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Title 3—The President

PROCLAMATION 4049

Clean Waters for America Week, 1971

By the President of the United States of America

A Proclamation

The United States has a proud record of facing up to great challenges by taking the decisive action required to meet them. Perhaps the greatest challenge to America in the 1970s will be ending the wasteful and destructive practices which have so seriously degraded our environment.

For too many years, we Americans have taken our natural resources for granted, confident that the abundant land of our forefathers would always provide enough fresh air, good water, and open space for every need.

The truth is that no new sources of fresh water have been uncovered in America for many years. At the same time, population growth and technological advances have tremendously increased both the overall and the per capita consumption of water, while inadequate treatment of wastes has contaminated more and more of our water resources.

We must act quickly and effectively to protect our waters from further deterioration and to treat wastes so the water may be used again. Only in this way will future generations of Americans be assured of an adequate supply of clean water.

To call attention to the need for a continuous program for the control and elimination of water pollution, the Congress, by a joint resolution approved December 28, 1970, requested the President to issue a proclamation designating the first full calendar week in May of 1971 as Clean Waters for America Week.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week beginning May 2, 1971, as Clean Waters for America Week.

I urge all Americans, and interested groups and organizations, to observe this week with appropriate ceremonies, activities, and educational programs, and to support community, State, and Federal efforts to clean

up our national waterways and to adopt new habits and practices which will contribute to the enhancement of water quality in this country.

I also invite the Governors of the States and the Commonwealth of Puerto Rico and the Commissioner of the District of Columbia to provide for the observance of this week.

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

Richard Nixon

[FR Doc.71-6337 Filed 5-3-71;11:26 am]

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Title 7—AGRICULTURE

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 10]

PART 724—BURLEY, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52), CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, AND 55), AND MARYLAND TOBACCO

Subpart—Tobacco Allotment and Marketing Quota Regulations, 1968–69 and Subsequent Marketing Years

ESTABLISHMENT OF 1971 POUNDAGE QUOTAS FOR BURLEY TOBACCO

Correction

In F.R. Doc. 71–5703 appearing at page 7594 in the issue of Thursday, April 22, 1971, the word "not" in the 16th line of § 724.74(e) (1) should be deleted.

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

[Navel Orange Reg. 235, Amdt. 1]

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

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 97, as amended (7 CFR Part 907, 35 F.R. 16359), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(b) *Order, as amended.* These provisions in paragraph (b) (1) (i), and (ii) of § 907.535 (Navel Orange Reg. 235, 36 F.R. 7596) during the period April 23, 1971, through April 29, 1971, are hereby fixed as follows:

§ 907.535 Navel Orange Regulation 235.

* * * * *

(b) * * *

(1) * * *

(i) District 1: 847,000 cartons;

(ii) District 2: 253,000 cartons.

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

Dated: April 29, 1971.

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

[FR Doc.71–6228 Filed 5–3–71;8:51 am]

[Lemon Reg. 477, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(b) *Order, as amended.* The provisions in paragraph (b) (1) (ii) of § 910.777 (Lemon Reg. 477, 36 F.R. 7735) during the period April 25, through May 1, 1971, are hereby amended to read as follows:

§ 910.77 Lemon Regulation 477.

* * * * *

(b) * * *

(1) * * *

(ii) District 2: 274,000 cartons.

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

Dated: April 29, 1971.

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

[FR Doc.71–6227 Filed 5–3–71;8:51 am]

Chapter XIV—Commodity Credit Corp., Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1971 Crop Dry Edible Bean Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1971 Crop Dry Edible Bean Loan and Purchase Program

The General Regulations Governing Price Support for the 1970 and Subsequent Crops (35 F.R. 7363 and 7781) and the 1970 and Subsequent Crops Dry Edible Bean Loan and Purchase Program Regulations (35 F.R. 8537) which contain regulations of a general nature with respect to price support operations, are further supplemented for 1971 crop dry edible beans. The material previously appearing in this section under the heading "1970 Crop Dry Edible Bean Loan and Purchase Program" remains in full force and effect as to the crop to which it was applicable.

Sec.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

§ 1421.140 Purpose.

This supplement contains additional program provisions which, together with the provisions of the General Regulations Governing Price Support for the 1970 and Subsequent Crops and any amend-

ments thereto or revisions thereof, and the 1970 and Subsequent Crop Dry Edible Bean Loan and Purchase Program Regulations, and any amendments thereto, apply to loans and purchases for 1971 crop dry edible beans.

§ 1421.141 Availability.

(a) *Loans.* A producer desiring a price support loan must request a loan on his eligible beans on or before March 31, 1972.

(b) *Purchases.* To obtain price support through sales, a producer must execute and deliver to the appropriate ASCS county office on or before April 30, 1972, a purchase agreement (Form CCC–614), indicating the approximate quantity of 1971 crop dry edible beans he will sell to CCC.

§ 1421.142 Maturity of loans.

Unless demand is made earlier, loans on dry edible beans will mature on April 30, 1972.

§ 1421.143 Support rates.

The support rate for beans placed under a loan other than a loan on beans stored commingled in an approved warehouse shall be the applicable basic support rate specified in paragraph (a) of this section for the county in which the beans were produced, adjusted as provided in paragraph (d) of this section. The support rate for loans on beans stored commingled in approved warehouse storage and for settlement of all loans and purchases shall be the applicable basic support rate specified in paragraph (a) of this section for the county in which the beans were produced, adjusted in accordance with paragraphs (b), (c), and (d) of this section, and adjusted also, in the case of settlements, by such discounts as CCC may establish for class, grade, and quality factors not specified in this section which affect the value of the beans, such as (but not limited to) splits, damage, contrasting classes, and foreign material. The discounts established for the purposes of settlement will be based upon the market discounts for such factors at the time the beans are delivered to CCC, as determined by CCC. Producers may obtain schedules of such factors and discounts at ASCS county offices approximately 1 month prior to the loan maturity date. Except in the case of large lima beans, if the beans have been moved by truck to approved warehouse storage in a higher support rate county, or if the warehouse guarantees delivery by truck to approved storage or on track in a higher support rate county, the support rate shall be determined on the basis of the basic support rate specified in paragraph (a) of this section for the county in which the beans are stored or to which delivery is guaranteed, rather than the county in which the beans were produced. Settlement shall be made in accordance with the provisions of § 1421.23.

(a) *Basic county support rates.* The basic county support rates per 100 pounds net weight for beans of all classes grading Prime Handpicked or U.S. No. 1 are as follows:

Class and area	Rate per 100 pounds prime handpicked or U.S. No. 1 in jute or polypropylene bags
Pinto:	
Area I—In New Mexico all counties except San Juan, Rio Arriba, Taos, McKinley, and Valencia	$6.57
Area II—Idaho, Kansas, Nebraska, Oklahoma, and Texas. In Colorado, the counties of Larimer, Boulder, Gilpin, Clear Creek, Jefferson, Teller, Fremont, Pueblo, Huerfano, and Las Animas and all counties east thereof in Colorado. In Wyoming, the counties of Goshen, Laramie, and Platte	6.47
Area III—In New Mexico the counties of San Juan, Rio Arriba, Taos, McKinley, and Valencia	6.37
Area IV—Arizona, California, Montana, South Dakota, and Utah. In Wyoming, all counties not in Area II. Colorado, all counties not in Area II	6.27
Area V—Washington	5.67
Area VI—Other States	6.07
Great northern:	
Area I—Nebraska, Minnesota, and North Dakota. In Colorado, all counties east of 106° longitude. In Wyoming, the counties of Goshen, Laramie, and Platte	7.21
Area II—South Dakota, Montana, and Idaho. In Wyoming, all counties not in Area I and in Oregon, Malheur County	7.01
Area III—Other States and counties	6.71
Pea (Navy) and Medium White:	
Area I—Michigan, New York, Maine, Minnesota, and Wisconsin	6.65
Area II—Other States	6.15
Small White and Flat Small White	7.52
Dark Red Kidney	8.51
Light and Western Red Kidney	8.70
Pink	7.32
Small Red:	
Area I—Idaho and Colorado	7.47
Area II—Washington	7.37
Area III—Other States	7.42
Large lima	10.39
Baby lima	5.99

(b) *Premium.*

	Cents per 100 pounds
Grade U.S. CHP (Pea beans)	25
Grade U.S. CHP (all other beans)	10
Grade U.S. Extra No. 1	10

(c) *Discount.*

	Cents per 100 pounds
Grade U.S. No. 2	25
Paper package	09

(d) *Deduction for processing charges.* In the case of beans which have not been processed (i.e., commercially cleaned), the rate shall be reduced by the following amounts (except for beans stored commingled in an approved warehouse):

	Dollar per 100 pounds from U.S. No. 1 rate
All States except Michigan and New York	$1.00
Michigan, Pea beans only	1.00
Michigan, other classes	1.50
New York	2.00

Effective date. Upon publication in the FEDERAL REGISTER (5–4–71).

Signed at Washington, D.C., on April 28, 1971.

GEORGE V. HANSEN,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.71–6177 Filed 5–3–71;8:46 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8812]

PART 13—PROHIBITED TRADE PRACTICES

London Credit and Discount Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15–70 Financing activities; 13.15–225 Personnel or staff: § 13.60 *Earnings and profits;* § 13.1575 *Prices:* 13.155–5 Additional charges unmentioned; 13.155–95 Terms and conditions. Subpart—Enforcing dealings or payments wrongfully: § 13.1045 *Enforcing dealings or payments* wrongfully. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1417 *Financing activities;* § 13.1520 *Personnel or staff;* Misrepresenting oneself and goods—Goods: § 13.1615 *Earnings and profits;* Misrepresenting oneself and goods—Prices: § 13.1778 *Additional costs unmentioned;* § 13.1823 *Terms and conditions.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1882 *Prices.* Subpart—Securing agents or representatives by misrepresentation: § 13.2130 *Earnings.* Subpart—Simulating another or product thereof: § 13.2208 *Court documents.* Subpart—Using misleading name—Vendor: § 13.2365 *Concealed subsidiary, fictitious collection agency, etc.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, London Credit and Discount Corp. et al., Mentor, Ohio, Docket No. 8812, Apr. 1971]

In the Matter of London Credit and Discount Corp., Fidelity Credit Acceptance Corp., Security Credit Acceptance Corp., and American Management and Business Service Corp., Corporations, and Richard B. Rosenkeimer, George M. Hyde, Edward L. Weisbarth, Kathryn R. Tibbetts, H. Frank Gill, William C. Childs, Robert F. Hitzel and Sheldon C. Cyphers, Individually and as Officers, Managers, Principal Shareholders, Directors, or Founder of said Corporations

Consent order requiring three affiliated Mentor, Ohio, debt collection agencies to cease making various false representations in recruiting employees, making various false representations to their clients/creditors as to how their accounts are handled, misrepresenting that respondents have a "Medical Service Division," using threats of legal action and

simulated legal documents, misrepresenting that any document was originated by an independent auditing agency, using deceptive questionnaires, and implying that failure to pay respondents will injure debtor's reputation.

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

It is ordered, That respondents London Credit and Discount Corp., Fidelity Credit Acceptance Corp., and Security Credit Acceptance Corp., corporations, and their officers, and George M. Hyde, Edward L. Weisbarth, Kathryn R. Tibbetts, H. Frank Gill, William C. Childs, Robert F. Hitzel, and Sheldon H. Cyphers, individually and as either officers, managers, principal shareholders, directors, or founder of said corporations, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of any service or printed matter for use in the collection of claims or accounts, the solicitation of accounts or contracts therefor, or the collection of accounts, or any other product or service, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that respondents guarantee $150 weekly earnings or any other amount to brokers/salesmen employed to solicit accounts for collection by respondents without clearly and conspicuously revealing in immediate connection therewith (a) all of the terms, conditions and limitations necessary for the receipt of the guaranteed weekly earnings and (b) the actual number and percentage of those brokers/salesmen employed by each corporate respondent during the preceding calendar year who qualified and received the guaranteed weekly earnings and the average period of time these brokers/salesmen continued to receive the guaranteed weekly earnings, in relation to the total number of brokers/salesmen employed by each corporate respondent during the preceding calendar year.

2. Representing, directly or by implication, that brokers/salesmen employed to solicit accounts for collection by respondents will receive earnings in any specified amount without clearly and conspicuously revealing in immediate connection therewith the actual number and percentage of those brokers/salesmen employed by each corporate respondent during the preceding calendar year who qualified and received the represented earnings and the average period of time these brokers/salesmen continued to receive such earnings, in relation to the total number of brokers/salesmen employed by each corporate respondent during the preceding calendar year.

3. Representing, directly or by implication, that brokers/salesmen employed to solicit accounts for collection by respondents will receive a drawing account of at least $200 weekly or any other amount after the brokers/salesmen get into production without clearly and conspicuously disclosing, orally and in writing in immediate connection therewith (a) all of the terms, conditions, and limitations applicable thereto, and (b) the actual number and percentage of those brokers/salesmen employed by each corporate respondent during the preceding calendar year who qualified and received a weekly drawing account and the average period of time these brokers/salesmen continued to receive the weekly drawing account, in relation to the total number of all brokers/salesmen employed by each corporate respondent during the preceding calendar year.

4. Misrepresenting, in any manner, the earnings, compensation or profits of their brokers/salesmen employed to solicit accounts for collection by respondents.

5. Representing, directly or by implication, that brokers/salesmen employed to solicit accounts for collection by respondents will realize earnings, compensation, profits, or income of any stated amounts or percentage of amounts without clearly and conspicuously revealing in immediate connection therewith all of the terms, conditions, and limitations necessary for the receipt and retention of earnings, compensation, profits, or income of any stated amounts or percentage of amounts.

6. Representing, directly or by implication, that the percentage fee to be charged or retained by respondents is based on the actual amount collected from an account or accounts, unless in every instance the percentage fee to be charged or retained by respondents is based on the actual amount collected.

7. Failing to clearly and conspicuously disclose, orally and in writing, to a client/creditor or prospective client/creditor (a) that the percentage fee to be charged or retained by respondents is based on the full face amount of an account to be collected by respondents and that funds are not remitted to the client/creditor until respondents have received their entire stated fee; (b) or any other basis upon which fees are charged, retained, or remitted.

8. Representing, directly or by implication, that respondents' $3 minimum charge or any other minimum charge applies only when some type of collection is made on alleged delinquent accounts assigned to respondents by a client/creditor, unless in every instance respondents' $3 minimum charge or any other minimum charge does apply only when some type of collection is made on alleged delinquent accounts assigned to respondents by a client/creditor.

9. Failing to clearly and conspicuously disclose, orally and in writing, to a client/creditor or prospective client/creditor that as soon as respondents make a collection on at least one individual account of a client/creditor, the basic $3 minimum charge, or any other stated minimum charge, thereupon applies both to that account, regardless of the amount collected, and to each and every other individual account of that client/creditor; and payment of such minimum charge as to each and every such account is thereupon due to respondents, regardless of whether respondents have then collected or thereafter collect any amount on any of the remaining individual accounts.

10. Misrepresenting, in any manner, the terms, conditions, or basis upon which a stated charge or percentage fee is applicable to an account or accounts.

11. Representing, directly or by implication, that respondents discount alleged delinquent accounts of prospective clients/creditors or clients/creditors on an immediate cash basis, without clearly and conspicuously disclosing in immediate connection therewith, orally and in writing, the number, percentage, and dollar amounts of all accounts discounted on an immediate cash basis during the preceding calendar year in relation to the total number of accounts processed for collection by respondents over the same period of time, as to which the clients/creditors requested said discounting.

12. Failing to clearly and conspicuously disclose to a client/creditor, in every instance when a client/creditor signs an authorization waiving the preliminary audit of his accounts: (a) That he loses whatever opportunity he may have to discount his accounts, or any of them, on an immediate cash basis; (b) all accounts thereby will be processed on a percentage fee or minimum charge; and (c) all other terms, conditions, and limitations in connection therewith.

13. Representing, directly or by implication, that remittances of monies collected by respondents will be made to the creditor immediately upon their receipt by respondents or within a specified period of time, unless in every instance respondents do remit moneys collected by them to the creditor immediately upon their receipt by respondents or within the period of time so specified.

14. Failing to remit all monies due clients/creditors or any other person or persons lawfully entitled to receive said moneys within 180 days of the date of execution of the Application-Agreement.

15. Failing to remit to all clients/creditors on whose behalf collections have been made in whole or in part and to whom full remittance has not been made as of the effective date of this order, such sums as would be due upon timely written application by the clients/creditors.

16. Representing, directly or by implication, that reports as to the status of or the progress made in the collection of accounts will be made to respondents' clients/creditors, unless in every instance said reports as to status of or the progress made in the collection of accounts are made to respondents' clients/creditors.

17. Representing, directly or by implication, that respondents, or any of them, have a "Medical Service Division" which is specially staffed, established and operated to service delinquent accounts assigned by members of the Medical Profession or any other division, branch or organizational unit specially staffed and operated to service a particular category of accounts or perform any other functions in connection therewith, unless in every instance respondents do have such divisions, branches, or organizational units which are specially staffed, established, and operated to service such accounts and perform other functions in connection therewith.

18. Using any names, organizational designations, or descriptions in connection with their businesses which are fictitious or misrepresenting, directly or by implication, the nature or size of their businesses.

19. Using threats of legal proceedings in an attempt to gain payment of accounts, when in fact legal proceedings are not to be employed as a collection device.

20. Using any unofficial or unauthorized document which simulates or is represented to be a document authorized, issued or approved by a court of law or any other official or legally constituted or authorized authority, or misrepresenting, in any manner, the source, authorization, or approval of any document.

21. Representing, directly, or by implication, that any letter, demand, inquiry, or other communication originated by respondents was originated by an independent auditing agency or any other person, firm, or corporation.

22. Using any form, questionnaire, or other material, printed or written, for the purpose of obtaining credit information, which does not clearly and conspicuously reveal that the purpose for which the information is requested is that of obtaining credit information concerning alleged delinquent debtors or in the collection of, or attempting to collect alleged delinquent accounts.

23. Representing, directly or by implication, that failure of an alleged debtor to make payments to respondents will result in harm to said debtor's reputation, impairment of his credit standing or cause embarrassment, fear or concern from inquiries that will be made about him.

24. Including in any of respondents' contracts any clause which is directly or indirectly in conflict with any provision of this order.

It is further ordered, That respondents shall institute a program of compliance for brokers/salesman or other persons employed to solicit accounts for collection by respondents to insure that said brokers/salesmen or other persons employed to solicit accounts for collection by respondents observe the terms of this order. Said program or compliance shall be carried out in the following manner, to wit:

(a) Respondents shall require each present and future broker/salesman or other person employed to solicit accounts for collection by respondents, as a condition of undertaking and continuing employment, to sign and return to respondents a form clearly stating his intention to refrain from deceptive representations or deceptive means to solicit accounts for collection by respondents, including but not limited to charging of percentage fees, application of minimum charges, discounting of accounts or waiver thereof, remittances of monies collected, status or progress reports or divisional or organizational structure of respondents' business.

(b) Respondents shall maintain and make available records relative to complaints received by respondents involving the acts and practices prohibited by this order and which describe steps taken by respondents to investigate and dispose of said Complaints. Said records shall be maintained for at least 24 months.

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

It is further ordered, That the complaint served on American Management and Business Service Corporation and Richard B. Rosenkeimer, hereinbefore named as respondents in the caption to this proceeding, said complaint having been withdrawn from adjudication by the Commission by order dated November 10, 1970, be and the same is hereby dismissed, without prejudice to the Commission to institute such future proceedings against said named parties as the Commission in its discretion may deem warranted.

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

Issued: April 1, 1971.

By the Commission.

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

[FR Doc.71-6171 Filed 5-3-71;8:46 am]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 204—PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

The first sentence of subparagraph (1) *General* of paragraph (d) *Evidence required to accompany petition for orphan* of § 204.2 *Documents* is amended to read as follows: "A petition filed on behalf of an orphan under § 204.1(b) must be accompanied by fingerprint charts on Form I-413 of the petitioning U.S. citizen and spouse; evidence of U.S. citizenship of the petitioner as provided in paragraph (a) of this section; a certificate of marriage of the petitioner and spouse and proof of legal termination of their previous marriages, if any; proof of age of the orphan in the form of a birth certificate, or if such certificate is not available other evidence of his birth; evidence that the petitioner and spouse are able to care for the orphan properly, such as letters from employers, banks, and accountants, financial statements, copies of income tax returns; a certified copy of the adoption decree together with certified translation, if the orphan has been lawfully adopted abroad; and evidence that the sole or surviving parent is incapable of providing for the orphan's care and has in writing irrevocably released the orphan for emigration and adoption if the orphan has only one parent."

PART 234—PHYSICAL AND MENTAL EXAMINATION OF ARRIVING ALIENS

1. Subparagraph (1) *Applicants for status of permanent resident* of paragraph (c) *Civil surgeon reports* of § 234.2 *Examination in the United under the immigration laws* is amended by inserting the following sentence immediately after the existing first sentence to read as follows: "The immigration office may return such X-ray and laboratory reports to the alien."

2. Subparagrph (1) *Applicants for status of permanent resident* of paragraph (c) *Civil surgeon reports* of § 234.2 *Examination in the United States of alien applicants for benefits under the immigration laws* is further amended by deleting the last two sentences and substituting the following sentence in lieu thereof to read as follows: "When the applicant has been found by the civil surgeon to be so afflicted, that immigration office will forward a copy of Form I-486A with X-ray and laboratory reports, and a copy of Form FS-398 to the Director, Foreign Quarantine Program, Center for Disease Control, Atlanta, Ga. 30333, for issuance of an appropriate medical certificate, and decision on the application for status as a permanent resident shall be deferred pending receipt of the certificate."

PART 238—CONTRACTS WITH TRANSPORTATION LINES

1. The listing of transportation lines in subparagrph (1) *Canada* of paragraph (b) *Agreements with transportation lines* of § 238.2 *Transportation lines bringing aliens to the United States from or through foreign contiguous territory or adjacent islands and lines bringing aliens destined to the United States into such territory or islands* is amended by deleting the transportation line "P & O Lines (North America) Inc."

2. The listing of transportation lines in subparagraph (2) *Bermuda* of paragraph (b) *Agreements with transportation lines* of § 238.2 *Transportation lines bringing aliens to the United States from or through foreign contiguous territory or adjacent islands and lines bringing aliens destined to the United States into such territory or islands* is amended by adding the following transportation line in alphabetical sequence: "P & O Lines (North America) Inc."

3. The listing of transportation lines in paragraph (b) *Signatory lines* of § 238.3 *Aliens in immediate and continuous transit* is amended by adding the following transportation line in alphabetical sequence: "China Navigation Co. Ltd., The."

PART 299—IMMIGRATION FORMS

The listing of forms in § 299.1 *Prescribed forms* is amended in the following respects:

1. The form "FD–258 Applicant Card" is deleted.

2. The following form and reference thereto is added in alphabetical and numerical sequence:

Form No.	*Title and description*
I–413	Applicant card.

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

This order shall be effective on the date of its publication in the FEDERAL REGISTER (5–4–71). Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date, is unnecessary in this instance and would serve no useful purpose because the amendments to §§ 204.2(d)(1) and 299.1 are editorial in nature; the amendments to § 234.2(c)(1) refer to agency procedure; the amendment to § 238.2(b)(1) deletes a transportation line from the listing; and the amendments to §§238.2(b)(2) and 238.3(b) add transportation lines to the listings.

Dated: April 28, 1971.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[FR Doc.71–6186 Filed 5–3–71;8:47 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER D—PUBLIC BUILDINGS AND SPACE

PART 101–20—ASSIGNMENT AND UTILIZATION OF SPACE

Subpart 101–20.1—Assignment of Space

SHORT-TERM USE OF CONFERENCE AND MEETING FACILITIES

This amendment provides procedures that will expedite the procurement of facilities for short-term conferences and meetings.

1. New § 101–20.102–2(d) is added as follows:

§ 101–20.102–2 Exceptions to submitting requests for space.

* * * * *

(d) Space for short-term conferences and meetings. (See § 101–20.102–4).

2. Section 101–20.102–4 is revised to read as follows:

§ 101–20.102–4 Short-term use of conference and meeting facilities.

Agencies having a need for facilities for short-term conferences and meetings shall contact GSA informally to make their requirements known. GSA will determine if suitable Government-owned facilities are available in the desired area and, if so, will notify the requesting agency of its assignment. If no suitable facilities are available, GSA will assist or advise agencies in arranging for the use of privately owned facilities when agencies have authority to contact by purchase order or other means. Payment for use of privately owned conference or meeting rooms is, in fact, payment for the services and furnishings that are provided. Such services and furnishings, in addition to the facilities (auditorium, conference room, meeting room, etc.), would include chairs (already placed as requested by the user), rostrum with tables and chairs, posting of notices on appropriate building bulletin board, amplifier system, screen and motion picture projector, and other special equipment needed. GSA may obtain privately owned conference and meeting facilities by service contract on an hourly rate basis where combined requirements of the Federal agencies in a particular area would justify an open end service contract for such space for intermittent use periods or for an extended period of time.

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

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER (5–4–71).

Dated: April 27, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71–6189 Filed 5–3–71;8:47 am]

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 101–26—PROCUREMENT SOURCES AND PROGRAMS

Subpart 101–26.5—GSA Procurement Programs

WAIVER REQUIREMENTS FOR AUTOMATED DATA PROCESSING SUPPLIES

This amendment clarifies and emphasizes the requirement for obtaining waivers in connection with the procurement of EDP tape and tabulating machine cards when such items are not available from Federal Supply Schedule contracts.

Sections 101–26.508–2(b) and 101–26.509–2(b) are revised to read as follows:

§ 101–26.508–2 Requirements not available from Federal Supply Schedule contracts.

* * * * *

(b) Requirements for all types of EDP tape not covered by Federal Supply Schedule contracts shall be submitted to GSA for purchase action if the dollar value of the requirements exceeds or is estimated to exceed $2,500. However, regardless of the amount involved (including requirements estimated to be $2,500 or less) no purchase action by GSA or an agency shall be taken unless a waiver of the requirement for using items of tape available from Federal Supply Schedule contracts has been furnished in accordance with § 101–26.401–3. Requests for waivers shall be submitted to the Commissioner, Federal Supply Service, General Services Administration, Washington, DC 20406. Such requests shall fully describe the type of tape required and state the reasons Federal Supply Schedule items will not adequately serve the agency's needs. GSA will notify the requesting agency in writing of the action taken on such requests. To reduce lead-time, purchase requests may be submitted with the requests for waiver. Purchase requests for requirements for which a waiver has first been obtained, however, shall be submitted with a copy of the waiver to General Services Administration (FPN), Washington, DC 20406. GSA will either arrange for procurement of such requirements or authorize the requesting agency to procure them.

* * * * *

§ 101–26.509–2 Requirements not available through Federal Supply Schedule contracts.

* * * * *

(b) Requirements for tabulating machine cards not covered by Federal Supply Schedule contracts shall be submitted to GSA for purchase action if the dollar value of the requirements exceeds or is estimated to exceed $2,500. However, regardless of the amount involved (including requirements estimated to be $2,500 or less), no purchase action by GSA or an agency shall be taken unless a waiver of the requirement for the use of tabulating cards available from Federal Supply Schedule contracts has been furnished in accordance with § 101–26.401–3. Requests for waivers shall be submitted to the Commissioner, Federal Supply Service, General Services Administration, Washington, D.C. 20406. Such requests shall fully describe the items required and state the reasons the tabulating machine cards covered by Federal Supply Schedule contracts will not adequately serve the functional end-use purpose. GSA will notify the requesting agency in writing of the action taken on such requests. To reduce leadtime, purchase requests may be submitted with the requests for waiver. Purchase requests for requirements for which a waiver has first been obtained, however, shall be submitted with a copy of the waiver to General Services Administration (FPN), Washington, D.C. 20406. GSA will either arrange for procurement of such requirements or authorize the requesting agency to procure them.

* * * * *

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

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER (5–4–71)

Dated: April 27, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71–6190 Filed 5–3–71;8:47 am]

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM-6; Amdt. 195-3]

PART 195—TRANSPORTATION OF LIQUIDS BY PIPELINE

Testing With Transported Commodities

The purpose of this amendment is to modify the restrictions in Part 195 on the testing of pipelines using the commodity to be transported as the test medium. The amendment deletes the requirement for a 1,000-foot clear zone and provides several other conditions in lieu thereof.

The regulations on testing of pipelines transporting hazardous liquids were issued on November 2, 1970 (35 F.R. 17183, November 7, 1970) and became effective on January 8, 1971. The American Petroleum Institute has petitioned the Board to delete § 195.306(b)(2) which requires that no persons, other than those conducting the test, be within 1,000 feet of the pipeline test section when testing with liquid petroleum. If this clear zone requirement is not met, water must be used as the test medium.

The petitioner contends that the 1,000-foot requirement will virtually eliminate testing with product due to the difficulties in achieving this clearance. The petition also states several disadvantages to testing with water, particularly testing incident to relocation of existing pipelines, as follows:

First, in winter in the northern States, ground temperatures are so low as to freeze water should it be employed as a test medium. If carriers are limited to the use of water as a test medium, they can safely conduct hydrostatic tests only when they are absolutely certain that the ambient temperature during the test period will not drop below the point where the test water would freeze and damage the pipeline. The use of antifreeze solutions—ethylene glycol or methanol—as test media is contraindicated by their expense and the problem of disposing of them without contributing to pollution. By testing with petroleum products, pipelines may be placed in service many months earlier than if the carrier were forced to wait for the spring thaw.

Secondly, in some areas a quantity of water sufficient to provide linefill for the hydrostatic test cannot be acquired. This is sometimes the case in the Desert Southwest, the Rocky Mountain States and in certain parts of the North in winter.

Thirdly, in the case of pipelines undergoing tests because of repair or modification, the disposal of water contaminated with petroleum products can create serious problems.

Finally, it is difficult to dry a pipeline following a hydrostatic test with water so as to eliminate the possibility of product degradation. Even minute amounts of water may render some petroleum products unacceptable. This is particularly true of aviation turbine fuel and aviation gasoline, products commonly transported by pipeline.

The Board agrees that under some circumstances the use of the transported commodity as a test medium may be desirable and that the 1,000-foot requirement may prove unduly restrictive in this regard. Therefore, § 195.306(b) is modified in a manner that will provide greater flexibility in the use of commodities as the test medium. The 1,000-foot requirement is deleted and several new conditions are added to assure continued protection for the public. These include a clear zone of 300 feet while the test stress level is at 50 percent or more of the specified minimum yield strength of the pipe being tested, as well as requirements for patrolling and for maintenance of continuous communication along the test section at all times.

To the extent indicated above, the petition of the American Petroleum Institute with respect to § 195.306(b) of Title 49 of the Code of Federal Regulations is granted and in all other respects is denied.

Since this amendment relieves a restriction and does not impose any additional burden on anyone, I find that notice and public procedure thereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, § 195.306(b) of title 49 of the Code of Federal Regulations is amended to read as follows, effective immediately.

§ 195.306 **Test medium.**

* * * * *

(b) Liquid petroleum that does not vaporize rapidly may be used as the test medium if—

(1) The entire pipeline section under test is outside of cities and other populated areas;

(2) Each building within 300 feet of the test section is unoccupied while the test pressure is equal to or greater than a pressure which produces a hoop stress of 50 percent of specified minimum yield strength;

(3) The test section is kept under surveillance by regular patrols during the test; and

(4) Continuous communication is maintained along entire test section.

(Secs. 831–835, title 18, U.S.C., secs. 6(e)(4), (f)(3)(A) Department of Transportation Act, 49 U.S.C. 1655(e)(4), (f)(3)(A), § 1.4(e)(4) Regulations of the Office of the Secretary of Transportation)

Issued in Washington, D.C., on April 28, 1971.

CARL V. LYON,
Acting Administrator,
Federal Railroad Administration.

[FR Doc.71-6183 Filed 5-3-71;8:47 am]

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

[Docket 69-7]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Occupant Crash Protection; Interpretation of "Passive" System

Several persons have raised questions as to what constitutes a "passive" restraint system—one that requires "no action by vehicle occupants"—as those concepts are used in Standard No. 208, Occupant Crash Protection (36 F.R. 4600, March 10, 1971), effective January 1, 1972. Specifically, it has been asked whether occupant protection systems that require occupants to take protective action as a prerequisite to entering, seating themselves in, or operating a vehicle can qualify as a system that requires "no action." One commonly discussed example of such "forced action" systems is a seatbelt interlock, which requires a seat belt to be fastened before the vehicle ignition system is operative.

The concept of an occupant protection system that requires "no action by vehicle occupants" as used in Standard No. 208 is intended to designate a system that requires no action other than would be required if the protective system were not present in the vehicle. Under this interpretation the concept does not include "forced action" systems as described above.

This interpretation is not intended to rule out the possibility that further rulemaking action may be taken in the future to permit such systems in certain cases.

DOUGLAS W. TOMS,
Acting Administrator.

APRIL 29, 1971.

[FR Doc.71-6233 Filed 5-3-71;8:51 am]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Retreaded Pneumatic Tires for Passenger Cars; Correction

In F.R. Doc. 71-5439, appearing at page 7315 in the issue of April 17, 1971, the reference to "test rims" in § 5.1.1 and § 5.1.2 of Motor Vehicle Safety Standard No. 117 has been incorrectly stated.

The opening clauses of both § 5.1.1 and § 5.1.2 are changed to read, "Except as specified in § 5.1.3, each retreaded tire, when mounted on a test rim of the width specified for the tire's size designation in Appendix A of Motor Vehicle Safety Standard No. 109, * * * "

This correction is issued under the authority of sections 103, 112, 113, 114, 119, and 201 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. §§ 1392, 1401, 1402, 1403, 1407, 1421) and the delegations of authority at 49 CFR 1.51.

Issued on April 29, 1971.

DOUGLAS W. TOMS,
Acting Administrator.

[FR Doc.71-6231 Filed 5-3-71;8:51 am]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Control Location, Identification, and Illumination

Motor Vehicle Safety Standard No. 101, establishing requirements for location, identification, and illumination of motor vehicle controls, was amended on

January 14, 1971 (36 F.R. 503). Thereafter, pursuant to 49 CFR 553.35 (35 F.R. 5119) petitions for reconsideration of the amendment were filed by Mercedes-Benz of North America, Inc. (Mercedes), Ford Motor Co. (Ford), General Motors Corp. (GM), International Harvester Co. (Harvester), and Recreational Vehicle Institute (RVI).

In response to information contained in several of the petitions the standard is being amended. The Administrator has declined to grant requested relief from other requirements of the standard.

1. *Effective date for vehicles with GVWR over 10,000 pounds.* GM petitioned for an exemption from the standard for trucks and buses with a gross vehicle weight rating over 10,000 pounds, on the grounds that these vehicles have a greater number of controls, which makes them significantly different from passenger cars, and that control requirements for these vehicles merit a separate rulemaking action. GM also alleged that the standard "would require a complete redesign and retooling of the control panels on our large vehicles." Harvester petitioned for a similar exemption from control illumination requirements for heavy vehicles for a period of 5 years and, in the alternative, for an extension of 6 months of the effective date for this requirement to allow phasing out of models for which retooling is impracticable.

Although vehicles with a GVWR in excess of 10,000 pounds are equipped with certain controls lacking in lighter vehicles, the controls which Standard No. 101 presently covers are similar for all trucks and buses. The NHTSA denies GM's request for exemption of heavy vehicles from the requirements of Standard No 101 and Harvester's request for a stay of 5 years of the requirements of S4.3. However, good cause has been shown for a delay in the effective date of the illumination requirements of Standard No. 101 for vehicles with a GVWR in excess of 10,000 pounds, and therefore the effective date of S4.3 for these vehicles is hereby extended to March 1, 1973.

2. *S4.2 Control identification.* GM, Ford, and Mercedes have petitioned for reconsideration of certain control identification requirements, and have requested clarification of other points. GM has asked that S4.2 be amended to allow the use of symbols or words or symbol-word combinations and Mercedes has made a similar request. GM has also asked permission to use the word "Flasher" rather than "Hazard," and "Deice" for "Defrost." The NHTSA denies these petitions. Use of symbols to identify controls is a comparatively recent development in control identification of American-made vehicles, and the time is premature for controls to be identified on the basis of symbols alone. Use of the word "Hazard" in conjunction with the permissible symbol of the warning triangle will highlight the purpose of this switch in a manner that use of the word "Flasher" will not. Finally, it has been decided that the word "Defrost" is the most appropriate identification of the system in question.

General Motors asked whether the published headlamp identification symbol with nine rays of light was only representative of the required symbol, or definitive in the sense that it must be copied exactly. The NHTSA intends this symbol to be representative only. A symbol resembling the one published, with as few as three rays of light, may be used to comply with the identification requirement for headlamps and clearance lamps.

Petitioners have asked whether symbols may be used on controls not listed in Table I, whether arrows may be employed to indicate direction of control operation, whether color coding is permitted (e.g. red to indicate heat, blue to indicate cold), whether both primary and secondary controls must be identified and illuminated (e.g. diesel engine stop), and whether additional words may be used to describe control operation or function (e.g. "Pull to defrost"). The answer in each instance is yes as long as the additional words or symbols do not conflict with the required words and permissible symbols.

This agency was also asked whether, literally, "each position of the heating and defrosting and/or air-conditioning control must be identified." Variable temperature increments from "off" to "high" of an adjustable control need not be identified.

Clarification was also requested on the requirement that "identification * * * shall appear to the operator in an upright position." GM has interpreted this language "to mean perceptually right side up, as opposed to being in a vertical or horizontal plane," and the Administration concurs in this interpretation.

Ford has asked whether controls visible to the driver but not in the normal forward line of sight must be identified. Examples of such controls are column-mounted hazard warning signal controls which may be partially obscured by the steering wheel, and air-conditioning controls on some vehicles which are in an area adjacent to or behind the driver's seat, and can be seen by a seated operator only when he turns his head. Although these controls are designed to be operable by touch, their function is not clear to an operator unfamiliar with the vehicle in which they are installed, and their identification is necessary.

3. *S4.3 Control illumination.* Ford has asked whether steering-wheel-mounted controls are exempt from illumination requirements. Since the steering wheel itself is mounted on the steering column, the exemption from the illumination requirements for steering column-mounted controls extends to those mounted on the steering wheel as well.

GM requested an exemption for illumination of door side panel controls, alleging that glare may be produced. No sufficient grounds have been shown to exist for such an exemption, however, and therefore this petition is denied.

Air-conditioning controls on certain Harvester vehicles are mounted in the roof area over the driver, and in the Ford Econoline to the driver's rear. Both manufacturers have questioned the appropriateness of requiring illumination of these controls. Since neither system directs air on the windshield and thus cannot create a safety hazard through mis-operation which would befog the windshield, these petitions have been found to have merit, and S4.3 is amended to exempt a system of this nature from the illumination requirements.

4. S5. *Conditions.* GM has petitioned for an amendment of S5.1 "to allow use of an inertia reel in testing to the location requirements of S4.1 where such a restraint system is standard equipment, and nonextending restraints are not offered." GM has misinterpreted the test condition of restraint by nonextending devices, whose intent, expressed at 36 F.R. 503, is "to implement the safety purpose of the standard which is 'to reduce the hazards caused by the diversion of the driver's attention from the motoring environment'." The NHTSA has determined that a minimum of driver movement in location and operation of controls meets the need for motor vehicle safety, and a nonextending restraint system, even if such a system is used only for this purpose, is the means chosen to limit the degree of movement needed. GM's petition is therefore denied.

In consideration of the foregoing, S4.3 of Motor Vehicle Safety Standard No. 101 in 49 CFR 571.21 is revised to read as follows, effective January 1, 1972.

"S4.3 *Control illumination.* This section applies to each passenger car, and to each multipurpose passenger vehicle, truck, and bus with a GVWR of 10,000 pounds or less manufactured on or after September 1, 1972, and to each multipurpose passenger vehicle, truck, and bus with a GVWR of more than 10,000 pounds manufactured on or after March 1, 1973. Except for foot-operated controls or manually operated controls mounted upon the steering column, the identification of any control listed in Column 1 of Table 1 and accompanied by the word 'yes' in the corresponding space in Column 4 shall be illuminated whenever the headlamps are activated. Control identification need not be illuminated when the headlamps are being flashed. Control identification for a heating and air-conditioning system need not be illuminated if the system does not direct air directly upon the windshield. A control shall be provided to adjust the intensity of control illumination variable from an 'off' position to a position providing illumination sufficient for the vehicle operator to readily identify the control under conditions of reduced visibility."

This amendment is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegation of authority at 49 CFR 1.51.

Issued on April 29, 1971.

DOUGLAS W. TOMS,
Acting Administrator.

[FR Doc.71-6232 Filed 5-3-71;8:51 am]

[Docket No. 71-9; Notice No. 1]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Motor Vehicle Safety Standards No. 109, New Pneumatic Tires—Passenger Cars, and No. 110, Tire Selection and Rims—Passenger Cars

On October 5, 1968, guidelines were published in the FEDERAL REGISTER (33 F.R. 14969) by which routine additions of tire and rim sizes could be added to Appendix A of Standard No. 109 and to Appendix A of Standard No. 110. Under these guidelines, the addition becomes effective 30 days from the date of its publication in the FEDERAL REGISTER, if no objections to the proposed additions are received. If objections to the amendment are received, rule-making pursuant to the procedures for motor vehicle safety standards (49 CFR Part 553) are followed. Numerous additions to Appendix A of Standard 109 and Appendix A of Standard 110 have been made under these procedures, and Appendix A of Standard No. 109 and Appendix A of Standard No. 110 are being reissued at this time to incorporate all the changes that have been made to these appendices since October 5, 1968.

At the top of each table in the appendices there is an amendment number that indicates the number of times the table has been amended since its original issue. Where feasible, a brief note below the table indicates the substance of the change being made. This procedure will be followed in future amendments to the tables.

In addition to republishing all previous additions to the tables, new tire size designations and alternative rims are hereby added to various tables. The European Tyre and Rim Technical Organisation has petitioned for the addition of 140 R 12 and 6.5–13 as tire size designations in Appendix A of Standard No. 109, and has requested that test and alternate rim(s) for these tires be added to Appendix A of Standard No. 110.

The European Tyre and Rim Technical Organisation has also petitioned for the addition of the following alternative rims to Table I—Appendix A of Standard No. 110.

Tire size designation:	*Alternative rim*
175–13/6.95–13	5½–J.
6.2–13	4½–J.
205 R 14	7½–K.
205 R 15	6½–L.

In addition to the above, the following errors in the tables have been brought to the National Highway Traffic Safety Administration's attention and are hereby corrected:

(a) Standard No. 109—Appendix A—Table I–B. The 26-pound inflation pressure maximum load for the A70–13 tire size designation is changed to read "940".

(b) Standard No. 110—Appendix A—Table I. The alternate rim "5½–J" of the 6.40–15 tire size in section Table I–C is corrected to read "5½–JJ".

In consideration of the foregoing, § 571.21 of Part 571, Federal Motor Vehicle Safety Standards, Appendix A of Standard No. 109 and Appendix A of Standard No. 110 are amended to read as set forth below, effective 30 days from date of publication in the FEDERAL REGISTER.

(Secs. 103 and 119 of the National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1392, 1407, and the delegation of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on April 16, 1971.

RODOLFO A. DIAZ,
Acting Associate Administrator,
Motor Vehicle Programs.

1. The existing Appendix A—Federal Motor Vehicle Safety Standard No. 109 (49 CFR 571.21) is deleted and in its place the following revised Appendix A is inserted.

APPENDIX A—FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 109

The following tables list tire sizes and tire constructions with proper load and inflation values. The tables group tires of related constructions and load/inflation values. Persons requesting the addition of new tire sizes to the tables or the addition of tables for new tire constructions may, when the additions requested are compatible with existent groupings, or when adequate justification for new tables exists, submit five (5) copies of information and data supporting the request to the Secretary of Transportation, Attention: Motor Vehicle Programs, National Highway Traffic Safety Administration, U.S. Department of Transportation, Washington, D.C. 20591.

The information should contain the following:

1. The tire size designation, and a statement that the tire is an addition to a category for which a table has not been developed.

2. The tire dimensions, including aspect ratio, size factor, section width, overall width, and test rim size.

3. The load-inflation schedule of the tire.

4. A statement that the tire size designation and load inflation schedule has been coordinated with the Tire and Rim Association, the European Tire and Rim Technical Organisation, the Society of Manufacturers and Traders Limited, the Japan Automobile Tire Manufacturers Association, the Deutsche Industrie Norm and the Scandanavian Tire and Rim Organization.

5. Copies of test data sheets showing test conditions, results and conclusions obtained for individual tests specified in Federal Motor Vehicle Safety Standard No. 109.

6. Justification for the additional tire sizes.

The addition of new size tires to the tables, or the addition of tables for new tire construction, is accomplished through an abbreviated procedure consisting of publication in the FEDERAL REGISTER of the petitioned tire sizes or tables. If no comments are received, the amendment becomes effective 30 days from the date of publication. If objections to the amendment are received, additional rulemaking pursuant to Part 553 of the procedural rules for Motor Vehicle Safety Standards will be initiated.

APPENDIX A—FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 109

TABLE I-A

(Amendment No. 5)

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR CONVENTIONAL AND LOW SECTION HEIGHT BIAS PLY TIRES

Tire size [1] designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width (inches) [2]
	16	18	20	22	24	26	28	30	32	34	36	38	40			
6.00–13			770	820	860	900	930	970	1,010	1,040	1,080	1,110	1,140	4	29.37	6.00
6.50–13			890	930	980	1,030	1,070	1,110	1,150	1,190	1,230	1,270	1,300	4½	30.75	6.60
7.00–13			980	1,030	1,080	1,130	1,180	1,230	1,270	1,310	1,360	1,400	1,440	5	31.88	7.10
6.00–14			840	900	930	980	1,020	1,060	1,100	1,130	1,170	1,210	1,240	4	30.64	6.10
6.45–14			860	910	960	1,000	1,040	1,080	1,120	1,160	1,200	1,240	1,270	4½	30.92	6.60
6.50–14			930	990	1,030	1,080	1,130	1,170	1,210	1,250	1,300	1,330	1,370	4½	31.75	7.00
6.95–14			950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,310	1,350	1,390	5	31.96	7.10
7.00–14			1,030	1,100	1,140	1,190	1,240	1,290	1,340	1,380	1,430	1,470	1,520	5	32.88	7.30
7.35–14			1,040	1,100	1,160	1,210	1,260	1,310	1,360	1,400	1,450	1,490	1,540	5	32.92	7.65
7.50–14			1,150	1,230	1,280	1,340	1,390	1,450	1,500	1,550	1,600	1,650	1,700	5½	34.19	7.75
7.75–14			1,150	1,210	1,270	1,330	1,390	1,440	1,500	1,550	1,600	1,650	1,690	5½	34.09	8.10
8.00–14			1,240	1,320	1,380	1,440	1,500	1,560	1,620	1,670	1,730	1,780	1,830	6	35.17	8.20
8.25–14			1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,670	1,730	1,780	1,830	6	35.11	8.35
8.50–14			1,330	1,420	1,480	1,550	1,610	1,670	1,740	1,790	1,850	1,910	1,960	6	35.91	8.50
8.55–14			1,360	1,430	1,510	1,580	1,640	1,710	1,770	1,830	1,890	1,950	2,000	6	36.06	8.95
8.85–14			1,430	1,510	1,580	1,660	1,730	1,790	1,860	1,920	1,990	2,050	2,100	6½	36.82	

See footnotes at end of table.

TABLE I-A—Continued

(Amendment No. 5)

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR CONVENTIONAL AND LOW SECTION HEIGHT BIAS PLY TIRES—continued

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width (inches) [2]
	16	18	20	22	24	26	28	30	32	34	36	38	40			
9.00-14			1,430	1,510	1,580	1,660	1,730	1,790	1,860	1,920	1,990	2,050	2,100	6½	36.91	8.80
9.50-14			1,540	1,640	1,700	1,780	1,850	1,930	2,000	2,060	2,130	2,200	2,260	6½	37.74	9.05
6.00-15			890	940	980	1,030	1,070	1,110	1,150	1,190	1,230	1,270	1,300	4	31.64	6.10
6.50-15			980	1,040	1,080	1,130	1,180	1,230	1,270	1,320	1,360	1,400	1,440	4½	32.75	6.60
6.70-15			1,110	1,190	1,230	1,290	1,340	1,400	1,450	1,500	1,550	1,590	1,640	4½	33.95	7.00
6.85-15			950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,320	1,360	1,390	5	32.48	6.90
7.00-15	1,170	1,240	1,310	1,380	1,450	1,515	1,580	1,640	1,700	1,760	1,820	1,870	1,930	5	36.02	7.35
7.10-15			1,190	1,270	1,320	1,380	1,440	1,500	1,550	1,600	1,660	1,710	1,760	5	34.89	7.40
7.35-15			1,070	1,130	1,180	1,240	1,290	1,340	1,390	1,440	1,480	1,530	1,570	5½	33.86	7.50
7.60-15			1,310	1,400	1,450	1,520	1,580	1,640	1,710	1,760	1,820	1,880	1,930	5½	36.05	7.90
7.75-15			1,150	1,210	1,270	1,330	1,380	1,440	1,490	1,540	1,590	1,640	1,690	5½	34.53	7.65
8.00-15			1,380	1,470	1,530	1,600	1,670	1,730	1,800	1,860	1,920	1,980	2,040	6	36.84	8.30
8.15-15			1,240	1,300	1,370	1,430	1,490	1,550	1,610	1,660	1,720	1,770	1,820	6	35.50	8.15
8.20-15			1,470	1,570	1,630	1,710	1,780	1,850	1,920	1,980	2,050	2,110	2,170	6	37.50	8.50
8.25-15	1,030	1,190	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,670	1,730	1,780	1,830	6	35.57	8.20
8.45-15			1,340	1,410	1,480	1,550	1,620	1,680	1,740	1,800	1,860	1,920	1,970	6	36.37	8.35
8.55-15	1,220	1,290	1,360	1,430	1,510	1,580	1,640	1,710	1,770	1,830	1,890	1,950	2,000	6	36.57	8.45
8.85-15			1,430	1,510	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100	6½	37.29	8.80
8.90-15			1,700	1,810	1,880	1,970	2,050	2,130	2,210	2,290	2,360	2,430	2,500	6½	39.54	9.30
9.00-15			1,460	1,540	1,620	1,690	1,760	1,830	1,900	1,970	2,030	2,090	2,150	6	37.45	8.50
9.15-15			1,510	1,600	1,680	1,750	1,830	1,900	1,970	2,030	2,100	2,160	2,230	6½	37.92	9.05
6.00-16			1,075	1,135	1,195	1,250	1,300	1,350	1,400	1,450	1,500			4	34.17	6.25
6.50-16	1,000	1,150	1,215	1,280	1,345	1,405	1,465	1,525	1,580	1,635	1,690	1,740	1,790	4½	35.59	6.80
6.70-16		1,185	1,240	1,300	1,355	1,410	1,465	1,525	1,580	1,635	1,690	1,740	1,795	4½	35.60	7.40
7.00-16			1,365	1,440	1,515	1,585	1,650	1,715	1,780	1,840	1,900			5	37.02	7.35
7.50-16			1,565	1,650	1,735	1,810	1,890	1,960	2,035	2,105	2,175			5½	38.78	8.00
6.50-17		1,215	1,275	1,330	1,390	1,450	1,500	1,560	1,620	1,680	1,740	1,795	1,850	5	37.00	7.60
L84-15			1,510	1,600	1,680	1,750	1,830	1,900	1,970	2,030	2,100	2,160	2,230	6	37.88	8.65

[1] The letter "H", "S", or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

Changes: Reissued with no changes.

TABLE I-B

(Amendment No. 7)

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "70 SERIES" BIAS PLY TIRES

Tire size [1] designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section [2] width (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
A70-13	720	770	810	860	900	940	980	1,020	1,060	1,090	1,130	1,160	1,200	5½	30.27	7.30
D70-13	890	950	1,010	1,070	1,120	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490	5½	32.34	8.00
D70-14	890	950	1,010	1,070	1,120	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490	5½	32.81	7.85
E70-14	950	1,010	1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,580	5½	33.45	8.05
F70-14	1,020	1,090	1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700	5½	34.16	8.30
G70-14	1,100	1,180	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	6	35.18	8.75
H70-14	1,200	1,290	1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010	6	36.19	9.10
J70-14	1,260	1,350	1,430	1,500	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100	6½	36.87	9.50
L70-14	1,340	1,430	1,520	1,600	1,680	1,750	1,830	1,900	1,970	2,040	2,100	2,170	2,230	6½	37.62	9.75
C70-15	840	890	950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,320	1,360	1,390	5½	32.75	7.50
D70-15	890	950	1,010	1,070	1,120	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490	5½	33.37	7.70
E70-15	950	1,010	1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,580	6	34.13	8.10
F70-15	1,020	1,090	1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700	6	34.89	8.35
G70-15	1,100	1,180	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	6	35.66	8.60
H70-15	1,200	1,290	1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010	6	36.64	8.95
J70-15	1,260	1,350	1,430	1,500	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100	6½	37.36	9.35
K70-15	1,290	1,380	1,460	1,540	1,620	1,690	1,770	1,830	1,900	1,970	2,030	2,090	2,150	6½	37.66	9.40
L70-15	1,340	1,430	1,520	1,600	1,680	1,750	1,830	1,900	1,970	2,040	2,100	2,170	2,230	6½	38.09	9.60

[1] The letter "H", "S", or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

Changes: A70-13 Max. load @26# corrected to 940.

TABLE I-C

(Amendment No. 4)

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR BIAS PLY TIRES

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width [2] (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
"Super Balloon" Sizes																
4.80-10	320	355	390	430	470	490	510	535	555	575	595			3½	23.90	5.00
5.20-10	350	395	440	485	530	555	575	605	625	650	670	695	715	3½	24.84	5.20
5.90-10	385	430	475	515	550	580	605	630	650	675	700			4	24.00	5.80
5.20-12	395	445	495	545	595	625	655	685	710	735	760	785	810	3½	26.79	5.20
5.60-12	460	520	575	620	670	715	760	795	825	855	885	915	940	4	27.83	5.71
5.90-12	460	505	550	595	640	665	700	730	755	785	810			4	26.00	5.90
6.20-12	505	555	605	655	705	735	775	805	835	865	895			4½	27.00	6.30
5.20-13	430	485	540	590	640	670	710	740	765	795	820	850	875	3½	27.72	5.20
5.60-13	495	560	620	675	725	770	810	850	880	910	945	975	1,005	4	28.92	5.71
5.90-13	555	625	695	755	815	860	895	935	970	1,005	1,040	1,075	1,105	4	29.74	5.91
6.20-13	520	580	640	700	750	780	820	850	880	910	945			4½	28.00	6.30
6.40-13	630	705	785	845	915	945	985	1,025	1,060	1,100	1,140	1,175	1,210	4½	31.26	6.42
6.70-13	690	775	860	935	1,000	1,045	1,090	1,135	1,175	1,220	1,260	1,305	1,340	4½	32.14	6.69
6.90-13	695	745	795	845	915	955	1,005	1,045	1,085	1,120	1,160			5	30.00	7.20
5.20-14	475	535	595	645	695	735	785	825	855	885	915	945	975	3½	28.89	5.20

See footnotes at end of table.

TABLE I-C—Continued

(Amendment No. 4)

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR BIAS PLY TIRES—continued

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width [2] (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
5.60-14	530	595	660	715	770	815	855	890	920	955	990	1,020	1,050	4	29.94	5.71
5.90-14	585	660	730	785	850	880	925	970	1,005	1,040	1,080	1,115	1,145	4	30.76	5.91
6.40-14	660	745	825	890	960	1,000	1,050	1,090	1,130	1,170	1,210	1,250	1,290	4½	32.19	6.42
6.45-14			860	910	960	1,000	1,040	1,080	1,120					4½	30.92	6.60
5.20-15	505	570	630	685	740	780	830	870	900	935	965	1,000	1,030	3½	29.75	5.20
5.60-15	555	625	695	755	815	860	895	935	970	1,005	1,040	1,075	1,105	4	30.87	5.71
5.90-15	615	695	770	825	890	935	980	1,015	1,050	1,090	1,130	1,165	1,200	4	31.77	5.91
6.40-15			875	950	1,010	1,055	1,100	1,150	1,190	1,230	1,260			4½	33.20	6.42
"Low Section" Sizes																
5.00-12	370	420	465	505	540	565	580	605	625	650	670	695	715	3½	25.62	5.04
5.50-12	415	470	520	560	605	635	665	695	720	745	770	800	820	4	26.93	5.59
6.00-12	485	545	695	655	705	735	785	815	845	875	905	935	965	4½	28.33	6.14
5.00-13	410	460	510	545	585	610	635	660	685	710	735	755	780	3½	26.64	5.04
5.50-13	445	495	550	595	640	670	710	740	765	795	820	850	875	4	27.95	5.59
7.25-13	730	825	915	990	1,070	1,110	1,160	1,200	1,245	1,290	1,335	1,380	1,420	5	32.51	7.24
7.50-13	775	875	970	1,040	1,120	1,180	1,225	1,270	1,315	1,365	1,410	1,460	1,500	5½	33.22	7.48
5.50-15L	505	570	630	675	725	760	800	840	870	900	935	965	995	4	29.97	5.59
6.00-15L	595	665	740	800	860	890	930	970	1,005	1,040	1,080	1,115	1,145	4½	31.29	6.14
6.50-15L	675	755	840	900	970	1,010	1,060	1,105	1,145	1,185	1,230	1,270	1,305	4½	32.68	6.54
7.00-15L	760	855	950	1,025	1,100	1,145	1,190	1,235	1,280	1,325	1,375	1,420	1,460	5	33.85	7.01
"Super Low Section" Sizes																
1																
145-10/5.95-10	380	430	475	515	550	580	605	630	650	675	700	725	745	4	24.76	5.79
125-12/5.35-12	335	380	420	450	485	510	535	550	570	590	610	630	650	3½	24.68	5.00
135-12/5.65-12	370	420	465	505	540	570	590	620	640	665	690	710	730	4	25.53	5.39
145-12/5.95-12	440	495	550	595	640	665	700	730	755	785	810	840	865	4	26.69	5.79
155-12/6.15-12	485	545	605	655	705	735	775	805	835	865	895	925	950	4½	29.36	6.18
135-13/5.65-13	415	470	520	555	595	625	655	685	710	735	760	785	810	4	26.53	5.39
145-13/5.95-13	470	525	585	620	670	705	745	770	800	825	855	885	910	4	27.61	5.79
155-13/6.15-13	515	575	640	700	750	780	820	850	880	910	945	975	1,005	4½	28.44	6.18
165-13/6.45-13	575	645	715	770	825	865	905	935	970	1,005	1,040	1,075	1,105	4½	29.52	6.57
175-13/6.95-13	635	715	795	845	915	955	1,005	1,045	1,085	1,120	1,160	1,200	1,235	5	30.34	7.01
185-13/7.35-13	695	785	870	945	1,010	1,060	1,115	1,160	1,205	1,245	1,290	1,335	1,370	5½	31.41	7.40
135-14/5.65-14	440	495	550	595	640	665	700	730	755	785	810	840	865	4	27.54	5.59
145-14/5.95-14	495	560	620	665	715	750	785	815	845	875	905	935	965	4	28.54	5.79
155-14/6.15-14	540	610	675	730	780	825	860	895	925	960	995	1,030	1,060	4½	29.45	6.18
125-15/5.35-15	395	445	495	535	570	600	625	650	675	700	720	745	770	3½	27.69	5.00
135-15/5.65-15	460	520	575	610	660	690	720	750	775	805	835	860	885	4	28.53	5.39
145-15/5.95-15	520	585	650	710	760	790	830	860	890	925	955	985	1,015	4	29.54	5.79
155-15/6.35-15	585	660	730	780	835	875	915	950	985	1,020	1,055	1,090	1,125	4½	30.45	6.18
175-15/7.15-15	705	795	880	955	1,020	1,070	1,125	1,170	1,215	1,255	1,300	1,345	1,385	5	32.42	7.01
165-14	650	715	770	815	880	925	970	1,000	1,035	1,080	1,115	1,145	1,170	4½	31.22	6.57
175-14	715	780	850	915	980	1,025	1,070	1,115	1,160	1,200	1,235	1,270	1,310	5	32.13	7.01
185-14	805	870	940	1,000	1,080	1,135	1,190	1,235	1,290	1,325	1,370	1,400	1,435	5½	33.15	7.40
195-14	880	950	1,025	1,105	1,180	1,235	1,290	1,345	1,400	1,445	1,490	1,535	1,580	5½	34.18	7.80
205-14	940	1,025	1,115	1,190	1,270	1,335	1,400	1,455	1,510	1,565	1,610	1,655	1,700	6	35.36	8.19
215-14	1,015	1,115	1,200	1,290	1,380	1,445	1,520	1,590	1,640	1,700	1,740	1,785	1,830	6	36.30	8.58
225-14	1,080	1,180	1,280	1,380	1,465	1,540	1,620	1,700	1,750	1,810	1,850	1,915	1,970	6½	37.25	8.98
165-15	685	750	805	860	915	970	1,015	1,060	1,105	1,135	1,180	1,200	1,235	4½	32.16	6.57
185-15	815	905	970	1,050	1,115	1,180	1,235	1,280	1,325	1,370	1,410	1,445	1,490	5½	34.09	7.40
195-15	880	970	1,060	1,135	1,215	1,280	1,335	1,390	1,445	1,450	1,535	1,580	1,620	5½	35.12	7.80
205-15	970	1,060	1,145	1,225	1,300	1,370	1,445	1,500	1,565	1,610	1,665	1,720	1,765	6	36.30	8.19
215-15	1,050	1,145	1,235	1,335	1,435	1,500	1,590	1,640	1,700	1,740	1,800	1,850	1,910	6	37.24	8.58
235-15	1,150	1,295	1,435	1,545	1,660	1,735	1,825	1,895	1,965	2,035	2,110	2,180	2,245	6½	38.26	9.37
5.0-15	460	520	575	610	660	690	720	750	775	805	835	860	885	4	28.53	5.39
5.5-15	520	585	650	710	760	790	830	860	890	925	955	985	1,015	4	29.54	5.79

[1] The letter "H", "S", or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

Changes: Reissued with no changes.

TABLE I-D

(Amendment No. 3)

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR DASH (—) RADIAL PLY TIRES

Tire size [1] designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section [2] width (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
145-10	495	525	545	565	585	605	625	640	655	670	685	700	710	4	24.76	5.79
125-12	405	430	445	465	480	495	505	525	535	550	560	575	580	3½	24.68	5.00
135-12	480	510	530	550	565	585	600	620	635	650	665	675	685	4	25.53	5.39
145-12	570	605	625	650	675	695	715	740	760	775	790	805	815	4	26.69	5.79
155-12	630	670	695	720	745	770	795	820	840	860	875	890	905	4½	27.36	6.18
135-13	515	545	565	590	610	630	650	670	690	705	715	730	740	4	26.53	5.39
145-13	605	640	665	695	720	740	765	790	815	830	845	855	870	4	27.61	5.79
155-13	670	710	735	765	790	815	840	870	895	910	925	940	955	4½	28.44	6.18
165-13	700	750	800	850	890	930	970	1,010	1,050	1,090	1,130	1,170	1,200	4½	29.52	6.57
175-13			810	860	920	980	1,040	1,100	1,150	1,200	1,240	1,300	1,350	4½	30.30	6.75
185-13			870	940	1,010	1,080	1,140	1,210	1,270	1,330	1,390	1,450	1,510	5	31.42	7.23
195-13			970	1,040	1,110	1,180	1,250	1,320	1,400	1,450	1,520	1,580	1,640	5½	32.38	7.70
135-14	555	585	610	635	655	675	695	720	740	750	765	780	790	4	27.54	5.39
145-14	645	680	710	735	760	785	810	840	865	885	905	920	935	4	28.54	5.79
155-14	630	680	720	760	800	840	880	920	950	980	1,010	1,040	1,070	4½	29.45	6.18
165-14	740	790	840	890	940	980	1,020	1,060	1,100	1,140	1,180	1,220	1,250	4½	30.53	6.57
175-14			830	900	960	1,030	1,100	1,160	1,230	1,280	1,350	1,400	1,470	5	31.63	7.00
185-14			920	1,000	1,070	1,140	1,220	1,290	1,360	1,420	1,500	1,560	1,640	5	32.59	7.30

See footnotes at end of table.

TABLE I-D—Continued

(Amendment No. 3)

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR DASH (—) RADIAL PLY TIRES—continued

Tire size [1] designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section [2] width (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
195-14			1,020	1,100	1,180	1,270	1,340	1,420	1,500	1,570	1,650	1,720	1,800	5½	33.69	7.80
205-14			1,100	1,180	1,270	1,380	1,450	1,540	1,620	1,700	1,770	1,860	1,940	6	34.82	8.80
215-14			1,200	1,300	1,390	1,510	1,580	1,670	1,770	1,850	1,920	2,010	2,100	6	35.79	8.60
235-14			1,320	1,420	1,510	1,610	1,710	1,800	1,900	1,970	2,050	2,150	2,230	6½	36.44	8.95
125-15	495	525	545	565	585	605	625	640	655	670	685	700	710	3½	27.69	5.00
135-15	585	620	645	670	695	715	735	755	775	795	810	825	840	4	28.53	5.39
145-15	680	720	750	780	805	830	855	875	895	920	940	960	975	4	29.54	5.79
155-15	740	785	815	850	880	905	930	955	980	1,005	1,025	1,045	1,060	4½	30.45	6.18
165-15	770	820	870	920	970	1,020	1,070	1,110	1,150	1,190	1,230	1,270	1,310	4½	31.45	6.57
175-15			990	1,050	1,100	1,150	1,200	1,250	1,300	1,350	1,400	1,440	1,480	5	32.41	7.00
180-15	925	980	1,020	1,060	1,095	1,130	1,170	1,190	1,230	1,260	1,280	1,305	1,325	4½	32.04	6.62
185-15			1,000	1,070	1,140	1,210	1,280	1,350	1,420	1,480	1,540	1,600	1,660	5½	33.58	7.45
195-15			1,080	1,160	1,240	1,330	1,400	1,470	1,550	1,620	1,680	1,760	1,820	5½	34.22	7.65
205-15			1,190	1,280	1,370	1,450	1,530	1,620	1,700	1,760	1,840	1,920	2,000	6	35.20	8.10
215-15			1,280	1,380	1,480	1,570	1,660	1,760	1,860	1,940	2,020	2,100	2,200	6	36.00	8.35
225-15			1,370	1,470	1,580	1,670	1,780	1,880	1,980	2,060	2,150	2,240	2,340	6½	36.94	8.80
235-15			1,430	1,540	1,640	1,750	1,850	1,960	2,060	2,160	2,250	2,350	2,450	6½	37.75	9.05
185-16			1,140	1,210	1,270	1,330	1,390	1,450	1,500	1,550	1,600	1,650	1,700	5½	34.14	7.40
165-400	800	860	920	980	1,030	1,080	1,130	1,180	1,220	1,260	1,300	1,340	1,380	4.65	32.04	6.62

[1] The letter "H", "S", or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

Changes: Reissued with no changes.

TABLE I-E

(Amendment No. 2)

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "77 SERIES" BIAS PLY TIRES

Tire size [1] designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width [2] (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
G77-14			1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	6	35.04	8.45
5.9-10	385	430	475	515	550	580	605	630	660	675	700	----	----	4	24.00	5.86
5.9-12	460	505	550	595	640	665	700	730	755	785	810	----	----	4	26.00	5.90
6.2-12	485	545	605	655	705	735	775	805	835	865	895	925	950	4	27.21	6.00
6.2-13	515	575	640	700	750	780	820	850	880	910	945	975	1,005	4	28.19	6.06
6.5-13	575	645	715	770	825	865	905	935	970	1,005	1,040	1,075	1,105	4½	29.18	6.54
6.9-13	635	715	795	845	915	955	1,005	1,045	1,085	1,120	1,160	----	----	4½	29.92	6.77
6.2-15	585	660	730	780	835	875	915	950	985	1,020	1,055	1,090	1,125	4	30.17	6.06
6.9-15	705	795	880	955	1,020	1,070	1,125	1,170	1,215	1,255	1,300	1,345	1,385	4½	31.93	6.77

[1] The letter "H", "S", or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

Changes: New adoption 6.5-13 added.

TABLE I-F

(Amendment No. 3)

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR TYPE "R" RADIAL PLY TIRES

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width (inches) [2]
	16	18	20	22	24	26	28	30	32	34	36	38	40			
5.20R10	435	460	485	510	535	560	585	615	635	660	685	710	735	3½	24.84	5.20
5.00R12	480	595	515	535	555	575	595	615	635	650	670	690	710	3½	25.62	5.04
5.20R12	515	540	565	590	615	640	665	695	715	740	765	790	815	3½	26.79	9.20
5.50R12	520	545	570	595	620	650	670	705	725	750	775	800	825	4	26.93	5.59
5.60R12	600	630	655	685	715	740	770	800	825	850	875	905	930	4	27.83	5.71
5.00R13	535	555	575	590	615	630	650	670	690	705	725	745	765	3½	26.64	5.04
5.20R13	570	595	620	645	670	695	720	750	770	795	820	845	870	3½	27.72	9.20
5.50R13	575	600	625	650	675	695	725	750	775	795	825	850	875	4	27.95	5.59
5.60R13	655	685	710	740	765	795	825	855	880	905	935	960	990	4	28.92	5.71
6.00R13	675	705	735	760	790	815	845	875	900	925	950	975	1,005	4	29.37	6.00
5.90R13	705	780	805	830	860	885	915	940	965	990	1,015	1,045	1,070	4	29.74	5.91
6.40R13	810	840	870	905	940	970	1,005	1,040	1,070	1,100	1,135	1,165	1,200	4½	31.26	6.42
6.50R13	800	830	860	890	925	960	995	1,030	1,060	1,090	1,120	1,150	1,180	4½	30.75	6.60
6.70R13	690	775	860	935	1,000	1,045	1,090	1,135	1,175	1,220	1,260	1,305	1,340	4½	32.14	6.69
7.00R13	870	910	950	985	1,025	1,060	1,100	1,145	1,175	1,215	1,255	1,295	1,335	5	31.88	7.10
7.25R13	940	980	1,020	1,060	1,100	1,135	1,175	1,215	1,255	1,290	1,330	1,370	1,410	5	32.51	7.24
5.20R14	605	640	670	700	730	760	795	830	855	885	915	950	980	3½	28.89	5.20
5.90R14	750	785	815	845	875	905	935	970	995	1,025	1,055	1,085	1,115	4	30.76	5.91
7.00R14	925	960	1,000	1,040	1,075	1,115	1,155	1,195	1,235	1,270	1,320	1,350	1,380	5	32.88	7.10
7.50R14	1,065	1,100	1,140	1,180	1,220	1,260	1,300	1,340	1,380	1,415	1,460	1,500	1,540	5½	34.19	7.65
5.60R15	705	780	805	830	860	885	915	940	965	990	1,015	1,045	1,070	4	30.87	5.71
6.40R15	885	925	965	1,005	1,040	1,080	1,120	1,160	1,200	1,235	1,275	1,310	1,350	4½	33.26	6.42
6.70R15	975	1,015	1,055	1,095	1,130	1,170	1,215	1,255	1,290	1,325	1,365	1,405	1,445	4½	33.95	7.00
7.60R15	1,160	1,200	1,245	1,285	1,325	1,370	1,415	1,465	1,500	1,535	1,575	1,610	1,655	5½	36.00	7.90

[1] The letter "H", "S", or "V" may be included in any specified tire size designation adjacent to the "R".

[2] Actual section width and overall width shall not exceed the specified width by more than 7 percent.

Changes: Reissued with no changes.

TABLE I-G

(Amendment No. 4)

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "70 SERIES" TYPE "R" RADIAL PLY TIRES

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width (inches) [2]
	16	18	20	22	24	26	28	30	32	34	36	38	40			
D R70-14	890	950	1,010	1,070	1,120	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490	5½	32.78	7.90
E R70-14	950	1,010	1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,580	5½	33.42	8.10
F R70-14	1,020	1,090	1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700	6	34.34	8.55
G R70-14	1,100	1,180	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	6	35.12	8.85
H R70-14	1,200	1,290	1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010	6½	36.31	9.40
J R70-14	1,260	1,350	1,430	1,500	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100	6½	36.86	9.55
L R70-14	1,340	1,430	1,520	1,600	1,680	1,750	1,830	1,900	1,970	2,040	2,100	2,170	2,230	6½	37.59	9.80
D R70-15	890	950	1,010	1,070	1,120	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490	5½	33.34	7.75
E R70-15	950	1,010	1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,580	5½	33.91	7.95
F R70-15	1,020	1,090	1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700	6	34.87	8.40
G R70-15	1,100	1,180	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	6	35.65	8.65
H R70-15	1,200	1,290	1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010	6½	36.83	9.20
J R70-15	1,260	1,350	1,430	1,500	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100	6½	37.31	9.40
K R70-15	1,290	1,380	1,460	1,540	1,620	1,690	1,770	1,830	1,900	1,970	2,030	2,090	2,150	6½	37.62	9.50
L R70-15	1,340	1,430	1,520	1,600	1,680	1,750	1,830	1,900	1,970	2,040	2,100	2,170	2,230	6½	38.06	9.65

[1] The letters "HR", "SR", or "VR" may be included in any specified tire size designation adjacent to or in place of the "dash".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

TABLE I-H

(Amendment No. 2)

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR TYPE "R" RADIAL PLY TIRES

Tire size [1] designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section [2] width (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
145R10	525	550	580	605	630	655	680	700	725	750	770			4	24.76	5.79
125R12	430	450	475	495	515	535	555	575	595	610	630			3½	24.68	5.00
135R12	505	535	560	585	610	635	655	680	700	725	745			4	25.53	5.38
145R12	600	635	665	695	725	755	780	810	835	860	885			4	26.69	5.79
155R12	665	700	735	770	800	835	865	895	925	950	980			4½	27.36	6.18
135R13	545	575	600	630	655	680	705	730	755	780	800			4	26.53	5.39
145R13	665	700	735	770	800	835	860	890	920	950	980			4	27.59	5.79
155R13	730	770	810	845	885	915	950	985	1,015	1,045	1,075			4½	28.44	6.18
165R13	770	820	860	900	930	970	1,010	1,040	1,080	1,110	1,140			4½	29.18	6.40
175R13	890	930	980	1,030	1,070	1,110	1,150	1,190	1,230	1,270	1,300			4½	30.30	6.75
185R13	980	1,030	1,080	1,130	1,180	1,230	1,270	1,310	1,360	1,400	1,440			5	31.42	7.25
195R13	1,060	1,110	1,170	1,220	1,280	1,320	1,370	1,420	1,470	1,510	1,550			5½	32.38	7.70
135R14	585	615	645	675	705	730	760	785	810	835	860			4	27.54	5.39
145R14	675	715	750	785	815	850	880	910	940	965	995			4	28.54	5.79
155R14	780	820	860	900	940	970	1,010	1,040	1,080	1,110	1,140			4	29.51	6.06
165R14	860	910	960	1,000	1,040	1,080	1,120	1,160	1,200	1,240	1,270			4½	30.65	6.55
175R14	950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,310	1,350	1,390			5	31.63	7.00
185R14	1,040	1,100	1,160	1,210	1,260	1,310	1,360	1,400	1,450	1,490	1,540			5	32.59	7.30
195R14	1,150	1,210	1,270	1,330	1,390	1,440	1,500	1,550	1,600	1,650	1,690			5½	33.69	7.80
205R14	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,670	1,730	1,780	1,830			6	34.82	8.30
215R14	1,360	1,430	1,510	1,580	1,640	1,710	1,770	1,830	1,890	1,950	2,000			6	35.79	8.60
225R14	1,430	1,510	1,580	1,660	1,730	1,790	1,860	1,920	1,990	2,050	2,100			6½	36.44	8.95
125R15	520	550	575	605	630	655	680	705	725	745	770			3½	27.69	5.00
135R15	615	650	680	715	745	775	800	830	855	880	910			4	28.53	5.39
145R15	720	760	795	830	865	900	935	965	995	1,025	1,055			4	29.54	5.79
155R15	780	825	865	905	940	980	1,015	1,050	1,085	1,115	1,150			4½	30.45	6.18
165R15	870	910	960	1,000	1,050	1,090	1,130	1,170	1,200	1,240	1,270			4½	31.18	6.40
175R15	950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,320	1,360	1,390			5	32.30	6.90
185R15	1,070	1,130	1,180	1,240	1,290	1,340	1,390	1,440	1,480	1,530	1,570			5½	33.58	7.45
195R15	1,150	1,210	1,270	1,330	1,380	1,440	1,490	1,540	1,590	1,640	1,690			5½	34.22	7.65
205R15	1,240	1,300	1,370	1,430	1,490	1,550	1,610	1,660	1,720	1,770	1,820			6	35.20	8.10
215R15	1,340	1,410	1,480	1,500	1,620	1,680	1,740	1,800	1,860	1,920	1,970			6	36.00	8.35
225R15	1,430	1,510	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100			6½	36.94	8.80
235R15	1,510	1,600	1,680	1,750	1,830	1,900	1,970	2,030	2,100	2,160	2,230			6½	37.75	9.05

[1] The letter "H", "S", or "V" may be included in any specified tire size designation adjacent to the "R".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

Changes: Reissued with no changes.

TABLE I–J

(Amendment No. 8)

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "78 SERIES" BIAS PLY TIRES

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width [2] (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
A78-13	720	770	810	860	900	940	980	1,020	1,060	1,090	1,130	1,160	1,200	4½	29.74	6.60
B78-13	780	840	890	930	980	1,030	1,070	1,110	1,150	1,190	1,230	1,270	1,300	5	30.72	7.05
C78-13	840	890	950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,320	1,360	1,400	5½	31.56	7.45
B78-14	780	840	890	930	980	1,030	1,070	1,110	1,150	1,190	1,230	1,270	1,300	4½	31.04	6.65
C78-14	840	890	950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,320	1,360	1,400	5	31.95	7.05
D78-14	890	950	1,010	1,070	1,120	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490	5	32.52	7.35
E78-14	950	1,010	1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,580	5½	33.29	7.65
F78-14	1,020	1,090	1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700	5½	34.04	7.90
G78-14	1,100	1,180	1,260	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	6	35.02	8.35
H78-14	1,200	1,290	1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010	6	36.06	8.70
J78-14	1,260	1,350	1,430	1,500	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100	6	36.58	8.80
C78-15	840	890	950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,320	1,360	1,400	5	32.45	6.95
D78-15	890	950	1,010	1,070	1,120	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490	5	33.05	7.15
E78-15	950	1,010	1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,580	5	33.65	7.35
F78-15	1,020	1,090	1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700	5½	34.56	7.75
G78-15	1,100	1,180	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	5½	35.36	8.00
H78-15	1,200	1,290	1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010	6	36.50	8.55
J78-15	1,260	1,350	1,430	1,500	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100	6	37.02	8.70
L78-15	1,340	1,430	1,520	1,600	1,680	1,750	1,830	1,900	1,970	2,040	2,100	2,170	2,230	6	37.73	8.85
N78-15	1,500	1,600	1,700	1,790	1,880	1,970	2,050	2,130	2,210	2,280	2,360	2,430	2,500	7	39.50	9.80

[1] The letter "H", "S", or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

Changes: Reissued with no changes.

TABLE I–K

(Amendment No. 5)

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS AND SECTION WIDTHS FOR "60 SERIES" BIAS PLY TIRES

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width (inches) [2]
	16	18	20	22	24	26	28	30	32	34	36	38	40			
F60-14	1,020	1,090	1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700	7	34.44	9.55
G60-14	1,100	1,180	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	7	35.23	9.85
J60-14	1,260	1,350	1,430	1,500	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100	7½	36.90	10.65
L60-14	1,340	1,430	1,520	1,600	1,680	1,750	1,830	1,900	1,970	2,040	2,100	2,170	2,230	8	37.83	11.10
E60-15	950	1,010	1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,580	6	33.83	8.70
F60-15	1,020	1,090	1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700	7	34.94	9.40
G60-15	1,100	1,180	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	7	35.73	9.70
H60-15	1,200	1,290	1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010	7	36.70	10.05
J60-15	1,260	1,350	1,430	1,500	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100	7½	37.41	10.45
L60-15	1,340	1,430	1,520	1,600	1,680	1,750	1,830	1,900	1,970	2,040	2,100	2,170	2,320	7½	38.10	10.70

[1] The letter "H", "S" or "V" may be included in any specified tire size designation adjacent to or in place of the "dash."

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

Changes: Reissued with no changes.

TABLE I–L

(Amendment No. 2)

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS AND SECTION WIDTHS FOR SERIES 50 CANTILEVERED SIDEWALL TIRES

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)											Test rim width (inches)	Minimum size factor (inches)	Section width [2] (inches)
	20	22	24	26	28	30	32	34	36	38	40			
E50C-16	1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,580	3½	33.31	7.95
F50C-16	1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700	3½	34.04	8.20
G50C-17	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	3½	35.34	8.45
H50C-17	1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010	3½	36.30	8.80
L50C-18	1,520	1,600	1,680	1,750	1,830	1,900	1,970	2,040	2,100	2,170	2,230	3½	38.00	9.10

[1] The letter "H", "S" or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

Changes: Reissued with no changes.

TABLE I–M

(Amendment No. 3)

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS AND SECTION WIDTHS FOR "78 SERIES" RADIAL PLY TIRES

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width (inches) [2]
	16	18	20	22	24	26	28	30	32	34	36	38	40			
BR78–13	780	840	890	930	980	1,030	1,070	1,110	1,150	1,190	1,230	1,270	1,300	4½	30.31	6.78
CR78–14	840	890	950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,320	1,360	1,400	5	31.67	7.00
DR78–14	890	950	1,010	1,070	1,120	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490	5	32.26	7.20
ER78–14	950	1,010	1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,580	5	32.86	7.40
FR78–14	1,020	1,090	1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700	5½	33.78	7.85
GR78–14	1,100	1,180	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	6	34.78	8.20
HR78–14	1,200	1,290	1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010	6	35.77	8.60
JR78–14	1,260	1,350	1,430	1,500	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100	6½	36.47	8.95
BR78–15	780	840	890	930	980	1,030	1,070	1,110	1,150	1,190	1,230	1,270	1,300	4½	31.38	6.45
ER78–15	950	1,010	1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,580	5½	33.58	7.45
FR78–15	1,020	1,090	1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700	5½	34.28	7.70
GR78–15	1,100	1,180	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	6	35.30	8.15
HR78–15	1,200	1,290	1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010	6	36.23	8.45
JR78–15	1,260	1,350	1,430	1,500	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100	6½	36.98	8.80
LR78–15	1,340	1,430	1,520	1,600	1,680	1,750	1,830	1,900	1,970	2,040	2,100	2,170	2,230	6½	37.66	9.00

[1] The letter "H", "S" or "V" may be included in any specified tire size designation adjacent to or in place of the "dash."

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

Changes: Reissued with no changes.

TABLE I–N

(Amendment No. 2)

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "70 SERIES" RADIAL PLY TIRES

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)											Test rim width (inches)	Minimum size factor (inches)	Section width (inches) [2]
	20	22	24	26	28	30	32	34	36	38	40			
165/70 R 13	750	770	795	815	835	860	880	900	920	940	960	4½	28.45	6.50
175/70 R 13	845	865	890	910	935	955	980	1,000	1,025	1,045	1,070	5	29.31	6.92
185/70 R 13	940	965	990	1,015	1,040	1,065	1,090	1,115	1,140	1,165	1,190	5	30.39	7.31
195/70 R 13	1,045	1,070	1,100	1,125	1,155	1,180	1,210	1,240	1,265	1,290	1,320	5½	31.20	7.74
155/70 R 14	700	720	740	760	780	795	815	835	850	870	890	4	28.15	5.93
185/70 R 14	990	1,015	1,045	1,070	1,100	1,130	1,155	1,180	1,210	1,235	1,265	5	31.39	7.31
195/70 R 14	1,090	1,120	1,155	1,185	1,220	1,250	1,280	1,310	1,340	1,375	1,405	5½	32.30	7.74
175/70 R 15	940	965	990	1,015	1,040	1,065	1,090	1,115	1,140	1,165	1,190	5	31.36	6.92
185/70 R 15	1,040	1,070	1,100	1,130	1,155	1,180	1,210	1,235	1,265	1,290	1,320	5	32.34	7.31

[1] The letter "H", "S", or "V" may be included in any specified tire size designation adjacent to the "R".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

Changes: Reissued with no changes.

TABLE I–O

(Amendment No. 1)

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS AND SECTION WIDTHS FOR "LOW SECTION" TYPE "R" RADIAL PLY TIRES

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)											Test rim width (inches)	Minimum size factor (inches)	Section width (inches) [2]
	20	22	24	26	28	30	32	34	36	38	40			
140 R 12	490	520	550	580	610	640	660	690	701	740	770	4	26.2	5.40
150 R 13	600	640	680	720	750	780	810	840	870	900	940	4	28.17	5.75
160 R 13	670	700	740	780	820	860	900	940	980	1,010	1,040	4½	29.23	6.25
170 R 13	720	760	800	840	880	920	960	1,000	1,040	1,060	1,110	5	30.08	6.60

[1] The letter "H," "S" or "V" may be included in any specified tire size designation adjacent to the "R".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

Changes: New Size 140 R 12 added.

TABLE I–P

(Amendment No. 1)

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS AND SECTION WIDTHS FOR SERIES 45 CANTILEVERED SIDEWALL TIRES

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)											Test rim width (inches)	Minimum size factor (inches)	Section width (inches) [2]
	20	22	24	26	28	30	32	34	36	38	40			
G45C–16	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	5	35.53	9.70

[1] The letter "H," "S" or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

Changes: Reissued with no changes.

TABLE I–R

(Amendment No. 1)

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "60 SERIES" RADIAL PLY TIRES

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width (inches) [2]
	16	18	20	22	24	26	28	30	32	34	36	38	40			
FR60-15	1,020	1,090	1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700	7	35.02	9.30
GR60-15	1,100	1,180	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	7	35.76	9.55

[1] The letter "H", "S", or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".
[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

Changes: Reissued with no changes.

TABLE I–S

(AMENDMENT NO. 1)

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "60 SERIES" RADIAL PLY TIRES

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)											Test rim width (inches)	Minimum size factor (inches)	Section [2] width (inches)
	20	22	24	26	28	30	32	34	36	38	40			
185/60 R 13	780	815	845	880	915	945	980	1,010	1,045	1,075	1,110	5	28.61	7.28

[1] The letter "H", "S", or "V" may be included in any specified tire size designation adjacent to the "R".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

Changes: Reissued with no changes.

2. The existing Appendix A—Federal Motor Vehicle Safety Standard No. 110 (49 CFR 371.21) is deleted and in its place the following revised Appendix A is inserted.

APPENDIX A—FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 110

The following table lists alternative size rims for tire and rim combinations not contained in any reference in S3 of Standard No. 109.

Persons requesting the addition of alternative tire rims to Appendix A should submit five (5) copies of information and data supporting the request to the Secretary of Transportation, Attention: Motor Vehicle Programs, National Highway Traffic Safety Administration, U.S. Department of Transportation, Washington, D.C. 20591.

The information should contain the following:

1. The request alternative rim and tire size combination.

2. A statement as to whether the alternative tire/rim combination has been coordinated with an organization such as the Tire and Rim Association, the European Tire and Technical Organisation, the Society of Manufacturers and Traders Limited, the Japan Automobile Tire Manufacturers Association, the Deutsche Industrie Norm and the Scandanavian Tire and Rim Organization.

3. A statement that the additional rim size request has been tested in accordance with the requirements of Standard No. 110 and meets the requirements of the standard.

4. Copies of the test data sheets showing test conditions, results of tests performed on the tire/rim combination, and conclusions obtained for the individual tests specified in Standard No. 109.

5. Justification for the additional rim size.

The addition of alternative size rims for the tire and rim combinations is accomplished through the abbreviated procedure consisting of publication in the FEDERAL REGISTER of the size rim for which a petition has been received. If no comments are received, the amendment becomes effective 30 days from date of publication. If objections to the amendment are received, additional rulemaking pursuant to Part 553 of the procedural rules for Motor Vehicle Safety Standards will be initiated.

FMVSS NO. 110—APPENDIX A

TABLE I

(Amendment No. 18)

ALTERNATIVE RIMS

Tire size [2]	*Rim* [1 2]
Table I–A:	
6.00–13	5–JJ, 6–JJ.
7.35–14	6–JJ.
6.85–15	4½–JJ, 5½–JJ.
7.00–15	*5.00F, 5–K.*
8.25–15	5–JJ, 5½–JJ, *6–JJ, 6–K, 6–L.*
8.55–15	5½–JJ, *6–JJ, 6–K, 6–L,* 6½–JJ.
8.90–15	6–JJ, *6½–L,* 7–L.
9.15–15	5½–JJ, 5½–K.
L84–15	5½–JJ, *6–JJ,* 6½–JJ, 7–JJ.
Table I–B:	
A70–13	5–JJ, 5½–JJ, 6–JJ.
D70–13	*5½–JJ, 5½–K.*
E70–14	7–JJ.
F70–14	7–JJ.
G70–14	7–JJ.
C70–15	*5½–JJ.*
E70–15	7–JJ, 8–JJ.
F70–15	8–JJ.
G70–15	7–JJ, 7½–K, 8–JJ.
H70–15	8–JJ.
Table I–C:	
4.80–10	3.50D.
5.60–14	4½–JJ.
6.40–15	4–JJ, *4½–JJ, 4½–K, 4.50E,* 5.00E, 5–JJ, 5–K, 5½–JJ.
155–13/ 6.15–13	5–JJ.
175–13/ 6.95–13	5½–JJ.
5.0–15	3.50B, 3.50D, 3½–JJ, *4–JJ, 4.00C.*
5.5–15	3.50D, 3½–JJ, *4–JJ,* 4½–JJ.

See footnotes at end of table.

TABLE I—Continued

Tire size [2]	*Rim* [1 2]
Table I–D:	
145–10	3.50B.
145–13	3½JJ, 4½–JJ.
165–13	4½–JJ.
135–15	4½–JJ.
185–15	4½–JJ.
Table I–E:	
6.2–13	4½–JJ.
6.5–13	*4½–JJ,* 5–JJ.
Table I–F:	
5.20–13	4½–JJ.
5.60–13	3½–JJ, 4–JJ.
6.00–13	*4–JJ.*
5.60–15	5–K.
Table I–G:	
DR70–14	6–JJ, 6½–JJ, 6½–K.
FR70–14	5½–JJ, 6½–JJ, 7–JJ, 8–JJ.
ER70–15	6–JJ, 6½–JJ, 7–JJ.
FR70–15	6½–JJ, 7–JJ, 7½–K, 7½–L.
GR70–15	6½–JJ, 7–L, 7½–K.
HR70–15	6–JJ.
Table I–H:	
155 R 12	4–JJ.
135 R 13	4½–JJ.
145 R 13	4½–JJ, 4.50B.
155 R 13	4.50B, 5–JJ.
165 R 13	4–JJ, 4.50B.
165 R 14	5½–JJ.
175 R 14	4½–JJ.
205 R 14	7½–K.
135 R 15	4½–JJ.
165 R 15	5–JJ, 5–K, 5½–JJ.
205 R 15	6½–L, 7–L, 7½–K.
Table I–J:	
A78–13	4–JJ, *4½–JJ,* 5–JJ, 5½–JJ, 6–JJ.
B78–13	*5–JJ.*
C78–13	*5½–JJ.*
B78–14	*4½–JJ, 4½–K,* 5–JJ, 5–K, 5½–JJ.
C78–14	4½–JJ, *5–JJ, 5–K,* 5½–JJ. 6–JJ.
D78–14	4½–JJ, *5–JJ, 5–K,* 5½–JJ, 6–JJ.
E78–14	4½–JJ, 5–JJ, 5–K, *5½–JJ, 5½–K,* 6–JJ, 6½–JJ, 7–JJ.
F78–14	5–JJ, 5–K, *5½–JJ, 5½–K,* 6–JJ, 6–K, 6½–JJ, 7–JJ.
G78–14	5–JJ, 5½–JJ, 5½–K, *6–JJ, 6–K,* 7–JJ.

TABLE I—Continued

Tire size[2]	Rim[1 2]
H78-14	5½–JJ, *6–JJ, 6–K,* 6½–JJ, 6½–K, 7–JJ.
J78-14	*6–JJ, 6–K,* 6½–JJ.
C78-15	4½–JJ, 4½–K, *5–JJ, 5–K.*
D78-15	*5–JJ, 5–K.*
E78-15	4½–K, *5–JJ, 5–K,* 5½–JJ, 5½–K, 6–JJ.
F78-15	4½–K, 5–JJ, 5–K, 5½–JJ, 5½–K, 6–JJ.
G78-15	5–JJ, 5–K, 5½–JJ, 5½–K, 6–JJ, 6–K, 6–L, 7–JJ.
H78-15	5½–JJ, 5½–K, *6–JJ, 6–K, 6–L,* 6½–K, 6½–JJ, 7–JJ.
J78-15	5½–JJ, *6–JJ, 6–K, 6–L,* 6½–JJ, 7–JJ.
L78-15	5½–JJ, 5½–K, *6–JJ, 6–K, 6–L,* 6½–JJ, 7–JJ, 8–JJ.
N78-15	6–JJ, 7–JJ.
Table I–K:	
F60-14	*7–JJ.*
G60-14	*7–JJ.*
J60-14	7½–JJ.
L60-14	*8–JJ.*
E60-15	*6–JJ,* 7–JJ, 8–JJ.
F60-15	6½–JJ, 7–JJ, 8–JJ.
G60-15	7–JJ, 8–JJ.
H60-15	*7–JJ.*
J60-15	7½–JJ.
L60-15	7½–JJ.
Table I–L:	
E50C-16	*3½.*
F50C-16	*3½.*
G50C-17	*3½.*
H50C-17	*3½.*
L50C-18	*3½, 4.*
Table I–M:	
BR78-13	*4½–JJ.*
CR78-14	*5–JJ.*
DR78-14	*5–JJ.*
ER78-14	*5–JJ.*
FR78-14	5½–JJ.
GR78-14	*6–JJ.*
HR78-14	*6–JJ.*
JR78-14	6½–JJ.
BR78-15	*4½–JJ.*
ER78-15	5½–JJ.
FR78-15	*5½–JJ.*
GR78-15	*6–JJ.*
HR78-15	5½–JJ, *6–JJ.*
JR78-15	6–JJ, 6½–JJ.
LR78-15	6–JJ, 6½–JJ.
Table I–N:	
165/70 R 13	4½–JJ, 5–JJ.
175/70 R 13	*5–JJ,* 5½–JJ.
185/70 R 13	4½–JJ, *5–JJ,* 5½–JJ.
195/70 R 13	*5½–JJ,* 6–JJ.
155/70 R 14	*4–JJ.*
185/70 R 14	4½–JJ, *5–JJ,* 5½–JJ.
195/70 R 14	5½–JJ, 6–JJ.
175/70 R 15	*5–JJ.*
185/70 R 15	*5–JJ,* 5½–JJ, 6–JJ.
Table I–O:	
140 R 12	*4.00, 4.00–B,* 4–JJ, 4.50, 4.50–B, 4½–JJ.
150 R 13	3½–JJ, *4.00B,* 4½–JJ, 5–JJ.
160 R 13	4.00B, 4½–JJ, 5–JJ, 5½–JJ.
170 R 13	4½–JJ, *5–JJ,* 5½–JJ, 6–JJ.
Table I–P:	
G45C-16	*5.*
Table I–R:	
FR60-15	*7–JJ.*
GR60-15	*7–JJ.*
Table I–S:	
185/60 R 13	*5–JJ,* 5½–JJ.

NOTES

[1] Underline designations denote Test Rims.
[2] Where JJ rims are specified in the above Table J and JK rim contours are permissible.
[3] Table designations refer to tables listed in Appendix A of FMVSS No. 109.

CHANGES

Table Section I—C 6.40–15 rim 5½–J corrected to 5½–JJ.

Table Section I—C 175–13/6.95–13 Alternate Rim 5½–JJ added.
Table Section I—E 6.2–13 Alternate Rim 4½–JJ added.
Table Section I—E New size 6.5–13 added.
Table Section I—H 205 R 14 Alternate Rim 7½–K added.
Table Section I—H 205 R 15 Alternate Rim 6½–L added.
Table Section I—O New size 140 R 12 added.

[FR Doc.71–5879 Filed 5–3–71;8:45 am]

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[3rd Rev. S. O. No. 1065–A]

PART 1033—CAR SERVICE

Distribution of Boxcars

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 22d day of April 1971.

Upon further consideration of Third Revised Service Order No. 1065 and good cause appearing therefor:

It is ordered, That:

§ 1033.1065 *Service Order No. 1065* be, and it is hereby, vacated and set aside.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4) and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That this order shall become effective at 12:01 a.m., April 27, 1971; that copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–6220 Filed 5–3–71;8:50 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 71–EA–53; Amdt. 39–1200]

PART 39—AIRWORTHINESS DIRECTIVES

Martin Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Martin 202, 202A, and 404 type airplanes.

There has been a report of an incident involving an air carrier Martin type airplane, wherein the main landing gear aluminum gland nut failed, allowing the strut to extend against the torque links and split the oleo spacer. Since this is a deficiency which can exist or develop in airplanes of similar type design, an airworthiness directive is being issued which will require a repetitive inspection of the aluminum gland nut.

Since a situation exists which requires expeditious adoption of this amendment it is found that notice and public procedure hereon are impractical and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

MARTIN AIRCRAFT. Applies to Models 202, 202A, and 404 airplanes certificated in all categories.

Compliance required as indicated.

To detect cracks or corrosion in the main landing gear aluminum gland nut, P/N 202SD81548 (Menasco Drawing No. 511034), accomplish the following: (a) Within the next 25 hours in service, after the effective date of this AD, unless already accomplished within the last 475 hours in service, and thereafter at intervals not to exceed 500 hours in service from the last inspection, comply with (b).

(b) Unscrew the left and right main landing gear aluminum gland nut, P/N 202SD81548, so that all threads are visible. Inspect the nut for evidence of cracks or corrosion, using dye penetrant in conjunction with at least a 10-power glass or an equivalent inspection. Cracked or corroded parts must be replaced with an unused part or an equivalent before further flight, except that the airplane may be flown in accordance with FAR 21.197 to a base where the repair can be performed.

(c) The repetitive inspection specified in (a) may be discontinued when the aluminum gland nut is replaced by a part made of steel, as per ECD 32590 to Menasco Drawing No. 511034, change L, dated 8 March 1961, or replaced by a steel gland nut in accordance with Eastern Air Lines Drawing No. 204–8125, or with an equivalent part.

(d) Upon submission of substantiating data by an owner or operator through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, may adjust the initial inspection and the repetitive inspection interval specified in this AD. Equivalent parts and inspections must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

This amendment is effective May 4, 1971.

(Sec. 313(a), 601 and 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421 and 1423, sec. 6(c), of the DOT Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y. on April 8, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[FR Doc.71–6192 Filed 5–3–71;8:47 am]

[Docket No. 71-EA-69; Amdt. 39-1201]

PART 39—AIRWORTHINESS DIRECTIVES

Pratt & Whitney Aircraft Engines

On January 13, 1971 the Federal Aviation Administration published an airworthiness directive No. AD 71-2-2 applicable to the Pratt & Whitney JT4A type airplane engine. Through inadvertence, one serial number was erroneously published. The serial number will be corrected.

Since the foregoing is editorial in nature, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), section 39.13 of Part 39 of the Federal Aviation Regulations is amended by amending AD 71-2-2 as follows:

(1) Delete serial number 4F-3006 and insert in lieu thereof 4F-3606.

This amendement is effective May 4, 1971.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y. on April 8, 1971.

WAYNE HENDERSHOT,
Acting Director,
Eastern Region.

[FR Doc.71-6193 Filed 5-3-71;8:48 am]

[Airspace Docket No. 71-SO-25]

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

Alteration of Transition Area

On March 17, 1971, F.R. Doc. No. 71-3666 was published in the FEDERAL REGISTER (36 F.R. 5034), amending Part 71 of the Federal Aviation Regulations by altering the Mobile, Ala., transition area.

In the amendment, reference was made to "Brookley Aerospace Airport," whereas it should have referred to "Mobile Aerospace Airport." It is necessary to amend the FEDERAL REGISTER document to reflect this change. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, effective immediately, F.R. Doc. No. 71-3666 is amended as follows:

In the fourth paragraph, lines 4 and 5, "* * * Brookley Aerospace Airport * * *" is deleted and "* * * Mobile Aerospace Airport * * *" is substituted therefor.

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

Issued in East Point, Ga., on April 21, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-6195 Filed 5-3-71;8:48 am]

[Airspace Docket No. 71-SO-27]

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

Alteration of Control Zones and Transition Area

On March 19, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 5298), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Louisville, Ky. (Bowman Field and Standiford Field), and the Fort Knox, Ky., control zones and the Louisville, Ky., transition area.

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

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

In § 71.171 (36 F.R. 2055), the following control zones are amended to read:

LOUISVILLE, KY. (BOWMAN FIELD)

Within a 5-mile radius of Bowman Field (lat. 38°13'40" N., long. 85°39'47" W.); within 3 miles each side of Bowman VOR 064° radial, extending from the 5-mile radius zone to 8.5 miles northeast of the VOR; within 1.5 miles each side of Louisville VOR 331° radial, extending from the 5-mile radius zone to the VOR; excluding the portion within Standiford Field control zone west of a line 1.5 miles east of and parallel to the ILS localizer north course and the portion south of a line 2 miles north of and parallel to Louisville VOR 301° radial.

LOUISVILLE, KY. (STANDIFORD FIELD)

Within a 5-mile radius of Standiford Field (lat. 38°10'33" N., long. 85°44'12" W.); within 1.5 miles each side of the ILS localizer south course, extending from the 5-mile radius zone to the LOM; within 1.5 miles each side of the ILS localizer west course, extending from the 5-mile radius zone to 1 mile east of Nabb VOR 206° radial; within 2 miles ach side of Louisville VOR 301° radial, extending from the 5-mile radius zone to 1 mile northwest of the VOR; excluding the portion within Bowman Field control zone.

FORT KNOX, KY.

Within a 5-mile radius of Godman AAF (lat. 37°54'27" N., long. 85°58'21" W.); within 3 miles each side of the 354° bearing from Fort Knox RBN, extending from the 5-mile radius zone to 8.5 miles north of the RBN; within 3 miles each side of Fort Knox VOR 001°, 052°, 172°, and 324° radials, extending from the 5-mile radius zone to 8.5 miles north, northeast, south, and northwest of the VOR.

In § 71.181 (36 F.R. 2140), the Louisville, Ky., 700-foot transition area is amended to read:

LOUISVILLE, KY.

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Standiford Field (lat. 38°10'33" N., long. 85°44'12" W.); within 3 miles each side of the ILS localizer north course, extending from the 11-mile radius area to 8.5 miles north of Louisville VOR 328° radial; within 3 miles each side of the ILS localizer east course, extending from the 11-mile radius area to 8.5 miles east of the LOM; within 9.5 miles west and 4.5 miles east of the ILS localizer south course, extending from the 11-mile radius area to 18.5 miles south of the OM; within 3 miles each side of the ILS localizer west course, extending from the 11-mile radius area to 8.5 miles west of Nabb VOR 206° radial; within a 10-mile radius of Bowman Field (lat. 38°13'40" north, long. 85°39'47" W.); within an 8.5-mile radius of Godman AAF, Fort Knox (lat. 37°54'27" N., long. 85°58'21" W.).

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

Issued in East Point, Ga., on April 22, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-6196 Filed 5-3-71;8:48 am]

[Airspace Docket No. 71-SO-64]

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 Memphis, Tenn. (NAS), control zone and transition area.

The Memphis (NAS) control zone is described in § 71.171 (36 F.R. 2055). In the description, an extension is predicated on the NAS Memphis TACAN 035° radial with a width of 4 miles and a length of 6.5 miles.

The Memphis (NAS) transition area is described in § 71.181 (36 F.R. 2140). In the description, the radius circle is designated as 12 miles and an extension is predicated on the 083° bearing from NAS Memphis RBN with a width of 4 miles and a length extending to 14 miles east of the NAS.

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

Because of this revised criteria, it is necessary to alter the descriptions as follows:

Control Zone. Revoke the extension predicated on the NAS Memphis TACAN 035° radial.

Transition Area. Increase the extension predicated on the NAS Memphis RBN 2 miles in width and 1 mile in length.

In consideration of the foregoing, notice and public procedure hereon are unnecessary and Part 71 of the Federal

Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (36 F.R. 2055), the Memphis, Tenn. (NAS), control zone is amended to read:

MEMPHIS, TENN. (NAS)

Within a 5-mile radius of Memphis NAS (lat. 35°21'15" N., long. 89°52'10" W.). This control zone is effective during the specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

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

MEMPHIS, TENN. (NAS)

That airspace extending upward from 700 feet above the surface within a 12-mile radius of NAS Memphis (lat. 35°21'15" N., long. 89°52'10" W.); within 3 miles each side of the 083° bearing from NAS Memphis RBN, extending from the 12-mile radius area to 8.5 miles east of the RBN.

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

Issued in East Point, Ga., on April 21, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-6197 Filed 5-3-71;8:48 am]

[Airspace Docket No. 70-SO-103]

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

Designation of Transition Area

On March 12, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 4789), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the McMinnville, Tenn., transition area.

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

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

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

MCMINNVILLE, TENN.

That airspace extending upward from 700 feet above the surface within a 13-mile radius of Warren County Memorial Airport (lat. 35°42'00" N., long. 85°50'30" W.); within 9.5 miles northwest and 4.5 miles southeast of the 061° bearing from Warren County RBN (lat. 35°42'11" N., long. 85°50'-40" W.), extending from the 13-mile radius area to 18.5 miles northeast of the RBN.

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

Issued in East Point, Ga., on April 21, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-6198 Filed 5-3-71;8:48 am]

[Airspace Docket No. 71-WA-19]

PART 71—DESIGNATION O FFEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Additional Control Areas, and Reporting Point

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to revoke the Bettles/Umiat, Alaska; Umiat/Point Barrow, Alaska; Umiat/Deadhorse, Alaska, additional control areas and the Umiat, Alaska, RBN Alaskan low altitude reporting point.

The Bettles/Umait, Umiat/Point Barrow and Umiat/Deadhorse additional control areas and the Umiat low altitude reporting point are based, in part, on the use of the Umiat radio beacon. The Umiat radio beacon is privately owned and will be decommissioned May 15, 1971. Therefore, action is taken herein to revoke the airspace predicated on the Umiat RBN.

Since a situation exists where safety requires immediate adoption of these amendments, it is found that notice and public procedure thereon are impracticable, and good cause exists for making these amendments effective on less than 30 days notice.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 15, 1971, as hereinafter set forth.

1. In § 71.163 (36 F.R. 2043) the Bettles/Umiat, Alaska; Umiat/Point Barrow, Alaska, and Umiat/Deadhorse, Alaska, additional control areas are revoked.

2. In § 71.211 (36 F.R. 2313) the Umiat, Alaska, RBN low altitude reporting point is revoked.

(Sec. 307(a) of the Federal Aviation Act of 1958, 48 U.S.C. 1348(a) and sec. 6(c) of the Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on April 30, 1971.

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

[FR Doc. 71-6305 Filed 5-3-71;8:51 am]

[Airspace Docket No. 71-EA-61]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Jet Route Segments

The purpose of this amendment to Part 75 of the Federal Aviation Regulations is to realign segments of Jet Routes Nos. 14 and 37 via the Kenton, Del., VORTAC.

J-14 and J-37 segments northeast of Richmond, Va., and Gordonsville, Va., respectively, are aligned over the Kenton, Del., VORTAC without reference to the Kenton facility in their route description. A recent flight inspection of J-37 indicates the alignment via the Gordonsville VORTAC 065°M radials is beyond acceptable tolerance in the vicinity of Kenton.

Accordingly, to overcome this navigational deficiency, action is taken herein to realign J-14 and J-37 by use of the Kenton VORTAC so as to improve the navigational guidance on these segments.

Since a situation exists when safety requires immediate adoption of this amendment and no substantive change is made in the regulation, notice and public procedure thereon are impracticable.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 24, 1971, as hereinafter set forth.

1. Section 75.100 (36 F.R. 2371) is amended as follows:

a. In Jet Route No. 14 text all after "Greensboro, N.C.;" is deleted and "Richmond, Va.; to Kenton Del." is substituted therefore.

b. In Jet Route No. 37 text all between "Gordonsville, Va.;" and "Kennedy, N.Y.;" is deleted and "Kenton, Del.; Coyle, N.J.;" 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 27, 1971.

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

[FR Doc.71-6194 Filed 5-3-71;8:48 am]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 11004; Amdt. 95-206]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of the Federal Aviation Regulations is amended, effective May 27, 1971, as follows:

1. By amending Subpart C as follows:

Section 95.619 *Blue Federal Airway 19* is amended to read in part:

From, To, and MEA

Fish Hook, Fla., LF/RBN; Hondo LF INT, Fla.; *1,500. *1,300—MOCA.
Hondo LF INT, Fla.; Perrine, Fla., RBN; *2,000. *1,600—MOCA.

Section 95.1001 *Direct routes—United States* is amended to delete:

Augusta, Ga., LOM; Johnston INT, S.C.; 2,900.
Anniston, Ala., VOR; Graham INT, Ala.; 4,000.
Anniston, Ala., VOR; La Grange, Ga. VOR; 4,000.
Anniston, Ala., VOR; Steele INT, Ala.; *3,000. *2,500—MOCA.
Jacksonville, Fla., RBN; Gateway INT, Fla.; *2,000. 1,300—MOCA.

Section 95.1001 *Direct routes—United States* is amended by adding:

Bush, Ga., LOM; Johnston INT, S.C.; 2,900.
Dinsmore, Fla., RBN; Gateway INT, Fla.; *2,000. *1,300—MOCA.
Dinsmore, Fla., RBN; Carp INT, Fla. (via Control 1,153); *2,000. *1,300—MOCA.
Ashley, S.C., LOM; Azalea INT, S.C.; 2,000.
Azalea INT, S.C.; Yellowtail INT, S.C.; *2,000. *1,200—MOCA.
Yellowtail INT, S.C.; Smelt INT, S.C.; *2,000. *1,200—MOCA.
Talladega, Ala., VOR; Graham INT, Ala.; 4,000.
Talladega, Ala., VOR; La Grange, Ga., VOR; 4,000.
Talladega, Ala., VOR; Steele INT, Ala.; *3,000. *2,500—MOCA.

Section 95.1001 *Direct routes—United States* is amended to read in part:

Dothan, Ala., VOR, via DHN 050/Euf 179; Eufaula, Ala., VOR; *2,000. *1,900—MOCA.
INT 221°M rad, Greensboro, VOR and 192°M brg Reynolds LOM; Reynolds, N.C., LOM; *2,500. *2,000—MOCA.
Lewis INT, Ala.; Talladega, Ala., VOR; *3,000. *2,600—MOCA.
Springville INT, Ala.; Talladega, Ala., VOR; *3,300. *2,700—MOCA.
Crab LF INT, Fla.; Egmont Key, Fla., RBN (via Control 1,226); *2,000. *1,200—MOCA.
Halibut INT, Fla.; *Mullet INT, Bahamas (via Control 1,150); **6,500. *6,500—MRA. **1,200—MOCA.
*Mullet INT, Bahamas; **Porpoise INT, Fla.; ***15,000. *6,500—MRA. **15,000—MRA. ***1,200—MOCA.

Bahama Routes

1 Lima is amended to read in part:
Satellite, Fla., RBN; Grand Bahamas, Bahama AAFB RBN; *2,000. *1,500—MOCA.

4 Lima is amended to read in part:
Rubin, Fla., RBN; Bimini, Bahama RBN; 2,000.

7 Lima is amended to read in part:
Halibut INT, Bahama; Rubin, Fla., RBN; *2,000. *1,400—MOCA.

8 Lima is amended to read in part:
Plantation, Fla., RBN; Pike INT, Fla.; *2,000. *1,300—MOCA.
Pike INT, Fla.; Akron INT, Bahama; *2,000. *1,200—MOCA.

Section 95.5000 *High altitude RNAV.*

From/to; total distance; changeover point; distance, from, geographic location; track angle; MEA; and MAA

J800R:

From/to; total distance; changeover point; distance, from, geographic location; track angle; MEA; and MAA

J800R:

Robbinsville, N.J.; Riddle, Pa.; 165.6; 43, Robbinsville, 40°09'08" N., 75°25'41" W.; 277°/97° to COP, 273°/93° to Riddle; 18,000; 45,000.
Riddle, Pa., Horn, Pa.; 99; 49.5, Riddle, 39°59'41" N., 79°09'07" W.; 277°/97° to COP, 274°/94° to Horn; 18,000; 45,000.
Horn, Pa., Thackery, Ohio; 175.5; 87.7, Horn, 40°01'05" N., 82°07'46" W.; 274°/97° to COP, 271°/91° to Thackery; 18,000; 45,000.
Thackery, Ohio, Newton, Ind.; 137.8; 55, Thackery, 39°57'39" N., 85°13'23" W.; 268°/88° to COP, 266°/86° to Newton; 18,000; 45,000.
Newton, Ind., Chapin, Ill.; 165.7; 70, Newton, 39°48'29" N., 88°31'33" W.; 263°/83° to COP, 258°/78° to Chapin; 18,000; 45,000.
Chapin, Ill., Kansas City, Mo.; 187.5; 93.7, Chapin, 39°29'21" N., 92°35'33" W.; 260°/80° to COP, 256°/76° to Kansas City; 18,000; 45,000.
Kansas City, Mo., Culver, Kan.; 149.1; 14.5, Kansas City, 39°04'29" N., 96°09'58" W.; 252°/72° to COP, 248°/68° to Culver; 18,000; 45,000.
Culver, Kan., Granada, Colo.; 236.2; 108, Culver, 38°29'06" N., 99°58'32" W.; 250°/70° to COP, 244°/64° to Granada; 18,000; 45,000.
Granada, Colo., Delhi, Colo.; 78.2; 39.1, Granada, 37°50'06" N., 103°25'13" W.; 244°/64° to COP, 242°/62° to Delhi; 18,000; 45,000.
Delhi, Colo., Sanford, Colo.; 78.6; 39.3, Delhi, 37°29'50" N., 105°00'44" W.; 239°/59° to COP, 241°/61° to Sanford; 18,000; 45,000.
Sanford, Colo., Flora, N. Mex., 115.5; 57.7, Sanford, 37°04'25" N., 106°58'00" W.; 241°/61° to COP; 239°/59° to Flora; 18,000; 45,000.
Flora, N. Mex., Cameron, Ariz.; 157.5; 60, Flora, 36°30'35" N., 109°17'18" W.; 237°/57° to COP, 235°/55° to Cameron; 18,000; 45,000.
Cameron, Ariz., Fenner, Calif.; 199.3; 103.5, Cameron, 35°23'00" N., 113°11'40" W.; 233°/53° to COP, 232°/52° to Fenner; 18,000; 45,000.
Fenner, Calif., Morrow, Calif.; 120; 60, Fenner, 34°25'46" N., 116°08'24" W.; 233°/53° to COP, 233°/53° to Morrow; 18,000; 45,000.

J801R:

Mesquite, Calif., Paria, Ariz.; 191.9; 65, Mesquite, 36°07'33" N., 114°22'20" W.; 52°/232° to COP, 52°/232° to Paria; 18,000; 45,000.
Paria, Ariz., Gypsum, Calif.; 171.0; 65, Paria, 37°16'21" N., 110°39'29" W.; 55°/235° to COP, 56°/236° to Gypsum; 18,000; 45,000.
Gypsum, Calif., Powder Horn, Colo.; 79.5; 23, Gypsum, 37°58'31" N., 108°05'57" W.; 56°/236° to COP, 58°/238° to Powder Horn; 18,000; 45,000.
Powder Horn, Colo., Rosemont, Colo.; 104.0; 52, Powder Horn, 38°31'14" N., 105°54'30" W.; 58°/238° to COP, 60°/240° to Rosemont; 18,000; 45,000.
Rosemont, Colo., Dresden, Kans.; 214.3; 91, Rosemont, 39°09'27" N, 108°58'18" W.; 63°/243° to COP, 63°/243° to Dresden; 18,000; 45,000.
Dresden, Kans., Ruskin, Nebr.; 117.2; 58.6, Dresden, 39°53'39" N., 99°10'19" W.; 64°/244° to COP, 63°/243° to Ruskin; 18,000; 45,000.
Ruskin, Nebr.; Garden Grove, Iowa; 207.9; 95, Ruskin, 40°30'21" N., 95°55'46" W.; 68°/248° to COP 70°/250° to Garden Grove; 18,000; 45,000.
Garden Grove, Iowa, Joliet, Ill.; 238.1; 119, Garden Grove, 41°15'04" N.; 90°55'40" W.; 74°/254° to COP 79°/259° to Joliet; 18,000; 45,000.
Joliet, Ill., Wolverine, Ohio; 199.1; 110, Joliet, 41°56'35" N., 85°55'38" W.; 75°/255° to COP 84°/264° to Wolverine; 18,000; 45,000.
Wolverine, Ohio, Ormsby, Pa.; 239.7; 114.9, Wolverine, 42°03'14" N., 81°24'26" W.; 98°/278° to COP 105°/285° to Ormsby; 18,000; 45,000.
Ormsby, Pa., Sparta, N.J.; 190.3; 45, Ormsby, 41°38'31" N., 77°39'45" W.; 114°/294° to COP 116°/296° to Sparta; 18,000; 45,000.

J802R:

Robbinsville, N.J., Furnace, Pa.; 164.5; 27, Robbinsville, 40°16'36" N., 75°04'30" W.; 290°/110° to COP 286°/106° to Furnace; 18,000; 45,000.
Furnace, Pa., Shiloh, Ohio; 204.5; 102.3, Furnace, 40°48'29" N., 80°16'16" W.; 283°/103° to COP 278°/98° to Shiloh; 18,000; 45,000.
Shiloh, Ohio, San Pierre, Ind.; 206.5; 93, Shiloh, 41°03'52" N., 84°32'50" W.; 276°/96° to COP 270°/90° to San Pierre; 18,000; 45,000.
San Pierre, Ind., Hartsburg, Ill.; 115.1; 78, San Pierre, 41°09'35" N., 88°46'07" W.; 271°/91° to COP 270°/90° to Hartsburg; 18,000; 45,000.
Hartsburg, Ill., Emerald, Nebr.; 325.1; 165, Hartsburg, 41°05'44" N., 93°13'30" W.; 262°/82° to COP 256°/76° to Emerald; 18,000; 45,000.
Emerald, Nebr., Melton, Nebr.; 192.5; 76, Emerald, 40°50'17" N., 98°24'28" W.; 257°/77° to COP, 252°/72° to Melton; 18,000; 45,000.
Melton, Nebr., Gilcrest, Colo.; 179.2, 89.6, Melton, 40°29'09" N., 102°53'48" W.; 251°/71° to COP, 248°/68° to Gilcrest; 18,000; 45,000.
Gilcrest, Colo., Blanco, Colo.; 142.3; 71.1, Gilcrest, 40°05'27" N., 106°21'34" W.; 247°/67° to COP, 245°/65° to Blanco; 18,000; 45,000.
Blanco, Colo., Hill Creek, Utah; 98.6; 49.3 Blanco, 39°43'44" N., 108°55'15" W.; 242°/62° to COP, 242°/62° to Hill Creek; 18,000; 45,000.
Hill Creek, Utah, Nebo, Utah; 79.7; 39.8, Hill Creek, 39°25'28" N., 110°48'19" W.; 237°/57° to COP, 242°/62° to Nebo; 18,000; 45,000.
Nebo, Utah, Grafton, Nev.; 140; 70, Nebo, 30°00'27" N., 113°05'58" W.; 239°/59° to COP, 238°/58° to Grafton; 18,000; 45,000.
Grafton, Nev., Coaldale, Nev.; 157.9; 95, Grafton, 38°17'55" N., 116°29'40" W.; 239°/59° to COP, 236°/56° to Coaldale; 18,000; 45,000.

J803R:

Gabbs, Nev., Bristol, Nev.; 157.4; 30, Gabbs, 38°43'41" N., 117°25'42" W.; 54°/234° to COP, 57°/237° to Bristol; 18,000; 45,000.
Bristol, Nev., Clear Lake, Utah; 102.8; 51.7, Bristol, 39°37'58" N., 113°46'13" W.; 55°/235° to COP, 57°/237° to Clear Lake; 18,000; 45,000.
Clear Lake, Utah, Ouray, Utah; 119.4; 59.7, Clear Lake, 40°07'58" N., 111°27'44" W.; 57°/237° to COP, 59°/239° to Ouray; 18,000; 45,000.
Ouray, Utah, Maybelle, Colo.; 97.6; 48.7, Ouray, 40°34'37" N., 109°10'20" W.; 59°/239° to COP, 63°/243° to Maybelle; 18,000; 45,000.
Maybelle, Colo., Tank, Wyo.; 154.8; 35, Maybelle, 40°53'21" N., 107°22'47" W.; 62°/242° to COP, 64°/244° to Tank; 18,000; 45,000.
Tank, Wyo., Sand, Nebr.; 165.6; 82.7, Tank, 41°31'36" N., 102°59'17" W.; 64°/244° to COP, 71°/251° to Sand; 18,000; 45,000.

Sand, Nebr., Plum Creek, Nebr.; 192.8; 95.9, Sand, 41°56'50" N., 99°02'47" W.; 70°/250° to COP, 74°/254° to Plum Creek; 18,000; 45,000.

Plum Creek, Nebr., Scales Mound, Ill.; 289.6; 108, Plum Creek, 40°15'34" N., 94°28'37" W.; 74°/254° to COP, 83°/263° to Scales Mound; 18,000; 45,000.

Scales Mound, Ill., Haven, Mich.; 183; 58, Scales Mound, 42°22'46" N., 89°05'45" W.; 84°/264° to COP, 90°/270° to Haven; 18,000; 45,000.

Haven, Mich., Wolverine, Ohio; 103.4; 51.7, Haven, 42°16'52" N., 85°07'42" W.; 90°/270° to COP, 97°/277° to Wolverine; 18,000; 45,000.

Wolverine, Ohio, Ormsby, Pa.; 239.7; 114.9, Wolverine, 42°03'15" N., 81°24'26" W.; 98°/278° to COP, 105°/283° to Ormsby; 18,000; 45,000.

Ormsby, Pa., Sparta, N.J.; 190.3; 45, Ormsby, 41°38'31" N., 77°39'45" W.; 114°/294° to COP, 116°/296° to Sparta; 18,000; 45,000.

Section 95.6006 *VOR Federal airway 6* is amended to read in part:

From, To, and MEA

Des Moines, Iowa, VOR; Percy INT, Iowa; *2,500. *2,300—MOCA.

Section 95.6007 *VOR Federal airway 7* is amended to read in part:

Dothan, Ala., VOR; Clio INT, Ala.; *2,000. *1,900—MOCA.

Section 95.6008 *VOR Federal airway 8* is amended to read in part:

Des Moines, Iowa, VOR; Percy INT, Iowa; *2,500. *2,300—MOCA.

Section 95.6011 *VOR Federal airway 11* is amended to read in part:

Dyersburg, Tenn., VOR; Cunningham, Ky., VOR; 2,000.

Dyersburg, Tenn., VOR via E alter.; Cunningham, Ky., via E alter.; 2,000.

Cunningham, Ky., VOR via E alter.; Evansville, Ind., VOR via E alter.; *2,600. *1,800—MOCA.

Cunningham, Ky., VOR; Weston INT, Ky.; 2,600.

Weston INT, Ky.; Evansville, Ind., VOR; 2,100.

Section 95.6014 *VOR Federal airway 14* is amended to read in part:

Vandalia, Ill., VOR; Shumway INT, Ill.; *2,400. *1,700—MOCA.

Shumway INT, Ill.; Montrose INT, Ill.; *2,400. *2,000—MOCA.

Section 95.6018 *VOR Federal airway 18* is amended to read in part:

Birmingham, Ala., VOR; Talladega, Ala., VOR; *3,000. *2,700—MOCA.

Talladega, Ala., VOR; Heflin INT, Ala.; *3,500 *3,200—MOCA.

Section 95.6025 *VOR Federal airway 25* is amended to read in part:

Yakima, Wash., VOR; Ellensburg, Wash., VOR; 5,600.

Section 95.6027 *VOR Federal airway 27* is amended to read in part:

Carmel INT, Calif.; Shark INT, Calif.; *6,000. *5,200—MOCA.

Shark INT, Calif.; *Point Ano INT, Calif.; **6,000. *7,000—MRA. **3,000—MOCA.

Point Ano INT, Calif.; Half Moon Bay INT, Calif.; *6,000. *3,000—MOCA.

Half Moon Bay INT, Calif.; Shrimp INT, Calif.; *4,000. *3,000—MOCA.

Shrimp INT, Calif.; Stinson Beach INT, Calif.; *3,500. *3,000—MOCA.

Section 95.6056 *VOR Federal airway 56* is amended to read in part:

Gordon INT, Ga.; *Mitchell INT, Ga.; **2,300. *2,500—MRA. **2,000—MOCA.

Mitchell INT, Ga.; *Harlem INT, Ga.; **2,300. *3,100—MRA. **2,000—MOCA.

Harlem INT, Ga.; Augusta, Ga, VOR; *2,300. *2,000—MOCA.

Section 95.6067 *VOR Federal airway 67* is amended to read in part:

Cunningham, Ky., VOR; Marion, Ill., VOR; 2,500.

Section 95.6115 *VOR Federal airway 115* is amended to read in part:

Knoxville, Tenn., VOR; Powder Springs INT, Tenn.; 4,000.

Section 95.6139 *VOR Federal airway 139* is amended to read in part:

Skipper INT, Mass.; Kennebunk, Maine, VOR; *2,500. *1,800—MOCA.

Section 95.6152 *VOR Federal airway 152* is amended to read in part:

Orlando, Fla., VOR; *Jessup INT, Fla.; 1,700. *3,500—MRA.

Jessup INT, Fla.; *Lake Helen INT, Fla.; **2,000. *2,500—MRA. **1,400—MOCA.

Section 95.6159 *VOR Federal airway 159* is amended to read in part:

Albany, Ga., VOR; *Shellman INT, Ga.; **2,100. *2,500—MRA. **1,700—MOCA.

Shellman INT, Ga.; Sawmill INT, Ga.; *2,100. *1,700—MOCA.

Sawmill INT, Ga.; Eufaula, Ala., VOR; *2,100. *1,900—MOCA.

Section 95.6178 *VOR Federal airway 178* is amended to read in part:

Farmington, Mo., VOR; Cunningham, Ky., VOR; 3,000. *2,800—MOCA.

Cunningham, Ky., VOR; Central City, Ky., VOR; 2,500.

Cache INT, Ill., via S alter.; Cunningham, Ky., VOR via S alter.; 2,400.

Section 95.6193 *VOR Federal airway 193* is amended to read in part:

Pellston, Mich., VOR; Sault Ste. Marie, Mich., VOR; *2,700. *2,300—MOCA.

Section 95.6230 *VOR Federal airway 230* is amended to read in part:

*Salinas, Calif., VOR; San Benito INT, Calif.; **6,500. *6,000—MOCA Salinas VOR, eastbound. **5,500—MOCA.

Section 95.6238 *VOR Federal airway 238* is amended to read in part:

Maples, Mo., VOR; Lenox INT, Mo.; *3,000. *2,500—MOCA.

Section 95.6267 *VOR Federal airway 267* is amended to read in part:

Orlando, Fla., VOR, via E alter.; *Jessup INT, Fla., via E alter.; 1,700. *3,500—MRA.

Jessup INT, Fla., via E alter.; *Lake Helen INT, Fla., via E alter.; **2,000. *2,500—MRA. **1,400—MOCA.

Section 95.6294 *VOR Federal airway 294* is amended to read in part:

Des Moines, Iowa, VOR; Percy INT, Iowa; *2,500. *2,300—MOCA.

Section 95.6300 *VOR Federal airway 300* is amended to read in part:

United States-Canadian Border: Shelldrake DME Fix, Mich.; *#9,000. *2200—MOCA. #MEA is established with a gap in navigation signal coverage.

Section 95.6437 *VOR Federal airway 437* is amended to read in part:

Marion INT, Fla.; *Starfish INT, Ga.; **8,000. *3,000—MRA. **1,200—MOCA.

Section 95.6485 *VOR Federal airway 485* is amended to read in part:

Priest, Calif., VOR; Hollister INT, Calif.; *7,000. *6,500—MOCA.

Section 95.7130 *Jet Route No. 130* is added to read:

From, to, MEA, and MAA

Wilson Creek, Nev., VORTAC; Grand Junction, Colo., VORTAC; 18,000; 45,000.

Section 95.7164 *Jet Route No. 164* is added to read:

Bryce Canyon, Utah, VORTAC; Grand Junction, Colo., VORTAC; 22,000; 45,000.

Section 95.7548 *Jet Route No. 548* is amended to read in part:

Pullman, Mich., VORTAC; Traverse City, Mich., VORTAC; 18,000; 45,000.

Traverse City, Mich., VORTAC; Sault Ste. Marie, Mich., VORTAC; 18,000; 45,000.

Section 95.7573 *Jet Route No. 573* is amended by adding:

Providence, R.I., VORTAC; Kennebunk, Maine, VORTAC; 18,000; 45,000.

2. By amending Subpart D as follows:

Section 95.8003 *VOR Federal airway changeover points.*

From; to—Changeover point: Distance; from

V–7 is amended to delete:

Nashville, Tenn., VOR; Central City, Ky., VOR; 37, Nashville.

V–16 is amended to read in part:

Nashville, Tenn., VOR; Hinch Mountain, Tenn., VOR; 33, Nashville.

V–33 is amended to read in part:

Keating, Pa., VOR; Bradford, Pa., VOR; 25, Keating.

V–53 is amended to delete:

Holston Mountain, Tenn., VOR; Whitesburg, Ky., VOR; 18, Holston Mountain.

V–265 is amended to read in part:

Keating, Pa., VOR; Bradford, Pa., VOR; 25, Keating.

V–437 is amended by adding:

Daytona Beach, Fla., VOR; Savannah, Ga., VOR; 85, Daytona Beach.

Section 95.8005 *Jet Routes changeover points.*

J–501 is amended to delete:

Anchorage, Alaska, VORTAC; Bethel, Alaska, VORTAC; 130; Anchorage.

J–501 is amended by adding:

Anchorage, Alaska, VORTAC; Sparrevohn, Alaska, LF/RBN; 130; Anchorage.

Sparrevohn, Alaska, LF/RBN; Bethel, Alaska, VORTAC; 145; Bethel.

(Secs. 307, 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510))

Issued in Washington, D.C., on April 26, 1971.

EDWARD C. HODSON,
Acting Director,
Flight Standards Service.

[FR Doc.71-6137 Filed 5-3-71;8:45 am]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Regulation ER-688; Amdt. 5]

PART 287—EXEMPTION AND APPROVAL OF CERTAIN INTERLOCKING RELATIONSHIPS

Air Carriers and Commercial Lending Institutions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 28th day of April, 1971.

Section 287.3a (14 CFR Part 287) of the Economic Regulations exempts direct air carriers with respect to interlocking relationships involving the directors of air carriers who are also directors, officers, or employees of commercial lending institutions which do not lease aircraft to the air carrier. This provision being merely permissive does not grant antitrust immunity, but only allows such interlocks to exist without first obtaining the approval of the Board under Part 251 of the Board's Economic Regulations, as otherwise required by section 409(a) of the Federal Aviation Act of 1958, as amended.[1]

In adopting § 287.3a, the Board provided that the exemption shall expire after 3 years (i.e., on March 30, 1969). It subsequently twice extended the date, and the exemption will now expire on April 30, 1971. The exemption is still experimental and involves some risk of potential conflict of interest. As experience under the exemption has not disclosed any basis for termination, the Board has decided to extend the expiration date of § 287.3a to April 30, 1972.

Because this amendment extends the relief provided in the existing regulation, notice and public procedure hereon are unnecessary and the amendment may be made effective upon less than 30 days' notice.

Accordingly, the Civil Aeronautics Board hereby amends § 287.3a effective May 1, 1971, by extending the expiration date from April 30, 1971, to April 30, 1972. As amended § 287.3a will read as follows:

§ 287.3a Exemption of air carriers with respect to interlocking relationships with commercial lending institutions.

In addition to the exemptions provided in §§ 287.2 and 287.3, and subject to the other provisions of this part, air carriers are hereby relieved from the provisions of section 409(a) of the Act and Part 251 of this chapter with respect to any interlocking relationship between any such air carrier and a commercial lending institution which does not lease aircraft to the air carrier: *Provided, however,* That such exemption shall expire on April 30, 1972, and shall extend only to the relationship involving a director of the air carrier who is not an officer or employee of the air carrier or a stockholder holding a controlling interest in the air carrier (or the representative or nominee of any such person) and who is not a member of the commercial lending institution: *Provided further,* That in order to qualify for an exemption under this section air carriers shall file with the Bureau of Operating Rights annual reports on or before April 1 of each year showing for the previous calendar year (a) the names and addresses of all directors of the air carrier who were also directors, officers, or employees of commercial lending institutions; (b) the names and addresses of such commercial lending institutions; and (c) a description of all transactions between the air carrier (and/or its directors who were also officers or directors of commercial lending institutions) and such commercial lending institutions.

(Secs. 101(3), 204(a), 409, 416; 72 Stat. 737, 743, 768, and 771; 49 U.S.C. 1301, 1324, 1379 and 1386)

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

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-6210 Filed 5-3-71;8:49 am]

[1] When § 287.3a was adopted on March 23, 1966 (ER-455), the Board stated that lending institutions which lease aircraft are probably engaged in a phase of aeronautics and hence interlocks between direct air carriers and such banks "would appear to come within the purview of section 409."

Title 29—LABOR

Chapter XIII—Bureau of Labor Standards, Department of Labor

PART 1518—SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION

Effective Dates

F.R. Doc. 71-5317, published in part II of the issue dated Saturday, April 17, 1971, at 36 F.R. 7339, 7410, is corrected by deleting the words "in Subpart C of" from § 1518.1051(b)(1) and by substituting therefor the words "prescribed in".

As corrected, § 1518.1051(b)(1) reads as follows:

§ 1051.1051 Effective dates (specific).

* * * * *

(b)(1) To the extent that the standards prescribed in this part apply to light residential construction, their application is delayed until August 15, 1971, which is 120 days following the publication of the standards in the FEDERAL REGISTER.

* * * * *

Signed at Washington, D.C. this 27th day of April 1971.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.71-6170 Filed 5-3-71;8:46 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 10]

ARTICLES EXPORTED AND RETURNED

Notice of Proposed Rule Making

It has been decided to revise the Customs Regulations to achieve maximum efficiency for the entry of merchandise under items 800.00, 805.00, 806.20, and 806.30, Tariff Schedules of the United States (TSUS): (1) By eliminating documentation which, in the discretion of the Customs official, is repetitive and unnecessary; (2) by increasing from $500 to $1,000 the value requirement of shipments for which a declaration by the foreign shipper is required; (3) by requiring the maintenance by importers of inventory records of the return of certain merchandise exported for repair, alteration or processing; (4) by eliminating the present requirement for completion of Customs Form 4455 in duplicate, in all cases, to register articles exported for repairs, alterations, or processing by the owner or exporter, and the maintenance of the original thereof in Customs files; (5) by permitting anyone residing more than 20 miles from a Customs office to export merchandise through the mail for repairs or alterations under item 806.20, TSUS, from, and under the supervision of, local U.S. Post Office officials and (6) by making certain technical revisions.

Accordingly, notice is hereby given that under authority of R.S. 251 (19 U.S.C. 66), General Headnote 11, Tariff Schedules of the United States (19 U.S.C. 1202, Gen. Hdnte. 11), and section 624, Tariff Act of 1930 (19 U.S.C. 1624), it is proposed to amend the Customs Regulations as follows:

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

Section 10.1 is amended to read:

§ 10.1 Domestic products; requirements on entry.

(a) Except as otherwise provided for in this part, the following documents shall be filed in connection with the entry of articles claimed to be free of duty under item 800.00 and item 805.00, Tariff Schedules of the United States:

(1) A declaration by the foreign shipper in substantially the following form, if the value of the returned articles exceeds $1,000:

I, _____, declare that to the best of my knowledge and belief the articles herein specified are products of the United States; that they were exported from the United States, from the port of _____ on or about _____, 19____; that they are returned without having been advanced in value or improved in condition by any process of manufacture or other means.

Marks	*Number*	*Quantity*	*Description*	*Value, in U.S. coin*

_____ (Date)

_____ (Signature)

_____ (Address)

_____ (Capacity)

(2) A declaration for free entry by the owner, importer, consignee, or agent on the top portion of Customs Form 3311.

(3) A Certificate of Exportation on the bottom portion of Customs Form 3311 executed by the district director of customs at the port from which the merchandise was exported. Such certificate shall show whether drawback was claimed or paid on the merchandise covered by the certificate and, if any was paid, the amount thereof. This certificate shall be issued on application of the importer, or of the district director at the importer's request, and shall be mailed by the issuing officer directly to the port at which it is to be used. If the merchandise has been exported from the port at which entry is made and the fact of exportation appears on the records of the customhouse, the fact of reimportation shall be noted on such export record. In such case the filing of the certificate on Customs Form 3311 shall not be required.

(b) If, in any case where the appraising officer's report does not show definitely that merchandise the value of which exceeds $1,000 is of domestic origin, Customs Form 3311 has not been executed by the owner or ultimate consignee, the district director may require the execution of such form by the owner or ultimate consignee. In such a case Customs Form 3311 shall be filed within 3 months after the date of the demand therefor upon the person in whose name the entry was filed. If the owner or ultimate consignee is a corporation, such form may be signed by the president, vice president, secretary, or treasurer of the corporation, or may be signed by any employee or agent of the corporation who holds a power of attorney executed under the conditions outlined in section 8.19 and a certification by the corporation that such employee or other agent has or will have knowledge of the pertinent facts. In the case of articles which are unquestionably the products of the United States and which have not been advanced in value or improved in condition, if the district director is satisfied from the character thereof or otherwise that they are free of duty under Schedule 8, Part 1, Tariff Schedules of the United States, and if the total value of the articles of American origin contained in the shipment does not exceed $250, the execution of Customs Form 3311 shall not be required therefor, except when used as an entry under paragraph (g), (h), or (i) of this section.

(c) A certificate from the master of a vessel stating that products of the United States are returned without having been unladen from the exporting vessel may be accepted in lieu of the declaration of the foreign shipper required by paragraph (a)(1) of this section.

(d) If the district director is reasonably satisfied that because of the nature of the articles, or production of other evidence, the articles are imported in circumstances as to meet the requirements of item 800.00 or 805.00 and the related headnotes, they may waive the documents required by paragraphs (a) and (b) of this section, except when Customs Form 3311 is used as an entry under paragraphs (g), (h), or (i) of this section.

(e) No evidence relative to the conditions of item 800.00 shall be required in the case of articles the product of the United States in use at the time of importation as the usual coverings or containers of merchandise not subject to an ad valorem rate of duty unless such articles would be dutiable if not products of the United States under General Headnote 6, Tariff Schedules of the United States.

(f) In the case of photographic films and dry plates manufactured in the United States (except motion picture films to be used for commercial purposes) exposed abroad and entered under item 805.00, the requirements of paragraphs (a), (b), and (c) of this section are applicable except that the declaration on Customs Form 3311 to the effect that the articles "are returned without having been advanced in value or improved in condition by any process of manufacture or other means" shall be crossed out, and the entrant shall show on the form that the subject articles when exported were of U.S. manufacture and are returned after having been exposed, or exposed and developed, and, in the case of motion picture films, that they will not be used for commercial purposes. This modification shall also be made in the declaration by the foreign shipper provided for in paragraph (a)(1) of this section.

(g) In the case of aircraft and parts and equipment therefor which are returned to the United States by or for the account of an aircraft owner or operator and are intended for use in his or its own aircraft operations, either within or outside the United States and

with or without alterations or other change in condition in this country, entry thereof may be made under item 800.00 on Customs Form 3311, executed by the importer and supported by proper evidence of the right to make the entry, but without the other documents described in this section and without the giving of a bond to produce any of them, when there is no question that the articles are products of the United States and it satisfactorily appears that they have not been improved in condition or advanced in value while abroad and that no drawback has been or will be paid on them. In such a case, the entrant shall show on Customs Form 3311 after the words "returned to" the name and address of the aircraft owner or operator by whom or for whose account the articles were returned. The entrant shall also show on Customs Form 3311 the name of the importing conveyance, the date of its arrival, the value of the articles, and that they are intended for use in the aircraft owner's, or operator's, own aircraft operations.

(h) Entry of nonconsumable stores and equipment of a vessel may be made under item 800.00 on Customs Form 3311, in duplicate, executed by the importer and supported by proper evidence of the right to make entry when there is no question that the articles are products of the United States, and it satisfactorily appears that they have not been improved in condition or advanced in value while abroad; that no Customs drawback has been or will be paid on them, and that duty is not payable thereon because of an internal revenue tax. The declaration of the foreign shipper and the certificate of exportation are not required in connection with an entry on Customs Form 3311. In satisfying himself that no Customs drawback was allowed on the articles in connection with their removal from the United States, the Customs officer may accept the written declaration of the master or other person having knowledge of the facts showing that the articles left this country on a United States vessel or a vessel operated by the United States Government as stores or equipment thereof and that they were not landed in a foreign country except for any needed repairs, adjustments, or refilling and return to the vessel from which landed or for transshipment to another vessel as stores or equipment thereof. Such declaration may be made on the reverse side of the entry on Customs Form 3311. The entrant shall show on Customs Form 3311 the name of the importing vessel, the date of its arrival, and the value of the articles.

(i) When the total value of articles of claimed American origin contained in any shipment does not exceed $250 and such articles are found to be unquestionably products of the United States and do not appear to have been advanced in value or improved in condition while abroad and no quota is involved, free entry thereof may be made under item 800.00 on Customs Form 3311, executed by the owner, importer, consignee, or agent and filed in duplicate, without regard to the requirement of a certificate of exportation or evidence of similar purport, unless the Customs officer has reason to believe that Customs drawback or exemption from internal revenue tax, or both, were probably allowed on exportation of the articles or that they are otherwise subject to duty. The entrant shall show on Customs Form 3311 the name of the importing conveyance, the date of its arrival, the name of the country from which the articles were returned to the United States, and the value of the articles. The entrant shall also produce evidence of his right to make entry. If the Customs officer is not entirely certain that the articles to be entered under this paragraph by a nominal consignee are products of the United States, the actual owner or ultimate consignee thereof may be required to execute a Customs Form 3311.

Section 10.2 is amended to read as follows:

§ 10.2 Requirements on entry of fabricated components assembled abroad.

The following documents shall be filed in connection with the entry of articles claimed to be partially exempted from duty under item 807.00, Tariff Schedules of the United States, as amended:

(a) A declaration by the person who performed the assembly operations abroad, in substantially the following form:

I, _____, declare that to the best of my knowledge and belief the _____ were assembled in whole or in part from components, as listed and described below, which are products of the United States.

List and description of components:

Marks of identification, numbers	*Description of component*	*Quantity*	*Unit value at time and place of ex-States**	*Port and date of export from United States port from United*

*In accordance with Headnote 3, Part 1B, Schedule 8, Tariff Schedules of the United States.

Description of operations performed abroad on the United States components, including the assembly and all other operations:

_____

_____

_____

_____

_____ _____

(Date) (Signature)

_____ _____

(Address) (Capacity)

(b) An endorsement of the owner, importer, consignee, or agent, in substantially the following form:

I declare that the (above) (attached) declaration of _____ is correct in every respect and there has been compliance with all pertinent headnotes of the Tariff Schedules of the United States.

_____ _____

(Date) (Signature)

_____ _____

(Address) (Capacity)

(c) If the district director is satisfied because of the nature of the articles or production of other evidence, for example, pertinent business records or copies of shipper's export declarations, that the exported components are U.S. products assembled in such circumstances as to meet the requirements of item 807.00 and related headnotes, he may waive the documents required in paragraphs (a) and (b) of this section.

Section 10.8 is amended to read:

§ 10.8 Articles exported for repairs or alterations.

(a) Before the exportation of articles subject on return to the United States to duty on the value of the repairs or alterations performed abroad as provided for in item 806.20, Tariff Schedules of the United States, a Certificate of Registration (top portion of Customs Form 4455) shall be filed (in an original only) by the owner or exporter with the district director of customs at a time prior to the departure of the exporting conveyance which will permit an examination of the articles. The applicant shall be notified by the district director of the place to which he shall deliver the articles for examination. All expense in connection with the delivery of the articles, cording, sealing, marking, and transfer to the exporting conveyance, shall be borne by the exporter. The articles shall be exported under Customs supervision, except those articles exported by mail which can be identified by manufacturer's mark or number. A photograph or other means of identification shall be furnished when required by Customs officers.

(b) When the report of the Customs officer showing the examination of the articles and their lading on the exporting conveyance or their delivery for mailing has been endorsed on the Customs Form 4455 covering such articles, the form shall be given to the exporter for use in connection with the return of the articles. If the articles are being exported through the mails and the Customs Form 4455 has been completed in duplicate, the Customs officer shall enclose the duplicate copy of the form in the package being exported. The owner or exporter, in

all other cases, may enclose a duplicate copy of the certificate with the articles being exported in any other manner for repairs or alterations. In order to facilitate the entry of articles, regardless of the mode of exportation, the foreign shipper may include a duplicate copy of the registration certificate, completed prior to exportation, in the returned package.

(c) When an exporter resides more than 20 miles from a Customs office, articles being exported for repairs or alterations through the mail, may, in accordance with the following procedures which have been approved by the Post Office Department, be exported through a local post office:

(1) The articles shall be delivered to the postmaster in an unpacked condition;

(2) Customs Form 4455 completed in original and duplicate shall be presented to the postmaster with the articles;

(3) The original Customs Form 4455 with the Certificate of Registration executed by the postmaster shall be returned to the exporter for use, if necessary, in clearing articles on their return to the United States;

(4) The duplicate Form 4455 shall be enclosed in the parcel with the articles being exported and shall accompany the articles on their return to the United States to facilitate processing the entry; and

(5) The exporter shall bear all expense incurred under this procedure, including charges assessed by the United States Post Office Department.

(d) When articles other than those exported by mail or parcel post are examined and registered at one port and exported for repair or alterations through another port, they shall be forwarded to the port of exportation under a transportation and exportation entry.

(e) There shall be filed in connection with an entry covering articles entered under the provisions of item 806.20, a declaration from the person who performed such repairs or alterations in substantially the following form:

_____
(Place and date)

I, _____, declare that the articles herein specified are the articles which, in the condition in which they were exported from the United States, were received by me (us) on _____, 19____, from _____
(Name and address of owner or exporter in the United States)
_____; that they were received by me (us) for the sole purpose of being repaired or altered; that only the repairs or alterations described below were performed by me (us); that the full cost or (when no charge is made) fair market value of such repairs or alterations are correctly stated below; and that no substitution whatever has been made to replace any of the articles originally received by me (us) from the owner or exporter thereof mentioned above.

Marks and numbers	*Description of articles and of repairs or alterations*	*Full cost or (when no charge is made) fair market value of repairs or alterations**	*Total value of articles after repairs or alterations*
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

_____ _____
(Date) (Signature)

_____ _____
(Address) (Capacity)

*See Headnote 2, Part 1B, Schedule 8, Tariff Schedules of the United States.

(f) There shall be filed in connection with the entry the Certificate of Registration (Customs Form 4455) and a declaration made by the owner, importer, consignee, or agent having knowledge of the facts that the articles entered in their repaired or altered condition are the same articles covered by the Certificate of Registration. This declaration shall also show that the full cost or (when no charge is made) fair market value of the repairs or alterations is correctly stated in the entry. When all of the merchandise covered by the Certificate of Registration (Customs Form 4455) is not entered at one time or at one port of entry, in the case of importations not exceeding $250 in value, the district director at the port where any portion of the merchandise is entered shall note the quantity entered on the registration certificate and return the certificate to the submitter thereof for use in connection with any further importation covered by such certificate.

(g) When all the merchandise covered by a Certificate of Registration (Customs Form 4455) is not entered at one time or at one port of entry, in the case of importations valued in excess of $250, there shall be filed with the entry at the time of entry the certification of the owner, importer, consignee, or agent having knowledge of the facts, that the articles entered in their repaired or altered condition are a portion of the articles covered by such Certificate of Registration. This certification shall be filed in lieu of the Certificate of Registration (Customs Form 4455), in the following form:

I hereby certify that the merchandise covered by entry No. _____dated_____, is a portion of the merchandise exported under Customs Form 4455_____
(Certificate of registration No.)
dated _____, to _____
(Name of foreign consignee)
_____, for the purpose and with the intent of _____ the articles in
(Repairing or altering)
the foreign country. I further certify that original Customs Form 4455 has been charged with the quantities herein, identified with the entry and port, and will be maintained at_____for a period of 2
(Firm and address)
years after the final liquidation of the final quantity covered by such Certificate of Registration, for verification by appropriate Customs officers.

(h) The Certificate of Registration (Customs Form 4455) referred to in paragraph (g) of this section shall be retained by the firm therein referred to for a period of 2 years from the date of final liquidation of the final quantity covered by the Certificate of Registration for verification by appropriate Customs officers. Each quantity entered shall be accounted for in such a manner as to identify the specific entry (entry number), and port of entry, with the total quantity of the exported articles on the reverse side of the Certificate of Registration (Customs Form 4455) until the total quantity has been entered.

(i) If the district director concerned is satisfied because of the nature of the articles, or production of other evidence, that the articles are imported under circumstances meeting the requirements of item 806.20 and related headnotes, he may waive the declaration provided for in paragraphs (e) and (f) of this section.

(j) In the event there has been compliance with registration requirements set forth in paragraph (a) of this section and Customs Form 4455 is not available at the time of entry, the district director may waive the production of Customs Form 4455 provided the merchandise is entered at one time at one port of entry, and he is satisfied that the returned merchandise meets the requirements of item 806.20 and related headnotes.

(k) In any case where an imported article was exported for repairs or alterations without compliance with the registration requirements of this section, the district director may waive the production of Customs Form 4455 if he is satisfied that the returned merchandise is entitled to entry under item 806.20 and that the failure to comply with the registration requirements was due to inadvertance, mistake, or inexperience, and not to negligence or bad faith. The district director may also, in his discretion, waive the registration requirements of this section, prior to exportation of the articles, upon application in writing by an exporter-importer located within his

district when it is indicated that the duty on merchandise would be less than $25 if not within the purview of item 806.20 and it is indicated that the shipment on its return to the United States will be covered by a mail or other informal entry. Customs Form 4455, appropriately modified, may be used by the district director in issuing the waiver.

(i) The district director shall require at the time of entry a deposit of estimated duties based upon the full cost or fair market value, as the case may be, of the repairs or alterations. The cost or fair market value, as the case may be, of the repairs or alterations outside the United States, which is to be set forth in the invoice and entry papers as the basis for the assessment of duty under item 806.20, shall be limited to the cost or value of the repairs or alterations actually performed abroad, which will include all domestic and foreign articles furnished for the repairs or alterations, but shall not include any of the expenses incurred in this country whether by way of engineering costs, preparation of plans or specifications, and furnishing of tools or equipment for doing the repairs or alterations abroad or otherwise.

Part 10 is amended to add a new § 10.9 reading:

§ 10.9 Articles exported for processing.

(a) Before the exportation of articles subject on return to the United States to duty on the value of the processing performed abroad as provided for in item 806.30, a Certificate of Registration (top portion of Customs Form 4455) shall be filed (in an original only) by the owner or exporter with the district director of customs at a time prior to the departure of the exporting conveyance which will permit an examination of the articles. A statement shall be included on the reverse side of Customs Form 4455 by the exporter or owner substantially as follows:

The articles described in this certificate were manufactured in the United States by _____; or, if of foreign
(Name and address)
origin, were subjected to _____
(Show processes of
_____
manufacture, such as molding, casting,
_____ in the United States by
machining, etc.)
_____. The articles in
(Name and address)
their changed condition will be returned for further processing by _____.
(Name and address)

(b) The applicant shall be notified by the district director of the place to which he shall deliver the articles for examination. All expense in connection with the delivery of the articles, cording, sealing, marking, and transfer to the exporting conveyance, shall be borne by the exporter. The articles shall be exported under Customs supervision, except those articles exported by mail which can be identified by manufacturer's mark or number. A photograph or other means of identification shall be furnished when required by the Customs officer.

(c) When the report of the Customs officer showing the examination of the articles and their lading on the exporting conveyance or their delivery for mailing has been endorsed on the Customs Form 4455 covering such articles, the form shall be given to the exporter for use in connection with the return of the articles. If the articles are being exported through the mails and the Customs Form 4455 (Certificate of Registration) has been completed in duplicate, the Customs officer shall enclose the duplicate copy of the form in the package being exported. The owner or exporter, in all other cases, may enclose a duplicate copy of the certificate with the articles being exported in any manner for processing. In order to facilitate the entry of an article, regardless of the mode of exportation, the foreign shipper may include a duplicate copy of the registration certificate, completed prior to exportation, in the returned package.

(d) When articles other than those exported by mail or parcel post are examined and registered at one port and exported for processing through another port, they shall be forwarded to the port of exportation under a transportation and exportation entry.

(e) There shall be filed in connection with an entry covering articles entered under the provisions of item 806.30, a declaration by the person who performed the processing abroad in substantially the following form:

_____
(Place and date)

I, _____, declare that the articles herein specified are the articles which, in the condition in which they were exported from the United States, were received by me (us) on _____, 19__, from _____;
(Name and address of owner or exporter in the United States)

that they were received by me (us) for the sole purpose of being processed; that only the processing described below was effected by me (us); that the full cost or (when no charge is made) fair market value of such processing and the value of the articles after processing are correctly stated below; and that no substitution whatever has been made to replace any of the articles originally received by me (us) from the owner or exporter thereof mentioned above.

Marks and numbers	*Description of articles and of processing*	*Full cost or (when no charge is made) fair market value of processing**	*Total value of article after processing*

*See Headnote 2, Part 1B, Schedule 8, Tariff Schedules of the United States.

(f) There shall be filed in connection with the entry the Certificate of Registration (Customs Form 4455) and a declaration made by the owner, importer, consignee, or agent having knowledge of the facts that the articles entered in their processed condition are the same articles covered by the Certificate of Registration. This declaration shall also show that the full cost or (when no charge is made) fair market value of the processing is correctly stated in the entry. There shall be included a concise statement as to the nature of the processing performed outside the United States immediately prior to the current importation and to the processing to be performed thereafter in the United States, showing the name and address of the processor who will do the subsequent processing. When all of the merchandise covered by the Certificate of Registration (Customs Form 4455) is not entered at one time or at one port of entry, in the case of importations not exceeding $250 in value, the district director at the port where any portion of the merchandise is entered shall note the quantity entered on the registration certificate and return the certificate to the submitter thereof for use in connection with any further importation covered by such certificate.

(g) When all the merchandise covered by the Certificate of Registration (Customs Form 4455) is not entered at one time or at one port of entry, in the case of importations valued in excess of $250, there shall be filed with the entry at the time of entry the certification of the owner, importer, consignee, or agent having knowledge of the facts, that the articles entered in their processed condition are a portion of the articles covered by such certificate of registration. This certificate shall be filed in lieu of the Certificate of Registration (Customs Form 4455) in the following form:

I hereby certify that the merchandise covered by entry No. _____ dated _____, is a portion of the merchandise exported, under Customs Form 4455_____
(Certificate of registration No.)
dated _____, to _____,
(Name of foreign consignee)
for the purpose and with the intent of processing the metal articles in the foreign country and the further processing of the metal articles upon subsequent importation into the United States.

I further certify that original Customs Form 4455 has been charged with the quantities herein, identified with the entry and port, and will be maintained at

_____
(Firm and address)

for a period of 2 years after the final liquidation of the final quantity covered by such Certificate of Registration, for verification by appropriate Customs officers.

(h) The Certificate of Registration (Customs Form 4455) referred to in paragraph (g) of this section shall be retained by the firm therein referred to for a period of 2 years from the date of final liquidation of the final quantity covered by the Certificate of Registration for verification by appropriate Customs officers.

Each quantity entered shall be accounted for in such a manner as to identify the specific entry (entry number), and port of entry with the total quantity of the exported articles on the reverse side of the Certificate of Registration (Customs Form 4455) until the total quantity has been entered.

(i) If the district director concerned is satisfied, because of the nature of the articles or production of other evidence, that the articles are imported in circumstances meeting the requirements of item 806.30 and related headnotes, he may waive the declaration provided for in paragraphs (e) and (f) of this section.

(j) In the event there has been compliance with the registration requirements (Customs Form 4455) set forth in paragraph (a) of this section and such form (Customs Form 4455) is not available at the time of entry, the district director may waive the production of Customs Form 4455 provided the merchandise is entered at one time at one port of entry, and he is satisfied that the returned merchandise meets the requirements of item 806.30, Tariff Schedules of the United States, and the related headnotes.

(k) In any case where an imported article was exported for processing without compliance with the registration requirements of this section, the district director may waive the Customs Form 4455 if he is satisfied that the returned merchandise is entitled to entry under item 806.30, and that the failure to comply with the registration requirements was due to inadvertence, mistake, or inexperience, and not to negligence or bad faith. The district director may also, in his discretion, waive the registration requirements of this section, prior to exportation of the articles, upon application in writing by an exporter-importer located within his district when it is indicated that the duty on the merchandise would be less than $25 if not within the purview of item 806.30, and it is indicated that the shipment on its return to the United States will be covered by a mail or other informal entry. Customs Form 4455, appropriately modified, may be used by the district director in issuing the waiver.

(l) The district director shall require at the time of entry a deposit of estimated duties based upon the full cost or fair market value, as the case may be, of the processing. The cost or fair market value, as the case may be, of the processing outside the United States which is set forth in the invoice and entry papers as the basis for the assessment of duty under item 806.30, shall be limited to the cost or value of the processing actually performed abroad (including all domestic and foreign articles used in the processing, but does not include the exported United States metal article) and shall not include any of the expenses incurred in this country, whether by way of engineering costs, preparation of plans or specifications, and the furnishing of tools or equipment for doing the processing abroad, or otherwise.

(R.S. 251, as amended, 77A Stat. 14, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1202 (Gen. Hdnte. 11), 1624)

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, Washington, D.C. 20226, and received not later than 30 days from the date of publication in the FEDERAL REGISTER. No hearing will be held.

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

Approved: April 22, 1971.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-6176 Filed 5-3-71; 8:46 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 116]

FINANCIAL ASSISTANCE TO MEET SPECIAL EDUCATIONAL NEEDS OF EDUCATIONALLY DEPRIVED CHILDREN

Notice of Correction and Extension of Comment Period

A notice of proposed rulemaking was published in the FEDERAL REGISTER, Vol. 36, No. 81, Tuesday, April 27, 1971, at page 7861, which proposed several amendments to Part 116 of Title 45 of the Code of Federal Regulations.

Although the original document as submitted was correct, through inadvertence the copy published in 36 F.R. 7861 was not a correct duplicate of that original. The variances relate to the composition of the parents councils required to be established by local educational agencies and to the definition of certain funds to be affected by the comparability provision.

Accordingly, the notice of proposed rulemaking relative to Part 116 of Title 45 at 36 F.R. 7861 is hereby corrected as indicated below and the period within which interested persons may submit comments is extended to 30 days following the date of publication of this correction in the FEDERAL REGISTER.

1. Proposed subparagraph (2) of § 116.17(o) is corrected to read as follows:

§ 116.17 Project covered by an application.

* * * * *

(o) * * *

(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 in which parents (not employed by the local educational agency) of educationally deprived children residing in attendance areas which are to be served by the project, constitute more than a simple majority, or designate for that purpose an existing organized group in which such parents will constitute more than a simple majority, and shall include in its application sufficient information to enable the State educational agency to make the following determinations: * * *

* * * * *

(20 U.S.C. 1231d)

2. Proposed paragraph (a) of § 116.26 is corrected to read 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) 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 those funds used in determinations of fiscal effort in accordance with § 116.45.

* * * * *

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

Dated: April 30, 1971.

RODNEY H. BRADY,
Assistant Secretary for Administration and Management.

[FR Doc.71-6314 Filed 5-3-71;10:36 am]

[45 CFR Part 132]

GRANTS FOR TRAINING IN LIBRARIANSHIP

Notice of Proposed Rule Making

EDITORIAL NOTE: F.R. Doc. 71-6044 appearing at page 8151 in the issue for Friday, April 30, 1971, inadvertently appeared in the Rules and Regulations section. It should have appeared in the Proposed Rule Making section.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-AL-3]

FEDERAL AIRWAY

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71

of the Federal Aviation Regulations that would redesignate a segment of Amber 1 Federal airway via the intersection of the west course of the Hinchinbrook, Alaska, radio range and the southeast course of the Anchorage, Alaska, radio range.

The alignment to bypass the Whittier NDB is proposed because severe weather and difficulty in servicing the Whittier radio beacon have made its continued operation impractical. By separate action a proposal to decommission this radio aid was issued September 3, 1970.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, AK 99501. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

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

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 27, 1971.

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

[FR Doc.71-6199 Filed 5-3-71;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 71-WA-17]

POSITIVE CONTROL AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to expand the positive control area from flight level 240 to 18,000 feet MSL in the southern and eastern United States.

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 Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. All communications received within 60 days after publication of this notice will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

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

In a rule adopted November 9, 1967 (32 F.R. 13270) the vertical limits of APC were lowered to 18,000 feet MSL in the northeast and part of the north-central United States. For reasons stated in the notice of proposed rule making (32 F.R. 7219) separate actions to lower the floor of positive control area in other sections of the country may be proposed as the Federal Aviation Administration attains the capability to provide positive control service therein. The FAA has determined that it now has the capability to provide postive control services in the southern and eastern United States.

The action proposed herein would designate as positive control area that airspace within the continental control area from 18,000 feet MSL to Flight Level 240 bounded by a line beginning at:

Latitude 38°00'00" N., longitude 75°11'00" W., thence to latitude 38°13'30" N., longitude 75°41'00" W., thence to latitude 38°20'30" N., longitude 75°36'40" W., thence to latitude 38°53'40" N., longitude 75°51'20" W., thence to latitude 38°26'20" N., longitude 77°03'15" W., thence to latitude 37°01'00" N., longitude 77°55'00" W., thence to latitude 36°19'00" N., longitude 79°16'00" W., thence to latitude 37°00'00" N., longitude 80°25'10" W., thence to latitude 37°12'15" N., longitude 80°25'45" W., thence to latitude 37°18'15" N., longitude 80°44'45" W., thence to latitude 37°16'00" N., longitude 80°53'00" W., thence to latitude 37°11'30" N., longitude 81°09'00" W., thence to latitude 36°34'00" N., longitude 84°01'00" W., thence to latitude 36°30'00" N., longitude 84°45'00" W., thence to latitude 36°12'30" N., longitude 85°10'30" W., thence to latitude 36°11'00" N., longitude 85°24'00" W., thence to latitude 36°54'00" N., longitude 85°35'00" W., thence to latitude 37°18'00" N., longitude 86°09'00" W., thence to latitude 37°16'30" N., longitude 87°23'50" W., thence to latitude 37°43'30" N., longitude 88°19'00" W., thence to latitude 37°32'00" N., longitude 85°50'00" W., thence to latitude 37°09'00" N., longitude 90°34'00" W., thence to latitude 36°26'00" N., longitude 94°41'00" W., thence to latitude 36°08'00" N., longitude 95°00'00" W., thence to latitude 35°00'00" N., longitude 95°00'00" W., thence to latitude 34°53'45" N., longitude 94°56'30" W., thence to latitude 34°51'00" N., longitude 94°12'00" W., thence to latitude 34°47'30" N., longitude 93°48'00" W., thence to latitude 34°30'00" N., longitude 93°44'00" W., thence to latitude 34°00'00" N., longitude 93°20'00" W., thence to latitude 33°43'00" N., longitude 93°00'00" W., thence to latitude 33°31'00" N., longitude 92°32'00" W., thence to latitude 32°42'00" N., longitude 91°30'00" W., thence to latitude 31°57'00" N., longitude 91°30'00" W., thence to latitude 31°39'00" N., longitude 90°20'45" W., thence to latitude 31°37'00" N., longitude 89°35'00" W., thence to latitude 31°42'00" N., longitude 89°24'00" W., thence to latitude 31°34'00" N., longitude 89°18'00" W., thence to latitude 31°31'00" N., longitude 88°20'15" W., thence to latitude 31°31'15" N., longitude 87°49'00" W., thence to latitude 31°25'00" N., longitude 87°26'00" W., thence to latitude 31°16'50" N., longitude 87°24'00" W., thence to latitude 30°58'00" N., longitude 87°39'00" W., thence to latitude 30°26'00" N., longitude 87°46'00" W., thence to latitude 30°15'00" N., longitude 87°41'30" W., thence to latitude 30°14'00" N., longitude 88°01'30" W., thence to latitude 30°09'30" N., longitude 88°01'30" W., thence via a line 3 NM from the coastline to point of beginning.

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 27, 1971.

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

[FR Doc.71-6200 Filed 5-3-71;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 71-CE-22]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Sioux City, Iowa.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. 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 proposals 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, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

Since designation of controlled airspace, three new instrument approach procedures have been developed for

Sioux City, Iowa, Municipal Airport. In addition, the criteria for the designation of control zones and transition areas have changed. Accordingly, it is necessary to alter the Sioux City, Iowa, control zone and transition area to adequately protect aircraft executing the new approach procedures and to comply with the new control zone and transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

SIOUX CITY, IOWA

Within a 5-mile radius of Sioux City Municipal Airport (latitude 42°24'03" N., longitude 96°22'55" W.); and within 2½ miles each side of the Sioux City VORTAC 140° and 320° radials, extending from the 5-mile-radius zone to 6 miles southeast of the VORTAC.

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

SIOUX CITY, IOWA

That airspace extending upward from 700 feet above the surface within a 11-mile radius of Sioux City Municipal Airport (latitude 42°24'03" N., longitude 96°22'55" W.); within a 7-mile radius of Graham Field (latitude 42°32'25" N., longitude 96°29'05" W.); within 5 miles southwest and 9½ miles northeast of the Sioux City VORTAC 140° radial, extending from the 11-mile-radius area to 24½ miles southeast of the VORTAC; within 4½ miles southwest and 9½ miles northeast of the Sioux City ILS localizer northwest and southeast courses, extending from the 11-mile-radius area to 24½ miles southeast of the OM; within 4½ miles northeast and 11½ miles southwest of the Sioux City VORTAC 320° radial, extending from the VORTAC to 35 miles northwest of the VORTAC; and within 9½ miles northeast and 4½ miles southwest of the 319° bearing from Graham Field, extending from Graham Field to 18½ miles northwest of Graham Field; that airspace extending upward from 1,200 feet above the surface within a 28½-mile radius of Sioux City VORTAC; and that airspace extending upward from 3,500 feet MSL east, south, and west of Sioux City bounded on the north by V-100, on the southeast by V-138, on the south by V-172, and on the west by longitude 98°00'00" W.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City Mo., on April 13, 1971.

DANIEL E. BARROW,
Acting Director, Central Region.

[FR Doc.71-6201 Filed 5-3-71;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 71-CE-27]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Juneau, Wis.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 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, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

Since designation of controlled airspace, a new instrument approach procedure has been developed for the Dodge County Airport, Juneau, Wis. Accordingly, it is necessary to alter the Juneau, Wis., transition area to adequately protect aircraft executing the new approach procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

JUNEAU, WIS.

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Dodge County Airport (latitude 43°25'30" N., longitude 88°42'00" W.); and within 3 miles each side of a 195° bearing from Dodge County Airport extending from the 6½-mile radius to 8 miles south of the airport; and within 3 miles each side of the 032° bearing from Dodge County Airport extending from the 6½-mile radius to 8 miles northeast of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the 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.

[FR Doc.71-6202 Filed 5-3-71;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 71-CE-53]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Joliet, Ill.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 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, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

An RNAV and a VOR instrument approach procedure have been developed for the Joliet, Ill., Municipal Airport. Consequently, it is necessary to provide controlled airspace protection for aircraft executing these new approach procedures by designating a transition area at Joliet, Ill.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

JOLIET, ILL.

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Joliet Municipal Airport (latitude 41°31'03" N., longitude 88°10'30" W.); within 4 miles each side of a line between latitude 41°38'00" N., longitude 88°20'42" W., and latitude 41°34'15" N., longitude 88°16'04" W., extending from the 5.5-mile radius area to 11.5 miles northwest of the airport and within 4 miles each side of a line between latitude 41°38'00" N., longitude 88°17'30" W., and latitude 41°34'15" N., longitude 88°16'04" W., extending from a point at latitude 41°34'15" N., longitude 88°16'04" W., to 4 miles north of that point, excluding the Morris, Ill., 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), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on April 13, 1971.

DANIEL E. BARROW,
Acting Director, Central Region.

[FR Doc.71-6203 Filed 5-3-71;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 71-CE-55]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Grayling, Mich.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 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, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

A new public use instrument approach procedure has been developed for the Grayling Army Airfield, Grayling, Mich., utilizing a non-directional beacon to be constructed by the Army approximately 5.7 miles northwest of Runway 14. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Grayling, Mich.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

GRAYLING, MICH.

That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of Grayling Army Airfield (latitude 44°40'45" N., longitude 84°43'45" W.); excluding that portion which overlies restricted areas R-4201 and R-4202; and that airspace extending upward from 1200 feet above the surface within 9.5 miles northeast and 4.5 miles southwest of the 316° bearing from the Grayling Army Airfield extending to 25 miles northwest of the airport excluding that portion which overlies R-4201.

This amendment is made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on April 13, 1971.

DANIEL E. BARROW,
Acting Director, Central Region.

[FR Doc.71-6204 Filed 5-3-71;8:49 am]

[14 CFR Part 71]

[Airspace Docket No. 71-CE-56]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Festus, Mo.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 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, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

A new public use instrument approach procedure has been developed for the Festus, Mo., Memorial Airport. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Festus, Mo.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

FESTUS, MO.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Festus Memoiral Airport (latitude 38° 11'45" N., longitude 90°23'00" W.); and within 3 miles each side of the 180° bearing from Festus Memorial Airport, extending from the 7-mile radius area to 8 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 180° bearing from Festus Memorial Airport extending from the airport to 18½ miles south of the airport, excluding the portion that overlies the State of Illinois.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on April 13, 1971.

DANIEL E. BARROW,
Acting Director, Central Region.

[FR Doc.71-6205 Filed 5-3-71;8:49 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 270, 274]

[Release No. IC-6493]

CONTRACTUAL PLANS FOR MUTUAL FUND SHARES AND VARIABLE ANNUITIES

Notice of Proposed Rules and Forms Setting Reserve Requirements and Notices

Notice of proposals under the Investment Company Act of 1940 to (a) adopt Rules 27d-1, 27e-1, 27f-1, 27g-1, 27h-1, and Forms N-27D-1, N-27E-1, N-27F-1, N-27F-2 and N-27F-3 with respect to reserve, notice and refund requirements in connection with the sale of periodic payment plan certificates, and (b) amend Rules 27a-1, 27a-2, 27a-3 and 27c-1.

Notice is hereby given that the Securities and Exchange Commission has under consideration the adoption of certain rules and forms and the amendment of certain rules, as set forth below, under the Investment Company Act of 1940 (Act) (15 U.S.C. 80a-1 et seq.), as amended by the Investment Company Amendments Act of 1970 (the 1970 Act) (Public Law 91-547; 84 Stat. 1413). The proposed rules, forms and amendments are designed to implement the provisions of section 27 of the Act which were added by the 1970 Act (Public Law 91-547; 84 Stat. 1424). The proposals would establish reserve and notice requirements and provide limited exemptions with respect to certain periodic payment plan certificates. The proposed rules, forms, and amendments would be adopted pursuant to the authority granted to the Commission in sections 27(d), 27(e), 27(f), 38(a) and 6(c) of the Act (15 U.S.C. 80a-27d, 80a-27e, 80a-27(f), 80a-37(a), 80a-6(c); and Public Law 91-547, 84 Stat. 1424, 1425; 54 Stat. 841, 800).

Sections 27(d) and 27(f) provide that the Commission may make rules and regulations applicable to underwriters for or depositors of registered investment companies issuing periodic payment plan certificates specifying such reserve requirements as it deems necessary or appropriate in order for such underwriters and depositors to carry out the obligations to refund charges as required by those sections. Section 27 (e) and (f)

provide that the Commission may make rules specifying the method, form and contents of the notices required by those sections. Section 38(a) of the Act authorizes the Commission to issue such rules as are necessary or appropriate to the exercise of the powers conferred upon the Commission in the Act.

Section 6(c) of the Act provides that the Commission by rule, regulation or order may exempt any person or transaction or any class of persons or transactions from any provision of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

The 1970 Act did not change the provisions of section 27(a) (of the Act, 15 U.S.C. 80a–27(a)) which, among other things, permit a deduction for sales load of 50 percent of the first twelve monthly payments of their equivalent. However, new subsections (d), (e), and (f) afford holders of periodic payment plan certificates certain specified rights of refund, withdrawal and notice, while section (g) and (h) permit registered investment companies issuing periodic payment plan certificates to elect to sell them subject to a "spread load," under which the sales load is restricted to not more than 20 percent of any payment and not more than an average of 16 percent of the first forty-eight monthly payments or their equivalent (Public Law 91–547; 84 Stat. 1425).

Periodic payment plan certificates sold subject to section 27(d) (of the Act), typically with a 50 percent "front-end load," must provide that the certificate holder may surrender his certificate at any time prior to the expiration of 18 months after issuance of the certificate and receive in payment thereof, in cash, the value of his account plus an amount from the underwriter for, or depositor of, the issuer equal to the part of the excess paid for sales loading which exceeds 15 percent of the gross payments made by the certificate holder.

Section 27(f) (of the Act) applies to all periodic payment plans whether sold pursuant to section 27(d), section 27(h) (of the Act), or otherwise. Under it a certificate holder, within 60 days after the issuance to him of his periodic payment plan certificate, must be given a written notice of his right to withdraw from the plan within 45 days of the date of mailing the notice. Any certificate holder who exercises his right of withdrawal is entitled to receive a refund of the amount equal to the value of his account plus an amount, from the underwriter or depositor, equal to the difference between the gross payments made and the net amount invested; i.e., a complete refund of all charges.

Rule 27d–1—The Refund Obligations (17 CFR 270.27d–1). Proposed Rule 27d–1 establishes the reserve requirements applicable to principal underwriters and depositors to enable them to carry out their obligation to refund charges under section 27 (d) and (f). The rule has been designed so as to be flexible. Amounts required to be deposited and maintained are keyed to the number of payments made by each certificate holder and reflect the experience of each principal underwriter or depositor. As a result, the depositor or principal underwriter experiencing high persistency and few lapses would be required to maintain lower overall reserves as a percentage of possible refund obligations than those depositors or principal underwriters experiencing low persistency and frequent lapses. The Commission intends to review its reserve requirements in light of actual experience, as soon as sufficient data becomes available. Should the data indicate the need, the rule would be revised, consistent with the protection of investors, to reflect actual experience.

Proposed Rule 27d–1 provides that every depositor of or principal underwriter for a periodic plan certificate sold subject to sections 27(d) or 27(f), or both, shall deposit and maintain funds in a segregated trust account as a reserve for the purpose of assuring the refund of charges required by section 27 (d) and (f) of the Act. The assets of such trust account may be withdrawn only as specified in the rule and such assets in no event may be used for any purpose other than assuring the depositor or principal underwriter's ability to refund the amounts required by section 27 (d) and (f) of the Act. This approach is designed to avoid duplication of segregated trust accounts, record keeping and reporting requirements and thus to ease the burden of complying with the reserve requirements.

Under the rule, depositors or principal underwriters are required to deposit certain specified percentages of the refundable portion of the sales load on various payments for every periodic payment plan certificate sold subject to section 27(d) (of the Act). For each certificate for which they are liable for the refund of any sales load they are required to maintain in the trust account specified portions of each payment. They are also required to deposit and maintain in the trust account specified percentages of the charges deducted during the period for which they are obligated to make refunds pursuant to section 27(f) of the Act.

Under the laws of at least one State a periodic payment plan certificate holder is entitled to receive a refund of the full amount paid by him under certain circumstances.[1] Paragraphs (e)(iii) and (f)(iii) of the rule (§§ 270.27d–1(e)(iii) and 270.27d–1(f)(iii) are designed to cover this type of situation.

The rule would also provide that in a particular case the Commission by order may require additional amounts to be maintained if necessary to carry out refund obligations under section 27 (d) or (f) of the Act. For certificates subject to both section 27 (d) and (f) (of the Act) certain offsets will be permitted between the amounts required to be maintained to refund obligations pursuant to section 27(d) and pursuant to section 27(f) (of the Act). As a general matter, the amounts required to be maintained to refund obligations under section 27(d) exceed those required to be maintained to refund obligations under section 27(f) (of the Act).

An additional element of flexibility results from the fact that principal underwriters or depositors who wish to do so may limit the number of payments to be made by a certificate holder during the period which they would be obligated to make refunds pursuant to section 27(f) (of the Act). They may deposit and maintain sufficient funds in the trust account to cover all refunds which may possibly be made during the period; by doing so, they could avoid the need to make a deposit each time an additional payment is made during that period.

Of course, if no refund would be required to be made under section 27(d) (of the Act), no amount would be required to be deposited or maintained in the trust account to meet refund obligations pursuant to that section, as in the case of level load and single payment plans.

The amounts to be deposited into the segregated trust account for each payment and the amounts required to be maintained to refund obligations under section 27(d) and section 27(f) (of the Act) may be better understood by reference to the schedules attached in Appendix A which set forth the amounts required to be deposited and maintained in the segregated trust account for various payments on periodic payment plans requiring payments of $100 and $200 per month. In addition, the Division of Corporate Regulation has developed a computer program to calculate the minimum amounts required to be deposited and maintained in the segregated trust account. As a service to depositors and principal underwriters of periodic payment plans subject to section 27(d) of the Act, upon written request to the Division setting forth a description of the plan including sales loads and all other charges subject to refund pursuant to section 27(f) (of the Act), the Division will compute schedules of amounts required to be deposited and maintained under this rule.

Rule 27d–1 would permit withdrawals from the segregated trust account to refund amounts specified in section 27(d) and section 27(f) (of the Act). The principal underwriter or depositor would also be permitted to withdraw assets, subject to specified limitations. Proposed Rule 27d–1 also provides for an accounting of the segregated trust account which must be filed with the Commission quarterly during the 2 years after the effective date of the rule and annually thereafter on proposed Form N–27D–1 (§ 274.127d–1).

Rule 27e–1 Notice Provisions (17 CFR 270.27e–1). Section 27(e) (of the Act)

[1] Annotated Laws of Massachusetts Vol. 3A C. 110A §§ 11 A, B and C.

requires that notice of the right of surrender be sent to certificate holders who miss certain payments during the first 18 months after the issuance of their certificates. Proposed Rule 27e–1 (§ 270.27e–1) specifies the method, form and contents of such notice. For purposes of section 27(e) of the Act and of the rule, any payment not made within 10 business days after it is due would be considered a "missed payment" whether or not an equivalent payment is subsequently made. Proposed Form N–27E–1 (17 CFR 274.127e–1) is prescribed for use by depositors or underwriters to inform certificate holders of this right.

The proposed rule would exempt the principal underwriter or depositor from the requirement of sending a notice to a certificate holder if, at the time the notice would be required to be mailed, no excess sales load would be payable to the certificate holder if he surrendered his certificate, as in the case of level load and single payment plans.

Rule 27f–1 (17 CFR 270.27f–1). Proposed Rule 27f–1 prescribes the method, form and contents of the notice and statement of charges ("notice") required by section 27(f) (of the Act). The rule permits the notice to be mailed by a person other than the custodian bank under certain specified circumstances. It also provides that in cases where the contract or certificate holder is not the beneficial owner, copies of the notice shall be mailed to the certificate holder with instructions that such copies be transmitted forthwith to the beneficial owners. The purpose of this requirement is to insure that employee participants in certain pension, profit-sharing and other benefit plans will receive notice of their rights under this section. Thus, the notice is intended to be given to participants having an interest in a registered separate accounts including plans which meet the requirements for qualification under section 401 of the Internal Revenue Code of 1954 (26 U.S.C. 401) or the requirements for deduction of the employer's contributions under section 404(a)(2) of the Code (26 U.S.C. 404(a)(2)), or meet the requirements of section 403(b) of the Code (26 U.S.C. 403(b)). However, (a) no notice is required for an insurance company separate account excluded from the definition of investment company pursuant to section 3(c)(11) of the Act (15 U.S.C. 80a–3(c)(11)) and (b) the notice need not be forwarded to employees if the plan established by the contract holder provides for fixed benefits only or does not provide for employee contributions. The certificate holder would "surrender" his certificate solely for purposes of section 27(f) (of the Act) at the time he mails it.[2] Proposed Form N–27F–1 (17 CFR 274.127f–1) is prescribed to inform certificate holders of front-end load and spread load plans of their right of withdrawal pursuant to section 27(f) of the Act. Proposed Form N–27F–2 (17 CFR 274.127f–2) is prescribed for single payment and level load plans, and proposed Form N–27F–3 (17 CFR 274.127f–3) is prescribed for variable annuity periodic payment plans.

Rule 27g–1 Notice of Election (17 CFR 270.27g–1). Section 27(g) (of the Act) permits issuers of periodic payment plan certificates to elect to be governed by the provisions of section 27(h) (of the Act) rather than by the provisions of subsections (a) and (d) of section 27 (of the Act). Proposed Rule 27g–1 provides that such choice shall be signified through a written Notice of Election which must be filed as an exhibit to the company's registration statement under the Securities Act of 1933 (15 U.S.C. 77a et seq.). The rule permits such a notice to be withdrawn by filing a written Notice of Withdrawal in a similar manner. However, no such Notice of Withdrawal would be permitted to be filed within 12 months of a filing of a Notice of Election and no subsequent Notice of Election could be filed by the same registrant within 12 months of the filing of a Notice of Withdrawal.

Section 27(h)(4) [15 U.S.C. 80a–27(h)(4)]. Section 27(h) (of the Act) provides for the sale of periodic payment plan certificates subject to a spread load. Subparagraph (4) of that subsection requires that the deduction for sales load on the excess in any month over the minimum monthly payment or its equivalent may not exceed the sales load applicable to payments subsequent to the first 48 monthly payments or their equivalent. Proposed Rule 27h–1 would exempt from Section 27(h)(4) (of the Act) that portion of the first payment on any certificate which equals two minimum monthly payments, payments of arrears, and regular payments made over the life of a plan which requires payments to be made on a bimonthly or quarterly basis.

Amendments to Rules 27a–1, 27a–2, 27a–3 and 27c–1 (17 CFR 270.27a–1, 270.27a–2, 270.27a–3, 270.27c–1). Present Rules 27a–1, 27a–2, and 27a–3 contain certain exemptions from section 27(a) of the Act for variable annuity contracts. The proposed amendments to Rules 27a–1, 27a–2, and 27a–3 would extend the same exemptions to contracts sold subject to section 27(h) of the Act. Rule 27c–1 presently exempts variable annuities from the requirement that they be redeemable during the annuity payout period. The amendment to this rule would exempt variable annuities from the provisions of section 27(d) (of the Act) during the annuity payout period.

Effective date. Sections 27 (d), (e), (f), (g), and (h) (of the Act) pursuant to which certain of the Rules and form proposals prescribed herein would be adopted, will not become effective until June 14, 1971. Therefore the Rules and Forms proposed herein are not intended to become effective until that date.

All interested persons are invited to submit views and comments on the proposed revisions. Any views or comments should be submitted in writing to the Securities and Exchange Commission, Washington, D.C. 20549, on or before May 28, 1971. All communications will be available for public inspection.

* * * * *

APPENDIX A–1

EXAMPLE OF AMOUNTS REQUIRED TO BE DEPOSITED AND MAINTAINED IN THE SEGREGATED TRUST ACCOUNT OVER 18 MONTHS ON $100 PER MONTH PERIODIC PAYMENT PLAN

Payment	Risk [1]	Total pay-in [2]	Percent of risk covered	Maintain [3]	Percent of risk covered
1	$35	$31.50	90	$25.20	72
2	70	63.00	90	50.40	72
3	105	85.75	82	68.60	65
4	140	108.50	78	86.80	62
5	175	131.25	75	105.00	60
6	210	141.75	68	113.40	54
7	245	152.25	62	121.80	50
8	280	162.75	58	130.20	47
9	315	173.25	55	138.60	44
10	350	173.25	50	138.60	40
11	385	173.25	45	138.60	36
12	420	173.25	41	138.60	33
13	455	173.25	38	138.60	30
14	444	173.25	39	111.00	25
15	433	173.25	40	108.25	25
16	422	173.25	41	105.50	25
17	411	173.25	40	102.75	25
18	400	173.25	43	100.00	25
19	389	173.25	45	97.25	25

[1] Amount of sales load to be returned upon surrender, assuming 50 percent load on first 13 payments and 4 percent thereafter.

[2] Total of payments into the segregated account, based on 90 percent of excess sales load on first two payments, 65 percent of excess sales load on second through fifth payments and 30 percent of the excess sales load on the sixth through ninth payments.

[3] Minimum amount to be maintained in the segregated account, equal to 80 percent of payments 1–13 and 25 percent of amount at risk thereafter.

APPENDIX A–2

EXAMPLE OF AMOUNTS REQUIRED TO BE DEPOSITED AND MAINTAINED IN THE SEGREGATED TRUST ACCOUNT OVER 18 MONTHS ON A $200 PER MONTH PERIODIC PAYMENT PLAN

Payment	Risk [1]	Total pay-in [2]	Percent of risk covered	Maintain [3]	Percent of risk covered
1	$70	$63.00	90	$50.40	72
2	140	126.00	90	100.80	72
3	210	171.50	82	137.20	65
4	280	217.00	78	173.60	62
5	350	262.50	75	210.00	60
6	420	294.00	70	235.20	56
7	490	325.50	66	260.40	53
8	560	357.00	64	283.60	51
9	630	388.50	62	310.80	49
10	700	388.50	56	310.80	44
11	770	388.50	50	310.80	40
12	840	388.50	46	310.80	37
13	910	388.50	43	310.80	34
14	888	388.50	44	266.40	30
15	866	388.50	45	259.80	30
16	844	388.50	46	253.20	30
17	822	388.50	47	246.60	30
18	800	388.50	49	240.00	30
19	778	388.50	50	233.40	30

[1] Amount of sales load to be returned upon surrender, assuming 50 percent load on first 13 payments and 4 percent thereafter.

[2] Total of payments into the segregated account, based on 90 percent of excess sales load on first two payments, 65 percent of excess sales load on second through fifth payments, and 45 percent of the excess sales load on the sixth through ninth payments.

[3] Minimum amount to be maintained in the segregated account, equal to 80 percent of payments 1–13 and 30 percent of amount at risk thereafter.

[2] Of course, the Rule 22c–1 (17 CFR 270.22c–1) would continue to govern the time of computation of the redemption price.

APPENDIX A-3

EXAMPLE OF INTERRELATIONSHIP OF AMOUNTS REQUIRED TO BE DEPOSITED TO FUND OBLIGATIONS UNDER SECTIONS 27(d) AND 27(f) FOR FRONT-END LOAD PLANS

(Payments of $100 Per Month)

Number of installments paid [1]	Risk [2]	45 day deposit [3]	18 month deposit [4]	18 month offset [5]	Total deposit [6]	Percent covered [7]
2	$102	$20.40	$63.00	$20.40	$63.00	62
4	204	40.80	108.50	40.80	108.50	53
6	306	61.20	141.78	45.36	157.62	52
8	408	81.60	162.75	45.36	198.99	49
10	510	102.00	173.25	45.36	229.89	45
12	612	122.40	173.25	45.36	250.29	41
14	668	133.60	173.25	45.36	261.49	39
16	678	135.60	173.25	45.36	263.49	39
18	688	137.60	173.25	45.36	265.49	39
20	698	139.60	173.25	45.36	267.49	38

[1] The number of installments paid before expiration of 27(f) refund privilege.
[2] Potential charges to be refunded; these are assumed to be 50 percent of first 13 installments and 4 percent of subsequent installments plus custodial charges of $1 per installment.
[3] 20 percent of the potential refund of charges pursuant to paragraph (e) of Rule 27d-1.
[4] Deposit required by paragraph (c) of Rule 27d-1.
[5] Reduction pursuant to paragraph (f) of Rule 27d-1 applied to section 27(f) deposit required by paragraph (e) of the rule.
[6] Total deposit into segregated account equals section 27(f) deposit required by paragraph (e) of the rule plus the section 27(d) deposit required by paragraph (c) of the rule less the offset permitted by paragraph (f) of Rule 27d-1.
[7] Portion of risk covered by total deposit.

APPENDIX A-4

EXAMPLE OF INTERRELATIONSHIP OF AMOUNTS REQUIRED TO BE DEPOSITED TO FUND OBLIGATIONS UNDER SECTIONS 27(d) AND 27(f) FOR FRONT-END LOAD PLANS

(Payments of $200 per Month)

Number of installments paid [1]	Risk [2]	45 day deposit [3]	18 month deposit [4]	18 month offset [5]	Total deposit [6]	Percent covered [7]
2	$202	$60.60	$126.00	$50.40	$136.20	67
4	404	121.20	217.00	86.80	251.40	62
6	606	181.80	294.00	117.60	358.20	59
8	808	242.40	357.00	117.60	481.80	60
10	1,010	303.00	388.50	117.60	573.90	57
12	1,212	363.60	388.50	117.60	634.50	52
14	1,322	396.60	388.50	117.60	667.50	50
16	1,340	402.00	388.50	117.60	672.90	50
18	1,358	407.40	388.50	117.60	678.30	50
20	1,376	412.80	388.50	117.60	683.70	50

[1] The number of installments paid before expiration of 27(f) refund privilege.
[2] Potential charges to be refunded, these are assumed to be 50 percent of first 13 installments and 4 percent of subsequent installments plus custodial charges of $1 per installment.
[3] 30 percent of the potential refund of charges pursuant to paragraph (e) of Rule 27d-1.
[4] Deposit required by paragraph (c) of Rule 27d-1.
[5] Reduction pursuant to paragraph (f) of Rule 27d-1 applied to section 27(f) deposit required by paragraph (e) of the rule.
[6] Total deposit into segregated account equals section 27(f) deposit required by paragraph (e) of the rule plus section 27(d) deposit required by paragraph (c) of the rule less the offset permitted by paragraph (f) of Rule 27d-1.
[7] Portion of risk covered by total deposit.

Commission action. The Commission proposes to amend Parts 270 and 274 of Chapter II of Title 17 of the Code of Federal Regulations in the following manner:

I. Section 270.27a–1 would be amended by revising the caption and by amending the language in paragraph (1) thereof which now reads "* * * requirements of paragraph (1) of section 27(a) of the Act * * *" to read "requirements of section 27(a)(1) and section 27(h)(1) of the Act * * *". As so amended, section 270.27a–1 would read:

§ 270.27a–1 Conditions for compliance with and exemptions from certain provisions of section 27(a)(1) and section 27(h)(1) of the Act for certain registered separate accounts.

(a) A registered separate account, and any depositor of or underwriter for such account, shall, with respect to any variable annuity contract participating in such account, be deemed to satisfy the requirements of section 27(a)(1) and section 27(h)(1) of the Act if such contract provides for a sales load which will not exceed 9 per centum of the total payments to be made thereon as of a date not later than the end of the 12th year of such payments: *Provided*, That if a contract be issued for any stipulated shorter payment period the sales load under such contract shall not exceed 9 per centum of the total payments thereunder for such period.

II. Section 270.27a–2 would be amended by revising the caption and by amending the language in paragraph (a) thereof which now reads "* * * exempt from paragraph (3) of section 27(a) of the Act * * *" to read "* * * exempt from paragraph (3) of section 27(a) and paragraph (3) of section 27(h) of the Act * * *". As so amended, § 270.27a–2 would read:

§ 270.27a–2 Exemption from section 27(a)(3) and section 27(h)(3) of the Act for certain registered separate accounts.

(a) A registered separate account, and any depositor of or underwriter for such account, shall be exempt from paragraph (3) of section 27(a) and paragraph (3) of section 27(h) of the Act: *Provided*, That with respect to any variable annuity contract participating in such account the proportionate amount of sales load deducted from any payment during the contract period shall not exceed the proportionate amount deducted from any prior payment during the contract period.

III. Section 207.27a–3 would be amended by revising the caption and by amending the language in paragraph (a) thereof which now reads "* * * exempt from paragraph (4) of section 27(a) of the Act * * *" to read "* * * exempt from paragraph (4) of section 27(a) of the Act and paragraph (5) of section 27(h) of the Act * * *". As so amended, § 270.27a–3 would read:

§ 270.27a–3 Exemption from section 27(a)(4) and section 27(f)(5) for certain registered separate accounts.

(a) A registered separate account and any depositor of or underwriter for such account, shall be exempt from paragraph (4) of section 27(a) of the Act and paragraph (5) of section 27(h) of the Act as to payments under any variable annuity contract participating in such account which (1) is purchased in connection with a plan which meets the requirements for qualification under section 401 of the Internal Revenue Code of 1954, as amended ("Code"), or the requirements for deduction of the employer's contributions under section 404(a)(2) of the Code, or (2) meets the requirements of section 403(b) of the Code, but such exemptions shall apply only to contributions or payments within the exclusion allowance for any employee under section 403(b) except as clause (3) hereof applies, or (3) permits no sales load deduction from any payment in excess of 9 per centum of such payment.

IV. Section 270.27c–1 would be amended by revising the caption and by amending the language in paragraph (a) thereof which now reads "* * * redeemable security with respect to such contracts * * *" to read "* * * redeemable security and from section 27(d) of the Act with respect to such contracts * * *". As so amended, § 270.27c–1 would read:

§ 270.27c–1 Exemption from section 27(c)(1) and section 27(d) during annuity payment period of variable annuity contracts participating in certain registered separate accounts.

(a) A registered separate account, and any depositor of or underwriter for such account, shall, during the annuity payment period of variable annuity contracts participating in such account, be exempt from the requirement of paragraph (1) of section 27(c) of the Act that a periodic payment plan certificate be a redeemable security and from section 27(d) of the Act with respect to such contracts under which payments are being made based upon life contingencies.

V. New §§ 270.27d–1, 270.27e–1, 270.27f–1, 270.27g–1, 270.27h–1, and 274.127d–1, 274.127e–1, 274.127f–1, 274.127f–2, 274.127f–3 are proposed to be adopted as follows:

§ 270.27d–1 Reserve requirements for principal underwriters and depositors to carry out the obligations to refund charges required by section 27(d) and section 27(f) of the Act.

(a) Every depositor of or principal underwriter for the issuer of a periodic

payment plan certificate sold subject to section 27(d) or section 27(f) of the Act, or both, shall deposit and maintain funds in a segregated trust account as a reserve for the purpose of assuring the refund of charges required by section 27 (d) and (f) of the Act. The assets of such trust account may be invested only in short term U.S. Government obligations or held as cash. Any income, gains or losses, from assets allocated to such account, whether or not realized, shall be credited to or charged against such account without regard to other income, gains or losses of the depositor or principal underwriter. The assets of such trust account may be withdrawn only as permitted by paragraph (g) of this section and shall in no event be chargeable with liabilities arising out of any aspect of the business of the depositor or principal underwriter other than assuring the ability of the depositor or principal underwriter to refund the amounts required by such sections.

(b) For purposes of this section the following definitions shall apply:

(1) "Excess sales load" on any payment is that portion of the sales load in excess of 15 percent of that payment.

(2) "Monthly payment" shall be the amount of the smallest monthly installment scheduled to be paid during the life of the plan. If payments are required to be made on a basis less frequently than monthly, an equivalent monthly payment shall be the amount determined by dividing the smallest minimum payment required in a payment period by the number of months included in such period.

(c) For every periodic payment plan certificate governed by section 27(d), each depositor or principal underwriter shall deposit not less than the following sums into the segregated trust account:

(1) 90 percent of the excess sales load on the first and second monthly payments, or their equivalent;

(2) 65 percent of the excess sales load on the third through fifth monthly payments, or their equivalent;

(3) For periodic payment plans that require monthly payments of $100 or less, 30 percent of the excess sales load on the sixth through ninth monthly payments, or their equivalent;

(4) For periodic payment plans that require monthly payments in excess of $100, 45 percent of the excess sales load on the sixth through ninth monthly payments, or their equivalent.

(d) For every periodic payment certificate governed by section 27(d) (of the Act) which has not been surrendered in accordance with its terms, and for which the depositor or principal underwriter may be liable for the refund of any sales load, the depositor or principal underwriter shall maintain in the segregated trust account:

(1) For certificates upon which 13 monthly payments or less have been made, an amount at least equal to 80 percent of the minimum deposit for that plan certificate specified in paragraph (c);

(2) For certificates requiring monthly payment of $100 or less, upon which 14 or more monthly payments or their equivalent have been made, an amount at least equal to 25 percent of the amount of the excess sales load refundable on such certificates;

(3) For certificates requiring monthly payments in excess of $100 upon which 14 or more monthly payments or their equivalent have been made, an amount at least equal to 30 percent of the excess sales load refundable on such certificates;

(4) Such additional amounts as the Commission by order may require in order for the depositor or principal underwriter to carry out the obligation to refund excess sales load pursuant to section 27(d) of the Act.

(e) For every periodic payment plan certificate governed by section 27(f) of the Act the depositor or principal underwriter shall deposit and maintain at least the following amounts in the segregated trust account, in addition to the amounts required to be deposited by paragraph (c) and to be maintained by paragraph (d) of this section:

(1) For certificates that require monthly payments of $100 or less, 20 percent of the difference between the gross payments made and the net amount invested;

(2) For certificates that require monthly payment in excess of $100 and for single payment plans, 30 percent of the difference between the gross payments made and net amount invested;

(3) For plans under which a certificate holder is entitled to receive the greater of the refund provided by section 27(f) (of the Act) or a refund of total payments, 100 percent of the difference between the gross payments made and net amount invested;

(4) Such additional amounts as the Commission by order may require to carry out the obligation to refund charges pursuant to section 27(f) of the Act.

(f) For each periodic payment plan certificate which is governed by both section 27(f) and section 27(d) of the Act, the amount required to be deposited and maintained by paragraph (e) of this section may be reduced by the following:

(1) For certificates that require monthly payments of $100 or less, 90 percent of the amount required to be maintained by paragraph (d) of this section: *Provided, however,* Such reduction may not exceed the lesser of the amount required to be maintained by paragraph (e) of this section or 90 percent of the amount required to be maintained by paragraph (d) of this rule for the first two monthly payments or their equivalent;

(2) For certificates that require monthly payments of more than $100, 50 percent of the amount required to be maintained by paragraph (d) of this section: *Provided, however,* Such reduction may not exceed the lesser of the amount required to be maintained by paragraph (e) of this section or 50 percent of the amount required to be maintained by paragraph (d) of this section for the first six monthly payments or their equivalent;

(3) For plans under which a certificate holder is entitled to receive either the refund provided by section 27(f) (of the Act) or a refund of total payments, 100 percent of the amount required to be maintained by paragraph (d) of this section.

(g) Assets may be withdrawn from the segregated trust account by each depositor or principal underwriter:

(1) To refund excess sales load to a certificate holder exercising the right of surrender specified in section 27(d) of the Act; or

(2) To refund to a certificate holder exercising the right of withdrawal specified in section 27(f) of the Act the difference between the amount of his gross payments and the net amount invested; or

(3) For any other purpose: *Provided, however,* That for plans governed by section 27(d) of the Act such withdrawal shall not reduce the segregated trust account to an amount less than the sum of (i) 125 percent of that required by paragraph (d) of this section, if any, and (ii) 110 percent of the amount required to be maintained by paragraphs (e) and (f) of this section.

(h) The minimum amounts required to be maintained by paragraphs (d), (e), and (f) of this section shall be computed at least weekly and any additional deposits required by paragraphs (d) or (e) and (f) shall be made immediately thereafter. Any withdrawals permitted by paragraph (g)(3) may be made only at such time.

(i) Each depositor or principal underwriter shall file with the Commission, within the appropriate period of time specified, an Accounting of Segregated Trust Account on Form N–27D–1 (§ 274.–127d–1 of this chapter) which shall cover the period of time as prescribed within the instructions to that form.

NOTE: A copy of the text and instructions to Form N–27D–1 has been filed with the Office of the Federal Register. The form and instructions are contained in Investment Company Act Release No. IC–6439 which is available from the Commission upon request.

Instructions:

1. During the first 2 years after the effective date of Rule 27d–1, this form is to be filed for each calendar quarter within 15 days after the end of such quarter; thereafter, it shall be filed for each year on or before January 31 of the following year.

2. The balance at the beginning of the period shall be the same in amount as the balance shown at the end of the immediately preceding period.

3. The signature shall be that of the Chief Financial Officer of the Depositor or Principal Underwriter, whichever is appropriate.

§ 270.27e–1 Requirements for notice to be mailed to certain purchasers of periodic payment plan certificates sold subject to section 27(d) of the Act.

(a) The notice required by section 27(e) of the Act shall be sent by first-class mail and shall be accompanied by

a written instruction sheet and a return form to be used in connection with the exercise of the surrender right described in the notice. No other written or graphic material may be included with such notice.

(b) In the event that regular payments throughout the first 18 months of the plan are required less frequently than monthly, such a notice shall be mailed to any certificate holder who has missed any payment or payments equal to or greater in amount than the amount of payments which, if missed, would have required the mailing of a notice if equal monthly payments had been required during such 15- or 18-month periods.

(c) Any payment not made within 10 business days after it is due shall be deemed a missed payment whether or not an equivalent payment is made subsequently by the certificate holder.

(d) In the event any such notice is not mailed prior to 15 days before the expiration of the 18th month, the certificate holder shall have 15 days from the date such notice is mailed within which to exercise the right of surrender described therein. Nothing herein contained shall require a second notice to be mailed to any certificate holder who has been mailed a notice within 30 days following 15 months after the issuance of his certificate.

(e) Notwithstanding the requirements of section 27(e) of the Act, no notice need be mailed to a certificate holder if, at the time such notice would be required to be mailed, he would not be entitled to receive any refund of sales loading upon surrender of his certificate.

(f) Form N–27E–1 (§ 274.127e–1 of this chapter) is hereby prescribed to inform certificate holders of their right to surrender their certificates pursuant to section 27(d) of the Act. The text of Form N–27E–1 is as follows:

FORM N–27E–1 NOTICE TO PERIODIC PAYMENT PLAN CERTIFICATE HOLDERS OF SURRENDER RIGHTS WITH RESPECT TO PERIODIC PAYMENT PLAN CERTIFICATES

IMPORTANT

(Date of Mailing)

Re: (1)_____

Dear (2)_____:

THIS NOTICE IS REQUIRED TO BE SENT TO YOU BY AN ACT OF THE CONGRESS OF THE UNITED STATES AS IMPLEMENTED BY THE SECURITIES AND EXCHANGE COMMISSION. READ IT CAREFULLY AND RETAIN IT WITH YOUR FINANCIAL RECORDS.

Until (3)_____ you will be entitled to surrender your (4)_____ plan certificate and receive, in addition to the value of your account on the date your certificate is received, a refund of that portion of the sales charges you have paid in excess of 15 percent of the gross payments under your plan.

The amount of the sales charges that will be refunded to you, assuming you make no further payments on your plan, will be $(5)_____. If your certificate had been received for surrender today you would have gotten a total of $(6)_____ for it (the value of your account plus the refund). After your right expires you will be entitled to receive only the value of your account. The value of your account today is $(7)_____. Of course, the value of your account will vary from day to day and by the date your right expires it may be greater or less than it is today.

The law requires that we give you this notice because you missed (8)_____. In considering whether or not to exercise your right, remember if you have difficulty making payments when due under your plan, it permits you to surrender your certificate and limit your costs resulting from the deduction of sales charges to 15 percent of your total payments. On the other hand, if you can and do make your payments on schedule, the effective rate of sales load on your plan will be decreased.

If you wish to surrender your certificate and receive the value of your account PLUS the additional refund described in this notice, endorse your plan certificate in accordance with the enclosed instructions and return it by (9)_____ to the undersigned.

Very truly yours,

(10)_____

Proposed Instructions for use of Form N–27E–1 (§ 274.127e–1):

FORM N–27E–1

INSTRUCTIONS

General Instructions

A. The notice shall be legible and shall be printed or typed on letter-size paper. It shall be in modern type at least as large as 10-point modern type. All type shall be leaded at least 2 points. (Italics) on the Form is used to indicate that the words are to be underlined or in bold-face type. Parenthetical references should be completed in accordance with the Itemized Instructions below and need not be underlined or bold-faced.

B. The notice shall bear the letterhead of the sender and the mailing date. No reference to the form number shall appear on the notice.

Itemized Instructions

Insert the following in the corresponding numbered spaces on Form N–27E–1.

(1) The name of the Plan and the account number of the certificate holder. An additional internal record keeping reference may also be included at the option of the sender.

(2) The name of certificate holder or an identification such as "Investor" or "Planholder."

(3) The date of the first business day which is 18 months from the date of the issuance of the certificate or in the event such notice is not mailed prior to 15 days before the expiration of the 18th month, the date of the first business day which is 15 days from the date such notice is mailed.

(4) The name of the plan.

(5) The amount as of the date of the mailing of the notice which is equal to that part of the excess paid for sales loading which is over 15 percent of the gross payments made by the certificate holder.

(6) The sum of item 5 and the value of the certificate holder's account as of the date of mailing of the notice.

(7) The value of the certificate holder's account as of the date of mailing of the notice. In the event such certificate holder has made a partial withdrawal in accordance with the terms of his certificate, the notice may state at this point that "This sum reflects the partial withdrawal which you made previously."

(8) Whichever of the following statements is appropriate: "three or more payments during the first 15 months after your plan certificate was issued." or "a payment after the 15th month after your plan certificate was issued."

(9) The same date as in item 4 above.

(10) The name of a responsible officer of the sender with his title and the address of the sender. If the address is in the letterhead, it may be omitted from this item.

§ 270.27f–1 Notice of right of withdrawal required to be mailed to periodic payment plan certificate holders.

(a) The notice and statement of charges (notice) required by Section 27(f) of the Act shall be sent by first class mail and shall be accompanied by a written instruction sheet and a return form to be used in connection with the exercise of the right of withdrawal described in the notice. No other written or graphic material may be included with such notice.

(b) The notice may be mailed by the issuer, the principal underwriter for, or the depositor of, the issuer if the custodian bank has delegated the mailing of the notice to any of them or the issuer has been permitted to operate without a custodian bank by Commission order.

(c) In the case of any variable annuity contract or any other periodic payment plan certificate issued in connection with any employee, pension profit-sharing or other benefit plan, the notice required by section 27(f) of the Act shall be mailed to the contract owner or certificate holder with instructions that copies thereof be transmitted forthwith to the participants or employees who are not themselves contract owners or certificate holders but for whose benefit such contracts or certificates are held; except for an insurance company separate account excluded from the definition of investment company pursuant to section 3(c)(11) of the Act. Such instructions need not be given if the plan established by the contract holder provides for fixed benefits only or the plan does not provide for employee contributions. The custodian bank shall furnish the contract owner or certificate holder with the number of copies of the notice sufficient for this purpose and shall take such reasonable steps as may be necessary to periodically assure that such contract owner or certificate holder distributes such notice to annuitants, participants or employees forthwith.

(d) Solely for purposes of section 27(f) of the Act, the postmark date on the envelope containing the certificate shall determine whether a certificate has been surrendered within the 45-day period.

(e) (1) Form N–27F–1 (§ 274.127f–1 of this chapter) is hereby prescribed to inform certificate holders, other than holders of variable annuity contracts, of their withdrawal right pursuant to section 27(f) of the Act. (2) Form N–27F–2 (§ 274.127f–2 of this chapter) is hereby prescribed to inform holders of level load and single payment plans, other than holders of variable annuity contracts, of their withdrawal right pursuant to section 27(f) of the Act. (3) Form N–27F–3. (§ 274.127f–3 of this chapter) is hereby prescribed to inform holders of variable annuity periodic payment plans of their

withdrawal right pursuant to section 27(f) of the Act. The text of Forms N–27F–1, N–27F–2, and N–27F–3 is as follows:

FORM N–27F–1 NOTICE TO PERIODIC PAYMENT PLAN CERTIFICATE HOLDERS OF WITHDRAWAL RIGHT WITH RESPECT TO PERIODIC PAYMENT PLAN CERTIFICATES.

(Date of Mailing)

IMPORTANT

Re: (1) _____

Dear (2) _____:

THIS NOTICE IS REQUIRED TO BE SENT TO YOU BY AN ACT OF THE CONGRESS OF THE UNITED STATES AS IMPLEMENTED BY THE SECURITIES AND EXCHANGE COMMISSION. READ IT CAREFULLY AND RETAIN IT WITH YOUR FINANCIAL RECORDS.

Of the (3) _____ you have paid on your (4) _____ plan $ (5) _____ has been deducted for various charges. A total of (6) _____ or (7) _____ percent of your first (8) _____ monthly payments will be deducted from those payments for similar charges. You have until (9) _____ to surrender your certificate for any reason and receive a refund of all of the charges which have been deducted from your payments, and, in addition, the value of your account on the date your certificate is received.

In determining whether or not to exercise your right you should consider, among other things, the projected cost of your investment and your ability to make the scheduled payments over the life of your plan as they become due. Your plan provides for payments of $ (10) _____ per (11) _____ over a period of (12) _____ years, or total payments of $ (13) _____. If you made all of the scheduled payments over the full term of your plan, the total deductions would be $ (14) _____ or an effective charge of (15) _____ percent of your total payments. However, if you do not complete your program, the deduction of various charges from your initial payments will result in your paying effective charges in excess of that rate. For a more complete description of the charges deducted under your plan, carefully review your prospectus.

If you wish to exercise your right of withdrawal, return your plan certificate to the undersigned by (16) _____ in accordance with the enclosed instructions.

Very truly yours,

(17) _____

Proposed Instructions for use of Form N–27F–1 (§ 274.127f–1):

FORM N–27F–1

INSTRUCTIONS

General Instructions

A. The notice shall be legible and shall be printed or typed on lettersize paper. It shall be in modern type at least as large as 10-point modern type. All type shall be leaded at least 2 points. (Italics) on the Form is used to indicate that the words are to be underlined or in bold-face type. Parenthetical references should be completed in accordance with the Itemized Instructions below and need not be underlined or bold-faced.

B. The notice shall bear the letterhead of the sender and the mailing date. No reference to the form number shall appear on the notice.

Itemized Instructions

Insert the following in the corresponding numbered spaces on Form N–27F–1.

(1) The name of the Plan and the account number of the certificate holder. An additional internal recordkeeping reference may also be included at the option of the sender.

(2) The name of certificate holder or an identification such as "Investor" or "Planholder."

(3) The total amount paid by the certificate holder as of the date of the mailing.

(4) The name of the plan.

(5) The total amount deducted for all charges from the amount paid by the certificate holder as of the date of the mailing.

(6) The total dollar amount of all charges scheduled to be deducted from the payments made by the certificate holder before the first regular payment upon which there would be a reduction in the rate of the applicable sales charge below 9 percent of the certificate holder's gross payment.

(7) The percentage that the total charges set forth in item 6 are of the total payments included under Instruction 6 above.

(8) The number of regular monthly payments required to be made before the rate of the sales charges deducted from such regular payment is reduced to less than 9 percent of the certificate holder's gross payment.

(9) The date which is 45 days from the date on which the Notice will be mailed.

(10) The dollar amount of each scheduled periodic payment to be made by the certificate holder.

(11) The period (e.g., month, quarter) for which payments are scheduled to be made under the plan.

(12) The total number of years constituting the full term of the plan.

(13) The dollar amount of total payments scheduled to be made over the full term of the plan by the certificate holder.

(14) The total dollar amount of all charges scheduled to be deducted over the full term of the plan.

(15) The percentage that the total charges as set forth in item 14 are of the total payments scheduled to be made by the certificate holder over the full term of the plan.

(16) The date which is 45 days from the date on which the notice will be mailed.

(17) The name of a responsible officer of the sender with his title and the address of the sender. If the address is in the letterhead, it may be omitted from this item.

FORM N–27F–2 NOTICE TO PERIODIC PAYMENT PLAN CERTIFICATE HOLDERS OF WITHDRAWAL RIGHT WITH RESPECT TO PERIODIC PAYMENT PLAN CERTIFICATES ISSUED ON SINGLE PAYMENT OR LEVEL LOAD PLANS OTHER THAN VARIABLE ANNUITIES.

IMPORTANT

(Date of Mailing)

Re: (1) _____

Dear (2) _____:

THIS NOTICE IS REQUIRED TO BE SENT TO YOU BY AN ACT OF THE CONGRESS OF THE UNITED STATES AS IMPLEMENTED BY THE SECURITIES AND EXCHANGE COMMISSION. READ IT CAREFULLY AND RETAIN IT WITH YOUR FINANCIAL RECORDS.

You have just purchased a long-term investment program with many complex features. Your plan provides for payments of (3) _____ per (4) _____. A number of charges in addition to sales charges will be deducted from each of your payments. These include administrative, custodial, transaction and other charges. Along with sales charges, these may amount to as much as (5) _____ percent of each of your payments. For a more complete description of the charges deducted under your plan, carefully review your prospectus.

Of the $ (6) _____ you have already paid on your plan, $ (7) _____ or (8) _____ percent has been deducted for sales and various other charges. You now have the opportunity to reconsider your investment. Should you decide to withdraw from the plan, you have until (9) _____ to surrender your certificate for any reason and receive a refund of all of the charges which have been deducted, plus the value of your account on the date your certificate is received.

If you decide to exercise your right of withdrawal, return your plan certificate to the undersigned by (10) _____ in accordance with the enclosed instructions.

Very truly yours,

(11) _____

Proposed Instructions for use of Form N–27F–2 (§ 274.127f–2):

FORM N–27F–2

INSTRUCTIONS

General Instructions

A. The notice shall be legible and shall be printed or typed on letter-sized paper. It shall be in a modern type at least as large as 10-point modern type. All type shall be leaded at least 2 points. (Italics) on the Form is used to indicate that the words are to be underlined or in boldface type. Parenthetical references should be completed in accordance with the Itemized Instructions below and need not be underlined or bold-faced.

B. The notice shall bear the letterhead of the sender and the mailing date. No reference to the form number shall appear on the notice.

Itemized Instructions

Insert the following in the corresponding number spaces on Form N–27E–1.

(1) The name of the plan and the account number of the certificate holder. An additional internal record keeping reference may also be included at the option of the sender.

(2) The name of the certificate holder or an identification such as investor or planholder.

(3) The dollar amount of each scheduled periodic payment to be made by the certificate holder.

(4) The period (e.g., month, quarter) for which payments are scheduled to be made under the plan.

(5) The percentage which the total charges deducted from each payment will be of that payment. If no deductions are made for administrative, custodial or other charges, or transaction fees such terms should be omitted from the test as appropriate.

Alternative Instructions to items 3, 4 and 5 for single payment plans:

Instead of items 3, 4, and 5 substitute the following for the balance of the second paragraph after the first sentence. "You have paid $(3a) _____. A number of charges, including administrative, custodial, transaction and other charges will be deducted from your plan account over the course of each year. These may amount to as much as $(4a) _____ per year." If nothing will be deducted from the account for administrative, custodial, transaction or other charges such terms may be omitted from the text as appropriate.

(3a) The total payment made.

(4a) The total dollar amount of the charges to be deducted annually.

(6) The total amount paid by the certificate holder as of the date of the mailing.

(7) The total amount deducted for all charges from the amount paid by the certificate holder as of the date of the mailing.

(8) The percentage which the total charges set forth in item (7) is of the amount paid by the certificate holder as stated in response to item (6).

(9) The date which is 45 days from the date on which the notice will be mailed.

(10) Same date as in item 9.

(11) The name of a responsible officer of the sender with his title and the address of the sender. If the address is in the letterhead, it may be omitted from this item.

FORM N–27F–3 NOTICE TO HOLDERS OF VARIABLE ANNUITY PERIODIC PAYMENT PLANS OF WITHDRAWAL RIGHT WITH RESPECT TO SUCH CERTIFICATES

IMPORTANT

(Date of Mailing)

Re: (1) ----------

Dear (2) ----------:

THIS NOTICE IS REQUIRED TO BE SENT TO YOU BY AN ACT OF THE CONGRESS OF THE UNITED STATES AS IMPLEMENTED BY THE SECURITIES AND EXCHANGE COMMISSION. READ IT CAREFULLY AND RETAIN IT WITH YOUR FINANCIAL RECORDS.

You have just purchased a long-term investment program with many complex features. Your plan provides for payments of (3) ---------- per (4) ---------- over a period of (5) ---------- years; or total payments of (6) ----------. A number of charges in addition to sales charges will be deducted from your first (7) ---------- payments. These include administrative charges, premium taxes and death benefit charges. Along with sales charges, these may amount to (8) ---------- percent of your first (7) ---------- payments.

Your contract also requires periodic deductions from the assets of your account for mortality and expense risks, death benefits, administrative charges and transaction fees, all of which may amount to as much as $(9) ---------- plus an additional (10) ---------- percent per year of the value of your account. For a more complete description of the charges deducted under your plan, carefully review your prospectus.

Of the $(11) ---------- already paid on your plan, $(12) ---------- or (13) ---------- percent of the amount you paid has been deducted for sales and various other charges. Until (14) ----------, you can surrender your certificate for any reason and receive a refund of all of the charges which have been deducted from your payments, plus the value of your account on the date your certificate is received. Until then you will have the opportunity to reconsider your investment and the charges which it involves.

If you decide to exercise your right of withdrawal, return your plan certificate to the undersigned by (15) ---------- in accordance with the enclosed instructions.

Very truly yours,

(16) ----------

Proposed Instructions for use of Form N–27F–3 [§ 274.127f–3]:

FORM N–27F–3—INSTRUCTIONS

General Instructions:

A. The notice shall be legible and shall be printed or typed on letter-size paper. It shall be in modern type at least as large as 10-point modern type. All type shall be leaded at least 2 points. [Italics] on the Form is used to indicate that the words are to be underlined or in bold-face type. Parenthetical references should be completed in accordance with the Itemized Instructions below and need not be underlined or bold-faced.

B. The notice shall bear the letterhead of the sender and the mailing date. No reference to the form number shall appear on the notice.

C. Where appropriate the notice may indicate a surrender of a contract rather than a surrender of a certificate.

Itemized Instructions:

Insert the following in the corresponding numbered spaces on Form N–27E–3.

(1) The name of the plan and the account number of the certificate holder. An additional internal record keeping reference may also be included at the option of the sender. In case of a group contract this item should include the contract number and certificate number of the annuitant.

(2) The name of the participant or an identification such as "participant", "investor", or "planholder."

(3) The dollar amount of each scheduled periodic payment to be made by certificate holder.

(4) The period (e.g., month, quarter) for which payments are scheduled to be made under the plan.

(5) The total number of years constituting the full term of the plan.

(6) The dollar amount of total payments scheduled to be made over the full term of the plan by the certificate holder.

(a) Alternative Instructions to Items 3, 4, 5, 6, and 7 for single payment plans:

Instead of items 3, 4, 5, 6, and 7, substitute the following for the second sentence of the second paragraph: "You have paid $(4a) ----------.

(4a) The total payment made. Omit the word "first" and make the word "payments" singular in the following two sentences.

(b) Alternative Instructions to Items 4, 5, 6, and 7 for plans where Payments Vary:

If it is not possible to comply with the instructions to Items 3, 4, 5, 6, and 7 because payments will vary, where appropriate substitute the following sentence for the second sentence in the second paragraph: "Your plan provides for payments of (3b) ---------- percent of your salary over the next (4b) ---------- years.

(3b) The percentage to be deducted from the participant's salary and applied to the purchase of this plan.

(4b) The number of years during which such deductions will be made.

(c) Alternatively, if appropriate, substitute the following sentence for the second sentence in the second paragraph: "Your plan provides for total payments of $(3c) ---------- over a period of (4c) ---------- years, varying from $(5c) ---------- to $(6c) ---------- per (7c) ----------.

(3c) The dollar amount of total payments to be made over the life of plan.

(4c) The number of years during which such payments are required to be made.

(5c) The maximum payment per periodic interval.

(6c) The minimum payment per periodic interval.

(7c) The period (eg., month, quarter) for which payments are scheduled to be made under the plan.

(7) The number of regular monthly payments required to be made before the proportion of charges deducted from such regular payments is reduced. If no reductions in the proportion of charges are contemplated under the plan, strike the word "first" and add the words "each of" before the word "your."

(8) The percentage which the total charges deducted from the payments referred to in Item 7 will be of payments referred to in answer to Item 7. If no deductions are made for administrative charges, premium taxes or death benefits, such term should be omitted from the text.

(9) The maximum flat amount, if any, to be deducted from the value of the participant's account for mortality and expense risks, death benefits, administrative charges and transaction fees from each account in the plan. If no deductions are made for mortality and expense risks, death benefits, administrative charges or transaction fees such items should be omitted from the text.

(10) The percentage over and above the amount in Item 9 which will be deducted from the value of the assets for the following charges: Mortality and expense risks, death benefits, administrative charges and transaction fees as it applies to the particular participant.

(11) The total amount paid by the certificate holder as of the date of the mailing.

(12) The total amount deducted for all charges from the amount paid by the certificate holder as of the date of the mailing.

(13) The percentage which the total charges set forth in Item 12 is of the amount stated in response to Item 11.

(14) The date which is 45 days from the date on which the notice will be mailed.

(15) Same date as in Item 14.

(16) The name of a responsible officer of the sender with his title and the address of the sender. If the address is in the letterhead, it may be omitted from this item.

§ 270.27g–1 Election to be governed by section 27(h).

(a) If any registered investment company which issues or intends to issue a periodic payment plan certificate chooses to be governed by the provisions of section 27(h) (of the Act) rather than the provisions of sections 27 (a) and (d) (of the Act) it shall signify such choice by filing with the Commission as an exhibit to its registration statement filed under the Securities Act of 1933 a written Notice of Election to be so governed.

(b) Any registered investment company issuing periodic payment plan certificates which has elected, in accordance with paragraph (a) of this section, to be governed by the provisions of section 27 (h) of the Act may thereafter withdraw such election by filing with the Commission, in the manner specified for filing a Notice of Election, a written Notice of Withdrawal of Election: *Provided, however,* That no such withdrawal of election shall be made within 12 months of an election by such company under paragraph (a) of this section and, *Provided further,* That such company may not thereafter elect to be governed by the provisions of section 27(h) (of the Act) until an additional 12 month period has elapsed.

§ 270.27h–1 Exemptions from section 27(h)(4) for certain payments.

(a) For purposes of this section, "minimum monthly payment, or its equivalent," shall be the amount of the smallest monthly installment scheduled to be paid during the life of the plan.

(b) The provisions of section 27(h)(4) shall not apply to:

(1) Payments of arrears by certificate holders who are delinquent in their payments; or

(2) Regular payments made over the life of a periodic payment plan which requires payments to be made on a bimonthly or quarterly basis; or

(3) That portion of the first payment on such certificate which equals the amount of two minimum monthly payments.

VI.

§§ 274.107 to 274.126 [Reserved]

VII. A new § 274.127d–1 adopted pursuant to proposed § 270.27d–1 of this chapter would be adopted to read as follows:

§ 274.127d–1 Form N–27D–1, accounting of segregated trust account.

This form shall be completed and filed with the Commission as a report required by § 270.27d–1 of this chapter by each depositor or principal underwriter, within 15 days after the close of each quarter during the first 2 years after the effective date of § 270.27d–1 of this chapter, and thereafter this form shall be filed annually on or before January 31 of the following calendar year.

VIII. A new § 274.127e–1 adopted pursuant to proposed § 270.27e–1 of this chapter would be adopted to read as follows:

§ 274.127e–1 Form N–27E–1, notice required to be sent to purchasers of periodic payment plan certificates by each registered investment company selling such certificates, or any depositor of or underwriter for such company.

This form is to be reproduced by the issuer or any depositor of or underwriter for such issuer and will not be available at the Securities and Exchange Commission. For required text of the form see § 270.27e–1 of this chapter.

IX. A new § 274.127f–1 adopted pursuant to proposed § 270.27f–1 of this chapter would be adopted to read as follows:

§ 274.127f–1 Form N–27F–1, notice to periodic payment plan certificate holders other than holders of variable annuity contracts of withdrawal right with respect to periodic payment plan certificates.

This form is to be reproduced by the issuer or any depositor of or underwriter for such issuer and will not be available at the Securities and Exchange Commission. For required text of the form see § 270.27f–1 of this chapter.

X. A new § 274.127f–2 adopted pursuant to § 270.27f–1 of this chapter would be adopted to read as follows:

§ 274.127f–2 Form N–27F–2, notice to periodic payment plan certificate holders of withdrawal right with respect to periodic payment plan certificates issued on single payment or level load plans other than variable annuities.

This form is to be reproduced by the issuer or any depositor of or underwriter for such issuer and will be available at the Securities and Exchange Commission. For required text of the form see § 270.27f–1 of this chapter.

XI. A new § 274.127f–3 adopted pursuant to § 270.27f–1 of this chapter would be adopted to read as follows:

§ 274.127f–3 Form N–27F–3, notice to holders of variable annuity periodic payment plans of withdrawal right with respect to such certificates.

This form is to be reproduced by the issuer or any depositor of or underwriter for such issuer and it will not be available at the Securities and Exchange Commission. For required text of the form see § 270.27f–1 of this chapter.

(Secs. 6(c), 38(a), 27(d), 27(e), 27(f), 54 Stat. 800, 841, 84 Stat. 1424, 1425; 15 U.S.C. 80a–6(c), 80a–37(a), Public Law 91–547)

By the Commission, April 29, 1971.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc. 71–6237 Filed 5–3–71;8:51 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Ch. X]

[Ex Parte No. 268]

DETERMINATION OF AVOIDABLE LOSSES UNDER THE RAIL PASSENGER SERVICE ACT OF 1970

Notice of Proposed Rule Making

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 23d day of March 1971.

The enactment of the Rail Passenger Service Act of 1970, 84 Stat. 1327, has presented the Commission with the need to determine, within reasonable limits, an amount which reflects the estimated savings inuring to those railroads who agree to enter into a contract with the National Railroad Passenger Corp., thereby being relieved of further responsibility to provide passenger service.

As consideration for being relieved of the requirement to provide such passenger service, the railroad agrees to pay to said corporation an amount equal to:

(1) 50 percent of the fully distributed passenger deficit of the railroad for the calendar year 1969; or

(2) The lesser of one of the following two formulas:

(a) 100 percent of the avoidable loss of all intercity rail passenger service operated by the railroad during the calendar year 1969; or

(b) 200 percent of the avoidable loss of the intercity rail passenger service operated by the railroad over routes between points within the basic system [1] during the calendar year 1969.

Section 102(6) of said act defines avoidable loss as the avoidable costs of providing passenger service, less revenues attributable thereto, as determined by the Commission. It is to determine a reasonable method and basis for computing the avoidable loss that this proceeding is being instituted. It is our desire here to impose no greater burden on the railroad than is necessary to provide us with data sufficient to arrive at an equitable determination of the avoidable loss.

Since the act deals solely with intercity rail passenger service, our proposed regulation must of necessity limit its scope to the computation of avoidable loss related to such passenger operations. The regulations attempt to ascertain those expenses and revenues which will be eliminated if intercity passenger service is discontinued by the railroad. Portions of certain items of expense such as crew wages, passenger car repairs, train fuel and dining and buffet services are generally considered to be avoidable and the avoidable portion relatively easy to determine. However, some conceptual problems are evident in considering other items of expense such as timing of labor savings, job protection agreements and realization of savings in depreciation expense. The Commission proposes handling the above conceptual problems as follows:

(1) Labor savings will be considered as having been realized immediately, i.e., realized in the year 1969.

(2) Wages of the positions eliminated by the discontinuance of the service will be considered avoidable, notwithstanding that they might not be achieved in full until later years.

(3) Depreciation will be allowed on equipment, actually required to provide the 1969 level of intercity passenger service, that would not be required upon discontinuance of that service.

These and other conceptual problems must be considered in determining avoidable losses.

Our inquiry in this proceeding will concern, among other matters, (1) whether the proposed regulations set forth in the appendixes to this notice should be adopted, (2) what is the best manner of determining avoidable costs and the avoidable loss, (3) whether the railroad's statement should contain more or less information than that required in the said proposed regulations, and (4) whether this Commission should take such other and further action as the facts developed in this proceeding may justify or require.

It is for these purposes that the instant rulemaking proceeding is instituted.

Upon consideration of the above-described matters and good cause appearing therefor:

It is ordered, That a proceeding be, and it is hereby, instituted under the authority of section 20 of the Interstate Commerce Act and pursuant to section 553 of the Administrative Procedure Act with a view to adopting the proposed regulations set forth in the appendixes to this notice, and for the purpose of taking such other and further action as the facts and circumstances may justify and require.

It is further ordered, That the National Railroad Passenger Corp., and all railroads providing intercity rail passenger service and operating in interstate commerce within the United States and subject to the Interstate Commerce Act be, and they are hereby, made respondents in this proceeding.

It is further ordered, That no oral hearing be scheduled for the receiving of testimony in this proceeding unless a need therefor should later appear, but

[1] On Jan. 28, 1971, the Secretary of Transportation designated the basic system, as provided in section 202 of the Rail Passenger Service Act of 1970.

that respondents or any other interested parties may participate in this proceeding by submitting for consideration written statements of fact, views, and arguments on the subjects mentioned above, or any other subjects pertaining to this proceeding.

It is further ordered, That any person intending to participate in this proceeding by submitting initial statements or reply statements shall notify the Commission by filing with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, on or before May 14, 1971, the original and one copy of a statement of his intention to participate; that the Commission then shall prepare and make available to all such persons a list containing the names and addresses of all parties to this proceeding, upon whom copies of all statements must be filed; and that at the time of the service list the Commission will fix the time within which initial statements and reply statements must be filed.

And it is further ordered, That statutory notice of the institution of this proceeding be given to the general public by mailing a copy of this order to the Governor of every State and to the Public Utilities Commissions or Boards of each State having jurisdiction over transportation, by depositing a copy of this order in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy thereof to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

That Chapter X of Title 49 of the Code of Federal Regulations be amended by adding Part 1123 titled "Determination of Avoidable Losses" and inserting the following sections.

§ 1123.1 Scope of rules in this part.

The rules in this part govern the procedure to be followed by the National Railroad Passenger Corp. and a railroad subject to Part I of the Interstate Commerce Act, when an impasse is reached between the two relative to the final settlement price to be paid by the railroad in consideration of being relieved of all of its responsibility as a common carrier of passengers by rail in intercity rail passenger service pursuant to the Rail Passenger Service Act of 1970. Either the National Railroad Passenger Corp. or the railroad shall apply to the Commission for a determination of the avoidable loss with respect to the subject intercity rail passenger service. The burden of proof of avoidable loss shall rest with the railroad, and the procedures provided hereinafter shall be followed.

§ 1123.2 Definitions.

(a) Avoidable costs are those operating expenses, rents, and taxes listed in the Uniform System of Accounts (Title 49 CFR 1200–1201) which can be demonstrated to have been required for the provision of intercity rail passenger service in 1969, which would not have been incurred had such service not been performed.

(b) Avoidable loss is the excess of avoidable costs of providing intercity rail passenger service over the nonretainable revenues from the same service, pursuant to section 102(6) of the Rail Passenger Service Act of 1970.

(c) Nonretainable revenue is the railroad's 1969 revenue attributable to its intercity rail passenger service, which it would not have received had such service not been performed.

(d) Solely related expenses are the operating expenses, rents and taxes which are incurred only for providing a specific service.

(e) Common expenses are those operating expenses, rents, and taxes which are not solely related to one service but are required to provide more than one service.

(f) In determining whether a service is commuter or other short-haul service in metropolitan and suburban areas, within the meaning of section 102(5)(A) of the Rail Passenger Service Act of 1970, the Commission will consider the following features, among others:

(1) The passenger service is primarily being used by patrons traveling on a regular basis, either within a metropolitan area or between a metropolitan area and its suburbs;

(2) The service is usually characterized by operations performed at morning and evening peak periods of travel;

(3) The service usually honors commutation or multiple-ride tickets at a fare reduced below the ordinary coach fare and carries the majority of its patrons on such a reduced fare basis;

(4) The service makes several stops at short intervals either within a zone or along the entire route;

(5) The equipment used may consist of little more than ordinary coaches;

(6) The service should not extend more than 100 miles at the most, except in rare instances; although service over shorter distances may not be commuter or short haul within the meaning of the said Act of 1970.

(g) Intercity passenger service is all passenger service other than (1) commuter and other short-haul service in metropolitan and suburban areas, usually characterized by reduced fare, multiple-ride and commutation tickets, and by morning and evening peak period operations, and (2) auto-ferry service characterized by transportation of automobiles and their occupants where contracts for such service have been consummated prior to enactment of the Rail Passenger Service Act of 1970.

§ 1123.3 Information required with application.

Applications required under § 1123.1 shall include the following information set forth in the sequence indicated:

(a) Identification of the applicant showing:

(1) Full and correct name of the applicant and the business address of applicant (street and number, city, county, and State).

(2) The name, title, and business address of the officer or officers to whom correspondence with respect to the application should be addressed.

(b) Information respecting the terms and conditions of the contract pursuant to which the proposed transfer of intercity rail passenger service is to be effected, including the manner and terms of payment of the consideration.

(c) Information respecting the route, termini, and mileage of the lines to be transferred.

(d) Statements, in summary form, showing the applicant's calculation, for the calendar year 1969, of the avoidable loss of (1) all intercity rail passenger service and/or (2) that portion of such service that was operated over routes between points on the basic system, supported by the exhibits required by § 1123.4 and presented as follows:

(i) Solely related intercity passenger-train costs.

(ii) Common expenses apportioned to intercity passenger service.

(iii) Avoidable intercity passenger costs.

(iv) Nonretainable revenues.

(v) Avoidable loss.

§ 1123.4 Required exhibits.

There shall be filed with the original application and as a part thereof, the folowing exhibits:

(a) As exhibit (A) a statement of the fully distributed passenger service deficit of the railroad as reported to the Commission for the year ending December 31, 1969. This statement shall be supplied in the same format provided in Schedule 300, Income Account for the Year as prescribed in Rail Annual Report Form A.

(b) As exhibit (B) a statement showing Total and Avoidable Operating Expenses, Rents, and Taxes by primary account for (1) all intercity rail passenger service and (2) that portion of such service that was operated over routes between points on the basic system, presented in the format attached hereto and identified as Appendix B.[1]

(c) As exhibit (C) a statement setting forth the method used and the justification for each primary account, of the avoidable expenses reported in exhibit (B) as described in paragraph (b) of this section. Avoidable intercity expenses

[1] Filed as part of the original document.

shall be supported by identification of specific positions, equipment, facilities, and materials which would not be required upon discontinuance of the intercity passenger service.

(d) As Exhibit (D) a statement of revenues earned in 1969 as a result of providing intercity passenger service, which would not have been retained by the railroad after the discontinuance of such service. This statement shall exclude revenues which could have been retained even though intercity rail passenger service were discontinued. If the 200 percent formula is being relied on, a similar statement should be furnished as to that portion of such service that was performed over routes between the points on the basic system. These data shall be supplied in the same format provided in Schedule 310, Railway Operating Revenues as prescribed in Rail Annual Report Form A.

(e) As Exhibit (E) a statement supporting determination of nonretainable revenues submitted as Exhibit D.

(f) As Exhibit (F) a listing by position classification, of the number of positions involved exclusively or in part in intercity passenger service during the month of December 1969. These positions shall be listed and identified in the same format as prescribed for ICC Wage Statistics, Forms A and B. In addition positions involved exclusively in intercity passenger service shall be separated from positions involved in part in intercity passenger service. The account to which wages are charged and the average annual wage shall also be shown for each position. In addition, for each position involved only in part in intercity passenger service an estimate (stated as a percent) of the portion of time assigned to intercity passenger service shall be provided. If the 200 percent formula is being relied on, a similar showing should be furnished giving the above information as to that portion of such service that was performed over routes between points on the basic system.

§ 1123.5 Form and style.

The application and exhibits shall conform with Rule 15 of the general rules of practice (§ 1100.15 of this chapter).

§ 1123.6 Procedure.

(a) There shall be filed with the Secretary of the Commission, Washington, D.C., the original application, and 15 copies thereof for the use of the Commission. The original application shall be signed in ink by the applicant, if an individual, by all partners, if a copartnership, and if a corporation, association, or other similar form of organization, by its president, vice president, auditor, comptroller, or other executive officer having knowledge of the matters therein contained and duly designated for that purpose by the applicant, and shall be made under oath. The application shall show that the affiant is duly authorized by the applicant to verify and file the same. Each copy shall conform in all respects to the original and shall be complete in itself except that the signature in the copies may be stamped or typed and notarial seal omitted.

[FR Doc.71-6219 Filed 5-3-71;8:50 am]

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

[49 CFR Parts 173, 179]

[Docket No. HM-10; Notice 68-8]

TRANSPORTATION OF HAZARDOUS MATERIALS

Withdrawal of Proposed Tank Car Specifications

On November 21, 1968, the Hazardous Materials Regulations Board published Docket No. HM-10; Notice No. 68-8 (33 F.R. 17246) proposing to amend many of the existing tank car specifications and to add several new specifications to the Hazardous Materials Regulations.

Because of the time that has elapsed since publication of the notice and subsequent proposals and amendments made by the Board with respect to tank car specifications; and because of technical changes as evidenced by documents published by the Association of American Railroads, extensive modification of the original proposal is necessary before further rule-making action can be taken. Accordingly, Notice No. 68-8 is withdrawn.

This action is taken under the authority of sections 831-835 of title 18, United States Code, and section 9 of the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C., on April 27, 1971.

CARL V. LYON,
Acting Administrator,
Federal Railroad Administration.

[FR Doc.71-6184 Filed 5-3-71;8:47 am]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

CLEAR SHEET GLASS FROM FRANCE

Withholding of Appraisement Notice

Information was received on January 8, 1970, that clear sheet glass from France was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of April 11, 1970, on page 6015. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price (section 203 of the Act; 19 U.S.C. 162) of such clear sheet glass from France is less, or likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

Statement of reasons. The information currently before the Bureau tends to indicate that the basis of comparison will probably be between purchase price and home market price.

The analysis shows that purchase price will probably be calculated on the basis of a c.i.f., duty paid, delivered customer warehouse price with deductions for discounts, commissions, freight, insurance, U.S. Customs duties, and packing.

Home market price will probably be based on the delivered price to the distributors in the home market. Deductions will be made for discounts for quantity and thickness. Adjustments will be made for cost of credit, freight, technical and selling expenses, cutting and handling, breakage, and packing.

Using the above criteria, there are reasonable grounds to believe or suspect that purchase price will be lower than adjusted home market price.

Customs officers are being directed to withhold appraisement of clear sheet glass from France in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs Regulations (19 CFR 153.32(b), 153.37), interested parties may present written views or arguments, or requests in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any written views or arguments or requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20226, in time to be received by his office not later than 10 days from the date of publication of this notice in the FEDERAL REGISTER.

This notice, which is published pursuant to § 153.34(b), Customs Regulations, shall become effective upon publication in the FEDERAL REGISTER (5–4–71). It shall cease to be effective at the expiration of 6 months from the date of such publication, unless previously revoked.

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

Approved: April 28, 1971.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71–6207 Filed 5–3–71;8:49 am]

CLEAR SHEET GLASS FROM ITALY

Withholding of Appraisement Notice

Information was received on December 29, 1969, that clear sheet glass from Italy was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of April 11, 1970, on page 6015. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price (section 203 of the Act; 19 U.S.C. 162) of such clear sheet glass from Italy is less, or likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

Statement of reasons. The information currently before the Bureau tends to indicate that the probable basis of comparison will be between purchase price and home market price of such or similar merchandise.

Preliminary analysis suggests that purchase price will probably be calculated by deducting from the c.i.f. duty-paid delivered price to the U.S. confidential and cash discounts, U.S. inland freight, duty, sales commission, ocean freight, insurance and Italian inland freight. Italian IGE taxes refunded or not collected upon exportation are likely to be added back.

It appears that home market price will be based on the delivered price less quantity or trade discounts, confidential discounts, cash discounts, sales commission and delivery costs. Other probable adjustments to be made to this price include advertising differential, credit costs, bad debt loss, and loyalty discount. Adjustments for differences in packing appear to be warranted.

Using the above criteria, there are reasonable grounds to believe or suspect that purchase price will be lower than home market price.

Customs officers are being directed to withhold appraisement of clear sheet glass from Italy in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs Regulations (19 CFR 153.32(b), 153.37), interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any written views or arguments or requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20226, in time to be received by his office not later than 10 days from the date of publication of this notice in the FEDERAL REGISTER.

This notice, which is published pursuant to § 153.34(b), Customs Regulations, shall become effective upon publication in the FEDERAL REGISTER (5–4–71). It shall cease to be effective at the expiration of 6 months from the date of such publication, unless previously revoked.

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

Approved: April 28, 1971.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71–6208 Filed 5–3–71;8:49 am]

CLEAR SHEET GLASS FROM WEST GERMANY

Withholding of Appraisement Notice

Information was received on January 14, 1970, that clear sheet glass from West Germany was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of April 11, 1970, on page 6015. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price (section 203 of the Act; 19 U.S.C. 162) of such clear sheet glass from West Germany is less, or likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

Statement of reasons. The information currently before the Bureau tends to indicate that there are sufficient sales in the home market to warrant the use of home market price. The probable basis of comparison will be between purchase price and home market price of such or similar merchandise.

Preliminary analysis suggests that purchase price will probably be calculated by deducting various discounts, U.S. inland freight, Customs clearance changes, U.S. duty, sales commission, ocean freight, marine insurance, packing and inland freight in West Germany from the c.i.f., duty-paid price for export to the United States.

It appears that home market price will probably be based on either the delivered price or the weighted average of delivered prices. Probable adjustments to be made to this price will be various discounts, premiums, and rebates, inland freight, packing and selling expenses.

Using the above criteria, there are reasonable grounds to believe or suspect that purchase price will be lower than home market price.

Customs officers are being directed to withhold appraisement of clear sheet glass from West Germany in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs Regulations (19 CFR 153.32(b), 153.37), interested parties may present written views or arguments, or requests in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any written views or arguments or requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20226, in time to be received by his office not later than 10 days from the date of publication of this notice in the FEDERAL REGISTER.

This notice, which is published pursuant to § 153.34(b), Customs Regulations, shall become effective upon publication in the FEDERAL REGISTER (5-4-71). It shall cease to be effective at the expiration of 6 months from the date of such publication, unless previously revoked.

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

Approved: April 28, 1971.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-6209 Filed 5-3-71;8:49 am]

Fiscal Service

[Dept. Circ. 570, 1970 Rev., Supp. No. 14]

EMPLOYERS COMMERCIAL UNION INSURANCE COMPANY OF AMERICA AND EMPLOYERS COMMERCIAL UNION INSURANCE COMPANY

Termination and Acceptability as Surety on Federal Bonds

Notice is hereby given that the Certificate of Authority issued by the Secretary of the Treasury to Employers Commercial Union Insurance Company of America, Boston, Massachusetts under sections 6 to 13 of Title 6 of the United States Code to qualify as an acceptable surety on Federal bonds, is hereby terminated, effective March 31, 1971 because of its merger into Employers Commercial Union Insurance Company.

Pursuant to an Agreement of Merger effective midnight March 31, 1971, approved by the Commissioner of Insurance of the Commonwealth of Massachusetts, the Employers Commercial Union Insurance Company of America, a Massachusetts corporation merged into the Employers Commercial Union Insurance Company, a Massachusetts corporation, which is the surviving corporation. Employers Commercial Union Insurance Company acquired all of the business and assets and assumed all the liabilities of Employers Commercial Union Insurance Company of America which ceased to exist as a separate entity. A copy of the Agreement of Merger is on file in the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury under date of March 31, 1971 to the following company under Sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $14,209,000.00 has been established for the Company effective April 1, 1971.

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

Employers Commercial Union Insurance Company

Boston, Massachusetts

Massachusetts

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

In view of the foregoing, no action need be taken by bond-approving officers, by reason of the merger, with respect to any bond or other obligation in favor of the United States, or in which the United States has an interest, direct or indirect, issued on or before March 31, 1971, by Employers Commercial Union Insurance Company of America pursuant to the Certificate of Authority issued to the Company by the Secretary of the Treasury.

Dated: April 29, 1971.

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

[FR Doc.71-6206 Filed 5-3-71;8:49 am]

POST OFFICE DEPARTMENT

POSTAGE RATES AND FEES

Temporary Changes Effective May 16, 1971

On February 1, 1971, the Post Office Department requested the Postal Rate Commission to submit to the Governors of the Postal Service a recommended decision on changes in rates of domestic postage and fees for domestic postal services pursuant to chapter 36 of title 39, United States Code, as enacted by the Postal Reorganization Act (Public Law 91-375, 84 Stat. 719.) (Postal Rate Commission Docket No. R 71-1.) In connection with its request the Department submitted suggestions for specific rate and fee adjustments. Notice of this action was published in the daily issue of the FEDERAL REGISTER by the Postal Rate Commission on February 4, 1971 (36 F.R. 2431) and by the Department on February 6, 1971 (36 F.R. 2571). The notice published by the Department advised that if the Postal Rate Commission did not transmit its recommended decision to the Governors of the Postal Service within 90 days after the filing of the request, it was the Department's expectation that the temporary changes in rates of postage and fees for postal services shown in the notice published by it on February 6, 1971, would be placed into effect on or shortly after the tenth day following the end of the 90-day period.

Since the Postal Rate Commission has not transmitted a recommended decision to the Governors of the Postal Service within 90 days after the filing of the Department's request therefor, the Department has determined pursuant to 39 U.S.C. 3641, to place into effect certain temporary changes in rates of domestic postage and fees for domestic postal services.

Postage rates and fees on international mail are established pursuant to 39 U.S.C. 505, as enacted by the first section of Public Law 86-682 (cf. 39 U.S.C. 407, as enacted by section 2 of the Postal Reorganization Act), and not pursuant to chapter 36 of title 39, U.S.C. In order that international postage rates and fees for international postal services will not be less than domestic rates and

fees for corresponding mail categories and services, the Department has also determined to place into effect certain temporary changes in rates of international postage and fees for international postal services.

Accordingly, the Post Office Department hereby places into effect as of May 16, 1971, the temporary changes in rates of postage and fees for postal services shown on the schedule set out below. These temporary changes will remain effective for a period ending 30 days after the Postal Rate Commission has transmitted its recommended decision in Docket R 71-1 to the Governors of the Postal Service, unless this order is sooner revoked or modified.

TABLE A-1

FIRST-CLASS MAIL AND AIRMAIL

Mail class	Postage rate unit	Current rates (cents)	Temporary rates (cents)
(1)	(2)	(3)	(4)
First class:			
Letters	Ounce	[1] 6	[1] 8
Cards	Each	5	6
Airmail:			
Letters	Ounce	[2] 10	[2] 11
Cards	Each	8	9

[1] Currently applies up to 13 ounces. Proposed rate would apply to 12 ounces. Heavier pieces are subject to priority mail rates.

[2] Currently applies up to 7 ounces. Proposed rate would apply up to 8 ounces. Heavier pieces are subject to priority mail rates.

TABLE A-II

PRIORITY MAIL

(1)	(2)	(3) Current rates [1] (dollars)						(4) Temporary rates [1] (dollars)					
		Zones						Zones					
Mail class	Postage rate unit (pounds)	Local 1, 2, and 3	4	5	6	7	8	Local 1, 2, and 3	4	5	6	7	8
Priority	1	0.80	0.80	0.80	0.80	0.80	0.80	1.00	1.00	1.00	1.00	1.00	1.00
Do	1½	.98	1.02	1.07	1.14	1.18	1.24	1.20	1.22	1.25	1.30	1.40	1.50
Do	2	1.16	1.23	1.34	1.47	1.55	1.68	1.40	1.43	1.51	1.60	1.68	1.77
Do	2½	1.40	1.48	1.62	1.79	1.91	2.08	1.60	1.65	1.76	1.90	2.02	2.16
Do	3	1.64	1.73	1.90	2.11	2.27	2.48	1.80	1.86	2.01	2.20	2.36	2.54
Do	3½	1.88	1.98	2.18	2.43	2.63	2.88	2.00	2.08	2.26	2.49	2.69	2.93
Do	4	2.12	2.23	2.46	2.75	2.99	3.28	2.20	2.30	2.52	2.79	3.03	3.31
Do	4½	2.36	2.48	2.74	3.07	3.35	3.68	2.40	2.51	2.77	3.09	3.37	3.70
Do	5	2.60	2.73	3.02	3.39	3.71	4.08	2.60	2.73	3.02	3.39	3.71	4.08
Do	Each additional pound.	.48	.50	.56	.64	.72	.80	.48	.50	.56	.64	.72	.80

[1] Exception: Parcels weighing less than 10 pounds, measuring over 84 inches but not exceeding 100 inches in length and girth combined, are chargeable with a minimum rate equal to that for a 10-pound parcel for the zone to which addressed.

TABLE B-1

SECOND-CLASS MAIL

In county and transient rates

Mail class	Postage rate unit	Current rates (cents)	Temporary rates (cents)
(1)	(2)	(3)	(4)
In county:			
Pound-rate matter.	Pound	1.5	1.5
	Minimum per piece.	.2	.2
	Per piece charge		.06
Per-copy rate matter.	Per copy	1 or 2	1.1 or 2.1
Transient rate.	First 2 ozs	5.0	6.0
	Each additional ounce.	1.0	1.0

TABLE B-II

SECOND-CLASS MAIL

Publications of authorized nonprofit organizations outside county

Mail class	Postage rate unit	Current rates (cents) beginning Jan. 1, 1971 [1]	Jan. 1, 1972 [1]	Jan. 1, 1973 [1]	Temporary rates (cents)
(1)	(2)		(3)		(4)
Nonadvertising portion	Pound	2.1	2.1	2.1	2.4
Advertising portion: [2]					
Zones 1 and 2	do	4.0	4.55	5.1	4.4
Zone 3	do	4.8	5.55	6.3	5.2
Zone 4	do	6.4	7.55	8.7	6.9
Zone 5	do	8.0	9.55	11.1	8.6
Zone 6	do	8.6	10.3	12.0	9.4
Zone 7	do	8.6	10.3	12.0	9.5
Zone 8	do	8.6	10.3	12.0	9.7
Minimum	Minimum per piece	.2	.2	.2	.2
Per piece charge	Per piece charge				.04

[1] Annual increases established by sec. 103, Public Law 90-206.

[2] Not applicable to publications containing 10 percent or less advertising content.

TABLE B-III

SECOND-CLASS MAIL

Publications for classroom use—Outside county

Mail class	Postage rate unit	Current rates [1] (cents)	Temporary rates (cents)
(1)	(2)	(3)	(4)
Nonadvertising portion	Pound	2.04	2.2
Advertising portion:			
Zones 1 and 2	do	3.12	3.6
Zone 3	do	3.84	4.4
Zone 4	do	5.28	5.9
Zone 5	do	6.66	7.4
Zone 6	do	8.16	9.0
Zone 7	do	8.70	9.5
Zone 8	do	10.20	11.1
Minimum	Minimum per piece	.78	.8
Per piece charge	Per piece charge		.1

[1] 60 percent of regular rates. See column 3 of Table B-IV.

TABLE B-IV

SECOND-CLASS MAIL

Regular-rate publications—Outside county

Mail class	Postage rate unit	Current rates (cents)	Temporary rates (cents)
(1)	(2)	(3)	(4)
Nonadvertising portion.	Pound	3.4	4.0
Advertising portion:			
Zones 1 and 2 (science of agriculture).	do	4.2	4.6
Zones 1 and 2	do	5.2	6.0
Zone 3	do	6.4	7.2
Zone 4	do	8.8	9.6
Zone 5	do	11.1	11.9
Zone 6	do	13.6	14.4
Zone 7	do	14.5	15.3
Zone 8	do	17.0	17.8
Minimum (5,000 or or more copies).	Minimum per piece.	1.3	1.3
Per piece charge [1]	Per piece charge.		.2
Exceptions:			
Minimum (fewer than 5,000 copies).	Minimum per piece.	.8	.8
Per piece charge (fewer than 5,000 copies when the computed bulk-pound rate is less than 1.3 cents (per piece).	Per piece charge.		.1

[1] Subject to the exception stated, this charge is in addition to the pound rate or minimum per piece charge whichever is applicable.

TABLE C

CONTROLLED CIRCULATION AND THIRD-CLASS MAIL

Mail class	Postage rate unit	Current rates (cents)	Temporary rates (cents)
(1)	(2)	(3)	(4)
Controlled circulation.	Pound	15.0	15.0
Do	Minimum per piece.	3.8	4.0
Third class:			
Single piece	First 2 oz	6.0	8.0
Do	Each additional ounce.	2.0	2.0
Keys and identification devices.	First 2 oz	14.0	14.0
Do	Each additional 2 oz.	7.0	8.0
Regular bulk rate:			
Circulars, etc.	Pound	22.0	23.0
Do	Minimum per piece.	[1] 3.8/4.0	[1] 4.0/4.2
Books, catalogs, etc.	Pound	16.0	17.0
Do	Minimum per piece.	[1] 3.8/4.0	[1] 4.0/4.2

TABLE C—Continued

CONTROLLED CIRCULATION AND THIRD-CLASS MAIL

Mail class	Postage rate unit	Current Rates (cents)	Temporary rates (cents)
(1)	(2)	(3)	(4)
Nonprofit bulk rate:			
Circulars, etc.	Pound	11.0	11.0
Do.	Minimum per piece.	1.6	1.7
Books, catalogs, etc.	Pound	8.0	8.0
Do.	Minimum per piece.	1.6	1.7

[1] The lower minimum rate is applicable to the first 250,000 pieces mailed each year.

TABLE D

FOURTH-CLASS MAIL

Mail class	Postage rate unit	Current rates (cents)	Temporary rates (cents)
(1)	(2)	(3)	(4)
Special rate	First pound	12	14
Do.	Each additional pound.	6	7
Library rate	First pound	5	6
Do.	Each additional pound.	2	2

TABLE E-I

REGISTERED MAIL

Value	Current fees	Temporary fees
(1) and (2)	(3)	(4)
$0.00 to $100	$0.80	$0.95
$100.01 to $200	$1.05	$1.25
$200.01 to $400	$1.30	$1.55
$400.01 to $600	$1.55	$1.85
$600.01 to $800	$1.80	$2.15
$800.01 to 1,000	$2.05	$2.45
$1,000.01 to $2,000	[1] $2.35	[2] $2.75.
$2,000.01 to $3,000	$2.60	$3.05.
$3,000.01 to $4,000	$2.85	$3.35.
$4,000.01 to $5,000	$3.10	$3.65.
$5,000.01 to $6,000	$3.40	$3.95.
$6,000.01 to $7,000	$3.65	$4.25.
$7,000.01 to $8,000	$3.90	$4.55.
$8,000.01 to $9,000	$4.20	$4.85.
$9,000.01 to $10,000	$4.45	$5.15.
$10,000 to $1,000,000.	$4.45 plus handling charge of 15 cents per $1,000 or fraction over first $10,000.	$5.15 plus handling charge of 20 cents per $1,000 or fraction over first $10,000.
$1,000,000.01 to $15,000,000.	$152.95 plus handling charge of 10 cents per $1,000 or fraction over first $1,000,000.	$203.15 plus handling charge of 13 cents per $1,000 or fraction over first $1,000,000.
Over $15,000,000	Additional charges may be made based on consideration of weight, space and value.	Additional charges may be made based on consideration of weight, space and value.

[1] For articles covered by commercial or other insurance and valued at more than $1,000 the fee is $2.05 plus 15 cents per $1,000 or fraction over $1,000 up to $1,000,000. Over $1,000,000 the fee is $151.90 plus 10 cents per $1,000 or fraction over $1,000,000 up to $15,000,000.

[2] For articles covered by commercial or other insurance and valued at more than $1,000 the fee is $2.45 plus 20 cents per $1,000 or fraction over $1,000 up to $1,000,000. Over $1,000,000 the fee is $202.25 plus 13 cents per $1,000 or fraction over $1,000,000 up to $15,000,000.

TABLE E-II

SPECIAL DELIVERY

Class of mail	Weight	Current fees (cents)	Temporary fees (cents)
(1)	(2)	(3)	(4)
First class, air-mail and priority mail.	Up to 2 pounds	45	60
Do.	Over 2 up to 10 pounds.	60	75
Do.	Over 10 pounds	75	90
All other classes.	Up to 2 pounds	65	80
Do.	Over 2 up to 10 pounds.	75	90
Do.	Over 10 pounds	90	105

TABLE F-I

INTERNATIONAL POSTAGE RATES TO BE AFFECTED BY DOMESTIC RATE PROPOSALS

Mail class	Postage rate unit	Current rates (cents)	Temporary rates [2] (cents)
(1)	(2)	(3)	(4)
Canada and Mexico:			
Surface:			
Letters	Ounce	6	8
Cards	Each	5	6
Printed Matter:			
Regular	First 2 ounces	6	8
Do.	Each additional ounce.	2	2
Books and sheet music.	First 10 ounces.	14	
Do.	First 12 ounces.		18
Do.	Each additional 2 ounces.	1	1
Samples of merchandise.	First 2 ounces	6	8
Do.	Each additional ounce.	2	2
Merchandise packages.	(Canada only, 8-ounce maximum) first 5 ounces.	12	14
Do.	Each additional ounce.	2	2
Airmail:			
Letters	Ounce	10	11
Cards	Each	8	9
Other countries:			
Surface:			
Printed matter:			
Regular	First 2 ounces.	6	8
Do.	Each additional 2 ounces.	4	4
Books and sheet music:			
PUAS [3] countries.	First 10 ounces.	14	
Do.	First 12 ounces.		18
Do.	Each additional 2 ounces.	1	1
Other countries.	First 10 ounces.	14	
Do.	First 12 ounces.		18
Do.	Each additional 2 ounces.	1½	1½
Samples of merchandise.	First 2 ounces.	6	8
Do.	Each additional 2 ounces.	4	4
Do.	Minimum charge.	13	13

[1] Increases to avoid lower international postage rates than domestic rates for corresponding mail categories.

[2] Subsequent revisions attributable to phased rate approach to full rates and provisions of the Universal Postal Union (UPU) Convention will be announced at later dates.

[3] Postal Union of the Americas and Spain.

TABLE F-II

FEES FOR INTERNATIONAL SERVICES AFFECTED BY DOMESTIC FEE PROPOSALS [1]

Service class	Fee basis	Current fees (cents)	Temporary fees (cents)
(1)	(2)	(3)	(4)
Registered mail	Per piece	[2] 80	[2] 95
Special delivery:			
Letters, letter packages, post cards, airmail, and other articles:			
Up to 2 pounds	do.	45	60
Over 2 up to 10 pounds.	do.	60	75
Over 10 pounds	do.	75	90
Surface other articles:			
Up to 2 pounds	do.	65	80
Over 2 up to 10 pounds	do.	75	90
Over 10 pounds	do.	90	105

[1] Increases to avoid lower charges in international service than in domestic service.

[2] To Canada only the current fees are $0.80 for indemnity up to $100 and $1.05 for indemnity up to $200. The anticipated fees are $0.95 and $1.25, respectively.

Effective date: The changes in postal rates and fees provided in this order shall become effective on May 16, 1971.

(39 U.S.C. 501, 505, 3621, 3641)

DAVID A. NELSON,
General Counsel.

[FR Doc.71-6226 Filed 5-3-71;8:51 am]

DEPARTMENT OF THE INTERIOR

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

By notice in the FEDERAL REGISTER of February 20, 1971, Part II, there was published a list of the properties included in the National Register of Historic Places. This list has been amended by a notice in the FEDERAL REGISTER of March 2 (pp. 3930–31), April 6 (pp. 6526–28). Further notice is hereby given that certain amendments or revisions, in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. 470.

The following properties have been added to the National Register since April 6 (those marked by an asterisk are National Historic Landmarks):

NATIONAL REGISTER ENTRIES

ALABAMA

Greene County

Eutaw, Green *County Courthouse*, Courthouse Square.

CALIFORNIA

Los Angeles County

Pomona, *Palomares Adobe*, corner of Arrow Highway and Orange Grove Avenue.

San Francisco County

San Francisco, *Feusier Octagon House*, 1067 Green Street.

Santa Cruz County

Santa Cruz, *Octagon Building*, corner of Front and Cooper Streets.

CONNECTICUT

Fairfield County

Fairfield, *Fairfield Historic District*, all buildings bordering the Old Post Road from its intersection with the Post Road to the intersection with Turney Road (including buildings southeast and northeast of the Town Hall on both sides of Beach Road and the Old Burying Ground).

Fairfield, *Southport Historic District*, bounded generally by the New York, New Haven & Hartford Railroad on the north; by Mill River and Southport harbor on the south; on the west by Old South Road (including properties on both sides of the road); and on the east by Rose Hill Road (including properties on Church Street and both sides of Rose Hill Road, but excluding commercial and industrial property along Pequot Avenue).

Hartford County

Hartford, **Connecticut State Capitol*, Capitol Avenue.

New Haven County

New Haven, **New Haven Green Historic District*, bounded by Chapel, College, Elm, and Church Streets.

DELAWARE

Kent County

Cowgill vicinity, *Eight-square Schoolhouse*, east of Cowgill off Delaware 9.

Dutch Neck Crossroads vicinity, *Allee House*, Dutch Neck Road east of Delaware 9.

New Castle County

Wilmington, *Starr House*, 1310 King Street.

Sussex County

Cool Spring vicinity, *Fisher House*, southeast of Cool Spring, Broadkill Hundred.

Dagsboro vicinity, *Prince George's Chapel*, east of Dagsboro on Delaware 26.

Georgetown, *Old Sussex County Courthouse*, South Bedford Street.

DISTRICT OF COLUMBIA

Washington

Halcyon House, 3400 Prospect Street NW.

FLORIDA

Escambia County

Pensacola, *Lavalle House*, 203 East Church Street.

Leon County

Tallahassee, *Bellevue*, southwest of Tallahassee, on Big Bend Pioneer Farm.

Monroe County

Key West, *The Armory*, 600 White Street.

Key West, *Fort Zachary Taylor*, U.S. Naval Station.

Key West, *Key West Historic District*, bounded roughly by the centerline of Front Street projected to the harbor and running west to Simonton Street; along Simonton to Greene Street; along Greene to Elizabeth Street; along Elizabeth to Caroline Street; along Caroline to Grinnell: along Grinnell to James; along James to Frances; along Frances to Eaton; along Eaton to White; along White to Angela; along Angela to Margaret Street and Passover Lane; along Passover Lane to Windsor Lane; along Windsor to Elizabeth and Angela Streets; along Angela to Whitehead; along Whitehead to Southard; along Southard to Thomas; along Thomas to Fleming; along Fleming to Whitehead; along Whitehead to Greene; along Greene to Front; and along Front to the northern boundary of the U.S. Coast Guard property.

GEORGIA

Floyd County

Rome, *Chieftains*, 80 Chatillon Road.

Jenkins County

Millen vicinity, *Birdsville Planation*, west of Millen on Route 2.

Muscogee County

Columbus, *St. Elmo*, 2810 St. Elmo Drive.

ILLINOIS

Cook County

Riverside, **Coonley, Avery, House*, 300 Scottswood Road.

KANSAS

Barber County

Medicine Lodge, *Nation, Carry, Home*, 211 West Fowler Avenue.

Douglas County

Lecompton, *Lane University*.

Leavenworth County

Lansing vicinity, *Lansing Man Archeological Site*, 1 mile east of Lansing to Kansas 5, 0.66 mile south, and 0.25 mile east.

Miami County

Osawatomie, *Brown, John, Cabin (Samuel Adair Cabin)*, John Brown Memorial Park.

Montgomery County

Independence vicinity, *Infinity Archeological Site*, 8 miles west of Independence on U.S. 160, 1.5 miles north and 1.5 miles east on a secondary road.

Morris County

Council Grove, *Old Kaw Mission*, 500 North Mission Street.

KENTUCKY

Boone County

Union vicinity, *Big Bone Lick*, 8 miles west of Union on Kentucky 338

Fayette County

Lexington, *Clay, Henry, Law Office*, 176 North Mill Street.

Franklin County

Frankfort, *Corner in Celebrities Historic District*, bounded roughly by the Kentucky River on the west; by Main Street on the north with extensions northward along Wilkinson and Washington Streets; by Madison and St. Clair Streets on the east; and by Wapping Street on the south with extensions southward to the river.

Frankfort, *Lieutenant Governor's Mansion*, 420 High Street.

Frankfort, *Old Statehouse*, Broadway between Lewis and Madison Streets.

Jefferson County

Louisville vicinity, *Locust Grove*, 5 miles northeast of Louisville, 561 Blankenbaker Lane.

Madison County

Richmond vicinity, *White Hall*, Clay Lane, off U.S. 25, 7 miles north of Richmond.

Nelson County

Bardstown vicinity, *Federal Hill (My Old Kentucky Home)*, 1 mile east of Bardstown on U.S. 150.

MAINE

Cumberland County

Portland, *The Gothic House (John J. Brown House)*, 86 Spring Street.

Lincoln County

Dresden, *Bowman-Carney House*, 0.5 mile north of Maine 197 and west of Maine 128.

Wiscasset, **Nickels-Sortwell House*, northeast corner of Main and Federal Streets.

York County

South Berwick, **Hamilton, Jonathan, House*, Vaughan's Lane and Old South Road.

MARYLAND

Allegany County

Cumberland, *Queen City Hotel*, bounded on the east by Park Street, on the north by East Harrison Street, and on the west by the Baltimore & Ohio Railroad tracks.

Kent County

Chestertown, *Denton House*, 107 Water Street.

MASSACHUSETTS

Bristol County

New Bedford, **U.S. Customhouse*, southwest corner, Second and Williams Streets.

Essex County

Salem, **Gardner-Pingree House*, 128 Essex Street.

Salem, **Hamilton Hall*, 9 Cambridge Street.

Hampden County (also in Suffolk, Norfolk, Middlesex, and Worcester counties)

Springfield, Warren, West Brookfield, Brookfield, East Brookfield, Spencer, Leicester, Worcester, Shrewbury, Northboro, Sudbury, Cambridge, Brookline, and Boston, 1,767 Milestones, between Boston and Springfield along the Old Post Road.

Middlesex County

Cambridge, **Hastings, Oliver, House*, 101 Brattle Street.

Cambridge, **Memorial Hall, Harvard University*, Harvard University campus.

Cambridge, **Sever Hall, Harvard University*, Harvard University campus.

Cambridge, **University Hall, Harvard University*, Harvard University campus.

Waltham, **Gore Place*, 52 Gore Street.

Waltham, **The Vale (Theodore Lyman Estate)*, Lyman and Beaver Streets.

1,767 Milestones (see Hampden County).

Norfolk County

1,767 Milestones (see Hampden County).

Suffolk County

Boston, **First Harrison Gray Otis House*, 141 Cambridge Street.

Boston, *Massachusetts General Hospital*, Fruit Street.

Boston, **New Old South Church*, 645 Boylston Street.

Boston, **Old City Hall*, School and Providence Streets.

Boston, **Old West Church*, 131 Cambridge Street.

Boston, **St. Paul's Church*, 136 Tremont Street.

Boston, **Sears, David, House (Somerset Club)*, 42 Beacon Street.

1767 Milestones (see Hampden County)

Worcester County

Lancaster, **First Church of Christ*, facing the Common.

1767 Milestones (see Hampden County)

MICHIGAN

Alger County

Grand Marais, *Hill's Store*, Grand Marais Avenue.

Bay County

Bay City, *Fletcher Site*, SW¼SW¼ sec. 16 and NW¼NW¼ sec. 21, T. 14 N., R. 5 E.

Calhoun County

Battle Creek, *Penn Central Railway Station (New York Central and Michigan Central Railway Station)*, West Van Buren.

Chippewa County

Sault Ste Marie, *Old Fort Brady*, bounded by the C.O.E. Service Plaza on the north, by Portage Street on the south, Brady Street on the east, and Bingham Street on the west.

Strongs vicinity, *Naomikong Point Site*, NE¼ sec. 8, T. 47 N., R. 5 W.

Delta County

Fayette vicinity, *Spider Cave*, on Big Bay de Noc between Fayette and Fairport.

Eaton County

Charlotte, *Eaton County Courthouse*, West Lawrence Avenue at Cochran and Bostwick Streets.

Emmet County

Cross Village vicinity, *Wycamp Creek Site*, northeast of Cross Village on the north bank of Wycamp Creek.

Kent County

Grand Rapids, *Heritage Hill Historic District*, bounded by Michigan Avenue on the north, Pleasant Street on the south, Union Avenue on the east and by Clarendon Place, Jefferson, and Lafayette Avenues on the west.

Mackinac County

Gros Cap vicinity, *Gros Cap Cemetery*, southeast of Gros Cap on U.S. 2.

Mackinac Island, *Mission House*, Huron Street.

Mackinac Island, *Stuart, Robert, House (Agency House of the American Fur Co.)*, Market Street.

Macomb County

Sterling Township, *Holcombe Site*, SW¼ SW¼ sec. 23, T. 2 N., R. 12 E.

Wayne County

Detroit, *Christ Church, Detroit*, 960 East Jefferson Avenue.

Detroit, *Freer, Charles Lang, House (Merrill-Palmer Institute of Human Development and Family Life)*, 71 East Ferry Street.

Detroit, *Mariners' Church*, 170 East Jefferson Avenue.

Detroit, *Sibley House*, 976 East Jefferson Avenue.

MINNESOTA

Hennepin County

Minneapolis, *St Anthony Falls Historic District*, the district lies on both sides of the Mississippi River from the Plymouth Avenue Bridge on the northwest to 10th Avenue South (west bank) and Sixth Avenue Southeast (east bank) on the southeast; it extends onto the east river shore as far as University Avenue and onto the west river shore to Second Street South.

NEW YORK

Albany County

Albany, *New York State Department of Education Building*, Washington Avenue between Hawk and Swan Streets.

Albany, *Whipple Cast and Wrought-Iron Bowstring Truss Bridge*, 1000 Delaware Avenue.

Cohoes, *Van Schaick House*, Van Schaick Avenue and the Delaware and Hudson Railroad track.

Broome County

Binghamton, *Binghamton City Hall*, Collier Street between Court and Academy Streets.

Saratoga County

Ballston Spa, *Old Saratoga County Courthouse Complex*, 46 West High Street.

Tompkins County

Ithaca, *Second Tompkins County Courthouse*, 121 East Court Street.

NORTH CAROLINA

Beaufort County

Washington, *Beaufort County Courthouse*, corner of West Second and Market Streets.

Hertford County

Murfreesboro, *Melrose*, 100 East Broad Street.

Murfreesboro, *Myrick House*, 402 Broad Street.

Murfreesboro, *Wheeler, John, House*, 403 East Broad Street.

Orange County

Hillsborough, *Hazel-Nash House*, 116 West Queen Street.

Pitt County

Grimesland vicinity, *Grimesland Plantation*, east of Grimesland on Route 2.

OHIO

Miami County

Piqua vicinity, *Piqua Historical Area State Memorial (John Johnston Farm and Indian Agency)*, 1 mile north of Piqua.

OKLAHOMA

Kingfisher County

Kingfisher, *Seay Mansion*, corner of 11th Street and Zellers Avenue.

Payne County

Yale, *Thorpe, Jim, House*, 704 East Boston Street.

PENNSYLVANIA

Centre County

Curtin, *Curtin Village (Eagle Ironworks)*, Route 14010.

Delaware County

Chadds Ford, *Chad House*, Pennsylvania 100.

Chester, *Penn, William, Landing Site*, Penn and Front Streets.

Upland, *Pusey, Caleb, House*, 15 Race Street.

Montgomery County

Collegeville vicinity, *Kuster Mill*, on Skippack Creek at Mill Road and Water Street Road.

Conshohocken, *Mount Joy (Peter Legaux Mansion)*, North Lane and Hector Street.

Plymouth Meeting, *Plymouth Meeting Historic District*, contained within a rectangle having the following coordinates: On the northwest latitude 40°06'24" N., longitude 75°17'03" W.; on the northeast latitude 40°06'27" N., longitude 75°15'54" W.; on the southeast latitude 40°05'54" N., longitude 75°16'06" W.; on the southwest latitude 40°05'39" N., longitude 75°17'01" W.

Philadelphia County

Philadelphia, *Centennial National Bank*, 3200 Market Street.

Philadelphia, *Music Fund Hall*, 808 Locust Street.

RHODE ISLAND

Kent County

Warwick, *Rhodes, Christopher, House*, 25 Post Road.

Newport County

Newport, **Sherman, William Watts, House*, 2 Shepard Avenue.

Providence County

Providence, **Corliss-Carrington House*, 66 William Street.

Providence, **Ives, Thomas P., House*, 66 Power Street.

SOUTH CAROLINA

Beaufort County

Beaufort, *Barnwell, William, House*, 800 Prince Street.

Berkeley County

Oakley vicinity, *Dean Hall Plantation*, southeast of Oakley via U.S. 52 and County Routes 9 and 244.

Horry County

Conway, *Old Horry County Courthouse and Jail*, Main Street.

Oconee County

Walhalla vicinity, *Stumphouse Tunnel Complex*, 5 miles north of Walhalla via South Carolina 28 and Route 226.

Richland County

Columbia vicinity, *Millwood*, Garner's Ferry Road.

TENNESSEE

Cheatham County

Kingston Springs vicinity, *Narrows of the Harpeth*, north of Kingston Springs on Route 2.

Davidson County

Old Hickory, *Cleveland Hall*, 4041 Old Hickory Boulevard.

Hamilton County

Chattanooga, *Brown's Ferry Tavern*, Brown's Ferry Road.

Chattanooga, *Chattanooga Union Station*, West Ninth and Broad Streets.

Roane County

Harriman, *Harriman City Hall*, Roane Street and Walden.

Sevier County

Sevierville, *Buckingham House*, Sevierville Pike.

Sevierville, *Sevier County Courthouse*, Court Avenue.

TEXAS

Bastrop County

Hills Prairie vicinity, *Hill, Abraham Wiley, House*, 5 miles southwest of Hills Prairie.

El Paso County

El Paso, *Magoffin Homestead*, 1120 Magoffin Avenue.

Fisher County

Noodle vicinity, *Foy Steadman Site*, 8.5 miles northwest of Noodle.

Gillespie County

Fredericksburg, *Fredericksburg Memorial Library*, Courthouse Square.

Gonzales County

Gonzales vicinity, *Braches Home*, 12 miles southeast of Gonzales on U.S. 90 Alternate.

Houston County

Crockett, *Monroe-Crook House*, 707 East Houston Street.

Lamar County

Paris, *Maxey, Samuel Bell, House*, 812 East Church Street.

Lavaca County

Hallettsville, *Lavaca County Courthouse*, bounded by La Grange, Second, Third, and Main Streets.

McLennan County

Waco, *Earle-Napier-Kinnard House*, 814 South Fourth Street.

Marion County

Jefferson, *Jefferson Historic District*, bounded roughly by Owens, Friou, Taylor, LaFayette, Market, Camp, Walnut extended, Polk, Vale, and Line Streets; and by a line parallel to and between Dixon and Walker Streets, and by a line north of and parallel to Dixon Street.

Jefferson, *The Magnolias*, 209 East Broadway.

Jefferson, *Planters Bank Building*, 224 East Austin Street.

Jefferson, *Woods, Perry, House (Old Ligon Place)*, 502 Walker Street.

Shackelford County

Albany vicinity, *Fort Griffin*, 15 miles north of Albany on U.S. 283.

Shelby County

Center, *Shelby County Courthouse*, Courthouse Square.

Tarrant County

Fort Worth, *Flatiron Building*, 1000 Houston Street.

Val Verde County

Comstock vicinity, *Lower Pecos Canyon Archeological District*, 12 miles west of Comstock on U.S. 90.

Victoria County

Inez Vicinity, *Fort St. Louis Site*, about 13 miles south of Inez on Garcitas Creek.

Wise County

Decatur, *Administration Building, Decatur Baptist College*, 1602 South Trinity Street.

UTAH

Salt Lake County

Salt Lake City, *Granite Paper Mill*, 6900 Big Cottonwood Canyon Road.

Washington County

Pine Valley, *Pine Valley Chapel and Tithing Office*, Main and Grass Valley Streets.

VERMONT

Addison County

Addison, *Chimney Point Tavern*, Vermont 125.

Bennington, *Bennington Battle Monument*, Monument Circle.

Caledonia County

Lyndon, *Old Schoolhouse Bridge*, South Wheelock Road.

Grand Isle County

Grand Isle, *Hyde Log Cabin*, U.S. 2.

Rutland County

Hubbardton, *Hubbardton Battlefield*, junction of Castleton-Hubbardton Road and Old Military Road to Mount Independence.

WASHINGTON

Jefferson County

Port Townsend, *Point Wilson Lighthouse*, on a point of land between Juan de Fuca Strait and Admiralty Inlet.

Kitsap County

Bainbridge Island, *SS San Mateo* (ferryboat), Eagle Harbor.

Kittitas County

Ellensburg vicinity, *Olmstead Place State Park*, 4 miles east of Ellensburg near the Kittitas Highway.

ROBERT M. UTLEY,
Acting Chief, Office of Archeology and Historic Preservation.

[FR Doc.71-6172 Filed 5-3-71;8:46 am]

Office of Hearings and Appeals

[Docket No. M 71-17]

CLINCHFIELD COAL CO.

Petition for Modification of Mandatory Safety Standard

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 801 et seq., notice is hereby given that Clinchfield Coal Co. (petitioner) has filed a petition to modify the application of section 75.302-1(a) of the Federal Coal Mine Health and Safety Regulations, published at Title 30, Code of Federal Regulations, Part 75, § 75.302-1(a) with respect to its Moss No. 2, Mine C Portal, located in Duty, Dickenson County, Va.

Section 75.302-1(a) of the Regulations provides:

(a) Line brattice or any other approved device used to provide ventilation to the working face from which coal is being cut, mined, or loaded and other working faces so designated by the Coal Mine Safety Manager, in the approved ventilation plan, shall be installed at a distance no greater than 10 feet from the area of deepest penetration to which any portion of the face has been advanced unless a greater distance is approved by the Coal Mine Safety District Manager of the area in which the mine is located.

Petitioner proposes to use an alternate method, specifically, "To install the (ventilation) tubing to within 40 feet of the working face at all times", and contends that the proposed alternate method will provide equal or better protection to the miners as compared to the existing regulatory standard. It also asserts in effect that the application of the existing regulatory standard at the mine involved will result in a diminution of the safety protection of the miners. Petitioner has requested a public hearing on its petition.

Parties interested in this petition should file their answer or comments with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, VA 22203, within 30 days from the date of publication of this notice in the FEDERAL REGISTER. Copies of the petition are available for inspection at the same address.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

APRIL 23, 1971.

[FR Doc.71-6179 Filed 5-3-71;8:46 am]

[Docket No. M 71-18]

CLINCHFIELD COAL CO.

Petition for Modification of Mandatory Safety Standard

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 801 *et seq.*, notice is hereby given that Clinchfield Coal Co. (petitioner) has filed a petition to modify the application of section 75.302-1(a) of the Federal Coal Mine Health and Safety Regulations, published at Title 30, Code of Federal Regulations, Part 75, § 75.302-1(a) with respect to its Moss No. 3 Mine, D Portal, located in Duty, Dickenson County, Va.

Section 75.302-1(a) of the Regulations provides:

(a) Line brattice or any other approved device used to provide ventilation to the working face from which coal is being cut, mined, or loaded and other working faces so designated by the Coal Mine Safety Manager, in the approved ventilation plan, shall be installed at a distance no greater than 10 feet from the area of deepest penetration to which any portion of the face has been advanced unless a greater distance is approved by the Coal Mine Safety District Manager of the area in which the mine is located.

Petitioner proposes to use an alternate method, specifically, "To install the (ventilation) tubing to within 40 feet of the working face at all times", and contends that the proposed alternate method will provide equal or better protection to the miners as compared to the existing regulatory standard. It also asserts in effect that the application of the existing regulatory standard at the mine involved will result in a diminution of the safety protection of the miners. Petitioner has requested a public hearing on its petition.

Parties interested in this petition should file their answer or comments with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, VA 22203, within 30 days from the date of publication of this notice in the FEDERAL REGISTER. Copies of the petition are available for inspection at the same address.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

APRIL 23, 1971.

[FR Doc.71-6175 Filed 5-3-71;8:46 am]

Office of the Secretary

PUBLIC PARTICIPATION IN RULE MAKING

Statement of Policy

Notice is hereby given of the policy of the Department of the Interior to give notice of proposed rule making and to invite the public to participate in rule making in instances where not required by law.

Chapter 5—Administrative Procedure, of title 5 of the United States Code (5 U.S.C. § 553) provides, generally, that before rules and regulations are issued by Government agencies, notice of the proposed rule making must be published in the FEDERAL REGISTER, and interested persons must be given an opportunity to participate in the rule making through submission of data, views, or arguments. Where the rule making is required by statute to be made after opportunity for agency hearing, notice of the date, time and place of the scheduled hearing will be given at least 30 days prior to the hearing.

The law excepts from these requirements matters relating to public property, loans, grants, benefits, or contracts. The public property exception includes matters relating to the public lands, which are a primary responsibility of the Department of the Interior. Therefore, the extent to which the Secretary of the Interior follows the rule making procedures of 5 U.S.C. § 553 in issuing rules and regulations concerning public land matters is a matter of discretion.

In recent years the Department has, to an increasing extent, followed public rule making procedures in adopting rules and regulations involving public lands and other matters. However, the growing public awareness of the importance of the Department's programs affecting the nation's public lands resources and the human environment has reemphasized the value of broad public participation in the rule making process as it relates to public land law administration.

The Public Land Law Review Commission, in its report to the President and the Congress, recommended that "Congress should require public land management agencies to utilize rule making to the fullest extent possible in interpreting statutes and exercising delegated discretion, and should provide legislative restrictions to insure compliance with this goal."

The Administrative Conference of the United States has also recognized the growing need for more comprehensive public participation. The Conference has recommended that all Federal agencies extend public participation under 5 U.S.C. § 553, to the five excepted categories listed above, as a matter of practice and policy, rather than awaiting a legislative command to do so.

Administrative rules and regulations affecting public lands and the use thereof are of paramount importance to citizens of the nation. The different problems presented by conflicting or multiple uses of public lands and other natural resources, and the impact of such uses on the human environment, are made far more comprehensible where the public has been afforded the opportunity to thoroughly consider proposed rules and other possible alternatives and to offer comments and suggestions thereon, and where all concerned understand the basis and rationale of administrative regulations in these matters. In recognition of this need for public participation, I have decided to implement the recommendations of the Public Land Law Review Commission and the Administrative Conference of the United States by publicly stating the policy of the Department in the making of administrative rules in the five excepted categories.

Therefore, effective immediately, all offices and bureaus of the Department in issuing rules and regulations relating to public property, loans, grants, benefits, or contracts, are directed to utilize to the fullest extent possible the public participation procedures of 5 U.S.C. § 553. Where public hearings are to be held, such hearings are to be conducted, whenever practicable, by qualified Departmental hearing examiners of the Department's Office of Hearings and Appeals. In its operation as a part of the Office of the Secretary, the Office of Hearings and Appeals meets another recommendation of the Public Land Law Review Commission, namely, that a deliberately instituted and specially staffed office be created to implement public rule making procedures.

Where, as provided by 5 U.S.C. § 553, it is determined that such procedures in public rule making would be impracticable, unnecessary or contrary to the public interest, a specific finding to this effect shall be published with the rules or regulations in question. Such exceptions are not to be favored and should be used sparingly, as, for example, in emergencies and in instances where public participation would be useless or wasteful because proposed amendments to regulations cover minor technical matters.

Dated: April 27, 1971.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

[FR Doc.71-6173 Filed 5-3-71;8:46 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

AGREEMENT WITH AMERICAN SHEEP PRODUCERS COUNCIL, INC.

Notice of Referendum Among Producers and Procedure for Conduct of Referendum

A referendum is being held to determine producer approval of an agreement between the Secretary of Agriculture and the American Sheep Producers Council, Inc., for the advertising and sales promotion of lamb and wool pursuant to section 708 of the National Wool Act of 1954, as amended (7 U.S.C. 1787). The procedure for conducting the referendum follows:

1. *Definitions.* For the purpose of this notice, the following terms shall have the following meanings:

(a) *ASC County Committee.* The group of persons elected within a county as the County Committee pursuant to the regulations governing the election and functioning of the Agricultural Stabilization and Conservation County Committees.

(b) *ASC State Committee.* The group of persons designated within any State to act as the Agricultural Stabilization and Conservation State Committee.

(c) *Cooperative association.* An incorporated group of producers which (1) is operated for the mutual benefit of its members as producers; (2) markets the members' sheep or wool; (3) does not deal in sheep and wool for nonmembers to an amount greater in value than the amount representing the value of sheep and wool handled by the association for members, and (4) permits every member to have only one vote irrespective of the amount of stock or membership capital he may own in the association.

(b) *Deputy Administrator.* The Deputy or Acting Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

(e) *Eligible voter.* An eligible voter is a producer who, continuously during a single period of at least 30 days during the calendar year 1970, owned in the United States any sheep or lambs 6 months of age or older. Two or more producers who are required by § 1472.1343 of the wool payment program regulations (36 F.R. 3889) to apply jointly for a payment constitute an eligible voter and only one ballot may be cast for all. A cooperative association which qualifies for voting in accordance with section 6(c) of this notice is an eligible voter and may cast one ballot for eligible voters who on the date the ballot is cast are members of, stockholders in, or are under contract to sell their wool or lambs through the association in the 1971 marketing year (January 1 through December 31, 1971), which ballot shall be counted as votes in behalf of each such eligible voter who shall not otherwise cast a ballot.

(f) *Individual voter.* An individual voter is a producer who is an eligible voter and casts a ballot in this referendum, or two or more joint producers who constitute one eligible voter and cast one ballot in this referendum.

(g) *Producer.* A producer is any person (i.e., an individual, partnership, corporation, association, business trust, any organized unincorporated group of persons, or a State or any subdivision thereof) who has an interest in sheep as owner or part owner thereof or who, by agreement with such owner, furnishes labor in connection with caretaking, lamb production, or feeding in return for which he is entitled to a share of the wool or lambs produced or of the proceeds from the sale thereof.

(h) *Secretary of Agriculture.* The Secretary or Acting Secretary of Agriculture of the United States, or any officer or employee of the U.S. Department of Agriculture to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

2. *Agreement considered in this referendum.* The agreement being considered in this referendum would be between the Secretary of Agriculture and the American Sheep Producers Council, Inc., a nonprofit membership corporation organized under the laws of the State of

Illinois, for the purpose of developing and conducting an advertising and sales promotion program for wool, sheep, and products thereof, subject to the determination by the Secretary that the agreement has the approval of the producers as provided in section 708 of the National Wool Act of 1954, as amended. The text of the agreement follows:

AGREEMENT

Pursuant to section 708 of the National Wool Act of 1954, as amended, agreements have been entered into, beginning with March 17, 1955, between the U.S. Secretary of Agriculture (hereinafter referred to as "Secretary") and the American Sheep Producers Council, Inc., a nonprofit membership corporation organized under the laws of the State of Illinois (hereinafter referred to as "Council"), providing for the conduct of sales and promotion programs for wool and lambs and the products thereof, and the financing of such programs by deductions from incentive payments to wool producers. This agreement provides for continuing such sales and promotion programs pursuant to section 708, to be financed by deductions from producer wool payments made under the Act for years commencing January 1, 1971, and ending December 31, 1973.

WITNESSETH:

Whereas, the Secretary, pursuant to the National Wool Act of 1954, as amended, 7 U.S.C. 1781–1787 (hereinafter referred to as the "Act"), has announced an incentive payment program for wool marketed during 1971;

Whereas, it is anticipated that similar programs will be instituted for subsequent marketing years under the Act;

Whereas, any payments under such programs will be made by the Commodity Credit Corporation to producers of wool as soon as practicable after the end of the year in which the wool is marketed;

Whereas, section 708 of the Act authorizes the Secretary to enter into agreements with marketing cooperatives, trade associations or other organizations engaged or whose members are engaged in the handling of wool, sheep, or the products thereof, for the purpose of developing and conducting on a national, State, or regional basis advertising and sales promotion programs for wool, sheep, and the products thereof;

Whereas, such programs for wool, sheep, and the products thereof have been conducted since 1955 in accordance with agreements between the Secretary and the Council whereby deductions were made under the Act from incentive payments on wool; and

Whereas, it is desirable that there be continued an advertising and sales promotion program conducted on a national basis for wool, sheep, and products thereof, to be financed by pro rata deductions from incentive payments to wool producers;

Now, therefore, the parties hereto agree as follows:

1. Whenever incentive payments are made to producers under the Act, the Secretary will make a pro rata deduction from such payments and pay the amount so deducted to the Council to provide the funds necessary to defray the expenses of the Council incurred pursuant to this agreement. Deductions will be made only from payments, if any, which are made to producers for marketings during the years beginning January 1, 1971, and ending December 31, 1973. Deductions from payments for marketings during 1971 shall be at the rate of 1½ cents per pound of shorn wool marketed, and at a comparable rate, as determined by the Secretary, on unshorn lambs and yearlings (pulled wool) marketed; thereafter, the deductions shall be at such rates as the Secretary and Council may agree upon, but in no event shall be in excess of the rates specified for 1971.

2. For each fiscal year beginning July 1, 1971, until all activities are completed under this agreement, the Council shall develop and submit to the Secretary for approval proposed advertising and sales promotion programs and supporting budgets for wool and lambs and the products thereof and such amendments thereto as may be needed. Each submission shall describe the annual plan of operation, commodities to be promoted, the proposed media and methods which the Council intends to use in advertising and promoting, and the benefits to be derived by producers on a national basis. After the proposed programs and budgets, including amendments thereto, have been approved by the Secretary, the Council will enter into such agreements with advertising and promotional agencies, radio and television stations, and others, and employ such personnel, and will take such other action as the Council deems appropriate or necessary to effectuate such programs.

3. The Council shall furnish the Secretary with an annual report of its activities and a copy of an audit, prepared by a Certified Public Accountant, of its operations during each fiscal year. The Council shall also furnish the Secretary with a statement of assets and liabilities as of June 30th of each year and with such other reports and information as he may from time to time request. The Council shall keep accurate records of all its transactions, and these records shall be subject to inspection and audit by representatives of the Secretary at all times during regular business hours after the date of this agreement until 3 years after the Council has completed performance of all contracts made and obligations incurred hereunder.

4. Either party may terminate this agreement with respect to the continuation of all programs hereunder by delivering, or mailing by registered mail, a written notice of such termination effective on the date to be specified therein, but not earlier than 30 days after giving of such notice. After any such termination, the activities of the Council hereunder shall be liquidated promptly and no deductions from payments to producers shall thereafter be made to defray expenses of the Council under this agreement except such deductions from payments made in connection with a prior marketing year as the Secretary determines necessary or desirable to effectuate such liquidation. If on or after January 1, 1972, the Secretary determines upon petition or referendum of the wool producers or otherwise that this agreement is no longer favored by the requisite number of producers, he shall so declare. After such determination, no deductions from payments to producers shall be made to defray the expenses of the Council under this agreement except deductions from payments made in connection with a prior marketing year.

5. Funds obtained by the Council pursuant to the agreement of October 25, 1966, and unobligated on the date when this agreement becomes effective shall become subject to the terms and conditions of this agreement and be available to finance, either separately or in combination with other funds made available under this agreement, sales promotion and advertising programs established pursuant to this agreement.

6. Upon termination of all programs under this agreement, if all the funds of the Council were derived from deductions from wool payments (including interest earned thereon), all such funds remaining unobligated in the hands of the Council shall be returned to the Secretary of Agriculture, together with a statement explaining the various items which entered into the amount returned to the Secretary. If the Council received funds from sources other than the Secretary acting pursuant to this agreement, the Council shall return to the Secretary the same proportion of the unobligated funds as the funds contributed by the Secretary bore to all funds received by the Council. A statement of the assets and liabilities of the Council shall be furnished to the Secretary within 60 days after such termination becomes effective. The provision with respect to the return of unobligated funds shall also apply in case of dissolution or liquidation of the affairs of the Council.

7. Any amendments or additions to the charter or bylaws of the Council shall be subject to the approval of the Secretary.

8. The authority reserved to the Secretary under the provisions of this agreement may be exercised by an official or officials of the Department of Agriculture designated by him for such purpose.

9. During the performance of this agreement, it is further agreed that:

(1) The Council will not discriminate against any employee or applicant for employment because of race, creed, color, sex, or national origin. The Council will take affirmative action to insure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, sex, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Council agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

(2) The Council will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, sex, or national origin.

(3) The Council will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the agency contracting officer, advising the labor union or workers' representative of the Council's commitments under Section 202 of Executive Order No. 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The Council will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The Council will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the Council's noncompliance with the nondiscrimination clauses of this agreement or with any of such rules, regulations, or orders, this agreement may be cancelled, terminated or suspended in whole or in part and the Council may be declared ineligible for further Government contracts in accordance with procedures authorized in

Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The Council will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The Council will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions including sanctions for noncompliance. *Provided, however,* That in the event the Council becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the Council may request the United States to enter into such litigation to protect the interests of the United States.

10. This agreement shall not become effective until and unless the Secretary has determined on the basis of a producer referendum that at least two-thirds of the total number of producers or two-thirds of the volume of production represented in such referendum approve his entering into this agreement.

3. *Agencies conducting referendum.* The Deputy Administrator shall be in charge of conducting this referendum. Each ASC State Committee shall be in charge of conducting the referendum in its State and each ASC county committee shall be in charge of conducting the referendum in its county.

4. *Period of referendum.* ASCS county offices will have ballot boxes available from June 7, 1971, through June 18, 1971. Any completed ballot received by an ASCS county office before June 7, 1971, will be placed in the ballot box. Ballots reaching an ASCS county office after close of business June 18, 1971, cannot be counted.

5. *Notice of referendum.* Full and accurate public notice of the time and place of balloting in the referendum and the rules governing the eligibility to vote will be provided by the ASCS State and county offices by means of newspapers, radio, or any other method they deem desirable, without incurring advertising expense.

6. *Voting*—(a) *Mailing of ballots to eligible voters.* Each ASCS county office will mail ballots to all producers, of whom the committee has knowledge, having ranch or farm headquarters located in its county. The mailing of a ballot is not a determination of eligibility to vote and if a producer has not received a ballot, he can obtain one in the ASCS State or county office upon request. The Direct Payments Programs Division, Agricultural Stabilization and Conservation Service, will mail ballots to all cooperative associations which qualify to vote on behalf of their members and others in accordance with paragraph (c) of this section.

(b) *Place and manner of voting by individuals.* The ASCS county office serving the county in which the producer's farm or ranch headquarters is located shall be his polling place. A ballot may be cast on Form CCC–1160 either by personal delivery to, or by mailing the form so that it will reach, the polling place on or before the close of business June 18, 1971.

(c) *Place and manner of voting by cooperative associations.* A cooperative association may cast only one ballot. The ballot shall be cast for all eligible voters who on the date the ballot is cast are members of, stockholders in, or are under contract to sell their wool or lambs through the association in the 1971 marketing year. A cooperative association must qualify for voting by filing with the Director of the Direct Payments Programs Division, ASCS, U.S. Department of Agriculture, Washington, D.C. 20250, not later than May 24, 1971, each of the following: (1) A certified copy of the Articles of Incorporation and bylaws of the association, and (2) a certified copy of the resolution adopted by the association's Board of Directors authorizing such vote. The Direct Payments Programs Division will send a ballot to each cooperative association which establishes eligibility to vote.

The cooperative association shall return the marked ballot to the Director of the Direct Payments Programs Division so that it will reach that office not later than June 18, 1971. Each ballot cast by a cooperative association shall be accompanied by the original and two copies of a listing showing the names and addresses of all producers, otherwise eligible to vote, who on the date the vote is cast are members of, stockholders in, or under contract to sell their wool or lambs through the association in the 1971 marketing year. The producers' names shall be arranged alphabetically, on a separate sheet for each county. The listing for each county shall be headed by the name and address of the cooperative association and show whether voting "Yes" or "No" in the referendum. In preparing the listings, the cooperative association shall show for each producer the number of sheep and lambs 6 months of age or older which he owned continuously in the United States during a single period of at least 30 days during 1970. After checking the ballots and lists received from cooperative associations for completeness, the lists of producers for whom cooperative associations have voted will be forwarded by the Direct Payments Programs Division to the ASCS State offices concerned for distribution to the respective ASCS county offices.

7. *Determining volume of production represented.* The volume of production represented by each producer voting or for whom a cooperative ballot is cast will be determined by the number of sheep, 6 months of age or older, which he owned continuously in the United States during a single period, selected by the producer, of at least 30 days during 1970.

8. *Challenge of ballots.* A ballot may be challenged on the basis of the knowledge of any ASC State, county, or community committeeman, employee of an ASCS State or county office, or any other person. Before a challenged ballot is either counted or declared invalid, a determination shall be made by the ASC county committee in connection with such challenged ballot. The determination shall cover all questions as to the eligibility of the individual voter or any producer for whom a cooperative association has cast a ballot and the accuracy of the number of sheep represented. If two or more cooperative associations cast ballots for the same producer, and the ballots take the same position with reference to the agreement which is the subject of the referendum, the producer's vote will be counted only once. If they take different positions, his vote will not be counted.

9. *Canvass of ballots.* The ASC county committees will make a count of the eligible voting producers, determining (a) the number of eligible voting producers favoring the agreement and the number of sheep represented by them, (b) the number of eligible voting producers disapproving the agreement and the number of sheep represented by them, and (c) the number of voting producers found to be ineligible. All ballots shall be treated as confidential and the contents of the ballots shall not be divulged, except as provided in this notice or as the Secretary may direct.

10. *Reporting results of referendum.* Each ASCS county office will transmit a written summary of the results of the referendum in its county to its ASCS State office. Each ASCS State office will transmit a written summary of the referendum results received from the ASCS county offices within its State to the Director of the Direct Payments Programs Division, ASCS, Washington, D.C. 20250, and maintain one copy of the summary in the ASCS State office where it shall be available for public inspection for a period of 5 years following the end of the referendum period. The Director of the Direct Payments Programs Division, Agricultural Stabilization and Conservation Service, shall prepare and submit to the Secretary a report as to the results of the referendum.

11. *Additional instructions and forms.* The Deputy Administrator is hereby authorized to prescribe additional instructions and forms not inconsistent with the provisions of this notice to govern the procedure to be followed in the conduct of this referendum.

(Sec. 708, 68 Stat. 912; 7 U.S.C. 1787)

Signed at Washington, D.C., on April 28, 1971.

GEORGE V. HANSEN,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71–6178 Filed 5–3–71;8:46 am]

DEPARTMENT OF TRANSPORTATION

Office of Hazardous Materials

HOT COKE

Request for Information

Section 172.5 of the Department's Hazardous Materials Regulations (49 CFR 170–189), lists a commodity identified as "coke, hot," and indicates this commodity may not be accepted for transportation.

Recent questions have been raised concerning the meaning of the term "hot" as used in this context. The regulations do not contain a definition nor do they provide other descriptive information on this material. An examination of the historical files in the Office of Hazardous Materials has not produced any significant information on the meaning of the term.

For the purpose of resolving this matter and in order to properly advise the Hazardous Materials Regulations Board, specific information is being requested from the public, focusing on the following questions:

1. Does the term "hot coke" have a definite technical meaning to industry, and if so, what is that meaning?

2. If the term has a definite technical meaning, is it broadly accepted and well understood?

3. Is it understood that the term as used in the Department's Hazardous Materials Regulations includes coke produced from coal as well as petroleum coke?

4. Has coke been shipped at higher than ambient temperatures? If so, what temperatures?

5. What types of transportation equipment are used to transport coke if it is transported at higher than ambient temperatures?

6. Have any fires occurred in the transportation of coke? If so, how many, and under what circumstances did the fires occur?

7. What are the recommended transportation conditions or controls for the shipment of coke at higher than ambient temperatures?

It is stressed that this document is only for the solicitation of information and is not a rule making action. Any rule making which might result from the receipt of information gathered would follow the published rule making procedures of the Hazardous Materials Regulations Board, contained in 49 CFR Part 170.

Comments are requested by July 6, 1971, and should be addressed to Chief, Regulations Division, Office of Hazardous Materials, Department of Transportation, 400 Sixth Street SW., Washington, DC 20590. All persons responding to this request for information will be individually advised of the findings made and of any action proposed on the basis of those finding.

Issued in Washington, D.C., on April 28, 1971.

ALAN I. ROBERTS,
Chief, Regulations Division, Office of Hazardous Materials.

[FR Doc.71-6182 Filed 5-3-71;8:47 am]

Office of Pipeline Safety

[Waiver No. W-Z; Docket No. OPS-8]

TRANSCONTINTENTAL GAS PIPE LINE CORP.

Grant of Waiver

Correction

In F.R. Doc. 71-6035 appearing on page 8168 in the issue of April 30, 1971, the bracketed waiver and docket numbers should appear as set forth above.

CIVIL AERONAUTICS BOARD

[Docket No. 23062]

AIR CONGO FOREIGN AIR CARRIER PERMIT

Notice of Postponement of Prehearing Conference and Hearing

Pursuant to the request of Counsel for Air Congo by letter dated April 27, 1971, the prehearing conference and hearing in this proceeding, presently scheduled for May 10, 1971, are hereby postponed to 10 a.m., e.d.s.t., June 15, 1971, in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., on April 28, 1971.

[SEAL] JAMES S. KEITH,
Hearing Examiner.

[FR Doc.71-6211 Filed 5-3-71;8:49 am]

[Docket No. 22307]

AMERICAN FLYERS AIRLINE CORP., ET AL.

Notice of Postponement of Hearing

American Flyers Airlines Corp., Charter Consultants, Inc., Fred Meyrow, individually, Group Travel Associates, Inc., Howard J. McConnell, individually, enforcement proceeding.

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding, now assigned to be held on May 3, 1971, at 10 a.m., e.d.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner William F. Cusick, is postponed and reassigned for hearing on May 20, 1971, in Room 503, at 10 a.m., e.d.s.t.

Dated at Washington, D.C., April 28, 1971.

[SEAL] WILLIAM F. CUSICK,
Hearing Examiner.

[FR Doc. 71-6212 Filed 5-3-71;8:49 am]

[Docket No. 22967; Order 71-4-181]

EASTERN AIR LINES, INC.

Order Regarding Convenience and Necessity

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 28th day of April 1971.

On December 31, 1970, Eastern Air Lines, Inc. (Eastern), filed an application to delete Bowling Green, Ky., from its certificate of public convenience and necessity for Route 10 and on February 1, 1971, Eastern filed a motion requesting an expedited hearing on its application. Eastern is presently temporarily suspended at Bowling Green subject to a replacement agreement with Wright Air Lines, Inc.[1]

In support of its motion Eastern alleges, inter alia, that the need for certificated service at Bowling Green has become minimal, and the cost of providing such service prohibitive, due to declining traffic resulting primarily from the opening of a new interstate highway which connects Bowling Green with its major communities of interest. Eastern further argues that the history of substitute service at Bowling Green indicates that the community will not support air service even at the commuter air carrier level. Eastern requests that a hearing be held on an expedited basis and that the Board reach its decision before September 28, the date of termination of the Board's authorization of Eastern's suspension of service at Bowling Green.

A memorandum in opposition and a motion to dismiss [2] Eastern's application was filed by the Bowling Green-Warren County Airport Board (Bowling Green) alleging, inter alia, that the community has a need for air transportation and that Eastern's service at Bowling Green has been of poor quality.

Upon consideration of the pleadings and all the relevant facts, we have concluded that Eastern has made a sufficient showing to warrant a hearing on its deletion application.[3] The matters raised by Bowling Green will be fully considered at the hearing. However, we do not believe that Bowling Green has made a sufficient showing to warrant the dismissal of Eastern's application without a hearing.

Accordingly, it is ordered, That:

1. The application of Eastern Air Lines, Inc., in Docket 22967, be and it hereby is set for hearing and decision at a time and place to be hereafter designated;

2. The motion of the Bowling Green-Warren County Airport Board for dismissal of Eastern's application in this proceeding, be and it hereby is denied; and

3. A copy of this order shall be served upon Eastern Air Lines, Inc.; Wright Air Lines, Inc.; Mayor, City of Bowling Green; Governor, State of Kentucky; Airport Manager, Bowling Green-Warren County Airport; Louisville and Jefferson County Air Board; Postmaster General; and Kentucky Public Service Commission.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-6213 Filed 5-3-71;8:50 am]

[Docket No. 22628; Order 71-4-191]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Passenger Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of April 1971.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic

[1] Order 70-9-132, dated Sept. 24, 1970. The temporary suspension granted therein expires on Sept. 28, 1971.

[2] We note that Bowling Green has not filed a petition to intervene in the proceeding. Should Bowling Green wish to participate in the hearing instituted herein, it should file a petition to intervene, pursuant to Rule 15 of the Board's rules of practice.

[3] We have decided against granting Eastern's request that all procedural steps be expedited to permit a Board decision before Sept. 28, 1971. While we intend to proceed with hearing procedures on Eastern's application without any unwarranted delay, the present crowded state of the Board's docket precludes any guarantee that Eastern's application can be reached for hearing and decision prior to Sept. 28. Eastern has been authorized to suspend its services at Bowling Green and the carrier has made no showing which would warrant the expenditure of Board resources and the delay in other pending matters which would be necessary to permit a Board decision in the deletion case by Sept. 28. The Board expects that Eastern will continue to fulfill its obligation to serve Bowling Green while the deletion case is pending, by providing service with its own equipment or by providing service through a Board approved replacement arrangement.

Regulations, among air carriers, foreign air carriers, and other carriers embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA). The agreement, which has been assigned the above-designated CAB agreement number, was adopted at a February 1971 meeting in Geneva following the Honolulu conference of last year.

Insofar as it applies in air transportation, the agreement would establish fares and related provisions for application on certain long-haul Western Hemisphere routes, i.e., between the United States and Argentina/Brazil/Chile/Paraguay/Urguay, from May 1, 1971, through March 31, 1972.[1] In general terms, economy-class fares would be increased by about 3.5 percent, and first-class fares would be adjusted upward so as to establish fares at a level which is approximately 140 percent of economy-class fares (the relationship is currently about 130 percent). With respect to promotional fares, the maximum validity of excursion fares would be reduced from 30 to 28 days and fare levels would be increased slightly; however, lower fare levels would be introduced for excursion travel with a 29/45-day validity and originating in the southbound direction between September 15 and March 31. Group inclusive tour (GIT) fares would be retained at current levels, although these would be restricted so as to be available only to southbound-originating passengers; lower GIT fares would be available from September 16 to November 30 and from January 15 to March 31. The carriers would also introduce all-year fares for incentive/own use/affinity travel by 20 or more northbound-originating passengers and 25 or more southbound-originating passengers. A more detailed comparison of present vs. proposed fares, based on selected markets, as well as principal restrictions on the use of promotional fares, is set forth in the appendix.[1a]

Pan American and Braniff, in support of the agreement, indicate that the revisions to the promotional fare structure represent efforts to develop new traffic during winter months. Pan American estimates that the agreement will provide a revenue increase of 4.1 percent, or about $1 million, and adverts to its submarginal rate-of-return on investment in Latin American operations for an extended period.

The Board has concluded to approve the agreements. To the extent that the carriers have agreed to increase certain fares, these increases are within the range of those approved by the Board for application in other areas of the Western Hemisphere[2] and appear to be justified by the carriers' depressed earnings' situation in their Latin American operations. On the other hand, substantially reduced fares will be offered to GIT and excursion fare passengers in winter periods, and, to the extent that these will be successful in generating new traffic as anticipated by the carriers, could serve to improve overall economic results.

We will require that tariffs implementing the subject agreement be filed on at least 30 days' notice so as to provide the traveling public and travel agents reasonable notice of the fare changes.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find that the following resolutions, which are incorporated in the agreement indicated, are adverse to the public interest or in violation of the Act:

[1] The agreement makes provision for the current fare structure, otherwise scheduled to expire on March 31, 1971, to be applied until the intended effectiveness of the subject agreement.

[1a] Filed as part of the original document.

[2] Order 71-1-54, approving fare revisions between the U.S. and Panama/Columbia/Venezuela, and Orders 71-2-88 and 71-3-122, approving fares on other Western Hemisphere short-haul routes including U.S.-Caribbean/Bermuda.

Agreement CAB	IATA No.	Title	Application
22051:			
R-32	001bII	TC1 Special Effectiveness Resolution (Amending)	1
R-33	002f	TC1 Special Revalidation Resolution	1
R-34	003II	Standard Rescission Resolution	1
R-35	051II	TC1 First Class Fares (Adopting and Amending)	1
R-36	061II	TC1 Economy Class Fares (Adopting and Amending)	1
R-37	070III	TC1 Excursion Fares (Adopting and Amending)	1
R-38	071f	TC1 45 Day Excursion Fares (New)	1
R-39	076aII	TC1 Affinity, Own Use and Incentive Group Fares (Adopting and Amending).	1
R-40	084eII	TC1 Group Inclusive Tour Fares—South America (Adopting and Amending).	1
R-41	084eIII	TC1 Group Inclusive Tour Fares—South America (Amending)	1

Accordingly, it is ordered, That:

1. Agreement CAB 22051, R-32 through R-41, be and hereby is approved; and

2. Insofar as air transportation as defined by the Act is concerned, tariff filings to implement the subject agreement shall be marked to become effective on not less than 30 days' notice from the date of filing.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-6214 Filed 5-3-71;8:50 am]

[Docket No. 22422; Order 71-4-185]

NORFOLK PORT AND INDUSTRIAL AUTHORITY

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 28th day of April 1971.

The Norfolk Port and Industrial Authority (Authority), has filed an application requesting an amendment of the certificates of public convenience and necessity of the following air carrier so as to redesignate Norfolk as a hyphenated point Norfolk-Virginia Beach-Portsmouth-Chesapeake.

Allegheny Airlines, Inc.—Route 97, redesignate the coterminal point Norfolk as the coterminal point Norfolk-Virginia Beach-Portsmouth-Chesapeake.

National Airlines, Inc.—Route 31, redesignate the intermediate point Norfolk as intermediate point Norfolk-Virginia Beach-Portsmouth-Chesapeake.

Piedmont Aviation, Inc.—Route 87, redesignate the terminal and intermediate point Norfolk as the terminal and intermediate point Norfolk-Virginia Beach-Portsmouth-Chesapeake.

United Air Lines, Inc.—Route 14, redesignate the terminal point Norfolk as the terminal point Norfolk-Virginia Beach-Portsmouth-Chesapeake; Route 51, redesignate the coterminal point Norfolk as the coterminal point Norfolk-Virginia Beach-Portsmouth-Chesapeake.

The Authority has also filed a motion requesting the Board to issue an order to show cause why its application, Docket No. 22422, should not be granted.

No answers to the motion have been received.

Upon consideration of the pleadings and all the relevant facts, we have decided to issued an order to show cause proposing to amend the air carrier certificates as requested. We tentatively find and conclude that the public convenience and necessity require the amendment of the certificates of Allegheny for Route 97, of National for Route 31, of Piedmont for Route 87, and of United for Routes 14 and 51, so as to redesignate Norfolk as Norfolk-Virginia Beach-Portsmouth-Chesapeake.

In support of our ultimate findings, we find and conclude as follows: That the cities of Virginia Beach, Portsmouth, and Chesapeake are today served by Norfolk Regional Airport; that all cities are within 20 miles of that airport and closer to it than any other commercial airport; that Virginia Beach is a major resort area where many thousands of passengers visit each year; that Portsmouth and Chesapeake are a growing and important part of an expanding industrial and port complex of the Southside Tidewater Region; that the designation of service to these cities as service to Norfolk resulted in confusion on the part of tourist and general passengers who want to travel by air to Virginia Beach, Portsmouth, and Chesapeake, with consequent loss of traffic to these points; that redesignation requested by the Authority will reflect a large traffic flow

presently generated by Norfolk Regional Airport; and that air carriers will be able to add Virginia Beach, Portsmouth, and Chesapeake to their advertising and promotion and show them as part of their schedules.

Interested persons will be given 20 days following service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to direct their objections, if any, to specific markets and to support such objections with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objection should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If an evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing. General, vague, and unsupported objections will not be entertained.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order amending the certificates of public convenience and necessity of Allegheny Airlines, Inc., for Route 97; of National Airlines, Inc., for Route 31; of Piedmont Aviation, Inc., for Route 87; and of United Air Lines, Inc., for Routes 14 and 51, as follows:

Allegheny Airlines, Inc., Route 97, redesignate the coterminal point Norfolk as the coterminal point Norfolk-Virginia Beach-Portsmouth-Chesapeake.

National Airlines, Inc., Route 31, redesignate the intermediate point Norfolk as the intermediate point Norfolk-Virginia Beach-Portsmouth-Chesapeake.

Piedmont Aviation, Inc., Route 87, redesignate the terminal and intermediate point Norfolk as the terminal and intermediate point Norfolk-Virginia Beach-Portsmouth-Chesapeake.

United Air Lines, Inc.:

Route 14, redesignate the terminal point Norfolk as the terminal point Norfolk-Virginia Beach-Portsmouth-Chesapeake.

Route 51, redesignate the coterminal point Norfolk as the coterminal point Norfolk-Virginia Beach-Portsmouth-Chesapeake.

2. Any interested persons having objections to the issuance of an order making final the proposed findings, conclusions, and certificate amendments set forth herein shall, within twenty (20) days after service of a copy of this order, file with the Board and serve upon all persons made parties to this proceeding a statement of objections, together with a summary of the testimony, statistical data, and other evidence expected to be relied on to support the stated objection.[1]

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the case will be submitted to the Board for final action; and

5. A copy of this order shall be served upon Allegheny Airlines, Inc., National Airlines, Inc., Piedmont Aviation, Inc.; United Air Lines, Inc.; and the Norfolk Port and Industrial Authority.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-6215 Filed 5-3-71;8:50 am]

[1] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further such motions, requests, or petitions for reconsideration of this order shall be entertained.

FEDERAL POWER COMMISSION

[RP71-18, etc.]

COLUMBIA GULF TRANSMISSION CO. ET AL.

Order Granting Permission To Change Suspended Rates and Requiring Filing of Undertakings To Assure Refund of Excess Charges Under Tariff Changes Made Effective by Motions

APRIL 23, 1971.

Columbia Gulf Transmission Co., RP71-18, RP71-33; United Fuel Gas Co., RP71-19, RP71-34; Atlantic Seaboard Corp., RP71-20, RP71-37; Kentucky Gas Transmission Corp., RP71-21, RP71-35; The Ohio Fuel Gas Co., RP71-22, RP71-36; Cumberland and Allegheny Gas Co., RP71-23, RP71-39; The Manufacturers Light and Heat Co., RP71-24, RP71-38; and Home Gas Co., RP71-25, RP71-40.

The Commission, by order issued November 13, 1970, provided that hearings be held and that the proposed increased rates and charges filed on October 1, 1970, by each of the above applicants be suspended.[1] The October 1 rate filing of each of the eight applicants includes tariff sheets reflecting overall cost of service increases, proposed to become effective on November 16, 1970. These tariff sheets were suspended until April 16, 1971. The October 1 rate filings of five of the applicants (except Columbia Gulf, Ohio Fuel, and Cumberland) also included a set of tariff sheets reflecting the tracking by United Fuel and its affiliated pipeline customers of the increased rates of Tennessee Gas Pipeline Co. in Docket No. RP71-6.[2] The latter tariff sheets were suspended until March 17, 1971.

Thereafter, on February 12, 1971, the applicants listed below[3] filed applications for special permission, pursuant to § 154.63(b) of the Commission's regulations under the Natural Gas Act, to file substitute tariff sheets to supersede those suspended until March 17, 1971, by the November 13 order. The substitute tariff sheets reflect the increase in each applicant's rates and charges based upon increases in rates of Tennessee Gas Pipeline Co. in Docket No. RP71-6, and other suppliers' rates since October 1, particularly due to increases in rates of independent producers in Southern Louisiana on January 10, 1971.

Similar applications for special permission to file substitute tariff sheets were filed on March 16, 1971, by the companies listed below,[4] to supersede the tariff sheets which were suspended until April 16, 1971, by the November 13 order. These latter substitute tariff sheets reflect the increase in each applicant's rates and charges based upon increases in the rates since October 1 of all pipeline suppliers to the Columbia Cos., particularly due to increases in rates of independent producers in Southern Louisiana on January 10, 1971.[5] Included with the applications for special permission are substitute tariff sheets which are listed in Appendices A and B hereto.

A motion has been filed by each of the applicants, pursuant to section 4(e) of the Natural Gas Act, to make effective the respective tariff sheets and substitute tariff sheets containing the proposed increased rates and charges, as discussed above.[6] These proceedings have not been concluded and no decision has been rendered herein.

The Commission finds:

(1) Consistent with the Commission's purchased gas cost tracking policy and consistent with the Commission's orders issued on October 27, 1970, with respect to gas produced in Southern Louisiana, the applications for special permission to file certain substitute tariff sheets for tariff sheets suspended by order issued November 13, 1970, should be granted.

(2) The motions filed by the applicants on February 12 and March 16 and March 26, 1971, described above, are in accordance with the provisions of section 4(e) of the Natural Gas Act and the respective tariff sheets and substitute tariff sheets shall be effective as of March 17 and April 16, 1971, subject to refund and to the conditions hereinafter set forth.

[1] Each of the applicants in these increased rate proceeding is an affiliate of The Columbia Gas System, Inc.

[2] United Fuel's underlying rates are those effective pursuant to settlement approved by order issued June 30, 1970, in Columbia Gulf Transmission Co. et al., Docket No. RP69-28, et al. 43 FPC 974 (1970).

[3] Applications for special permission were filed on Feb. 12 by: United Fuel, Atlantic Seaboard, Kentucky Gas, and Manufacturers and Home (jointly).

[4] Applications for special permission were filed on Mar. 16, by: United Fuel, Atlantic Seaboard, Kentucky Gas, Manufacturers and Home (jointly), and Ohio Fuel.

[5] In addition to sales among Columbia Cos., they are supplied by: Transcontinental Gas Pipe Line Corp., Tennessee Gas Pipeline Co., Texas Eastern Transmission Corp., Texas Gas Transmission Corp., Panhandle Eastern Pipe Line Co., and Kentucky-West Virginia Gas Co.

[6] Motions to make tariff sheets effective on Mar. 17, 1971, were filed Feb. 12, 1971, by United Fuel, Atlantic Seaboard, Kentucky Gas, and Manufacturers and Home (jointly). Motions to make tariff sheets effective on Apr. 16, 1971, were filed Mar. 16, 1971, by United Fuel, Atlantic Seaboard, Kentucky Gas, Ohio Fuel, and Manufacturers and Home (jointly) and on Mar. 26, 1971, by Columbia Gulf and Cumberland.

The Commission orders:

(A) The applications filed February 12 and March 16, 1971, for special permission to file substitute tariff sheets for tariff sheets suspended by order issued in these proceedings on November 13, 1970, are hereby granted.

(B) Each of the applicants, subject to further orders of the Commission, shall charge and collect the increased rates and charges contained in the tariff sheets and substitute tariff sheets described above for all gas sold and delivered under the rate schedules contained therein as of March 17 and April 16, 1971, respectively.

(C) Each of the applicants shall refund at such time and in such manner as may be required by final order of the Commission, the portion of the increased rates and charges found by the Commission not justified, together with interest at the rate of 5½ percent per annum from the date of payment to each Applicant of the rates and charges effective April 16, 1971, until refunded; shall bear all cost of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges effective as of March 17 and April 16, 1971, for each billing period; and shall report (original and one copy) in writing and under oath, to the Commission monthly for each billing period, by customer, the billing determinants of natural gas sold and the revenues resulting therefrom as computed under the rates in effect immediately prior to March 17, 1971, and under the rates and charges declared by this order to have become effective, together with the differences in revenues so computed.

(D) Within 15 days from the date of this order, each of the above applicants shall execute and file with the Secretary of the Commission its written agreement and undertaking to comply with the terms of paragraph (C) above, signed by a responsible officer of the company, evidenced by proper authority of the board of directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rates schedules involved, as follows:

AGREEMENT AND UNDERTAKING OF TO COMPLY WITH THE TERMS AND CONDITIONS OF THE ORDER ISSUED BY THE FEDERAL POWER COMMISSION ----------, 1971, IN DOCKET NO. RP71–18 et al.

In conformity with the requirements of the order issued ----------, 1971, in Docket No. RP71–18 et al., hereby agrees and undertakes to comply with the terms and conditions of said order and has caused this Agreement and Undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the Resolution of its Board of Directors, a certified copy of which is appended hereto this ____ day of ----------, 1971.

By ----------

Attest:

(E) Unless notified to the contrary by the Commission Secretary within 30 days from the date of filing, such Agreements and undertakings shall be deemed to be satisfactory and to have been accepted for filing.

(F) If the individual applicant, in conformity with the terms and conditions of paragraph (C) of this order, makes the refunds, if any, as required by order of the Commission, its applicable undertaking shall be discharged; otherwise such undertaking shall remain in full force and effect.

By the Commission.

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

APPENDIX A

REVISED FPC GAS TARIFF FILINGS (PROPOSED TO BECOME EFFECTIVE MARCH 17, 1971)[1]

United Fuel Gas Co.

Sixth Revised Volume No. 1:
Substitute Seventh Revised Sheet No. 25–A.
Substitute Eighth Revised Sheets Nos. 5, 6, 7 and 21.
Substitute Ninth Revised Sheet No. 18.

Atlantic Seaboard Corp.

Eighth Revised Volume No. 1:
Substitute Seventh Revised Sheets Nos. 39–A.
Substitute Eighth Revised Sheets Nos. 6, 7 and 32.
Substitute Ninth Revised Sheet No. 5.

Kentucky Gas Transmission Corp.

Second Revised Volume No. 1:
Substitute Third Revised Sheet No. 32.
Substitute Fourth Revised Sheet No. 31.
Substitute Seventh Revised Sheet No. 25–A.
Substitute Eighth Revised Sheets Nos. 6, 7 and 21.
Substitute Ninth Revised Sheets Nos. 5 and 18.

The Manufacturers Light and Heat Co. and Home Gas Co.

Fifth Revised Volume No. 1:
Substitute Second Revised Sheets Nos. 5, 6, 7, 10, 11, 12, 20, 24, 30. 32. 33 and 35.

APPENDIX B

REVISED FPC GAS TARIFF FILINGS (PROPOSED TO BECOME EFFECTIVE APRIL 16, 1971)[2]

Columbia Gulf Transmission Co.

Original Volume No. 1:
Fourth Revised Sheet No. 8.
19th Revised Sheet No. 7.

United Fuel Gas Co.

Sixth Revised Volume No. 1:
Substitute Third Revised Sheets, Nos. 23 and 28.
Substitute Fourth Revised Sheet No. 29.
Substitute Sixth Revised Sheet No. 26.
Substitute Eighth Revised Sheet No. 25–A.
Substitute Ninth Revised Sheets Nos. 5, 6, 7, and 21.
Substitute 10th Revised Sheet No. 18.

Atlantic Seaboard Corp.

Eighth Revised Volume No. 1:
Substitute Third Revised Sheet No. 37.
Substitute Fifth Revised Sheet No. 47.
Substitute Sixth Revised Sheet No. 50.
Substitute Eighth Revised Sheet No. 39–A.
Substitute Ninth Revised Sheets Nos. 6, 7, and 32.
Substitute 10th Revised Sheet No. 5.

Kentucky Gas Transmission Corp.

Second Revised Volume No. 1:
Substitute Third Revised Sheet No. 23.
Substitute Fourth Revised Sheet No. 32.
Substitute Fifth Revised Sheet No. 31.
Substitute Sixth Revised Sheet No. 26.
Substitute Eighth Revised Sheets Nos. 25–A and 29.
Substitute Ninth Revised Sheets Nos. 6, 7, and 21.
Substitute 10th Revised Sheets Nos. 5 and 18.

The Ohio Fuel Gas Co.

Fourth Revised Volume No. 1:
Substitute Second Revised Sheets Nos. 43, 50.
Substitute Fifth Revised Sheet No. 47.
Substitute 12th Revised Sheet No. 10.
Substitute 13th Revised Sheets Nos. 6, 7, 8, 11, 12, 13, 16, 17, 21, 22, 42.
Substitute 14th Revised Sheets Nos. 15, 20, 38, 40 and 45.

Cumberland and Allegheny Gas Co.

Second Revised Volume No. 1:
Original Sheets Nos. 1 through 36.
Cancellation of:
Second Revised Sheet No. 21.
First Revised Sheet No. 22.

The Manufacturers Light and Heat Co. and Home Gas Co.

Original Volume No. 1:
Substitute Third Revised Sheets Nos. 5, 6, 7, 10, 11, 12, 20, 24, 30, 32, 33, 35.

[1] Revised Tariff sheets listed above are those specified in each applicant's motion as filed Feb. 12, 1971.

[2] Revised tariff sheets listed above are those specified by each applicant's motion filed Mar. 16 or Mar. 26, 1971, as applicable.

[FR Doc.71–6095 Filed 5–3–71;8:46 am]

[Docket No. CP71–77]

COLUMBIA GULF TRANSMISSION CO.

Notice of Petition To Amend

APRIL 23, 1971.

Take notice that on April 15, 1971, Columbia Gulf Transmission Co. (petitioner), Post Office Box 683, Houston, TX 77001, filed in Docket No. CP71–77 a petition to amend the Commission's order issuing a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act on January 6, 1971 (45 FPC ——), in said docket, by authorizing the construction and operation of certain natural gas facilities in lieu of facilities heretofore authorized, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The order of January 6, 1971, authorized, inter alia, the construction and operation of a 10.3-mile, 20-inch loop of the Erath Supply Lateral in Louisiana and the addition of single 12,500 horsepower gas turbine-centrifugal compressor units at Station 3 in Tennessee, Station 5 in Mississippi and at Stations 8 and 9 in Louisiana. Petitioner states that upon engineering review, it has determined that sufficient capacity would be provided by an 8.8-mile, 16-inch pipeline loop in lieu of the 10.3 miles of 20-inch loop heretofore authorized. Petitioner also states that as a result of continued development of the engineering design of its compressor facilities, the installation of a 16,000 horsepower compressor unit at Station 3, a 20,000 horsepower unit at Station 8, and 10,500 horsepower skid-mounted units at Stations 5 and 9, will be the most economical way to meet the compression requirements for 1971–72

and will permit future expansion of its pipeline system at a significantly lower cost. Accordingly, petitioner requests that the Commission's order heretofore issued in the subject docket be amended to provide for the construction and operation of the facilities herein proposed in lieu of the facilities previously authorized.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 17, 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. 71-6163 Filed 5-3-71;8:46 am]

[Docket No. CP62-186]

EQUITABLE GAS CO.

Notice of Petition To Amend

APRIL 26, 1971.

Take notice that on April 14, 1971, Equitable Gas Co. (Petitioner), 420 Boulevard of the Allies, Pittsburgh, PA 15219, filed in Docket No. CP62-186 a petition to amend the order of the Commission issuing a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act on June 29, 1962 (27 FPC 1381), in said docket, by authorizing the construction and operation of a new compressor station and related facilities in Mannington District, Marion County, W. Va., all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The order of June 29, 1962, authorized, inter alia, the construction and operation of certain facilities for the development and operation of natural gas storage fields in Wetzel and Marion Counties, W. Va. Petitioner proposes herein to construct and operate a 1,100-hp. compressor station, to be known as the Curtisville compressor station, in Marion County. Petitioner states that the addition of this compressor station will improve the daily deliverability of natural gas from its Logansport storage pool and that the dependable seasonable withdrawal volumes obtainable from said pool will be increased by approximately 500,000 Mcf. The estimated cost of the additional facilities proposed herein is $425,000.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 17, 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. 71-6164 Filed 5-3-71;8:46 am]

[Docket No. CP71-250]

LONE STAR GAS CO.

Notice of Application

APRIL 23, 1971.

Take notice that on April 15, 1971, Lone Star Gas Co. (Applicant), 301 South Harwood Street, Dallas, TX 75201, filed in Docket No. CP71-250 an application pursuant to section 7(b) of the Natural Gas Act, as implemented by § 157.7(e) of the regulations under said Act, a budget-type application for permission and approval to abandon certain natural gas direct sales facilities, no longer required for deliveries to Applicant's customers, during the calendar year 1971, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to augment its ability to act with reasonable dispatch in abandoning service and removing direct sales measuring, regulating and related minor facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 17, 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 permission and approval for the proposed abandonment are 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.71-6165 Filed 5-3-71;8:46 am]

[Docket No. CP71-252]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

APRIL 26, 1971.

Take notice that on April 19, 1971, Transcontinental Gas Pipe Line Corp. (Applicant), Post Office Box 1396, Houston, TX 77001, filed in Docket No. CP71-252 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 transmission facilities, 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 construct and operate approximately 13 miles of 24-inch loop and 28.12 miles of 30-inch loop on its existing Leidy line located in Pennsylvania. Applicant states that these additional facilities are necessary to provide additional pipeline capacity to enable it to furnish a winter storage service for its customers during the 1971-72 winter season. Applicant states that the estimated cost of the facilities proposed herein is $9,800,000 which cost will be financed initially through short-term borrowings and cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 17, 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.71-6168 Filed 5-3-71;8:46 am]

SECURITIES AND EXCHANGE COMMISSION

[811-1441]

FUND OF AMERICA FOR EQUITY INCOME, INC.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

APRIL 28, 1971.

Notice is hereby given that Fund of America for Equity Income, Inc. (Applicant) c/o Galpeer, Altus & Karp, New York, NY 10017, a New York corporation registered as an open-end, diversified investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that the Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations as set forth therein which are summarized below.

Applicant represents that it registered under the Act on November 16, 1966, by filing a Notification of Registration on Form N-8A, and that on November 25, 1966 it filed a Registration Statement on Form N-8B-1.

Applicant further represents that it has issued no securities, has no assets, that no public offering is feasible and that the Applicant does not propose to make a public offering of securities. For this reason the Applicant has requested that its registration be withdrawn.

Section 3(c)(1) of the Act excepts from the definition of investment company any issuer whose outstanding securities are beneficially owned by not more than 100 persons, and which is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than May 20, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted or he may request he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time later than said date as provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division Regulation, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-6165 Filed 5-3-71;8:46 am]

[812-2896]

WADDELL & REED, INC., ET AL.

Notice of Application To Permit Offer of Exchange Exempting Applicants

APRIL 28, 1971.

In the matter of Waddell & Reed, Inc., United Continental Growth Exchange Programs, United Periodic Investment Plans, to acquire shares of United Accumulative Fund; Post Office Box 1343, 20 West Ninth Street, Kansas City, MO 64141, (812-2896).

Notice Is Hereby Given that United Continental Growth Exchange Programs, (Programs) and United Periodic Investment Plans to Acquire Shares of United Accumulative Fund without insurance (Plan), each a unit investment trust registered as such under the Investment Company Act of 1940 (Act) and Waddell & Reed, Inc., a Massachusetts corporation which is the depositor of Programs and Plan, (collectively referred to as Applicants) have filed an application pursuant to section 11(c) of the Act for an order of the Commission permitting an offer of exchange and pursuant to section 6(c) of the Act exempting Applicants from section 22(d) to the extent that that Section would prohibit the transactions described below. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Program has filed a Form S-6 Registration Statement under the Securities Act of 1933 for the sole purpose of allowing shareholders of plan to exchange their plan for a program of the same completion amount. Applicants state that there are planholders who wish to continue their investment plan but want to change the underlying shares. Applicants state that if exchanges are permitted, such a planholder could in substance substitute shares of United Continental Growth Fund, Inc. for shares of shares of United Accumulative Fund without disturbing his investment program. This change would be made without the investor losing the advantages of prior investment, particularly the front-end load that he has paid at least in part. Applicants state that the custodian fees and fees after completion are identical for Plan and Program, and that neither are charged an administrative fee.

All aforementioned exchanges would be accomplished by redeeming the underlying shares of plan at net asset value next determined and reinvesting the proceeds in underlying shares of program at net asset value. The plan certificate would be canceled and a new certificate for the program so acquired would be issued. The charge for such exchange would be a $5 service charge.

Section 11(a) of the Act provides that it shall be unlawful for any registered open-end company or any principal underwriter for such a company to make or cause to be made an offer to the holder of a security of such a company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) provides that, irrespective of the basis of exchange, the provisions of subsection (a) shall be applicable to any type of offer of exchange of the securities of registered unit investment trust for the securities of any other investment company.

Section 22(d) of the Act provides in part that no registered investment company shall sell any redeemable security issued by it to any person except at a current public offering price described in the prospectus. An exemption from section 22(d) is required because the above described exchanges would take place at relative net asset value rather than at the current public offering price described in the prospectus.

Applicants state that shareholder of United Accumulative Fund (the underlying shares of the plans) have the right of exchanging these shares at relative net asset values for shares of United Continental Growth Fund, Inc. By permitting the exchange, the plantholders would have the same right as if they had purchased the underlying shares directly.

Applicants state that plan certificates are sold on a front-end load basis; that is, an amount equal to 39 percent of the payments is deducted from the first 16 payments (five payments are required to initiate the Plan). Applicants represent that the primary purpose of the front-end sales charge of 39 percent imposed upon the initial payments is to provide adequate compensation to sales representatives who solicit purchases of the plans, and that since no comparable sales efforts are incurred in an exchange from a plan certificate to a program certificate, it would be inappropriate and inequitable to impose additional front-end load charges or any other sales charge on the transaction.

Section 6(c) permits the Commission, upon application, to exempt such a transaction if it finds that such an exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants represent that the granting of the requested exemption is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, no later than May 20, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. Anytime after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advise as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-6169 Filed 5-3-71;8:46 am]

[812-2920]

NEW ENGLAND MUTUAL LIFE INSURANCE CO. ET AL.

Notice of Application for Exemption From Certain Provisions

APRIL 27, 1971.

Notice is hereby given that New England Mutual Life Insurance Co. (Insurance Company), New England Life Variable Annuity Fund 1 (Fund) and NEL Equity Services Corp. (Nelesco), 501 Boylston Street, Boston, MA 02117 (hereinafter collectively called Applicants) have filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (Act) for an order exempting Applicants from section 22(d) of the Act to the extent specified therein. The Insurance Company is a Massachusetts mutual life insurance company. The Fund, an open-end diversified management company registered under the Act, was established by the Insurance Company in connection with the offering to the public of individual variable annuity contracts issued in connection with plans meeting the requirements of the Internal Revenue Code for tax-benefited treatment. Nelesco, a wholly-owned subsidiary of the Insurance Company, is the principal underwriter for the Fund.

All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Section 22(d) provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus.

Applicants state that in connection with the sale of variable annuity contracts of the single purchase payment type, deductions from the single purchase payment are made as follows: 6 percent of the first $5,000, 3.75 percent of the next $95,000 and 1.75 percent of any balance, for sales expenses, and 2 percent of the first $5,000 and .25 percent of any balance, for administrative expenses.

Applicants request an exemption from section 22(d) of the Act to the extent necessary to permit the reduction of the charge for sales expenses when a single purchase payment variable annuity contract is purchased by application of amounts payable under fixed-dollar individual insurance and annuity contracts of every kind issued by the Insurance Company. In such situations Applicants propose to make the usual deduction for administrative expenses but to reduce the sales charge to 1.5 percent of the first $100,000 with no sales charge on any balance.

Applicants assert that since the premiums paid on its fixed-dollar individual insurance and annuity contracts will have already been subjected to sales charges, the proposed exemption does not involve unfair discrimination and is in fact necessary to minimize inequitable duplication of sales charges, which would be detrimental to this class of purchasers. Applicants further assert that since a secondary market in variable annuity contracts is not possible, the proposed exemption presents no danger of disrupting the orderly pattern of mutual fund distribution which section 22(d) seeks to preserve. Accordingly, Applicants assert that the requested exemption is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any persons or transactions from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than May 18, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the address stated above. Proof of such service by affidavit (or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who receive a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in the matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-6187 Filed 5-3-71;8:47 am]

[812-2919]

NEW ENGLAND MUTUAL LIFE INSURANCE CO. ET AL.

Notice of Application for Exemption From Certain Provisions

APRIL 27, 1971.

Notice is hereby given that New England Mutual Life Insurance Co. (Insurance Company), New England Life Variable Annuity Fund 11 (Fund), and NEL Equity Services Corp. (Nelesco) (hereinafter collectively called Applicants), 501 Boylston Street, Boston, MA 02117, have filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (Act) for an order exempting Applicants from section 22(d) of the Act to the extent specified therein. The Insurance Company is a Massachusetts mutual life insurance company. The Fund, an open end diversified management company registered under the Act, was established by the Insurance Company in connection with the offering of individual variable annuity contracts to persons not entitled to tax benefits under the Internal Revenue Code. Nelesco, a wholly owned subsidiary of the Insurance Company is the principal underwriter for the Fund.

All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Section 22(d) provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus.

Applicants state that in connection with the sale of variable annuity contracts of the single purchase payment type, deductions from the single purchase payment are made as follows: 6 percent of the first $5,000, 3.75 percent of the next $95,000 and 1.75 percent of any balance, for sales expenses, and 2 percent of the first $5,000 and 0.25 percent of any balance, for administrative expenses.

Applicants request an exemption from section 22(d) of the Act to the extent necessary to permit the reduction of the charge for sales expenses when a single purchase payment variable annuity contract is purchased by application of amounts payable under fixed-dollar individual insurance and annuity contracts of every kind issued by the Insurance Company. In such situations Applicants propose to make the usual deduction for administrative expenses but to reduce the sales charge to 1.5 percent of the first $100,000 with no sales cnarge on any balance.

Applicants assert that since the premiums paid on its fixed-dollar individual insurance and annuity contracts will have already been subjected to sales charges, the proposed exemption does not involve unfair discrimination and is in fact necessary to minimize inequitable duplication of charges, which would be detrimental to this class of purchasers. Applicants further assert that since a secondary market in variable annuity contracts is not possible, the proposed exemption presents no danger of disrupting the orderly pattern of distribution which section 22(d) seeks to preserve. Accordingly, Applicants assert that the requested exemption is necessary and appropriate in the public interest and consistent with the protection of investors and the puroses fairly intended by the policy and provisions of the Act.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any persons or transactions from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than May 18, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service by affidavit (or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in the matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-6188 Filed 5-3-71;8:47 am]

SMALL BUSINESS ADMINISTRATION

BOSTON CAPITAL SMALL BUSINESS INVESTMENT CORP.

Approval of Transfer of Control of a Licensed Small Business Investment Company

Pursuant to the provisions of section 107.701 of the Small Business Administration's (SBA) Regulations (13 C.F.R. Part 107, 33 F.R. 326), a notice of a proposed transfer of control of Boston Capital Small Business Investment Corp., License No. 01/01-0011, 535 Boylston Street, Boston, MA 02116, was published in the FEDERAL REGISTER on April 7, 1971 (36 F.R. 6668).

Interested persons were given until April 17, 1971, to submit to SBA their comments on the proposed transfer of control. No comments were received.

Upon consideration of the application and other relevant information, SBA hereby approves the proposed transfer of control of Boston Capital Small Business Investment Corp.

Dated: April 22, 1971.

A. H. SINGER,
Associate Administrator for Investment.

[FR Doc.71-6167 Filed 5-3-71;8:46 am]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 29, 1971.

Protests to the granting of an application must be prepared in accordance with § 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. 52184—*Grain, grain products and related articles from and to North Hope, Ark.* Filed by Southwestern Freight Bureau, agent (No. B-225), for interested rail carriers. Rates on grain, grain products, and related articles, also seeds, in carloads, as described in the application, from and to North Hope, Ark., to and from points in various States, also Natchez, Vicksburg, Miss., and Memphis, Tenn., and from North Hope, Ark., to Gulf Ports, Pensacola, Fla., to Corpus Christi, Tex.

Grounds for relief—Market competition.

Tariff—Supplement 53 to Southwestern Freight Bureau, agent, tariff ICC

4901 and six other schedules listed in the application.

FSA No. 42185—*Barley or oats from specified points in Montana.* Filed by North Pacific Coast Freight Bureau agent (No. 71–2), for interested rail carriers. Rates on barley or oats, feed grade, in carloads, as described in the application, from specified points in Montana, to points in central Washington and Oregon.

Grounds for relief—Maintenance of depressed rates published to meet private truck competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 70 to North Pacific Coast Freight Bureau, agent, tariff ICC 1117.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–6211 Filed 5–3–71;8:50 am]

[Notice 686]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 29, 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–72630. By order of April 27, 1971, the Motor Carrier Board approved the transfer to Ferdinand Arrigoni, Inc., Bronx, N.Y., of the operating rights in Certificates Nos. MC–946, MC–946 (Sub-No. 2), and MC–946 (Sub-No. 3), issued May 27, 1949, May 26, 1970, and February 26, 1971, respectively, to Parochial Bus System, Inc., Bronx, N.Y., authorizing the transportation of passengers and their baggage, restricted to traffic originating at the point indicated, in charter operations, from New York, N.Y., to points in New Jersey, Connecticut, and Pennsylvania; and passengers, in special operations, beginning and ending in the Bronx, N.Y., and extending to the Green Mountain Race Track, Pownell, Vt., and between Bronx, N.Y., on the one hand, and, on the other, the Liberty Bell Park Race Track, Philadelphia, Pa., subject to restrictions. Samuel B. Zinder, Station Plaza East, Great Neck, NY 11021, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–6217 Filed 5–3–71;8:50 am]

[Notice 289]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 29, 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 50307 (Sub-No. 57 TA), filed April 22, 1971. Applicant: INTERSTATE DRESS CARRIERS, INC., 247 West 35th Street, New York, NY 10001. Applicant's representative: Arthur Liberstein, 30 Church Street, New York, NY 10007. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials, supplies and equipment* used in the manufacture thereof, between points in the New York, N.Y., commercial zone, on the one hand, and, on the other, Cumberland, Md., for 150 days. Supporting shipper: Cumberland Blouse Co., 210 South Centre Street, Cumberland, MD. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 59150 (Sub-No. 60 TA), filed April 26, 1971. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Box 47, Station G, Jacksonville, FL 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood fiberboard, wood fiberboard faced or finished with decorative and/or protective material, and accessories and supplies* used in the installation thereof (except commodities in bulk), from the plantsite of Evans Products Co. at Moncure, N.C., to points in Alabama, Florida, Georgia, South Carolina, and Tennessee, for 180 days. Supporting shipper: Evans Products Co., 2200 East Devon Avenue, Des Plaines, IL 60018. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 72495 (Sub-No. 8 TA), filed April 22, 1971. Applicant: DON SWART TRUCKING, INC., Route 2, Box 49, Wellsburg, WV 26070. Applicant's representative: D. L. Bennett, 129 Edgington Lane, Wheeling, WV 26003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rock dust*, in bulk, in pneumatic tank trailers, from Benwood, W. Va., to points in Ohio on and east of U.S. Highway 23; points in Pennsylvania on and west of U.S. Highway 219, for 180 days. Supporting shipper: Benwood Limestone Co., Inc., Benwood, W. Va. Send protests to: Joseph A. Niggemyer, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 416 Old Post Office Building, Wheeling, WV 26003.

No. MC 93641 (Sub-No. 4 TA), filed April 22, 1971. Applicant: DUNCAN TRANSFER, INC., 402 North Columbus Street, Alexandria, VA 22314. Applicant's representative: Harold G. Hernly, Jr., The Circle Building, 2030 North Adams Street, Arlington, VA 22201. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Used household goods and unaccompanied baggage*, between Alexandria, VA, and Dover, Del., restricted to traffic having a prior or subsequent movement by air or water in containers beyond the points authorized, and to the performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating and decontainerization, for 180 days. NOTE: Applicant states it does intend to tack with the authority in MC–93641 (Sub-No. 1) at Alexandria, Va., for the purpose of providing service from homeowners door to Dover, Del., and vice versa. Supporting shipper: Columbia Export Packers, Inc., 19032 South Vermont Avenue, Torrance, CA 90502. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, DC 20423.

No. MC 105463 (Sub-No. 6 TA), filed April 22, 1971. Applicant: C. E. HORNBACK, INC., 400 West Ninth Street, Tama, IA 52339. Applicants' representative: William L. Fairbank, 900 Hubbel Building, Des Moines, IA 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite of Tama, Corp. near Tama, Iowa, to points in Illinois, Indiana, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, for 180 days. Supporting shipper: Tama Corp. Tama, Iowa 52339. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Fourth and Perry Streets, Davenport, IA 52801.

No. MC 109435 (Sub-No. 65 TA), filed April 22, 1971. Applicant: ELLSWORTH BROS. TRUCK LINE, INC., 1200 Simons Building, Dallas, TX 75201. Applicant's representative: William D. White, Jr., 2505 Republic National Bank Tower, Dallas, TX 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, in bulk, from the plantsite of Gulf Oil Chemicals Co. at Military, Kans., to points in Arkansas, Iowa, Missouri, Nebraska, Oklahoma, and that portion of Texas on and east of Interstate Highway 35 and U.S. Highway 281, for 180 days. NOTE: Carrier does not intend to tack authority. Supporting shipper: Gulf Oil Chemicals Co., a division of Gulf Oil Corp., Dwight Building, Kansas City, MO 64105. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 112016 (Sub-No. 7 TA), filed April 22, 1971. Applicant: BENMAR TRANSPORT & LEASING CORP., 405 Third Avenue, Brooklyn, NY 11215. Applicant's representative: William D. Traub, 10 East 40th Street, New York, NY 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail women's, men's, and children's ready-to-wear apparel stores, and *supplies and equipment* used in the conduct of such business, between New York, N.Y., and Secaucus, N.J., on the one hand, and, on the other, points in Illinois, Wisconsin, Kentucky, Tennessee, Alabama, Oklahoma, North Carolina, and South Carolina, for 150 days. Supporting shipper: Jubilee Shops, Inc., 303 West 10th Street, New York, NY 10014. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 119765 (Sub-No. 23 TA), filed April 22, 1971. Applicant: HENRY G. NELSEN, INC., 1548 Locust Street, Avoca, IA 51521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and dairy products* (except commodities in bulk, in tank vehicles), from the plant site and storage facilities of Kraftco. Corp., located at Champaign, Ill., and Chicago, Ill., to points in South Dakota, for 180 days. Supporting shipper: Kraft Foods, 505 North Sacramento Boulevard, Chicago, IL 60612. Send protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 705 Federal Office Building, Omaha, NE 68102.

No. MC 119863 (Sub-No. 9 TA), filed April 21, 1971. Applicant: LAMONI REFRIGERATED EXPRESS, INC., Post Office Box 144, Davis City, IA 50065. Applicant's representative: Kenneth F. Dudley, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite of E. W. Kneip, Inc., at Omaha, Nebr., to Chicago, Ill., for 180 days. Supporting shipper: E. W. Kneip, Inc., Post Office Box 173, Omaha, NE 68101. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, IA 50309.

No. MC 125521 (Sub-No. 14 TA), filed April 26, 1971. Applicant: FUNK MOTOR TRANSPORTATION, INC., Box 75, Bridge Street, Grand Rapids, OH 43522. Applicant's representative: Arthur R. Cline, 420 Security Building, Toledo, Ohio 43604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, (a) from Milwaukee, Wis., to Sidney, Ohio; and (b) from Latrobe, Pa., to Sidney, Ohio, and (2) *empty containers or such incidental facilities* used in transporting the above commodities, from Sidney, Ohio, to Milwaukee, Wis., and Latrobe, Pa., for 150 days. Supporting shipper: Ace Wholesale Beverage Sales, Inc., an Ohio corporation, 105 West Russell Road, Sidney, Ohio 43565. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5234 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

No. MC 126472 (Sub-No. 18 TA), filed April 22, 1971. Applicant: WILLCOXSON TRANSPORT, INC., Post Office Box 16, Bloomfield, IA. Applicant's representative: Kenneth F. Dudley, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, (1) from East St. Louis, Ill., to points in Missouri; (2) from Clinton, Iowa, to points in Illinois and Minnesota; (3) from Sioux City, Iowa, to points in Minnesota, Nebraska, North Dakota, and South Dakota; (4) from Blair, Nebr., to points in Iowa, Minnesota, North Dakota, and South Dakota; (5) from Hoag, Nebr., to points in Iowa, Kansas, and Missouri, and (6) from La Platte, Nebr., to points in Iowa and Missouri, for 180 days. Supporting shipper: Chevron Chemical Co., Post Office Box 282, Fort Madison, IA 52627. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, IA 50309.

No. MC 126473 (Sub-No. 15 TA), filed April 26, 1971. Applicant: HAROLD DICKEY TRANSPORT, INC., Packwood, Iowa 52580. Applicant's representative: Kenneth F. Dudley, Post Office Box 279, 611 Church Street, Ottumwa, IA 52501. Authority sought to operates at a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite of Tama Corp., at or near Tama, Iowa, to points in Illinois, Indiana, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, for 180 days. Supporting shipper: Tama Corp., Tama, Iowa 52339. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Fourth and Perry Streets, Davenport, IA 52801.

No. MC 128882 (Sub-No. 6 TA), filed April 26, 1971. Applicant: R. W. STEELE, doing business as STEELE TRUCKING CO., 320 Heaslett Street, Clovis, NM 88101. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, TX 75201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Irrigation systems and parts thereof*, from points in Logan County, Colo., to points in Kansas, Oklahoma, Texas, and New Mexico, for the account of Water Equipment Engineering Co., Inc., for 150 days. Supporting shipper: Water Equipment Engineering Co., Inc., Post Office Box 586, Sterling, CO 80751. Send protests to: William R. Murdoch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10515 Federal Building, U.S. Courthouse, Albuquerque, NM 87101.

No. MC 129510 (Sub-No. 2 TA), filed April 22, 1971. Applicant: C. W. ENGLUND CO., 740 Old State Road, Salinas, CA 93901. Applicant's representative: John Paul Fischer, 140 Montgomery Street, San Francisco, CA 94104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Candy bars* requiring temperature protection from heat and cold, from Buffalo, N.Y., to points in New Mexico, Arizona, Idaho, Nevada, California, Washington, Oregon, Texas, and Utah, for 180 days. Supporting shipper: William Neilson Limited, 277 Gladstone Avenue, Toronto 3, Canada. Send protests to: Claud W. Reeves, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, CA 94102.

No. MC 133035 (Sub-No. 14 TA), filed April 26, 1971. Applicant: DILTS TRUCKING, INC., Route 1, Crescent, IA 51526. Applicant's representative: Marshall D. Becker, 530 Univac Building, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, from Blair, Nebr., to points in Iowa, for 150 days. Supporting shipper: Farmland Industries, Inc., 3315 North Oak Trafficway, Kansas City, MO. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, NE 68102.

No. MC 133961 (Sub-No. 2 TA), filed April 26, 1971. Applicant: DONALD L. SIMONS, doing business as SIMONS TRUCKING CO., River Road Route 3, Box 379, Grand Rapids, MN 55744. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Min-

neapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waferboard or chipboard*, from Grand Rapids, Minn., to points in Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Missouri, Montana, Nebraska, Ohio, North Dakota, South Dakota, Wisconsin, and Wyoming, for 150 days. Supporting shipper: Blandin Wood Products Co., Grand Rapids, Minn. Send protests to: District Supervisor, A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 134353 (Sub-No. 1 TA), filed April 26, 1972. Applicant: PFEIFER TRANSFER CO., 206 North Warpole Street, Upper Sandusky, OH 43351. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated structural steel and iron*, from Bellefontaine, Ohio, to points in that part of Michigan south of U.S. Highway 21 under continuing contract with Carter Steel Co. at Bellefontaine, Ohio, for 150 days. Supporting shipper: Carter Steel and Fabricating Co., Carlisle Avenue, Bellefontaine, OH 43311. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5234 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

No. MC 135185 (Sub-No. 2 TA) (Correction), filed April 14, 1971, published FEDERAL REGISTER issue of April 23, 1971, and corrected and republished as corrected, this issue. Applicant: COLUMBINE CARRIERS, INC., 2700 23d Avenue, Council Bluffs, IA 51501. Applicant's representative: David R. Parker, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses*, as defined in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates* 61 MCC 209 and 766, from the plantsites and storage facilities of Spencer Foods, Inc., located at Spencer, Iowa; Schuyler, Nebr., and Sioux Falls, S. Dak., and Hartley, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia and District of Columbia, Restriction: All Shipments are restricted to traffic originating at named origin points and destined to points in the named states, for 180 days. Supporting shipper: Spencer Fods, Inc., Post Office Box 1228, Spencer, IA 51301. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, CO 80202. NOTE: The purpose of this republication is to add the origin points being sought to include Schuyler, Nebr., Sioux Falls, S. Dak., and Hartley, Iowa, which was inadvertently omitted in previous publication.

No. MC 135379 (Sub-No. 3 TA), filed April 26, 1971. Applicant: EASTERN TRANSPORT, INC., 320 Stiles Street, Linden, NJ 07036. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, chain grocery and food houses (except comodities in bulk) and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business (except commodities in bulk) for the account of Food Fair Stores, Inc., between Pennsville, N.J., Bound Brook, N.J., Philadelphia, Pa., on the one hand, and, on the other, points in Kings Queens, Richmond, New York, Bronx, Albany, Delaware, Dutchess, Columbia, Fulton, Greene, Monroe, Montgomery, Nassau, Onondaga, Orange, Putnam, Rensselaer, Rockland, Sullivan, Westchester, Warren, Washington, and Ulster Counties, N.Y., and Hillsborough and Rockingham Counties, N.H., and those in Connecticut, Massachusetts, Rhode Island, and New Jersey, for 150 days. Supporting shipper: Food Fair Stores, Inc., Food Fair Building, 3175 John F. Kennedy Boulevard, Philadelphia, PA 19101. Send protests to: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 135452 (Sub-No. 1 TA), filed April 26, 1971. Applicant: JOHN R. SHEARON AND FRED D. SHEARON, a partnership, doing business as SHEARON TRUCKING, Post Office Box 387, Ashland City, TN 37015. Applicant's representative: A. O. Buck, 500 Court Square, Nashville, TN 37201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Scrap steel*, from Ashland City, Tenn., to Gadsden, Ala., and (2) *coil steel and steel sheets*, from Gadsden, Ala., to Ashland City, Tenn., for 150 days. Supporting shipper: State Stove & Manufacturing Co., Inc., Ashland City, Tenn. 37015. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803–1808 West End Building, Nashville, TN 37203.

No. MC 135502 (Sub-No. 1 TA), filed April 22, 1971. Applicant: BROWN TRUCKING CO., INC., Route 2, Box 4B, Marshall, TX 75670. Applicant's representative: Tim Timmins, First National Bank Building, Dallas, TX 75202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sawdust, wood chips and dry wood shavings*, from Marshall, Tex., to Lillie and Springhill, La., for 180 days. Supporting shipper: Snider Bros. Lumber Co., Post Office Box 668, Marshall, TX 75670. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, Room 13C12, 1100 Commerce Street, Dallas, TX 75202.

No. MC 135506 (Sub-No. 1 TA), filed April 26, 1971. Applicant: OREGON TRAIL CARTAGE, INC., Post Office Box 553, Scottsbluff, NE 69361. Applicant's representative: Truman Stockton, The 1650 Grant Street Building, Denver, CO 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts*, as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766, from Grand Island, Scottsbluff, and Gering, Nebr., and Denver, Colo., to points in Larimer, Boulder, Adams, Jefferson, Arapahoe, Douglas, El Paso, Weld, and Pueblo Counties, Colo., and Cheyenne and Laramie, Wyo., for 180 days. Supporting shipper: Swift Fresh Meats Co., Division of Swift and Company, 115 West Jackson Boulevard, Chicago, IL 60604. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building & Courthouse, Lincoln, NE 68508.

No. MC 135533 TA, filed April 26, 1971. Applicant: TRANSPORTES INTERNACIONALES DE BAJA CALIFORNIA, S. A., KM 8 Carretera San Luis, Apartado Postal 120, Mexicali, Baja Calif, Mexico. Applicant's representative: David P. Christianson, 825 City National Bank Building, 606 South Oliver Street, Los Angeles, CA 90014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Kerosene, jet fuel, solvent, aviation gasoline, turbine fuel, and lubricants*, from points in Los Angeles County, Calif., to points of entry at the California-Mexico international boundary at or near Calexico and San Ysidro, Calif., for 180 days. Supporting shipper: Petroleos Mexicanos, Ave. Marina Nacional No. 329, Mexico 17, D.F. Send protests to: District Supervisor Philip Yallowitz, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 135534 TA, filed April 26, 1971. Applicant: ISLAND MOVERS, INC., 739 Ahua Street, Post Office Box 9321, Honolulu, HI 96819. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Hawaii, restricted to traffic originating at or destined to points in Hawaii, for 180 days. Supporting shippers: Acme Fast Freight, Inc., 156 William Street, New York, NY 10038, Burnham World Forwarders, Inc., 1632 Second Avenue, Columbus, GA 31901, Garrett Forwarding Co., Post Office Box 4048 Pocatella, ID 83201, Interstate World Forwarders, Inc., 134 Grandville Avenue SW., Grand Rapids, MI 49502. Send protests to: Dis-

trict Supervisor William E. Murphy, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, CA 94102.

By the Commission.

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

[FR Doc. 71-6218 Filed 5-3-71;8:50 am]

INTERSTATE COMMERCE COMMISSION

[Drought Order No. 66]

TRANSPORTATION OF HAY TO DESIGNATED DISASTER AREA AT REDUCED RATES

In the Matter of Relief under section 22 of the Interstate Commerce Act.

Present: Dale W. Hardin, vice chairman, to whom the above entitled matter has been assigned for action thereon.

It appearing, that by reasons of drought conditions existing in certain portions of the States of Texas and Oklahoma, hereinafter referred to as the disaster area, the Acting Secretary of the United States Department of Agriculture and the Acting Director of the Office of Emergency Preparedness have requested the Commission to enter an order under section 22 of the Interstate Commerce Act authorizing railroads subject to the Commission's jurisdiction to transport hay to the disaster area at reduced rates:

It is ordered, that carriers by railroad participating in the transportation of hay to the counties of:

Aransas	Kerr
Atascosa	Kimble
Bandera	Kinney
Bee	Lampasas
Bexar	LaSalle
Blanco	Live Oak
Brooks	McCulloch
Burnet	McMullen
Caldwell	Mason
Cameron	Maverick
Comanche	Medina
DeWitt	Menard
Dimmit	Mitchell
Duval	Nueces
Frio	San Saba
Gillespie	San Patricio
Goliad	Schleicher
Gonzales	Starr
Guadalupe	Tom Green
Hays	Uvalde
Hidalgo	Val Verde
Jim Hogg	Willacy
Jim Wells	Wilson
Karnes	Zapata
Kendall	Zavala

all located in the State of Texas; and

Beckham	Jackson
Comanche	Kiowa
Cotton	Roger Mills
Greer	Tillman
Harmon	

located in the State of Oklahoma, referred to herein as the disaster area, be, and they are hereby, authorized under section 22 of the Interstate Commerce Act to establish and maintain until June 30, 1971, reduced rates for such transportation, the rates to be published and filed in the manner prescribed in section 6 of the Interstate Commerce Act except that they may be effective 1 day after publication and filing instead of 30.

It is further ordered, That the class of persons entitled to such reduced rates is hereby defined as persons designated as being in distress and in need of relief by the U.S. Department of Agriculture or by such State agents or agencies as may in turn be designated by the U.S. Department of Agriculture to assist in relieving the distress caused by the drought.

It is further ordered, that during the period in which any reduced rates authorized by this order are effective the carriers may, notwithstanding the provisions of section 4 of the Interstate Commerce Act, maintain higher rates to directly intermediate points and maintain through rates in excess of the aggregate of intermediate rates over the same routes if one or more of the factors of such aggregate of intermediate rates is a reduced rate established under the authority of this order.

It is further ordered, that any tariffs or tariff provisions published under the authority of this order shall explicitly so state, making reference to this order by number and date.

And it is further ordered, that, subject to the conditions in the succeeding paragraphs hereof, the use of reduced rates established by authority of this order may be conditioned upon the release by the shipper of the value of the commodity, which release value, in its relation to the invoice value of the property at time of shipment, shall be in the same percentage relation which the reduced rates bear to the rates which otherwise would apply.

And it is further ordered, that tariffs containing released rates filed under authority of this order shall show in connection with such rates the following notation:

The released value must be entered on shipping order and bill of lading in the following form:

The agreed or declared value of the property is hereby specifically stated by the shipper to be not in excess of (show percent) of the invoice value of the property herein described.

If the shipper fails or declines to execute the above statement, shipments will not be accepted for transportation at the rates subject hereto. Rates published elsewhere in other tariffs lawfully filed with the Interstate Commerce Commission will apply in such a case. Rates herein published on released value have been authorized by the Interstate Commerce Commission in Drought Order No. 66 of April 22, 1971.

And it is further ordered, that notice to the affected railroads and the general public shall be given by depositing a copy of this order in the Office of the Secretary of the Commission and by filing a copy with the Director, Office of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association-Eastern Railroads, New York, N.Y.; the Chairman of the Southern Freight Association, Atlanta, Ga.; the Chairman of the Executive Committee, Western Railroads Traffic Association, Chicago, Ill.; the Vice President and Director, Bureau of Railway Economics, Association of American Railroads, Washington, D.C.; and to the President of the American Short Line Railroad Association, Washington, D.C.

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

By the Commission.

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

[FR Doc.71-6221 Filed 5-3-71;8:50 am]

[No. 28300]

CLASS RATE INVESTIGATION, 1939

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 13th day of April 1971.

Upon further consideration of the record in the above-entitled proceeding; the petition for leave to file, filed September 3, 1970, and the accompanying petition thereto presented by J. H. McMahon, chairman, Southwestern Freight Bureau, on behalf of some 400 rail common carrier participants in specified tariffs [1] for modification of the order entered herein on May 15, 1945, and as subsequently modified, reported at 262 I.C.C. 447; and

It appearing, that the modification sought proposes removal of the imposition of maximum prescribed levels for less-than-carload (LCL) rates on shipments of less than 10,000 pounds within so-called docket No. 28300 territory and elimination of the necessity of obtaining authority to publish increased rates prior to filing revised tariff schedules subject to protest followed by possible investigation and suspension; and good cause appearing:

It is ordered, That the petition for leave to file be, and it is hereby, granted, and the petition for modification be, and it is hereby, accepted for filing.

It further appearing, that petitioners aver that the maximum levels of LCL rates prescribed under docket No. 28300, as augmented by authorized increases, are no longer compensatory because they do not bear their fair share of transportation costs and have caused carriers to curtail LCL service; that the present procedural necessity of obtaining approval and relief to publish and file sched-

[1] Tariffs of Western Trunk Line 1000-A and 1001-A, ICC Nos. A-4680 and A-4743; Illinois Freight Association 1002-D and 1003-D, ICC Nos. 1189 and 1190; Southwestern Freight Bureau 1004-A, 1005-A, 1006-A, and 1007-A, ICC Nos. 4646, 4687, 4629, and 4673; Traffic Executive Association, Trunk Line Territory Tariff Bureau 1008, ICC No. A-946 and Trunk Line-Central Territory Railroad Tariff Bureau 1009-A, ICC No. C-391; Central Territory Railroad Tariff Bureau 1010, ICC No. 4488; and Southern Freight Tariff Bureau 1011-A, ICC No. S-100.

ules of LCL rate increases in excess of those prescribed in this proceeding, as amended, is unduly burdensome and expensive; that there has been a continued decline in LCL tonnage to the point of possible further limitation of service; that the situation has permitted motor carriers to capture a major portion of the traffic contrary to the original purpose of establishing rate ceilings on LCL shipments; that the present rate prescription is no longer in furtherance of protecting the public interest; and that the present maximum LCL rate ceiling is detrimental to the public interest and a burden on interstate commerce;

And it further appearing, that public notice of the filing of the said petition was published in the FEDERAL REGISTER; that a reply thereto was filed jointly by American Home Products Corp., Drug and Toilet Preparation Traffic Conference, and The National Small Shipments Traffic Conference, Inc., initially opposing the grating of the said petition for modification, but said reply subsequently was withdrawn and, in lieu thereof, a pleading was filed on February 9, 1971, supporting the granting of the said petition for the reason that the effect of said petition is procedural to enable petitioners the opportunity to establish and offer competitive LCL rates and services; and that no other replies thereto have been received; and

Wherefore, and good cause appearing therefor:

We find, that there is little, if any, through rail LCL service presently available to the shipping public in the considered territory, except for the account of a few individual rail carriers over their respective lines; that the small shipment problem may be somewhat alleviated by encouragement of restoration and expansion of adequate and efficient rail LCL service throughout said docket No. 28300 territory encompassing almost two-thirds of eastern continental United States; that the purposes and objectives relevant in 1945 for imposition of prescribed maximum LCL class rate levels in this proceeding no longer prevail because of changed economic conditions; and that furtherance of the national transportation policy warrants the promotion of adequate and efficient rail LCL service within the said territory by vacation of the maximum LCL class rate levels heretofore prescribed in this proceeding, as amended, insofar as the prescribed rate bases apply on shipments weighing less than 10,000 pounds as published, and in force, in schedules of tariffs described in footnote 1 hereof so as to permit the rail carrier petitioners herein latitude and managerial discretion toward initiation, consideration, and publication of revised increased LCL class rate schedules thereto for the reestablishment and performance of adequate and efficient LCL service within the considered territory in conformity with the national transportation policy, which schedules can be given adequate consideration by the Commission in the event of protest, followed by possible investigation and suspension; and good cause appearing therefor:

It is ordered, That the petition considered herein be, and is hereby, granted to the extent outstanding orders in this or any other proceeding prescribe and impose maximum levels of LCL class rates on shipments weighing less than 10,000 pounds as published in tariff schedules identified in footnote 1 hereof, which orders be, and they are hereby, vacated and set aside solely for the purpose of authorizing the participating carrier petitioners herein to initiate, consider, adopt, publish, and file revised schedules of LCL rates on said shipments weighing less than 10,000 pounds for full restoration and performance of adequate and efficient LCL service within the application and scope of the aforesaid tariffs; *Provided*, That any and all proposed revised LCL rate schedules, including rules and regulations governing application thereof, are processed in conformity with the respective ratemaking agreement procedures of petitioners approved by the Commission under section 5a of the Interstate Commerce Act.

It is further ordered, That any and all other further relief contemplated or prayed for herein be, and it is hereby denied.

And it is further ordered, That if the authorization granted in this order is not exercised within 1 year from the date of service, it shall be of no further force and effect.

By the Commission.

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

[FR Doc.71-6222 Filed 5-3-71;8:50 am]

[No. 35120]

MISSISSIPPI INTRASTATE RAIL FREIGHT RATES AND CHARGES, 1969

At a session of the Interstate Commerce Commission, Division 2, acting as an Appellate Division, held at its office in Washington, D.C., on the 13th day of April 1971.

Upon consideration of the record in the above-entitled proceeding, including a petition filed February 8, 1971, by protestants, International Paper Co. and St. Regis Paper Co., for reconsideration of the order of the Commission, Review Board No. 4, dated December 30, 1970, reopening the proceeding for the submission of additional evidence under modified procedure on the essential question of whether the conditions incident to the intrastate transportation of property in Mississippi are the same as, or are more or less favorable than those incident to the transportation of freight in interstate commerce within, or to or from that State; the reply of the respondent rail carriers operating in the State of Mississippi filed February 19, 1971; and the motion to strike the reply filed February 22, 1971, by the petitioning protestants and joined by other protestants and the Mississippi Public Service Commission;

It appearing, that the respondent carriers' reply to the protestants' petition for reconsideration reflects the carriers' views of the record and the law in the light of the petition;

And it further appearing, that the above-entitled proceeding was properly submitted to Review Board No. 4 which is authorized to perform all of the functions which may be exercised by Division 2; that the proceeding involves rates for the future and is not limited to litigation between parties of record; that rule 2 of the Commission's general rules of practice (49 CFR 1100.2) provides that the rules are to be liberally construed to secure just, speedy, and an inexpensive determination of the issues; that the Board decided that the evidence of record was inadequate to make a proper determination on an essential issue in the proceeding; and that the Board's decision to reopen the proceeding for further hearing to develop the evidence on that issue was a proper exercise of its discretion;

Wherefore, and good cause appearing:

It is ordered, That the motion to strike and the petition for reconsideration be, and they are hereby, denied;

And it is further ordered, That the last ordering paragraph of the order entered in this proceeding on December 30, 1970, which was modified by the order entered herein on February 25, 1971, to postpone the filing dates until the further order of the Commission, be, and it is hereby reinstated and modified as follows: (a) Opening statements of facts and arguments (in addition to those previously filed) by respondents and supporting parties on or before 20 days from the service date of this order; (b) 30 days after that date, statement of facts and argument by protestants and parties supporting protestants; and (c) reply by respondents and parties supporting respondents 10 days thereafter; with service, as provided in the prior order, upon all parties of record and any additional person who make known their desire to actively participate in the proceeding.

By the Commission, Division 2, acting as an Appellate Division.

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

[FR Doc.71-6223 Filed 5-3-71;8:50 am]

[No. 35342]

NEBRASKA INTRASTATE FREIGHT RATES AND CHARGES, 1970

Present: Laurence K. Walrath, Commissioner, to whom the matter which is the subject of this order has been referred for action thereon.

It appearing, that by order dated March 16, 1971, the Commission, among other things, directed that this proceeding be handled under special procedure, directed that the parties file their testimony by certain dates stated in the order, and assigned a date for the hearing;

It further appearing, that protestant Great Western Sugar Co., by letter dated March 23, 1971, requests a 60-day extension in the special procedure dates which request is supported by the Nebraska State Railway Commission;

And it further appearing, that upon

consideration of the record and the requests for changes in the procedural dates, and for good cause shown, the procedural dates and the hearing date should be modified and changed; and for good cause appearing:

It is ordered, That the Commission's order dated March 16, 1971, setting forth the procedural dates and the date for hearing be, and it is hereby, modified as follows:

(1) The date for respondents and those in support to file their verified statements and studies is changed from April 22 to May 21, 1971.

(2) The date for protestants to file their statements is changed from May 24 to June 22, 1971.

(3) The date for additional persons to indicate their intent to actively participate is changed from April 12 to May 10, 1971.

(4) The date for notifying parties as to the witnesses for which cross-examination is requested is changed from June 1 to June 29, 1971.

(5) The hearing now scheduled to commence on June 9, 1971, in Lincoln, Nebr., now will be held on July 7, 1971, 9:30 a.m. d.s.t. (or 9:30 a.m. U.S. standard time, if that time is observed), at the Nebraska State Railway Commission Hearing Room, Third Floor, 1342 M Street, Lincoln, Nebr., for the purpose of hearing cross-examination of witnesses so requested; to afford opportunity to present evidence in opposition to the cross-examination; and such other pertinent evidence which the examiner deems necessary to complete the record.

And it is further ordered, That in all other respects, the Commission's order dated March 16, 1971, shall remain in full force and effect.

And it is further ordered, That a copy of this order be served upon the respondents and protestants; that the State of Nebraska be notified by sending a copy of this order by certified mail to the Governor of Nebraska, Lincoln, Nebr., and that further notice of this proceeding be given to the public by depositing a copy of this order in the Office of the Secretary of this Commission at Washington, D.C.

Dated at Washington, D.C., this 12th day of April 1971.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-6224 Filed 5-3-71;8:51 am]

[No. 35350]

NORTH CAROLINA INTRASTATE RAIL FREIGHT RATES AND CHARGES, 1970

In the matter of the assignment for hearing and directing special procedure.

Present: Laurence K. Walrath, Commissioner, to whom the matter which is the subject of this order has been referred for action thereon.

It appearing, that by order dated January 29, 1971, the Commission, Division 2, instituted an investigation pursuant to sections 13 and 15 of the Interstate Commerce Act into the matters and things presented in the petition filed November 20, 1970, by the common carriers by railroad operating within the State of North Carolina, to determine, among other things, whether the rates and charges of the carriers by railroad, operating in the State of North Carolina, imposed by authority of the State of North Carolina, cause or will cause, by reason of the failure of such rates and charges to include increases corresponding to those permitted by this Commission on the same commodities for interstate transportation in Ex Parte No. 265, Increased Freight Rates, 1970, and Ex Parte No. 267, Increased Freight Rates, 1971, any undue or unreasonable advantage, preference or prejudice, as between persons or locations in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, or any undue or unreasonable or unjust discrimination against, or undue burden on interstate or foreign commerce;

And it further appearing, that upon consideration of the record in the above-entitled proceeding, this matter is one which should be referred to a hearing examiner for hearing and requires the adoption of special procedure for the purpose of expediting the hearing; and for good cause shown:

It is ordered, That the above-entitled proceeding be, and it is hereby, referred to a hearing examiner for hearing and for recommendation of an appropriate order thereon, accompanied by the reasons therefor.

It is further ordered, That on or before May 19, 1971, the respondents and any persons in support thereof shall file with the Commission three copies of the verified statements of their witnesses, in writing, together with any studies to be offered at the hearing, with a statement where the underlying work papers to such studies will be available for inspection by parties to the proceeding and at the same time, serve a copy of such prepared material upon all parties listed in Appendix A set forth below and any additional persons who make known their desire to actively participate in the proceeding on or before May 11, 1971.

It is further ordered, That on or before June 18, 1971, protestants shall file with the Commission, three copies of reply verified statements of their witnesses, in writing, upon all persons listed in Appendix A below and any additional persons who make known their desire to actively participate on or before May 11, 1971. Set forth below Appendix A is a list of all known persons who have indicated their desire to actively participate in the proceeding. Any additional persons who desire to actively participate and receive copies of the prepared material to be served shall notify the Commission, in writing, on or before May 11, 1971, as well as all persons listed in Appendix A below. Otherwise, any interested person desiring to participate in this proceeding may make his appearance at the hearing.

It is further ordered, That parties desiring to cross-examine witnesses who have submitted verified statements shall give notice to that effect, in writing, to the affiant and his counsel, if any, on or before June 28, 1971, a copy of such notice to be filed simultaneously with the Commission, together with a request for any underlying data that the witnesses will be expected to have available for immediate reference at the hearing. All verified statements and attachments as to which no cross-examination is requested will be considered as part of the record. Any witness who has been requested to appear for cross-examination but fails to do so, subjects his verified statement to a motion to strike.

It is further ordered, That a hearing will be held commencing on July 12, 1971, 9:30 a.m. d.s.t. (or 9:30 a.m. U.S. standard time, if that time is observed), in Room 209, Federal Building, 310 New Bern Avenue, Raleigh, NC, for the purpose of hearing cross-examination of witnesses so requested; to afford opportunity to present evidence in opposition to the cross-examination; and such other pertinent evidence which the examiner deems necessary to complete the record.

And it is further ordered, That a copy of this order be served upon the respondents and protestants; that the State of North Carolina be notified of the proceeding by sending a copy of this order by certified mail to the Governor of North Carolina, Raleigh, N.C., and a copy to the North Carolina Utilities Commission, Raleigh, N.C.; and that further notice of this proceeding be given to the public by depositing a copy of this order in the Office of the Secretary of this Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, Washington, D.C., for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 9th day of April 1971.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

APPENDIX A

Edward B. Hipp, North Carolina Utilities Commission, Post Office Box 991, Raleigh, N.C. 27602.

Maurice W. Horne, Assistant Commission Attorney, North Carolina Utilities Commission, Post Office Box 991, Raleigh, NC 27602.

James L. Howe, III, Southern Railway System, Post Office Box 1808, Washington, DC 20013.

P. J. Hunter, Jr., Norfolk and Western Railway Co., 8 North Jefferson Street, Roanoke, VA 24011.

George Katsafouros, Weyerhaeuser Co., 100 South Wacker Drive, Chicago, IL 60606.

T. Grant Killian, North Carolina Utilities Commission, Post Office Box 991, Raleigh, NC 27602.

W. H. Kreckman, Director-Traffic & Purchasing, Albemarle Paper Co., Roanoke Rapids, NC 27870.

Albert B. Russ, Jr., Seaboard Coast Line Railroad, Post Office Box 1620, Richmond, VA 23213.

John M. Simms, Norfolk Southern Railway Co., Post Office Box 2210, Raleigh, NC 27602.

John F. Smith, Louisville & Nashville R.R. Co., 908 West Broadway, Louisville, KY 40201.

[FR Doc.71-6225 Filed 5-3-71;8:51 am]

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