25W and also I–75 serving all intermediate points, for 180 days. NOTE: Applicant does intend to tack the authority here applied for to all of its present authority in MC–97904, with all interline being at Knoxville, Tenn. Supporting shippers: There are approximately 17 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: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803—1808 West End Building, Nashville, TN 37203.

No. MC 104430 (Sub-No. 35 TA), filed April 19, 1971. Applicant: CAPITAL TRANSPORT COMPANY, INC., Highway 24 West, Post Office Box 408, McComb MS 39648. Applicant's representative: Donald B. Morrison, Deposit Guaranty Bank Building, Jackson, MS 39201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, from Kenner, La., to points in Mississippi, for 150 days. Supporting shippers: Shell Oil Co., Melrose Building, Post Office Box 2099, Houston, TX 77001; Continental Oil Co., Box 36235, Houston, TX 77036. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson, MS 39201.

No. MC 111401 (Sub-No. 332 TA), filed April 19, 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: *Furfuryl alcohol*, in bulk, from Memphis, Tenn., to Brownsville, Tex., for 120 days. Supporting shipper: George A. Lains, District Manager, Chemicals Division, The Quaker Oats Co., Merchandise Mart Plaza, Chicago, IL 60654. 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 111401 (Sub-No. 333 TA), filed April 19, 1971. Aplicant: 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: *Printing ink*, in bulk, from Tulsa, Okla., to Kewanee and Urbana, Ill., and Indianapolis and Muncie, Ind., for 180 days. Supporting shipper: J. Bolzak, Director of Traffic, Sun Chemical Corp., 631 Central Avenue, Carlstadt, NJ 07072. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 113000 (Sub-No. 3 TA), filed April 19, 1971. Applicant: RICHARD A. EVAVOLD, doing busines as EVAVOLD TRUCKING, Ashby, Minn. 56309. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, MN 55114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Insulation materials*, from Underwood, Minn., to points in North Dakota, South Dakota, Nebraska, Iowa, Minnesota, and Wisconsin, for 180 days. Supporting shipper: Pal-O-Pak Insulation Co., Inc., Hartland, Wis. 53029. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 116073 (Sub-No. 163 TA), filed April 14, 1971. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 919, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from Madison, S. Dak., to points in North Dakota, Montana, Wyoming, Minnesota, Iowa, Missiouri, Wisconsin, Indiana, Illinois, Arkansas, Oklahoma, Kansas, Nevada, Colorado, and Michigan, for 180 days. Supporting shipper: Guerdon Industries, Inc., Post Office Box 26, Madison, SD 57042. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 2340, Fargo, ND 58102.

No. MC 117119 (Sub-No. 434 TA), filed April 19, 1971. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Post Office Box 188, Elm Springs, AR 72728. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats, frozen meats and packinghouse products*, from Greeley, Colo., to points in Connecticut, District of Columbia, Illinois, Indiana, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, and Wisconsin, for 180 days. Supporting shipper: Monfort Packing Co., Box 1407, Greeley, CO 80631. Send protests to: District Supervisor William H. Land, Jr., 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 118159 (Sub-No. 113 TA), filed April 14, 1971. Applicant: EVERRETT LOWRANCE, INC., Post Office Box 10216, 4916 Jefferson Highway, New Orleans, LA 70121. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning, bleaching, washing, and scouring compounds, animal litter, and chopped alfalfa*, from the plantsite and warehouse facilities of the Clorox Co. located at Houston, Tex., to points in Arkansas, Louisiana, and Mississippi, for 180 days. Supporting shipper: The Clorox Co., Post Office Box 24305, Oakland, CA 94623, Mr. R. W. Ernst, Division Traffic Manager. Send protests to: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Bureau of

Operations, Room T-4009 Federal Building, 701 Loyola Avenue, New Orleans, LA 70113.

No. MC 128285 (Sub-No. 8 TA), filed April 14, 1971. Applicant: MELLOW TRUCK EXPRESS, INC., Post Office Box 17063, 9801 North Vancouver Way, Portland, OR 97217. Applicant's representative: Earle V. White, Farley Building, 2400 Southwest Fourth Avenue, Portland, OR 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, from Seaside and Portland, Oreg., and Chehalis, Wash., to Cerrillos, N. Mex., and (2) *pressboard*, from Flagstaff, Ariz., to Portland, Oreg., and Longview, Wash., under a continuing contract with Tumac Lumber Co., Inc., for 180 days. Supporting Shipper: Tumac Lumber Co., Inc., 806 Southwest Broadway, Portland, OR 97205. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 120 Southwest Fourth Avenue, Portland, OR 97304.

No. MC 134777 (Sub-No. 10 TA), filed April 19, 1971. Applicant: SOONER EXPRESS, INC., Post Office Box 219, Madill, OK 73446. Applicant's representative: Dale Waymire (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, from Pampa, Tex., to points in Tennessee (except Memphis), for 180 days. Supporting shipper: Armour and Co., Post Office Box 9222, Chicago, IL 60690. Send protests to: District Supervisor, E. K. Willis, Jr., Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 134933 (Sub-No. 3 TA), filed April 14, 1971. Applicant: IDLEWOOD TRUCKING COMPANY LIMITED, Post Office Box 100, 350 Fruitland Road, Fruitland, Ontario, Canada. Applicant's representative: Robert D. Gunderman, Suite 1708, Statler Hilton, Buffalo, NY 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, for the account of International Iron and Metal Co., from points in New York and Pennsylvania to ports of entry on the international boundary line between the United States and Canada on the Niagara River, for 180 days. NOTE: Applicant holds Extra Provincial License No. X-1711 and Class D PCV License 3090 Department of transport authorizing service for and on behalf of International Iron and Metal Co. Supporting shipper: International Iron and Metal Co., 1640 Brampton Street, Post Office Box 70, Hamilton, Ontario, Canada. 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 135486 TA, filed April 14, 1971. Applicant: JACK HODGE TRANSPORT, INC., 2410 West Ninth Street, Marion, IN 46952. Applicant's representative: Robert W. Loser, 1001 Chamber of Commerce Building, Indianapolis, IN 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment materials, and supplies used in the conduct of such business, between the plantsite and warehouse facilities of The Kroger Co., Cincinnati, Ohio, on the one hand, and stores, warehouses, and storage facilities at Memphis, Tenn., and Little Rock, Ark., Restriction: Restricted to a transportation service to be performed under a continuing contract or contracts with The Kroger Co., in refrigerated equipment, for 180 days. Supporting shipper: The Kroger Co., 1240 State Avenue, Cincinnati, OH 45204. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 135487 TA, filed April 14, 1971. Applicant: HULCHER EMERGENCY R.R. SERVICE, INC., Box 191, Virden, IL 62690. Applicant's representative: M. L. Hulcher (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (no exceptions) between points in Alabama, Arkansas, Colorado, Delaware, Georgia, Indiana, Illinois, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, restricted to shipments of said commodities from points of railroad derailments, wrecks, or emergency sites, for 180 days. Supporting shippers: Illinois Central Railroad, 135 East 11th Place, Chicago, IL 60605; Monon Railroad, 332 South Michigan Avenue, Chicago, IL 60604; Louisville & Nashville Railroad Co., 908 West Broadway, Louisville, KY 40201; Chicago & Eastern Illinois Railroad, 140 South Dearborn Street, Chicago, IL 60603; Gulf Mobile & Ohio Railroad Co., Post Office Box 1828, Mobile, AL 36601; Penn Central Transportation Co., 680 Union Station, Chicago, IL; The Chesapeake & Ohio Railroad Co., The Baltimore & Ohio Railroad Co., Operating Department, Baltimore, Md. 21201; Missouri Pacific Railroad Co., The Texas & Pacific Railroad Co., 210 North 13th Street, St. Louis, MO 63103; Erie Lackawanna Railroad Co., 804 Republic Building, Cleveland, OH 44115. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, IL 62704.

No. MC 135497 TA, filed April 19, 1971. Applicant: I-5 FREIGHTLINE, INC., 5949 North Basin Avenue, Portland, OR 97217. Applicant's representative: John G. McLaughlin, 726 Blue Cross Building, 100 Southwest Market Street, Portland, OR 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except household goods, commodities in bulk, in tank vehicles, and commodities which because of size or weight require special equipment in transit). (A) Regular routes: (1) Between Portland, Oreg., and Medford, Oreg., from Portland to Medford over U.S. Highway Routes 99, 99E, 99W, and Interstate Highway 5, and return over the same routes, serving all intermediate points within 10 miles of the described routes, except no service between Portland, on the one hand, and, on the other, points north of Salem, Oreg.; (2) between Corvallis and Foster, Oreg.; (a) from Corvallis to Lebanon over U.S. Highway Route 20 and Oregon State Highway Route 34, and return over the same route; and (b) from Lebanon to Foster over U.S. Highway Route 20 and return over the same route, serving all intermediate points and points within 10 miles of the described routes. B. Irregular routes: Between points within Douglas, Jackson, and Josephine Counties, Oreg., for 180 days. NOTE: The applicant proposes to offer interline service at any point on the described routes. Supporting shippers: There are approximately 75 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: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southway Pine Street, Portland, OR 97204.

No. MC 135498 TA, filed April 19, 1971. Applicant: CHARLES J. GUTTILLA AND VINCENT M: GUTTILLA, a partnership, doing business as EAST END TRUCKING CO., 4437 Howley Street, Pittsburgh, PA 15224. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, NY 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Marshall Brooke, Ohio and Greene Counties, W. Va.; Columbiana, Hancock, Jefferson, Belmont, and Monroe Counties, Ohio; and Lawrence, Butler, Armstrong, Indiana, Somerset, Fayette, Greene, Washington, Westmoreland and Allegheny Counties, Pa.; for 150 days, restricted to traffic having a prior or subsequent movement in containers beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or vice versa. Supporting shippers: Trans-American Van

Service, Inc., 7540 South Western Avenue, Chicago, IL 60620; Cartwright Van Lines, Inc. (International Division), 4520 24th Avenue West, Seattle, WA 98199. Send protests to: John J. England, District Supervisor, 2111 Federal Building, Interstate Commerce Commission, Bureau of Operations, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 135499 TA, filed April 19, 1971. Applicant: JOE EDGEWORTH, doing business as EDGEWORTH TRUCKING, Post Office Box 1378, Tulare, CA 93274. Applicant's representative: Marshall A. Smith, Jr., 925 North Fulton Street, Frensno, CA 93728. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, expanded, packed in not less than four mil plastic bags, having a density less than 2 pounds per cubic foot, such as polystyrene cellular foam egg cartons, meat trays, and filler flats, from Pico-Rivera, Calif., to points in Arizona, Nevada, and New Mexico, for 180 days. Supporting shipper: Dolco Packaging Corp., 10850 Riverside Drive, North Hollywood, CA 91602. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MOTOR CARRIER OF PASSENGERS

No. MC 125330 (Sub-No. 2 TA), filed April 14, 1971. Applicant: DOMENICO BUS SERVICE, INC., 71 New Hook Access Road, Box 47, Bayonne, NJ 07002. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, NJ 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, for the account of Brooklyn-Staten Island Commuters, between Brooklyn and Staten Island, N.Y., on the one hand, and, on the other, the facilities of the American Telephone and Telegraph Co. at Piscataway, N.J., for 150 days. NOTE: The Brooklyn-Staten Island commuters is an independent group. They are employees of the American Telephone and Telegraph Co. and reside in the abovementioned boroughs. Supported by: Brooklyn Staten Island Commuters, c/o American Telephone & Telegraph Co., Piscataway, N.J. Send protests to: District Supervisor Robert E. Johnson Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

By the Commission.

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

[FR Doc.71-5835 Filed 4-26-71;8:52 am]

[Notice 683]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 22, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72622. By order of April 16, 1971, the Motor Carrier Board, on reconsideration, approved the transfer to Vonel Transportation, Inc., Santa Rosa, Calif., of certificate No. MC-121382 (Sub-No. 2), issued to C. R. Von Arx and L. R. Von Arx, doing business as Riverview Transportation Co., Santa Rosa, Calif., authorizing the transportation of: Buildings, assembled and partly assembled, and parts and materials required for the erection of such buildings, from the plantsite of Speedspace Corp., near Santa Rosa, Calif., to points in Idaho, Montana, Nevada, Arizona, Oregon, Utah, Washington, Colorado, and Wyoming. Raymond A. Greene, Jr., attorney, 405 Montgomery Street, San Francisco, CA 94104.

No. MC-FC-72656. By order of April 20, 1971, the Motor Carrier Board, on reconsideration, approved the transfer to Henry A. Butterworth, doing business as Butterworth & Sons, Butterfield, Conn., of that portion of the operating rights in certificate No. MC-32571 issued May 20, 1943, to S. Rashba & Sons, Inc., New Haven, Conn., authorizing the transportation of general commodities, with exceptions, between New Haven, Conn., on the one hand, and, on the other, East Haven, West Haven, and Hamden, Conn. Thomas W. Murrett, 342 North Main Street, West Hartford, CT 06117, attorney for applicants.

No. MC-FC-72660. By order of April 20, 1971, the Motor Carrier Board, on reconsideration, approved the transfer to Atlas Moving & Storage Co., Inc., West Haven, Conn., of that portion of the operating rights in certificate No. MC-32571 issued May 20, 1943, to S. Rashba & Sons, Inc., New Haven, Conn., authorizing the transportation of new furniture, from New Haven, Conn., to points in Connecticut, except East Haven, West Haven, and Hamden, Conn.; and new furniture and fixtures, uncrated, between New Haven, Conn., and points in Connecticut within 40 miles of New Haven, on the one hand, and, on the other, points in New York, Massachusetts, Rhode Island, New Jersey, Pennsylvania, Maine, and the District of Columbia. Thomas W. Murrett, 342 North Main Street, West Hartford, CT 06117, attorney for applicants.

No. MC-FC-72780. By order of April 16, 1971, the Motor Carrier Board approved the transfer to Erin Transportation, Inc., Omaha, Nebr., of the operating rights in certificate No. MC-108149 issued November 17, 1964, to T. E. Taylor doing business as Taylor Truck Line, Fontanelle, Iowa, authorizing the transportation of livestock from Greenfield, Iowa and points within 20 miles thereof to Omaha, Nebr.; and livestock, animal and poultry feed, building material, and agricultural machinery and implements and parts thereof, from Omaha, Nebr., to Greenfield, Iowa, and points within 20 miles thereof. M. R. LaFrance, 430 City National Bank Building, Omaha, NE 68102, attorney for transferee.

No. MC-FC-72782. By order of April 19, 1971, the Motor Carrier Board approved the transfer to R. C. Filkins, Inc., Dalton, Mass., of the operating rights in certificate No. MC-134591 issued August 19, 1970, to Ronald C. Filkins, doing business as R. C. Filkins, Dalton, Mass., authorizing the transportation of animal and poultry feed, and animal and poultry feed ingredients and additives from North Franklin, Conn., to points in Columbia, Dutchess, and Rensselaer Counties, N.Y., Massachusetts and Rhode Island. William L. Mobley, registered practitioner, 1694 Main Street, Springfield, MA 01103.

No. MC-FC-72797. By order of April 16, 1971, the Motor Carrier Board approved the transfer to William C. Harshman, Sr., doing business as Harshman & Sons, Southington, Ohio, of that portion of the operating rights in certificate No. MC-110943 (Sub-No. 1) issued July 9, 1964, to Thomas R. Hogarth, doing business as Hogarth's Towing Service, Twinsburg, Ohio, authorizing the transportation of wrecked or disabled motor vehicles, and replacement or repair parts or equipment for wrecked or disabled motor vehicles, between points in Geauga, Trumbull, Mahoning, and Columbiana Counties, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Massachusetts, Michigan, Missouri, New York, Pennsylvania, Virginia, and West Virginia. Edwin C. Meminger, 731 Leader Building, Cleveland, OH 44114, attorney for applicants.

No. MC-FC-72810. By order of April 19, 1971, the Motor Carrier Board approved the transfer to Lincoln Van & Storage Co., Inc., 2901 North 17th Street, Philadelphia, PA, of the operating rights in certificate No. MC-129081 issued January 11, 1968, to Robert B. Smith doing business as Lincoln Van & Storage Co., 2901 North 17th Street, Philadelphia, PA, authorizing the transportation of household goods between Philadelphia, Pa., on the one hand, and, on the other, points in New York, New Jersey, Maryland, Delaware, and the District of Columbia.

No. MC-FC-72812. By order of April 21, 1971, the Motor Carrier Board approved the transfer to Gartin Ruck Line, Inc., Tuscumbia, Mo., of certificate No. MC-26564, issued to John Veulemans and Robert Case, a partnership, doing business as Tipton Truck Line, Tipton, Mo., authorizing the transportation of: General commodities, with the usual exceptions, between Tipton, Mo., and 20 miles

thereof, and points in St. Clair County, Ill., in a radial movement. Thomas P. Rose, attorney, Post Office Box 205, Jefferson City, Mo.

No. MC–FC–72813. By order of April 19, 1971, the Motor Carrier Board approved the transfer to Royal Express Co., Inc., Philadelphia, Pa., of the operating rights in certificate No. MC–31607 issued August 21, 1959, to Harry Kane, doing business as Royal Express Co., Philadelphia, Pa., authorizing the transportation of store fixtures, and store furniture and equipment, from Philadelphia, Pa., to Atlantic City, N.J., and points in New Jersey within 50 miles of Philadelphia; and men's clothing, cotton and woolen piece goods, and store fixtures, between points in Philadelphia, Pa. Martin S. Goodman, 1207 Bankers Securities Building, Philadelphia, PA 19107, attorney for applicants.

No. MC–FC–72816. By order of April 16, 1971, the Motor Carrier Board approved the transfer to Lester L. Mishler, St. Croix Falls, Wis., of the operating rights in certificate No. MC–73241 issued August 12, 1953 to Arne H. Erickson, Cushing, Wis., authorizing the transportation of general commodities, with exceptions, between points in Sterling, Laketown, and Eureka Townships, Polk County, Wis., on the one hand, and, on the other, South St. Paul, St. Paul, Minneapolis, and Newport, Minn. A. R. Fowler, 2288 University Avenue, St. Paul, MN 55114, representative for applicants.

No. MC–FC–72818. By order of April 19, 1971, the Motor Carrier Board approved the transfer to Kearney's Inc., Portland, Pa., of a portion of the operating rights in certificate No. MC–119282 (Sub-No. 2) issued December 16, 1969 to Kroninger Service, Inc., Mount Bethel, Pa., authorizing the transportation of building blocks from the plantsite and storage facilities of L. F. Taylor, Inc., at or near Mount Bethel, Pa., to points in Westchester, Nassau, and Suffolk Counties, N.Y.; New York, N.Y., and a described area of New Jersey. Kenneth R. Davis, 999 Union Street, Taylor PA 18517, representative for applicants.

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

[FR Doc.71–5836 Filed 4–26–71;8:52 am]

CUMULATIVE LIST OF PARTS AFFECTED—APRIL

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during April.

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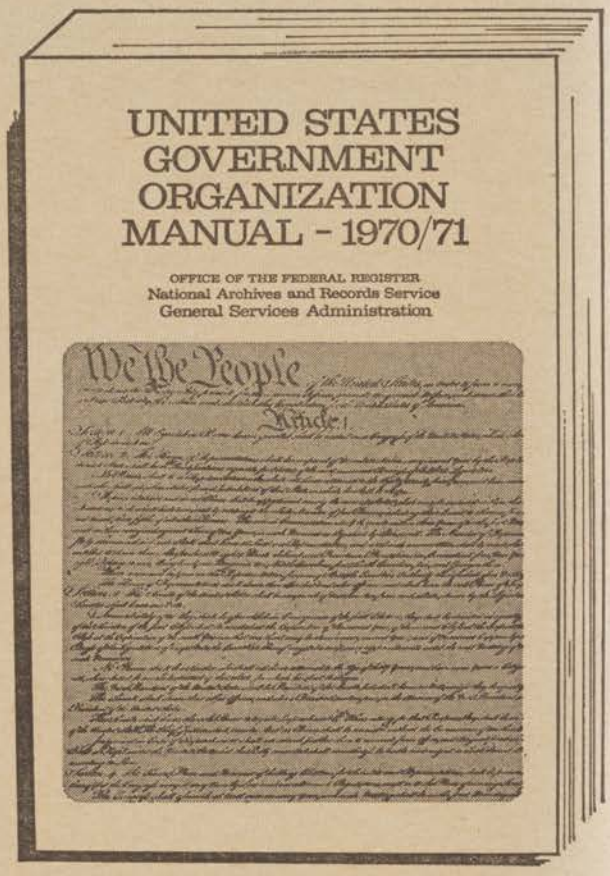

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