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Title 3—The President

PROCLAMATION 4050

National Employ The Older Worker Week, 1971

By the President of the United States of America

A Proclamation

The skills, the wisdom and the strength of older Americans constitute a great resource for our country. Unfortunately, it is a resource which has not been adequately used. Too many of our older citizens are denied opportunities for employment simply because of their age. Yet each year thousands of older workers demonstrate in convincing fashion that age is not a bar to efficient and productive labor.

Often, in fact, just the opposite is the case. For the older worker brings to his job a range and depth of experience which makes his efforts especially valuable.

The more I learn about older men and women, the more convinced I become of this central fact: what those who have reached retirement age desire most of all in life is the chance to continue their service to society. They want to be useful members of the community—independent and self-reliant citizens who are regarded as full participants in our national life.

I believe very strongly that these men and women, who have already given so much to our country, deserve every chance to fulfill this desire. They will benefit enormously from such opportunities, and our society will benefit even more.

The Congress, by joint resolution approved December 28, 1970, has authorized and requested the President to issue a proclamation designating the first full calendar week in May of 1971, as "National Employ the Older Worker Week."

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim the period May 2 through May 8, 1971, as National Employ the Older Worker Week.

I urge every employer and employee organization, other organizations officially concerned with employment, and all the people of the United States to observe this week with appropriate ceremonies, activities, and

programs designed to increase employment opportunities for older workers and to bring about the elimination of discrimination in employment because of age.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of May, 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.71-6562 Filed 5-6-71;4:53 pm]

PROCLAMATION 4051

Mother's Day, 1971

By The President of the United States of America

A Proclamation

Throughout this Nation's history, American mothers have played a very special role—helping to pioneer the land, enriching our community life, and bringing deeper meaning to the lives of their husbands and children.

In recent years we have come to appreciate more than ever before the influential contribution mothers can make in the extended community beyond the home. But even as new horizons are opened for many mothers, each mother's responsibility to her children still defines her central role.

In our society, we want to see each person fulfill his unique potential. It is fitting therefore that we recognize and honor the part that mothers play in the development of their children—even as we welcome new opportunities for mothers to contribute to the Nation's life.

The Congress, by a joint resolution of May 8, 1914, has set aside the second Sunday of May of each year as a day on which we honor all mothers for their countless contributions to their own families, to their communities, and to the Nation.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby request that Sunday, May 9, 1971, be observed throughout the land as Mother's Day. I direct Government officials to display the flag of the United States on all Government buildings, and I urge all citizens to display the flag at their homes and other suitable places on that day as a public expression of love and respect for the mothers of our country.

IN WITNESS WHEREOF, I have hereunto set my hand this 7th day of May, 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.71-6576 Filed 5-7-71;11:06 am]

EXECUTIVE ORDER 11592

Delegating Certain Authority of the President to the Director of the Office of Management and Budget

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, the Director of the Office of Management and Budget is hereby designated and empowered to exercise, without the approval, ratification, or other action of the President, the function of granting the approvals authorized or required to be granted by the President by any of the provisions of the River and Harbor Act of 1970 and the Flood Control Act of 1970, Public Law 91–611, approved December 31, 1970.

Richard Nixon

THE WHITE HOUSE,
May 6, 1971.

[FR Doc.71–6575 Filed 5–7–71;11:06 am]

Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—U.S. Standards for Grades of Canned Spinach [1]

Subpart—U.S. Standards for Grades of Canned Leafy Greens [1]

MISCELLANEOUS AMENDMENTS

The following U.S. Standards for Grades are hereby amended pursuant to the authority contained in the Agricultural Marketing Act of 1946 (sec. 205, 60 Stat. 1090, as amended, 7 U.S.C. 1624): Canned Spinach (7 CFR 52.1901–52.1915) and Canned Leafy Greens (7 CFR 52.6081–52.6094).

Statement of consideration leading to the amended standards. Tables III and IV for the classification of defects in each of the affected standards, as printed in the FEDERAL REGISTER, are subject to possible misinterpretation. The amendments present these tables in a slightly revised format in that the references and allowances for seed heads are changed from Table IV to Table III.

The sole purpose for the revised presentation is to prevent any possible error of interpretation or meaning of these grade standards.

Slight additions of applicable text are made in order to coincide with the modifications of the tables, as amended. The modifications are designed to provide clarity of meaning and ease of application. No substantive changes of these grade standards are intended or effected.

A correction of a minor error in the U.S. Standards for Canned Leafy Green is made. This correction does not alter the meaning of the standards.

It is hereby found that it is impracticable and contrary to public interest to give preliminary notice, engage in public rule making procedure, and good cause exists for not postponing the effective date beyond the date of publication hereof in the FEDERAL REGISTER (5 U.S.C. 553), in that:

(1) These amendments are for the purpose of clarity of meaning and no substantive change of interpretation is intended;

(2) The levels of quality with which the canning industry is familiar are not affected and no changes in industry procedure are required to comply with these standards;

(3) It is in the interest of the public and the industry that these amendments be made effective at the earliest possible date.

The amendments are as follows:

In Subpart—U.S. standards for grades of canned spinach, § 52.1909 (b), (c), Table III, and Table IV are revised to read:

§ 52.1909 Classification of defects.

* * * * *

(b) *Extraneous plant material.* Extraneous plant material includes root crowns, root stubs, and seed heads of the spinach plant and harmless grass and weeds of various kinds and texture.

(c) *Other extraneous material.* Other harmless extraneous material includes grit, sand, silt, or other earthy material.

* * * * *

TABLE III—WHOLE LEAF; CUT LEAF; CHOPPED STYLES

Quality factors	Defects	Minor	Major	Severe
Color	Color appearance is—			
	Adversely affected to a degree that is noticeable	X		
	Adversely affected to a degree that is objectionable		X	
Character	Appearance or eating quality, due to a mushy texture, disintegration, ragged cutting, or shredded leaves and shredded stems or portions thereof, as applicable for the style, is—			
	Adversely, but not seriously, affected		X	
	Seriously affected			X
Extraneous plant material.	Root crown:			
	Any significant portion of the solid area of the plant between the root and attached leaves		X	
	Root stub:			
	Any portion of the root whether or not leaves are attached			X
	Seed head—Whole Leaf; Cut Leaf Styles:			
	Longer than one (1) inch or objectionable regardless of length		X	
	Seed head—Chopped Style:			
	Pieces affecting appearance or eating quality—			
	More than slightly but not materially	X		
	Materially		X	
	Seriously			X
Other extraneous material.	Grit, sand, silt, or other earthly material:			
	A trace that no more than slightly affects appearance or eating quality		X	
	Presence materially affects appearnce or eating quality			X

TABLE IV

Quality factors	Defects	Minor	Major	Severe
	WHOLE LEAF; CUT LEAF STYLES			
	Grass and Weeds (Aggregate Measurement)			
Extraneous plant material.	(1) Green, fine, tender, stringlike blades and stems:			
	3 inches or less	X		
	More than 3 inches but not more than 8 inches		X	
	More than 8 inches			X
	(2) Green and coarse:			
	½ inch or less	X		
	More than ½ inch but not more than 2 inches		X	
	More than 2 inches			X
	(3) Other than green—of any texture or kind:			
	½ inch or less		X	
	More than ½ inch			X
	CHOPPED STYLE			
	Grass and Weeds (Aggregate Measurement)			
	(1) Green, fine, tender, stringlike blades and stems:			
	¾ inch or less	X		
	More than ¾ inch but not more than 2 inches		X	
	More than 2 inches			X
	(2) Green and coarse:			
	¾ inch or less		X	
	More than ¾ inch			X
	(3) Other than green—of any texture or kind:			
	Any amount			X

* * * * *

In Subpart—U.S. standards for grades of canned leafy greens, § 52.6088 is revised to read:

§ 52.6088 Factors of quality.

The grade of a lot of canned leafy greens is based on requirements for product characteristics with respect to the following quality factors:

(a) Flavor and odor.
(b) Color.
(c) Character.
(d) Damage.
(e) Harmless extraneous material.

* * * * *

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act or with applicable State laws and regulations.

Section 52.6090 (b), (c), Table III, and Table IV are revised to read:

§ 52.6090 Classification of defects.

* * * * *

(b) *Extraneous plant material.* Extraneous plant material includes root crowns, root stubs, and seed heads of the applicable leafy green plant and harmless grass and weeds of various kinds and texture.

(c) *Other extraneous material.* Other harmless extraneous material includes grit, sand, silt, or other earthy material.

* * * * *

TABLE III—WHOLE LEAF; CUT LEAF; CHOPPED STYLES

Quality factors	Defects	Minor	Major	Severe
Color	Color appearance is—			
	Adversely affected to a degree that is noticeable		X	
	Adversely affected to a degree that is objectionable			X
Character	Appearance or eating quality, due to a mushy texture, disintegration, ragged cutting, or shredded leaves and shredded stems or portions thereof, as applicable for the style, is—			
	Adversely, but not seriously, affected		X	
	Seriously affected			X
Extraneous plant material.	Root crown:			
	Any significant portion of the solid area of the plant between the root and attached leaves		X	
	Root stub:			
	Any portion of the root whether or not leaves are attached			X
	Seed head—Whole Leaf; Cut Leaf Styles:			
	Longer than one (1) inch or objectionable regardless of length		X	
	Seed head—Chopped Style:			
	Pieces affecting appearance or eating quality—			
	More than slightly but not materially	X		
	Materially		X	
	Seriously			X
Other extraneous material.	Grit, sand, silt, or other earthy material:			
	A trace that no more than slightly affects appearance or eating quality		X	
	Presence materially affects appearance or eating quality			X

TABLE IV

Quality factors	Defects	Minor	Major	Severe
	WHOLE LEAF; CUT LEAF STYLES			
	Grass and Weeds (Aggregate Measurement)			
Extraneous plant material.	(1) Green, fine, tender, stringlike blades, and stems:			
	3 inches or less	X		
	More than 3 inches but not more than 8 inches		X	
	More than 8 inches			X
	(2) Green and coarse:			
	½ inch or less	X		
	More than ½ inch but not more than 2 inches		X	
	More than 2 inches			X
	(3) Other than green—of any texture or kind:			
	½ inch or less	X		
	More than ½ inch			X
	CHOPPED STYLE			
	Grass and Weeds (Aggregate Measurement)			
	(1) Green, fine, tender, stringlike blades, and stems:			
	¾ inch or less	X		
	More than ¾ inch but not more than 2 inches		X	
	More than 2 inches			X
	(2) Green and coarse:			
	¾ inch or less	X		
	More than ¾ inch			X
	(3) Other than green—of any texture or kind:			
	Any amount			X

The amendments to the U.S. Standards for Grades of Canned Spinach which have been in effect since March 30, 1970; and U.S. Standards for Grades of Canned Leafy Greens which have been in effect since May 13, 1968 set forth herein, shall become effective upon publication in the FEDERAL REGISTER (5–8–71).

(Sec. 205, 60 Stat. 1090, as amended 7 U.S.C. 1624)

Dated: May 4, 1971.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[FR Doc.71–6398 Filed 5–7–71;8:50 am]

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

[Lemon Reg. 479]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.779 Lemon Regulation 479.

(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 section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 4, 1971.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period May 9, 1971, through May 15, 1971, are hereby fixed as follows:

(i) District 1: 1,000 Cartons;

(ii) District 2: 249,000 Cartons;

(iii) District 3: Unlimited.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

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

Dated: May 6, 1971.

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

[FR Doc.71-6520 Filed 5-7-71;8:51 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1971—Crop Rice Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1971-Crop Rice Loan and Purchase Program

The General Regulations Governing Price Support for the 1970 and Subsequent Crops published in the FEDERAL REGISTER at 35 F.R. 7363 and 7781 and any amendments thereto and the 1970 and Subsequent Crops Rice Loan and Purchase Program regulations published in the FEDERAL REGISTER at 35 F.R. 8443 and 8873 and any amendments to such regulations are further supplemented for the 1971 crop of rice as follows:

Sec.
1421.325 Purpose.
1421.326 Availability.
1421.327 Maturity of loans.
1421.328 Support rates.

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. 101, 401, 62 Stat. 1051, as amended, 1054, sec. 302, 72 Stat. 988; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

§ 1421.325 Purpose.

This subpart contains additional program provisions which, together with the applicable provisions of the regulations specified in § 1421.300 of the 1970 and Subsequent Crop Rice Loan and Purchase Program regulations and any amendments thereto, apply to loans and purchases for the 1971-crop rice.

§ 1421.326 Availability.

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

(b) *Purchases.* Producers desiring to offer eligible rice not under loan for purchase must execute and deliver to the county office prior to April 30, 1972, a Purchase Agreement (Form CCC–614) indicating the approximate quantity of rice they will sell to CCC.

§ 1421.327 Maturity of loans.

Unless demand is made earlier, loans on rice will mature on April 30, 1972.

§ 1421.328 Support rates.

The loan rate for rice placed under a loan other than a loan on rice stored commingled in an approved warehouse shall be the applicable basic support rate specified in paragraph (a) of this section adjusted as provided in paragraphs (c) and (d) of this section. The support rate for loans on rice stored commingled in an approved warehouse and for settlement of all loans and purchases shall be the applicable basic support rate specified in paragraph (a) of this section, adjusted in accordance with the provisions of this section and §§ 1421.310 and 1421.23.

(a) *Basic rates.* The basic support rate per 100 pounds of rice shall be computed as follows: Multiply the yield (in pounds per hundredweight) of head rice by the applicable value factor for head rice (as shown in the table below according to class) and round the result to the nearest hundredth. Similarly, multiply the difference between the total yield and the head rice yield (in pounds per hundredweight) by the applicable value factor for broken rice and round the result to the nearest hundredth. Add the results (as rounded) of these two computations to obtain the basic loan or purchase rate per 100 pounds of rice and express such rate in dollars and cents.

VALUE FACTORS FOR HEAD AND BROKEN RICE [1]

Rough rice class	Head rice	Broken rice
	Cents per pound	
Long grains	8.39	4.21
Medium grains	7.59	4.21
Short grains	7.54	4.21

[1] These value factors may be changed. Such changes, if any, will be made by an amendment to this section issued shortly after Aug. 1, 1971.

(b) *Premium.* The basic support rate determined under paragraph (a) of this section shall be adjusted by the following premium:

	Cents per 100 pounds
Grade U.S. No. 1	10

(c) *Discounts*—(1) *Grade.* The basic support rate determined under paragraph (a) of this section shall be adjusted for grades below U.S. No. 2 by the following discounts:

	Cents per 100 pounds
Grade U.S. No. 3	15
Grade U.S. No. 4	30
Grade U.S. No. 5	50

(2) *Smut damage.* The support rate for rice evidencing smut damage shall be further adjusted by the following discounts:

	Cents per 100 pounds
Percent smut damage:	
Trace	0
0.1–1.0	5
1.1–2.0	10
2.1–3.0	15
3.1 and over	25

(d) *Location differentials.* For rice produced in the areas specified below discounts for location (to adjust for transportation costs of moving the rice to an area where competitive milling facilities are available) shall be applied to the basic support rate determined under paragraph (a) of this section and shall be in addition to any adjustment under paragraph (b) or (c) of this section: *Provided, however,* That if such rice is transported and stored in a rice producing area where no location differential is applicable, no discount for location shall be applied.

DIFFERENTIAL TABLE

Area:	*Discount per 100 pounds*
Imperial County, Calif., and adjacent counties in Arizona and California	$1.26
State of Florida	1.26
States of North Carolina and South Carolina	1.19
Counties of Marion, Pike, and St. Charles, Mo.	0.82
Counties of Lafayette, Little River, and Miller, Ark.; Bowie, Tex.; McCurtain, Okla.; and Bosier Parish, La	0.12

Effective date: Upon publication in the FEDERAL REGISTER (5–8–71).

Signed at Washington, D.C., on April 12, 1971.

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

[FR Doc.71-6490 Filed 5-7-71;8:51 am]

[CCC Grain Price Support Reseal Loan Regs., 1971–72 and Subsequent Storage Periods (1971–72 Supp.)]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—Farm Storage Reseal Loan Program (1971–72 Storage Period Supplement)

The regulations issued by CCC and published at 36 F.R. 7417, as amended, are hereby supplemented for the 1971–72 storage period by adding §§ 1421.550–1421.556 (containing provisions applicable to specific storage periods) to read as follows:

Sec.
1421.550 Reseal loan programs authorized.
1421.551 Area of availability.
1421.552 Storage payment rates.
1421.553 Additional storage and quality requirements.
1421.554 Authorized storage period.
1421.555 Warehouse receipt requirements.
1421.556 Settlement.

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. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

§ 1421.550 Reseal loan programs authorized.

A reseal loan program for the 1971–72 storage period is authorized for the following crops of specific commodities held in farm storage:

1968, 1969, and 1970 crop barley.
1969 and 1970 crop corn.
1969 and 1970 crop grain sorghum.
1968, 1969, and 1970 crop oats.
1968, 1969, and 1970 crop wheat.

§ 1421.551 Area of availability.

Area and scope. The reseal loan program for the specified crops of the designated commodities will be available to

producers in the areas in which price support was made available with respect to the designated crops of the commodities if the State ASC Committees, after considering the generally prevailing weather, the general condition of the crop, and other factors affecting safe storage throughout the area, determine that the commodity can be safely stored on farms therein for the 1971–72 storage period and that such reseal loans will, therefore, be advantageous to producers and CCC, except that, in any area designated by the State ASC Committee as an angoumois moth area, a producer may obtain a reseal loan with respect to eligible corn only if the State ASC Committee determines that (a) the producer's corn is shelled and (b) the producer has satisfactory storage facilities and equipment to care properly for the corn while under reseal. Producers having commodities under loan will be timely notified of the ASC Committee's determination.

§ 1421.552 Storage payment rates.

(a) *1971–72 storage period.* Storage payment rates for the 1971–72 period will be computed as provided in § 1421.537 using the following rates:

Crop	Unit	Rate per month	Rate per year
1970 barley, corn, and wheat (bushel)	100	$1.217	$14.60
1970 grain sorghum (hundredweight)	100	2.1725	26.07
1970 oats (bushel)	100	.9429	11.315
1969 and 1968 barley and wheat and 1969 corn (bushel)	100	1.004	12.045
1969 grain sorghum (hundredweight)	100	1.797	21.56
1968 and 1969 oats (bushel)	100	.73	8.76

(b) *1970–71 storage period.* Storage payment rates for adjustments under § 1421.3488 for the 1970–71 period are:

Crop	Unit	Rate per year
1969 corn, wheat, and barley (bushel)	100	$13.14
1969 grain sorghum (hundredweight)	100	23.52
1969 oats (bushel)	100	9.855
1968 wheat and barley bushel)	100	$12.045
1968 oats bushel)	100	8.76

(c) *1969–70 storage period.* Storage rates for adjustments under § 1421.3488 for the 1969–70 storage period are:

Crop	Unit	Rate per year
1968 wheat and barley (bushel)	100	$13.14
1968 oats (bushel)	100	9.855

§ 1421.553 Additional storage and quality requirements.

The commodity must be merchantable, must not contain substances poisonous to man or animal and must meet the requirements of § 1421.535.

§ 1421.554 Authorized storage period.

The 1971–72 reseal storage period shall begin on the date following the 1971 maturity date for the loan on a 1970 crop commodity, and on the date following the 1971 anniversary date of the original loan maturity date on 1969 and prior crops, and shall end on the anniversary of such dates during the 1972 calendar year.

§ 1421.555 Warehouse receipt requirements.

The following sections of the price support regulations pertaining to warehouse receipt requirements on deliveries of commodities to CCC shall apply.

1970 crop corn, § 1421.94 (35 F.R. 13969).
1969 crop corn, § 1421.2367 (31 F.R. 10464).
1970 crop grain sorghum, § 1421.214 (35 F.R. 10745).
1969 crop grain sorghum, § 1421.2567 (31 F.R. 8000).
1970 crop barley, § 1421.54 (35 F.R. 11166 and 11902).
1969 and 1968 crop barley, § 1421.2267 (31 F.R. 7964).
1970 crop oats, § 1421.250 (35 F.R. 8340).
1969 and 1968 crop oats, § 1421.2656 (31 F.R. 4581).
1970 crop wheat § 1421.464 (35 F.R. 8204 and 9106).
1969 and 1968 crop wheat, § 1421.2105 (33 F.R. 7069).

§ 1421.556 Settlement.

(a) *Support rate.* (1) Settlement for commodities delivered to CCC in satisfaction of a reseal loan shall be on the basis of the support rates, premiums and discounts in effect for the program year in which the original loan was made. The following sections, as amended, of the commodity regulations shall apply:

(i) *For corn.* 1969 crop, § 1421.2381 (34 F.R. 16423 and 17385). 1970 crop, § 1421.116 (35 F.R. 14121 and 14540).

(ii) *For wheat.* 1968 and 1969 crop, § 1421.2119 (33 F.R. 8329 and 14284 and 34 F.R. 8397, 9701, and 12081). 1970 crop, § 1421.489 (35 F.R. 8867, 10097, and 11691 and 36 F.R. 2399).

(iii) *For grain sorghum.* 1969 crop § 1421.2579 (34 F.R. 12081 and 13078). 1970 crop, § 1421.239 (35 F.R. 10747, 11382, and 12393).

(iv) *For barley.* 1968 crop, § 1421.2288 (33 F.R. 8650 and 19163). 1969 crop, § 1421.2279 (34 F.R. 9540 and 9796). 1970 crop, § 1421.76 (35 F.R. 11168 and 12194 and 36 F.R. 42).

(v) *For oats.* 1968 crop, § 1421.2675 (33 F.R. 6527). 1969 crop, § 1421.2665 (34 F.R. 7698). 1970 crop, § 1421.274 (35 F.R. 8539 and 9823 and 36 F.R. 2399).

(2) When a commodity delivered is of a grade and quality for which no discount has been established in the applicable commodity regulations, but CCC determines that discounts are being applied with respect to commodities of such grade and quality in current market sales, CCC shall establish discounts for such grades and qualities based on such market discounts. Such discounts will be established not later than the time delivery of the commodity to CCC begins and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain such factors and discounts at county ASCS offices.

(b) *Shelling requirement for corn.* Corn delivered to CCC in satisfaction of a reseal loan must be shelled and the cost of shelling shall be for the account of the producer.

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 3, 1971.

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

[FR Doc.71-6459 Filed 5-7-71;8:48 am]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. PR-118; Amdt. 4]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Procedure for Processing Contracts for Transportation of Mail by Air

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of May 1971.

In a notice of proposed rule making,[1] the Board proposed to amend Part 302, its Rules of Practice in Economic Proceedings (14 CFR Part 302), by adding a new Subpart O which would provide procedures for the processing of certain contracts[2] between the Postal Service and certificated air carriers pursuant to recently enacted legislation.[3] The proposed rule would require any air carrier which is a party to such a contract to file copies of the contract, together with certain economic data and other information, with the Board not later than 90 days prior to the effective date of the contract; additionally, the proposed rule would require that copies of the contract be served upon certain certificated and commuter air carriers. Provision would be made for the filing and service of complaints by interested persons within 10 days of the filing of the contract, and for the filing and service of answers within 10 days of the filing of the complaint. The proposed rule would permit the Board, in cases where no complaint is filed, to issue an order directing the parties to the contract to show cause why the contract should not be disapproved.

[1] PDR-32, Feb. 25, 1971, Docket 23138 (36 F.R. 3928, Mar. 2, 1971).

[2] The contracts must be for the transportation of at least 750 pounds of mail per flight; moreover, no more than 10 percent of the domestic mail or 5 percent, based on weight, of the international mail, may consist of letter mail.

[3] Public Law 91-375, approved Aug. 12, 1970 (39 U.S.C. 5402(a), 84 Stat. 772). Any contract to which the section applies is required to be filed with the Board not later than 90 days before its effective date. Unless the Board disapproves the contract, under the standards of section 102 of the Federal Aviation Act of 1958, not later than 10 days prior to the effective date of the contract, the contract automatically becomes effective.

The Board's final order disposing of a complaint or a show cause order would be required to be issued not later than 10 days prior to the effective date of the contract.

Comments pursuant to the notice were filed by American Airlines, Inc. (American), Pan American World Airways, Inc. (Pan American), Southern Airways, Inc. (Southern), Trans World Airlines, Inc. (TWA), United Air Lines, Inc. (United), and the Post Office Department (Post Office).

Upon consideration of the comments filed, we have determined to adopt the rule as proposed except as modified herein.

The Post Office points out that § 302.1501 of the proposed rule would, as presently worded, cause the new subpart to apply only to contracts entered into without advertising for bids. However, it adds, while the statute permits contracts to be entered into without advertising for bids, it is not meant to preclude contracts which are procured through advertising. The Post Office says that, although most of the contracts entered into pursuant to the statute would be procured by negotiation, a contract procured through advertising should not be excluded from the procedures. We are in accord with this view, and the applicability of the final rule is not being limited to contracts entered into without advertising for bids.

All of the commenting carriers are of the view that the 10-day period for the filing of complaints should be lengthened to 15 or 20 days, and American, TWA, and United contend that the time for filing answers should be lengthened to at least 15 days. The view that these time limitations should be extended is based largely upon the argument that the contracts may require extensive analysis, and the proper preparation of a complaint (or answer) with regard to such a contract may require more than 10 days. Moreover, it is pointed out that delays may occur in the receipt and transmission of filings.[4]

The other side of this argument is, of course, that the Board must allow itself sufficient time to study and consider the contracts and pleadings, and to reach a determination within the time limitation prescribed by the statute, *i.e.*, 80 days from the filing of the contract. On balance, we have determined that the time for filing complaints should be extended to 15 days, for the reasons put forth by the carriers. However, we have determined that the time for filing answers to the complaints should be 10 days, as originally proposed. The proponents of the contract will be thoroughly familiar with its terms in the first instance, and the preparation of an answer should not require the initial study and analysis of the contract which may be necessary for the preparation of a complaint.[5]

TWA has proposed that the rule require that all related understandings and undertakings contemplated in connection with a contract be fully described and filed together with the basic contract. However, we would expect that any contract filed pursuant to this subpart would be an integrated document, and that all agreements and understandings pertaining thereto would be contained in the contract. Accordingly, we have determined that the requirement proposed by TWA is unnecessary.

TWA also refers to the requirement contained in § 302.1504 of the proposed rule that service be made upon each commuter air carrier which serves between any pair of points between which mail is to be transported pursuant to the contract; TWA suggests that such service be limited to commuter air carriers which would be listed by the Board in a release which would be periodically issued. At present the Board maintains no such list, and we are of the view that it is unnecessary for us to publish one for this purpose. It is to be supposed that most certificated carriers would be aware of their competition in particular areas, including commuter air carriers. Moreover, a certificated carrier could consult the schedules published in the Official Airline Guide, in order to determine what commuter air carriers are serving a particular market.

Pan American proposes that a carrier filing a contract be required to submit certain additional detailed data supporting the contract, as well as an explanation of the basis used in determining the rate. We are, however, of the view that the information which would be required under the proposed rule would be sufficient. Thus, § 302.1503 of the final rule is being adopted as proposed in the notice.

Pan American also suggests that the Postal Service should, for its part, be required to supply certain explanatory and supporting data.[6] We are not, however, persuaded that the information which would be required from the Postal Service under Pan American's proposal would, as a matter of routine, be necessary in order for us to reach a determination under the standards of section 102 of the Act. Of course, the Board's duties under this statute are new; should experience indicate that certain information from the Postal Service is necessary for us to reach a proper determination under the statute, we would be prepared to consider a further rule making proceeding for that purpose.

The Post Office requests that the supporting data which is required to be filed with the contract be served upon the Postal Service, and recommends, in effect, that the supporting data be served upon all persons who are served with the contract, including the Postal Service. This suggestion has been incorporated into the final rule. However, the Post Office objects to the requirement of service upon each commuter air carrier which serves between any pair of points covered by the contract, pointing out that the section of the statute pursuant to which these procedures are being instituted does not apply to air taxi operators. Thus, concludes the Post Office, to require service on an air taxi operator would be to stimulate unnecessary complaints.

We do not agree. A commuter air carrier may well have a legitimate reason to complain against a contract which covers points served by the commuter air carrier, and we cannot assume that commuter air carriers would file frivolous complaints. Thus, the final rule provides for service of the contracts, together with the supporting data, upon the described certificated route and commuter air carriers, as well as upon the Postal Service.[7] Also, the final rule requires that complaints and answers be served upon all persons who are required to be served with the contract.

Additionally, the Post Office objects to the provision which would authorize the Board to issue an order directing the parties to show cause why the contract should not be disapproved. The

[4] Additionally, Southern says that since a proponent of a contract will have two opportunities to put forth its views (i.e., the initial filing and an answer to the complaint), and an opponent will be limited to the one complaint, due process requires that an opponent have sufficient time in which to prepare its complaint.

[5] The time limitation imposed by the statute also must be considered in connection with a proposal by American that any Board order dismissing a complaint or disapproving a contract be issued at least 30 days prior to the effective date of the contract in order to provide adequate time for the carrier to institute procedures and to hire and train additional personnel, if needed to implement the contract. Although we will endeavor to issue any appropriate orders as expeditiously as possible, we think it would be unwise to bind ourselves, by rule, to issue a determination prior to the time prescribed by the statute i.e., not later than 10 days prior to the effective date of the contract.

[6] The data which would be required under Pan American's proposal would include, at a minimum, the reasons for the contract approach, the savings that will be effected under the contract, estimates of the diversion from other air carriers, the manner in which the mail in question would move without a contract, and a description of any contract proposals submitted to other carriers and their responses, or the reason why no other carriers were solicited.

[7] The Post Office objects also to the provision that "any interested person" may file a complaint. The Post Office says that "interested person" is not defined in the Board's regulations or decisions, and that the phrase could embrace a wide variety of persons. In this connection, the Post Office reminds us that we are directed to determine whether the contract should be disapproved in accordance with the criteria set forth in section 102 of the Act. We should not, argues the Post Office, permit filing of irrelevant complaints; thus, the complaints should be limited to those certificated air carriers which serve between points covered by the contract. We do not think it is necessary for us to attempt to decide now who might be an "interested person" within the meaning of the subpart. Rather, we are of the view that such a determination should be based upon the facts of a particular case. In this connection, we note that the term "interested person" is used elsewhere in the Board's regulations, as well as in the Administrative Procedure Act.

Post Office says that, if the contracting carrier's competitors file no complaints, the contract and supporting data should provide the Board with enough information to reach a determination. Furthermore, the Post Office says that the issuance of a show cause order would imply the presence of a prima facie case for disapproval, absent affirmative action by the contracting parties; the Post Office says that we have not explained why this should be so when no complaints are filed, but not so when complaints are filed.

We deem the objections of the Post Office upon this point to be without merit. The provision for a show cause order is intended to allow the parties to the contract an additional opportunity to comment when the Board is of the preliminary view that the contract may warrant disapproval under the standards of the Act, but when no person has chosen to file a complaint. We are, however, adding to section 1507(b) a provision that the Board may issue an appropriate order other than a show cause order.[8] Thus, a show cause order will be one among other procedures that the Board may use in connection with a contract.

Since this rule is procedural rather than substantive, and the Postal Service has requested that the new procedures be instituted as soon as possible, this subpart is being made effective as of May 8, 1971.

In consideration of the foregoing, the Board hereby amends Part 302 of the Procedural Regulations (14 CFR Part 302), effective May 8, 1971, as follows:

1. Amend the table of contents of Part 302 by adding a new Subpart O, the title of which reads as follows:

Subpart O—Procedure for Processing Contracts for Transportation of Mail by Air

2. Add a new Subpart O which reads as follows:

Sec.
302.1501 Applicability.
302.1502 Filing.
302.1503 Explanation and data supporting the contract.
302.1504 Service.
302.1505 Complaints.
302.1506 Answers to complaints.
302.1507 Further procedures.
302.1508 Petitions for reconsideration.

AUTHORITY: The provisions of this subpart O issued under sec. 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324, and section 2 of the Postal Reorganization Act of 1970, 84 Stat. 772; 39 U.S.C. 5402.

§ 302.1501 Applicability.

This subpart sets forth the rules applicable to certain contractural arrangements between the Postal Service and certificated air carriers for the transportation of mail by air entered into pursuant to 39 U.S.C. 5402(a), 84 Stat. 772. Such contracts must be for the transportation of at least 750 pounds of mail per flight, and no more than 10 percent of the domestic mail transported under any such contract or 5 percent, based on weight, of the international mail transported under any such contract may consist of letter mail. Any such contract is required by the statute to be filed with the Board not later than 90 days before its effective date, and unless the Board disapproves the contract not later than 10 days prior to its effective date, the contract automatically becomes effective.

§ 302.1502 Filing.

Any air carrier which is a party to a contract to which this subpart is applicable shall file eight copies of the contract in the Docket Section of the Civil Aeronautics Board, Washington, D.C. 20428, not later than 90 days before the effective date of the contract. A copy of such contract shall be served upon the persons specified in § 302.1504 and the certificate of service shall specify the persons upon whom service has been made. One copy of each contract filed shall bear the certification of the Secretary or other duly authorized officer of the filing carrier to the effect that such copy is a true and complete copy of the original written instrument executed by the parties.

§ 302.1503 Explanation and data supporting the contract.

Each contract filed pursuant to this subpart shall be accompanied by economic data and such other information in support of the contract upon which the filing air carrier intends that the Board rely, including, in cases where pertinent:

(a) Estimates of the costs of performing the contract, and an explanation of the basis for the estimates which clearly sets forth the methodology involved in the assignment of direct and all allocated costs and the investment related thereto (including, where available and relevant, data as to costs of performing past contracts for the transportation of mail by air);

(b) Estimates of the effect of the contract upon such carrier's revenues, and an explanation of the basis for the estimates (including, where available and relevant, data as to effects upon revenues resulting from past contracts for the transportation of mail by air); and

(c) Estimates of the annual volume of contract mail (weight and ton-miles) under the proposed contract, the nature of such mail (letter mail, parcel post, third class, etc.), together with a statement as to the extent to which this traffic is new or diverted from existing classes of air and surface mail services and the priority assigned to this class of mail.

§ 302.1504 Service.

A copy of each contract filed pursuant to § 302.1502, and a copy of all material and data filed pursuant to § 302.1503, shall be served upon each of the following persons:

(a) Each certified route air carrier, other than the contracting carrier, which is authorized to carry mail between any pair of points between which mail is to be transported pursuant to the contract;

(b) Each commuter air carrier (as defined in § 298.2 of Part 298 of this chapter) which serves between any pair of points between which mail is to be transported pursuant to the contract; and

(c) The Assistant General Counsel, Transportation, U.S. Postal Service, Washington, D.C. 20260.

§ 302.1505 Complaints.

Within 15 days of the filing of a contract, any interested person may file with the Board a complaint against the contract setting forth the basis for such complaint and all pertinent information in support of same. A copy of the complaint shall be served upon the air carrier filing the contract and upon each of the persons served with such contract pursuant to § 302.1504.

§ 302.1506 Answers to complaints.

Answers to the complaint may be filed with 10 days of the filing of the complaint, with service being made as provided in § 302.1505.

§ 302.1507 Further procedures.

(a) In any case where a complaint is filed, the Board shall issue either an order dismissing the complaint, or an order disapproving the contract, or such other order as may be appropriate. Any such order shall be issued not later than 10 days prior to the effective date of the contract.

(b) In cases where no complaint is filed, the Board may issue an order directing the parties to the contract to show cause why the contract should not be disapproved, or such other order as may be appropriate. Unless otherwise specified by the Board, written answer to the order and supporting document shall be filed within 10 days of the date of service of the order to show cause. A final order containing the Board's determination as to whether the contract should be disapproved shall be issued not later than 10 days prior to the effective date of the contract.

§ 302.1508 Petition for reconsideration.

Except in the case of a Board determination to disapprove a contract, no petitions for reconsideration of any Board determination pursuant to this subpart shall be entertained.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.71-6471 Filed 5-7-71;8:49 am]

[Reg. PR-119]

PART 310—INSPECTION AND COPYING OF BOARD OPINIONS, ORDERS AND RECORDS

Description and Location of Records Generally Available

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of May 1971.

[8] A similar provision is being added to section 1507(a).

Public Law 91–375, approved August 12, 1970, requires that "any contract between the Postal Service and any carrier or person for the transportation of mail shall be available for inspection in the office of the Postal Service and either the Interstate Commerce Commission or the Civil Aeronautics Board, as appropriate, * * * at least 15 days prior to the effective date of the contract." 39 U.S.C. 5005(b)(3), 84 Stat. 767. Accordingly, Appendix A of Part 310 is being amended to include a description of such contracts, and their location.

Since the amendment contained herein relates solely to matters of agency procedure, notice and public procedure thereon are not required, and the amendment may become effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 310 of the Procedural Regulations (14 CFR Part 310), effective May 8, 1971, as follows:

Amend Appendix A of Part 310 to read as follows:

APPENDIX A

DESCRIPTION AND LOCATION OF RECORDS GENERALLY AVAILABLE

* * * * *

Policy Statements of the Civil Aeronautics Board and Index thereof	Do.
Postal Service: Contracts for the transportation of mail filed pursuant to 39 U.S.C. 5005	Do.
Public Index	Do.

* * * * *

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324, and sec. 2 of the Postal Reorganization Act of 1970, 84 Stat. 767; 39 U.S.C. 5005)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-6472 Filed 5-7-71;8:49 am]

TITLE 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter V—Environmental Protection Agency

PART 615—STATE CERTIFICATION OF ACTIVITIES REQUIRING A FEDERAL LICENSE OR PERMIT

On February 5, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 2516) which set forth the text of regulations proposed as a new Part 615 to Title 18, Chapter V, relating to the requirement of section 21(b)(1) of the Federal Water Pollution Control Act, as amended (33 U.S.C.A. 1171(b)) that any applicant for a Federal license or permit to conduct any activity, including, but not limited to, the construction or operation of facilities which may result in any discharge into the navigable waters of the United States, obtain a certification from the State in which the discharge originates, or, if appropriate, from the interstate agency having jurisdiction, or under certain circumstances, from the Administrator of the Environmental Protection Agency, that there is reasonable assurance that such activity will be conducted in a manner which will not violate applicable water quality standards.

Pursuant to the above notice, a number of comments have been received from interested persons, and due consideration has been given to all relevant matter presented. In light of the preceding, a number of revisions have been made in the rules as proposed. Part 615 to Title 18, Chapter V, as set forth below, is hereby adopted.

Effective date. These regulations shall become effective on the date of their publication in the FEDERAL REGISTER (5–8–71).

Dated: May 4, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

Subpart A—General

Sec.
615.1 Definitions.
615.2 Contents of certification.
615.3 Contents of application.

Subpart B—Determination of Effect on Other States

615.11 Copies of documents.
615.12 Supplemental information.
615.13 Review by Regional Administrator and notification.
615.14 Forwarding to affected State.
615.15 Hearings on objection of affected State.
615.16 Waiver.

Subpart C—Certification by the Administrator

615.21 When Administrator certifies.
615.22 Applications.
615.23 Notice of hearing.
615.24 Certification.
615.25 Adoption of new water quality standards.
615.26 Inspection of facility or activity before operation.
615.27 Notification to licensing or permitting agency.
615.28 Termination of suspension.

Subpart D—Consultations

615.30 Review and advice.

AUTHORITY: The provisions of this Part 615 issued under sec. 21 (b) and (c), of the Federal Water Pollution Control Act (Public Law 91–224), sec. 103, 84 Stat. 91, 33 U.S.C.A. 1171(b) (1970); and Reorganization Plan No. 3 of 1970.

Subpart A—General

§ 615.1 Definitions.

As used in this part, the following terms shall have the meanings indicated below:

(a) "License or permit" means any license or permit granted by an agency of the Federal Government to conduct any activity which may result in any discharge into the navigable waters of the United States.

(b) "Licensing or permitting agency" means any agency of the Federal Government to which application is made for a license or permit.

(c) "Administrator" means the Administrator, Environmental Protection Agency.

(d) "Regional Administrator" means the Regional designee appointed by the Administrator, Environmental Protection Agency.

(e) "Certifying Agency" means the person or agency designated by the Governor of a State, by statute, or by other governmental act, to certify compliance with applicable water quality standards. If an interstate agency has sole authority to so certify for the area within its jurisdiction, such interstate agency shall be the certifying agency. Where a State agency and an interstate agency have concurrent authority to certify, the State agency shall be the certifying agency. Where water quality standards have been promulgated by the Administrator pursuant to section 10(c)(2) of the Act, or where no State or interstate agency has authority to certify, the Administrator shall be the certifying agency.

(f) "Act" means the Federal Water Pollution Control Act, 33 U.S.C.A. 1151 et seq.

(g) "Water Quality Standards" means standards established pursuant to section 10(c) of the Act, and State-adopted water quality standards for navigable waters which are not interstate waters.

§ 615.2 Contents of certification.

(a) A certification made by a certifying agency shall include the following:

(1) The name and address of the applicant;

(2) A statement that the certifying agency has either (i) examined the application made by the applicant to the licensing or permitting agency (specifically identifying the number or code affixed to such application) and bases its certification upon an evaluation of the information contained in such application which is relevant to water quality considerations, or (ii) examined other information furnished by the applicant sufficient to permit the certifying agency to make the statement described in subparagraph (3) of this paragraph;

(3) A statement that there is a reasonable assurance that the activity will be conducted in a manner which will not violate applicable water quality standards;

(4) A statement of any conditions which the certifying agency deems necessary or desirable with respect to the discharge or the activity; and

(5) Such other information as the certifying agency may determine to be appropriate.

(b) The certifying agency may modify the certification in such manner as may be agreed upon by the certifying agency, the licensing or permitting agency, and the Regional Administrator.

§ 615.3 Contents of application.

A licensing or permitting agency shall require an applicant for a license or permit to include in the form of application such information relating to water quality considerations as may be agreed upon by the licensing or permitting agency and the Administrator.

Subpart B—Determination of Effect on Other States

§ 615.11 Copies of documents.

(a) Upon receipt from an applicant of an application for a license or permit without an accompanying certification, the licensing or permitting agency shall either (1) forward one copy of the application to the appropriate certifying agency and two copies to the Regional Administrator, or (2) forward three copies of the application to the Regional Administrator, pursuant to an agreement between the licensing or permitting agency and the Administrator that the Regional Administrator will transmit a copy of the application to the appropriate certifying agency. Upon subsequent receipt from an applicant of a certification, the licensing or permitting agency shall forward a copy of such certification to the Regional Administrator, unless such certification shall have been made by the Regional Administrator pursuant to § 615.24.

(b) Upon receipt from an applicant of an application for a license or permit with an accompanying certification, the licensing or permitting agency shall forward two copies of the application and certification to the Regional Administrator.

(c) Only those portions of the application which relate to water quality considerations shall be forwarded to the Regional Administrator.

§ 615.12 Supplemental information.

If the documents forwarded to the Regional Administrator by the licensing or permitting agency pursuant to § 615.11 do not contain sufficient information for the Regional Administrator to make the determination provided for in § 615.13, the Regional Administrator may request, and the licensing or permitting agency shall obtain from the applicant and forward to the Regional Administrator, any supplemental information as may be required to make such determination.

§ 615.13 Review by Regional Administrator and notification.

The Regional Administrator shall review the application, certification, and any supplemental information provided in accordance with §§ 615.11 and 615.12 and if the Regional Administrator determines there is reason to believe that a discharge may affect the quality of the waters of any State or States other than the State in which the discharge originates, the Regional Administrator shall, no later than 30 days of the date of receipt of the application and certification from the licensing or permitting agency as provided in § 615.11, so notify each affected State, the licensing or permitting agency, and the applicant.

§ 615.14 Forwarding to affected State.

The Regional Administrator shall forward to each affected State a copy of the material provided in accordance with § 615.11.

§ 615.15 Hearings on objection of affected State.

When a licensing or permitting agency holds a public hearing on the objection of an affected State, notice of such objection, including the grounds for such objection, shall be forwarded to the Regional Administrator by the licensing or permitting agency no later than 30 days prior to such hearing. The Regional Administrator shall at such hearing submit his evaluation with respect to such objection and his recommendations as to whether and under what conditions the license or permit should be issued.

§ 615.16 Waiver.

The certification requirement with respect to an application for a license or permit shall be waived upon:

(a) Written notification from the State or interstate agency concerned that it expressly waives its authority to act on a request for certification; or

(b) Written notification from the licensing or permitting agency to the Regional Administrator of the failure of the State or interstate agency concerned to act on such request for certification within a reasonable period of time after receipt of such request, as determined by the licensing or permitting agency (which period shall generally be considered to be 6 months, but in any event shall not exceed 1 year).

In the event of a waiver hereunder, the Regional Administrator shall consider such waiver as a substitute for a certification, and as appropriate, shall conduct the review, provide the notices, and perform the other functions identified in sections 615.13, 615.14, and 615.15. The notices required by section 615.13 shall be provided not later than 30 days after the date of receipt by the Regional Administrator of either notification referred to herein.

Subpart C—Certification by the Administrator

§ 615.21 When Administrator certifies.

Certification by the Administrator that the discharge resulting from an activity requiring a license or permit will not violate applicable water quality standards will be required where:

(a) Standards have been promulgated, in whole or in part, by the Administrator pursuant to section 10(c)(2) of the Act: *Provided, however,* That the Administrator will certify compliance only with respect to those water quality standards promulgated by him; or

(b) Water quality standards have been established, but no State or interstate agency has authority to give such a certification.

§ 615.22 Applications.

An applicant for certification from the Administrator shall submit to the Regional Administrator a complete description of the discharge involved in the activity for which certification is sought, with a request for certification signed by the applicant. Such description shall include the following:

(a) The name and address of the applicant;

(b) A description of the facility or activity, and of any discharge into navigable waters which may result from the conduct of any activity including, but not limited to, the construction or operation of the facility, including the biological, chemical, thermal, and other characteristics of the discharge, and the location or locations at which such discharge may enter navigable waters;

(c) A description of the function and operation of equipment or facilities to treat wastes or other effluents which may be discharged, including specification of the degree of treatment expected to be attained;

(d) The date or dates on which the activity will begin and end, if known, and the date or dates on which the discharge will take place;

(e) A description of the methods and means being used or proposed to monitor the quality and characteristics of the discharge and the operation of equipment or facilities employed in the treatment or control of wastes or other effluents.

§ 615.23 Notice and hearing.

The Regional Administrator will provide public notice of each request for certification by mailing to State, County, and municipal authorities, heads of State agencies responsible for water quality improvement, and other parties known to be interested in the matter, including adjacent property owners and conservation organizations, or may provide such notice in a newspaper of general circulation in the area in which the activity is proposed to be conducted if the Regional Administrator deems mailed notice to be impracticable. Interested parties shall be provided an opportunity to comment on such request in such manner as the Regional Administrator deems appropriate. All interested and affected parties will be given reasonable opportunity to present evidence and testimony at a public hearing on the question whether to grant or deny certification if the Regional Administrator determines that such a hearing is necessary or appropriate.

§ 615.24 Certification.

If, after considering the complete description, the record of a hearing, if any, held pursuant to § 615.23, and such other information and data as the Regional Administrator deems relevant, the Regional Administrator determines that there is reasonable assurance that the proposed activity will not result in a violation of applicable water quality standards, he shall so certify. If the Regional Administrator determines that

no water quality standards are applicable to the waters which might be affected by the proposed activity, he shall so notify the applicant and the licensing or permitting agency in writing and shall provide the licensing or permitting agency with advice, suggestions, and recommendations with respect to conditions to be incorporated in any license or permit to achieve compliance with the purpose of this Act. In such case, no certification shall be required.

§ 615.25 Adoption of new water quality standards.

(a) In any case where:

(1) A license or permit was issued without certification due to the absence of applicable water quality standards; and

(2) Water quality standards applicable to the waters into which the licensed or permitted activity may discharge are subsequently established; and

(3) The Administrator is the certifying agency because:

(i) No State or interstate agency has authority to certify; or

(ii) Such new standards were promulgated by the Administrator pursuant to section 10(c)(2) of the Act; and

(4) The Regional Administrator determines that such uncertified activity is violating water quality standards;

Then the Regional Administrator shall notify the licensee or permittee of such violation, including his recommendations as to actions necessary for compliance. If the licensee or permittee fails within 6 months of the date of such notice to take action which in the opinion of the Regional Administrator will result in compliance with applicable water quality standards, the Regional Administrator shall notify the licensing or permitting agency that the licensee or permittee has failed, after reasonable notice, to comply with such standards and that suspension of the applicable license or permit is required by section 21(b)(9)(B) of the Act.

(b) Where a license or permit is suspended pursuant to paragraph (a) of this section, and where the licensee or permittee subsequently takes action which in the Regional Administrator's opinion will result in compliance with applicable water quality standards, the Regional Administrator shall then notify the licensing or permitting agency that there is reasonable assurance that the licensed or permitted activity will comply with applicable water quality standards.

§ 615.26 Inspection of facility or activity before operation.

Where any facility or activity has received certification pursuant to § 615.24 in connection with the issuance of a license or permit for construction, and where such facility or activity is not required to obtain an operating license or permit, the Regional Administrator or his representative, prior to the initial operation of such facility or activity, shall be afforded the opportunity to inspect such facility or activity for the purpose of determining if the manner in which such facility or activity will be operated or conducted will violate applicable water quality standards.

§ 615.27 Notification to licensing or permitting agency.

If the Regional Administrator, after an inspection pursuant to § 615.26, determines that operation of the proposed facility or activity will violate applicable water quality standards, he shall so notify the applicant and the licensing or permitting agency, including his recommendations as to remedial measures necessary to bring the operation of the proposed facility into compliance with such standards.

§ 615.28 Termination of suspension.

Where a licensing or permitting agency, following a public hearing, suspends a license or permit after receiving the Regional Administrator's notice and recommendation pursuant to § 615.27, the applicant may submit evidence to the Regional Administrator that the facility or activity or the operation or conduct thereof has been modified so as not to violate water quality standards. If the Regional Administrator determines that water quality standards will not be violated, he shall so notify the licensing or permitting agency.

Subpart D—Consultations

§ 615.30 Review and advice.

The Regional Administrator may, and upon request shall, provide licensing and permitting agencies with determinations, definitions and interpretations with respect to the meaning and content of water quality standards where they have been federally approved under section 10 of the Act, and findings with respect to the application of all applicable water quality standards in particular cases and in specific circumstances relative to an activity for which a license or permit is sought. The Regional Administrator may, and upon request shall, also advise licensing and permitting agencies as to the status of compliance by dischargers with the conditions and requirements of applicable water quality standards. In cases where an activity for which a license or permit is sought will affect water quality, but for which there are no applicable water quality standards, the Regional Administrator may advise licensing or permitting agencies with respect to conditions of such license or permit to achieve compliance with the purpose of the Act.

[FR Doc.71-6440 Filed 5-7-71;8:46 am]

Title 24—HOUSING AND HOUSING CREDIT

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Designated Areas

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

§ 1914.4 List of designated areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
California	San Mateo	South San Francisco.	I 06 081 3730 07 I 06 081 3730 08	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	Office of the City Clerk, City Hall, 400 Grand Ave., South San Francisco, CA 94070.	May 7, 1971.
Do	Alameda	Pleasanton				Do.
Florida	Pinellas	Indian Rocks Beach.	I 12 103 1479 02	Department of Community Affairs, State of Florida, 309 Office Plaza, Tallahassee, FL 32301. State of Florida Insurance Department, Treasurer's Office, State Capitol, Tallahasse, FL 32304.	City Hall, City of Indian Rocks Beach, 1507 Bay Palm Blvd., Indian Rocks Beach, FL 33535.	Do.
Do	do	Madeira Beach	I 12 103 1880 03 I 12 103 1880 04	do	Office of the City Clerk, Municipal Bldg., 300 Municipal Dr., Madeira Beach, FL 33708.	Do.
Do	do	Redington Beach	I 12 103 2650 02	do	Town Hall, 105 164th Ave., Redington Beach, St. Petersburg, FL 33708.	Do.
Do	do	Redington Shores	I 12 103 2652 02	do	Office of the Town Clerk, Municipal Bldg., 17798 Gulf Blvd., Redington Shores, FL 33708.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Florida		Treasure Island	I 12 103 3010 05 through I 12 103 3010 08	State of Florida Insurance Department Treasurer's Office, State Capitol, Tallahasse, FL 32304.	Office of the City Manager, 120 108th Ave., Treasure Island, FL 33706.	May 7, 1971.
Do	Bay	Lynn Haven				Do.
Iowa	Black Hawk	Waterloo				Do.
Louisiana	Lafourche Parish	Unincorporated areas.	I 22 057 0000 03 I 22 057 0000 04	State Department of Public Works, Post Office Box 44155, Capitol Station, Baton Rouge, LA 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, LA 70804.	Lafourche Parish Courthouse, Thibodaux, LA 70301.	Do.
Nebraska	Douglas	Omaha	I 31 055 3620 03 I 31 055 3620 04	Nebraska Soil and Water Conservation Commission, State Capitol Bldg., Lincoln, NE 68509. Nebraska Insurance Department, 1324 State Capitol Bldg., Lincoln, NE 68509.	Planning Department, City of Omaha, 603 City Hall, 108 South 18th St., Omaha, NE 68102.	Do.
New Jersey	Union	Elizabeth	I 34 039 0860 02 through I 34 039 0860 05	New Jersey Department of Environmental Protection, Division of Water Resources, Box 1390, Trenton, NJ 08625. Department of Banking and Insurance, State House Annex, Trenton, NJ 08625.	Office of the City Clerk, City Hall, 50 West Scott Pl., Elizabeth, NJ 07201.	Do.
Do	Hunterdon	Lebanon Borough				Do.
Texas	Brazoria	Unincorporated areas.	I 48 039 0000 07 through I 48 039 0000 12	Texas Water Development Board, 301 West 2d St., Austin, TX 78711. Texas State Board of Insurance, 1110 San Jacinto St., Austin, TX 78701.	Office of the County Engineer, Brazoria County Courthouse, Angleton, TX 77515.	Do.
Do	Galveston	Galveston	I 48 167 2570 02	do	Director of Public Works, City of Galveston, City Hall, 823 Rosenberg, Galveston, TX 77550.	Do.
Wisconsin	Buffalo	Unincorporated areas.				Do.
Do	Vernon	Genoa				Do.
Do	Marathon	Mosinee				Do.

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

Issued: May 7, 1971.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.71-6361 Filed 5-7-71;8:45 am]

PART 1915—IDENTIFICATION OF FLOOD-PRONE AREAS

List of Flood Hazard Areas

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

§ 1915.3 List of flood hazard areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
* * *	* * *	* * *	* * *	* * *	* * *	* * *
California	San Mateo	South San Francisco.	H 06 081 3730 07 H 06 081 3730 08	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	Office of the City Clerk, City Hall, 400 Grand Ave., South San Francisco, CA 94070.	June 27, 1970.
Do	Alameda	Pleasanton				May 7, 1971.
Florida	Pinellas	Indian Rocks Beach.	H 12 103 1479 02	Department of Community Affairs, State of Florida, 309 Office Plaza, Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, State Capitol, Tallahassee, FL 32304.	City Hall, City of Indian Rocks Beach, 1507 Bay Palm Blvd., Indian Rocks Beach, FL 33535.	July 17, 1970.
Do	do	Madeira Beach	H 12 103 1880 03 H 12 103 1880 04	do	Office of the City Clerk, Municipal Bldg., 300 Municipal Dr., Madeira Beach, FL 33708.	June 5, 1970.
Do	do	Redington Beach	H 12 103 2650 02	do	Town Hall, 105 164th Ave., Redington Beach, St. Petersburg, FL 33708.	May 15, 1970.
Do	do	Redington Shores	H 12 103 2652 02	do	Office of the Town Clerk, Municipal Bldg., 17798 Gulf Blvd., Redington Shores, FL 33708.	June 27, 1970.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Florida	do	Treasure Island	H 12 103 3010 05 through H 12 103 3010 08	State of Florida Insurance Department, Treasurer's Office, State Capitol, Tallahassee, FL 32304.	Office of the City Manager, 120 108th Ave., Treasure Island, FL 33706.	June 27, 1971.
Do	Bay	Lynn Haven				May 7, 1971.
Iowa	Black Hawk	Waterloo				Do.
Louisiana	Lafourche Parish	Unincorporated areas.	H 22 057 0000 03 H 22 057 0000 04	State Department of Public Works, Post Office Box 44155, Capitol Station, Baton Rouge, LA 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, LA 70804.	Lafourche Parish Courthouse, Thibodaux, LA 70301.	Aug. 6, 1970.
Nebraska	Douglas	Omaha	H 31 055 3620 03 H 31 055 3620 04	Nebraska Soil and Water Conservation Commission, State Capitol Bldg., Lincoln, NE 68509. Nebraska Insurance Department, 1324 State Capitol Bldg., Lincoln, NE 68509.	Planning Department, City of Omaha, 603 City Hall, 108 South 18th St., Omaha, NE 68102.	Nov. 6, 1970.
New Jersey	Union	Elizabeth	H 34 039 0860 02 through H 34 039 0860 05	New Jersey Department of Environmental Protection, Division of Water Resources, Box 1390, Trenton, NJ 08625. Department of Banking and Insurance, State House Annex, Trenton, NJ 08625.	Office of the City Clerk, City Hall, 50 West Scott Pl., Elizabeth, NJ 07201.	May 22, 1970 and May 7, 1971.
Do	Hunterdon	Lebanon Borough				May 7, 1971.
Texas	Brazoria	Unincorporated areas.	H 48 039 0000 07 through H 48 039 0000 12	Texas Water Development Board, 301 West 2d St., Austin, TX 78711. Texas State Board of Insurance, 1110 San Jacinto St., Austin TX 78701.	Office of the County Engineer, Brazoria County Courthouse, Angleton, TX 77515.	June 16, 1970.
Do	Galveston	Galveston	H 48 167 2570 02	do	Director of Public Works, City of Galveston, City Hall, 823 Rosenberg, Galveston, TX 77550.	May 26, 1970 and May 7, 1971.
Wisconsin	Buffalo	Unincorporated areas.				May 7, 1971.
Do	Vernon	Genoa				Do.
Do	Marathon	Mosinee				Do.

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

Issued: May 7, 1971.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.71-6362 Filed 5-7-71;8:45 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER H—UTILIZATION AND DISPOSAL

PART 101–45—SALE, ABANDONMENT, OR DESTRUCTION OF PERSONAL PROPERTY

Equal Opportunity Clause

By Executive Order No. 11375 of October 13, 1967 (32 F.R. 14303), the Equal Opportunity clause prescribed for contracts was revised effective October 14, 1968, to include sex among the forms of discrimination which are prohibited. Sections 101–45.315 and 101–45.4925 are revised to be in accord with the cited Executive order. Section 101–45.315 also is revised editorially to indicate that the work covered by the Equal Opportunity contract clause is work required by or for the Government.

Subpart 101–45.3—Sale of Personal Property

Section 101–45.315 is revised to read as follows:

§ 101–45.315 Equal Opportunity clause in contracts.

The Equal Opportunity clause prescribed by Executive Order No. 11246 of September 24, 1965 (30 F.R. 12319, 12935) (as amended by Executve Order No. 11375 of October 13, 1967 (32 F.R. 14303)), as set forth in § 101–45.4925, shall be included in all contracts for the sale of personal property when the contract exceeds $10,000, and an appreciable amount of work by the purchaser required by or for the Government is involved. When a sale is planned and the probability exists that the foregoing conditions will be present, the Equal Opportunity clause shall be included in the contract provisions of the invitation as a special condition of sale.

Subpart 101–45.49—Illustrations

Section 101–45.4925 is revised to read as follows:

§ 101–45.4925 Equal Opportunity clause.

EQUAL OPPORTUNITY

The following clause is applicable unless this contract is exempt under the rules, regulations, and relevant orders of the Secretary of Labor (41 CFR, ch. 60). Exemptions include contracts and subcontracts (i) not exceeding $10,000 and (ii) where no appreciable amount of work is to be done by the Contractor:

During the performance of this contract, the Contractor agrees as follows:

(a) The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Contractor will take affirmative action to insure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, 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 Contractor 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.

(b) The Contractor 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, color, religion, sex, or national origin.

(c) The Contractor 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 Contractor'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.

(d) The Contractor 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.

(e) The Contractor 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.

(f) In the event of the Contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such

rules, regulations, or orders, this contract may be canceled, terminated, or suspended, in whole or in part, and the Contractor 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.

(g) The Contractor will include the provisions of paragraphs (a) through (g) 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 Contractor 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 Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c), E.O. 11246; 30 F.R. 12319)

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER (5–8–71).

Dated: May 3, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71–6465 Filed 5–7–71;8:48 am]

Chapter 115—Environmental Protection Agency

SUBCHAPTER A—GENERAL

PART 115–1—INTRODUCTION

Chapter 115 of Title 41, Code of Federal Regulations, is hereby designated Environmental Protection Agency and will contain the Agency's Property Management Regulations. Part 115–1, Introduction, is established at this time and other parts will be added as needed.

It is the policy of the Environmental Protection Agency to allow time for interested parties to take part in the public rule-making process. However, because this regulation is largely a general statement of Agency policy and internal procedure, the rule-making process will be waived.

Effective date. This regulation will become effective on its date of publication in the FEDERAL REGISTER (5–8–71).

Dated: May 5, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

Subpart 115–1.1—Regulation System

Sec.

AUTHORITY: The provisions of this Part 115–1 issued under section 205(c), 63 Stat. 377; as amended, 40 U.S.C. 486(c).

Subpart 115–1.1—Regulation System

§ 115–1.100 Scope of subpart.

This subpart establishes the Environmental Protection Agency Property Management Regulations (EPPMR), chapter 115 of the Federal Property Management Regulations System (FPMR) (41 CFR Chapter 101); states its relationship to the FPMR, and provides instructions governing the property management policies and procedures of the Environmental Protection Agency (EPA).

§ 115–1.103 Temporary-type FPMR.

§ 115–1.103–50 Temporary-type changes to EPPMR.

Where required, temporary changes will be published as EPPMR–Temporary Regulations. Temporary Regulations will be cross-referenced to related EPPMR Subparts and will indicate dates for compliance with, and cancellation of each issuance.

§ 115–1.104 Publication of FPMR.

§ 115–1.104–50 Publication of EPPMR.

(a) Material published in the EPPMR will generally not be of interest to nor directly affect the public. Therefore, most EPPMR material will not be published in the FEDERAL REGISTER.

(b) Arrows printed in the margin of a page indicate material changed, deleted, or added by the EPPMR Transmittal Notice cited at the bottom of that page. (See GSA, FPMR Amendment Transmittal pages for illustrations.)

§ 115–1.106 Applicability of FPMR.

The FPMR apply to all EPA activities unless otherwise specified, or unless a deviation is approved.

§ 115–1.108 Agency implementation and supplementation of FPMR.

(a) EPPMR implements and supplements the FPMR and follows the FPMR in style, arrangement and numbering sequence. Except to assure continuity and understanding FPMR material will not be repeated or paraphrased in the EPPMR.

(b) Implementing material expands upon related material in the FPMR. Supplementing material deals with subject material not covered in the FPMR.

§ 115–1.109 Numbering in FPMR system.

(a) The numbering system used in EPPMR conforms to that of the FPMR except for the Chapter number. The first three digits represent the Chapter number assigned to this Agency in Title 41, Code of Federal Regulations (CFR). In FPMR the Chapter number is 101 and in EPPMR the Chapter number is 115.

(b) Where EPA Chapter 115 implements Chapter 101 the material will be numbered and captioned to correspond to the FPMR part, subpart, section or subsection, e.g., 115–1.106 "Applicability of FPMR" implements 101–1.106 of FPMR.

(c) Where chapter 115 supplements the FPMR and deals with subject matter not contained in the FPMR, the EPPMR material is numbered to follow that which is most closely related to similar material in the FPMR. Supplementing material is numbered "50" or higher.

§ 115–1.110 Deviations.

Where deemed necessary that regulations set forth in the FPMR or EPPMR be changed in the interest of program effectiveness, a proposed revision will be submitted in accordance with FPR § 1–1.009, to the Division of Data and Support Systems (DSSD) for review and consideration.

[FR Doc.71–6492 Filed 5–7–71;8:51 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

[T.D. 7112]

PART 201—DISTILLED SPIRITS PLANTS

PART 252—EXPORTATION OF LIQUORS

Miscellaneous Amendments

On March 10, 1971, a notice of proposed rule making to amend 26 CFR Part 201, Distilled Spirits Plants, and 26 CFR Part 252, Exportation of Liquors, was published in the FEDERAL REGISTER (36 F.R. 4611). In accordance with the notice, interested persons were afforded an opportunity to submit written comments or suggestions pertaining thereto. No written comments or suggestions were received within the 30-day period prescribed in the notice. However, due to further consideration of certain provisions of the proposed document, the amendments as published in the FEDERAL REGISTER are hereby adopted, subject to the changes set forth below:

1. Paragraph A3 is changed by deleting paragraphs (c) through (g) of § 201.44 and by inserting new paragraphs (c) through (e).

2. Paragraph A4 is changed by amending the last sentence of paragraph (b), by amending paragraph (d)(1), and by deleting in its entirety paragraph (e) of § 201.45.

3. Paragraph A28 is changed as follows:

A. By striking the last sentence from § 201.470c and inserting a new sentence

to read, "If the proprietor intends to bottle as other than bottled in bond, or to package or otherwise remove, any portion of a lot of spirits which are entered on Form 179 for bottling in bond, he shall indicate in his schedule of operations required by § 201.89 that portion of the lot which is to be otherwise bottled, packaged, or removed and shall make appropriate notations on the Form 179, Form 122, and Form 2637, as applicable, which are involved."

B. By striking the last sentence of § 201.470h and inserting a new sentence to read, "So long as any spirits which are to be bottled in bond remain in a bottling tank, the tank shall be locked with Government locks at all times that the assigned officer is not on the plant premises."

C. By inserting, in the last sentence of § 201.470q(d), the words "of the" so that the sentence will read, "Form 2637, appropriately modified, shall be prepared to cover the relabeling or restamping of such spirits by the proprietor of the bottling premises."

4. Paragraph A32 is changed by revising paragraph (c) of § 201.494 to read, "(c) quantities of ineligible spirits dumped for rectification or bottling,".

5. Paragraph A33 is changed by deleting the last sentence of § 201.496, and by inserting requirements to furnish evidence of eligibility of spirits for loss allowance on request.

6. Paragraph A36 is changed by revising paragraph (a)(2) of § 201.527 to read "(2) The words 'Bottled in Bond';".

7. Paragraph A42 is changed by revising the first sentence of paragraph (b) of § 201.561 to read, "By the proprietor who withdrew the spirits on payment or determination of tax for rectification or bottling, if the spirits are destroyed after they were withdrawn from bond and before they were removed from, or after return to, the bottling premises of such proprietor."

8. Paragraph A43 is changed to liberalize the requirements of § 201.562 for supporting documents.

9. Paragraph A44 is changed by making clarifying and editorial changes in § 201.563.

10. A new paragraph 45a is added, immediately following paragraph 45, to provide in § 201.582 that certain evidence be furnished, on request, respecting tax-paid spirits returned to bonded premises.

11. Paragraph A46 is changed by requiring in § 201.583 that only one copy of Form 2612 be returned to the proprietor and by eliminating the requirement for supporting documents.

12. Paragraph A48 is changed by striking the first sentence following paragraph (1) of § 201.623 and by inserting instead a new sentence to read, "The records required by paragraph (e) of this section shall show separately spirits bottled in bond after tax determination and spirits otherwise bottled."

13. Paragraph B3 is changed by inserting the word "of" before "§§ 252.63" in the last sentence of § 252.25.

14. Paragraph B12 is changed by deleting "§ 252.56" and by inserting instead "§ 252.26" in paragraph (e) of § 252.103.

15. Paragraph B16 is changed by changing the word "return" to "returned" in the fourth from last sentence of § 252.173, so that the sentence reads "Returned bottled goods and dregs and remnants produced under a formula on which a standard drawback rate has been established may be added to a batch of the identical formula, provided that the approved formula specifies that returned bottled goods and dregs and remnants may be added and that such returned bottled goods and dregs and remnants can be identified as having been produced under the identical formula."

Because this Treasury decision implements certain changes made in chapter 51 of the Internal Revenue Code by Public Law 91–659 which becomes effective on May 1, 1971, it is hereby found that it is impracticable and contrary to the public interest to issue this Treasury decision subject to the effective date limitation of 5 U.S.C. 553(d). Accordingly, this Treasury decision shall become effective on May 1, 1971.

(Sec. 7805 of the Internal Revenue Code, 68A Stat. 917; 26 U.S.C. 7805)

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

MYLES J. AMBROSE,
Commissioner of Customs.

Approved: May 6, 1971.

EDWIN S. COHEN,
Assistant Secretary of the Treasury.

DISTILLED SPIRITS PLANTS AND EXPORTATION OF LIQUORS

In order (1) to implement Public Law 91–659, as it amended the Internal Revenue Code with respect to: (a) Destruction of distilled spirits; (b) losses of distilled spirits; (c) transfer of domestic distilled spirits, without payment of tax or with benefit of drawback, to customs warehouses; (d) involuntary liens; (e) bottling of distilled spirits in bond; and (f) return of tax-determined spirits to bonded premises; (2) to incorporate in the regulations, with a minor change, the provisions of a revenue ruling concerning procedures for the establishment of standard export drawback rates; and (3) to make conforming, editorial, and clarifying changes, the regulations in 26 CFR Parts 201 and 252, are amended as follows:

PARAGRAPH A. 26 CFR Part 201 is amended as follows:

1. Section 201.11 is amended by inserting, in alphabetical order, a definition of "Bottling-in-bond" and by making a clarifying change in the definition of "Bottling-in-bond facilities". The new and amended definitions in § 201.11 read as follows:

§ 201.11 **Meaning of terms.**

* * * * *

Bottling in bond. When used in Subpart K of this part, the bottling of distilled spirits under section 5233, I.R.C., prior to determination of tax. When used in Subpart Na of this part, the bottling of distilled spirits in accordance with the conditions and requirements of section 5233, I.R.C., and under the supervision provided for in section 5202(g), I.R.C., but after determination of tax. When used elsewhere in this part, either act of bottling defined herein, unless otherwise specifically provided.

Bottling-in-bond facilities. The part of the bonded premises in which spirits are bottled in bond under section 5233, I.R.C., prior to tax determination.

* * * * *

2. Paragraph (a) of § 201.25 is amended by deleting the last sentence, and paragraph (c) is amended to provide for the withdrawal of distilled spirits to a customs bonded warehouse without payment of tax. As amended, paragraphs (a) and (c) of § 201.25 read as follows:

§ 201.25 **Persons liable for tax.**

(a) *Distilling.* Section 5005, I.R.C., provides that the distiller of spirits is liable for the tax thereon and that every proprietor or possessor of, and any person in any manner interested in the use of, any still, distilling apparatus, or distillery, shall be jointly and severally liable for the tax on distilled spirits produced therefrom: *Provided,* That a person, not an officer or director of a corporate proprietor, owning or having the right of control of not more than 10 percent of any class of stock of such proprietor, is not liable by reason of such stock ownership or control: *Provided further,* That (1) when spirits are transferred in bond persons so liable for the tax are relieved of such liability if (i) the proprietors of transferring and receiving premises are independent of each other and neither has a proprietary interest, directly or indirectly, in the business of the other and (ii) no person so liable for the tax on the spirits transferred retains any interest in such spirits, and (2) when spirits are withdrawn on determination of tax under withdrawal bond the persons so liable for the tax are relieved of such liability if (i) the person withdrawing such spirits and the person or persons so liable for the tax are independent of each other and neither has a proprietary interest, directly or indirectly, in the business of the other, and (ii) all persons so liable for the tax have divested themselves of all interest in the spirits so withdrawn.

* * * * *

(c) *Withdrawals without payment of tax.* Pursuant to section 5005(e), I.R.C., any person who withdraws spirits from the bonded premises of a plant without payment of tax, as provided in section 5214, I.R.C., shall be liable for the tax on such spirits from the time of such withdrawal. Such persons shall be relieved of any such liability at the time, as the case

may be, the spirits are exported, deposited in a foreign-trade zone, used in production of wine, deposited in a customs bonded warehouse or a customs manufacturing bonded warehouse, or laden as supplies upon or used in the maintenance or repair of certain vessels or aircraft, as provided by law.

* * * * *

(72 Stat. 1318, 82 Stat. 1328, as amended, 84 Stat. 1965; 26 U.S.C. 5005, 5232, 5066)

3. In § 201.44, paragraph (e) is amended to include requirements relating to alcoholic ingredients other than taxpaid spirits and to delete requirements respecting containers; a new paragraph (g) is added; and the sentence immediately following paragraph (f) is deleted. As amended, § 201.44 reads as follows:

§ 201.44 Claims in respect of spirits returned to bonded premises.

Claims for credit or refund of tax relating to spirits which have been withdrawn from bonded premises on payment or determination of tax and which are returned thereto under section 5215, I.R.C., as provided in Subpart S of this part, shall be filed with the assistant regional commissioner, and shall set forth the following:

(a) Quantity of spirits so returned;

(b) Amount of tax for which the claim is filed;

(c) Name, address, and plant number of the plant to which the spirits were returned and the date of such return;

(d) A statement as to whether or not any alcoholic ingredients other than fully taxpaid eligible distilled spirits have been added to the product covered by the claim; and

(e) The serial number of the Form 2612 and the date of gauge of the returned spirits.

Such claims shall be filed by the proprietor of the plant to which the spirits were returned and within 6 months of the date of the return. If such claim is allowed, refund (without interest) will be made or credit (without interest) will be allowed.

(72 Stat. 1323, as amended, 1364, as amended; 26 U.S.C. 5008, 5215)

4. In § 201.45, paragraph (b) is amended to make its provision comparable to those in section 5008(b), I.R.C., as amended; paragraph (c) is amended to include claims relating to accidental losses amounting to 10 proof gallons or more and to exclude such losses in computing operational losses; and a new paragraph (e) is added with respect to spirits returned to bottling premises. As amended and added, paragraphs (b), (c), and (e) of § 201.45 read as follows:

§ 201.45 Claims relating to spirits lost or destroyed after tax determination.

* * * * *

(b) *Claims relating to spirits withdrawn for rectification or bottling and voluntarily destroyed.* Claims for abatement, credit, or refund of tax (including rectification tax, if any) under this part, in the case of spirits withdrawn on payment or determination of tax from bond to bottling premises for rectification or bottling and voluntarily destroyed under the provisions of Subpart R of this part, shall be filed with the assistant regional commissioner by the proprietor of the bottling premises who withdrew the spirits. Such claims shall set forth the following:

(1) The quantity of spirits of each class and type covered by the claim;

(2) The total amount of distilled spirits tax and of rectification tax covered by the claim;

(3) The dates of destruction and the serial numbers of the Forms 1577; and

(4) Whether the claim covers tax on spirits withdrawn from bond by the claimant on payment or determination of tax for rectification or bottling, and whether the spirits covered by the claim were destroyed before removal from his bottling premises or after return to such premises.

(c) *Claims relating to losses of spirits withdrawn for rectification or bottling, by reason of accident, flood, fire, or other disaster.* Claims for abatement, credit, or refund of tax under this part, relating to spirits withdrawn for rectification or bottling and lost due to accident, flood, fire, or other disaster, shall be filed with the assistant regional commissioner by the proprietor who withdrew the spirits. The claim shall contain the information required under § 201.43(a) (1), (2), (3), (5), and (6) and, in addition, shall state (1) the date of determination of the tax (if claim is for refund or credit); (2) the date of assessment of the tax (if claim is for abatement); (3) whether or not the claimant is indemnified or recompensed for the tax, and if so, the extent and nature of such indemnification or recompense; (4) whether the claim covers tax on spirits withdrawn from bond by the claimant on payment or determination of tax for removal to bottling premises for rectification or bottling; and (5) whether the spirits covered by the claim were lost due to accident while being removed from bond to bottling premises, due to flood, fire or other disaster before removal from the premises of his distilled spirits plant, or due to accident while on his distilled spirits plant premises and the loss amounts to 10 proof gallons or more in respect of any one accident. Supporting statements as provided in § 201.484 shall be submitted with such claims. Any claim covering a loss by accident while on the distilled spirits plant premises shall contain a statement that the loss covered thereby has not and will not be included in computing total losses for filing claims under the provisions of paragraph (d) of this section.

(d) *Claims for losses occurring in rectifying, packaging, bottling, and casing operations.* Claims for credit or refund of tax under this part, relating to spirits lost by reason of, or incident to, authorized rectifying, packaging, bottling, or casing operations (including losses by leakage or evaporation occurring during removal from bond to the bottling premises and pending rectification or bottling) as provided for the Subpart O of this part, shall be filed with the assistant regional commissioner and shall set forth the following:

(1) A statement as to whether the claim covers tax on spirits withdrawn from bond by the claimant on payment or determination of tax for removal to bottling premises for rectification or bottling (including tax-paid spirits returned, under the provisions of §§ 201.495 and 201.496, to the bottling premises from which removed) and whether the spirits covered by the claim were lost before bottling or casing or other packaging of such spirits for removal from his bottling premises;

(2) In the case of loss by reason of authorized rectifying, packaging, bottling, or casing operations as provided for in § 201.482, the period covered by the claim, and the quantity of spirits so lost not in excess of the limitation contained in § 201.485;

(3) In the case of loss in the manufacture of gin or vodka provided for in § 201.487 the period covered by the claim, the quantity of spirits so lost, and whether the loss occurred in the process of manufacture in a closed system approved by the assistant regional commissioner. Claims described in this paragraph (d) shall be supported by Form 2611. (72 Stat. 1323, as amended; 26 U.S.C. 5008)

5. Section 201.89 is amended to provide that the proprietor's schedule of operations shall include activities relating to bottling in bond after determination of tax. As amended, § 201.89 reads as follows:

§ 201.89 Proprietor's schedule of operations.

The proprietor of each plant qualified for the production, bonded storage, or bottling in bond of spirits shall furnish the assigned officer a written schedule of operations. The schedule shall be given at least 1 day in advance of the operations and shall show, for the period covered by the schedule, all activities related to such production, bonded storage (including denaturation and bottling in bond before determination of tax), and bottling in bond after determination of tax, which the provisions of this part require to be conducted under supervision of an internal revenue officer.

(72 Stat. 1356, 1357; 26 U.S.C. 5201, 5202)

6. Paragraph (d) of § 201.95 is amended for clarification as it relates to spirits bottled in bond after determination of tax. As amended, paragraph (d) of § 201.95 reads as follows:

§ 201.95 Adjustment of proof.

* * * * *

(d) *Bottling after tax determination.* The proof of spirits to be bottled or packaged after tax determination shall be adjusted to a whole degree prior to determination of the rectification tax, if any, and the filling of packages or bottles: *Provided*, That when such spirits (except those to be bottled in bond for domestic use, which must be adjusted to 100° of

proof) are to be bottled and labeled in tenths of a degree of proof, the proof shall be adjusted to such tenths of a degree, and the fractional degree of proof shall be used in determining the rectification tax, if any.

7. Section 201.114 is amended to prescribe conditions under which a proprietor may elect to use facilities on his bottling premises for bottling tax-determined spirits in bond. As amended, § 201.114 reads as follows:

§ 201.114 Facilities for bottling in bond.

Bottling-in-bond facilities may be established only in a separate room or building on bonded premises by a proprietor of a plant qualified under this part to store spirits on such bonded premises in casks, packages, cases, or similar portable approved containers. Notwithstanding the provisions of § 201.116, such bottling-in-bond facilities shall not be used for the storage of spirits. The proprietor of a plant qualified under this part to store spirits in casks, packages, cases, or similar portable approved containers on bonded premises may, if bonded and bottling premises are within the same distilled spirits plant, elect to use facilities on his bottling premises for the bottling in bond of spirits after determination of tax. Tanks and pipelines conforming to the requirements of § 201.327 may be used alternately for bottling in bond before tax determination as provided in § 201.175.

(72 Stat. 1353, as amended; 26 U.S.C. 5178)

8. Paragraph (j)(4) of § 201.132 is amended to provide for a statement concerning bottling in bond after tax determination. As amended, paragraph (j)(4) of § 201.132 reads as follows:

§ 201.132 Data for application for registration.

* * * * *

(j) * * *

(4) With respect to the business of bottling after tax determination:

(i) Statement of the name, address, and plant number of a plant qualified by the applicant for production or bonded warehousing. (Not required if the plant being registered is qualified for production, bonded warehousing, or rectification, or if the applicant is a State or political subdivision thereof.)

(ii) Statement whether operations involving bottling in bond after tax determination, as provided in § 201.114, will be conducted.

* * * * *

(72 Stat. 1349; 26 U.S.C. 5171, 5172)

9. Section 201.173 is amended to include a new proviso at the end of the section. As amended, § 201.173 reads as follows:

§ 201.173 Encumbrance.

Where any of the property subject to lien under section 5004(b)(1), I.R.C., becomes encumbered by any judgment, or other lien, the proprietor shall thereupon file (a) an application to amend the registration of his plant, (b) a consent on Form 1602 or an indemnity bond on Form 3A (if such bond in sufficient penal sum is not on file), and (c) consent of surety on Form 1533 or a new qualification bond: *Provided,* That where such property is to be voluntarily subjected to an encumbrance, the documents shall be filed and approved before the property is encumbered: *And provided further,* That where such property is involuntarily subjected to an encumbrance and an indemnity bond, Form 3A, is not on file, the proprietor may file an indemnity bond on Form 4737 in lieu of Form 3A, as provided in § 201.203a.

(72 Stat. 1349, as amended; 26 U.S.C. 5172, 5173)

10. Paragraph (d) of § 201.174 is amended to provide that spirits to be bottled in bond after tax determination may not be transferred to an incoming proprietor and that such spirits may be retained under Government lock on the premises being alternated. As amended, paragraph (d) of § 201.174 reads as follows:

§ 201.174 Procedure for alternating proprietors.

* * * * *

(d) *Bottling premises.* Operations on bottling premises shall be completely finished and all spirits and wines removed from such premises prior to the change in proprietorship: *Provided,* That (1) except for spirits to be bottled in bond after tax determination, spirits and wines on hand, including those in the process of rectification, may be transferred to the incoming proprietor, or (2) all spirits and wines may be retained, under lock (Government lock as to spirits to be bottled in bond), but in such case the outgoing proprietor shall (unless qualification bond is not required for the plant) execute a consent of surety on Form 1533 to continue the liability on the qualification bond for the tax on such spirits and wines retained on the premises notwithstanding the change in proprietorship. Products subject to tax under the provisions of sections 5021 and 5022, I.R.C. (including partially rectified products), which are being transferred to a successor shall be taxpaid by the outgoing proprietor.

* * * * *

(72 Stat. 1349, 1370; 26 U.S.C. 5172, 5271)

11. Section 201.175 is amended to make a clarifying change in the last sentence. As amended, § 201.175 reads as follows:

§ 201.175 Alternating use of bonded and bottling premises.

Subject to the provisions of this section, a portion of the bonded premises may be alternately used as bottling premises and a portion of the bottling premises may be alternately used as bonded premises. Such alternate use of premises is subject to the filing by the proprietor, and the approval by the assistant regional commissioner, of (a) an application for registration, Form 2607, to cover such operation, and (b) a special plat to designate the premises which are to be alternated. The proprietor shall also file a drawing or diagram, in triplicate, clearly depicting all buildings, rooms, tanks, and spirits lines which are to be subject to such alternation, in their relative operating sequence. All such buildings, rooms, and equipment shall be individually identified by number or letter. Once such qualifying documents have been approved, the premises as described on such documents may be alternated pursuant to approval by the assigned officer of the proprietor's application on Form 2610. Before alternation is effected, all spirits on which the tax has not been determined shall be removed from the portion of the premises to be alternated to bottling premises, and all spirits on which the tax has been determined and other ingredients used in rectifying processes (if any), as the case may be, shall be removed from the portion of the premises to be alternated to bonded premises.

(72 Stat. 1349; 26 U.S.C. 5172)

12. Section 201.192 is amended to include reference to a bond given under new § 201.203a. As amended, § 201.192 reads as follows:

§ 201.192 Additional condition of distiller's bond.

In addition to the requirements of § 201.191, the distiller's bond shall be conditioned that he shall not suffer the property, or any part thereof, subject to lien under section 5004(b)(1), I.R.C., to be encumbered by any lien during the time in which he shall carry on such business, except that this condition shall not apply during the term of an indemnity bond given under the provisions of § 201.200 or to any judgment or other lien covered by a bond given under the provisions of § 201.203a.

(72 Stat. 1349, as amended; 26 U.S.C. 5173)

13. Section 201.198 is amended to include, in the last sentence, a reference to a bond filed under new § 201.203a. As amended, § 201.198 reads as follows:

§ 201.198 Disapproval of bonds or consents of surety.

The assistant regional commissioner may disapprove any bond or consent of surety submitted in respect to the business of a distiller, bonded warehouseman, or rectifier, if the principal or any person owning, controlling, or actively participating in the management of the business of the principal shall have been previously convicted, in a court of competent jurisdiction of—

(a) Any fraudulent noncompliance with any provision of any law of the United States, if such provision related to internal revenue or customs taxation of spirits, wines, or beer, or if such an offense shall have been compromised with the person on payment of penalties or otherwise, or

(b) Any felony under a law of any State or the District of Columbia, or the United States, prohibiting the manufacture, sale, importation, or transportation of spirits, wine, beer, or other intoxicating liquor.

Further, no bond of a distiller shall be approved unless the assistant regional commissioner is satisfied that the situation of the land and any building which will constitute his bonded premises (as described in his application for registration, Form 2607) is not such as would enable the distiller to defraud the United States, and unless: (1) The distiller is the owner in fee, unencumbered by any mortgage, judgment, or other lien, of the lot or tract of land subject to lien under section 5004(b)(1), I.R.C.; or (2) the distiller files a consent, Form 1602, of the owner of the fee, and of any mortgagee, judgment creditor, or other person having a lien thereon, in accordance with the provisions of §§ 201.151 and 201.152; or (3) the distiller files an indemnity bond, Form 3A, in accordance with the provisions of § 201.200, or with respect to a judgment or other involuntary lien, files a bond in accordance with the provisions of § 201.203a.

(72 Stat. 1349, as amended, 1394; 26 U.S.C. 5173, 5551)

14. Section 201.200 is amended to include reference to new bond, Form 4737. As amended, § 201.200 reads as follows:

§ 201.200 Indemnity bond, Form 3A.

A proprietor of a plant qualified for the production of spirits may furnish bond on Form 3A to stand in lieu of future liens imposed under section 5004(b)(1), I.R.C., and no lien shall attach to any lot or tract of land, distillery, building, or distilling apparatus by reason of distilling done during any period included within the term of any such bond. Where an indemnity bond has been furnished on Form 3A in respect of a plant, the requirements of this part relating to the filing of consents on Forms 1602 and bonds on Forms 1617 and Forms 4737 are not applicable in respect to such plant.

(72 Stat. 1317, 1349, as amended; 26 U.S.C. 5004, 5173)

15. A new section, § 201.203a, to prescribe requirements for an indemnity bond to cover judgments or other involuntary liens, is inserted immediately following § 201.203 to read as follows:

§ 201.203a Indemnity bond for involuntary lien.

Where a judgment or other involuntary lien is imposed on any of the property specified in section 5004(b)(1), I.R.C., on which the United States has a first lien for taxes and an indemnity bond on Form 3A has not been furnished under § 201.200, the proprietor of the distilled spirits plant may, in lieu of filing Form 3A, file with the assistant regional commissioner an indemnity bond on Form 4737. Bond on Form 4737 shall be in a penal sum equal to the full amount of any judgments or other involuntary liens, or portions thereof unsatisfied at the time the bond is filed, and which are to be covered by the bond.

(72 Stat. 1317, 1349, as amended; 26 U.S.C. 5004, 5173)

16. In § 201.211, the list of bonds and the footnotes are amended by redesignating paragraphs (h), (i), and (j) as paragraphs (i), (j), and (k) and inserting a new paragraph (h), and by redesignating footnotes 1 and 2 as footnotes 2 and 3 and adding a new footnote 1. As amended and added, paragraphs (h), (i), (j), and (k), and footnotes 1, 2, and 3, read as follows:

§ 201.211 Bonds and penal sums of bonds.

* * * * *

Bond	Penal Sum		
	Basis	Minimum	Maximum
* * *	* * *	* * *	* * *
(h) Indemnity Bond, Form 4737	The amount of involuntary liens against property.	(1)	(1)
(i) Withdrawal Bond, Form 2613	The amount of tax which, at any one time, is chargeable against such bond but has not been paid.	1,000	1,000,000
(j) Withdrawal Bond, Form 2614	do	1,000	1,000,000
(k) Blanket Withdrawal Bond, Form 2615:			
(1) Bonded and bottling premises on same plant premises.	Sum of penal sums of bonds, Forms 2613 and 2614, in lieu of which given.	2,000	1,000,000
(2) Two or more plants in a region qualified for bonded and/or bottling operations.	Sum of the penal sums of all the bonds, Forms 2613 and/or 2614, in lieu of which given.	(2)	(3)

[1] Sum of outstanding involuntary lien or liens covered by the bond.
[2] Sum of the minimum penal sums required for each plant covered by the bond.
[3] Sum of the maximum penal sums required for each plant covered by the bond. (The maximum penal sum for one plant is $1,000,000.)

(68A Stat. 847, 72 Stat. 1349, as amended, 1352; 26 U.S.C. 7102, 5173, 5174, 5175)

17. Paragraph (c) of § 201.221 is amended to include reference to new bond, Form 4737. As amended, paragraph (c) reads as follows:

§ 201.221 Relief of surety from bond.

* * * * *

(c) *Bond, Form 1617 or Form 4737.* The surety on a bond given on Form 1617 or Form 4737 shall be relieved from his liability when the bond has been canceled as provided for in § 201.223.

* * * * *

(72 Stat. 1317, 1349, as amended, 1352, 1353; 26 U.S.C. 5004, 5173, 5174, 5176)

18. Section 201.223 is amended to provide conditions for termination of liability under bond, Form 4737. As amended, § 201.223 reads as follows:

§ 201.223 Cancellation of indemnity bond.

Any indemnity bond will be canceled by the assistant regional commissioner, on application by the principal or surety, if he determines that the liability for which such bond was given has ceased to exist. Liability under any bond on Form 1617, given under the provisions of this part or under any other prior provisions of law or regulations, will be deemed to have ceased to exist: (a) When a superseding bond is approved; (b) when the proprietor furnishes a consent, Form 2602, on an indemnity bond, Form 3A, as provided in § 201.201; or (c) when it is established to the satisfaction of the assistant regional commissioner that all spirits produced, while the property covering which the indemnity bond was filed formed a part of the distillery premises and equipment, have been taxpaid or that the producer thereof has been relieved from liability for payment of such tax under the provisions of chapter 51, I.R.C. Liability under any bond on Form 4737 will be deemed to have ceased to exist when the conditions stated in paragraph (a) or (b) of this section have been met or when the judgment or involuntary lien for which the bond was filed has been satisfied.

(72 Stat. 1317, 1349, as amended, 1353; 26 U.S.C. 5004, 5173, 5176)

19. Section 201.241 is amended to specifically provide that it relates only to the bottling of spirits before determination of tax, and to update the citation. As amended, § 201.241 reads as follows:

§ 201.241 Bottling facilities on bonded premises.

Where the proprietor is authorized to bottle spirits in bond before determination of tax he shall provide a separate room or building of his bonded warehouse for such purpose. Such room or building shall be constructed as provided in § 201.231, arranged, and equipped so as to be suitable for the intended purpose. When authorized by the assistant regional commissioner, bottling-in-bond facilities, when not in use for bottling in bond before determination of tax, may be used for bottling alcohol before determination of tax.

(72 Stat. 1353, as amended, 1369; 26 U.S.C. 5178, 5235)

20. Paragraph (c) of § 201.243 is amended to provide that tanks used for bottling in bond on bottling premises shall be equipped for securing with Government locks or seals. As amended, paragraph (c) of § 201.243 reads as follows:

§ 201.243 Tanks.

* * * * *

(c) *Bottling premises.* All openings in storage, receiving, bottling, and package filling tanks on bottling premises shall be equipped for securing with locks or seals, and all tanks to be used for spirits to be bottled in bond on such premises shall be so equipped that the flow of spirits in or out of the tanks may be controlled by Government locks or seals: *Provided,* That the Director may approve other devices or methods affording comparable protection.

21. Section 201.371 is amended to provide that Form 179 shall show the purpose of withdrawal where spirits are

withdrawn for bottling in bond after tax determination and to specify certain conditions under which spirits will not be eligible for bottling in bond after tax determination. As amended, § 201.371 reads as follows:

§ 201.371 Application.

Spirits to be withdrawn from bonded premises on determination of the tax thereon shall be in such containers or cases as are prescribed in this part. The proprietor of the bottling premises to which the spirits are to be removed or the proprietor of the bonded premises from which the spirits are to be withdrawn, shall make application on Form 179 for tax determination and withdrawal. Where spirits are to be withdrawn on determination of tax, the tax thereon shall be paid before removal of the spirits from the bonded premises unless the proprietor making application for the withdrawal has furnished bond on Form 2613, 2614, or 2615 to secure payment of tax. Where the spirits are to be withdrawn by the proprietor of bottling premises from bonded premises not on the same plant premises, he shall, on execution of his portion of the application on Form 179, deliver one copy to the assigned officer at the bottling premises and forward the remaining copies of the form to the proprietor of the bonded premises. Where the proprietor of bottling premises intends to withdraw spirits which are to be bottled in bond after tax determination as provided in § 201.114, he shall specify on Form 179 the purpose for which the spirits are being withdrawn. On completion of the application the proprietor of the bonded premises shall deliver all copies of the application to the assigned officer at his premises. Where spirits in packages are to be gauged in bulk gauging tanks, the proprietor of the bonded premises shall attach to Form 179 a list (one copy) of the serial numbers of the packages. Where an alternating proprietor has been authorized pursuant to § 201.174 to commence operations of bottling facilities at a specified future time, he may apply for the withdrawal of spirits from bond on Form 179 in anticipation of such commencement of operations, but spirits so applied for will not be eligible for loss allowance or bottling in bond after tax determination unless such spirits are withdrawn directly from bond and unless such spirits are received on his bottling premises during the time he is authorized to operate such premises.

(72 Stat. 1363; 26 U.S.C. 5213)

22. Section 201.385 is amended to add provisions for spirits withdrawn for bottling in bond after tax determination and to make a clarifying change relating to spirits bottled in bond before determination of tax. As amended, § 201.385 reads as follows:

§ 201.385 Release of spirits.

No spirits shall be removed from bonded premises, except as otherwise provided by law, unless the tax thereon has been determined. If the Form 179, and Form 2521 (if required) with remittance, are in order and cover the full amount of the tax on the spirits to be withdrawn, the assigned officer shall execute his certificate of tax determination. The assigned officer shall not execute his certificate of tax determination where a proprietor of bottling premises, whose bond on Form 2614 or 2615 is not in the maximum penal sum, has assumed liability for the tax on the spirits, and the tax is greater than the amount shown on Form 179 as charged against his bond. Where Form 2521 has been filed with the district director, as required by § 201.383 (b), the certificate regarding tax determination shall not be executed before the assigned officer has received a receipted copy of the return from the district director. Where a proprietor of bottling premises has made application for withdrawal of spirits for bottling in bond after tax determination, the assigned officer shall not execute his certificate of tax determination unless the spirits to be withdrawn meet the aging and packaging requirements prescribed for spirits to be bottled in bond and are otherwise eligible. On execution of the certificate of tax determination the assigned officer shall issue distilled spirits stamps for packages or bulk conveyances of spirits to be removed from bonded premises. Distilled spirits stamps shall be affixed, canceled, and protected in the manner provided in Subpart Q of this part. When the distilled spirits stamps have been affixed by the proprietor to the containers and the containers have been properly marked, the assigned officer shall release the spirits. When spirits are to be removed by pipeline, the appropriate Form 179, after execution of the certificate of tax determination shall be attached to the gauge tank before the spirits are released by the assigned officer. Spirits bottled in bond before determination of tax which are to be withdrawn from bonded premises on determination of tax may be so withdrawn subsequent to bottling, without being returned to the storage portion of the bonded warehouse, if the proprietor executes Form 179 in advance of withdrawal to cover a specific quantity of such spirits, and also executes, in advance of withdrawal, the statement required by § 201.372. In such case the assigned officer shall execute the certificate of tax determination only if he is satisfied that adequate means and methods are provided for accurately ascertaining the quantities of spirits to be so withdrawn at time of bottling and that the Form 179 is otherwise in order. On completion of the withdrawal covered by Form 179, the proprietor shall complete the forms, identifying the cases and showing the actual quantity of spirits so withdrawn; such information shall be verified by the assigned officer. When any spirits have been removed from the bonded premises as provided in this section, the proprietor shall execute, under the penalties of perjury, the statement of removal on all copies of Form 179 and distribute them in accordance with the instructions on the form.

23. Section 201.386 is amended to provide for the withdrawal of distilled spirits to a customs bonded warehouse without payment of tax. As amended, § 201.386 reads as follows:

§ 201.386 Authorized withdrawals without payment of tax.

Spirits may be withdrawn from bonded premises, without payment of tax, for—

(a) Export, as authorized under section 5214(a)(4), I.R.C.;

(b) Transfer to customs manufacturing bonded warehouses, as authorized under section 5522(a), I.R.C.;

(c) Transfer to foreign-trade zones, as authorized under 19 U.S.C. 81c;

(d) Supplies for certain vessels and aircraft, as authorized under 19 U.S.C. 1309;

(e) Transfer to customs bonded warehouses, as authorized under section 5066, I.R.C.;

(f) Use in wine production, as authorized under section 5373, I.R.C.; or

(g) Transfer to any university, college of learning, or institution of scientific research for experimental or research use, as authorized under section 5312(a), I.R.C.

The withdrawal of spirits as provided in paragraphs (a) through (e) of this section shall be in accordance with the regulations in Part 252 of this chapter.

(72 Stat. 1362, 1375, 1382, 1393, 84 Stat. 1965; 26 U.S.C. 5214, 5312, 5373, 5522, 5066)

24. The heading of Subpart N immediately preceding § 201.421 is amended to read as follows:

Subpart N—Operations on Bottling Premises Other Than Bottling in Bond

25. Section 201.422 is amended to provide a cross-reference to Part 252 with regard to preparing Forms 27–B Supplemental when a proprietor wishes to have a standard export drawback rate established. As amended, § 201.422 reads as follows:

§ 201.422 Form 27–B Supplemental.

Every rectifier shall file with the Director a statement on Form 27–B Supplemental of each formula and process by which he intends to rectify spirits or wines. A rectifier shall not use a formula or process in the manufacture of any rectified product until he has received approval therefor. When an intermediate product is made for use in manufacturing a finished product (or products) a separate Form 27–B Supplemental (designating the product as an intermediate) shall be filed for the intermediate product; such intermediate product shall be shown as such and by formula number as an ingredient in the formula for the finished product in which it is to be used. Each formula shall (a) be serially numbered in sequence beginning with the number "1", (b) describe the kind of

products in accordance with the appropriate class and type designation prescribed by 27 CFR Part 4 or Part 5, if applicable, (c) state the process completely and concisely in step by step sequence, and (d) designate all ingredients composing the formula in sufficient detail to enable a proper determination as to the tax classification and labeling of the finished product. Alcoholic flavoring materials containing spirits on which drawback has been or may be claimed shall be identified in the formula as such, and shall be separately shown by kind, quantity (by volume) to be used, and the percentage of alcohol (by volume) contained therein; approval of formulas shall be conditioned on compliance with the provisions of § 201.424. The Director may require a diagram, drawing or other pictorial depiction of the process to supplement the statement of process on Form 27–B Supplemental. Formulas which show an alternate use of ingredients which would result in a different tax or labeling classification will not be approved. Form 27–B Supplemental for products on which the proprietor wishes to have a standard export drawback rate established will be prepared as provided in Part 252 of this chapter.

(72 Stat. 1328, 1356, 1370; 26 U.S.C. 5025, 5201, 5251)

26. Section 201.425 is amended to include provisions relating to the establishment of standard export drawback rates. As amended, § 201.425 reads as follows:

§ 201.425 Changes in formulas.

The addition or elimination of ingredients, changes in quantities of ingredients used (where the percentages are required to be disclosed), and changes in the process of rectification are permissible only after approval of a new Form 27–B Supplemental: *Provided,* That where such change of ingredients or process does not result in altering the class or type of the finished product or the tax applicable, and, in the case of formulas on which a standard drawback rate has been established, does not affect such rate, the change may be accomplished by filing, with the Director, a rider to the formula. The rider, in quadruplicate, will clearly identify the original formula by number, date of approval, name of the product, and by name and number of the plant, will specify the ingredients to be added or eliminated, or the change in process, and will be signed and processed in the same manner as the original formula. Such change in ingredients or process is permissible only after approval of the rider. Riders submitted to obtain a standard export drawback rate for an approved formula will be filed with the assistant regional commissioner as provided in Part 252 of this chapter. A new Form 27–B Supplemental or rider will not be required to cover changes in brand names. Once an approved formula is superseded by a new formula, the original formula shall no longer be used and will be surrendered to the Director.

(72 Stat. 1356; 26 U.S.C. 5201)

27. Section 201.461 is amended to limit its application to bottles filled under the provisions of Subpart N. As amended, § 201.461 reads as follows:

§ 201.461 Strip stamps.

The proprietor shall affix to each bottle of spirits filled on bottling premises under the provisions of this subpart a red strip stamp. Such stamp shall be procured, overprinted (when required), affixed, and accounted for as provided in Subpart Q of this part.

(72 Stat. 1358; 26 U.S.C. 5205)

28. A new Subpart Na is added, immediately following § 201.470, to prescribe requirements concerning bottling in bond after tax determination. As added, Subpart Na reads as follows:

Subpart Na—Bottling in Bond After Tax Determination

Sec.
201.470a General.
201.470b Withdrawal.
201.470c Handling of spirits.
201.470d Filtering and stabilizing.
201.470e Rinsing of packages.
201.470f Record of use.
201.470g Reduction in proof.
201.470h Bottling.
201.470i Liquor bottle and label requirements.
201.470j Labels to agree with contents of tanks and bottles.
201.470k Filling of bottles.
201.470l Strip stamps.
201.470m Cases.
201.470n Salvaged spirits.
201.470o Domestic use of spirits bottled for export.
201.470p Use of trade name.
201.470q Rebottling, relabeling, or restamping.

Subpart Na—Bottling in Bond After Tax Determination

§ 201.470a General.

A proprietor who is qualified to use facilities on his bottling premises for bottling in bond shall conduct operations relating to such bottling pursuant to the provisions of this subpart. Spirits which have been withdrawn for bottling in bond shall be transferred, dumped, gauged, bottled, stamped, and labeled by the proprietor under the direct supervision of the assigned officer. Spirits to be bottled in bond shall, at the time of withdrawal from bond, meet the aging and packaging requirements prescribed by § 201.321. Spirits may be bottled in bond under the provisions of this subpart only if they have been withdrawn from bonded premises on the same distilled spirits plant as the bottling premises in which they are to be bottled.

(72 Stat. 1353, as amended; 26 U.S.C. 5178)

§ 201.470b Withdrawal.

Proprietors shall make application for withdrawal of spirits for bottling in bond on Form 179 in accordance with the provisions of Subpart L of this part. Spirits which are not specifically withdrawn for bottling in bond may not be so bottled.

(72 Stat. 1363; 26 U.S.C. 5213)

§ 201.470c Handling of spirits.

The proprietor shall inspect containers of spirits at the time of their receipt in accordance with § 201.430. Unless spirits are held under the provisions of § 201.430, spirits to be bottled in bond which are received on bottling premises shall be promptly dumped for bottling. No more spirits shall be received and dumped at any one time than can be bottled expeditiously. If the proprietor intends to bottle as other than bottled in bond, or to package or otherwise remove, any portion of a lot of spirits which are entered on Form 179 for bottling in bond, he shall indicate in his schedule of operations required by § 201.89 that portion of the lot which is to be otherwise bottled, packaged, or removed and shall make appropriate notations on the Form 179, Form 122, and Form 2637, as applicable, which are involved.

§ 201.470d Filtering and stabilizing.

Spirits withdrawn for bottling in bond may be treated as provided in §§ 201.324 and 201.445.

§ 201.470e Rinsing of packages.

All wooden packages containing spirits to be bottled in bond shall be rinsed, and the rinsings disposed of, in accordance with the provisions of § 201.434. The provisions of § 201.436 prohibiting the extraction of spirits from wooden packages applies to packages emptied under this subpart.

§ 201.470f Record of use.

Whenever any spirits intended for bottling in bond are to be dumped or received by pipeline on bottling premises for bottling (or are to be reduced in proof, filtered, or stabilized for such bottling), the proprietor shall prepare Form 122. Each Form 122 shall (a) identify the spirits to be dumped, (b) show the trade name under which the distiller produced and warehoused the spirits, if any, in addition to the real name of the distiller, (c) be prominently marked in the top margin with the words "Spirits to be bottled in bond", and (d) be serially numbered within the same series as Forms 122 covering spirits dumped for other purposes. When the proprietor has completed all entries required on Form 122, he shall submit one copy to the assigned officer and retain the remaining copy for his files.

(72 Stat. 1356; 26 U.S.C. 5201)

§ 201.470g Reduction in proof.

The proof of spirits to be bottled in bond shall be reduced in accordance with the provisions of § 201.326.

§ 201.470h Bottling.

Spirits may be bottled in bond only from approved bottling tanks. On completion of any filtration, stabilization, and reduction of spirits to be bottled in bond, the proprietor shall determine the quantity and proof of the spirits deposited in each bottling tank and shall prepare Part I of Form 2637. Form 2637 shall be attached to the bottling tank. Where two or more lots of spirits are to be bottled in bond at the same time, or where a lot of spirits to be bottled in bond is to be bottled simultaneously

with a lot of spirits to be otherwise bottled, the bottling shall be conducted in such manner as to prevent any mingling of the different lots. Where part of a lot of spirits are to be bottled in bond for export and the proof is further reduced, the proprietor shall determine the quantity and proof of the spirits after further reduction and enter the results of the gauge in the first unused line of Part II of Form 2637. No spirits (including spirits further reduced for export) shall be bottled in bond until the assigned officer has verified the quantity and proof of the spirits and has released the spirits for bottling at the specified proof. Bottling tanks and pipelines shall be so equipped that the flow of spirits through the tanks may be controlled by Government locks. So long as any spirits which are to be bottled in bond remain in a bottling tank, the tank shall be locked with Government locks at all times that the assigned officer is not on the plant premises.

(72 Stat. 1356, 1357; 26 U.S.C. 5201, 5202)

§ 201.470i Liquor bottle and label requirements.

The proprietor shall comply with the provisions of Subpart Pa of this part and § 201.328 respecting the use of liquor bottles. He shall also comply with the provisions of Subpart Pa of this part and §§ 201.329, 201.331, and 201.332 respecting label requirements.

§ 201.470j Labels to agree with contents of tanks and bottles.

Before bottling a lot of spirits in bond, the proprietor shall affix a copy of the (approved or exempted) label he proposes to use for such bottling, which label shall agree with the spirits in the tank, to the Form 2637 to be attached to the tank: *Provided,* That, on application therefor, the Director may approve the entering on Form 2637 of code symbols, identifying the labels to be used, in lieu of affixing the labels. Labels affixed to bottles shall be identical with the label affixed to (or with the label identified by the code symbol entered on) Form 2637 attached to the tank from which the bottles are to be filled. If the assigned officer finds that the label and spirits do not agree in every respect, he shall not permit the spirits to be bottled until the proprietor submits to him a proper label correctly describing the spirits to be bottled, or, if the spirits are labeled with labels which do not agree with the spirits in every respect, he shall cause the proprietor to relabel the spirits with a proper label.

(72 Stat. 1353, as amended, 1374; 26 U.S.C. 5178, 5301)

§ 201.470k Filling of bottles.

Bottles of bottled-in-bond spirits shall be so labeled (a) that the label in use is identical with the label attached to (or with the label identified by the code symbol entered on) Form 2637, and properly describes the spirits, and (b) that the bottled spirits agree in proof with the data on the label; and shall be so filled that the quantity agrees with the data on the label, stamp, or bottle. If the contents do not agree as to quantity (except for such variations in measuring as may occur in filling conducted in compliance with good commercial practice and there is substantially as much overfill as underfill for each lot of spirits bottled) or as to proof (subject to a normal drop in proof occurring during bottling operations, but not to exceed three-tenths of a degree) with the respective data on the label, stamp, or bottle, the assigned officer will withhold release of the bottled spirits and require the proprietor to rebottle, recondition, or relabel the spirits in such manner that the label will correctly described the contents.

(72 Stat. 1353, as amended, 1374; 26 U.S.C. 5178, 5301)

§ 201.470l Strip stamps.

The proprietor shall affix to each bottle of spirits bottled in bond a domestic or export strip stamp, as appropriate. Such stamps shall be procured, overprinted (when required), affixed, and accounted for as provided in Subpart Q of this part.

§ 201.470m Cases.

On completion of bottling, the filled bottles, with labels and strip stamps properly affixed, shall be placed in cases in accordance with the provisions of § 201.462. Where there is less than a case of bottled-in-bond spirits remaining from a lot of spirits bottled, either for domestic use or for exportation, the remnant will be placed in a case and such case shall be marked as a remnant case as provided in Subpart P of this part: *Provided,* That where spirits, of the same kind and proof, produced by the same distiller at the same distillery during the same distilling season as the remnant, are to be bottled on the same or following business day, and are eligible for inclusion in the remnant case, such remnant case may be given the next serial number and filled with such spirits. The bottles contained in any case of bottled-in-bond spirits marked as a remnant case which has not been removed from the plant premises may, when the next lot of spirits of the same kind, produced by the same distiller, at the same distillery during the same distilling season is to be bottled, (a) be used for filling a complete case, if of the same proof and otherwise eligible, or (b) be dumped into the bottling tank and mingled with such other spirits for bottling. Where any remnant spirits are handled in a manner prescribed or authorized by the provisions of this section, the pertinent Forms 2637 shall be appropriately marked to show the disposition of the spirits.

(72 Stat. 1356, 1360; 26 U.S.C. 5201, 5206)

§ 201.470n Salvaged spirits.

Spirits to be bottled in bond which are salvaged from the filtering or bottling operation may be added, under the direct supervision of the assigned officer, to a tank on bottling premises containing the same spirits or another lot of spirits of the same kind, produced by the same distiller, at the same distillery during the same distilling season which are also to be bottled in bond. Such spirits may also be mingled with homogeneous spirits or added to heterogeneous spirits in accordance with the provisions of Subpart N of this part. Salvaged spirits shall be reported on the Form 122 covering the lot to which they were added, unless they are returned to the lot from which they were salvaged.

(72 Stat. 1356, 1366; 26 U.S.C. 5201, 5233)

§ 201.470o Domestic use of spirits bottled for export.

Cases (full or remnant) of spirits bottled in bond for export shall not be used for domestic purposes unless the spirits are contained in bottles in the sizes provided in 27 CFR Part 5 which bear the indicia required under Part 173 of this chapter and the spirits are properly relabeled. If the proprietor desires to convert full or remnant cases of spirits bottled in bond for export to domestic use as bottled-in-bond spirits (where eligible), the export strip stamps shall be replaced by domestic bottled-in-bond strip stamps. All rebottling, relabeling, and restamping of such spirits shall be performed in accordance with the provisions of § 201.470q. If the proprietor desires to convert full or remnant cases of spirits bottled in bond for export to domestic use as other than bottled-in-bond spirits, the rebottling, relabeling, and restamping, as applicable, shall be conducted in accordance with the requirements of § 201.466.

(72 Stat. 1356; 26 U.S.C. 5201)

§ 201.470p Use of trade name.

Before a proprietor may bottle or label bottled-in-bond spirits under a trade name, he shall secure approval of such name in the manner prescribed by Subpart F of this part. When any such name is to be used, it shall be entered in the appropriate space on Form 2637.

(72 Stat. 1366; 26 U.S.C. 5233)

§ 201.470q Rebottling, relabeling, or restamping.

(a) *General.* Spirits bottled in bond before determination of tax and spirits bottled in bond after determination of tax may be rebottled, relabeled, or restamped in accordance with the applicable provisions of Subpart K of this part by the proprietor of a bonded warehouse who is qualified for bottling in bond before determination of tax. Such spirits may also be rebottled, relabeled, or restamped in accordance with paragraphs (b), (c), and (d) of this section by the proprietor of bottling premises who is qualified for bottling in bond after determination of tax.

(b) *Application.* Application to rebottle, relabel, or restamp spirits identified in paragraph (a) of this section on bottling premises shall be filed in duplicate, with the assigned officer, and state specifically (1) the reason for the rebottling, relabeling, or restamping, (2) the serial numbers of the cases, (3) the name and plant or registry number of the producing distiller, (4) the season and year of

production, (5) the name and plant or registry number of the premises where the spirits were bottled, and (6) the season and year of original bottling. If the spirits were originally bottled by a person other than the applicant, the application shall be accompanied by written authorization from such person consenting to the rebottling or relabeling. No such spirits shall be rebottled, relabeled, or restamped until the assigned officer has approved the application.

(c) *Applicable provisions.* The provisions of § 201.346 relating to supervision of operations and to mingling and expeditious processing of spirits; § 201.349 relating to strip stamps, liquor bottles, and cases (including marking thereof); § 201.350 relating to filtering and stabilizing; and § 201.351 relating to reduction in proof and withdrawal with benefit of drawback of domestic spirits for exportation, shall be applicable to the rebottling, relabeling, or restamping of spirits under the provisions of this section. Where spirits are relabeled, the proprietor shall comply with the provisions of § 201.470j, and Subpart Pa of this part.

(d) *Forms 122 and 2637.* Forms 122 and 2637 shall be prepared in accordance with the provisions of this subpart to cover the rebottling of spirits under this section by the proprietor of bottling premises. Form 2637, appropriately modified, shall be prepared to cover the relabeling or restamping of such spirits by the proprietor of the bottling premises.

29. Section 201.482 is amended to provide for accidental losses of 10 proof gallons or more, and losses of spirits after return to bottling premises. As amended, § 201.482 reads as follows:

§ 201.482 Allowable losses.

Where spirits withdrawn from internal revenue or customs bond on payment or determination of tax for rectification or bottling are lost, the tax imposed on such spirits under section 5001(a)(1), I.R.C., may be abated, remitted, or, without interest, refunded or credited to the proprietor who so withdrew the spirits for removal to his bottling premises, if it is established to the satisfaction of the assistant regional commissioner that:

(a) Such loss occurred (1) by reason of accident while being removed from bond to bottling premises, or (2) by reason of flood, fire, or other disaster before removal from the premises of the distilled spirits plant to which removed from bond, or (3) by reason of accident while on the distilled spirits plant premises and amounts to 10 proof gallons or more in respect of any one accident, or

(b) Such loss occurred before the completion of the bottling and casing or other packaging of the spirits for removal from the bottling premises to which removed from bond by reason of, and was incident to, authorized rectifying, packaging, bottling, or casing operations (including losses by leakage or evaporation occurring during removal from bond to the bottling premises and during storage on bottling premises pending rectification or bottling).

Paragraphs (a)(2), (a)(3), and (b) of this section shall apply to spirits returned to the bottling premises to which withdrawn from bond as provided in § 201.495. Abatement, remission, credit, or refund of tax shall not be made in respect of the losses described in this section to the extent that the claimant is indemnified or recompensed for the tax, and in the case of the losses described under paragraph (b) of this section, abatement, remission, credit, or refund shall not be made in excess of the limitations set forth in this subpart. No allowance is made in section 5008(c), I.R.C., in respect to loss of spirits by theft. Spirits lost by theft in transit to, or while on, bottling premises shall be reflected as losses by theft in the records and reports prepared by the proprietor but shall be excluded from the quantities for which claims are filed pursuant to section 5008(c), I.R.C. Spirits used up in bona fide analysis and testing on bottling premises shall be considered as lost by reason of, and incident to, authorized operations within the meaning of this section. Spirits removed as samples from the bottling premises before completion of bottling and casing or other packaging of such spirits for removal from the bottling permises shall be reflected as proprietor samples or Government samples in the records and reports prepared by the proprietor, and shall be excluded from the quantities for which claims are filed pursuant to section 5008(c), I.R.C.

(72 Stat. 1323, as amended; 26 U.S.C. 5008)

30. Section 201.485 is amended to clarify its provisions as to accidental losses of 10 proof gallons or more. As amended, § 201.485 reads as follows:

§ 201.485 Operating losses.

Losses of spirits by reason of the conditions stated in § 201.482(b) may be computed and claimed by the proprietor and tentatively allowed as provided in §§ 201.488 and 201.489, but shall be adjusted and finally allowed on a fiscal year basis; the proprietor shall promptly report to the assigned officer any such loss which is substantial and unusual in nature. Losses of spirits under this section (except losses incurred in the manufacture of gin and vodka in a closed system which are provided for in § 201.487) shall be allowed in an amount no greater than the excess of losses over gains and not to a greater extent than is set forth below:

If total completions during the fiscal year in proof gallons are—	The maximum allowable loss in proof gallons is—
Not over 24,000	2 percent of completions.
Over 24,000 but not over 120,000	480 proof gallons plus 1 percent of excess over 24,000.
Over 120,000 but not over 600,000	1,440 proof gallons plus 0.6 percent of excess over 120,000.
Over 600,000 but not over 2,400,000	4,320 proof gallons plus 0.3 percent of excess over 600,000.
Over 2,400,000	9,720 proof gallons plus 0.2 percent of excess over 2,400,000.

Accidental losses of less than 10 proof gallons in respect of any one accident, occurring before completion and in the course of authorized rectifying, packaging, bottling, or casing operations, are includable in losses under this section subject to the limitations herein. Accidental losses of 10 proof gallons or more in respect of any one accident if claimed under the provisions of § 201.45(c), shall not be included as operating losses under this section.

(72 Stat. 1323, as amended; 26 U.S.C. 5008)

§ 201.493 [Deleted]

31. Section 201.493 is deleted.

32. Section 201.494 is amended to delete obsolete material and to provide for the gauge of returned spirits. As amended, § 201.494 reads as follows:

§ 201.494 Gauge of spirits.

Where spirits are gauged to determine (a) losses as provided by § 201.484, (b) losses as provided by § 201.485 which occur before dumping, (c) quantities of ineligible spirits dumped for rectification or bottling, (d) quantities entered into or removed from the closed system, as provided in § 201.487, or (e) quantities of returned spirits as provided in § 201.496, such gauge shall be made by the proprietor by weight and proof unless the assistant regional commissioner approves another method of gauging.

(72 Stat. 1358; 26 U.S.C. 5204)

33. An undesignated center heading and new §§ 201.495 and 201.496, are added immediately following § 201.494, to read as follows:

TAXPAID SPIRITS RETURNED TO BOTTLING PREMISES

§ 201.495 Application of loss provisions to returned spirits.

Distilled spirits withdrawn from bond on payment or determination of tax for rectification or bottling which are removed from bottling premises and subsequently returned to the premises from which removed may be dumped and gauged after such return as provided in § 201.496, and subsequent to such gauge shall be eligible for allowance of loss under section 5008(c), I.R.C., as though they had not been removed from such bottling premises.

(72 Stat. 1323, as amended; 26 U.S.C. 5008)

§ 201.496 Notice of gauge.

A proprietor desiring to apply the loss provisions to returned spirits as authorized in § 201.495 shall submit a notice, on Form 4738, to the assigned officer, if any; to another internal revenue officer on the premises; or to the assistant regional commissioner. The notice shall

specify a date on which the proprietor intends to dump and gauge the returned spirits. Where the notice is given to an assigned officer the dumping and gauging may be done at any time convenient to that officer. Where it is filed with another internal revenue officer or with the assistant regional commissioner, such date shall be not less than 12 days following the date on which the notice is filed: *Provided*, That if it is filed with another internal revenue officer and it is convenient for him to supervise the dumping and gauging of the spirits before he leaves the plant, the spirits may be immediately dumped and gauged. Where the notice is filed with another internal revenue officer and it is not convenient for him to supervise the operations before he leaves the plant, he will forward the notice to the assistant regional commissioner. The proprietor shall furnish such evidence of eligibility of the spirits for loss allowance as may be requested by the assigned officer, another internal revenue officer, or the assistant regional commissioner, as the case may be. If the notice is sent to the assistant regional commissioner and before the date specified, he has not notified the proprietor to the contrary, the proprietor may dump and gauge the returned spirits and enter the gauge on the form.

34. Section 201.502 is amended by adding a reference to Subpart Na for bottling spirits in bond after determination of tax for export and by making related changes. As amended, § 201.502 reads as follows:

§ 201.502 Containers of 1 gallon or less.

The provisions of Subpart K of this part govern the containers to be used in bottling spirits in bond before determination of tax for export under section 5233, I.R.C., and bottling alcohol on bonded premises under section 5235, I.R.C. The provisions of Subpart Na of this part govern the containers to be used in bottling spirits in bond for export in accordance with the conditions and requirements of section 5233, I.R.C., but after determination of tax. The provisions of Subpart Pa of this part govern the containers to be used in bottling spirits in bond for domestic use under, or in accordance with, section 5233, I.R.C. The provisions of Subpart N of this part govern the bottling of spirits, other than spirits bottled in bond, and wines on bottling premises. Denatured spirits may be filled on bonded premises into metal or glass containers of a capacity of 1 gallon or less. Liquor bottles shall not be used for bottling denatured spirits. Spirits in bottles of a capacity of 1 gallon or less, except anhydrous spirits and spirits to be withdrawn from bond free of tax, are deemed to be for nonindustrial use.

(72 Stat. 1315, 1360, 1374; 26 U.S.C. 5002, 5206, 5301)

35. Paragraph (b) of § 201.514 is amended to provide for a separate series of numbers for cases of spirits bottled in bond on bottling premises. As amended, paragraph (b) of § 201.514 reads as follows:

§ 201.514 Numbering of packages and cases.

* * * * *

(b) Cases of spirits bottled in bond on bonded premises, cases of spirits bottled in bond on bottling premises, and cases of spirits otherwise bottled shall be numbered in separate series. The proprietor may establish more than one series of serial numbers for cases on either bonded or bottling premises where more than one bottling unit is used and each series is distinguished from each other by the use of alphabetical prefixes or suffixes. Further, separate series of serial numbers, distinguished from each other by the use of alphabetical prefixes or suffixes, may be established to identify size of bottles, brand names, or other information, on written application (in triplicate) to, and approval of, the assistant regional commissioner. Remnant cases shall be given the serial number of the last full case followed by the letter R.

* * * * *

(72 Stat. 1360; 26 U.S.C. 5206)

36. Paragraph (a) of § 201.527 is amended to add provisions for marking cases of spirits bottled in bond after tax determination, to specify that cases transferred to a customs bonded warehouse shall bear the additional marks required by Part 252, and to make related changes. As amended, paragraph (a) of § 201.527 reads as follows:

§ 201.527 Marks on cases of bottled-in-bond spirits.

(a) *Mandatory marks.* The following information shall be plainly marked at the time of bottling on the Government side of each case of spirits bottled in bond:

(1) Serial number;
(2) The words "Bottled in Bond";
(3) Kind of spirits;
(4) Proof gallons;
(5) Plant number of bottler;
(6) Proof (if bottled in bond for export);
(7) Date filled.

In addition, on the date tax is determined on cases of spirits bottled in bond under the provisions of Subpart K of this part, such cases shall be marked with the words "Tax Determined", followed by the date of tax determination. Cases, at the time of transfer in bond, shall be marked to show such purpose, the date, and the plant number of the consignee, as, for example, "Trans. 8–1–60, DSP–Ky–4." Cases withdrawn for export, transfer to customs bonded warehouses or customs manufacturing bonded warehouses, transfer to foreign-trade zones, or for use as supplies on certain vessels and aircraft, shall bear the additional marks required by Part 252 of this chapter. Cases otherwise withdrawn or removed shall be marked to show the purpose and the date of withdrawal.

* * * * *

(72 Stat. 1360, 1366, 84 Stat. 1965; 26 U.S.C. 5206, 5233, 5066)

37. Section 201.528 is amended to exclude cases of spirits bottled in bond after tax determination from its provisions, and to specify that cases transferred to a customs bonded warehouse shall bear the additional marks required by Part 252. As amended, § 201.528 reads as follows:

§ 201.528 Marks on cases filled on bottling premises.

(a) *Mandatory marks.* The following information shall be plainly marked on the Government side of each case of spirits, except cases of spirits bottled in bond under the provisions of Subpart Na of this part, or wine filled on bottling premises:

(1) Serial number;
(2) Kind of wine, or kind of spirits;
(3) Plant number where bottled;
(4) Proof gallons (for spirits and rectified wines);
(5) Wine gallons (for unrectified wines);
(6) Proof (for spirits);
(7) Percent of alcohol by volume (for wines);
(8) Date filled.

Cases removed for export, transfer to customs bonded warehouses or customs manufacturing bonded warehouses, transfer to foreign-trade zones, or for use as supplies on certain vessels and aircraft, shall bear the additional marks required by Part 252 of this chapter.

(b) *Other marks.* In addition to the required marks on cases, other than cases of spirits bottled in bond under the provisions of Subpart Na of this part, filled on bottling premises, the proprietor may include on the Government side of cases marks as follows:

(1) Name or trade name, and location, if desired, of the bottler, and in conjunction therewith the word "Bottler";
(2) For products actually distilled or rectified by the proprietor, his name or trade name, and location, if desired, and in conjunction therewith the words "Distiller" or "Rectifier" as applicable;
(3) For products actually imported and bottled by the proprietor, the words "Imported and Bottled By", followed by his name or trade name, and location if desired;
(4) For products bottled for a dealer, the words "Bottled For", followed by the name of such dealer;
(5) Other material required by Federal or State law and regulations.

The marks authorized by this paragraph shall not interfere with or detract from the mandatory marks prescribed in paragraph (a) of this section. No other marks may be placed on the Government side except as authorized by the Director as provided in § 201.530.

(72 Stat. 1360, 1381, 84 Stat. 1965; 26 U.S.C. 5206, 5363, 5066)

38. Section 201.540b is amended to provide that spirits bottled in bond after tax determination may not be packaged in 4-ounce liquor bottles. As amended, § 201.540b reads as follows:

§ 201.540b Bottles authorized.

Liquor bottles shall conform to the applicable standards of fill provided in Subpart E of 27 CFR Part 5, including those

for liquor bottles of less than ½-pint capacity. The use of any bottle size other than as authorized in Subpart E of 27 CFR Part 5 is prohibited for the packaging of distilled spirits for domestic purposes, except that 4-ounce liquor bottles may be used for packaging any distilled spirits, other than spirits bottled in bond after determination of tax, on bottling premises for sale in intrastate commerce only. Bottles bearing the indicia required under Part 173 of this chapter may be used, but need not be used, in bottling spirits for export.

39. Section 201.540m is amended to provide that both spirits bottled in bond before determination of tax and spirits bottled in bond after determination of tax shall have a caution notice affixed thereto. As amended, § 201.540m reads as follows:

§ 201.540m Caution notice, spirits bottled in bond.

Each bottle of spirits bottled in bond under the provisions of Subpart K or Na of this part (except for export) shall have affixed thereto a caution notice (clearly legible) reading as follows:

This bottle has been filled and stamped under the provisions of sections 5205 and 5233, Internal Revenue Code. Any person who shall reuse the stamp affixed to this bottle or remove the contents of this bottle without so breaking the stamp affixed thereto as to prevent reuse, or who shall sell this bottle, or reuse it for distilled spirits, will be liable to the penalties prescribed by law.

Bottles containing spirits bottled for export may have affixed thereto such caution notice.

(72 Stat. 1366; 26 U.S.C. 5233)

40. Paragraphs (a) and (b) of § 201.541 are amended to provide that bottles of spirits bottled in bond after tax determination shall be stamped with the prescribed bottled-in-bond strip stamp. As amended, paragraphs (a) and (b) of § 201.541 read as follows:

§ 201.541 General.

(a) *Spirits bottled in bond.* Except as provided in paragraph (c) of this section, every bottle of spirits bottled in bond pursuant to the provisions of Subpart K or Na of this part shall, when filled, be stamped by the proprietor with a prescribed bottled-in-bond strip stamp evidencing the bottling of such spirits in bond. The prescribed stamp is serially numbered (except stamps of less than ½ pint denomination), and shows that the spirits were bottled in bond under supervision of the U.S. Government, and, in the case of spirits bottled in bond for domestic use, the quantity of spirits in the container and the proof of the spirits. Green strip stamps are prescribed for spirits bottled in bond for domestic use, and blue for export. Blue export strip stamps, applied to bottles of spirits bottled in bond for export with benefit of drawback, shall be overprinted with the word "DRAWBACK". Where bottled-in-bond spirits, originally intended for domestic use, are to be exported with benefit of drawback, the word "EXPORT" shall be overprinted on the green strip stamp.

(b) *Spirits bottled on bottling premises.* Every bottle or other immediate container of less than five wine gallons of taxpaid spirits, except spirits bottled in bond pursuant to the provisions of Subpart Na of this part, filled on bottling premises for removal therefrom shall, when filled, be stamped by the proprietor with a prescribed red strip stamp, evidencing the determination of tax or indicating compliance with the provisions of chapter 51, I.R.C., and this part. The prescribed stamps shall be issued in a standard size, serially numbered, for bottles or containers of ½-pint capacity or more and in a small size for bottles or containers of less than ½-pint capacity. Where bottled spirits bearing red strip stamps are to be exported with benefit of drawback, the word "EXPORT" shall be overprinted on such stamps.

* * * * *

(72 Stat. 1358, 1369; 26 U.S.C. 5205, 5235)

41. Section 201.547 is amended to provide that bottles of bottled-in-bond spirits may be restamped under the provisions of Subpart K or Na or § 201.532 and to make related changes. As amended, § 201.547 reads as follows:

§ 201.547 Restamping of spirits.

Bottles of alcohol filled on bonded premises may be restamped under the provisions of Subpart K of this part. Bottles of bottled-in-bond spirits may be restamped under the provisions of Subpart K or Na of this part. Bottles or other containers to which red strip stamps have been affixed may be restamped under the provisions of Subpart N of this part. Bottles of alcohol and bottled-in-bond spirits, and bottles or other containers to which red strip stamps have been affixed, may also be restamped under the provisions of § 201.532. Replacement of mutilated or missing stamps by persons other than proprietors of plants shall be made in accordance with the provisions of Part 194 of this chapter.

(72 Stat. 1358, 1366; 26 U.S.C. 5205, 5233)

42. Paragraph (b) of § 201.561 is amended to delete material no longer applicable and to add provisions for returned spirits and for refund or credit of rectification taxes. As amended, paragraph (b) reads as follows:

§ 201.561 General.

* * * * *

(b) By the proprietor who withdrew the spirits on payment or determination of tax for rectification or bottling, if the spirits are destroyed after they were withdrawn from bond and before they were removed from, or after return to, the bottling premises of such proprietor. A corporation and any of its affiliated or subsidiary corporations who conduct successive operations at the same bottling premises may qualify, as provided in § 201.490, to be treated as one proprietor for the purposes of this subpart. This paragraph applies to the distilled spirits tax imposed under section 5001(a)(1), I.R.C., and, as applicable, the rectification tax imposed under sections 5021, 5022, and 5023, I.R.C. This paragraph applies only in respect of such taxes on the quantity actually destroyed.

(72 Stat. 1323, as amended; 26 U.S.C. 5008)

43. Section 201.562 is amended to require supporting documents to be attached to Form 1577. As amended, § 201.562 reads as follows:

§ 201.562 Application, Form 1577.

Application for destruction of spirits (including denatured spirits) shall be filed by the proprietor of a plant on Form 1577 with the assigned officer or, if none is regularly assigned, the assistant regional commissioner. The proprietor shall furnish such supporting documents as the approving officer may request. If the proprietor desires to destroy spirits at some place other than on bonded or bottling premises, as the case may be, the approving officer may require that the spirits be moved to a more convenient location. The quantity of spirits to be destroyed shall be gauged by the proprietor under the supervision of the assigned officer and the result of gauge shall be entered on Form 1577 by the proprietor. The assigned officer shall also supervise the destruction of the spirits and certify to the gauge and destruction on Form 1577; denatured spirits may, at the discretion of the approving officer, be destroyed without supervision.

(72 Stat. 1323, as amended; 26 U.S.C. 5008)

44. Section 201.563 is amended to clarify the provisions as to refund or credit of the rectification tax. As amended, § 201.563 reads as follows:

§ 201.563 Claims.

Claims for refund or credit of tax on spirits voluntarily destroyed under this subpart shall be filed pursuant to the provisions of Subpart C of this part. Where such spirits contain alcoholic ingredients which were not withdraw by the proprietor from bonded premises on tax determination, or spirits so withdrawn which are ineligible for allowance under section 5008, I.R.C., the tax on such ingredients and ineligible spirits is not allowable; however, this does not preclude, where applicable, refund or credit of the rectification tax imposed under chapter 51, I.R.C., on the entire quantity destroyed. The quantity of all spirits and alcoholic ingredients subject to the operational loss provisions of this part and which are destroyed shall be reported on Form 2611. All claims under this subpart must be filed within 6 months from the date of destruction.

(72 Stat. 1323, as amended; 26 U.S.C. 5008)

45. Section 201.581 is amended to conform to changes in law and for clarification. As amended, § 201.581 reads as follows:

§ 201.581 Return of taxpaid spirits to bonded premises.

Subject to the provisions of this subpart, spirits withdrawn from bonded premises on payment or determination of

tax (other than products to which any alcoholic ingredients other than such spirits have been added) may be returned to the bonded premises of a distilled spirits plant. The returned spirits shall be:

(a) Destroyed in accordance with § 201.562;

(b) Denatured;

(c) Redistilled; or

(d) Mingled as follows:

(1) If 190° or more of proof, with other spirits of 190° or more of proof;

(2) If eligible for denaturation, with other spirits to be immediately denatured;

(3) If eligible to be removed from bond for an authorized tax-free purpose, with other spirits eligible to be immediately so removed;

(4) If eligible to be redistilled at the same or at another plant, with other spirits for immediate redistillation; or

(5) With heterogeneous spirits under the provisions of § 201.298.

Prior to disposition as provided in paragraphs (a) through (d) of this section, such returned spirits may be accumulated for short periods of time (but not longer than 6 months) so that the destruction, denaturation, redistillation, or mingling may be accomplished in quantities sufficiently large to make the operations economically worthwhile. Spirits so accumulated shall be kept separate and apart from other spirits and shall be appropriately identified. All provisions of Chapter 51, I.R.C., and this part, applicable to spirits in internal revenue bond shall be applicable to spirits returned to bonded premises under this section on such return. The provisions of this subpart do not apply to taxpaid spirits returned to the bottling-in-bond facility for rebottling, relabeling, or restamping under the provisions of Subpart K of this part.

(72 Stat. 1364, as amended; 26 U.S.C. 5215)

§ 201.582 Application for return of taxpaid spirits.

Application shall be prepared on Form 2612 by the proprietor of the bonded premises and submitted to the assigned officer, or if none is regularly assigned, the assistant regional commissioner, for approval of the return of spirits under the provisions of § 201.581. The proprietor shall furnish such evidence of eligibility of the spirits for return to bond as may be requested by the assigned officer or the assistant regional commissioner, as the case may be. On receipt of the approved application, the proprietor shall make arrangements for the shipment of the spirits to his bonded premises.

(72 Stat. 1364, as amended; 26 U.S.C. 5215)

46. Section 201.583 is amended to require supporting forms to be forwarded with Form 2612 rather than the related claim. As amended, § 201.583 reads as follows:

§ 201.583 Receipt of returned taxpaid spirits.

On receipt of taxpaid spirits eligible for return to bonded premises, the proprietor shall gauge the spirits in the presence of the assigned officer. The proprietor shall execute his receipt for the spirits and report of gauge on all copies of the approved Form 2612 and deliver all the copies to the assigned officer who shall, on execution on the form of his verification of the receipt and gauge of the spirits, return one copy to the proprietor. The assigned officer shall forward the original of Form 2612 to the assistant regional commissioner, and shall retain one copy for his files. The proprietor shall retain one copy of Form 2612 for his files. When containers of such spirits are emptied, the proprietor shall comply with the applicable provisions of § 201.531.

(72 Stat. 1364, as amended; 26 U.S.C. 5215)

47. Section 201.586 is amended to include reference to a customs bonded warehouse. As amended, § 201.586 reads as follows:

§ 201.586 Return of spirits withdrawn without payment of tax.

Spirits lawfully withdrawn without payment of tax under the provisions of Part 252 of this chapter for exportation, or for deposit in a customs bonded warehouse or a customs manufacturing bonded warehouse, or for deposit in a foreign-trade zone, or for use on vessels and aircraft, and not so exported, deposited, or used (or laden for use) on a vessel or aircraft, may be returned, under the applicable provisions of this part and Part 252 of this chapter, (a) to the bonded premises of any plant authorized to produce distilled spirits, for redistillation, or (b) to the bonded premises from which withdrawn, for storage pending subsequent removal for a lawful purpose. Wine spirits withdrawn pursuant to § 201.387 for use in wine production, and not so used, may be returned to the bonded premises of a plant; the consignee proprietor shall obtain approval, as provided in § 201.366, and the wine spirits shall be removed from the winery in accordance with the provisions of Part 240 of this chapter.

(72 Stat. 1362, 1365, 1382, 84 Stat. 1965; 26 U.S.C. 5214, 5223, 5373, 5066)

48. In § 201.623, paragraphs (k) and (l) and the text immediately following paragraph (l) are amended to read as follows:

§ 201.623 Daily bottling premises records.

* * * * *

(k) The voluntary destruction of spirits, showing separately (1) spirits destroyed before completion (including spirits returned to the bottling premises and dumped for reprocessing or rebottling), and (2) spirits destroyed after completion (including spirits returned to the bottling premises and not dumped for reprocessing or rebottling).

(l) The losses which occur (1) by reason of accident while being removed from bond to bottling premises (where such losses occur, the actual quantity of spirits received shall be reported in the record required by paragraph (a) of this section), (2) by reason of accident while on the bottling premises and that amount to 10 proof gallons or more in respect of any one accident, (3) by theft, or (4) by reason of flood, fire, or other disaster.

The records required by paragraph (e) of this section shall show separately spirits bottled in bond after tax determination and spirits otherwise bottled. The records required by paragraph (a) of this section shall also show the name and plant number of the producer or rectifier (bonded warehouseman in the case of blended beverage rums or brandies or spirits of 190° or more of proof received from storage facilities) for domestic spirits, the name of the importer and the country of origin for imported spirits, and the name and address of the producer of wines and alcoholic flavoring materials. In addition to the above requirements separate records shall be maintained for spirits entered into the closed system (under the provisions of § 201.487) for the production of gin or vodka and the spirits removed therefrom; alcoholic flavoring materials which, under § 201.424, must be procured direct from the manufacturer and covered by an affidavit from him, shall be distinguished in the records from other alcoholic flavoring materials; and spirits stamped and marked, or restamped and marked (if in cases) or marked (if in packages) for exportation with benefit of drawback, shall be appropriately identified in the records. Where proprietors' copies of prescribed transaction forms reflect details of the transactions required by this section, such copies may constitute the records of such details required under this section.

(72 Stat. 1361; 26 U.S.C. 5207)

PAR. B. 26 CFR Part 252 is amended as follows:

1. Section 252.1 is amended to include the withdrawal of distilled spirits to a customs bonded warehouse. As amended, § 252.1 reads as follows:

§ 252.1 General.

The regulations in this part relate to exportation, lading for use on vessels and aircraft, and the transfer to a foreign-trade zone or a manufacturing bonded warehouse, class 6, of distilled spirits (including specially denatured spirits), beer, and wine, and in the case of distilled spirits only, transfer to a customs bonded warehouse as provided for in section 5066, I.R.C., whether without payment of tax, free of tax, or with benefit of drawback, and includes requirements with respect to removal, shipment, lading, deposit, evidence of exportation, losses, claims, and bonds.

2. In § 252.11, the definition of "Assistant regional commissioner" is updated and a definition of "Customs bonded warehouse" is added, in alphabetical order. The new and amended definitions in § 252.11 read as follows:

§ 252.11 Meaning of terms.

* * * * *

Assistant regional commissioner. An assistant regional commissioner (alcohol, tobacco, and firearms) who is responsible

to, and functions under the direction and supervision of, a regional commissioner.

* * * * *

Customs bonded warehouse. A customs bonded warehouse, class 2, 3, or 8, established under the provisions of Customs Regulations (19 CFR Ch. I).

* * * * *

3. Section 252.25 is amended to include withdrawals of distilled spirits for transfer to a customs bonded warehouse. As amended, § 252.25 reads as follows:

§ 252.25 General.

Any manufacturer who manufactures the products designated in section 5522, I.R.C., at a duly constituted manufacturing bonded warehouse, established in accordance with law and the regulations in 19 CFR Chapter I, may withdraw distilled spirits or wines from any distilled spirits plant or bonded wine cellar, as the case may be, without payment of tax, for use in the manufacture of such products for export, or for rectification and export, or shipment in bond to Puerto Rico, or, in the case of distilled spirits, for transfer to a customs bonded warehouse, as provided for in section 5066, I.R.C. The proprietor of the manufacturing bonded warehouse shall furnish bond in accordance with the provisions of §§ 252.63 and 252.64.

(46 Stat. 691, as amended, 72 Stat. 1362, 1380, 1392, 1393, 1394, 84 Stat. 1965; 19 U.S.C. 1311, 26 U.S.C. 5214, 5362, 5521, 5522, 5523, 5066)

4. Immediately following § 252.25, an undesignated center head and two new sections, §§ 252.26 and 252.27, are added to read as follows:

CUSTOMS BONDED WAREHOUSES

§ 252.26 Entry into customs bonded warehouses.

(a) *Distilled spirits bottled in bond for export.* Distilled spirits bottled in bond for export may, subject to this part, be withdrawn from bonded premises for transfer to customs bonded warehouses in which imported distilled spirits are permitted to be stored in bond for entry pending withdrawal as provided in § 252.27. Withdrawals from bonded premises under the provisions of this paragraph shall be treated as withdrawals for exportation under the provisions of section 5214(a)(4), I.R.C.

(b) *Bottled distilled spirits eligible for export with benefit of drawback.* Bottled distilled spirits stamped or restamped, and marked, especially for export with benefit of drawback may, subject to this part, be transferred to customs bonded warehouses in which imported distilled spirits are permitted to be stored, and entered pending withdrawal as provided in § 252.27, as if such spirits were for exportation.

(c) *Time deemed exported.* For the purpose of this part, distilled spirits entered into a customs bonded warehouse as provided in this section shall be deemed exported at the time so entered.

(84 Stat. 1965; 26 U.S.C. 5066)

§ 252.27 Withdrawal from customs bonded warehouses.

Distilled spirits entered into customs bonded warehouses as provided in § 252.26 may, under the appropriate provisions of 19 CFR Chapter I, be withdrawn from such warehouses for consumption in the United States by and for the official or family use of such foreign governments, organizations and individuals who are entitled to withdraw imported distilled spirits from such warehouses free of tax. Distilled spirits transferred to customs bonded warehouses as provided in § 252.26 shall be entered, stored, and accounted for in such warehouses under the appropriate provisions of 19 CFR Chapter I.

(84 Stat. 1965; 26 U.S.C. 5066)

5. Section 252.42 is amended to include evidence of the deposit of distilled spirits in a customs bonded warehouse. As amended, § 252.42 reads as follows:

§ 252.42 Evidence of deposit.

The deposit of distilled spirits in a customs bonded warehouse or distilled spirits and wines in a foreign-trade zone with benefit of drawback may be evidenced by a copy of the transportation bill of lading obtained under the provisions of § 252.250.

(48 Stat. 999, as amended, 84 Stat. 1965; 19 U.S.C. 81c, 26 U.S.C. 5066)

6. In § 252.58, paragraph (a) is amended to provide for the filing of a new bond, Form 2601, or a consent of surety, to cover removals to customs bonded warehouses and the statutory citation at the end of § 252.58 is amended. As amended, paragraph (a) of § 252.58 and the statutory citation read as follows:

§ 252.58 Bond, Form 2601.

(a) *Spirits.* Where spirits are withdrawn without payment of tax, as authorized in § 252.91, from the bonded premises of a distilled spirits plant on application of the proprietor thereof, the bond, Form 2601, given by the proprietor and approved under the provisions of Part 201 of this chapter, shall cover such withdrawals: *Provided,* That where a proprietor desires to remove distilled spirits to a customs bonded warehouse as provided in § 252.91(e) and the terms of his bond on Form 2601, then in force, do not cover such removals, he shall either file a consent of surety on Form 1533 to extend the terms of such bond to cover such removals or file a new bond on Form 2601.

* * * * *

(72 Stat. 1349, 1352, 1362, 84 Stat. 1965; 26 U.S.C. 5173, 5175, 5214, 5066)

7. Section 252.61 is amended to include a reference to § 252.91(e). As amended, § 252.61 reads as follows:

§ 252.61 Bond, Form 2734.

If a specific lot of distilled spirits or wines is to be withdrawn without payment of tax, as authorized in § 252.91 (a), (b), (c), or (e), or § 252.121 (a), (b), or (c), by a person other than the proprietor of the bonded premises, a specific bond on Form 2734 shall be filed by the exporter with the assistant regional commissioner as provided in § 252.51. The penal sum of such bond shall be not less than the tax prescribed by law on the quantity of spirits or wines to be withdrawn: *Provided,* That the maximum penal sum of such bond shall not exceed $200,000, but in no case shall the penal sum be less than $1,000.

(72 Stat. 1352, 1362, 1380, 84 Stat. 1965; 26 U.S.C. 5175, 5214, 5362, 5066)

8. Paragraph (a) of § 252.62, and § 252.65, are amended to provide for the filing of a new bond, or a consent of surety, to cover removals to customs bonded warehouses and the statutory citations at the end of § 252.62 and at the end of § 252.65 are amended. As amended, paragraph (a) of § 252.62, and § 252.65, and the statutory citations at the end of §§ 252.62 and 252.65, read as follows:

§ 252.62 Bond, Form 2735.

(a) *General.* If distilled spirits and/or wines are to be withdrawn from time to time without payment of tax, as authorized in §§ 252.91 (a), (b), (c), or (e), and 252.121 (a), (b), or (c), by a person other than the proprietor of the bonded premises, a continuing bond on Form 2735 shall be filed by the exporter with the assistant regional commissioner as provided in § 252.51. The bond shall be executed in a penal sum sufficient to cover the tax at the rates prescribed by law on the maximum quantity of distilled spirits and wines that may remain unaccounted for at any one time: *Provided,* That the maximum penal sum of such bond shall not exceed $200,000, but in no case shall the penal sum be less than $1,000: *Provided further,* That where the exporter desires to remove distilled spirits to a customs bonded warehouse as provided in § 252.91(e) and the terms of his bond on Form 2735, then in force, do not cover such removals, he shall either file a consent of surety on Form 1533 to extend the terms of such bond to cover such removals or file a new bond on Form 2735. Distilled spirits and wines withdrawn for exportation, use on vessels or aircraft, or transfer to a foreign-trade zone, or distilled spirits withdrawn for transfer to a customs bonded warehouse, shall remain unaccounted for until the evidence of exportation, use, transfer, or loss in transit, as required by this part, has been filed with the assistant regional commissioner. The exporter shall, at the time of executing Form 2735, designate the premises from which the withdrawals are to be made, provided that, as to any one bond on Form 2735, such premises shall be located in the same internal revenue region.

* * * * *

(72 Stat. 1352, 1362, 1380, 84 Stat. 1965; 26 U.S.C. 5175, 5214, 5362, 5066)

§ 252.65 Bond, Form 2738.

Whenever, under the provisions of this part, the claimant desires drawback of

tax on distilled spirits or wines to be exported, laden for use on vessels or aircraft, or transferred to and deposited in a foreign-trade zone, or, in the case of distilled spirits, transferred to a customs bonded warehouse, as authorized in §§ 252.171, 252.201, and 252.211, prior to the receipt by the assistant regional commissioner of the certified copy of Form 1582, 1629, or 1582–A, as the case may be, as prescribed by this part, he shall file bond on Form 2738 with the assistant regional commissioner as provided in § 252.51. The penal sum of the bond shall be sufficient to cover the amount of drawback which will at any time constitute a charge against the bond: *Provided*, That the maximum penal sum shall not exceed $200,000, but in no case shall the penal sum be less than $1,000: *Provided further*, That where the claimant desires to remove distilled spirits to a customs bonded warehouse as provided in § 252.171(d) and the terms of his bond on Form 2738, then in force, do not cover such removals, he shall either file a consent of surety on Form 1533 to extend the terms of such bond to cover such removals or file a new bond on Form 2738.

(46 Stat. 690, as amended, 48 Stat. 999, as amended, 72 Stat. 1336, as amended, 84 Stat. 1965; 19 U.S.C. 1309, 81c, 26 U.S.C. 5062, 5066)

9. Section 252.91 is amended by adding thereto a new paragraph (e). As amended, § 252.91 reads as follows:

§ 252.91 General.

Distilled spirits on which the internal revenue tax has not been paid or determined may, subject to this part, be withdrawn from the bonded premises of a distilled spirits plant without payment of tax for:

(a) Exportation;

(b) Use on the vessels or aircraft described in § 252.21;

(c) Transfer to and deposit in a foreign-trade zone for exportation or for storage pending exportation;

(d) Transportation to and deposit in a manufacturing bonded warehouse; or

(e) Transfer to and deposit in a customs bonded warehouse as provided for in § 252.26.

All such withdrawals shall be made under the applicable bond prescribed in Subpart D of this part.

(48 Stat. 999, as amended, 72 Stat. 1362, 1393, 84 Stat. 1965; 19 U.S.C. 81c, 26 U.S.C. 5214, 5522, 5066)

10. Paragraph (a) of § 252.92 is amended to provide for the use of Form 206 as an application to withdraw distilled spirits without payment of tax for transfer to a customs bonded warehouse, and the citation following the section is amended. As amended, paragraph (a) of § 252.92 and the citation read as follows:

§ 252.92 Application, Form 206.

(a) *Export, use on vessels and aircraft, and transfer to a foreign-trade zone or a customs bonded warehouse.* Application for the withdrawal of distilled spirits without payment of tax for exportation from the United States, or for use on vessels and aircraft, or for transfer to a customs bonded warehouse or a foreign-trade zone, shall be made by the exporter on Form 206, in quadruplicate, except that where the shipment is for use on aircraft, an extra copy, marked "Consignee's Copy", shall be prepared. Where the exporter is not the proprietor of the bonded premises of the distilled spirits plant from which the spirits are to be withdrawn, he shall forward all copies of the form to such proprietor, except that where the withdrawals are being made under the limitations set forth in § 252.62(b), all copies of Form 206 shall be submitted to the internal revenue officer at the designated distilled spirits plant as provided in that section.

* * * * *

(72 Stat. 1362, 1393, 84 Stat. 1965; 26 U.S.C. 5214, 5522, 5066)

11. Section 252.93 is amended to provide for the name of the carrier or carriers on the application for withdrawals from the bonded premises of a distilled spirits plant to a customs bonded warehouse. As amended, § 252.93 reads as follows:

§ 252.93 Carrier to be designated.

The name of the carrier or carriers to be used in transporting the distilled spirits from the bonded premises of the distilled spirits plant to the port of export, or to the customs bonded warehouse, or to the manufacturing bonded warehouse, or to the foreign-trade zone, as the case may be, shall be shown in the application. If the spirits are shipped on a through bill of lading and all carriers handling the spirits while in transit are not known, the name of the carrier to whom the distilled spirits are to be delivered at the shipping premises shall be shown.

(72 Stat. 1362, 1393, 84 Stat. 1965; 26 U.S.C. 5214, 5522, 5066)

12. Paragraph (d) of § 252.103 is amended by adding an "or" at the end thereof; a new paragraph (e) is added to specify the additional marks and brands to be placed on cases of distilled spirits withdrawn without payment of tax for deposit in a customs bonded warehouse; and the citation following the section is amended. As amended and added, paragraphs (d) and (e) of § 252.103, and the citation read as follows:

§ 252.103 Marks and brands.

* * * * *

(d) Where the spirits are to be withdrawn for deposit in a foreign-trade zone, in addition to and immediately following the markings prescribed in paragraph (a) of this section, the words "via F.T.Z. No." followed by the number of the zone; or

(e) "Deposit in C.B.W." followed by the address (city or town and State) of the customs bonded warehouse—where the spirits are to be withdrawn for deposit in a customs bonded warehouse as provided for by § 252.26.

* * * * *

(46 Stat. 690, as amended, 48 Stat. 999, as amended, 72 Stat. 1362, 1393, 84 Stat. 1965; 19 U.S.C. 1309, 81c, 26 U.S.C. 5214, 5522, 5066)

13. Section 252.110 is amended to extend the provisions for losses in transit to distilled spirits withdrawn from bonded premises without payment of tax and transported to a customs bonded warehouse. As amended, § 252.110 reads as follows:

§ 252.110 Losses.

Where there has been a loss of distilled spirits while in transit from the bonded premises of a distilled spirits plant to a port of export, a customs bonded warehouse, a manufacturing bonded warehouse, a vessel or aircraft, or a foreign-trade zone, the provisions of Subpart O of this part, with respect to losses of spirits after withdrawal without payment of tax and to claims for remission of the tax thereon, shall be applicable.

(72 Stat. 1323, as amended, 84 Stat. 1965; 26 U.S.C. 5008, 5066)

14. Section 252.115 is amended to provide for the return to bonded premises of spirits withdrawn without payment of tax for deposit in a customs bonded warehouse. As amended, § 252.115 reads as follows:

§ 252.115 General.

On application of the proprietor of a distilled spirits plant, spirits which have been lawfully withdrawn without payment of tax under the provisions of this subpart for exportation, or for deposit in a foreign-trade zone, a manufacturing bonded warehouse, or a customs bonded warehouse, or for use on vessels and aircraft may, for good cause, be returned:

(a) To the bonded premises of any distilled spirits plant authorized to produce distilled spirits, for redistillation; or

(b) To the bonded premises from which withdrawn, for storage pending subsequent removal for lawful purposes: *Provided*, That such spirits are returned before they are exported, deposited in a foreign-trade zone, a manufacturing bonded warehouse, or a customs bonded warehouse, or laden as supplies upon or used on vessels or aircraft, as the case may be.

(72 Stat. 1362, 1365, 84 Stat. 1965; 26 U.S.C. 5214, 5223, 5066)

15. Paragraph (c) of § 252.171 is amended by adding an "or" at the end thereof; a new paragraph (d) is added to provide for the withdrawal of distilled spirits to a customs bonded warehouse; and the citation following the section is amended. As amended and added, paragraphs (c) and (d) of § 252.171, and the citation read as follows:

§ 252.171 General.

* * * * *

(c) Transferred to and deposited in a foreign-trade zone for exportation or for storage pending exportation; or

(d) Transferred to and deposited in a customs bonded warehouse as provided for in § 252.26.

* * * * *

(46 Stat. 690, as amended, 48 Stat. 999, as amended, 72 Stat. 1336, as amended, 84 Stat. 1965; 19 U.S.C. 1309, 81c, 26 U.S.C. 5062, 5066)

16. An undesignated center head and a new section, § 252.173, are added immediately following § 252.171, to read as follows:

STANDARD EXPORT DRAWBACK RATES

§ 252.173 General.

Products which derive all of their alcoholic content from fully taxpaid spirits, such as unrectified spirits and gin and vodka produced exempt from rectification tax, are considered, without further action by the bottler or packager, to be subject to a standard drawback rate. In the case of rectified products, other than gin and vodka produced exempt from the rectification tax, rectifiers may submit to the Director, Alcohol, Tobacco and Firearms Division, formulas on Form 27–B Supplemental prepared as provided in Part 201 of this chapter and which (a) are precise as to the quantity or percentage of the ingredients to be used, including the alcoholic content of the ingredients, and (b) permit no variation except in the proof of the finished product due to increases or decreases in the quantity or percentage of water or other non-alcoholic ingredients used. Each such formula submitted shall include the following statement immediately above the signature of the rectifier:

For the purpose of having a standard export drawback rate established, I agree to adhere strictly to the formula set forth above and to accept the rate of drawback established for this product.

Rectifiers may also submit formulas on Forms 27–B Supplemental for products in which the quantities, proof, and alcoholic content of spirits, wines, and alcoholic flavoring materials vary between specified limits in arriving at the specific proof. The drawback rate will be computed on the basis of the maximum quantity and highest alcoholic content of wine and alcoholic flavoring material permissible under the formula, even though such wine and flavoring material were used in the minimum quantity and/or the lowest alcoholic content. Each such formula submitted shall include the following statement immediately above the signature of the rectifier:

For the purpose of having a standard export drawback rate established, I agree to accept the rate of drawback established, based on the largest quantity and the highest alcoholic content of wine and alcoholic flavoring material that might be used in any product produced under this formula.

Returned bottled goods and dregs and remnants produced under a formula on which a standard drawback rate has been established may be added to a batch of the identical formula, provided that the approved formula specifies that returned bottled goods and dregs and remnants may be added and that such returned bottled goods and dregs and remnants can be identified as having been produced under the identical formula. On all formulas containing alcoholic flavoring materials the rectifier shall state whether nonbeverage drawback has been or will be claimed on the alcoholic flavoring material to be used. In the case of existing approved formulas which meet the above criteria, the rectifier may, in lieu of submitting a new formula, file with his Assistant Regional Commissioner, Alcohol, Tobacco and Firearms, a signed rider, in quadruplicate, identifying the formula, and any previously approved riders, and containing the statement, as applicable, that he agrees to accept the rate of drawback established. Such riders shall pertain solely to the establishment of a standard drawback rate and shall not make any change in the existing formula.

17. Section 252.190 is amended to provide for the use of Form 1582 as a notice of shipment of distilled spirits to a customs bonded warehouse. As amended, § 252.190 reads as follows:

§ 252.190 Notice, Form 1582.

Notice of shipment of distilled spirits for export, for use as supplies on vessels or aircraft, for deposit in a foreign-trade zone, or for deposit in a customs bonded warehouse, shall be prepared by the exporter on Form 1582, in quadruplicate: *Provided*, That where the withdrawal is for use on aircraft, an extra copy, marked "Consignee's Copy", shall be prepared. Each Form 1582 shall be given, by the exporter, a serial number beginning with "1" for the first day of January of each year and running consecutively thereafter to December 31, inclusive.

(46 Stat. 690, as amended, 48 Stat. 999, as amended, 72 Stat., 1336, as amended, 84 Stat. 1965; 19 U.S.C. 1309, 81c, 26 U.S.C. 5062, 5066)

18. Section 252.193 is amended to specify the additional marks and brands to be placed on cases of distilled spirits withdrawn with benefit of drawback for deposit in a customs bonded warehouse. As amended, § 252.193 reads as follows:

§ 252.193 Export marks.

In addition to the marks and brands required to be placed on packages and cases at the time they are filled under the provisions of Part 201 of this chapter, the exporter shall place additional marks, as herein specified, on each such container before removal for export, for use on vessels or aircraft, or for transfer to a foreign-trade zone or a customs bonded warehouse:

(a) "Export—Drawback Claimed"—Where the spirits are to be removed for export from the United States; or

(b) "Use on Vessels (or Aircraft)—Drawback Claimed"—Where the spirits are to be removed for use on vessels or aircraft; and

(c) Where the spirits are removed for deposit in a foreign-trade zone, in addition to and immediately following the markings prescribed in paragraph (a) of this section, the words "via F.T.Z. No." followed by the number of the zone; or

(d) "Deposit in C.B.W.—Drawback Claimed" followed by the address (city or town and State) of the customs bonded warehouse—where the spirits are removed for deposit in a customs bonded warehouse as provided for by § 252.26.

All such markings shall be placed on the containers in the same manner and in the same area as is prescribed in Part 201 of this chapter for the affixing of the original marks.

(46 Stat. 690, as amended, 48 Stat. 999, as amended, 72 Stat 1336, as amended, 84 Stat. 1965; 19 U.S.C. 1309, 81c, 26 U.S.C. 5062, 5066)

19. Section 252.195a is amended to provide that where a standard export drawback rate has been established, the bottler or packager shall show the formula number and date of approval in Part II of Form 1582; and further provide that the assistant regional commissioner may waive the filing of certain supporting forms with a claim for drawback. As amended, § 252.195a reads as follows:

§ 252.195a Claim.

The bottler or packager of the spirits shall compute the drawback rate, unless the assistant regional commissioner has, under the provisions of § 252.173, established a standard drawback rate, and shall complete Parts II and III on both copies of Form 1582. If a standard drawback rate has been established for a rectified product other than gin and vodka produced exempt from rectification tax, the date of approval of the formula and the number shall be shown in any available space in Part II of Form 1582. The bottler or packager shall file one copy as the claim for drawback of tax with the assistant regional commissioner for the region in which the claimant's premises are located, and retain one copy for his files. Each claim on Form 1582 shall be supported, as applicable, by a copy of each related Form 122, Form 2630, and Form 2637 covering the dumping and bottling or packaging of the spirits; and in the case of spirits bottled in bond on bonded premises, a copy of each Form 179 covering the taxpayment. If substitute records are maintained as provided in § 201.432(d) of this chapter, the claimant shall prepare from such record, and submit with the claim, a batch record on Form 122 and shall certify that the transcript accurately reflects the original record. Upon application, and a finding by the assistant regional commissioner that dumping, bottling, or packaging records are not essential, he may waive the requirement for the filing of supporting forms with each claim for drawback except the requirement for filing Form 179 covering taxpayment of spirits bottled in bond on bonded premises: *Provided*, That in the case of any such waiver, the claimant shall insert in Part II the formula number, if any, or a statement that the alcoholic content of the product is derived solely from fully taxpaid spirits. In lieu of a waiver of the filing of supporting forms, the assistant regional commissioner may approve an

alternate method of furnishing information. The authorization shall provide that the authority may be withdrawn if, in the opinion of the assistant regional commissioner, there is a need for the supporting forms.

(46 Stat. 690, as amended, 48 Stat. 999, as amended, 72 Stat. 1336, as amended; 19 U.S.C. 1309, 81c, 26 U.S.C. 5062)

20. Section 252.196 is amended to include transfers to a customs bonded warehouse. As amended, § 252.196 reads as follows:

§ 252.196 Consignment, shipment, and delivery.

The consignment, shipment, and delivery of distilled spirits removed under this subpart for export, use on vessels or aircraft, transfer to a customs bonded warehouse, or transfer to a foreign-trade zone, shall be in accordance with the applicable provisions of Subpart M of this part.

(72 Stat. 1336, 84 Stat. 1965; 26 U.S.C. 5062, 5066)

21. A new § 252.244a is added, immediately following § 252.244, to read as follows:

§ 252.244a Shipment to customs bonded warehouse.

Distilled spirits withdrawn for shipment to a customs bonded warehouse shall be consigned in care of the customs officer in charge of the warehouse.

(84 Stat. 1965; 26 U.S.C. 5066)

22. Section 252.250 is amended by changing the text preceding paragraph (a) to require submission of a transportation bill of lading in the case of shipment of distilled spirits to a customs bonded warehouse; and by amending the citation. As amended, such text of § 252.250 and the citation read as follows:

§ 252.250 Bills of lading required.

A copy of the export bill of lading covering transportation from the port of export to the foreign destination, or a copy of the through bill of lading to the foreign destination, if so shipped, covering the acceptance of the shipment by a carrier for such transportation, shall be obtained and filed by the claimant or exporter with the assistant regional commissioner with whom the application, notice, or notice and claim is filed. Where the shipment consists of distilled spirits for deposit in a customs bonded warehouse, or distilled spirits or wines, for deposit in a foreign-trade zone, with benefit of drawback, and the principal has filed bond, Form 2738, a copy of the transportation bill of lading covering the shipment shall be obtained and filed by the claimant or exporter with the assistant regional commissioner with whom the notice and claim is filed: *Provided*, That such transportation bill of lading will not be required when delivery is made directly to the foreign-trade zone or the customs bonded warehouse by the shipper. Bills of lading shall be signed by the carrier or by an agent of the carrier and shall contain the following minimum information:

* * * * *

(72 Stat. 1334, 1335, 1336, as amended, 1362, 1380, 84 Stat. 1965; 26 U.S.C. 5053, 5055, 5062, 5214, 5362, 5066)

23. Section 252.265 is amended to include detention of distilled spirits transferred to a customs bonded warehouse where a customs inspection discloses evidence of fraud. As amended, § 252.265 reads as follows:

§ 252.265 Evidence of fraud.

If the customs inspection discloses evidence of fraud, the customs officer shall detain the merchandise and notify the director of customs who shall report the facts forthwith to the assistant regional commissioner within whose region the port of export is located. The assistant regional commissioner shall make investigation and take such action as the facts may warrant. Where the detained merchandise has been withdrawn for transfer and deposit in a manufacturing bonded warehouse, the merchandise shall be deemed not to have been deposited in said warehouse, and the designated officer shall hold in abeyance the processing of Form 206 until advised by the director of customs that the detained merchandise may be entered for deposit. Where the detained merchandise has been withdrawn or entered for deposit in a foreign-trade zone or a customs bonded warehouse, it shall be deemed to not have been deposited in the zone or the warehouse and the customs officer shall hold in abeyance the processing of the application, notice, or claim, Form 206, 1582, 1582–A, 1582–B, or 1689, as the case may be, and Zone Form D, until advised by the director of customs that the detained merchandise may be entered for deposit.

(48 Stat. 999, as amended, 72 Stat. 1334, 1335, 1336, 1362, 1380. 1393, 84 Stat. 1965; 19 U.S.C. 81c, 26 U.S.C. 5053, 5055, 5062, 5214, 5362, 5522, 5066)

24. An undesignated center head and new § 252.286 are added, immediately following § 252.285, to read as follows:

RECEIPT IN CUSTOMS BONDED WAREHOUSE

§ 252.286 Receipt in customs bonded warehouse.

On receipt of the distilled spirits and the related Form 206 or 1582, as the case may be, the customs officer in charge of the customs bonded warehouse shall make such inspection as is necessary to establish to his satisfaction that the shipment corresponds with the description thereof on the appropriate form. The customs officer shall note on each copy of the Form 206 or 1582, as the case may be, any deficiency in quantity or discrepancy between the merchandise inspected and that described on the form. Where the inspection discloses no loss, or where a loss is disclosed and there is no evidence to indicate fraud, the officer shall execute his certificate of deposit on both copies of the form, forward the original to the assistant regional commissioner, and retain the remaining copy for his files.

(84 Stat. 1965; 26 U.S.C. 5066)

25. Section 252.301 is amended to extend the provisions for losses in transit to distilled spirits withdrawn from bonded premises without payment of tax and transported to a customs bonded warehouse. As amended, § 252.301 reads as follows:

§ 252.301 Loss of distilled spirits in transit.

The tax on distilled spirits withdrawn without payment of tax under this part and which are lost during transportation from the bonded premises of the distilled spirits plant from which withdrawn to (a) the port of export, (b) the manufacturing bonded warehouse, (c) the vessel or aircraft, (d) the foreign-trade zone, or (e) the customs bonded warehouse, as the case may be, may be remitted if evidence satisfactory to the assistant regional commissioner establishes that such distilled spirits have not been unlawfully diverted, or lost by theft with connivance, collusion, fraud, or negligence on the part of the exporter, owner, consignor, consignee, bailee, or carrier or the employees or agents of any of them: *Provided*, That such remission in the case of loss of distilled spirits by theft shall only be allowed to the extent that the claimant is not indemnified against or recompensed in respect of the tax for such loss.

(72 Stat. 1323, as amended, 84 Stat. 1965; 26 U.S.C. 5008, 5066)

26. Sections 252.331 and 252.333 are amended to include the processing of claims for drawback of tax on distilled spirits shipped to a customs bonded warehouse. As amended, §§ 252.331 and 252.333 read as follows:

§ 252.331 Claims supported by bond, Form 2738.

On receipt of a claim for drawback of tax on distilled spirits or wines on which the tax has been determined, and of the evidence of exportation required by § 252.40, or of lading for use on vessels or aircraft required by §252.41, or of deposit in a foreign-trade zone or of deposit of distilled spirits in a customs bonded warehouse, as required by § 252.42, as the case may be, the assistant regional commissioner shall, if a good and sufficient bond has been filed as provided in § 252.65, and the notice of removal has been properly completed, allow the claim in accordance with the rate of drawback established in respect of the particular spirits or wines on which claim is based and charge the amount allowed against the bond. On receipt of the original of the claim properly executed by the appropriate customs official or armed services officer, as required by this part, and, in the case of claims on Form 1582–A, the certificate of tax determination, Form 2605, the assistant regional commissioner shall give appropriate credit to the bond.

(46 Stat. 690, as amended, 48 Stat. 999, as amended, 72 Stat. 1336, as amended, 84 Stat.

1965; 19 U.S.C. 1309, 81c, 26 U.S.C. 5062, 5066)

§ 252.333 Where no bond is filed.

Where a claim for drawback of tax on distilled spirits or wines on Form 1582, Form 1582–A, or Form 1629, is not supported by a bond on Form 2738, and in all cases where claim for drawback of tax on beer is made on Form 1582–B, the assistant regional commissioner shall, on receipt by him of the original of the claim properly executed by the appropriate customs official or armed services officer, as required by this part, examine the claim to determine that it has been properly completed. He shall then, on receipt of the evidence of exportation required by § 252.40, or of lading for use on vessels or aircraft required by § 252.41, or of deposit in a foreign-trade zone or a customs bonded warehouse as required by § 252.42, as the case may be, and, in the case of claims on Form 1582–A, the certificate of tax determination, Form 2605, allow the claim in the amount of the tax paid on the beer or the tax paid or determined on the distilled spirits or wines on which the claim is based and which were exported, laden as supplies on vessels or aircraft, or deposited in a foreign-trade zone or a customs bonded warehouse, as the case may be.

(46 Stat. 690, 691, as amended, 48 Stat. 999, as amended, 72 Stat. 1327, 1335, 1336, 84 Stat. 1965; 19 U.S.C. 1309, 1311, 81c, 26 U.S.C. 5009, 5055, 5062, 5066)

[FR Doc. 6564 Filed 5–7–71;9:33 am]

Title 31—MONEY AND FINANCE: TREASURY

Chapter V—Office of Foreign Assets Control, Department of the Treasury

PART 500—FOREIGN ASSETS CONTROL REGULATIONS

Relaxation of Controls on Current Transactions With the PRC

The Foreign Assets Control Regulations are being amended by the addition of section 500.546. This section removes controls on the use of dollars in transactions with the People's Republic of China and its nationals entered into on or after May 7, 1971; and on the bunkering by American oil companies abroad of Chinese vessels except those bound to or from North Korea, North Viet Nam or Cuba. No change is made in the status of Chinese assets blocked before May 7, 1971.

Section 500.541 is being amended correspondingly to remove, with respect to American-controlled firms abroad restrictions on (1) dollar dealings involving the People's Republic of China; and (2) the supply of petroleum products to Chinese vessels except those bound to or from North Korea, North Viet Nam or Cuba.

Sections 500.538 and 500.541 are being amended to permit U.S.-owned or controlled foreign flag vessels to transport merchandise directly to or from mainland China.

Section 500.538 of the Foreign Assets Control Regulations is amended to read as follows:

§ 500.538 Transportation and insurance of certain merchandise.

(a) Except as provided in paragraphs (c) and (d) of this section, to the extent that transportation or insurance of merchandise is prohibited by sections 500.201 or 500.204, such transportation by carriers or insurance is authorized.

(b) [Deleted]

(c) This section does not authorize the transportation or insurance of any merchandise directly or indirectly to or from North Korea or North Viet Nam, nor does it authorize the transportation or insurance of any merchandise of North Korean or North Viet Namese origin.

(d) This section does not authorize the transportation directly or indirectly to mainland China or insurance of:

(1) Any merchandise of U.S. origin except as authorized by § 500.533;

(2) Any merchandise regardless of origin of a type included in the Commodity Control List of the Department of Commerce (15 CFR Part 399) and followed on that list by the letter "A" in the column headed "Special Provisions List" or of a type the unauthorized exportation of which from the United States is prohibited by any of the several regulations referred to in 15 CFR 370.10.

Section 500.541 of the Foreign Assets Control Regulations is amended to read as follows:

§ 500.541 Certain transactions by persons in foreign countries.

(a) Except as provided in paragraphs (b), (c), (e), and (f) of this section, all transactions incident to the conduct of business activities abroad engaged in by any individual ordinarily resident in a foreign country in the authorized trade territory, or by any partnership, association, corporation, or other organization which is organized and doing business under the laws of any foreign country in the authorized trade territory, are hereby authorized.

(b) This section does not authorize any transaction involving property subject to the jurisdiction of the United States as of May 6, 1971, in which there existed or had existed at any time on or since the effective date, any direct or indirect interest of China or nationals thereof.

(c) This section does not authorize any transaction involving the purchase or sale or other transfer of:

(1) Any merchandise of U.S. origin, except as authorized by §500.533;

(2) Any merchandise regardless of origin of a type included in the Commodity Control List of the U.S. Department of Commerce set forth in 15 CFR Part 399 and followed on that list by the letter "A" in the column headed "Special Provisions List" or of a type the unauthorized exportation of which from the United States is prohibited by any of the several regulations referred to in 15 CFR 370.10; or

(3) Any technical data, as that term is defined in section 500.543, except to the extent authorized by that section.

(d) [Deleted].

(e) This section does not authorize the supply of petroleum products to any vessel bound to or from North Korea, North Viet Nam, or Cuba.

(f) This section does not authorize any transaction involving North Korea or North Viet Nam or their nationals, or merchandise the country of origin of which is North Korea or North Viet Nam.

Section 500.546 is hereby added to the Foreign Assets Control Regulations to read as follows:

§ 500.546 Current transactions with China and its nationals authorized.

(a) Except as provided in paragraph (b) of this section, all transactions with China or its nationals are hereby licensed.

(b) This section does not authorize:

(1) Any transaction prohibited by § 500.201 involving property subject to the jurisdiction of the United States as of May 6, 1971 in which China or any national thereof, at any time on or since December 17, 1950 had any interest whatsoever nor any transaction involving any income from such property accruing on or after May 6, 1971.

(2) Any transaction prohibited by § 500.201 and excepted from section 500.541 by subparagraphs (c) and (e) thereof.

(3) Any transaction prohibited by section 500.204.

(4) Any transaction involving an interest of North Korea or North Viet Nam or nationals thereof.

(c) The effective date of this section is May 7, 1971.

MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[FR Doc.71–6573 Filed 5–7–71;11:08 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

PRIVATE FOUNDATION DEFINED

Notice of Hearing on Proposed Regulation

Proposed regulations under section 509 of the Internal Revenue Code of 1954, relating to the definition of private foundations, appear in the FEDERAL REGISTER for November 20, 1970 (35 F.R. 17845).

A public hearing on the provisions of these proposed regulations will be held on Monday, June 28, 1971, at 10 a.m., e.d.s.t., in Room 3313, Internal Revenue Service Building, 1111 Constitution Avenue NW., Washington, DC.

The rules of § 601.601(a)(3) of the Statement of Procedural Rules (26 CFR Part 601) shall apply with respect to such public hearing. Copies of these rules will be furnished on request. Under such § 601.601(a)(2), persons who have submitted written comments or suggestions within the time prescribed in the notice of proposed rule making and who desire to present oral comments should by June 14, 1971, submit an outline of the topics and the time they wish to devote to each topic. Such outlines should be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20242.

Persons who desire a copy (furnished only at the above address) of such written comments or suggestions or outlines should notify the Commissioner at the above address or telephone (Washington, D.C.) 202-964-3935 by June 21, 1971.

K. MARTIN WORTHY,
Chief Counsel.

[FR Doc.71-6441 Filed 5-7-71; 8:46 am]

[26 CFR Part 1]

INCOME TAX

Limitation on Tax Attributable to Certain Total Distributions From Qualified Plans

Proposed regulations under section 72(n)(4) of the Internal Revenue Code of 1954, relating to the limitation on tax attributable to certain total distributions from qualified plans, appear in the FEDERAL REGISTER for February 27, 1971 (36 F.R. 3822).

A public hearing on the provisions of these proposed regulations will be held on Wednesday, June 2, 1971, at 10 a.m., e.d.s.t., in Room 3313, Internal Revenue Service Building, 1111 Constitution Avenue NW., Washington, DC.

The rules of § 601.601(a)(3) of the Statement of Procedural Rules (26 CFR Part 601) shall apply with respect to such public hearing. Copies of these rules will be furnished on request. Under such § 601.601(a)(3), persons who have submitted written comments or suggestions within the time prescribed in the notice of proposed rule making and who desire to present oral comments should by May 26, 1971, submit an outline of the topics and the time they wish to devote to each topic. Such outlines should be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224.

Persons who desire a copy (furnished only at the above address) of such written comments or suggestions or outlines should notify the Commissioner at the above address or telephone (Washington, D.C.) 202-964-3935 by May 28, 1971.

K. MARTIN WORTHY,
Chief Counsel.

[FR Doc.71-6561 Filed 5-7-71; 8:51 am]

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

EVERGLADES NATIONAL PARK, FLA.

Special Fishing Regulations

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916, 245 DM-1 (27 F.R. 6395), and National Park Service Order No. 21 (27 F.R. 7903) as amended, it is proposed to revise paragraph (g) of § 7.45 of Title 36 of the Code of Federal Regulations as set forth below.

The proposed changes remove some restrictions now in force by permitting commercial fishing in more of the park waters; will allow the use of more yardage in gill and trammel nets with larger twine, lead and cork lines; will allow commercial fishermen safe anchorage in closed areas during times of inclement weather when carrying fishing equipment that is illegal in park waters; extends the time from 5 to 14 days that nets and traps may be left unattended; and provides for other passageways across Chokoloskee Bay and through Houston River while transporting illegal equipment or products of the sea. The order of some paragraphs have been reorganized and minor changes in terminology were made to clarify the meaning of certain regulations. The regulations pertaining to placing fish eggs or food in water to attract fish has been revoked since it has been incorporated in the general regulations applicable to all National Parks.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections to the Superintendent, Everglades National Park, Post Office Box 279, Homestead, FL 33030, within 30 days of the publication of this notice in the FEDERAL REGISTER.

Local public hearings on the proposed regulations will be announced following their publication in the FEDERAL REGISTER.

The proposed changes in the subparagraphs are as follows:

Paragraph (g) is reworded and expanded to include a reference to the applicability of the laws of the State of Florida.

Paragraph (g)(1): The words "whenever possible" have been added to relieve a problem for commercial fishermen.

Subparagraph (2) is deleted.

Subparagraph (3) is deleted as it is provided for in paragraph (g).

Subparagraph (4) is renumbered (2) and reworded to make it mandatory to possess an annual no-fee commercial fishing permit.

Subparagraph (5) is renumbered (3) and reworded to remove possible discrimination. The words "commercial purposes" have been changed to read "from park waters for any purpose".

Subparagraph (6) is renumbered (4) and reworded for clarity. There is no change in the substance of the regulation.

Subparagraph (7) is renumbered (5) and reworded. There is no change in the substance of the regulation.

Subparagraph (8) is deleted.

Subparagraph (9) is deleted. Provisions for this subparagraph are now incorporated in new subparagraph (7).

Subparagraph (10) (i) and (ii) are numbered (6) (i) through (vi) and reworded for clarity. The limit of 200 traps has been raised to 400. Also, the restriction of permits to permittees prior to January 1, 1964, is deleted. The permit number to be used on buoys has been changed to read, "State permit number".

Subparagraph (10)(iii) is renumbered (7) and reworded for clarity. Also number of traps has been increased from 3 to 6.

Subparagraph (10)(iv) is renumbered (8). The area in which crab and bait traps are allowed has been enlarged. Also, the restriction of placing traps at least 1 mile offshore in the Gulf of Mexico has been reduced to one-quarter mile offshore.

Subparagraph (11) is deleted. The provision for taking minnows for noncommercial purposes is now contained in new subparagraph (7).

Subparagraph (12) is renumbered (9) and reworded to allow larger twine, lead, and cork lines in gill nets. A new provision prohibiting pulling nets up on shore has been added, and the distance between

groups of nets has been reduced from 1,000 yards to 500 yards.

Subparagraph (13) is renumbered (10) and reworded to delete the reference to twine, lead, and cork line sizes. Also, the restrictions of using trammel nets in Florida Bay and for the taking of pompano only are deleted. The distance between sets or groups of sets for this type net has been reduced to 200 yards.

Subparagraph (14) is renumbered (11) and reworded to delete the reference to size of dip nets.

Subparagraph (15) is renumbered (12). The reference to possession of fish with mud in their gills as prima facie evidence has been deleted, and stop-netting redefined for clarification.

Subparagraph (16) is deleted.

Subparagraph (17) is renumbered (13) and reworded to include a reference to nets, seines, and traps that are allowed.

Subparagraph (18) is renumbered (14) and reworded to raise the unattended time of fishing equipment from 5 to 14 days.

Subparagraph (19) is renumbered (15) and (15)(i); the restriction to fishing in Donut and Pine Island Lakes has been removed.

Subparagraph (20) is deleted as it is now incorporated in new subparagraph (15)(ii).

Subparagraph (21) is renumbered (16), reworded for clarity, and to allow commercial fishing and the use of nets in Long Sound, Joe Bay, Little Madeira Bay, Madeira Bay, Terrapin Bay, and Santini Bay. Also, the new regulation would allow commercial fishing and the use of nets in inland waters from Cannon Bay northward to the northern Park boundary.

Subparagraph (22) is renumbered (17). There is no change in wording.

A new subparagraph (18) is added to allow safe anchorage of commercial fishing boats during inclement weather.

Subparagraph (23) is renumbered (19) and is reworded to allow another passageway across Chokoloskee Bay, and is reworded to allow two more passageways, one across Chokoloskee Bay and the other through Houston River.

Subparagraph (20) has been added to aid in identification of fish which have possession limits.

(5 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 3)

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

Paragraph (g) is revised to read as follows:

§ 7.45 Everglades National Park.

* * * * *

(g) *Fishing.* In order to manage fishery resources of Everglades National Park, including the commercial fishing permitted by policy on a sustained yield basis, the following regulations are promulgated. Except as provided in these regulations, or by other Federal laws or regulations, all commercial and sport fishing and taking of products of the sea shall be done in accordance with the laws of the State of Florida, including license requirements, and such State laws are hereby adopted and made a part of this regulation.

(1) All persons taking fish from any of the waters in the park by any method and not using such fish because of size, edible quality or other reasons shall, whenever possible, immediately release and return such fish alive to the waters from which taken. No such fish may be left on any bank, shore, bench, dock, cleaning table, or any other place out of the water.

(2) Persons engaged in commercial fishing in the waters of the park open for this purpose must possess an annual no-fee commercial fishing permit issued by the Superintendent.

(3) Seahorses, starfish, tropical fish, and nongame fresh water fish shall not be taken from park waters for any purpose.

(4) The taking of oysters and clams from the waters of the park is prohibited, except by hand or rake for personal use only.

(5) The taking of crawfish is prohibited except by hand or bully net for personal use.

(6) Crabs may be taken from park waters, subject to the following restrictions:

(i) A person may take crabs for personal use only without a permit, but cannot use more than four (4) crab traps.

(ii) A person who traps crabs for commercial purposes must possess a commercial fishing permit as provided for in subparagraph (2) of this paragraph, issued by the Superintendent and shall not be permitted to operate more than a total of 400 traps.

(iii) Crab traps shall be made of wood and will be buoyed; the buoys shall be of an approved type and color and shall have the State permit number marked in at least 3-inch numerals.

(iv) Crab traps may be used only in those park waters described in subparagraph (8) of this paragraph.

(v) Only male blue and stone crabs may be taken.

(vi) The possession of equipment or material used in stone crab trapping is permitted in the park only during the open season prescribed by the State of Florida. However, blue crabs may be taken during the entire year using a wooden trap not to exceed 12" x 24" with a throat not to exceed 1½" x 5½".

(vii) The claws of stone crabs must be 4" in overall length and remain attached to the body of the crab while in park waters.

(7) Bait fish and minnows shall not be taken by any method for resale purposes. Bait traps must be buoyed and shall be identified by marking the park permit number on the buoy. Bait traps shall not exceed 2 feet by 2 feet by 1 foot, built of ¼- to ½-inch wire mesh. No more than six bait traps per boat are permitted. Bait traps shall be used for the taking of minnows only. A minnow is defined for the purpose of this paragraph as being a small nongame fish, under 6 inches in length of a species commonly used as bait, but does not include silver mullet or other fish protected by other Federal or Florida law. Bait fish and minnows may be taken by bait nets.

(8) Crab traps may be used only in the following described waters of the park: *Provided, however,* That such traps may not be placed closer than 200 feet from any Key or marked waterway:

Blackwater Sound, Buttonwood Sound, and that portion of Florida Bay south of a line drawn from the southern tip of Boggy Key to the northern tip of Whaleback Key, to the southeastern tips of South Nest Key, North Butternut Key, and Bottle Key, and thence southwesterly following the south side of a series of banks to the southern tip of Low Key, Stake Key, and Manatee Key, thence westerly to a small unnamed key north of Jimmies Channel, thence south following shoal waters to Captains Key, thence westerly following shoal waters touching a series of unnamed keys to Panhandle Key; from Panhandle Key to the northern tip of Spy Key, Sid Key, Cluett Key, Man-of-War Key to the southern tip of Sandy Key thence to the Intracoastal Waterway Marker No. 2 south of East Cape Sable and in addition the area south and west of a line connecting points from said marker to points one-quarter mile offshore from East Cape, Middle Cape, Northwest Cape, Shark Light, Shark Point, Highland Point, Porpoise Point, Seminole Point, Mormon Key, Pavilion Key, Rabbit Key, Indian Key Light to the park boundary corner at approximately 25°50' N. latitude, 81°30' W. longitude.

(9) Gill nets shall not exceed singly or in combination 1,200 yards in length and shall have a stretch mesh of not less than 2½ inches from knot to knot after being shrunk. Twine used shall not exceed No. 208 nylon or monofilament. Only one lead line and one cork line shall be permitted and neither lead nor cork lines shall be more than five-sixteenths inches in diameter. No purses, pockets or other special device for entrapping or catching fish shall be used on gill nets except as provided for in subparagraph (10) of this paragraph. Gill nets may be gathered or taken in by hand only and shall not be dragged. Nets may not be pulled up on shore. Gill nets may be tied together and used in groups of not more than three: *Provided,* That the nearest net or groups of nets shall be at least 500 yards from any other gill net.

(10) Trammels shall have a stretch mesh of not less than 12" (on gill nets of not less than 3¼" stretch mesh). Trammel nets shall not exceed 1,200 yards in length used singly or in combination. Trammel nets shall not be dragged. The nearest set or group of sets shall be at least 200 yards from any other net. When used at night such nets shall be marked with lighted buoys.

(11) Dip nets may be used for the taking of shrimp for personal use only.

(12) Stopnetting is prohibited in the waters of the park. Stopnetting is hereby defined as the placing, setting, or using of any net or seine or other device with webbing attached thereto in any manner that closes the mouth of rivers, lakes, streams, bays, passes, bayous, or any other water, or used on any bank, flat, or

other water bottom in such a way that fish are confined until tide falls sufficiently that such fish so confined may be taken from such confinement by hand, with hand nets, cast nets, or other nets or seines or any other manner except those which are gilled may be taken by hand.

(13) No nets, seines, traps, spears, explosives, or other devices for the trapping, catching, killing, or taking of fish, bait or other similar edible products of the sea except hook and line or pole and line and those nets, seines, and traps described in subparagraphs (5)–(11) of this paragraph, may be used or possessed by any person within the park.

(14) No person shall leave any fish net, bait trap, crab trap, or other device used for taking products of the sea unattended for more than 14 days.

(15) The following described areas are closed to all commercial and sport fishing and to the taking of products of the sea by nets or seines for any purpose:

(i) All waters of T. 58 S., R. 37 E., secs. 10 through 15, inclusive, in the vicinity of Royal Palm Visitor Center, except Donut Lake and Pine Island Lake.

(ii) All waters in T. 54 S., R. 36 E., secs. 19, 30, and 31; T. 55 S., R. 36 E., secs. 6, 7, 18, 19, and 30 in the vicinity of the Shark Valley Loop Road from Tamiami Trail south.

(16) The following described areas are closed to all commercial fishing and to the taking of products of the sea by nets, seines, or traps for any purpose:

(i) All inland bays, bights, canals, lakes, rivers, or other bodies of water lying inland from the shores of Florida Bay and in addition the area north of a line drawn from Christian Point to Shark Point to Mosquito Point, including Otter Key, thence to Crocodile Point to Terrapin Point to Madeira Point and then following the mainland shoreline on north shore of Little Madeira Bay, Joe Bay, and Long Sound to U.S. No. 1.

(ii) All inland bays, lakes, canals, rivers, and others bodies of water lying inland from the nearest recognizable mainland shoreline from Flamingo to East Cape Sable and north to and including Lostman's River. For the purpose of this paragraph, the mainland shoreline shall be considered to be that area where the gulf coast rivers flow into the Gulf of Mexico.

(iii) From Lostman's River north to the park boundary corner at approximately 25°50′ N. latitude, 81°30′ W. longitude, the following inland waters are closed: Gopher Key Creek from its junction with Cannon Bay, southwestward to include all waters in the Gopher Creek drainage and extending through Charlie Creek to the Gulf of Mexico and all waters from the north end of Alligator Creek to Onion Key.

(17) West Lake Pond, Coot Bay Pond, and other small ponds bordering the park road shall be closed to fishing during those periods as determined by the Superintendent that such action is necessary to protect feeding and roosting birds. Notice of closing shall be given by the posting of appropriate signs at these locations.

(18) Possession of gill nets, trammel nets, crab traps, or other commercial fishing equipment while in closed waters is prohibited; except that during an emergency or in times of inclement weather, boats with such equipment which is illegal in closed waters of the park may anchor behind outside islands or in the mouths of rivers only. The equipment may not be used or taken from the boat during this time and when the emergency or danger has passed, boats with such equipment aboard must be removed from such closed waters. No permit is required, but boats may be checked by Park Rangers while in these waters.

(19) Nets, gear, and products of the sea which are legal in State waters but are illegal in park waters may be transported through the park only over the passages shown on Indian Key Pass, Rabbit Key Pass, Chokoloskee Pass, and a passageway northwestward by the most direct route across Chokoloskee Bay to Fakahatchee Bay. Also included is a passageway through Houston River via the most direct route during inclement weather. Boats traveling through these waters with such products of the sea and gear shall remain in transit unless disabled.

(20) Fish may be fileted while in park waters, however, skins must remain on filets except two filets per person for eating.

* * * * *

[FR Doc.71-6436 Filed 5-7-71;8:46 am]

Oil Import Administration

[32A CFR Ch. X]

[Oil Import Reg. 1 (Rev. 5)]

LIQUEFIED NATURAL GAS

Notice of Proposed Rule Making

In order to clarify the status under the Mandatory Oil Import Program of imports of liquefied natural gas, it is proposed to amend the heading of section 24 of Oil Import Regulation 1 (Revision 5) to read "Aromatics; aliphatic hydrocarbons; liquefied natural gas" and to add to that section a new paragraph (c) reading as follows:

(c) Liquefied natural gas which is comprised mainly of methane, which contains not more than 20 mol percent of other paraffinic hydrocarbons, and which is to be used as fuel without any type of separation process is not an unfinished oil or a finished product.

Under the proposed amendment, liquefied natural gas as described would in effect be regarded as methane and might be imported without an allocation or license. The proposed amendment has no bearing upon any proceedings before the Federal Power Commission and, if adopted, would be reviewed in the light of the results of such proceedings. Final action with respect to the proposed amendment will be subject to the concurrence of the Director of the Office of Emergency Preparedness.

Person interested may submit written comments on the proposed amendment to the Administrator, Oil Import Administration, Department of the Interior, Washington, DC 20240 by June 7, 1971. Each person who submits comments is asked to provide fifteen (15) copies.

MAY 7, 1971.

T. C. SNEDEKER,
Acting Administrator.

[FR Doc.71-6565 Filed 5-7-71;10:18 am]

[32A CFR Ch. X]

[Oil Import Reg. 1 (Rev. 5)]

ALLOCATIONS; REFINERS

Notice of Proposed Rule Making

There is set forth below, in the form of amendments to paragraph (c) of both sections 10 and 11 of Oil Import Regulation 1 (Revision 5), as amended, a proposal which would permit holders of crude and unfinished oil allocations granted pursuant to those sections to import a quantity of oils equal to 1 percent of such allocations in the form of oils not to be further processed. Any oils imported not to be further processed would be deducted from the unfinished oil portion of the allocation and license. This authority may be used only for the importation of oils under extraordinary circumstances such as inadvertent errors, contamination, and supplying localities where domestic supplies are not readily available.

This proposal, if adopted, with concurrence of the Director, Office of Emergency Preparedness, would implement suggestions received as a result of publication in the FEDERAL REGISTER of July 16, 1970 (35 F.R. 11405), of a proposal to terminate finished product import allocations based upon imports during 1957. These suggestions urged some flexibility be given to importers to permit adjustment to special circumstances. Experience indicates that such flexibility probably would be advisable in the interest of operating and administrative efficiency.

Interested persons are invited to submit written comments upon the proposal to the Administrator, Oil Import Administration, Department of the Interior, Washington, D.C. 20240 by June 7, 1971. Each person who submits comments is asked to provide fifteen (15) copies.

T. C. SNEDEKER,
Acting Administrator.

MAY 7, 1971.

1. Amend paragraph (c) of section 10 of Oil Import Regulation 1 (Revision 5), as amended, to read as follows:

Sec. 10 Allocations; Refiners; Districts I–IV.

* * * * *

(c) Under an allocation made pursuant to paragraph (b) of this section, unfinished oils may be imported, but imports of such oils shall not exceed 15

percent of the allocation. Within such 15 percent, a maximum quantity of imports equal to 1 percent of the total allocation may be imported in the form of finished petroleum products, provided prior written notification is given to the Administrator on each entry to be made, and that the entry of oils which are not to be further processed shall only be made for extraordinary reasons such as contamination, inadvertent errors, and for the supply of oils to locations where domestic supplies are not available from any source.

2. Amend paragraph (c) of section 11 of Oil Import Regulation 1 (Revision 5), as amended, to read as follows:

Sec. 11 Allocations; Refiners; District V.

* * * * *

(c) Under an allocation made pursuant to paragraph (b) of this section, unfinished oils may be imported, but imports of such oils shall not exceed 25 percent of the allocation. Within such 25 percent, a maximum quantity of imports equal to 1 percent of the total allocation may be imported in the form of finished petroleum products, provided prior written notification is given to the Administrator on each entry to be made, and that the entry of oils which are not to be further processed shall only be made for extraordinary reasons such as contamination, inadvertent errors, and for the supply of oils to locations where domestic supplies are not available from any source.

[FR Doc.71-6566 Filed 5-7-71;10:18 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1207]

[Docket No. PRPA 1]

POTATO RESEARCH AND PROMOTION PLAN

Notice of Hearing

Pursuant to the Potato Research and Promotion Act (title III of Public Law 91-670, 91st Congress, approved Jan. 11, 1971, 84 Stat. 2041), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate a plan (36 F.R. 3194), notice is hereby given of a public hearing to be held on a proposed marketing research and promotion plan for potatoes. The hearing will begin at 9:30 a.m., local time, on the opening date at each of the following locations:

(1) June 22, Denver, Colo., House Chamber, State Capitol Building, Colfax and Lincoln Streets;

(2) June 29, San Francisco, Calif., Room 13450, Federal Building, 450 Golden Gate Avenue; and

(3) July 7, Washington, D.C., Freer Art Gallery Auditorium, 12th and Jefferson Drive SW.

The National Potato Council has submitted the following proposal and has requested a hearing on it. The proposed plan has not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the adequacy of the provisions of the proposal and to appropriate modifications thereof. The proposed plan is as follows:

DEFINITIONS

§ 1207.301 Secretary.

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

§ 1207.302 Act.

"Act" means the Potato Research and Promotion Act (title III of Public Law 91-670, 91st Congress, approved Jan. 11, 1971, 84 Stat. 2041).

§ 1207.303 Plan.

"Plan" means this potato research and promotion plan issued by the Secretary pursuant to the act.

§ 1207.304 Person.

"Person" means any individual, partnership, corporation, association, or other entity.

§ 1207.305 Producer.

"Producer" means any person engaged in the growing of 5 or more acres of potatoes. Such term shall include any person who owns or shares the ownership of a potato crop as land owner, landlord, tenant or sharecropper.

§ 1207.306 Potatoes.

"Potatoes" means any or all varieties of Irish potatoes grown by producers in the 48 contiguous States of the United States.

§ 1207.307 Handle.

"Handle" means to grade, pack, process, sell, transport, purchase, or in any other way to place potatoes or cause potatoes to be placed in the current of commerce. Such term shall not include the transportation or delivery of field-run potatoes by the producer thereof to a handler for grading, storage, or processing.

§ 1207.308 Handler.

"Handler" means any person (except a common or contract carrier of potatoes owned by another person) who handles potatoes, including a producer who handles potatoes of his own production.

§ 1207.309 Board.

"Board" means the National Potato Promotion Board, hereinafter established pursuant to § 1207.320.

§ 1207.310 Fiscal period and marketing year.

"Fiscal period" and "marketing year" mean the 12-month period from July 1 through June 30 of the following year or such other period which may be approved pursuant to § 1207.361.

§ 1207.311 Programs and projects.

"Programs" and "projects" mean those research, development, advertising or promotion programs or projects developed by the Board pursuant to § 1207.335.

NATIONAL POTATO PROMOTION BOARD

§ 1207.320 Establishment and membership.

(a) There is hereby established a National Potato Promotion Board, hereinafter called the "Board", composed of producers selected by the Secretary from nominations submitted by producers in the various States or groups of States pursuant to § 1207.322.

(b) Membership on the Board shall be determined on the basis of the potato production set forth in the latest Crop Production Annual Summary Report issued by the Crop Reporting Board, U.S. Department of Agriculture. Each of the 48 contiguous States' membership shall be determined on the basis of one member for each 5 million hundredweight of production, or major fraction thereof, produced within such State: *Provided*, That each State shall be entitled to at least one member on the Board, subject to the exception in paragraph (c) of this section.

(c) Any State in which the potato producers fail to respond to an officially called nomination meeting may be combined with an adjacent State for the purpose of representation on the Board, in which case the Board member selected by the Secretary will represent both States.

(d) The Secretary, upon recommendation of the Board, may establish districts or groups of States in order to change the representation requirements for membership on the Board; *Provided*, That the producers in such States do not object.

§ 1207.321 Term of office.

(a) The term of office of Board members shall be three years, beginning July 1, or such other beginning date as may be approved pursuant to regulations.

(b) The terms of office of the Board's initial members shall be so determined that approximately one-third of the terms will expire each year.

(c) Board members shall serve during the term of office for which they are selected and have qualified, and until their successors are selected and have qualified.

(d) No members shall serve for more than two full successive terms.

§ 1207.322 Nominations and selection.

The Secretary shall select the members of the Board from nominations which may be made in the following manner:

(a) The National Potato Council shall hold or cause to be held initial nomination meetings in each major potato-producing section or State for the purpose of selecting a list of nominees from which the initial Board shall be appointed. Such nomination meetings shall be held not later than 60 days after the issuance of this subpart. It shall give adequate notice of such meetings to the potato producers affected; also to the

Secretary so that a representative of the Secretary, if available, may conduct such meetings or act as secretary of such nomination meetings.

(b) After the establishment of the initial Board, the nominations for subsequent Board members shall be made by producers at meetings in the producing sections or States. The Board shall hold such meetings, or cause them to be held, in accordance with rules established pursuant to recommendations of the Board.

(c) Only producers may participate in designating nominees. Each producer is entitled to one vote only on behalf of himself, his partners, agents, subsidiaries, affiliates, and representatives for each position for which nominations are being held. If a producer is engaged in producing potatoes in more than one State, he shall elect the State in which he shall vote. In no event shall he participate in nominations in more than one meeting.

§ 1207.323 Acceptance.

Each person selected by the Secretary as a member of the Board shall qualify by filing a written acceptance with the Secretary promptly after being notified of such selection.

§ 1207.324 Vacancies.

To fill any vacancy caused by the failure of any person selected as a member of the Board to qualify, or in the event of the death, removal, resignation, or disqualification of any member, a successor shall be nominated and selected in the manner specified in § 1207.322. In the event of failure to provide nominees for such vacancies, the Secretary may select other eligible persons.

§ 1207.325 Procedure.

(a) Each State which has a member on the Board shall be entitled to not less than one vote for any production up to 1 million hundredweight, plus one additional vote for each additional 1 million hundredweight of production, or major fraction thereof, as determined by the latest crop production annual summary report issued by the Crop Reporting Board, U.S. Department of Agriculture. The casting of the votes for each State shall be determined by the members of the Board from that State.

(b) A majority of the Board members shall constitute a quorum and any action of the Board shall require a majority of concurring votes of those present and voting. At assembled meetings all votes shall be cast in person or by duly authorized proxy.

(c) For routine and noncontroversial matters which do not require deliberation and the exchange of views, and for matters of an emergency nature when there is not enough time to call an assembled meeting, the Board may act upon the concurring votes of a majority of its members cast by mail, telegraph, or telephone. Any vote cast by telephone shall be confirmed promptly in writing.

§ 1207.326 Compensation and reimbursement.

Members of the Board shall serve without compensation but shall be reimbursed for reasonable expenses incurred by them in the performance of their duties as members of the Board.

§ 1207.327 Powers.

The Board shall have the following powers subject to § 1207.361:

(a) To administer the provisions of this plan in accordance with its terms and conditions;

(b) To make rules and regulations to effectuate the terms and conditions of this plan;

(c) To receive, investigate, and report to the Secretary complaints of violations of this plan; and

(d) To recommend to the Secretary amendments to this plan.

§ 1207.328 Duties.

The Board shall, among other things, have the following duties:

(a) To meet and organize and to select from among its members a president and such other officers as may be necessary; to select committees and subcommittees of Board members; to adopt such rules for the conduct of its business as it may deem advisable; and it may establish advisory committees of persons other than Board members;

(b) To employ such persons as it may deem necessary and to determine the compensation and define the duties of each; and to protect the handling of Board funds through fidelity bonds;

(c) At the beginning of each fiscal period, to prepare and submit to the Secretary for his approval a budget on a fiscal period basis of the anticipated expenses in the administration of this Plan including the probable costs of all programs or projects and to recommend a rate of assessment with respect thereto;

(d) To develop programs and projects and to enter into contracts or agreements for the development and carrying out of programs or projects of research, development, advertising or promotion, and the payment of the costs thereof with funds collected pursuant to this plan.

(e) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the Board. Minutes of each Board meeting shall be promptly reported to the Secretary;

(f) To cause the books of the Board to be audited by a competent public accountant at least once each fiscal period, and at such other time as the Board may deem necessary. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part. Two copies of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the Board for inspection by producers and handlers;

(g) To give the Secretary the same notice of meetings of the Board and its subcommittees as is given to its members;

(h) To act as intermediary between the Secretary and any producer or handler; and

(i) To furnish the Secretary such available information as he may request.

RESEARCH AND PROMOTION

§ 1207.335 Research and promotion.

The Board shall develop and submit to the Secretary for approval any programs or projects authorized in this section. Such programs or projects shall provide for:

(a) The establishment, issuance, effectuation and administration of appropriate programs or projects for the advertising and promotion of potatoes and potato products; *Provided, however,* That any such program or project shall be directed toward increasing the general demand for potatoes and potato products;

(b) Establishing and carrying on research and development projects and studies to the end that the marketing and utilization of potatoes may be encouraged, expanded, improved, or made more efficient, and for the disbursement of necessary funds for such purposes; and

(c) The development and expansion of potato and potato product sales in foreign markets.

(d) No advertising or promotion program shall make any reference to private brand names or use false or unwarranted claims in behalf of potatoes or their products or false or unwarranted statements with respect to the attributes or use of any competing products.

EXPENSES AND ASSESSMENTS

§ 1207.341 Budget and expenses.

(a) At the beginning of each fiscal period, or as may be necessary thereafter, the Board shall prepare and recommend a budget on a fiscal period basis of its anticipated expenses and disbursements in the administration of this plan, including probable costs of research, development, advertising, and promotion. The Board shall also recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures and to provide for a reserve as set forth in § 1207.344.

(b) The Board is authorized to incur such expenses for research, development, advertising, or promotion of potatoes and potato products and such other expenses for the administration, maintenance, and functioning of the Board as are approved pursuant to § 1207.361.

§ 1207.342 Assessments.

(a) The funds to cover the Board's expenses shall be acquired by the levying of assessments upon such class or classes of handlers as designated in regulations issued by the Board. Such assessments shall be levied at a rate fixed by the Secretary which shall not exceed 1 cent per hundredweight of potatoes handled and not more than one assessment may be collected on any potatoes.

(b) Each handler designated by the Board to pay assessments shall pay assessments to the Board on all potatoes handled by him, including potatoes he produced. Assessments shall be paid to

the Board at such time and in such manner as the Board shall direct pursuant to regulations issued hereunder. The designated handler may collect the assessments from the producer, or deduct such assessments from the proceeds paid to the producer on whose potatoes the assessments are made.

(c) The Board may authorize other organizations to collect assessments in its behalf.

(d) The Board may exempt potatoes used for nonfood purposes from the provisions of this plan and shall establish adequate safeguards against improper use of such exemptions.

§ 1207.343 Producer refunds.

Any producer who has paid an assessment under this plan and who is not in favor of supporting the research and promotion program as provided for in this plan shall have the right to demand and receive from the Board a refund of such assessment upon submission of proof satisfactory to the Board that he paid the assessment for which refund is sought. Any such demand shall be made personally by such producer on a form and within a time period prescribed by the Board pursuant to regulations. Such time period shall give the producer at least 90 days from the date of collection to submit the refund request form to the Board. Any such refund shall be made within 60 days after demand therefor. No handler shall be eligible for a refund except on potatoes produced by him.

§ 1207.344 Operating reserve.

The Board may establish an operating monetary reserve and may carry over to subsequent fiscal periods excess funds in a reserve so established; *Provided*, That funds in the reserve shall not exceed approximately two fiscal periods' expenses. Such reserve funds may be used to defray any expenses authorized under this part.

§ 1207.345 Influencing governmental action.

No funds collected by the Board under this Plan shall in any manner be used for the purpose of influencing governmental policy or action except in recommending to the Secretary amendments to this subpart.

REPORTS, BOOKS, AND RECORDS

§ 1207.350 Reports.

Each handler subject to this part shall maintain a separate record with respect to each producer for whom he handled potatoes and for potatoes handled which he himself produced. He shall report to the Board as such times and in such manner as it may prescribe by regulations such information as may be necessary for the Board to perform its duties under this part. Such reports may include, but shall not be limited to, the following:

(a) Total quantity of potatoes handled for each producer and for himself, including those which are exempt under the plan;

(b) Total quantity of potatoes handled for each producer and for himself subject to the plan and assessments;

(c) Name and address of each person from whom he collected an assessment and the amount collected from each person; and

(d) Date collection was made from each person listed.

§ 1207.351 Books and records.

Each handler subject to this part shall maintain and make available for inspection by the Board and the Secretary, or their authorized agents, such books and records as are necessary to carry out the provisions of this plan and the regulations issued thereunder, including such records as are necessary to verify any reports required. Such records shall be maintained for at least 2 years beyond the marketing year of their applicability.

§ 1207.352 Confidential treatment.

All information obtained from such books, records, or reports shall be kept confidential by all officers and employees of the Department of Agriculture and of the Board, and by all contractors and agents retained by the Board, and only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing brought at the direction, or upon the request, of the Secretary, or to which he or any officer of the United States is a party, and involving this plan. Nothing in this section shall be deemed to prohibit (1) the issuance of general statements based upon the reports of a number of handlers subject to this plan, which statements do not identify the information furnished by any person, or (2) the publication by direction of the Secretary, of the name of any person violating this plan, together with a statement of the particular provisions of this plan violated by such person.

MISCELLANEOUS

§ 1207.361 Right of the Secretary.

All fiscal matters, programs or projects, rules or regulations, reports, or other substantive action proposed and prepared by the Board shall be submitted to the Secretary for his approval.

§ 1207.362 Suspension or termination.

(a) The Secretary shall, whenever he finds that this plan or any provision thereof obstructs or does not tend to effectuate the declared policy of the Act, terminate or suspend the operation of this plan or such provision thereof.

(b) The Secretary may conduct a referendum at any time, and shall hold a referendum on request of the Board or of 10 percent or more of the potato producers to determine whether potato producers favor the termination or suspension of this plan. He shall suspend or terminate such plan at the end of the marketing year whenever he determines that its suspension or termination is favored by a majority of the potato producers voting in such referendum who, during a representative period determined by the Secretary, have been engaged in the production of potatoes and who produced more than 50 percent of the volume of the potatoes produced by the producers voting in the referendum.

§ 1207.363 Proceedings after termination.

(a) Upon the termination of this plan, the Board shall recommend not more than five of its members to the Secretary to serve as trustees for the purpose of liquidating the affairs of the Board. Such persons, upon designation by the Secretary, shall become trustees of all funds and property then in the possession or under control of the Board including claims for any funds unpaid or property not delivered or any other claim existing at the time of such termination.

(b) The said trustees shall (7) continue in such capacity until discharged by the Secretary; (2) carry out the obligations of the Board under any contracts or agreements entered into by it pursuant to this plan; (3) account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Board and of the trustees, to such person or persons as the Secretary may direct; and (4) upon the request of the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person or persons full title and right to all of the funds, property, and claims vested in the Board or the trustees pursuant to this section.

(c) Any person to whom funds, property, or claims have been transferred or delivered pursuant to this section shall be subject to the same obligation imposed upon the Board and upon the trustee.

(d) A reasonable effort shall be made by the Board or its trustees to return to producers any residual funds not required to defray the necessary expenses of liquidation. If it is found impractical to return such remaining funds to producers, such funds shall be disposed of in such manner as the Secretary may determine to be appropriate.

§ 1207.364 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this plan or of any regulation issued pursuant thereto, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this plan or any regulation issued thereunder, or (b) release or extinguish any violation of this plan or any regulation issued thereunder, or (c) affect or impair any rights or remedies of the United States, or of the Secretary, or of any other person, with respect to any such violation.

§ 1207.365 Personal liability.

No member of the Board shall be held personally responsible, either individually

or jointly with others, in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member except for acts of willful misconduct, gross negligence, or those which are criminal in nature.

§ 1207.366 Separability.

If any provision of this plan is declared invalid or the applicability thereof to any person or circumstance is held invalid, the validity of the remainder of this plan or applicability thereof to other persons or circumstances shall not be affected thereby.

Dated: May 4, 1971.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[FR Doc.71-6461 Filed 5-7-71;8:48 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1903]

INSPECTIONS, CITATIONS, AND PROPOSED ASSESSMENT OF PENALTIES

Notice of Proposed Rule Making

Correction

In F.R. Doc. 71-6275 appearing at page 8376 in the issue of Wednesday, May 5, 1971, in the fifth line of § 1903.4 following the first word "the" insert "following situations: (a) In cases of apparent imminent".

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 70-SO-77]

FEDERAL AIRWAY SEGMENTS AND REPORTING POINTS

Proposed Designation, Alteration, and Revocation

Correction

In F.R. Doc. 71-6138 appearing at page 8263 in the issue for Saturday, May 1, 1971, the seventh line of paragraph "9" should read "(041°M) and Anderson 274°T (274°M)", and the fourth line of paragraph "10" should read "(018°M) and Rome 158°T (157°M)".

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 74]

[Docket No. 19130]

AURAL BROADCAST STL OPERATIONS, INTERCITY RELAY STATIONS, AND CERTAIN LOW POWER BROADCAST AUXILIARY STATIONS

Order Extending Time for Filing Comments

1. A notice of proposed rule making and notice of inquiry (36 F.R. 1425, Jan. 29, 1971) was adopted in the above matter on January 20, 1971, setting the dates for filing comments and reply comments as March 2, 1971, and March 12, 1971, respectively. At the request of National Association of FM Broadcasters, the comment and reply comment dates were extended to April 19 and April 29, 1971, respectively. The Commission now has before it a petition received April 27, 1971, from A. Earl Collum, Jr., & Associates, requesting an additional 2 weeks' extension of the reply date so that comments filed earlier by other parties can be obtained and reviewed prior to filing its reply comments.

2. As pointed out in the petition, Cullum has in the past demonstrated considerable interest in the matters of concern in this proceeding, particularly as regards engineering considerations, and its comments should prove to be helpful to the Commission. In view of the circumstances related above and in the petition, the requested extension does not appear unreasonable, nor would it unduly delay the proceeding.

3. *Accordingly, it is ordered,* Pursuant to § 0.281(b) of the rules and regulations, that the time for filing reply comments in this proceeding is extended to May 13, 1971.

Adopted: April 29, 1971.

Released: April 30, 1971.

[SEAL] RICHARD E. WILEY,
General Counsel.

[FR Doc.71-6480 Filed 5-7-71;8:50 am]

[47 CFR Part 73]

[Docket No. 19172; RM-1450]

FM BROADCAST STATIONS, TABLE OF ASSIGNMENTS, BRUNSWICK, MD.

Order Extending Time for Filing Comments and Reply Comments

1. This proceeding was begun by notice of proposed rule making and order to show cause (FCC 71-261) adopted March 10, 1971, released March 12, 1971 and published in the FEDERAL REGISTER, March 19, 1971, 36 F.R. 5301. The dates for filing comments and reply comments are presently April 30, 1971, and May 10, 1971, respectively.

2. On April 29, 1971, Regional Broadcasting Co. (Regional), licensee of Station WHAG-FM, filed a request to extend the time for filing comments to and including May 14, 1971. Regional states that additional time is necessary because its counsel is actively engaged in a number of other matters which have delayed his preparation of comments in the instant proceeding. It further states that its counsel is further evaluating the position of Regional with respect to the proposed switch in channels.

3. We are of the view that the additional time is warranted and would serve the public interest. *Accordingly, it is ordered,* That the time for filing comments and reply comments in Docket No. 19172 is extended to and including May 14, 1971, and May 31, 1971, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: April 30, 1971.

Released: May 3, 1971.

[SEAL] FRANCIS R. WALSH,
Chief, Broadcast Bureau.

[FR Doc.71-6481 Filed 5-7-71;8:50 am]

NATIONAL CREDIT UNION ADMINISTRATION

[12 CFR Part 747]

RULES OF PRACTICE AND PROCEDURE

Notice of Proposed Rule Making

Notice is hereby given that the Administrator of the National Credit Union Administration, pursuant to the authority conferred in section 209, 85 Stat. 1014, Public Law 91-468, is considering the addition of a new Part 747 entitled "Rules of Practice and Procedure" to Title 12 of the Code of Federal Regulations.

The proposed new Part 747 would establish certain rules of practice and procedure in hearings held pursuant to section 206 of Title II of the Federal Credit Union Act, 84 Stat. 1003, Public Law 91-468.

This notice is published pursuant to section 553 of Title 5 of the United States Code.

To aid in the consideration of the matter by the Administrator, interested persons are invited to submit relevant data, views, or arguments.

Any such material should be submitted in writing to the Administrator, National Credit Union Administration, 1325 K Street NW., Washington, DC 20456, to be received not later than 30 days from publication of this notice in the FEDERAL REGISTER.

HERMAN NICKERSON, Jr.,
Administrator.

MAY 4, 1971.

The proposed new Part 747 would read as follows:

PART 747—RULES OF PRACTICE AND PROCEDURE

Subpart A—Rules of Practice Applicable to All Hearings

Sec.

AUTHORITY: The provisions of this Part 747 are issued under sec. 209, 85 Stat. 1014, Public Law 91-468.

Subpart A—Rules of Practice Applicable to All Hearings

§ 747.1 Scope.

(a) This subpart prescribes rules of practice and procedure followed by the National Credit Union Administration in hearings held pursuant to the provisions of section 206 of the Federal Credit Union Act pertaining to (1) involuntary termination of the insured status of any insured credit union, (2) the issuance of cease-and-desist orders against any insured credit union or any credit union any of the member accounts of which are insured, and (3) the issuance of orders removing or suspending from office and/or prohibiting from further participation in the credit union's affairs, any director, officer or committee member of an insured credit union or any other person participating in the conduct of the affairs of such a credit union.

(b) In connection with any proceeding involving an insured State-chartered credit union, or any director, officer, committee member, or other person participating in the conduct of its affairs, the Administrator will provide the appropriate State supervisory authority with timely notice of his intent to institute the proceeding and the grounds therefor. Unless within such time as the Administrator deems appropriate in the light of the circumstances of the case which time will be specified in the notice) satisfactory corrective action is effectuated by action of the State supervisory authority, the Administration will proceed as provided herein. No credit union or other party who is the subject of any notice or order issued by the Administrator under this Part shall have standing to raise the requirements of this subsection as ground for attacking the validity of any such notice or order.

§ 747.2 Appearance and practice before the Administration.

(a) *Power of attorney and notice of appearance.* Any person who is a member in good standing of the bar of the highest court of any State, possession, territory, Commonwealth, or the District of Columbia may represent others before the Administration upon filing with the Administrator a written declaration that he is currently qualified as provided by this paragraph, and is authorized to represent the particular party on whose behalf he acts. Any other person desiring to appear before or transact business with the Administration in a representative capacity may be required to file with the Administrator a power of attorney showing his authority to act in such capacity, and he may be required to show to the satisfaction of the Administrator that he has the requisite qualifications. Attorneys and representatives of parties to proceedings shall file a written notice of appearance with the Administrator or with the trial examiner.

(b) *Summary suspension.* Contemptuous conduct at an argument before the Administrator or at a hearing before a trial examiner shall be ground for exclusion therefrom and suspension for the duration of the argument or hearing.

§ 747.3 Notice of hearing.

Whenever a hearing is ordered by the Administrator in any proceeding pursuant to section 206 of the Federal Credit Union Act, a notice of hearing shall be given by the Administrator to the party afforded the hearing and to the appropriate supervisory authority. Such notice shall state the time, place, and nature of the hearing, the trial examiner, and the legal authority and jurisdiction under which the hearing is to be held, and shall contain a statement of the matters of fact or law constituting the grounds for the hearing, and shall be delivered by personal service, by registered or certified mail to the last known address, or other appropriate means, sufficiently in advance of the date set for the hearing to comply with the provisions of section 206 of the Federal Credit Union Act. The term "party" means a person or agency named or admitted as a party, or any person or agency who has filed a written request and is entitled as of right to be admitted as a party; but a person or agency may be admitted for a limited purpose.

§ 747.4 Answer.

(a) *When required.* In any notice of hearing issued by the Administrator, the Administrator may direct the party or parties afforded the hearing to file an answer to the allegations contained in the notice, and any party to any proceeding may file an answer. Except where a different period of not less than 10 days after service of a notice of hearing is specified by the Administrator, a party directed to file an answer, or a party who elects to file an answer, shall file the same with the Administrator within 20 days after service upon him of the notice of hearing.

(b) *Requirements of answer; effect of failure to deny.* An answer filed under this section shall specifically admit, deny, or state that the party does not have sufficient information to admit or deny each allegation in the notice of hearing. A statement of lack of information shall have the effect of a denial. Any allegation not denied shall be deemed to be admitted. When a party intends to deny only a part or a qualification of an allegation, he shall specify so much of it as is true and shall deny only the remainder.

(c) *Admitted allegation.* If a party filing an answer under this section elects not to contest any of the allegations of fact set forth in the notice of hearing, his answer shall consist of a statement that he admits all of the allegations to be true. Such an answer shall constitute a waiver of hearing as to the facts alleged in the notice, and together with the notice will provide a record basis on which the trial examiner shall file with the Administrator his recommended decision containing his findings of fact, conclusions of law, and proposed order. Any such party may, however, upon service of the recommended decision, findings, conclusions, and proposed order of the trial examiner, file exceptions thereto within the time provided in § 747.11(a).

(d) *Effect of failure to answer.* Failure of a party to file an answer required by this section within the time provided shall be deemed to constitute a waiver of his right to appear and contest the allegations of the notice of hearing and to authorize the trial examiner, without further notice to the party, to find the facts to be as alleged in the notice and to file with the Secretary a recommended decision containing such findings and appropriate conclusions. The Administrator or the trial examiner may, for cause shown, permit the filing of a delayed answer after the time for filing the answer has expired.

(e) *Opportunity for informal settlement.* Any interested party may at any time submit to the Administrator, for consideration, written offers or proposals for settlement of a proceeding, without prejudice to the rights of the parties. No such offer or proposal, or counter-offer or proposal, shall be admissible in evidence over the objection of any party in any hearing in connection with such proceeding. The foregoing provisions of this section shall not preclude settlement of any proceeding through the regular adjudicatory process by the filing of an answer as provided in this section, or by submission of the case to the trial examiner on a stipulation of facts and an agreed order.

§ 747.5 Failure to appear.

Where an answer is not required and the credit union fails to appear at the hearing by a duly authorized representative, the credit union shall be deemed to have consented to the termination of its status as an insured credit union.

§ 747.6 Conduct of hearings.

(a) *Selection of trial examiner.* Any hearing shall be held before the Administrator or a trial examiner selected by the Civil Service Commission and designated by the Administrator and, unless otherwise provided in the notice of hearing, shall be conducted as hereinafter provided.

(b) *Authority of trial examiner.* All hearings governed by this part shall be conducted with the provisions of Chapter 5 of Title 5 of the United States Code. The trial examiner designated by the Administrator to preside at any such hearing shall have complete charge of the hearing, and he shall have the duty to conduct it in a fair and impartial manner and to take all necessary action to avoid delay in the disposition of proceedings. Such examiner shall have all powers necessary to that end, including the following:

(1) To administer oaths and affirmations;

(2) To issue subpenas and subpenas duces tecum, as authorized by law, and to revoke, quash, or modify any such subpena;

(3) To receive relevant evidence and to rule upon the admission of evidence and offers of proof;

(4) To take or cause depositions to be taken;

(5) To regulate the course of the hearing and the conduct of the parties and their counsel;

(6) To hold conferences for the settlement or simplification of issues or for any other proper purpose; and

(7) To consider and rule upon, as justice may require, all procedural and other motions appropriate in an advisory proceeding, except that a trial examiner shall not have power to decide any motion to dismiss the proceedings or other motion which results in final determination of the merits of the proceedings.

Without limitation on the foregoing provisions of this paragraph, the trial examiner shall, subject to the provisions of this part, have all the authority of section 556(c) of Title 5 of the United States Code.

(c) *Prehearing conference.* The trial examiner may, on his own initiative or at the request of any party, direct counsel for all parties to meet with him at a specified time and place prior to the hearing, or to submit suggestions to him in writing, for the purpose of considering any or all of the following:

(1) Simplification and clarification of the issues;

(2) Stipulations, admissions of fact and of the contents, and authenticity of documents;

(3) Matters of which official notice will be taken; and

(4) Such other matters as may aid in the orderly disposition of the proceeding, including disclosure of the names of witnesses and of documents or other physical exhibits which will be introduced in evidence in the course of the proceeding.

Such conferences shall, at the request of any party, be recorded and at the conclusion thereof the trial examiner shall enter in the record an order which recites the results of the conference. Such order shall include the examiner's rulings upon matters considered at the conference, together with appropriate directions to the parties, if any; and such order shall control the subsequent course of the proceedings, unless modified at the hearing to prevent manifest injustice. Except as authorized by law, the trial examiner shall not consult any person or party on any fact in issue unless upon notice and opportunity for all parties to participate, nor be responsible to or subject to the supervision or direction of any officer, employee, or agent engaged in the performance of investigative or prosecuting functions. No officer, employee, or agent engaged in the performance of investigative or prosecuting functions in any case shall, in that case or a factually related case, participate or advise in the decision of the trial examiner except as a witness or counsel in the proceedings.

(d) *Attendance at hearings.* A hearing shall ordinarily be private and shall be attended only by the parties, their representatives or counsel, witnesses while testifying, and other persons having an official interest in the proceedings: *Provided, however,* That on written request by a party or representatives of the Administrator, or on the Administrator's own motion, the Administrator, in his discretion and to the extent permitted by law, may permit other persons to attend or may order the hearing to be public.

(e) *Transcript of testimony.* Hearings shall be recorded and transcripts will be available to any party upon payment of the cost thereof, and, in the event the hearing is public, shall be furnished on similar payment to the other interested persons. A copy of the transcript of the testimony taken at any hearing, duly certified by the reporter, together with all exhibits, all papers and requests filed in the proceedings, and any briefs or memoranda of law theretofore filed in the proceeding, shall be filed with the Administrator, who shall transmit the same to the trial examiner. The Administrator shall promptly serve notice upon each of the parties of such filing and transmittal. The trial examiner shall have authority to rule upon motions to correct the record.

(f) *Order of procedure.* The counsel for the Administration shall open and close.

(g) *Continuances and changes or extension of time and changes of place of hearing.* Except as otherwise expressly provided by law, the Administrator may, by the notice of hearing or subsequent order, provide time limits different from those specified in this part, and the Administrator may, on his own initiative or for good cause shown, change or extend any time limit prescribed by these rules or change the time and place for beginning any hearing hereunder. The trial examiner may continue or adjourn a hearing from time to time and, as permitted by law or agreed to by parties, from place to place. Extensions of time for making any filing or performing any act required or allowed to be done within a specified time in the course of a proceeding may be granted by the trial examiner for good cause shown.

(h) *Call for further evidence, oral argument, briefs, reopening of hearing.* The trial examiner may call for the production of further evidence upon any issue, may permit oral argument and submission of briefs at the hearing and, upon appropriate notice, may reopen any hearing at any time prior to the certification of his recommended decision to the Administrator. The Administrator shall render his decision within 90 days after the parties have been notified pursuant to § 747.14 that the case has been submitted to the Administrator for final decision, unless within such 90-day period the Administrator shall order that such notice be set aside and the case reopened for further proceedings.

§ 747.7 Subpenas.

(a) *Issuance.* The trial examiner, or in the event he is unavailable, the Administrator, shall issue subpenas at the request of any party, requiring the attendance of witnesses or the production of documentary evidence at any designated place of hearing; except that where it appears to the trial examiner or the Administrator that the subpena may be unreasonable, oppressive, excessive in scope, or unduly burdensome, the party seeking the subpena may be required, as a condition precedent to the issuance of the subpena, to show general relevance and reasonable scope of the testimony or other evidence sought. In the event the trial examiner or the Administrator, after consideration of all the circumstances, determines that the subpena or any of its terms are unreasonable, oppressive, excessive in scope, or unduly burdensome, he may refuse to issue the subpena, or issue it only upon such conditions as fairness requires.

(b) *Motion to quash.* Any person to whom a subpena is directed may, prior

to the time specified therein for compliance but in no event more than 5 days after the date of service of such subpena, with notice to the party requesting the subpena, apply to the trial examiner, or if he is unavailable, to the Administrator, to revoke, quash, or modify such subpena, accompanying such application with a statement of the reasons therefor.

(c) *Service of subpena.* Service of a subpena upon a person named therein shall be made by delivering a copy of the subpena to such person and by tendering the fees for 1 day's attendance and the mileage as specified in paragraph (d) of this section, except that when a subpena is issued at the instance of the Administrator fees and mileage need not be tendered at the time of service of the subpena. If service is made by a U.S. marshal, or his deputy, or an employee of the Administration, such service shall be evidenced by his return thereon. If made by any other person, such person shall make affidavit thereto, describing the manner in which service is made, and return such affidavit on or with the original subpena. In case of failure to make service, reasons for the failure shall be stated on the original subpena. The original subpena, bearing or accompanied by the required return, affidavit or statement, shall be returned without delay to the trial examiner.

(d) *Attendance of witnesses.* The attendance of witnesses and the production of documents pursuant to a subpena, issued in connection with a hearing provided for in this part, may be required from any State or in any territory at any designated place where the hearing is being conducted. Witnesses subpenaed in any proceeding under this part shall be paid the same fees and mileage that are paid witnesses in the district courts of the United States.

(e) *Depositions.* The Administrator or trial examiner, by subpena or subpena duces tecum, may order evidence to be taken by deposition in any proceeding at any stage thereof. Such depositions may be taken by the trial examiner or before any person designated by the Administrator or trial examiner and having power to administer oaths. Unless notice is waived, no deposition shall be taken except after at least 5 days' notice to the parties to the proceeding.

(f) *Application and order to take oral deposition.* Any party desiring to take the oral deposition of a witness, in connection with any hearing provided for in this part, shall make application in writing to the trial examiner or, in the event he is unavailable, to the Administrator, setting forth the reasons why such depositions should be taken, the name and address of the witness, the matters concerning which the witness is expected to testify, its relevance, and the time when, the place where, and the name and address of the person before whom, it is desired the deposition be taken. A copy of such application shall be served upon every other party to the proceeding by the party making such application. Upon showing that (1) the proposed witness will be unable to attend or may be prevented from attending the hearing because of age, sickness, or infirmity, or will otherwise be unavailable at the hearing, (2) his testimony will be material, and (3) the taking of the deposition will not result in any undue burden to any other party or in undue delay of the proceeding, the trial examiner or the Administrator may, in his discretion, by such subpena or subpena duces tecum, order the oral deposition to be taken. Such subpena will name the witness whose deposition is to be taken and specify the time when, the place where and the person before whom the witness is to testify, but such time and place, and the person before whom the deposition is ordered to be taken, may or may not be the same as those named in the application. Notice of the issuance of such subpena shall be served upon each of the parties a reasonable time, and in no event less than 5 days, in advance of the time fixed for the taking of the deposition.

(g) *Procedure on deposition; objections.* Each witness testifying upon oral deposition shall be duly sworn, and the adverse party shall have the right to cross-examine. Objections to questions or evidence shall be in short form, stating the grounds of objection relied upon; but the person taking the deposition shall not have the power to rule upon questions of competency or materiality or relevance of evidence. Failure to object to questions or evidence shall not be deemed a waiver except where the ground of the objection is one which might have been obviated or removed if presented at that time. The questions propounded and the answers thereto, together with all objections made (but not including argument or debate) shall be recorded by the person taking the deposition, or under his direction. The deposition shall be subscribed by the witness, unless the parties by stipulation waived the signing or the witness is ill or cannot be found or refused to sign, and certified as a true and complete transcript thereof by the person taking the deposition. If the definition is not subscribed to by the witness, the person taking the deposition shall state this fact on the record and the reason therefor. Such person shall promptly send the original and two copies of such deposition, together with the original and two copies of all exhibits, by registered mail to the Administrator unless otherwise directed in the order authorizing the taking of the deposition. Interested parties shall make their own arrangements with the person taking the deposition for copies of the testimony and the exhibits.

(h) *Introduction as evidence.* Subject to appropriate rulings on such objections to questions of evidence as were noted at the time the deposition was taken or as would be valid were the witness personally present and testifying (except objections waived under paragraph (g) of this section), the deposition or any part thereof may be read in evidence by any party to the proceeding. Only such part or the whole of a deposition as is received in evidence shall constitute a part of the record of the proceeding upon which a decision may be based.

(i) *Payment of fees.* Witnesses whose oral depositions are taken shall be entitled to the same fees as are paid for like services in the district courts of the United States. Fees of persons taking such depositions and the fees of the reporter shall be paid by the person upon whose application the deposition was taken.

(j) *Judicial enforcement.* Any party to proceedings under this part may apply to the United States District Court for the District of Columbia, or the United States district court for the judicial district or the United States court in any territory in which such proceeding is being conducted, or where the witness resides or carries on business, for enforcement of any subpena or subpena duces tecum issued pursuant to this part, and such courts shall have jurisdiction and power to order and require compliance therewith.

§ 747.8 Rules of evidence.

(a) *Evidence.* Every party shall have the right to present his case or defense by oral and documentary evidence, to submit rebuttal evidence and to conduct such cross-examination as may be required for a full and true disclosure of the facts. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded.

(b) *Objections.* Objections to the admission or exclusion of evidence shall be in short form, stating the grounds relied upon, and the transcript shall not include argument thereon except as ordered, allowed, or requested by the trial examiner. Rulings on objections and on any other matters shall be a part of the transcript. Failure to object to admission or exclusion of evidence or to any ruling shall be considered a waiver of such objection.

(c) *Official notice.* All matters officially noticed by the trial examiner shall appear on the record.

§ 747.9 Motions.

(a) *In writing.* An application or request for an order or ruling not otherwise specifically provided for in this part shall be made by motion. After a trial examiner has been designated and before the filing with the Administrator of his recommended decision, such applications or requests shall be addressed to and filed with the trial examiner. At all other times motions shall be addressed to and filed with the Administrator. Motions shall be in writing, except that a motion made at a session of a hearing may be made orally upon the record unless the trial examiner directs that it be reduced to writing. All written motions shall state with particularity the order or relief sought and the grounds therefor.

(b) *Objections.* Within 5 days after service of any written motion, or within such other period as may be fixed by the trial examiner or the Administrator, any

party may file a written answer or objection to such motion. The moving party shall have no right to reply, except as permitted by the trial examiner or the Administrator. As a matter of discretion, the trial examiner or the Administrator may waive the requirements of this section as to motions for extensions of time, and may rule upon such motions ex parte.

(c) *Oral argument.* No oral argument will be heard on motions except as otherwise directed by the trial examiner or the Administrator. Written memoranda or briefs may be filed with motions or answers or objections thereto, stating the points and authorities relied upon in support of the position taken.

(d) *Rulings on motions.* Except as otherwise provided in this part, the trial examiner shall rule upon all motions properly addressed to him and upon such other motions as the Administrator directs, except that if the trial examiner finds that a prompt decision by the Administrator on a motion is essential to the proper conduct of the proceeding, he may refer that motion to the Administrator for decision. The Administrator shall rule upon all motions properly submitted to him for decision.

(e) *Appeal from rulings on motions.* All motions and answers or objections thereto and rulings thereon shall become a part of the record. Rulings of a trial examiner on any motion may not be appealed to the Administrator prior to his consideration of the trial examiner's recommended decision, findings, and conclusions except by official permission of the Administrator; but they shall be considered by the Administrator in reviewing the record. Requests to the Administrator for special permission to appeal from such rulings of the trial examiner shall be filed promptly, in writing, and shall briefly state the grounds relied upon. The moving party shall immediately serve a copy thereof on every other party to the proceeding.

(f) *Continuation of hearing.* Unless otherwise ordered by the trial examiner or the Administrator, the hearing shall be continued pending the determination of any motion by the Administrator.

§ 747.10 Proposed findings and conclusions and recommended decision.

(a) *Proposed findings and conclusions by parties.* Each party to a hearing shall have a period of 15 days after service of the Administrator's notice of the filing and transmittal of the record as provided in § 747.6(e), or such further time as the trial examiner for good cause shall determine, to file with the trial examiner proposed findings of fact, conclusions of law, and orders which may be accompanied by a brief or memorandum in support thereof. Such proposals shall be supported by citation of those statutes, decisions, and other authorities which may be relevant and by page references to appropriate parts of the record. All such proposals, briefs, and memoranda shall become a part of the record.

(b) *Recommended decision and filing of record.* The trial examiner shall, within 30 days after the expiration of the time allowed for the filing of proposed findings, conclusions, and order, or within such further time as the Administrator for good cause shall determine, file with and certify to the Administrator for decision the entire record of the hearing, which shall include his recommended decision, findings of fact, conclusions of law, and proposed order, the transcript, exhibits (including on request of any of the parties any exhibits excluded from evidence or tenders of proof), exceptions, rulings, and all briefs and memoranda filed in connection with the hearing. Promptly upon such filing the Administrator shall serve upon each party to the proceeding a copy of the trial examiner's recommended decision, findings, conclusion and proposed order. The provisions of this paragraph and § 747.11 shall not apply, however, in any case where the hearing was held before the Administrator.

§ 747.11 Exceptions.

(a) *Filing.* Within 15 days after service of the recommended decision, findings, conclusions, and proposed order of the trial examiner, or such further time as the Administrator for good cause shall determine, any party (other than a party who has not filed an answer in accordance with paragraphs (a) and (d) of § 747.4, unless no answer was required of such party by the Administrator) may file with the Administrator exceptions thereto or any part thereof, or to the failure of the trial examiner to make any recommendation, finding, or conclusion, or to the admission or exclusion of evidence, or other ruling of the trial examiner, supported by such brief as may appear advisable.

(b) *Waiver.* Failure of a party to file exceptions to the recommended decision, findings, conclusions, and proposed order of the trial examiner or any portion thereof, or to his failure to adopt a proposed finding or conclusion, or to the admission or exclusion of evidence or other ruling of the trial examiner, within the time prescribed in paragraph (a) of this section, shall be deemed a waiver of objection thereto.

§ 747.12 Briefs.

(a) *Contents.* All briefs shall be confined to the particular matters in issue. Each exception or proposed finding or conclusion which is briefed shall be supported by a concise argument or by citation of such statutes, decisions or other authorities and by page references to such portions of the record or recommended decision of the trial examiner as may be relevant. If the exception relates to the admission or exclusion of evidence, the substance of the evidence admitted or excluded shall be set forth in the brief with appropriate references to the transcript.

(b) *Reply briefs.* Reply briefs may be filed with the Administrator within 10 days after service of briefs and shall be confined to matters in original briefs of opposing parties. Further briefs may be filed only with the permission of the Administrator.

(c) *Delays.* Briefs not filed on or before the time fixed in this subpart will be received only upon special permission of the Administrator.

§ 747.13 Oral argument before the Administrator.

Upon its own initiative, or upon the written request of any party made within the time prescribed for the filing of exceptions, a brief in support thereof, or a reply brief, if any, for oral argument on the findings, conclusions, and recommended decision of the trial examiner, the Administrator, if he considers that justice will best be served, may order the matter to be set down for oral argument before him. Oral argument before the Administrator shall be recorded unless otherwise ordered by the Administrator.

§ 747.14 Notice of submission to the Administrator.

Upon the filing of the record with the Administrator, and upon the expiration of the time for the filing of exceptions and all briefs, including reply briefs or any further briefs permitted by the Administrator and upon the hearing of oral argument by the Administrator if ordered by the Administrator, the Administrator shall notify the parties that the case has been submitted to him for final decision.

§ 747.15 Decision of the Administrator.

Appropriate members of the staff of the National Credit Union Administration, who are not engaged in the performance of investigative or prosecuting functions in the case, or in a factually related case, may advise and assist the Administrator in the consideration of the case and in the preparation of appropriate documents for its disposition. Copies of the decision and order of the Administrator shall be furnished to the parties to the proceedings, the credit union involved, and to the appropriate State supervisory authority, in the case of a State-chartered credit union.

§ 747.16 Filing papers.

Recommended decisions, exceptions, briefs and other papers required to be filed with the Administrator in any proceedings shall be filed with the Administrator, National Credit Union Administration, 1325 K Street NW., Washington, DC 20456. Any such papers may be sent to the Administrator by mail but must be received in the office of the Administrator in Washington, D.C., or post marked by a post office, within the time limit for such filing.

§ 747.17 Service.

(a) *By the Administrator.* All documents or papers required to be served by the Administrator upon any party afforded a hearing shall be served by him or his duly authorized representative. Such service, except for service upon counsel for the Administration, shall be made by personal service or by registered mail, addressed to the last known address as shown on the records of the Administration, on the attorney or representative of record of such party, provided

that if there is no attorney or representative of record, such service shall be made upon such party at the last known address as shown on the records of the Administration. Such service may also be made in such other manner reasonably calculated to give actual notice as the Administrator may by regulation or otherwise provide.

(b) *By the parties.* Except as otherwise expressly provided in this Part, all documents or papers filed in a proceeding under this part shall be served by the party filing the same upon the attorneys or representatives of record of all other parties to the proceeding, or, if any party is not so represented, then upon such party. Such service may be made by personal service or by registered or certified mail addressed to the last known address of such parties, or their attorneys or representatives of record. All such documents or papers shall, when tendered to the Administrator or trial examiner for filing, show that such service has been made.

(c) Copies of any notice or order served by the Administrator upon any State-chartered credit union or any director, officer, or committee member thereof or other person participating in the conduct of its affairs, pursuant to the provisions of this part, shall also be sent to the appropriate State supervisory authority having supervision of such credit union.

§ 747.18 Copies.

Unless otherwise specifically provided in the notice of hearing, an original and seven copies of all documents and papers required or permitted to be filed or served upon the Administrator under this part, except the transcript of testimony and exhibits, shall be furnished to the Administrator.

§ 747.19 Computing time.

(a) *General rule.* In computing any period of time prescribed or allowed by this part, the date of the act, event or default from which the designated period of time begins to run is not to be included. The last day so computed shall be included, unless it is a Saturday, Sunday or legal holiday in the District of Columbia, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, nor such legal holiday. Intermediate Saturdays, Sundays, and legal holidays shall be included in the computation unless the time within which the act is to be performed is 10 days or less in which event Saturdays, Sundays, and legal holidays shall not be included.

(b) *Service by mail.* Whenever any party has the right or is required to do some act or take some proceeding, within a period of time prescribed in this part, after the service upon him of any document or other paper of any kind, and such service is made by mail, 3 days shall be added to the prescribed period from the date when the matter served in deposited in the U.S. mail.

§ 747.20 Documents in proceedings confidential.

Unless and until otherwise ordered by the Administrator, the notice of hearing, the transcript, the recommended decision of the trial examiner, exceptions thereto, proposed findings or conclusions, the findings and conclusions of the Administrator and other papers which are filed in connection with any hearing shall not be made public, and shall be for the confidential use only of the Administrator, the trial examiner, the parties and appropriate authorities.

§ 747.21 Formal requirements as to papers filed.

(a) *Form.* All papers filed under this subpart shall be printed, typewritten, or otherwise reproduced. All copies shall be clear and legible.

(b) *Signature.* The original of all papers filed by a credit union shall be signed by an officer thereof, and if filed by another party shall be signed by said party, or by the duly authorized agent or attorney of the credit union or other party, and in all such cases shall show the signer's address. Counsel for the Administration shall sign the original of all papers filed by him.

(c) *Caption.* All papers filed must include at the head thereof, or on a title page, the name of the Administration, the name of the party, and the subject of the particular paper.

Subpart B—Rules and Procedures Applicable to Proceedings for the Involuntary Termination of Insured Status

§ 747.22 Scope.

Under the authority of section 206 of the Federal Credit Union Act, the Administrator of the National Credit Union Administration may terminate the insured status of an insured credit union upon the grounds set forth therein and enumerated in § 747.23. The procedure for terminating the insured status of an insured credit union as therein prescribed will be followed and hearings required thereunder will be conducted in accordance with the rules and procedures set forth in this subpart and Subpart A of this part.

§ 747.23 Grounds for termination of insurance.

Whenever the Administrator determines that an insured credit union is engaging or has engaged in unsafe or unsound practices in conducting the business of that credit union, or is in an unsafe or unsound condition to continue operations as an insured credit union, or in violating or has violated an applicable law, rule, regulation, order, or any condition imposed in writing by the Administrator in connection with the granting of any application or other request by the credit union, or is violating or has violated any written agreement entered into with the Administrator, the Administrator shall serve upon the insured credit union a statement with respect to such practices or conditions or violations for the purpose of securing the correction thereof. In the case of an insured State-chartered credit union, the Administrator shall send a copy of such statement to the appropriate State supervisory authority, if any, having supervision of such credit union.

§ 747.24 Notice of intention to terminate insured status.

Unless correction of the practices, condition, or violations set forth in the statement prescribed in § 747.23 is made within 120 days after service of such statement or within such shorter period of not less than 20 days after such service as the Administrator shall require in any case where he determines that the insurance risk with respect to such credit union could be unduly jeopardized by further delay or as the appropriate State supervisory authority shall require in the case of an insured State-chartered credit union, the Administrator, if he determines to proceed further, shall give to the credit union not less than 30 days written notice of his intention to terminate the status of the credit union as an insured credit union. Such notice shall contain a statement of the facts constituting the alleged unsafe or unsound practices or conditions or violations and shall fix a time and place for a hearing thereon which shall be a date not earlier than 30 days nor later than 60 days after service of such notice unless an earlier or later date is set by the Administrator at the request of the credit union.

§ 747.25 Order terminating insured status.

If, upon the record of the hearing held pursuant to § 747.24, the Administrator shall find that any unsafe or unsound practice or condition or violation specified in the notice has been established and has not been corrected within the time prescribed under § 747.24 in which to make such corrections, the Administrator may issue and serve upon the credit union an order terminating its status as an insured credit union on a date subsequent to the date of such finding and subsequent to the expiration of the time specified in the notice.

§ 747.26 Consent to termination of insured status.

Unless the credit union appears at the hearing designated in the notice of hearing by a duly authorized representative, it shall be deemed to have consented to the termination of its status as an insured credit union. In the event the credit union fails to so appear at such hearing, the trial examiner shall forthwith report the matter to the Administrator and the Administrator may thereupon issue an order terminating the credit union's insured status.

§ 747.27 Notice of termination of insured status.

Prior to the effective date of the termination of the insured status of an

insured credit union under sections 206(a) or 206(b) of the Federal Credit Union Act and at such time as the Administrator shall specify, the credit union shall mail to each member at his last address of record on the books of the credit union and publish in not less than two issues of a local newspaper of general circulation and shall furnish the Administration with proof of publication of notice of such termination of insured status. The notice shall be as follows:

NOTICE

_____
(Date)

1. The status of the _____, as an insured credit union under the provisions of the Federal Credit Union Act, will terminate as of the close of business on the __ day of _____, ____;

2. Any deposits made by you after that date, either new deposits or additions to existing accounts, will not be insured by the National Credit Union Administration;

3. Accounts in the credit union on the __ day of _____, ____, up to a maximum of $20,000 for each member, will continue to be insured, as provided by the Federal Credit Union Act, for one (1) year after the close of business on the __ day of _____, ____: Provided, however, That any withdrawals after the close of business on the __ day of _____, ____, will reduce the insurance coverage by the amount of such withdrawals.

_____
(Name of Credit Union)

_____
(Address)

§ 747.28 Duties after termination.

(a) After the termination of the insured status of any credit union under sections 206(a) or 206(b) of the Federal Credit Union Act, insurance of its member accounts to the extent they were insured on the effective date of such termination, less any amounts thereafter withdrawn which reduce the accounts below the amount covered by insurance on the effective date of such termination, shall continue for a period of one (1) year but no shares issued by the credit union or deposits made after the date of such termination shall be insured by the National Credit Union Administration.

(b) The credit union shall continue to pay premiums to the Administrator during such period and the Administrator shall have the right to examine such credit union from time to time during such period. Such credit union shall, in all other respects, be subject to the duties and obligations of an insured credit union during such one (1) year period. If such credit union is closed for liquidation within such one (1) year period, the Administrator shall have the same powers and rights with respect to such credit union as in the case of an insured credit union.

Subpart C—Rules and Procedures Applicable to Proceedings Relating to Cease-and-Desist Orders

§ 747.29 Scope.

The rules and procedures set forth in this subpart are applicable to proceedings by the Administrator with a view to ordering an insured credit union or any credit union any of the member accounts of which are insured to cease and desist from practices and violations described in section 206 of the Federal Credit Union Act and enumerated in § 747.30. The procedures for issuing such orders prescribed in section 206 of said Act will be followed and hearings required thereunder will be conducted in accordance with the rules and procedures set forth in this subpart and Subpart A of this part.

§ 747.30 Grounds for Cease-and-Desist Orders.

If, in the opinion of the Administrator, any insured credit union or any credit union any of the member accounts of which are insured, is engaging or has engaged, or the Administrator has reasonable cause to believe that such credit union is about to engage, in an unsafe or unsound practice in conducting the business of such credit union, or is violating or has violated, or the Administrator has reasonable cause to believe that such credit union is about to violate, a law, rule, or regulation, or any condition imposed in writing by the Administrator in connection with the granting of any application or other request by such credit union, or any written agreement entered into with the Administrator, the Administrator may issue and serve upon such credit union a notice of charges in respect thereof.

§ 747.31 Notice of charges and hearing.

The notice referred to in § 747.30 will contain a statement of the facts constituting the alleged unsafe or unsound practices or violation or violations and will fix a time and place at which a hearing will be held to determine whether an order to cease and desist therefrom should issue against the credit union. Such hearing shall be fixed for a date not earlier than 30 days nor later than 60 days after service of such notice unless an earlier or a later date is set by the Administrator at the request of the credit union. Unless the credit union shall appear at the hearing by a duly authorized representative, it shall be deemed to have consented to the issuance of the cease-and-desist order.

§ 747.32 Issuance of order.

In the event of such consent referred to in § 747.31, or if upon the record made at any such hearing, the Administrator finds that any unsafe or unsound practice or violation specified in the notice of charges has been established, the Administrator may issue and serve upon the credit union an order to cease and desist from any such practice or violation. Such order may, by provisions which may be mandatory or otherwise require the credit union and its directors, officers, committee members, employees, and agents to cease and desist from the same and, further, to take affirmative action to correct the conditions resulting from any such practice or violation.

§ 747.33 Effective date.

A cease-and-desist order will become effective at the expiration of 30 days after service of such order upon the credit union concerned (except in the case of a cease-and-desist order issued upon consent, which shall become effective at the time specified therein), and will remain effective and enforceable except to such extent as it is stayed, modified, terminated, or set aside by action of the Administrator or a reviewing court.

§ 747.34 Temporary cease-and-desist order.

Whenever the Administrator determines that the unsafe or unsound practices or violations or threatened violations specified in the notice of charges served upon the credit union pursuant to § 747.30, or the continuation thereof, is likely to otherwise seriously prejudice the interests of its insured members, the Administrator may issue a temporary order requiring such credit union to cease and desist from any such practice or violation.

§ 747.35 Effective date of temporary order.

Such order will become effective upon service upon the credit union and, unless set aside, limited, or suspended by a court in proceedings authorized under section 206(f)(2) and § 747.36, shall remain effective and enforceable pending the completion of the administrative proceedings held pursuant to such notice and until such time as the Administrator dismisses the charges specified in such notice, or if a cease-and-desist order is issued against the credit union pursuant to § 747.30, until the effective date of any such order.

§ 747.36 Injunctive procedure.

(a) *By the credit union.* Within 10 days after the credit union concerned has been served with a temporary cease-and-desist order pursuant to § 747.34, such credit union may apply to the U.S. district court for the judicial district wherein the principal office of the credit union is located, or to the U.S. District Court for the District of Columbia, for an injunction setting aside, limiting, or suspending the enforcement, operation, or effectiveness of such order pending the completion of the administrative proceedings pursuant to the notice of charges served upon the credit union under § 747.30 and such court shall have jurisdiction to issue such injunction.

(b) *By the Administrator.* In the case of a violation or threatened violation of, or failure to obey, a temporary cease-and-desist order, the Administrator may apply to the U.S. district court, or the U.S. court of any territory, within the jurisdiction of which the principal office of the credit union is located for an injunction to enforce such order, and, if the court shall determine that there has been such violation or threatened violation or failure to obey, it shall be the duty of the court to issue such injunction.

Subpart D—Rules and Procedures Applicable to Proceedings Relating to Suspension and Removal Orders

§ 747.37 Scope.

The rules and procedures set forth in this subpart are applicable to proceedings by the Administrator to suspend or remove directors, officers, committee members of an insured credit union, or any other person participating in the affairs of such credit union, and/or prohibit such person from further participation in the conduct of the affairs of such credit union, upon the grounds set forth in section 206 of the Federal Credit Union Act and enumerated in this subpart. The procedures for issuing such orders prescribed in section 206 of said Act will be followed and hearings required thereunder will be conducted in accordance with the rules and procedures set forth in this subpart and Subpart A of this part.

§ 747.38 Grounds for removal order.

(a) Whenever, in the opinion of the Administrator, any director, officer, or committee member of an insured credit union has committed any violation of law, rule, or regulation, or of a cease-and-desist order which has become final, or has engaged or participated in any unsafe or unsound practice in connection with the credit union, or has committed or engaged in any act, omission, or practice which constitutes a breach of his fiduciary duty as such director, officer, or committee member and the Administrator determines that the credit union has suffered or will probably suffer substantial financial loss or other damage or that the interests of its insured members could be seriously prejudiced by reason of such violation, practice or breach of fiduciary duty and that such violation, practice, or breach of fiduciary duty is one involving personal dishonesty on the part of such director, officer, or committee member, the Administrator may serve upon such director, officer, or committee member a written notice of his intention to remove him from office.

(b) Whenever, in the opinion of the Administrator, any director, officer, or committee member of an insured credit union, by conduct or practice with respect to another insured credit union or other business institution which resulted in substantial financial loss or other damage, has evidenced his personal dishonesty and unfitness to continue as a director, officer, or committee member, and, whenever, in the opinion of the Administrator, any other person participating in the conduct of the affairs of an insured credit union, by conduct or practice with respect to such credit union or other insured credit union or other business institution which resulted in substantial financial loss or other damage, has evidenced his personal dishonesty and unfitness to participate in the conduct of the affairs of such insured credit union, the Administrator may serve upon such director, officer, committee member, or other person a written notice of his intention to remove him from office and/or to prohibit his further participation in any manner in the conduct of the affairs of such credit union.

§ 747.39 Grounds for suspension order.

In respect to any director, officer, or committee member of an insured credit union or any other person referred to in § 747.38 (a) or (b), the Administrator may, if he deems it necessary for the protection of the credit union or the interests of its insured members, by written notice to such effect served upon such director, officer, committee member, or other person, suspend him from office and/or prohibit him from further participation in any manner in the conduct of the affairs of the credit union.

§ 747.40 Effective date of suspension order.

Such suspension and/or prohibition which is subject to the notice prescribed in § 747.39 of this subpart, shall become effective upon service of such notice and, unless stayed by a court in proceedings authorized by § 747.43 of this subpart, shall remain in effect pending the completion of the administrative proceedings pursuant to the notice served under § 747.38 (a) or (b) of this subpart and until such time as the Administrator shall dismiss the charges specified in such notice, or, if an order of removal and/or prohibition is issued against the director, officer, committee member, or other person, until the effective date of any such order. Copies of any such notice shall also be served upon the credit union of which he is a director, officer, or committee member or in the conduct of whose affairs he has participated.

§ 747.41 Notice of intention to remove and hearing.

A notice of intention to remove a director, officer, committee member, or other person from office and/or to prohibit his participation in the conduct of the affairs of an insured credit union will contain a statement of the facts constituting the grounds therefor and will fix a time and place at which a hearing will be held thereon. Such hearing shall be fixed for a date not earlier than 30 days nor later than 60 days after the date of service of such notice unless an earlier or a later date is set by the Administrator at the request of (a) such director, officer, committee member, or other person, and for good cause shown or (b) the Attorney General of the United States. Unless such director, officer, committee member, or other person shall appear at the hearing in person or by a duly authorized representative, he shall be deemed to have consented to the issuance of an order of such removal and/or prohibition.

§ 747.42 Issuance of removal order and effective date.

(a) In the event of such consent referred to in § 747.41, or if upon the record made at any such hearing the Administrator shall find that any of the grounds specified in such notice has been established, the Administrator may issue such orders of suspension or removal from office and/or prohibition from participation in the conduct of the affairs of the credit union as he may deem appropriate.

(b) Any such order shall become effective at the expiration of 30 days after service upon such credit union and the director, officer, committee member, or other person concerned (except in the case of an order issued upon consent which shall become effective at the time specified therein). Such order shall remain effective and enforceable except to such extent as it is stayed, modified, terminated, or set aside by action of the Administrator or a reviewing court.

§ 747.43 Stay of suspension or prohibition.

Within 10 days after any director, officer, committee member, or other person has been suspended from office and/or prohibited from participation in the conduct of the affairs of an insured credit union under section 206 of the Federal Credit Union Act and as set forth in this subpart, such director, officer, committee member or other person may apply to the U.S. district court for the judicial district in which the principal office of the credit union is located, or the U.S. District Court for the District of Columbia, for a stay of such suspension and/or prohibition pending the completion of the administrative proceedings pursuant to the notice served upon such director, officer, committee member, or other person under section 206 of said Act and as set forth in this subpart, and such court shall have jurisdiction to stay such suspension and/or prohibition.

§ 747.44 Suspension and removal where felony involved.

(a) *Suspension.* Whenever any director, officer, or committee member of an insured credit union, or other person participating in the conduct of the affairs of such credit union, is charged in any complaint authorized by a U.S. attorney or in any information or indictment, with the commission of or participation in a felony involving dishonesty or breach of trust, the Administrator may, by written notice served upon such director, officer, committee member, or other person suspend him from office and/or prohibit him from further participation in any manner in the conduct of the affairs of the credit union. Such a suspension and/or prohibition shall remain in effect until such information, indictment, or complaint is finally disposed of or until terminated by the Administrator.

(b) *Removal.* In the event that a judgment of conviction with respect to such offense is entered against such director, officer, committee member, or other person, and at such time as such judgment is not subject to further appellate review, the Administrator may issue and serve upon such director, officer, committee member, or other person an order removing him from office and/or prohibiting him from further participation in any manner in the conduct of the affairs of the credit union except with the consent of the Administrator. A copy

of such order shall also be served upon such credit union, whereupon such director, officer, or committee member shall cease to be a director, officer, or committee member of such institution.

(c) A finding of not guilty or other disposition of the charge shall not preclude the Administrator from thereafter instituting proceedings to remove such director, officer, committee member, or other person from participation in the affairs of the credit union pursuant to section 206 of the Federal Credit Union Act and as set forth in this subpart.

§ 747.45 Remainder of board of directors.

(a) If at any time, because of the suspension of one or more directors pursuant to this subpart, there shall be on the board of directors of a Federal credit union less than a quorum of directors not so suspended, all powers and functions vested in or exercisable by such board shall vest in and be exercisable by the director or directors on the board not so suspended, until such time as there shall be a quorum of the board of directors.

(b) In the event all of the directors of a Federal credit union are suspended pursuant to this subpart, the Administrator shall appoint persons to serve temporarily as directors in their place pending the termination of such suspensions, or until such time as those who have been suspended cease to be directors of the credit union and their respective successors have been elected by the members at an annual or special meeting and have taken office.

(c) Directors appointed temporarily by the Administrator pursuant to paragraph (b) of this section, shall, within 30 days following their appointment, call a special meeting for the election of new directors, unless during such 30 day period (1) the regular annual meeting is convened, or (2) the suspensions giving rise to the appointment of temporary directors are terminated.

Subpart E—Judicial Review; Penalty; Definitions

§ 747.46 Judicial review.

(a) Judicial review of any order issued by the Administrator in accordance with his decision after any hearing under this part shall be as provided in this subpart. Unless a petition for review is timely filed in a court of appeals of the United States as provided in paragraph (b) of this section, and thereafter until the record in the proceeding has been filed as so provided in said subparagraph, the Administrator may at any time, upon such notice and in such manner as he may deem proper, modify, terminate, or set aside any such order. Upon such filing of the record, the Administrator may modify, terminate, or set aside any such order with permission of the court.

(b) Any party to such proceeding, or any person required by an order issued under this part to cease and desist from any of the practices or violations stated in such order, may obtain a review of any order served pursuant to the final decision of the Administrator (other than an order issued with the consent of the credit union or the director, officer, committee member, or other person concerned or an order issued under § 747.44) by filing in the court of appeals of the United States for the circuit in which the principal office of the credit union is located or in the U.S. Court of Appeals for the District of Columbia Circuit, within 30 days after the date of service of such order, a written petition praying that the order of the Administrator be modified, terminated, or set aside.

(c) A copy of such petition shall be forthwith transmitted by the clerk of the court to the Administrator, and thereupon the Administrator shall file in the court the record in the proceeding, as provided in section 2112 of title 28, United States Code.

(d) Upon the filing of such petition, such court shall have jurisdiction. Such jurisdiction shall, upon the filing of the record, be exclusive to affirm, modify, terminate, or set aside, in whole or in part, the order of the Administrator, except as provided in the last sentence of paragraph (a) of this section. Review of such proceedings shall be had as provided in chapter 7 of title 5, United States Code. The judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari, as provided in section 1254 of title 28, United States Code.

(e) The commencement of proceedings for judicial review under this section shall not, unless specifically ordered by the court, operate as a stay of any order issued by the Administrator.

§ 747.47 Judicial enforcement.

The Administrator may, in his discretion, apply to the U.S. district court, or the U.S. court of any territory within the jurisdiction of which the principal office of the credit union is located, for the enforcement of any effective and outstanding notice or order issued under this part, and such courts shall have jurisdiction and power to order and require compliance therewith. However, except as otherwise provided in this part, no court shall have jurisdiction to affect by injunction or otherwise the issuance or enforcement of any notice or order under this part or to review, modify, suspend, terminate, or set aside any such notice or order.

§ 747.48 Penalty.

Any director, officer, or committee member, of an insured credit union or of a credit union any of the member accounts of which are insured, or any other person against whom there is outstanding and effective any notice or order (which has become final) served upon such director, officer, committee member, or other person under Subpart D of this part and who (a) participates in any manner in the conduct of the affairs of the credit union involved, or directly or indirectly solicits or procures, or transfers or attempts to transfer, or votes or attempts to vote, any proxies, consents, or authorizations in respect of any voting rights in such credit union, or (b) without the prior written approval of the Administrator votes for a director, serves or acts as a director, officer, committee member, or employee of any credit union, shall, upon conviction, be fined not more than $5,000 or imprisoned for not more than 1 year, or both.

§ 747.49 Expenses and attorney's fees.

Any court having jurisdiction of any proceeding instituted under this part by any insured credit union or a director, officer, or committee member thereof, may allow to any such party such reasonable expenses and attorney's fees as it deems just and proper, and such expenses and fees shall be paid by the credit union or from its assets.

§ 747.50 Definitions.

(a) *Final.* As used in this part, the terms "cease-and-desist order which has become final" and "order which has become final" means a cease-and-desist order, or an order issued by the Administrator with the consent of the credit union or the director, officer, committee member, or other person concerned, or with respect to which no petition for review of the action of the Administrator has been filed and perfected in a court of appeals pursuant to § 747.46, or with respect to which the action of the court in which said petition is so filed is not subject to further review by the Supreme Court of the United States in proceedings provided for in § 747.46, or an order issued under § 747.44.

(b) *Violation.* As used in this part, the term "violation" includes, without limitation, any action (alone or with another or others) for or toward causing, bringing about, participating in, counseling, or aiding or abetting a violation.

(c) *Place of hearing.* Any hearing provided for in this part shall be held in the Federal judicial district or in the territory in which the principal office of the credit union is located, unless the party afforded the hearing consents to another place.

[FR Doc.71-6434 Filed 5-7-71;8:46 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Chapter X]

[No. 35220]

PRACTICES AND POLICIES IN SETTLEMENT OF LOSS AND DAMAGE CLAIMS ON GRAIN AND GRAIN PRODUCTS

Advanced Notice of Proposed Rule Making

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 30th day of April 1971.

It appearing, that by joint petition filed January 12, 1970, in this proceeding,

American Feed Manufacturers Association and National Soybean Processors Association requested the entry of a declaratory order pursuant to then section 5(d) of the Administrative Procedure Act (5 U.S.C. 554(e)) to resolve the questions specified below regarding the rules endorsed by the Commission in Claims for Loss and Damage of Grain, 56 I.C.C. 347 (1920):

1. Are cars with lining open at the top considered—

(a) An unusual condition which might constitute probable cause for loss, or

(b) Defective equipment?

2. May the carriers use one weighing rule for loss and damage purposes and another for determining freight charges?

3. Does the publication of a rule limiting carriers' liability on clear-record cars shift the burden of proof to the shippers?

4. May the carriers wholly or partially avoid liability for material lost through or around grain doors for the sole reason that they were applied by the shippers?

5. Did the Commission intend the rules to apply to grain products (including vegetable oil meals, in bulk)?

It further appearing, that the action sought was to remove uncertainty. Division 2, by order dated March 4, 1970, published in the FEDERAL REGISTER on March 19, 1970 (35 F.R. 4804), instituted an investigation into the matters and things presented in the petition;

It further appearing, that by petitions filed April 6, 1970, the National Grain Trade Council and the Grain and Feed Dealers National Association sought to broaden the investigation to include additional questions, and since it appeared that the subject matter of the additional questions related to the prior questions, Division 2, by order dated October 6, 1970, and amended order dated October 26, 1970, the latter published in the FEDERAL REGISTER on October 31, 1970 (35 F.R. 16882), broadened the scope of the investigation to include the following additional question:

It is a reasonable and otherwise lawful practice under the Interstate Commerce Act for carriers, with respect to grain (including oilseeds) and grain products (including vegetable oil meals in bulk and animal and poultry feeds) by tariff rule or by application of company policy, to announce and/or enforce limitations of liability, in whole or part, on claims for loss and damage, where there are official weights at origin and/or destination, or where there are unofficial weights at origin and/or destination, or under any other circumstance?

It further appearing, that the orders referred to directed all persons who wished to actively participate in the proceeding and to file and receive copies of pleadings to notify the Commission on or before specified dates, the last being November 9, 1970, and a notice was served on each of such parties on November 18, 1970 (a correction was served on February 4, 1971), naming all the parties; that the parties were directed to submit their evidence under modified procedure, the opening statements of facts and argument by petitioners and any supporting parties to be due on or before 20 days from November 18, 1970; and various pleadings have been filed; and the date for the filing of statements of carriers and supporting parties was postponed to April 2, 1971;

It further appearing, that on February 12, 1971, three carriers, the Missouri Pacific Railroad Co. and its affiliated lines, the Texas and Pacific Railway Co. and the Chicago & Eastern Illinois Railroad Co., filed a motion to dismiss the proceeding or, in the alternative, to clarify the nature and basis of the proceeding, and also requested additional time to file the carriers' opening statements; and that on February 19, 1971, Garvey, Inc., and on March 4, 1971, American Feed Manufacturers Association, National Soybean Processors Assocation, and National Grain & Feed Association filed replies in opposition to the motion;

It further appearing, that in support of the motion to dismiss, the carriers urge that the proceeding concerns the railroads' liability for loss and damage to grain in transit; that the Commission has no jurisdiction to adjudicate cases or controversies involving loss and damage to freight; and that declaratory orders are authorized in the provisions regarding adjudications in the Administrative Procedure Act (5 U.S.C. 554) and are procedures for an agency to make final determinations of conflicts or uncertainty in an agency matter other than rule making; that the petitioners are not here seeking adjudication of particular loss and damage claims and have not shown conflicts between particular parties involving specific cases or controversies; and that, in fact, the petitioners are seeking remedial action for the future which is rule making, as defined in section 551 (5 U.S.C. 551) of the Administrative Procedure Act; and good cause appearing therefor:

It is ordered, That a proceeding be, and it is hereby, instituted under authority of the National Transportation Policy (49 U.S.C. § 1), part I of the Interstate Commerce Act (49 U.S.C. § 1 et seq.), more specifically, sections 1(6), 1(11), 2, 3(1), 5a, 6(1), 6(5), 12(1), and 15(1) thereof, and pursuant to 5 U.S.C. 553 and 559 (the Administrative Procedure Act), for the purpose of (1) inquiring into the nature of the railroads' rules, regulations, practices, and procedures in handling loss and damage claims, to determine if they are in accord with rules endorsed by the Interstate Commerce Commission in Claims for Loss and Damage of Grain, supra, and the provisions of the Interstate Commerce Act, (2) of determining the extent of this Commission's jurisdiction over such rules, regulations, practices, and procedures, (3) whether the Commission should revise the rules endorsed in Claims for Loss and Damage of Grain, supra, or adopt new just, reasonable, and lawful rules and regulations governing these and other matters relating to the general handling and processing of loss and damage claims on grain by the railroads, and (4) of taking such other and further action, including possible recommendation of legislation, as the facts and circumstances might justify and require.

It is further ordered, That the orders entered herein on March 4, October 6 and 26, 1970, instituting a proceeding for a declaratory order be, and they are hereby, vacated and set aside; that all respondents and other parties previously participating herein be, and they are hereby, considered as parties in the rule-making proceeding; and that any pleadings filed pursuant to the vacated order be, and they are hereby, considered as filed herein, provided that copies thereof shall be furnished to any additional parties which indicate their intention to participate herein.

It is further ordered, That no oral hearings be scheduled for the receiving of testimony in this proceeding unless a need therefor should later appear, but that respondents or any other interested persons may participate in this proceeding by submitting for consideration written statements of facts, views, and arguments on the subjects mentioned above, or any other subjects pertaining to this proceeding, as indicated, to avoid duplication, previously filed pleadings will be considered as filed herein.

It is further ordered, That any person (in addition to those shown on the list attached to the notice dated November 13, 1970, and served November 18, 1970, as adjusted by the notice dated January 27, 1971, and served February 4, 1971) intending to participate in this proceeding by the submission of initial statements or reply statements shall notify the Commission by filing with the Status Branch, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423, on or before May 17, 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, including those shown on the prior list dated November 13, 1970, upon whom copies of all statements must be filed (previously submitted statements must be served only on additional parties, and the Commission shall be notified to that effect); and that at the time of the service of the service list the Commission will fix the time within which initial statements and reply statements must be filed.

It is further ordered, That in view of the successive delays which have previously occurred, no requests for the extensions of the times then specified will be considered except in extreme emergency.

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 mailing a copy to all parties shown on the list served with the notice dated November 13, 1970, as corrected, 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. No such publication will be made of any notices or orders subsequently entered in this proceeding; service thereof will be confined to those who are now or who become parties as herein provided.

By the Commission, Division 2.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-6489 Filed 5-7-71;8:51 am]

Notices

DEPARTMENT OF THE INTERIOR

Geological Survey

INSTALLATION OF TWO ADDITIONAL DRILLING AND PRODUCING PLATFORMS IN THE SANTA BARBARA CHANNEL

Availability of Draft Environmental Impact Statement

Notice is hereby given of the public availability of a draft report dated May 10, 1971, which discusses the potential environmental impact of the proposed installation of two additional drilling and producing platforms on Federal oil and gas leases on the Outer Continental Shelf in the Santa Barbara Channel, off the coast of California. These programs involve two lease tracts that were acquired in 1968 by private entities through competitive bidding.

Comments on the draft environmental statement are solicited from Federal, State, and local agencies and members of the public. Such comments should be submitted to the Office of the Director, Geological Survey, U.S. Department of the Interior, Washington, DC 20242. This draft statement is not the document on which final decision will be based. All comments on the draft statement must be received by June 14, 1971, in order to be considered in the preparation of the final environmental statement and in assessment of the platform installation proposals.

Copies of the draft statement, which includes a colored map of the Santa Barbara Channel, may be purchased (price $2) or examined at any of the following locations:

Washington, D.C.:
Office of Director of Information, Room 7208, Interior Department Building, 18th and C Streets NW.

Denver, Colo.:
Geological Survey Public Inquiries Office, Room 1012, Federal Building.

Los Angeles, Calif.:
Geological Survey Public Inquiries Office, 7638 Federal Building, 300 North Los Angeles Street.

Santa Barbara, Calif.:
Geological Survey District Office, 214 Post Office Building, 836 Anacapa Street.

San Francisco, Calif.:
Geological Survey Public Inquiries Office, Room 504, Customhouse, 555 Battery Street.

Dated: May 6, 1971.

W. A. RADLINSKI,
Acting Director, Geological Survey.

[FR Doc.71-6544 Filed 5-7-71;8:51 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Report No. 113]

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through April 14, 1971, exclusive of those vessels that called on Cuba on U.S. Government-approved noncommercial voyages and those listed in section 2. Pursuant to established U.S. Government policy, the listed vessels are ineligible to carry U.S. Government-financed cargoes from the United States.

FLAG OF REGISTRY AND NAME OF SHIP

	Gross tonnage
Total—all flags (202 ships)	1,993,245
Cypriot (102 ships)	789,833
Aegis Banner	9,024
Aegis Fame	9,072
Aegis Hope (previous trips to Cuba as the Huntsmore—British)	5,678
Aftadelfos	8,136
Aghios Ermolaos	7,208
Aghios Nicolaos	7,254
Alda	7,292
Alfa	7,388
Alice (previous trips to Cuba—Greek)	7,189
Alitric	7,564
Alma	6,585
Alpa	9,159
Amarilis	8,959
Amfithea (previous trip to Cuba as the Antonia—Greek)	5,171
Anemone	7,168
Anka	7,314
Annunciation Day	8,047
Antigoni	3,174
Aragon (previous trips to Cuba—Somali)	7,248
Ardena	7,261
Arendal	7,265
Areti	8,406
Aria (previous trips to Cuba—Somali)	5,059
Arion	3,570
Armar	5,089
Arosa	7,233
Athenian	9,943
Aurora	8,380
Azalea	9,506
Begonia	6,576
Byron	8,720
Calypso (tanker)	12,883
Camelia	8,111
Castalia	7,641
Claire (previous trips to Cuba—Lebanese)	5,411
Cleo II	7,590
Costiana	7,199
Degedo	9,000
Diamondo	7,067
Dolphin	3,550
Dorine Papalios (previous trips to Cuba as the Formentor—British)	8,424
E. D. Papalios	9,431
Elpida	8,296
Elpidoforos	4,963
Erato (previous trips to Cuba—Somali—and as the Eretria—Greek)	7,199
Free Trader (previous trips to Cuba—Lebanese)	7,061
Gardenia	9,744
George	7,378
George N. Papalios	9,071
Georgios C. (previous trips to Cuba as the Huntsfield—British and Cypriot)	9,483
Georgios T	9,646
Giannis	7,490
Gladiator	8,346
Good Luck	6,952
Happy Land	9,080
Herodemos	7,356
Ilena (previous trips to Cuba—Lebanese)	5,925
Irena (previous trips to Cuba—Lebanese)	7,232
Iris	8,479
Johnny	9,689
June	9,357
Katerina (previous trips to Cuba—Lebanese)	9,357
Kimon	5,686
Kitsa	9,519
Kounistra (previous trips to Cuba as the Nicolaos Frangistas and the Nicolaos F.—Greek)	7,199
Kypros	7,001
Lena	7,029
Marco	7,622
Marika (previous trip to Cuba—Lebanese)	7,290
Master George	7,334
May	8,853
Mery (previous trips to Cuba—Greek)	7,258
Mimis N. Papalios	9,069
Mimosa	8,618
Miss Papalios	9,072
Mitera Irini (previous trips to Cuba as the Soclyve—British and Maltese)	7,291
Nea Hellas	9,241
Nedi 2	7,679
Newgate (previous trips to Cuba—British)	6,743
Nike	9,505
Noelle (previous trips to Cuba—Lebanese)	7,251
Olga (previous trips to Cuba—Lebanese and Greek)	7,265
Pantazis Caias	9,618
Patricia	6,998
Petunia	7,843
Platres	7,244
Protoklitos	6,154
Salvia	8,522
Savvas	7,230
Silver Coast	7,328
Silver Hope	5,313
Sophia (previous trips to Cuba—Greek)	7,030

Cypriot—Continued	Gross tonnage
Spyro	7,591
Successor	11,471
Suerte	7,267
Thios Costas (previous trips to Cuba—Somali)	7,258
Torenia	8,077
**Troyan (trips to Cuba as the Mauritanie—Moroccan)	10,392
Venturer	9,000
Venus	9,777
Zaira	8,032
Zinia	7,114
British (37 ships)	303,542

NOTE: Antarctica (now Han Xiang—Peoples Republic of China—will be deleted from future reports)

Arctic Ocean	8,791
Athelcrown (tanker)	11,149
Athellaird (tanker)	11,150
Athelmonarch (tanker)	11,182
Avisfaith	7,868
Cheung Chau	8,566
Coral Islands	9,060
East Sea	9,679
Eastglory	8,995
Fortune Enterprise	7,696
**Glendalough (trip to Cuba—as the Ardrossmore—British)	5,820
Golden Bridge	7,897
Ho Fung	7,121
Huntsland	9,353
Hwa Chu	9,091
Hwang Ho	9,457
Ivory Islands	9,718
Jollity	8,819
Kinrosa	5,388
Magister	2,239
Nancy Dee	6,597
Newheath	7,643
Precious Pearl	6,921
Red Sea (previous trip to Cuba as the Grosvenor Mariner—British)	7,026
**Rosetta Maud (trips to Cuba as the Ardtara—British)	5,795
Ruthy Ann	7,361
Sea Amber	10,421
Sea Coral	10,421
Sea Empress	9,841
Sea Moon	9,085
Seasage	4,330
**Shun Wah (trip to Cuba as the Vercharmian—British)	7,265
Steed	8,989
Venice	8,611
Yellow Sea	9,998
Yunglutaton	5,414
Polish (21 ships)	150,590
Baltyk	6,984
Bialystok	7,173
Bytom	5,967
Chopin	9,231
Chorzow	7,237
Energetyk	10,876
Grodziec	3,379
Huta Florian	7,258
Huta Labedy	7,221
Huta Ostrowiec	7,179
Huta Zgoda	6,840
Hutnik	10,847
Kopalnia Bobrek	7,221
Kopalnia Czladz	7,252
Kopalnia Miechowice	7,223
Kopalnia Siemianowice	7,165
Kopalnia Wujek	7,033
Narwik	7,065
Piast	3,184
Rejowiec	3,401
Transportowiec	10,854
Yugoslav (8 ships)	53,948
Agrum	2,449
Bar	8,776
Cetinje	8,229
Kolasin	7,217
Piva	7,519
Plod	3,657
Tara	7,499
Ulcinj	8,602
Greek (6 ships)	40,477
Andromachi (previous trips to Cuba as the Penelope—Greek)	6,712
**Anna Maria (trips to Cuba as the Helka—British)	2,111
Eftyhia	9,844
**Gold Land (trip to Cuba as the Amfred—Swedish)	2,838
**Lambros M. Fatsis (trips to Cuba as the La Hortensia—British)	9,486
**Pothiti (trips to Cuba as the Huntsville—British)	9,486
Italian (6 ships)	53,930
Alderamine (tanker)	12,505
Ella (tanker)	11,021
Probitas	8,150
San Francesco	9,284
Santa Lucia	9,278
Somalia	3,692
Somali (6 ships)	43,824
**Atlas (trip to Cuba—Finnish)	3,916
*Ber Sea	8,269
Dimitrakis	7,829
Hemisphere (previous trips to Cuba—British)	8,718
Nebula (trips to Cuba—British)	8,907
**Oriental (trips to Cuba as the Oceantramp—British)	6,185
French (4 ships)	10,466
**Atlanta (trip to Cuba as the Enee—French)	1,232
Circe	2,874
Danae	3,486
Nelle	2,874
Lebanese (2 ships)	11,583
Antonis	6,259
Astir	5,324
Netherlands (2 ships)	1,615
Meike	500
Tempo	1,115
Panamanian (2 ships)	17,543
**Ampuria (trips to Cuba as the Roula Maria—Greek)	10,608
**Robertina (trips to Cuba as the Anacreon—Greek)	6,935
Finnish (1 ship)	4,779
Someri	4,779
Guinean (1 ship)	852
**Drame Oumar (trip to Cuba as the Neve—French)	852
Maltese (1 ship)	5,333
Timios Stavros (previous trips to Cuba—British and Greek)	5,333
Moroccan (1 ship)	3,214
Marrakech	3,214
Pakistani (1 ship)	8,708
**Maulabaksh (trips to Cuba as the Phoenician Dawn and East Breeze—British)	8,708
Singapore (1 ship)	7,638
**Pu Gor (trips to Cuba as the Azure Coast II—Cypriot)	7,638

SEC. 2. In accordance with approved procedures, the vessels listed below which called at Cuba after January 1, 1963, have reacquired eligibility to carry U.S. Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the Cuban trade so long as it remains the policy of the U.S. Government to discourage such trade; and

(b) That no other vessels under their control will thenceforth be employed in the Cuban trade, except as provided in paragraph (c); and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuban trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

FLAG OF REGISTRY AND NAME OF SHIP

a. Since last report:

	Gross tonnage
Green Walrus (British) now Jag Ravi (Indian)	9,443
Purple Dolphin (British) now Jag Rekha (Indian)	9,420

b. Previous reports:

	Number of ships
Flag of registry (total)	133
British	46
Cypriot	4
Danish	1
Finnish	4
French	4
German (West)	1
Greek	31
Israeli	1
Italian	13
Japanese	1
Kuwaiti	1
Lebanese	9
Liberia	1

See footnotes at end of document.

Flag of registry:	Number of ships
Moroccan	2
Norwegian	5
Somali	1
Spanish	6
Swedish	1
Yugoslav	6

SEC. 3. The following number of vessels have been removed from this list, since they have been broken up, sunk, or wrecked.

a. Since last report:

	Gross Tonnage
Krios (Cypriot)	2,915
Tony (Lebanese)	7,176
Vergmont (British)	7,381

b. Previous reports:

Flag of registry:	Broken up, sunk, or wrecked
British	24
Cypriot	36
Finnish	5
French	1
Greek	18
Italian	4
Japanese	1
Lebanese	35
Maltese	2
Monaco	1
Moroccan	1
Norwegian	1
Pakistan	1
Panamanian	7
Singapore	1
Somali	1
South Africa	2
Swedish	1
Yugoslav	6
Total	148

SEC. 4. The ships listed in sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through April 14, 1971.

See footnotes at end of document.

Flag of registry	1963	1964	1965	1966	1967	1968	1968	1970 Jan.–Sept.	1970 Oct.	1970 Nov.	1970 Dec.	1971 Jan.	1971 Feb.	1971 Mar.	Total
British	133	180	126	101	78	62	45	43	4	2	4	3	4		785
Cypriot		1	17	27	42	68	115	144	20	13	22	14	14	7	504
Lebanese	64	91	58	25	16	16	4	1							275
Greek	99	27	23	27	29	7									212
Italian	16	20	24	11	11	10	15	12	1			3			123
Yugoslav	12	11	15	10	14	9	6	6		1			1	1	86
French	8	9	9	10	10	4	2	1	1	1	2		1		58
Finnish	1	4	5	11	12	8	2	1							44
Spanish	9	17													25
Norwegian	14	10													24
Moroccan	9	13	1												23
Maltese		2	6	1	4	8	1	2							24
Somalia					2	11	7	2	1	1		1			25
Netherlands		4	2												6
Sweden	3	3													6
Kuwaiti		2	1												3
Israeli			2												2
Japanese	1					1									2
Danish	1														1
German (West)	1														1
Haitian			1												1
Monaco				1											1
Subtotal	370	394	290	224	218	204	197	212	27	18	28	21	20	8	2,231
Polish	18	16	12	10	11	7	2	2			1				79
Subtotal	370	394	290	224	218	204	197	212	27	18	28	21	20	8	2,231
Polish	18	16	12	10	11	7	2	2			1				79
Grand total	388	410	302	234	229	211	199	214	27	18	29	21	20	8	2,310

NOTE: Trip totals in section 4 exceed ship totals in sections 1 and 2 because some of the ships made more than one trip to Cuba. Monthly totals subject to revision as additional data becomes available.

*Added to Report No. 112, appearing in the FEDERAL REGISTER issue of March 16, 1971.
**Ships appearing on the list which have made no trips to Cuba under the present registry.

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

Dated: April 19, 1971.

JAMES S. DAWSON, Jr.,
Secretary, Maritime Administration.

[FR Doc.71-6369 Filed 5-7-71;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

PHILLIPS PETROLEUM CO.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1L2637) has been filed by Phillips Petroleum Co., 588 Frank Phillips Building, Bartlesville, Okla. 74003, proposing the issuance of a regulation (21 CFR Part 121) to provide for the safe use of polyphenylene sulfide resins alone or in combination with titanium dioxide as coatings of articles or components of articles intended for food-contact use.

Dated: May 4, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.71-6439 Filed 5-7-71;8:46 am]

A. E. STALEY MANUFACTURING CO.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1A2678) has been filed by A. E. Staley Manufacturing Co., 2200 Eldorado Street, Decatur, Ill. 62525, proposing that § 121.1031 *Food starch-modified* (21 CFR 121.1031) be amended to provide for the safe use of food starch modified by etherification with epichlorohydrin, not to exceed 0.1 percent, combined with propylene oxide, not to exceed 25 percent, as a direct food additive.

Dated: May 5, 1971.

VIRGIL O. WODICKA,
Director of Bureau of Foods.

[FR Doc.71-6438 Filed 5-7-71;8:46 am]

Public Health Service

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 3 (Health Services and Mental Health Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (33 F.R. 15953, October 30, 1968) is hereby amended with regard to section 3-B, *Organization*, as follows:

Delete the center head "Community Health Service (2600)" and the text thereunder, and substitute the following center head and accompanying text:

COMMUNITY HEALTH SERVICE (3P00)

Stimulates, conducts, supports, and evaluates programs designed to increase the effectiveness and efficiency of allocating and utilizing health resources for quality preventive and curative health services obtainable and acceptable to the American people. To this end, the Service promotes, develops, and supports: (1) Comprehensive health planning designed to match resources to the needs and wants of people in accordance with continually assessed priorities; (2) standards and evaluative activities as means of increasing the Nation's capacity for delivering quality health services; (3) activities designed to increase the scope and adequacy of balanced resources for the provision of comprehensive personal health services; and (4) programs of comprehensive health care focused on the needs of individuals and families wherever they live.

Office of the Director (3P01). (1) Provides leadership and general direction for Service operations, including equal employment opportunity; (2) establishes program objectives and policies; (3) coordinates and evaluates development and progress of the Service's activities; (4) provides technical guidance and coordination to Service activities in the Regional Offices; and (5) provides a liaison with other agencies including the Social

Security Administration, the Food and Drug Administration, the Social and Rehabilitation Service, the Department of Housing and Urban Development, the Appalachian Regional Commission, and the Office of Economic Opportunity.

Office of Training and Staff Development (3P15). (1) Forecasts changes in CHS headquarters and regional professional and support staff requirements from daily activities; (2) determines additional training to meet the forecasted changes; (3) locates or develops the required additional training; (4) initiates action in order to insure that the additional training is obtained; (5) provides counseling for career planning and development to meet CHS needs; and (6) reviews and provides consultation on all CHS training.

Office of Information (3P17). (1) Develops and conducts an overall Service information program; (2) coordinates, evaluates, and provides leadership in the development and effective operation of Division information programs; (3) provides staff advice on information matters; and (4) participates in the planning and development of Service-level policies with special responsibility for their interpretation to the public.

Office of Administrative Management (3P19). Develops and implements management policies, procedures, and systems; (2) plans, directs, and evaluates the administrative management activities of the Service; (3) provides program guidance and information to the staff of the Administration's Office of Financial Management in the operation of a financial management system for the Service, including program policy interpretation in budget formulation and execution, in preparation of program planning and budgeting data, and in the financial management of grants; (4) maintains liaison with officials of the Office of the Administrator and the Office of the Secretary on financial, personnel, organization, supply, contracts, and other management matters; and (5) plans, directs, and evaluates the Service's grants management activities.

Office of Field Services (3P21). (1) Provides advice to the Director, CHS, and to the regional offices on coordination and implementation of CHS programs in the regional offices; (2) maintains liaison with regional HSMHA staffs, the SSA and other Federal agencies to assist with the coordination of regional office activities; (3) recommends regional and field staffing and assists with recruitment; (4) advises Director, CHS, on improving coordinating of CHS program activities within the regional offices and headquarters; and (5) keeps Director, CHS, apprised of the status of all regional operations.

Community Profile Data Center (3P25). (1) Provides data, data analysis, and data system assistance and services to the Director and to operating programs of the Community Health Service, and where appropriate, other HSMHA components, (2) identifies sources and obtains health and socioeconomic data and prepares community-level data analyses; (3) develops methodology for and produces community profiles, mathematical indices of the level of service available in communities, and predictive models to test health service delivery mechanisms; (4) develops and evaluates new methodology designed to improve community health information tion systems and related health service delivery mechanisms; (5) designs and operates information systems for the Service management and program functions in grants, contracts, and related areas; (6) provides consultation to regional offices and State and areawide comprehensive health planning agencies in data collection and analysis and health and planning information systems design and operations; and (7) participates in developing procedures and guidelines for uniform data collection in the health field.

Office of Program Planning and Analysis (3P31). (1) Provides leadership in development and operation of the Service's long-range and operational planning systems which include preparation of annual and 5-year plans and establishment of program goals; (2) coordinates the development of the overall evaluation program for the Community Health Service; (3) provides the focus for legislative development and analysis in the Service; (4) coordinates the development of and accomplishes the formal clearance of grant and program policy for the Community Health Service; (5) provides the national administrative focus for State formula grant supported health services programs; and (6) serves as coordination point for program reporting and stimulatory activities with respect to health of the aged.

Division of Comprehensive Health Planning (3P41). (1) Provides leadership in the development and operation of programs to provide grants to State and local agencies for the conduct and improvement of comprehensive State and area health planning; (2) develops policy issuances and program guidelines for the conduct of comprehensive health planning under section 314 of the Public Health Service Act; (3) establishes and maintains a system of pertinent communication and information exchange with other Federal agencies and national organizations concerned with planning or having related health interests; (4) stimulates and participates in the development of projects and administers a grant program for studies, training, and demonstrations looking toward the improvement of comprehensive health planning techniques; (5) recommends funding for training; (6) provides technical assistance to regional offices and participates at their request in providing consultation and information on comprehensive health planning to States and communities; and (7) conducts analyses and comparisons of the progress of State and areawide planning programs with particular attention to their implications for Federal policy.

Division of Medical Care Standards (3P45). (1) Develops, evaluates, and recommends minimum standards for health care provided under Titles XVIII (Medicare) and XIX (Medicaid) of the Social Security Act and other Federal reimbursement programs; (2) develops, evaluates, and recommends guidelines and procedural manuals for use by State agencies in their licensure, inspection, and certification programs; (3) develops model legislation covering standards, licensure, and inspection of health facilities; (4) identifies need for new and revised standards so as to continually upgrade quality of health care; (5) provides technical consultation to other Federal programs, to regional office personnel, and to State and local health officials in the development, interpretation, and application of health standards and policy concerning coverage of health services; (6) identifies need for and stimulates projects for evaluating quality of care and for innovative approaches to standard-setting; and (1) analyzes State agency medicare plans and operations, and participates in review of State agency medicare certification documents.

Division of Health Resources (3P51). (1) Encourages, assists, and supports appropriate agencies to develop needed resources and increase their capacity to provide quality, effective services; (2) conducts programs designed to assist States in the effective application of standard-setting programs, licensure laws, and regulations; (3) assists providers of health services to adopt professionally accepted practices and conform with requirements of standard-setting programs, including licensure, certification under programs authorized by the Social Security Act, and accreditation programs; (4) provides leadership in the development of programs to increase professional and technical skills, and effective use of personnel in health facilities and agencies; and (5) stimulates improved administration and operation of health facilities and agencies.

Division of Health Care Services (3P55). (1) Promotes the utilization of improved methods of health services organization, delivery, and financing at the community level in both urban and rural settings; (2) stimulates interest in and knowledge of their health services on the part of members of the community; (3) promotes studies of existing patterns of health services organization in specific communities to identify gaps in services to people; (4) encourages the design of systems of health service delivery to meet the communities' expectations and wishes; (5) promotes the concept of coordinated local programing in order to assure maximum effectiveness from available resources; (6) recommends allocation of funds to regions for funding of project grants for development and extension of health services; (7) supports the delivery of health services to groups with special needs, such as the rural and urban poor, the residents of sparsely populated areas, and the migrant worker; (8) develops, supports, and evaluates methods for organizing and financing group practice arrangements as a community health resource; and (9) develops

program policies for health services development project grants, migrant health services, and group practice activities.

Dated: May 3, 1971.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.71-6464 Filed 5-7-71;8:48 am]

ATOMIC ENERGY COMMISSION

[Docket No. 115-5]

DAIRYLAND POWER CORP.

Order Extending Provisional Operating Authorization Expiration Date

By application dated April 21, 1971, the Dairyland Power Cooperative of La Crosse, Wis., requested an extension of the expiration date of Provisional Operating Authorization No. DPRA-6 which authorizes use and operation of the La Crosse Boiling Water Reactor (LACBWR) located in Vernon County, Wis., at power levels up to a maximum of 165 megawatts (thermal).

Good cause having been shown in the application for this extension pursuant to § 115.45(d) of 10 CFR Part 115 and the provision of paragraph 4 of the authorization: *It is hereby ordered,* That the expiration date of Provisional Operating Authorization No. DPRA-6 is extended from April 30, 1971 to August 31, 1972.

Date of Issuance: April 28, 1971.

This order is effective as of the date of issuance.

For the Atomic Energy Commission.

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

[FR Doc.71-6456 Filed 5-7-71;8:48 am]

[Docket No. 50-302]

FLORIDA POWER CORP.

Notice of Receipt of Application for Facility Operating License

Please take notice that Florida Power Corp., 101 Fifth Street South, St. Petersburg, FL 33701, pursuant to section 104b of the Atomic Energy Act of 1954, as amended (the Act) has filed an application, in the form of a Final Safety Analysis Report, dated January 25, 1971, for a license to operate a nuclear power reactor on the Corporation's site near Crystal River, in Citrus County, Fla.

The nuclear power reactor is a pressurized water reactor, designated by the applicant as the Crystal River Unit 3 Nuclear Generating Plant which is designed for initial operation at approximately 2,452 megawatts thermal with a net electrical output of approximately 855 megawatts.

Pursuant to subsection 105c(3) of the Act, any person who intervened or who sought by timely written notice to the Commission to intervene in the construction permit proceedings for this facility to obtain a determination of antitrust considerations or to advance a jurisdictional basis for such determination has the right to obtain an antitrust review under section 105c of the Act of the application for an operating license for this facility, upon written request to the Commission made within 25 days after the date of publication of this notice, which is the initial publication pursuant to subsection 105c(3), of the Atomic Energy Act of 1954, as amended.

(Sec. 105c(3), 84 Stat. 1472; 42 U.S.C. 2135(c)(3))

Dated at Bethesda, Md., this 1st day of May 1971.

For the Atomic Energy Commission.

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

[FR Doc.71-6470 Filed 5-7-71;8:49 am]

[Docket No. 50-301]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN-MICHIGAN POWER CO.

Notice of Hearing on a Facility Operating License

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, "Rules of Practice," notice is hereby given that a hearing will be held at a time and place to be set in the future by the Atomic Safety and Licensing Board designated herein, in the vicinity of the town of Two Creeks, Manitowoc County, Wis., to consider the application filed under § 104b. of the Act of the Wisconsin Electric Power Co. and the Wisconsin-Michigan Power Co. (applicants) for a facility operating license which would authorize the operation of a pressurized water nuclear power reactor (facility), identified as Unit 2 of the Point Beach Nuclear Plant, at steady-state power levels up to a maximum of 1,518 megawatts thermal at the applicants' site in the town of Two Creeks, Manitowoc County, Wis. Facility Operating License No. DPR-24 for the applicants' Point Beach Nuclear Plant, Unit 1, was issued by the Commission on October 5, 1970.

The hearing will be conducted by an Atomic Safety and Licensing Board (Board) designated by the Atomic Energy Commission (Commission), consisting of Walter T. Skallerup, Jr., Esquire, Dr. Clarke Williams, and Dr. John C. Geyer. Dr. Walter H. Jordan has been designated as a technically qualified alternate, and Nathaniel H. Goodrich, Esquire, has been designated as an alternate qualified in the conduct of administrative proceedings.

Construction of the facility was authorized by Provisional Construction Permit No. CPPR-47 issued by the Commission on July 25, 1968, following a public hearing.

A notice of proposed issuance of a facility operating license for the facility was issued by the Commission on March 6, 1971 (36 F.R. 4518). The notice provided that within 30 days from the date of publication, any person whose interest might be affected by the issuance of the license could file a petition for leave to intervene in accordance with the requirements of 10 CFR Part 2, "Rules of Practice." A timely petition for leave to intervene dated and filed on April 5, 1971, has been jointly filed by Businessmen for the Public Interest, an Illinois not-for-profit corporation ("BPI"); the Sierra Club, a not-for-profit California corporation; and Protect our Wisconsin Environmental Resources, an unincorporated association of residents of Two Creeks, Wisconsin ("POWER").

On April 15, 1971, the applicants filed an answer to the petition for leave to intervene in which they urged the Commission to deny the petition on the grounds that (a) it fails to set forth the interests of the petitioners in the proceeding and how their interests will be affected; and (b) it fails to set forth the contentions of the petitioners in reasonably specific detail.

Also on April 15, 1971, the AEC regulatory staff filed an answer to the petition for leave to intervene. The staff stated that it would have no objection to the scheduling of a public hearing in this proceeding and to the admission of the petitioners as parties therein to raise such matters as are within the scope of the issues to be considered at such a hearing.

By memorandum and order dated May 6, 1971, the Commission has determined that a public hearing should be held and that BPI, the Sierra Club, and POWER may be admitted to intervene as parties in this proceeding.

A prehearing conference will be held by the Board at 10 a.m., local time, on May 26, 1971, in the City Council Chambers, Manitowoc City Hall, 817 Franklin Street, Manitowoc, Wis., to consider pertinent matters in accordance with the Commission's "Rules of Practice," 10 CFR Part 2, including Section II of Appendix A. The date and place of the hearing will be set at or after the prehearing conference and notice thereof will be published in the FEDERAL REGISTER.

The issues to be considered at the hearing will be the following:

1. Whether construction of the facility has been substantially completed in conformity with the construction permit and the application, as amended, the provisions of the Act, and the rules and regulations of the Commission;

2. Whether the facility will operate in conformity with the application, as amended, the provisions of the Act, and the rules and regulations of the Commission;

3. Whether there is reasonable assurance (i) that the activities authorized by the operating license can be conducted without endangering the health and safety of the public, and (ii) that

such activities will be conducted in compliance with the regulations of the Commission;

4. Whether the applicants are technically and financially qualified to engage in the activities authorized by the operating license in accordance with the regulations of the Commission;

5. Whether the applicable provisions of 10 CFR Part 140, "Financial Protection Requirements and Indemnity Agreements," of the Commission's regulations have been satisfied; and

6. Whether the issuance of the license will be inimical to the common defense and security or to the health and safety of the public.

In addition, any party may, in accordance with paragraph 11 of Appendix D of 10 CFR Part 50, raise as an issue in the proceeding whether the issuance of the license would be likely to result in a significant, adverse effect on the environment. If such a result were indicated, in accordance with the declaration of national policy expressed in the National Environmental Policy Act of 1969, the Board will give consideration to the need for the imposition of requirements for the preservation of environmental values consistent with other essential considerations of national policy, including the need to meet on a timely basis requirements for electrical power in the affected region. These additional issues do not include (i) radiological effects (since such effects are within the six numbered issues set forth above) or (ii) matters of water quality covered by section 21(b) of the Federal Water Pollution Control Act. If any party raises any such issue, the Board will make findings of fact on, and resolve, the matters in controversy among the parties with regard to those issues. With respect to those aspects of environmental quality for which environmental quality standards and requirements have been established by authorized Federal, State, and regional agencies, proof that the applicants are equipped to observe and agree to observe such standards and requirements will be considered a satisfactory showing that there will not be a significant, adverse effect on the environment. Certification by the appropriate agency that there is reasonable assurance that the applicants for the permit or license will observe such standards and requirements will be considered dispositive for this purpose.

While the matter of the full power operating license is pending before the Board, the applicants may make a motion in writing for an operating license authorizing low power testing (operation at not more than 1 percent of full power for the purpose of testing the facility), and further operations short of full power operation. Action on such a motion by the Board shall be taken with due regard to the rights of the parties to the proceeding, including the right of any party to be heard to the extent that his contentions are relevant to the activity to be authorized. Prior to taking any action on such a motion which any party opposes, the Board shall make findings on the issues specified in this notice of hearing in the form of an initial decision with respect to the contested activity sought to be authorized. If no party opposes the motion, the Board will issue an order pursuant to 10 CFR § 2.730(e) of the Commission's "Rules of Practice," authorizing the Director of Regulation to make appropriate findings on the issues specified in this notice of hearing and to issue a license for the requested operation.

As they become available, the application, the proposed operating license, the applicants' summary of the application, the report of the Commission's Advisory Committee on Reactor Safeguards (ACRS), the Safety Evaluation by the Commission's regulatory staff, the applicants' environmental report, the AEC's Detailed Statement on Environmental Considerations and the transcripts of the prehearing conference and of the hearing, will be placed in the Commission's Public Document Room, 1717 H Street NW., Washington, DC, where they will be available for inspection by members of the public. Copies of those documents will also be made available at the Manitowoc Public Library, 808 Hamilton Street, Manitowoc, WI, for inspection by members of the public between the hours of 9 a.m. and 9 p.m. Monday through Friday and 9 a.m. and 5:30 p.m. on Saturday. Copies of the proposed operating license, the ACRS report, the regulatory staff's Safety Evaluation and the AEC's Detailed Statement on Environmental Considerations may be obtained, when available, by request to the Director of the Division of Reactor Licensing, United States Atomic Energy Commission, Washington, D.C. 20545.

Any person who wishes to make an oral or written statement in this proceeding setting forth his position on the issues specified, but who has not filed a petition for leave to intervene, may request permission to make a limited appearance pursuant to the provisions of 10 CFR § 2.715 of the Commission's "Rules of Practice." Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, by May 24, 1971. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of 10 CFR § 2.705 of the Commission's "Rules of Practice," must be filed by the applicants and the intervenors on or before May 21, 1971.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR § 2.708 of the Commission's "Rules of Practice," an original and twenty conformed copies of each such paper with the Commission.

With respect to this proceeding, the Commission has delegated to the Atomic Safety and Licensing Appeal Board the authority and the review function which would otherwise be exercised and performed by the Commission.

The Commission has established the Appeal Board pursuant to 10 CFR § 2.785 of the Commission's "Rules of Practice," and has made the delegation pursuant to subparagraph (a)(1) of this section. The Appeal Board is composed of the Chairman and Vice-Chairman of the Atomic Safety and Licensing Board Panel and a third member who is technically qualified and designated by the Commission. The Commission has designated Dr. Lawrence Quarles, Dean of the School of Engineering and Applied Science, The University of Virginia, as this third member.

Dated at Germantown, Md., this 6th day of May, 1971.

UNITED STATES ATOMIC ENERGY COMMISSION,
F. T. HOBBS,
Acting Secretary of the Commission.

[FR Doc.71-6572 Filed 5-7-71;10:40 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23355; Order 71-5-1]

CARGO COURIER AIR FREIGHT, INC.

Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of May 1971.

By tariff revision [1] filed March 31, 1971, and marked to become effective May 4, 1971, Cargo Courier Air Freight, Inc. (CCAF), an air freight forwarder, proposes to increase its excess valuation charge from 15 to 20 cents for each $100, or fraction thereof, by which the declared value of a shipment exceeds 50 cents per pound or $50 per shipment, whichever is higher. No complaints have been received.

Most major forwarders currently have in effect an excess value charge of 15 cents per $100 on their domestic traffic.

[1] Tariff CAB No. 1 issued by Cargo Courier Air Freight, Inc.

The Board has suspended, pending investigation, a number of previous proposals to increase excess valuation charges above this level where no showing has been made that existing excess value revenues do not cover the amount of claim expense stemming from declaration of excess value.[2] CCAF has not submitted any data on the relationship between its excess value revenues and losses attributable to declarations of excess valuation or any other statement supporting its proposal.

Upon consideration of all relevant factors, the Board finds that the proposed excess valuation charges may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful, and should be investigated. We further conclude that the proposed charge should be suspended pending investigation.

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

It is ordered, That:

1. An investigation is instituted to determine whether the provisions and charges in Rule 3(F) on 2d Revised Page 4 of Cargo Courier Air Freight, Inc.'s, CAB No. 1, and rules, regulations, or practices affecting such provisions and charges, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful provisions and charges, and rules, regulations, and practices affecting such provisions and charges;

2. Pending hearing and decision by the Board, the provisions and charges in Rule 3(F) on 2d Revised Page 4 of Cargo Courier Air Freight, Inc.'s, CAB No. 1 are suspended and their use deferred to and including August 1, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding herein designated as Docket 23355, be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

4. Copies of this order shall be filed with the tariffs and served upon Cargo Courier Air Freight, Inc., who is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-6476 Filed 5-7-71;8:49 am]

[Docket No. 22419, etc.]

HOUSTON-MONTERREY-MEXICO CITY SERVICE CASE

Notice of Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled matter now assigned to be held on May 19, 1971, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned examiner.

Requests for information and evidence, proposed statements of issues, and proposed procedural dates may be submitted by each party on or before May 13, 1971.

Dated at Washington, D.C., May 4, 1971.

[SEAL] EDWARD T. STODOLA,
Hearing Examiner.

[FR Doc.71-6473 Filed 5-7-71;8:49 am]

[Docket No. 20993; Agreement CAB 22332[1]; Order 71-4-182]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority April 28, 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 Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA). The agreement, which has been assigned the above-designated CAB agreement number, was adopted by the Eleventh Meeting of the Joint Specific Commodity Rates Board held in Geneva, February 22–26, 1971.

The subject portion of the agreement relates, insofar as it applies in air transportation, to the application of specific commodity rates on North Atlantic routes to and from the United States for an intended effectiveness on June 1, 1971. In addition to extending for a further period the effectiveness of several specific commodity rates which were earlier approved by the Board and implemented since the Ninth Meeting of the Joint Specific Commodity Rates Board (held in Geneva in June of 1970), the agreement provides, as reflected in Attachment A,[2] for (1) reduced rates under new commodity descriptions, (2) several new rates between additional points or amendments to current rates under existing commodity descriptions, and (3) changes to two specific commodity descriptions. The bulk of the agreement, however, relates to the cancellation of a vast number of allegedly nongenerative rates, predominantly in the eastbound direction, and these are set forth in Attachment B.[2]

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act, provided, that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on the subject portion of Agreement CAB 22332 be and hereby is deferred with a view toward eventual approval, provided that approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-6429 Filed 5-7-71;8:45 am]

MINIMUM CHARGES PER SHIPMENT OF AIR FREIGHT

[Docket No. 20398; Order 71-5-14]

Order of Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of May 1971.

By a tariff revision[1] issued April 7, 1971, marked for effectiveness May 7, 1971, Continental Air Lines, Inc. (Continental), proposes to cancel three-carrier joint minimum charges of $12 where carriage is over the lines of Continental, United Air Lines, Inc., and Northwest Airlines, Inc., or Continental, United Air Lines, Inc., and Western Air Lines, Inc.

No complaints against the proposed revisions have been filed.

The proposed cancellation of the joint minimum charge would result in significant increased minimum charges per shipment for traffic involving three-carrier interline movement by the named carriers. The tariff involved, including the issue of multicarrier minimum charges, is currently under investigation before the Board in the proceeding herein. No justification or support for the proposal has been filed. In these circumstances the Board finds that increases of this magnitude should not be permitted pending final resolution of the current investigation. We will, therefore, suspend the proposed tariff revision. Our action herein is without prejudice to the interest of any parties to this proceeding.

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

It is ordered, That:

1. Pending decision by the Board in the proceeding herein, the Exception 3 of Rule No. 15(e) on 5th and 6th Revised

[2] E.g., Order 71-4-53 dated Apr. 9, 1971, and prior orders cited therein.

[1] Insofar as it relates to North Atlantic specific commodity rate matters. (The balance of Agreement CAB 22332 was the subject of tentative action in order 71-4-109.)

[2] Attachments A and B filed as part of the original document.

[1] Revision to Airline Tariff Publishers, Inc., Agent's Tariff CAB No. 8 (Agent J. Aniello series).

Pages 14–F of Airline Tariff Publishers, Inc., Agent's CAB No. 8 (Agent J. Aniello series) is suspended and its use deferred to and including August 4, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board; and

2. Copies of this order shall be filed with the tariff and served upon Continental Air Lines, Inc., United Air Lines, Inc., Northwest Airlines, Inc., and Western Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-6477 Filed 5-7-71;8:49 am]

[Docket No. 22301]

PIEDMONT AVIATION, INC.

Notice of Change of Hearing Location

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding, Deletion of Southern Pines/Pinehurst/Aberdeen, N.C., now assigned to be held at the Holiday Inn, is reassigned to be held at the Whispering Pines Motor Lodge, Southern Pines, N.C., May 19, 1971, at 10 a.m., e.d.s.t., before the undersigned.

Dated at Washington, D.C., May 4, 1971.

[SEAL] JAMES S. KEITH,
Hearing Examiner.

[FR Doc.71-6474 Filed 5-7-71;8:49 am]

[Dockets Nos. 22034, 23150; Order 71-5-9]

REOPENED TAG-WRIGHT CASE AND TAG-EXECUTIVE AGREEMENT

Order Regarding Motions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of May 1971.

By Order 70-9-135, September 24, 1970, the Board (1) reopened the record and remanded the Wright-TAG Merger Case to the Examiner for further hearings and the issuance of a Supplemental Initial Decision, (2) denied Wright's request for an exemption to operate large aircraft, (3) consolidated with the reopened proceeding TAG's request for authority to suspend operations over route 169, (4) placed in issue in the reopened proceeding the question of the continued effectiveness of TAG's certificate for route 169, and (5) directed TAG to resume service by December 29, 1970. Thereafter, Wright and TAG filed a joint petition for reconsideration of Order 70-9-135, and answers were filed by the International Association of Machinists and Aerospace Workers, the Air Line Pilots Association, International, and the Bureau of Operating Rights.

On December 7, 1970, the Board issued Order 70-12-31 which denied the petition for reconsideration. The order noted that TAG was unable to provide its certificated service and expanded the issues in the reopened proceeding to include the question of whether, in the event the Board decides to terminate or revoke TAG's certificate, another carrier should be authorized to serve the route.

A prehearing conference was held in the reopened proceeding on February 19, 1971. Thereafter, various motions and answers in response thereto have been filed involving three basic questions: (1) Whether the National Environment Policy Act procedures should be invoked, (2) whether the joint application of TAG and Executive Airlines in Docket 23150 should be consolidated with the reopened proceeding in Docket 22034, and (3) whether TAG's motion to dismiss or defer the reopened proceeding should be granted.[1]

We have decided to grant the Bureau's motion to invoke Environmental Policy Act procedures in this case. Although the situation presented is not precisely of the kind contemplated by our Policy Statement implementing the National Environmental Policy Act of 1969 (14 CFR 399.110, 35 F.R. 10582), we are in the early stages of our consideration of environmental protection issues and we deem it appropriate in this instance and at this time to move in the direction of a full record for the determination of the question whether our action herein "might result in a major Federal action significantly affecting the environment." Therefore, in accordance with 14 CFR 399.110(d) the Board encourages participation in this proceeding, in accordance with its rules of practice, by the appropriate Federal, State, and local agencies and by other interested persons to the end of insuring that a complete record is developed which will permit full consideration of any possible environmental impact. All parties to this investigation are directed to proceed in conformity with the requirements of 14 CFR 399.110.

We have carefully considered the motion and answers relating to the question of consolidating the joint application of TAG and Executive in Docket 23150 with the reopened proceeding and have concluded that the TAG-Executive agreement should be consolidated with the instant proceeding. The TAG-Executive agreement would seem to effectuate either a de facto merger or route transfer between the carriers which we would be required to rescind should the final agreement be disapproved. For example, the interim agreement contemplates that all of TAG's officers will immediately resign and that Executive will designate a majority of the board of directors as well as the chief operating officer. The agreement also provides that TAG must purchase or lease three large aircraft selected by Executive. This presents a virtually complete reorganization of TAG with the only real remaining vestige of the former TAG operation being its name and the fact that Mr. Miller of TAG will remain as Chairman of the Board of Directors. We are not prepared to approve such an arrangement without hearing in the circumstances of this case. Unlike other interim arrangements which have been approved by the Board, there is no impending crisis here which would, except for approval, result in the cessation of TAG's services. TAG unilaterally suspended all service as of August 7, 1970, and has not resumed service since that time. Its suspension of service has remained in effect notwithstanding an order by the Board directing TAG to reinstitute service. Similarly, in approving other interim agreements, the Board gave considerable weight to the potential harm which would befall the carrier's employees if service were abruptly suspended. TAG's Form 41 submissions indicate that the carrier has already furloughed all of its employees. Already at issue in the reopened proceeding is the revocation or suspension of TAG's authority to operate with large aircraft. It is apparent therefore that TAG's ability or willingness to resume operations with large aircraft is relevant to the issue of whether TAG's authority should be terminated. Accordingly, we will grant the Bureau's motion to consolidate the joint application of TAG and Executive in Docket 23150 with the reopened proceeding.

Finally, we will deny TAG's motion to defer or to dismiss the reopened proceeding. Although TAG's certificate to operate between Detroit and Cleveland became effective in October 1969, TAG has never utilized large aircraft and, on August 7, 1970, TAG suspended all operations without Board approval and the suspension has continued notwithstanding the Board's order which directed TAG to reinstate service by December 29, 1970. As a consequence the Board has placed in issue in the present case the revocation of TAG's certificate and the certification of a carrier other than TAG. Under the circumstances we find that it would be inappropriate to defer or dismiss the reopened proceeding.

Accordingly, it is ordered:

1. That the motion of the Bureau of Operating Rights to invoke the Environmental Policy Act procedures be and it hereby is granted.

2. That this proceeding shall be conducted in accordance with the standards established in 14 CFR 399.110.

[1] On Feb. 23, 1970, the Bureau filed a motion to invoke the Environmental Policy Act procedures. An answer was filed by Wright on Mar. 2, 1971. On Mar. 8, 1971, the Bureau filed a motion for leave to file an unauthorized document accompanied by a reply to Wright's answer of Mar. 2. The Bureau has shown good cause and the Bureau's reply will be accepted. On Mar. 9, 1971, the Bureau filed an answer to the joint application of TAG and Executive and moved to consolidate this matter with the reopened proceeding. An answer in support of the Bureau's motion was filed by Wright on Mar. 12, 1971. TAG filed a reply to the Bureau's motion and Wright's answer on Mar. 18, 1971, and Executive filed a reply on Mar. 23, 1971. TAG filed a motion to dismiss or defer the reopened proceeding on Mar. 16, 1971, and answers were filed by Wright on Mar. 23, 1971, and by the Bureau on Mar. 25, 1971.

3. That a copy of this order shall be served upon all persons served with Orders 70–9–135 and 70–12–31, and, in addition, a copy of this order and Orders 70–9–135 and 70–12–31 shall be served upon the Department of Transportation, the Environmental Protection Agency, the Council on Environmental Quality, the Governors of the States of Michigan and Ohio, and the cities and Chambers of Commerce of Detroit and Cleveland.

4. That the Bureau's motion for leave to file an otherwise unauthorized document be and it hereby is granted.

5. That the Bureau's motion that the joint application of TAG and Executive in Docket 23150 be consolidated with the reopened proceeding in Docket 22034 be and it hereby is granted.

6. That TAG's motion to defer or dismiss the reopened proceeding in Docket 22034 be and it hereby is denied.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71–6478 Filed 5–7–71;8:50 am]

[Docket No. 23167]

TEXAS-MEXICO SERVICE INVESTIGATION

Notice of Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled matter scheduled for May 13, 1971, is postponed until May 18, 1971, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned Examiner.

The date for exchanging requests for information and evidence, proposed statements of issues, and proposed procedural dates is hereby changed from May 7, 1971, to May 11, 1971.

Dated at Washington, D.C., May 4, 1971.

[SEAL] ROBERT L. PARK,
Hearing Examiner.

[FR Doc.71–6475 Filed 5–7–71;8:49 am]

[Docket No. 23364; Order 71–5–8]

UNITED AIR LINES, INC.

Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of May 1971.

By tariff revision[1] filed April 27, 1971, and marked to become effective May 7, 1971, United Air Lines, Inc. (United), proposes to increase its excess valuation charge from 10 to 15 cents for each $100, or fraction thereof, by which the declared value of a shipment exceeds 50 cents per pound (but not less than $50).

No complaints have been filed against United's proposal.

In justification of its proposal, United asserts that in the last 4 years the frequency of claims received per thousand shipments has increased from 3.3 to 5.4, and that the last 2 years have produced better than a 50-percent increase in the frequency of claims received. United further asserts that a recent 5-month sample of claims indicated that for shipments having excess declared value, losses (over and above those which would have been experienced under the minimum liability provisions) exceeded the revenue from excess value charges. United also points to the escalating incidents of theft and pilferage and the considerable investment required to control this situation. United maintains that high-value shipments are most susceptible to theft, and the burden of providing higher security should, at least partially, be borne by shippers of such commodities.

Upon consideration of all relevant factors, the Board finds that the proposed excess valuation charge may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful, and should be investigated. We further conclude that the proposed charge should be suspended pending investigation.

The Board has had a longstanding policy of not permitting increased excess valuation charges where no showing has been made that existing excess valuation revenues do not cover the amount of claims expense stemming from excess value declarations.[2]

In its justification, United makes only conclusory statements regarding a 5-month study of claims but does not amplify on the makeup of its study. United has not presented any data whatsoever to substantiate its claim or to show the relationship between its total excess value revenue (including the revenue from shipments on which excess value has been declared but no claims have been filed) to its claims expense from excess value declarations.

In view of the above, the Board finds that United has not adequately justified its proposal.

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

It is ordered, That:

1. An investigation be instituted to determine whether the charges and provisions for account of the carrier "UA" in Rule No. 52(A)(2) and Rule No. 52(D)(2)(b) and the addition of "UA" in Rule No. 52(A)(1) and Rule No. 52(D)(2)(a) on 34th, 35th, and 36th Revised Pages 19, and 34th, 35th, and 36th Revised Pages 20 of Airline Tariff Publishers, Inc., Agent's CAB No. 96, and rules, regulations or practices affecting such charges and provisions are, or will be, unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful charges and provisions, and rules, regulations, or practices affecting such charges and provisions;

2. Pending hearing and decision by the Board, the charges and provisions for account of the carrier "UA" in Rule No. 52(A)(2) and Rule No. 52(D)(2)(b) and the addition of "UA" in Rule No. 52(A)(1) and Rule No. 52(D)(2)(a) on 34th, 35th, and 36th Revised Pages 19, and 34th, 35th, and 36th Revised Pages 20 of Airline Tariff Publishers, Inc., Agent's CAB No. 96 are suspended and their use deferred to and including August 4, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension, except by order or special permission of the Board;

3. The proceeding herein designated Docket 23364 be assigned for hearing before an examiner of the Board, at a time and place hereafter to be designated; and

4. Copies of this order shall be filed with the tariff and served upon United Air Lines, Inc., which is hereby made a party to Docket 23364.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71–6479 Filed 5–7–71;8:50 am]

[Docket No. 23284]

WTC AIR FREIGHT, INC., AND DIRECT AIR FREIGHT CORP.

Notice of Proposed Approval

Application of WTC Air Freight, Inc., and Direct Air Freight Corp. for approval or exemption of acquisition pursuant to section 408 of the Federal Aviation Act, as amended, Docket 23284.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded a period of 15 days from the date of this notice within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., May 3, 1971.

[SEAL] A. M. ANDREWS,
Director, Bureau of Operating Rights.

ORDER GRANTING APPROVAL

Issued under delegated authority.

Application of WTC Air Freight, Inc., and Direct Air Freight Corp., Docket 23284, for approval or exemption of acquisition pursuant to section 408 of the Federal Aviation Act, as amended.

[1] Revision to Airline Tariff Publishers, Inc., Agent, Tariff CAB 96.

[2] E.g., Order 71–4–53.

WTC Air Freight, Inc. (WTC), and Direct Air Freight Corp. (Direct) have applied to the Board for approval without hearing pursuant to section 408(b) of the Federal Aviation Act of 1958, as amended (the Act), or in the alternative for exemption pursuant to section 408(a)(5) of the Act with respect to the acquisition by WTC from Direct of the ICC motor carrier operating rights issued to the latter.[1]

WTC operates as an air freight forwarder pursuant to Parts 296 and 297 of the Board's Economic Regulations. Direct previously also operated as an airfreight forwarder. However, by Order 71-4-146, April 22, 1971, Direct's interstate and international airfreight forwarder authorizations were revoked. The ICC rights to be transferred to WTC[2] include all such rights held by Direct and provide for the transportation of general commodities over irregular routes, between Bradley International Airport, Windsor Locks, Conn. on the one hand and on the other between North Adams and Williamston, Mass., Pownal, Vt., and Albany, N.Y., such rights being restricted, however, to shipments having an immediately prior or subsequent movemcnt by air, with the usual exceptions of commodities of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment.[3]

In support of their requests, the applicants assert that on the basis of prior Board decisions in similar cases,[4] it is clear that there are no substantive, original issues presented for the first time to the Board, and that the transaction does not involve any issues relating to the acquisition of long-haul motor carrier authority. They state that because of the limited nature of its operations, Direct has not fully capitalized on its ICC surface authority in meshing it with its airfreight forwarder operations. WTC, on the other hand, with its extensive operations to and from the New York area, intends to utilize these specialized rights in order to provide for its customers integrated and expanded airfreight service between points in western Massachusetts and upstate New York, and Bradley International Airport where increased jet freighter service has been instituted, thus bypassing the congested New York-New Jersey airport complex.

No comments relative to the application have been filed.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER and a copy of such notice has been furnished to the Attorney General not later than 1 day following such publication, both in accordance with section 408(b) of the Act.

Upon consideration of the application, it is concluded that the acquisition by WTC of the surface motor carrier rights of Direct is subject to section 408(a)(2) of the Act. However, it is further concluded that the transaction does not affect the control of an air carrier engaged in the direct operation of aircraft in air transportation, does not result in the creation of a monopoly and does not restrain competition. Furthermore, no persons disclosing a substantial interest in the proceeding is currently requesting a hearing, and it is found that the public interest does not require a hearing. The Board has previously approved similar transactions and no new issues are raised by the instant transaction which would warrant disapproval.[5] We do not find that the transaction will be inconsistent with the public interest nor that the conditions of section 408 will be unfilled.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.13, it is found that the foregoing transaction should be approved without hearing under section 408(b) of the Act.

Accordingly, it is ordered, That:

1. The purchase by WTC of Direct's surface operating rights as described herein be and it hereby is approved; and

2. To the extent not granted above, the application in Docket 23284 be and it hereby is denied.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-6428 Filed 5-7-71;8:45 am]

[1] ICC Docket No. MC127898 and MC127898 Sub.

[2] Under the terms of the agreement the purchase price for the rights is fixed at twenty-five thousand five hundred dollars ($25,500) and is to be paid entirely in cash. The agreement provides for the transfer of rights only; no transfer of stock or of other assets is involved; and no control or interlocking relationships other than those which are the subject of the instant application are to be established.

[3] An application for both temporary and permanent approval of the acquisition of the rights has been filed with the Interstate Commerce Commission.

[4] See e.g. Order 71-3-138, Mar. 23, 1971.

[5] Airborne Freight Corp. et al. Order 70-7-31, July 7, 1970.

ENVIRONMENTAL PROTECTION AGENCY

CIBA-GEIGY CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetc Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1154) has been filed by the Ciba-Geigy Corp., Ardsley, N.Y. 10502, proposing the establishment of a tolerance (21 CFR Part 420) for residues of the herbicide 2-*tert*-butylamino-4-chloro-6-ethylamino-*s*-triazine in or on the raw agricultural commodities corn grain, and fresh corn including sweet corn (kernels plus cob with husks removed) at 0.1 part per million; and corn fodder and forage at 0.25 part per million.

The analytical method proposed in the petition for determining residues of the herbicide and its triazine metabolites is a procedure in which the residue is extracted and then partitioned to separate the chloro compounds from the hydroxy compounds. The chloro compounds are determined by microcoulometric gas chromatography with halogen detector. The hydroxy compounds are determined by ultraviolet spectrophotometry at 210–350 nanometers.

Dated: May 3, 1971.

R. E. JOHNSON,
Acting Commissioner,
Pesticide Office.

[FR Doc.71-6462 Filed 5-7-71; 8:48 am]

2-TERT-BUTYLAMINO-4-ETHYLAMINO-6-METHYLTHIO-s-TRIAZINE

Notice of Extension of Temporary Tolerance

The Geigy Chemical Corp., Ardsley, NY 10502, was granted a temporary tolerance for negligible residues of the herbicide 2-*tert*-butylamino-4-ethylamino-6-methylthio-*s*-triazine in or on sorghum grain, fodder and forage at 0.1 part per million on June 16, 1970. Under its new name, Ciba-Geigy Corp., the firm has requested a one-year extension to obtain additional experimental data.

It has been determined that such extension will protect the public health. This tolerance is therefore extended as requested for sorghum grain at 0.1 part per million; and sorghum fodder and forage at a new level of 0.15 part per million on condition that the herbicide will be used in accordance with the temporary permit which is being issued concurrently and which provides for distribution under the Ciba-Geigy Corp. name. This temporary tolerance will expire June 16, 1972.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator (35 F.R. 15623), and the authority delegated by the Administrator to the Commissioner or Acting Commissioner of the Pesticide Office of the Environmental Protection Agency (36 F.R. 1228).

Dated: May 3, 1971.

R. E. JOHNSON,
Acting Commissioner,
Pesticides Office.

[FR Doc.71-6463 Filed 5-7-71;8:48 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19245; RM-1687; FCC 71-453]

AMATEUR STATIONS USED ON BEHALF OF NONAMATEUR ORGANIZATIONS

Notice of Inquiry

1. The Commission's rules governing the Amateur Radio Service prohibit issuance of an amateur station license to a "school, company, corporation, association, or other organization, nor for

its use * * *" (§ 97.39). The only exception is for "a bona fide amateur organization or society." Another § 97.107, permits an exception during declared emergencies when normal communications are disrupted.

2. Over the years, however, amateur stations have been used for nonemergency communications in behalf of certain nonamateur organizations such as the Red Cross, Eye Bank Association, and the March of Dimes. There has been general agreement that these operations are meritorious.

3. Recent developments have required a closer look at the requirements of the rules in relation to operation in the interest of other than amateur organizations. There is evidence of a considerable proliferation of nonamateur organizations with an interest in the use of amateur frequencies and amateur stations for purposes which may well lack the universal acceptability of Red Cross and Eye Bank objectives. Unlimited operation in behalf of such organizations could generate large numbers of new networks and the use of amateur radio as a medium for the organized advocacy of social, political, or economic views could preempt amateur frequencies to the exclusion of the individual amateur for whom the service was intended.

4. The current rule is clear and unambiguous. It permits no such operation other than as previously noted. Therefore, while the Commission essentially agrees with those amateurs who believe that limited communications in behalf of the Red Cross, Eye Bank Association, March of Dimes, National Cystic Fibrosis Foundation, and similarly oriented organizations are meritorious, we conclude that they are not permissible under §§ 97.39 and 97.107 as they now read and, if the communications are to be permitted, the rules must be amended.

5. If this is done, the question is raised as to whether some restrictions on the kind of organizations to be included and limitations on the type of communications so permitted will be required. The lines of demarcation between organizations to be made eligible and the types of communications to be permitted are by no means clear. It is one of the purposes of this notice of inquiry to elicit information and comment on the extent, if any, to which restrictions and limitations should be imposed.

6. Another factor to be considered is that section 2 of Article 41 of the International Radio Regulations limits international communications transmitted by amateur stations "to messages of a technical nature relating to tests and to remarks of a personal character for which by reason of their unimportance, recourse to the public telecommunications service is not justified." While there is no similar provision applicable to domestic operations, section 3(q) of the Communications Act in effect defines an amateur operator "as a person interested in radio technique solely with a personal aim." Extensive use of amateur radio for any third party would not appear to be compatible with that definition.

7. The Amateur Radio Section of the Electronic Industries Association (EIA) has filed a proposal (RM-1687) to amend § 97.39 by the addition of a new paragraph (b) which would read as follows:

"(b) Nothing in this section shall preclude the licensee or operator of an amateur station from transmitting:

"(1) Messages in assistance of, or soliciting support for, nonprofit public service activities such as the Red Cross, Boy Scouts, United Fund, Eye Bank, etc.

"(2) Messages relating to weather conditions, highway conditions, and highway accidents.

"(3) Messages relating to the results of national and State elections.

"(4) Messages coordinating the activities of participants and/or officials during bona fide public sporting events, such as road races, boat races, airplane races, duly authorized parades, etc.

"(5) Messages, regardless of their origin, whose purpose is the protection of life and property, or the coordination of efforts directed thereto, during any bona fide emergency in which life or property is threatened."

8. The above examples of organization and activities for which it is proposed to permit the use of amateur stations are clearly not intended to be all inclusive. There are numerous other organizations at least holding themselves out as engaging in public service activities. It is our view that consideration should be given to the desirability and possibility of much more specific criteria.

9. As previously noted, there is general recognition of the public benefit derived from limited use of amateur stations on behalf of such organizations as the Red Cross, Eye Bank Association, and the National Cystic Fibrosis Foundation. Such recognition may not, however, be nearly as universal when considering the possible use of amateur radio on behalf of other nonprofit, public service organizations such as political parties, student organizations, various churches and missionary societies and a large number of other and more controversial groups.

10. In order to assist the Commission in making determinations in these important and controversial areas, all interested parties are requested to submit comments and suggestions relevant to the following issues:

I. Are any restrictions on the use of amateur stations in behalf of nonamateur organizations warranted?

II. If amateur radio stations should be permitted to furnish a communication service to nonamateur organizations;

(A) To what types of organizations?

(B) What types of activity or communication should be permitted?

(C) If there is to be a distinction between emergency and nonemergency communications, should emergency communications be limited only to those situations where normal communications are disrupted?

11. This action is taken pursuant to section 403 of the Communications Act. Comments must be filed on or before July 1, 1971. All relevant and timely comments will be considered.

12. In accordance with provisions of § 1.419 of the rules, an original and fourteen (14) copies of all comments, suggestions, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: April 28, 1971.

Released: May 5, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-6482 Filed 5-7-71;8:50 am]

[Docket No. 19247; FCC 71-483]

GEORGE BENNETT

Order Designating Application for Hearing on Stated Issues

In regard application of George Bennett, 18485 Kentucky, Detroit, MI 48221, for class D citizens radio station license.

The Commission has before it the application of George Bennett for a class D citizens radio station license. Our consideration of the application has included an examination of the Commission's files which raises substantial questions concerning the qualifications of this applicant to be a licensee of the Commission, arising:

(a) From the applicant's past violations of the Commission's rules governing the Citizens Radio Service more particularly described in the Commission's order revoking the license of this applicant for class D citizens radio station license KBQ-8214 which order of revocation became effective September 22, 1969 (File No. SS-259-69);

(b) From the fact that on August 19, 1970, Bennett was held in contempt of court and placed on probation for violation of an injunction, issued on April 30, 1970, by the U.S. District Court for the Eastern District of Michigan (Southern Division) wherein he was enjoined from further violations of section 301 of the Communications Act of 1934, as amended;

(c) From the applicant's declaration of his intent to continue operating his station either with or without a license as expressed in letters to the Commission dated August 15 and September 6, 1969;

(d) From the applicant's continuous and frequent transmissions of radio communications subsequent to the effective date of the revocation of his license; and

(e) From his transmissions of radio communications which would have been in violation of the Commission's rules governing the Citizens Radio Service had this applicant been licensed in that service.

The Commission is unable to find that a grant of the captioned application would serve the public interest, convenience, and necessity and must, therefore, designate the application for hearing. Except for the issues specified herein, the applicant is otherwise qualified to hold

[1] Commissioner Bartley absent, Commissioner Johnson dissenting.

a class D citizens radio station license.

Accordingly it is ordered, Pursuant to section 309(e) of the Communications Act of 1934, as amended, and § 1.973(b) of the Commission's rules, that the captioned application is designated for hearing, at a time and place to be specified by subsequent order, upon the following issues:

1. To determine the nature and extent of the violations by Bennett which led to the revocation of his license effective September 22, 1969, and the impact of such violations on the qualifications of George Bennett to be a licensee of the Commission.

2. To determine all of the facts and circumstances surrounding the issuance of an injunction by the U.S. District Court for the Eastern District of Michigan (Southern Division) on April 30, 1970, and served on June 16, 1970, which order enjoined Bennett from engaging in the use of radio facilities in violation of section 301 of the Communications Act of 1934, as amended.

3. To determine the impact of the court's citation for contempt, based upon said injunction, issued by the court on August 19, 1970, upon Bennett's basic qualifications to be a licensee of the Commission.

4. To determine whether, in view of Bennett's letters to the Commission dated August 15 and September 6, 1969, asserting that he would continue to operate even if his license were revoked, the Commission may rely on Bennett's statement in his present application that he will operate said station in accordance with the Commission's rules and regulations.

5. To determine whether applicant engaged in unlicensed operation of radio transmitting apparatus subsequent to the revocation of his Citizens radio station license KBQ–8214 in violation of section 301 of the Communications Act of 1934, as amended, on or about October 6, 13, 14, 17, and November 4, 18, and 28, 1969; January 19, March 18, 19, and 20, April 13, June 16, August 4, October 3, 23, and 28, November 17, and 19, December 21, 1970; January 22, and February 3, April 8 and 18, 1971; and, if so, whether the applicant possesses the requisite qualifications to be a licensee of the Commission.

6. To determine whether applicant, while operating a radio transmitter on Citizens Radio Service frequencies, on the dates listed in paragraph 5, above, transmitted radiocommunications which, had he been a class D citizens radio station licensee, would have been in violation of one or more of the Commission's rules including §§ 95.37(c), 95.41(d), 95.41(d)(2), 95.43, 95.83(a)(1), 95.83(a)(13), 95.83(b), 95.91(b), and 95.95(c).

7. To determine whether, inter alia, Bennett has operated radio equipment in violation of the Commission's rules described in the foregoing issues for the purposes of soliciting others to engage in similar violations.

8. To determine whether Bennett, in written communications and radio communications solicited others to violate the Commission's rules, and if so, whether statements made in such communications by Bennett reflect adversely upon his qualifications to be a licensee of the Commission.

9. To determine in light of the facts adduced under issues 1 through 8, supra, whether the applicant possesses the requisite qualifications to be a licensee of the Commission.

10. To determine in the light of the foregoing issues whether the public interest, convenience, and necessity would be served by a grant of the application of George Bennett for a class D Citizens Radio Service license.

It is further ordered, That, to avail himself of the opportunity to be heard, the applicant herein, pursuant to § 1.221 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intent to appear on the date fixed for hearing and to present evidence in the issues specified in this order.

Adopted: May 4, 1971.

Released: May 5, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[1a]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71–6483 Filed 5–7–71;8:50 am]

[Dockets Nos. 19165, 19166; FCC 71R–141]

BANGOR BROADCASTING CORP. AND PENOBSCOT BROADCASTING CORP.

Memorandum Opinion and Order Enlarging Issues

In regard applications of Bangor Broadcasting Corp., Bangor, Maine, Docket No. 19165, File No. BPH–6863; Penobscot Broadcasting Corp., Bangor, Maine, Docket No. 19166, File No. BPH–6916; for construction permits.

1. This proceeding, involving the mutually exclusive applications of Bangor Broadcasting Corp. (Bangor) and Penobscot Broadcasting Corp. (Penobscot) for a new FM broadcast station in Bangor, Maine, was designated for hearing by Commission Order, FCC 71–220, 36 F.R. 5154, published March 17, 1971. Presently before the Review Board is a motion to enlarge issues, filed April 1, 1971, by Penobscot seeking the addition of a comparative programing issue or, in the alternative, a directive that the question of program duplication may be considered under the standard comparative issue.[1]

2. In support of its request, Penobscot points out that Bangor proposes to duplicate an average of 4 hours of programing each day from its commonly owned AM station, WGUY; thus, asserts movant, it appears that all Bangor's news and public affairs programing will be duplicated from its AM station. Therefore, submits Penobscot, since no reference was made in the designation order to the duplication of programs by Bangor, a comparative programing issue should be added or the Review Board should indicate that the question of duplicated programing may be considered within the standard comparative issue, citing Jones T. Sudbury, 8 FCC 2d 360, 10 RR 2d 114 (1967).

3. Penobscot's request to add a programing issue will be denied. As the Broadcast Bureau points out in its comments, it is well established that in order to support a request for a comparative programing issue the proponent must demonstrate substantial programing differences which go beyond ordinary differences in judgment and show a superior devotion to public service. Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393, 5 RR 2d 1901 (1965). No such demonstration has been made here. However, since we agree with all parties that evidence as to program duplication should be admitted and since the Commission, in the designation order, failed to address itself to this matter, we now specify that evidence regarding program duplication will be admissible under the standard comparative issue. Nevertheless, consistent with Commission precedent, the showing under the comparative issue will be limited to evidence concerning the benefits and detriments to be derived from the proposed duplication, and a full comparison of the applicants' program proposals will not be permitted. See Jones T. Sudbury, supra.

4. *Accordingly, it is ordered*, That the motion to enlarge issues, filed April 1, 1971, by Penobscot Broadcasting Corp., is granted to the extent indicated herein, and is denied in all other respects.

Adopted: April 30, 1971.

Released: May 4, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71–6484 Filed 5–7–71;8:50 am]

[Dockets Nos. 19241, 19242; FCC 71–436]

NOW BROADCASTING AND NASEEB S. TWEEL

Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Edgar Kitchen, Hal Murphy, and C. E. Stephens, doing business as Now Broadcasting, Cattlettsburg, Ky., requests: 1600kc, 5kw, Day, Class III, Docket No. 19241, File No. BP–18042; Naseeb S. Tweel, Milton, W. Va., requests: 1600kc, 5kw, Day, Class III, Docket No. 19242,

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[1a] Commissioner Wells absent.

[1] Other matters before the Review Board for consideration are: (a) opposition, filed Apr. 8, 1971, by Bangor; (b) comments, filed Apr. 14, 1971, by the Broadcast Bureau; and (c) reply, filed Apr. 19, 1971, by Penobscot.

[2] Board member Nelson absent.

File No. BP-18483; for construction permits.

1. The Commission has before it the above-captioned applications, on the 1600 kilocycle frequency, which are mutually exclusive in that simultaneous operation of the stations as proposed would result in prohibited overlap of contours as defined by § 73.37 of the Commission's rules.

2. The respective proposals, although for different communities, would serve substantial areas in common. Consequently, in addition to determining, pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient, and equitable distribution of radio service, a contingent comparative issue will also be specified.

3. According to the information on file, Hal Murphy is presently vice president of Tri Radio Broadcasting, Inc., licensee of station WIRO, Ironton, Ohio. Inasmuch as overlap of the respective 1 mv./m. contours of the Now Broadcasting proposal and station WIRO would result, there appears to be a substantial question concerning a possible violation of § 73.35(a) of the Commission's rules. Therefore, an appropriate issue will be specified.

4. Normal radiation from the antenna system proposed by Now Broadcasting would result in 5 mv./m. penetration of Huntington, W. Va., thereby raising a presumption that Now Broadcasting is realistically proposing to serve the larger city under the Commission's Policy Statement on Section 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities, 2 FCC 2d 190, 6 RR 2d 1901. In order to avoid this presumption, Now Broadcasting proposes to restrict the radiation to 392 mv./m./5kw. Therefore, an appropriate condition will be included in the event of a grant of that application.

5. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

6. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine the areas and populations which would receive primary service from the proposed operations and the availability of other primary aural service (1 mv./m. or greater in the case of FM) to such areas and populations.

(2) To determine whether a grant of the proposal of Now Broadcasting would be in contravention of the provisions of § 73.35(a) of the Commission's rules.

(3) To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient, and equitable distribution of radio service.

(4) To determine, in the event it is concluded that a choice between the applications should not be based solely on a consideration relating to section 307(b), which of the proposals would, on a comparative basis, better serve the public interest.

(5) To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

7. *It is further ordered,* That, in the event of a grant of the application of Now Broadcasting, the construction permit shall contain the following condition: Program tests will not be authorized until the permittee has submitted sufficient field intensity measurement data to establish that the inverse field at one mile has been restricted to 392 mv./m./5kw., as proposed.

8. *It is further ordered,* That, in the event of a grant of the application of Naseeb S. Tweel, the construction permit shall contain the following condition: Program tests wil lnot be authorized until the permittee has installed an approved-type frequency monitor.

9. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

10. *It is further ordered,* That, the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually, or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: April 28, 1971.

Released: May 4, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[1a]

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-6485 Filed 5-7-71;8:50 am]

FEDERAL POWER COMMISSION

[Docket No. CS71-259 etc.]

METROPOLITAN OIL CORP. ET AL.

Notice of Applications for "Small Producer" Certificates [1]

APRIL 27, 1971.

Take notice that each of the applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before May 21, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

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 all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where 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 applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

Docket No.	Date filed	Name of applicant
CS71-259...	4- 5-71	Metropolitan Oil Corp., Suite 432, 3801 Kirby, Houston, TX 77006.
CS71-260...	4- 7-71	William A. and Edward R. Hudson, 1000 First National Building, Fort Worth, TX 76102.
CS71-261...	4- 6-71	Miami Oil Producers, Inc., Post Office Box 2040, Abilene, TX 79604.
CS71-262...	4- 5-71	Venus Oil Co., 1200 National Bank of Commerce Bldg., San Antonio, TX 78205.
CS71-263...	4- 5-71	Brookhaven Oil Co., Post Office Box 1267, Scottsdale, AZ 85252.
CS71-264...	4- 5-71	Dacresa Corp., Post Office Box 1267, Scottsdale, AZ 85252.
CS71-265...	4- 5-71	L. L. Robinson, 6705 East Ridge Dr., Shreveport, LA 71106.
CS71-266...	4- 8-71	McCommons Oil Co. (Operator) et al., 1001 Mercantile Securities Bldg., Dallas, TX 75201.
CS71-267...	4- 8-71	Jack M. Allen, Box 906, Perryton, TX 79070.
CS71-268...	4- 7-71	Manler Oil Co., 1010 Wilson Bldg., Corpus Christi, Tex. 78401.

[1a] Commissioner Bartley absent.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No.	Date filed	Name of applicant
CS71-269...	4- 7-71	Joseph P. Mueller, 1010 Wilson Bldg., Corpus Christi, Tex. 78401.
CS71-270...	4- 9-71	Woods Exploration & Producing Co., Inc., 720 C & I Bldg., Houston, Tex. 77002.
CS71-271...	4- 9-71	C. W., Inc., Post Office Box 267, Laverne, OK 73848.
CS71-272...	4- 9-71	Robert L. Williams, d.b.a. Imperial Oil Co., Operator et al., 1111 Vickers Tower, Wichita, Kans. 67202.
CS71-273...	4- 9-71	Chas. A. Daubert (Operator), 542 Milam Bldg., San Antonio, Tex. 78205.
CS71-274...	4- 9-71	Ben F. Brack, 16th Floor, 125 North Market, Post Office Box 997, Wichita, KS 67201.
CS71-275...	4- 9-71	Outline Oil Corp., 8609 Northwest Plaza Dr., Suite 307, Dallas, TX 75225.
CS71-276...	4- 9-71	U.S. Natural Resources, Inc., 9601 Wilshire Blvd., Suite 620, Beverly Hills, CA 90210.
CS71-277...	4- 9-71	Davis Drilling, Inc., American State Bank Bldg., Great Bend, KS 67530.
CS71-278...	4-14-71	Carl A. Nilsen, 1004 Kermac Bldg., Oklahoma City, Okla. 73102.
CS71-279...	4-15-71	O. G. McClain, Post Office Box 1336, Corpus Christi, TX 78403.
CS71-280...	4-15-71	Texas Crude Oil, Inc., 915 Houston Citizens Bank Bldg., Houston, Tex. 77002.
CS71-281...	4-15-71	Aquitaine Oil Corp., Suite 1919, Houston Natural Gas Bldg., 1200 Travis, Houston, TX 77002.
CS71-282...	4-15-71	Maynard Oil Co., 2050 One Main Pl., Dallas, TX 75250.
CS 71-283...	4-14-71	Prudential Minerals Exploration Corp., 540 Meadows Bldg., Dallas, Tex. 75206.
CS71-284...	4- 9-71	Doyle T. Grogan, 3048 South Cook St., Denver, CO 80210.
CS71-285...	4-12-71	A. O. Haferkamp, c/o Bulla & Horning, attorneys at law, First National Center, West Oklahoma City, Okla. 73102.
CS71-286...	4-13-71	Graham B. Morrison and O. C. York, trustees for Richard Stoll Shannon III, et al., 604 Bankers Union Life Bldg., 2401 East 2d Ave., Denver, CO 80206.
CS71-287...	4-12-71	G. E. Kadane & Sons, Post Office Drawer 1740, Wichita Falls, TX 76307.
CS71-288...	4-12-71	Lundells Inc. (Operator) et al., Post Office Box 1050, Alice, TX 78332.
CS71-289...	4-12-71	Ed Gibbons, Post Office Box 1194, Shreveport, LA 71102.
CS71-290...	4-12-71	W. M. Gallaway, 101-2 Petroleum Plaza Bldg., Farmington, N. Mex. 87401.
CS71-291...	4-12-71	The Wil-Mc Oil Corp., 1108 Fidelity Union Life Bldg., Dallas, Tex. 75201.
CS71-292...	4-12-71	Clarence Kenyon, Room 114 Business Center, 1205 North 18th St., Monroe, LA 71201.
CS71-293...	4-12-71	Gulf Minerals, Inc., 488 Main Bldg., Houston, Tex. 77002.
CS71-294...	4-12-71	George W. Graham, Inc. (Operator), et al., 400 First Wichita National Bank Bldg., Wichita Falls, Tex. 76301
CS71-295...	4-14-71	The Shallow Water Refining Co. (Operator) et al., 1111 Vickers Tower, Wichita, Kans. 67202.
CS71-296...	4-14-71	W. C. Feazel Estate (Operator) et al., Post Office Box 1765, Shreveport, LA 71102.
CS71-297...	4-14-71	Bert Fields, Jr., 1181 First National Bank Bldg., Dallas, Tex. 75202.
CS71-298...	4-14-71	Benjamin Elenbogen, 4100 Montview Blvd., Denver, Colo. 80207.
CS71-299...	4-14-71	Texas Crude, Inc., 915 Houston Citizens Bank Bldg., Houston, Tex. 77002.
CS71-300...	4-13-71	The Nowery Corp., 6694 South Lee Ct., Littleton, CO 80121.
CS71-301...	4-12-71	L. A. Douglass, C-117 Petroleum Center, San Antonio, Tex. 78209.

[FR Doc.71-6386 Filed 5-7-71;8:45 am]

[Docket No. RP71-106]

CITIES SERVICE GAS CO.

Notice of Proposed Changes in Rates and Charges

APRIL 28, 1971.

Take notice that Cities Service Gas Co. (Cities Service) on April 22, 1971, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1, to become effective May 23, 1971. The proposed changes would provide Cities Service with additional annual revenues from its jurisdictional sales of $17,946,398 based upon the adjusted volumes of sales for the test period (12 months ended December 31, 1970, adjusted for known changes through September 30, 1971).

In addition to the proposed increase in rates and charges, Cities Service seeks to change other provisions in its tariff, namely: (1) Addition of a purchased gas cost rate adjustment provision and an interrelated provision for flow-through of gas supplier refunds; (2) addition of an advanced payments rate adjustment provision; (3) a change in tariff format for statement of rates; (4) a change in the applicability and character of service provisions related to Rate Schedule LVS-2; and (5) clarification of the provisions of Article 12 of the General Terms and Conditions regarding firm service to large commercial or industrial consumers. In reference to its proposed tariff changes (1) and (2) above, Cities Service seeks waiver of Section 154.38(d)(3) of the Commission's Regulations to permit the inclusion of those provisions in its tariff and, in the event that waiver is not granted, Cities Service has filed alternative revised tariff sheets in Appendix B which are identical to its other revised sheets (Appendix A) except that the Appendix B sheets eliminate any reference to the changes set forth in (1) and (2) above. Further, Cities Service states that, if waiver is not granted, it proposes to show in any hearing in this proceeding that those provisions should be included in its tariff. Cities Service also seeks Commission authorization to utilize liberalized tax depreciation with normalization for accounting and rate purposes.

In support of its proposed increase, Cities Service states that it is in a revenue deficiency position and the increase is necessary to correct that condition. The principal reasons for the deficiency, according to Cities Service, are increased cost levels in its cost of service including, among others, rate of return (9.5 percent), purchased gas, plant, operation and maintenance, taxes, employee benefits, change to normalization for liberalized tax depreciation, and amortization of a court judgment.

Copies of the filing were served on Cities Service's customers and interested State Commissions.

Any person desiring to be heard or to make any protest with reference to said filing should on or before May 12, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application for increase is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-6442 Filed 5-7-71;8:45 am]

[Docket No. RP71-105]

COLORADO INTERSTATE GAS CO.

Notice of Proposed Change in FPC Gas Tariff

APRIL 26, 1971.

Take notice that on March 31, 1971, Colorado Interstate Gas Co. (CIG) filed changes in its FPC Gas Tariff pursuant to §§ 154.52 and 154.62 of the Commission's regulations under the Natural Gas Act to be effective May 1, 1971.

The proposed tariff revision would add an initial Rate Schedule S-1 providing for a limited term seasonal industrial and irrigation service in place of Rate Schedule IS-2, which previously served offpeak firm loads. Under the terms of the proposed revision, service under the new S-1 schedule would be offered to each of CIG's customers who purchased gas under Rate Schedule G-1 or P-1. Service under Rate Schedule IS-2 will no longer be available.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 11, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordanec with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-6443 Filed 5-7-71;8:46 am]

[Docket No. RP71-102]

GREAT LAKES GAS TRANSMISSION CO.

Notice of Proposed Change in FPC Gas Tariff

APRIL 22, 1971.

Take notice that on April 16, 1971, Great Lakes Gas Transmission Co. (Great Lakes) filed changes in its FPC Gas Tariff to be effective on June 1, 1971. The proposed rate changes would increase charges for jurisdictional sales by $9,647,370 annually, based upon estimated sales volumes for the 12-month period ended December 31, 1970, as adjusted. The proposed increase would be applicable to Great Lakes Rate Schedules CQ-1, CQ-2, CQ-3, AOS-1, and G-3 in Volume No. 1, and T-4 in Volume No. 2. In addition, the revised tariff sheets change Great Lakes' present rate structure by the addition of a third rate zone.

Great Lakes states that the principal reason for the proposed rate increases is that the existing rates do not generate sufficient revenues to meet interest coverages and other tests necessary to the issuance of long-term financing. In addition, Great Lakes states that the proposed rates are designed to recoup its total cost of service, including a minimum reasonable rate of return of 9.92 percent.

Copies of the filing were stated as having been mailed to each of Great Lakes' customers and interested State commissions.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 6, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceedings. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-6444 Filed 5-7-71;8:46 am]

[Docket No. CP69-251]

MICHIGAN WISCONSIN PIPE LINE CO., AND NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Petition To Amend

APRIL 27, 1971.

Take notice that on April 19, 1971, Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin), 1 Woodward Avenue, Detroit, MI 48226, and Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, IL 60603, filed in Docket No. CP69-251 a joint petition to amend the Commission's orders issuing a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act on May 20, 1969 (41 FPC 655), as amended, on April 21, 1970 (43 FPC 556), in said docket, by authorizing certain modifications of the exchange of natural gas between Michigan Wisconsin and Natural, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The orders of May 20, 1969, and April 21, 1970, authorized the construction and operation of facilities and the exchange and delivery of natural gas between Michigan Wisconsin and Natural on an equivalent thermal content, no monetary compensation basis, of an average daily quantity of 100,000 Mcf of natural gas, with exchange points at junctions of their transmission lines in Cameron Parish, La., and in Wheeler and Hansford Counties, Tex.

Petitioners propose herein to increase the average annual exchange from the presently authorized 100,000 Mcf per day to 125,000 Mcf per day for the 14-month period beginning July 1, 1971. Petitioners state that these increased volumes will be exchanged as follows: (1) Natural will deliver 125,000 Mcf per day to Michigan Wisconsin at the existing Wheeler County, Tex., exchange point; (2) Michigan Wisconsin will deliver 104,300 Mcf per day to Natural at the existing Hansford County, Tex., exchange point; and (3) Michigan Wisconsin will deliver only the following volumes to Natural at the existing Cameron Parish exchange point: (a) November 1971, through March 1972, 50,000 Mcf per day; and (b) July and August 1972, 20,700 Mcf per day.

The petition to amend states that the proposed modifications would be mutually beneficial to Petitioners by increasing Natural's winter peak day deliverability, by increasing Natural's peak day supply capacity on its Amarillo system, by avoiding curtailments of receipts by Michigan Wisconsin and by allowing Michigan Wisconsin to meet purchase obligations on its Southwest system. No new facilities are proposed herein and Petitioners state that existing facilities are sufficient to effectuate the modifications proposed herein.

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.71-6445 Filed 5-7-71;8:47 am]

[Docket No. CP71-253]

PENNSYLVANIA GAS CO.

Notice of Application

APRIL 28, 1971.

Take notice that on April 22, 1971, Pennsylvania Gas Co. (applicant), 213 Second Avenue, Warren, PA 16365, filed in Docket No. CP71-253, 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 pipeline and related 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 4 miles of 12-inch storage pipeline and related measuring and regulating facilities between the Summit Storage Pool and its existing pipeline system located in Erie County, Pa. Applicant states that the facilities proposed herein will improve deliverability from the storage pool by an estimated 35,000 Mcf per day and will provide operating flexibility in dispatching natural gas to the Erie, Pa., market area. The estimated cost of the facilities proposed herein is $345,568 which cost applicant states will be financed from cash on hand and by the issuance of notes or common stock to National Fuel Gas Co., Applicant's parent company.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 21, 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.71-6446 Filed 5-7-71;8:47 am]

NATIONAL GAS SURVEY EXECUTIVE ADVISORY COMMITTEE AND THE TECHNICAL ADVISORY COMMITTEES

Order Designating Additional Members

APRIL 30, 1971.

The Federal Power Commission by orders issued April 6, 1971, established an Executive Advisory Committee and the Technical Advisory Committees of the National Gas Survey.

1. *Membership.* Additional members to the Executive Advisory Committee and the technical advisory committees, as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

Executive Advisory Committee:
William W. Keeler, Chairman of the Board, Phillips Petroleum Co.
Technical Advisory Committee—Supply:
Deputy Vice Chairman—William T. Slick, Jr., Assistant Manager, Corporate Planning, Humble Oil & Refining Co.
Technical Advisory Committee—Transmission:
Deputy Vice Chairman—Ferdinand Gagne, Manager, Industry Relations, Northern Natural Gas Co.
Technical Advisory Committee—Distribution:
Deputy Vice Chairman—Ralbern H. Murray, Director, Marketing, Consolidated Natural Gas Service Co., Inc.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-6447 Filed 5-7-71;8:47 am]

[Docket Nos. CI71-118, etc.]

AMOCO PRODUCTION CO. ET AL.

Order Permitting Withdrawal and Severing and Terminating Proceedings

APRIL 27, 1971.

On February 22, 1971, we issued an order in the above-docketed proceedings, consolidating for hearing several proceedings involving applications for certificates of public convenience and necessity which had been filed pursuant to section 7 of the Natural Gas Act. Among such proceedings were those involving applications which had been filed by Amoco Production Co. (formerly Pan American Petroleum Corp.) in Docket No. CI71-118 on August 10, 1970; Gulf Oil Corp. in Docket No. CI71-138 on August 17, 1970; Humble Oil & Refining Co. in Docket No. CI71-170 on August 26, 1970, and Atlantic Richfield Co. in Docket No. CI71-440 on November 23, 1970.

Each of the aforenamed applicants has filed a petition to withdraw its application in its respective proceeding. Each has shown that the sales contract under which gas was to have been sold if a certificate had been granted has been terminated, and that no service of any kind had commenced thereunder.

The Commission finds: Good cause exists to permit the withdrawal of each of the applications for a certificate of public convenience and necessity above described, and to terminate the proceeding relating thereto, except that the title "Amoco Production Co., et al., Docket No. CI71-118, et al.," shall be retained for the identification of these consolidated proceedings only.

The Commission orders:

(A) The petitions to withdraw filed by Amoco Production Co. on March 19, 1971; Gulf Oil Corp. on March 1, 1971; Humble Oil & Refining Co. on February 18, 1971; and Atlantic Richfield Co. on March 31, 1971, are granted.[1]

(B) The proceedings in Dockets Nos. CI71-118 (except for purposes of identification as noted above), CI71-138, CI71-170, and CI71-440 are severed from the consolidated proceedings in Amoco Production Co., et al., Docket No. CI71-118, et al., and are terminated.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-6448 Filed 5-7-71;8:47 am]

[Docket No. R-393]

EXEMPTION OF SMALL PRODUCERS FROM REGULATION

Order Providing for Joint Consideration of Applications for Rehearing

APRIL 29, 1971.

The Commission in Order No. 428 issued March 18, 1971, in the above-entitled proceeding established a blanket certificate procedure for small producers. Small producers certificated thereunder shall be authorized to make small producer sales nationwide pursuant to existing and future contracts at the price specified in each such contract.

Applications for rehearing have been filed by a number of parties with respect to Order No. 428. The first application for rehearing was filed by James M. Forgotson, Sr. (Forgotson), an independent producer, on March 31, 1971, while the others were filed near the end of the statutory 30-day period for such applications which expired on April 19, 1971.[1]

Accordingly, we are hereby acting to defer completion of our consideration of Forgotson's application and all other timely filed applications to permit joint consideration of such applications, and it is so ordered. The action is not to be deemed a grant or denial of such petitions on their merits in whole or in part.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-6449 Filed 5-7-71;8:47 am]

[Docket No. RI71-643]

HILDA B. WEINERT AND JANE W. BLUMBERG ET AL.

Order Permitting Withdrawal of Rate Filings and Vacating Proceeding

APRIL 27, 1971.

Hilda B. Weinert and Jane W. Blumberg, et al. (movants), on March 10, 1971, filed a motion in the above-entitled proceeding requesting that they be permitted to withdraw Supplement Nos. 21 and 22 to their FPC Gas Rate Schedule No. 2, which are involved in Docket No. RI71-643, since such filings were not contractually authorized and that the order instituting the proceeding in Docket No. RI71-643 be vacated.

In support of their motion, movants state (1) that their predecessors and Trans-Continental Gas Pipe Line Co., Inc. (Transco) entered into a gas purchase contract on September 12, 1942, which was specifically amended to extend the contract term to April 1, 1971, and that such contract underlies their FPC Gas Rate Schedule No. 2; (2) that by a separate contract dated January 25, 1950, their predecessors contracted to sell to Natural Gas Pipeline Co. of America (Natural) gas from reserves in the La Gloria area and that this contract constitutes their FPC Gas Rate Schedule No. 1; (3) that as a result of a settlement order issued in Argo Oil Corp., et al 20 FPC 208 (1958) producers including movants in the La Gloria area dedicated to Natural all reserves of natural gas in said area upon the termination of their Transco contracts; and (4) that the extension of movants' subject contract with Transco as reflected in said Supplement Nos. 21 and 22 is contrary to the aforementioned settlement and was mistakenly entered into by the parties as

[1] On Mar. 25, 1971, Humble Oil & Refining Co. was advised by letter from the Secretary that its application was deemed withdrawn as of Mar. 21, 1971. However, Docket No. CI71-170 is included herein for purposes of severance and termination.

[1] Applications for rehearing were filed by Mobil Oil Corp. on April 14, 1971, Texaco Inc. on April 15, 1971, Phillips Petroleum Co. on April 19, 1971, Warren Petroleum Corp. on April 16, 1971, Independent Natural Gas Association of America on April 16, 1971, Kansas-Nebraska Natural Gas Co., Inc. on April 19, 1971, Consolidated Gas Supply Corporation on April 19, 1971, El Paso Natural Gas Co. on April 19, 1971, Tennessee Gas Pipeline Co., A Division of Tenneco Inc. on April 16, 1971, and the Public Service Commission of the State of New York on April 19, 1971.

evidenced by an enclosed agreement dated February 19, 1971, between movants and Transco rescinding the subject contract.

The Commission finds: For the aforementioned reasons, good cause exists for granting movants' motion filed herein on March 10, 1971, as hereinafter provided.

The Commission orders:

(A) Supplement Nos. 21 and 22 to Hilda B. Weinert and Jane W. Blumberg, et al., FPC Gas Rate Schedule No. 2 are permitted to be and are considered withdrawn.

(B) The proceeding in Docket No. RI71-643 is vacated. Such action is without prejudice to any final determination with respect to an application that may be filed by movants under section 7(b) of the Natural Gas Act to abandon the instant sale to Transco.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-6450 Filed 5-7-71;8:47 am]

[Docket No. CP66-189]

WASHINGTON COUNTY UTILITY DISTRICT OF WASHINGTON, TENN., AND EAST TENNESSEE NATURAL GAS CO.

Order Setting Date for Hearing and Permitting Intervention

APRIL 30, 1971.

On December 8, 1965, Washington County Utility District of Washington County, Tenn. (applicant) filed an application, as supplemented, pursuant to section 7(a) of the Natural Gas Act (Act), for issuance of an order by the Commission directing East Tennessee Natural Gas Co. (respondent) to establish physical connection of its transmission facilities with the facilities proposed to be constructed by applicant, and to sell and deliver up to 1,547 Mcf of natural gas per day to applicant for resale and distribution in the southwest and northwest areas of Washington County, Tenn., and in the adjacent areas of Sullivan County, Tenn., all as more fully set forth in the applicant's filings with the Commission.

The Commission issued an order on December 14, 1966, requiring respondent to establish physical connection of its natural gas transmission facilities with those to be constructed by applicant, and to sell and deliver to the latter the volumes of natural gas specified in its application. The Commission inserted a condition in the aforementioned order requiring that applicant should have the facilities constructed to receive the natural gas it sought from respondent within 1 year of the issuance of its order. Over 4 years have elapsed since the Commission issued its initial order requiring that the respondent make physical connection with applicant's proposed facilities. Even though the initial deadline set for the completion of the necessary facilities has expired over 3 years ago, applicant has not as yet undertaken to construct such facilities.

During the course of this 3-year period of time, applicant has petitioned the Commission on six occasions requesting that the construction deadline promulgated in the December 14, 1966 order be extended by a period of 6 months. The Commission has on each of the above occasions amended its certificate order and granted the request sought by applicant. In the aforementioned requests for an extension of time, the applicant stated that it was experiencing some difficulties in acquiring the financing necessary for its proposal. It was of the belief, however, that it would be in a position to resolve its problems within the time afforded by each extension.

On December 10, 1970, applicant filed another petition requesting that the Commission extend the construction deadline by another 6 months, i.e., until June 14, 1971. It alleged that the bond market had improved during the course of the preceding 6 months, but not sufficiently to enable it to market its bonds. Applicant felt, however, that it would in the near future be successful in this endeavor. In further support of its position it filed a letter with the Commission on January 6, 1971, alleging that a syndicate of investment houses had been formed for the purpose of purchasing and marketing its bonds and that it is ready to proceed in the event that the extension is granted.

On December 21, 1970, respondent filed its answer to applicant's petition for an extension of time filed December 10, 1970. In its answer, respondent notes that the Commission has already granted the applicant an extension of time on six previous occasions, and that during the course of the delay that has ensued since the issuance of the certificate order many of the circumstances and basic assumptions underlying the initial proposal have changed.

Respondent avers that important factors relating to items such as gas supply, the availability of pipeline capacity, and the level of interest rates have changed materially since the applicant's proposal was approved by the Commission. It thus contends that the public interest presently necessitates the denial of the latest extension requested by the applicant. Respondent further argues that the figures initially submitted by the applicant to cover the cost of the construction of its distribution system are outdated and do not reflect the current high costs that are due to inflation. It believes that the financing sought by the applicant has been adversely affected by present high construction costs.

Respondent also points out that its sole supplier, Tennessee Gas Pipeline Co., has advised its customers that no additional service will be available beyond the 1970-71 heating season until its own gas supply and financial situation improves. In order to depict the lack of available capacity on its own system, respondent points to the fact that to meet its 1970-71 requirements it will be necessary for it to utilize 2,503 Mcf of design capacity authorized, but not presently required to meet the service requirements of three customers that the Commission directed it to serve under section 7(a) of the Act.

The Commission is of the belief that respondent has raised serious questions as to whether existing circumstances justify continued certification of applicant's proposed facilities. The allegations of reduced gas supply, limited availability of additional capacity on existing interstate systems, and changed interest rates are matters which could significantly influence public interest considerations related to applicant's proposal. Similarly, the overall feasibility of applicant's proposal may well have been materially affected by higher construction costs and other inflationary circumstances not known at the time the Commission considered its proposal approximately 5 years ago. Hence, we feel that a hearing de novo is required to determine whether we should reinstate the prior certification.

On February 8, 1971, United Cities Gas Co. (United Cities) filed a protest to the grant of the requested extension of time. United Cities had heretofore filed an application under section 7(a) of the Act seeking an allocation of gas from East Tennessee for an area contiguous to that involved in Docket No. CP66-189. Because of the alleged unavailability of gas on East Tennessee's system it sought, and received, an order from the Commission deferring further action on its application pending the filing of a system expansion by East Tennessee.[1]

The Commission finds: It is necessary and appropriate that the above-docketed proceeding be set for hearing to determine whether certification of the applicant's proposal should be reinstated under existing circumstances of public convenience and necessity.

The Commission orders:

(A) Applicant's direct case in support of its project proposed in Docket No. CP66-189 shall be filed with the Commission and served on all parties and the Commission's staff on or before May 17, 1971. Similarly, respondent will also file and serve on the same date its evidence relative to the availability of capacity and gas supply on its system.

(B) United Cities Gas Co. is permitted to intervene in these proceedings.

(C) A hearing shall convene before a duly designated presiding examiner and cross-examination of applicant's direct case, to be followed by cross-examination of respondent's presentation, shall commence in a hearing room of the Federal Power Commission located at 441 G Street NW., Washington, DC, on June 2, 1971, at 10 a.m., d.s.t.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-6451 Filed 5-7-71;8:47 am]

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[1] Docket No. CP68-296, notice granting motion to defer action issued Dec. 23, 1970.

[Docket No. R-421; Order 433]

STATE OF OKLAHOMA PRODUCTION TAX

Order Waiving Certain Requirements Regarding Filing Rate Schedule Supplements

APRIL 30, 1971.

Order waiving certain requirements of the regulations with respect to filing rate schedule supplements relating to increase in production tax of the State of Oklahoma and establishing procedures with respect to such filings.

On March 31, 1971, the State of Oklahoma enacted an increase in its gross production tax from 5 percent to 7 percent on the wellhead value of natural gas effective as of May 1, 1971. As a result many producers making jurisdictional sales of natural gas produced in Oklahoma may have the right to collect higher rates. In such circumstances the Natural Gas Act and the Commission's regulations thereunder require that any such proposed increased rate be filed with the Commission.

To simplify the filing of such proposed increased rates, the Commission deems it proper and in the public interest on its own motion to waive the 30-day notice period otherwise required by section 4(d) of the Natural Gas Act (52 Stat. 822; 15 U.S.C. 717c(d)) and § 154.94(b) of the regulations (18 CFR 154.94(b)), and to waive the requirements of § 154.94(f) of the regulations (18 CFR 154.94(f)) with respect to any proposed change in rate based solely upon the increase in the Oklahoma production tax.[1] Accordingly, any such proposed increase in rate may be filed in the form prescribed herein and if the filing is made on or before June 1, 1971, the 30-day notice period will be waived and an effective date of May 1, 1971, will be granted. In the event a filing is made after June 1, 1971, it will be effective as of the date of filing.

Pursuant to Ordering Paragraph (F) of Opinion No. 586 issued September 18, 1970, in Docket No. AR64-1, et al., 44 FPC——, the rates prescribed in that opinion for sales in the Oklahoma-Anadarko area are adjusted upward by 75 percent of the increase in the Oklahoma tax. All producers making sales in the Oklahoma-Anadarko area are therefore entitled, to the extent contractually authorized under a tax reimbursement provision or otherwise, to file increased rates up to the new ceilings and such filings may be made pursuant to the provisions of this order without regard to the specific type of contractual authorization involved.[2] These filings will be accepted, without refund obligation.

With regard to sales in the Oklahoma area not covered by Opinion No. 586, producers may file for tax reimbursement of the Oklahoma tax increase to the extent permitted by the tax reimbursement provisions in their contracts. Any increased rate filed for these sales reflecting solely the increase in the Oklahoma production tax which exceeds the applicable increased rate ceiling of 11 cents per Mcf at 14.65 p.s.i.a. set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56), by more than the contractually authorized reimbursement for the Oklahoma tax increase shall become effective, subject to refund, upon notification from the Secretary without any further action by the producer involved or the Commission. The Secretary shall advise the filing party of the supplemental rate schedule designation and of the docket number assigned to the proceeding. If an increased rate filing does not exceed the rate level prescribed above (i.e., 11 cents plus contractually authorized reimbursement for tax increase), it shall be accepted without refund obligation.

The Commission finds:

(1) Good cause exists and it is appropriate and in the public interest in the administration of the Natural Gas Act to waive the 30-day notice requirements set forth in section 4(d) of the Natural Gas Act (52 Stat. 822; 15 U.S.C. 717c(d) and § 154.94(b) of the Commission's regulations thereunder (18 CFR 154.94(b) and to waive the requirements of § 154.94(f) of the Commission's regulations (18 CFR 154.94(f) with respect to the filing, as hereinafter ordered, of any appropriate supplement reflecting the increase in the Oklahoma production tax.

(2) Any proposed increased rate reflecting solely the increase in the Oklahoma production tax for a sale in the Oklahoma area not covered by Opinion No. 586 which is in excess of the applicable increased rate ceiling of 11 cents per Mcf at 14.65 p.s.i.a. set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56) by more than the contractually authorized tax reimbursement for the Oklahoma tax increase may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful. Accordingly, any such proposed rate filed subsequent to the issuance of this order should be suspended and made effective subject to refund pursuant to the terms and conditions of this order.

(3) The waiver of the requirements relating to notice and to filing herein adopted relieve a restriction and involve matters of Commission practice and procedure. The notice, hearing, and effective date provisions of section 553 of title 5 of the United States Code are therefore inapplicable.

The Commission, acting pursuant to authority granted by the Natural Gas Act, as amended, particularly sections 4, 7, and 16 thereof (52 Stat. 822, 824, 825, 830; 56 Stat. 83, 84; 61 Stat. 459; 76 Stat. 72; 15 U.S.C. 717c, 717f, 717o) and in accordance with sections 552 and 553 of title 5 of the United States Code, orders:

(A) Rate schedule changes solely reflecting the increase in the Oklahoma production tax may be filed in the following form:

1. This filing is submitted pursuant to Commission Order No. _____ to reflect __% reimbursement of the increase from 5% to 7% in the Oklahoma gross production tax effective May 1, 1971, levied on producers of natural gas and/or casinghead gas.

2. Such reimbursement is provided by Section _____ of the contract dated between _____ and _____ on file with the Commission and designated _____ FPC Gas Rate Schedule No. _____.

3. A copy of this filing was served on the buyer as required by the Commission's Regulations on _____.

4. Comparison of rates prior to and subsequent to such change in rate (Cents per Mcf at 14.65 p.s.i.a.):

Total price before increase	*Tax reimbursement increase*	*Total price after increase*

Sales for 12 months ending _____: _____ Mcf

[ ] Total prices shown are subject to B.t.u. adjustment.

[ ] Total prices shown reflect B.t.u. adjustment, based on B.t.u. content of: _____.

Filing party: _____

Address: _____

_____

Signed: _____

(B) The 30-day notice period otherwise required by section 4(d) of the Natural Gas Act (52 Stat. 822; 15 U.S.C. 717c(d)) and § 154.94(b) of the regulations (18 CFR 154.94(b)), and the requirements of § 154.94(f) of the regulations (18 CFR 154,94(f)) are waived with respect to those filings permitted by ordering paragraph (A) above.

(C) Any increased rate filing which exceeds 11 cents per Mcf at 14.65 p.s.i.a plus contractually authorized reimbursement for the Oklahoma tax increase for a sale in the Oklahoma area not covered by Opinion No. 586 shall become effective, subject to refund, upon notification from the Secretary as of May 1, 1971, if the filing is made on or before June 1, 1971, and as of the date of filing if the filing is made subsequent thereto without any further action by the producer involved or the Commission. The Secretary shall advise the filing party of the supplemental rate schedule designation and the docket number assigned to the proceeding.

(D) Any increased rate filing which does not exceed 11 cents per Mcf at 14.65 p.s.i.a. plus contractually authorized reimbursement for the Oklahoma tax increase for a sale in the Oklahoma area not covered by Opinion No. 586 shall be accepted, without refund obligation, effective as of May 1, 1971, if the filing is made on or before June 1, 1971, and as of the date of filing if the filing is made subsequent thereto.

(E) Any increased rate filing pertaining to a sale in the Oklahoma-Anadarko area which does not exceed the applicable higher ceiling authorized under

[1] The latest effective rate (either subject to refund or not) and any suspended rate not made effective are the only rates that should be revised to reflect the tax increase. However, docket numbers relating to rates in effect subject to refund should be furnished.

[2] It makes no difference whether a filing is permitted under the tax reimbursement provision or some other pricing provision in a contract.

Opinion No. 586 as a result of the Oklahoma tax increase shall be accepted, without refund obligation, effective as of May 1, 1971, if the filing is made on or before June 1, 1971, and as of the date of filing if the filing is made subsequent thereto.

(F) This order shall be effective upon issuance.

(G) The Acting Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-6452 Filed 5-7-71;8:47 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. E-14 Supp. 1]

PURCHASE OF PASSENGER VEHICLES

Policies on Procuring Air-Conditioning and Other Equipment for Larger Size Passenger Vehicles

1. *Purpose.* This supplement prescribes policies and procedures to be followed in purchasing new passenger vehicles listed as Types IV, V, and VI in table I of Interim Federal Specification No. KKK-A-00811K.

2. *Effective date.* This regulation is effective upon publication in the FEDERAL REGISTER (5-8-71).

3. *Applicability.* The provisions of this regulation apply to all Federal agencies.

4. *Standard passenger vehicles of Types IV, V, and VI.* In addition to those items listed in subparagraph 5a of FPMR Temporary Regulation E-14, the items shown below (from Interim Federal Specification No. KKK-A-00811K) are considered to be standard passenger vehicles completely equipped, as listed, for ordinary operation and are thus subject to statutory maximum price limitations as provided by law.

a. Type IV, 4,100 lbs. curb weight (min.), 123-inch wheelbase (min.), 275 gross brake horsepower (min.), equipped with a 3-speed manual transmission.

b. Type V, 4,600 lbs. (min.), 300 gross brake horsepower (min.), equipped with an automatic transmission.

c. Type VI, 5,200 lbs. (min.), 350 gross brakes horsepower (min.), equipped with an automatic transmission.

5. *Additional systems or equipment.* The items included in table VIII of Interim Federal Standard No. 00122L are considered to be additional systems or equipment for new passenger vehicles listed in paragraph 4, above. The provisions of paragraph 6 of Temporary Regulation E-14 apply to the selection of such additional systems or equipment.

6. *Deviations.* Requisitions for passenger vehicles with systems or equipment not covered by this supplement shall be submitted to GSA for approval prior to procurement in accordance with the provisions of paragraph 7 of Temporary Regulation E-14.

7. *Submission of requirements.* Requirements for types of passenger vehicles covered by this supplement shall be submitted to GSA for procurement action. Where additional systems and equipment are deemed essential by the requisitioning agency head or his designee, such items shall be identified on the purchase requests by code from table VIII of Interim Federal Standard No. 00122L, or by noun nomenclature together with a complete description of the vehicle required (from Interim Federal Specification No. KKK-A-00811K).

8. *Expiration date.* This supplement expires October 31, 1971, unless sooner revised or superseded. Prior to this expiration date, this regulation will be codified, as appropriate, in the permanent regulations of GSA appearing in Title 41, CFR, Public Contracts and Property Management. Comments concerning the effect or impact of this regulation on agency operations or programs should be submitted to the General Services Administration (FF), Washington, DC 20406, no later than May 31, 1971, for consideration and possible incorporation into the permanent regulation.

Dated: April 30, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71-6437 Filed 5-7-71;8:46 am]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE CZECHOSLOVAK SOCIALIST REPUBLIC

Entry or Withdrawal From Warehouse for Consumption

MAY 4, 1971.

On August 29, 1969, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a comprehensive bilateral cotton textile agreement with the Government of the Czechoslovak Socialist Republic concerning exports of cotton textiles and cotton textile products from the Czechoslovak Socialist Republic to the United States over a 2-year period beginning on May 1, 1969. The bilateral agreement was extended for an additional 2-year period beginning May 1, 1971. Among the provisions of the agreement, as extended, are those establishing an aggregate limit for the 64 categories and within the aggregate limit a specific limit on Category 26 (other than duck).

There is published below a letter of April 30, 1971, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amounts of cotton textiles in Category 26 (other than duck) produced or manufactured in the Czechoslovak Socialist Republic which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning May 1, 1971, and extending through April 30, 1972, be limited to the designated level. The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, DC 20226

APRIL 30, 1971.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of August 29, 1969, as extended, between the Governments of the United States and the Czechoslovak Socialist Republic, and in accordance with Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible, and for the 12-month period beginning May 1, 1971, and extending through April 30, 1972, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles in Category 26 (other than duck)[1] produced or manufactured in the Czechoslovak Socialist Republic, in excess of the level of restraint for the period of 1,102,500 square yards.

Cotton textiles in Category 26 (other than duck)[1] produced or manufactured in the Czechoslovak Socialist Republic and which have been exported prior to May 1, 1971, shall, to the extent of any unfilled balance, be charged against the level of restraint established for such goods during the period of May 1, 1970, through April 30, 1971. In the event that the level of restraint established for that period has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

The level of restraint set forth above is subject to adjustment pursuant to the provisions of the bilateral agreement of August 29, 1969, as extended, between the Governments of the United States and the Czechoslovak Socialist Republic which provide, in part, that within the aggregate limit, the limitation on Category 26 (other than duck)[1] may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement

[1] The T.S.U.S.A. Nos. for duck fabric not covered by this directive are:

320.--01 through 04, 06, 08
321.--01 through 04, 06, 08
322.--01 through 04, 06, 08
326.--01 through 04, 06, 08
327.--01 through 04, 06, 08
328.--01 through 04, 06, 08

year and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Czechoslovak Socialist Republic and with respect to imports of cotton textiles and cotton textile products from the Czechoslovak Socialist Republic have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. V, 1965–69). This letter will be published in the FEDERAL REGISTER.

Sincerely,

JAMES T. LYNN,
Acting Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[FR Doc.71-6457 Filed 5-7-71;8:48 am]

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MEXICO

Entry or Withdrawal From Warehouse for Consumption

MAY 4, 1971.

On June 2, 1967, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a comprehensive bilateral cotton textile agreement with the Government of Mexico concerning exports of cotton textiles and cotton textile products from Mexico to the United States over a 4-year period beginning on May 1, 1967. The agreement was extended for a period of 31 days beginning May 1, 1971. Among the provisions of the agreement, as extended, are those establishing an aggregate limit, group limits, and specific limits for Categories 9, 109, 22, 23, 26, 27, 63, and 64, with sublimits on duck fabric (parts of Categories 26 and 27) and on zipper tapes (part of Category 64), for the 31-day period beginning May 1, 1971.

There is published below a letter of April 30, 1971, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in Categories 1 through 64, produced or manufactured in Mexico, which may be entered or withdrawn from warehouse for consumption in the United States for the 31-day period beginning May 1, 1971, and extending through May 31, 1971, be limited to designated levels. This letter and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, as extended, but are designed to assist only in the implementation of certain of its provisions.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, DC 20226.

APRIL 30, 1971.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of June 2, 1967, as extended, between the Governments of the United States and Mexico, and in accordance with Executive Order 11052 of September 23, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective May 1, 1971, and for the thirty-one day period extending through May 31, 1971, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1 through 64, produced or manufactured in Mexico, in excess of the designated levels of restraint set forth below.

The combined level of restraint for Categories 1, 2, 3, and 4, shall be 1,140,638 pounds. Of this amount not more than 286,261 pounds shall be in Categories 3 and 4.

The overall level of restraint for Categories 5 through 27 shall be 2,127,136 square yards.

Within the overall level of restraint for Categories 5 through 27, the following specific levels of restraint shall apply:

Category		*1-month level of restraint*
9	square yards	405,169
10	do	202,584
22	do	405,169
23	do	303,877
26	do [1]	607,753
27	do [1]	202,534

[1] Of the total amount for Categories 26 and 27, not more than 455,815 square yards shall be in duck fabric, T.S.U.S.A. Nos:

320.—01 through 04, 06, 18
321.—01 through 04, 06, 08
322.—01 through 04, 06, 08
326.—01 through 04, 06, 08
327.—01 through 04, 06, 08
328.—01 through 04, 06, 08

Within the overall level of restraint for Categories 5 through 27, each category without a specific level of restraint is subject to a consultation level of 50,646 square yards, pursuant to paragraph 7 of the bilateral agreement. If appropriate, future directions concerning these categories will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

The overall level of restraint for Categories 28 through 64, shall be 222,843 square yards equivalent. There was attached to the directive of April 28, 1969, from the Chairman of the President's Cabinet Textile Advisory Committee, concerning cotton textiles and cotton textile products from Mexico a table of the rates of conversion into square yard equivalents of the aforesaid categories which may be used in implementing this part of this directive.

Within this overall level of restraint for Categories 28 through 64, the following specific levels of restraint shall apply:

Category	*1-month level of restraint*
63	11,142 pounds.
64	33,021 pounds (of which not more than 9,116 pounds shall be in zipper tapes, T.S.U.S.A. No. 347 3340)

Within the overall level of restraint for Categories 28 through 64, each category without a specific level of restraint is subject to a consultation level of 35,452 square yards equivalent, pursuant to paragraph 7 of the bilateral agreement. If appropriate, future directions concerning these categories will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

In carrying out this directive, cotton textiles and cotton textile products in Categories 1 through 64 produced or manufactured in Mexico and which have been exported to the United States from Mexico prior to May 1, 1971, shall to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period May 1, 1970, through April 30, 1971. In the event that any level of restraint for the 12-month period ending April 30, 1971, has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of June 2, 1967, as extended, between the Governments of the United States and Mexico which provide in part that within the aggregate limit, the group limits for Group I and Group II may be exceeded by not more than 10 percent and the Group limit on Group III may be exceeded by not more than 5 percent; within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Mexico and with respect to imports of cotton textiles and cotton textile products from Mexico have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965–69). This letter will be published in the FEDERAL REGISTER.

Sincerely,

JAMES T. LYNN,
Acting Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[FR Doc.71-6458 Filed 5-7-71;8:48 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5021]

CENTRAL POWER AND LIGHT CO.

Notice of Proposed Issue and Sale of Long-Term Note and Application for Exception From Competitive Bidding Therefor

MAY 3, 1971.

Notice is hereby given that Central Power and Light Co. ("Central"), 120 North Chaparral Street, Corpus Christi, TX 78403, an electric utility subsidiary company of Central and South West Corp,. a registered holding company, has filed an application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and 7 of the Act and Rule 50(a)(5) promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

Central proposes to issue its unsecured promissory note in the amount of $3 million to American General Life Insurance Company of Delaware (American). The proposed note is to be issued to refinance a note issued and sold pursuant to the first sentence of section 6(b) of the Act, dated December 21, 1970, and due 6 months therefrom, given in connection with the purchase from American of 2,000 acres of land adjacent to Corpus Christi, Tex., for use as a site for an electric generating station and cooling lake. The proposed note will be dated on or about June 21, 1971, will mature on or about December 21, 1995, will bear interest from the date of issuance until maturity at the rate of 6½ percent per annum, which, it is stated, compares favorably with prevailing rates of interest. The note will be payable in annual installments of principal and interest in the amount of $245,945, commencing 1 year after the date of issuance. Central may pay the note in full at any time before maturity without penalty, or may pay one or more installments at any time without penalty, such prepayments to apply to the last maturing installments. Central requests an exception from the competitive bidding requirements of Rule 50, pursuant to the provisions of (a)(5)(C) thereof, for the issuance and sale of the note.

It is further stated that the services of counsel in connection with the proposed transaction are covered by the annual retainer agreement with Central and that $500 represents a reasonable allocation of such fees in respect of the services to the retainer in connection with the proposed transaction. It is also stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than May 24, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-6431 Filed 5-7-71;8:45 am]

[811-1489]

INVERNESS FUND, INC.

Notice of Application for Order Declaring That Company Has Ceased To Be an Investment Company

MAY 3, 1971.

Notice is hereby given that the Inverness Fund, Inc., c/o Walter D. Sohier, Esq., Curtis, Mallet-Prevost, Colt & Mosle, 63 Wall Street, New York, NY 10005, and Enno W. Ercklentz, Jr., Esq., The Inverness Fund, Inc., 345 Park Avenue, New York, NY 10017, a Maryland corporation, (Maryland Fund), registered under the Investment Company Act of 1940 (Act) as an open-end, nondiversified management investment company, has filed an application pursuant to section 8(f) of the Act for an order declaring that the Inverness Fund, Inc., a New York corporation, (New York Fund) ceased to be an investment company. 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.

The application asserts that the New York Fund was organized on April 4, 1967, and conducted business as a registered open-end investment company from April 4, 1967, to July 1, 1968, at which time it was merged into the Maryland Fund. It further represents that the Maryland Fund is presently registered under the Act, and is now conducting business as an open-end investment company and that the New York Fund has not conducted business as an investment company since its merger on July 1, 1968, into the Maryland Fund, and is no longer a separate entity from the Maryland Fund.

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 effectiveness 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 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 the applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney in fact 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 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] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-6432 Filed 5-7-71;8:45 am]

[812-2912]

STATE BOND AND MORTGAGE CO. AND STATE BANK AND TRUST COMPANY OF NEW ULM

Notice of Filing of Application for Order Exempting Certain Loans

MAY 3, 1971.

Notice is hereby given that State Bond and Mortgage Co. (State Bond), 28 North Minnesota Street, New Ulm, MN 56073, a Minnesota corporation regis-

tered under the Investment Company Act of 1940 (Act) as a face-amount certificate company, and State Bank and Trust Company of New Ulm (Bank) (referred to collectively as "Applicants"), a wholly owned subsidiary of State Bond, have filed an application pursuant to section 6(c) of the Act for an order exempting from the provisions of 17(a)(3) of the Act the making of loans by Bank in its ordinary course of business to its officers, directors and employees subject to the conditions listed below. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that Bank has a net worth of approximately $1,100,000 and about 23 full-time employees, all of whom live in or immediately adjacent to New Ulm, Minn., a rural community of approximately 13,500 persons. Applicants represent that State Bond, as a registered face-amount certificate company, must deposit with a custodian qualified assets in order to satisfy its certificate reserve liabilities. Applicants further represent that the stock of Bank held by State Bond is not deposited with the custodian as a qualified asset, and because of this, the holders of face-amount certificates do not have a direct financial interest in the profits of Bank.

Applicants state that under the laws of the State of Minnesota, officers, directors, and employees of a State chartered bank are authorized to borrow from such bank subject to certain limitations designed to protect the stockholders and depositors of the banking institution. In addition, the loan policy of Bank, adopted prior to its becoming a wholly owned subsidiary of State Bond, states that loans to affiliates may be made "only where the usual terms and/or conditions of credit are applied."

Section 17(a)(3) of the Act, in pertinent part, prohibits affiliated persons of a registered investment company from borrowing money or other property from any company which is controlled by the registered investment company. Applicants claim that it is sometimes difficult for employees of one bank in a community as small as New Ulm, Minn., to adequately explain to management of other banks the reasons for being unable to borrow from the bank which employs them. Applicants further claim that it is standard practice for a bank which has a large depositor to have that depositor named to its board of directors, and that section 17(a)(3) of the Act as applied to Bank would place Bank at a substantial competitive disadvantage in being unable to loan money to any of its directors in order to maintain the banking business of such person.

As conditions to the requested order, if issued pursuant to their application, Applicants have consented to the following in regard to loans made to any officer, director, or employee of Bank:

1. The borrower shall not be affiliated, directly or indirectly, in any manner with State Bond except as an officer, employee, or director of the lending bank;

2. The loans shall be made in accordance with the applicable State and/or banking laws and any rules and regulations thereunder;

3. The loan shall be approved in writing by the board of directors of Bank not more than 3 months prior to the date on which such loan is made, or during such period shall have been approved in writing by the loan, discount or other appropriate committee of Bank, and ratified in writing by the board of directors of Bank;

4. The lending bank shall require the borrower to file with it a statement of his financial condition at least once each year, unless the loan shall be secured by collateral having an ascertained market value of at least 15 percent more than the amount of the obligation; and

5. The loan and the terms thereof shall be in accordance with the normal lending policy of the Bank, and shall not be inconsistent with any policy of Bank and State Bond.

Notice is further given that any interested person may, not later than May 21, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time thereafter, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter may be issued upon the basis of the information stated in the application, unless an order for hearing upon this matter shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation pursuant to delegated authority.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-6433 Filed 5-7-71;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 822 (Class B)]

KENTUCKY

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of April, 1971, because of the effects of a certain disaster, damage resulted to residences and business property located in the State of Kentucky;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Adair, Butler, Casey, Green, Russell, Warren, and Pulaski Counties, Ky., suffered damage or destruction resulting from a tornado occurring on April 27, 1971.

OFFICE

Small Business Administration District Office, Federal Office Building, Room 188, 600 Federal Place, Louisville, KY 40202.

2. A temporary office will be established at Salem, Ky.;

3. Applications for disaster loans under the authority of the Declaration will not be accepted subsequent to October 31, 1971.

Dated: April 30, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-6466 Filed 5-7-71;8:49 am]

[Declaration of Disaster Loan Area 821 (Class B)]

TENNESSEE

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of April 1971, because of the effects of a certain disaster, damage resulted to residences and business property located in the State of Texas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading an devaluating reports of such conditions, I find that the conditions in such area constitutes a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Shelby County, Tenn., and surrounding areas, suffered damage or destruction resulting from a hail and severe thunderstorm occurring on April 23, 1971.

OFFICE

Small Business Administration (POD), 1 Federal Office Building, 167 North Main Street, Memphis, TN 38103.

2. Applications for disaster loans under the authority of the declaration will not be accepted subsequent to October 31, 1971.

Dated: April 30, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-6467 Filed 5-7-71;8:49 am]

[Declaration of Disaster Loan Area 823 (Class B)]

TEXAS

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of April 1971, because of the effects of certain disasters damage resulted to residences and business property located in the State of Texas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Ellis County, Tex., and adjacent areas, suffered damage or destruction resulting from a tornado occurring on April 28, 1971.

OFFICE

Small Business Administration Regional Office, 1309 Main Street, Dallas, TX 75202.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to October 31, 1971.

Dated: April 30, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-6468 Filed 5-7-71;8:49 am]

TARIFF COMMISSION

[AA1921-77]

TEMPERED GLASS FROM JAPAN

Notice of Investigation and Hearing

Having received advice from the Treasury Department on May 3, 1971, that tempered sheet glass from Japan is being, and is likely to be, sold in the United States at less than fair value, the U.S. Tariff Commission has instituted an investigation under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

HEARING. A public hearing in connection with the investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, DC, beginning at 10 a.m., e.d.s.t., on June 22, 1971. All parties will be given opportunity to be present, to produce evidence, and to be heard at such hearing. Interested parties desiring to appear at the public hearing should notify the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., at least 5 days in advance of the date set for the hearing.

Issued: May 5, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-6491 Filed 5-7-71;8:51 am]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 5, 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. 42189—*Lime to Canton, N.C.* Filed by O. W. South, Jr., Agent (No. A6251), for interested rail carriers. Rates on lime, in bulk, in covered hopper cars, in carloads, as described in the application, from specified points in Alabama, to Canton, N.C.

Grounds for relief—Market competition.

Tariff—Supplement 13 to Southern Freight Association, Agent tariff ICC S-927.

FSA No. 42190—*Tin or Terne Plate and Tin Mill Black Plate to Norrell Junction, Alabama.* Filed by Illinois Freight Association, Agent (No. 366), for interested rail carriers. Rates on plate, tin or terne; plate, tin mill black, in carloads, as described in the application, from Chicago, South Chicago, Illinois, also Gary, East Chicago, and Indiana Harbor, Ind., to Norrell Junction, Ala.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 67 to Illinois Freight Association, Agent tariff ICC 1159.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-6486 Filed 5-7-71;8:50 am]

[Rev. Accounting Series Circular No. 144]

PENN CENTRAL TRANSPORTATION CO.

Notice Regarding Bankruptcy Proceedings

APRIL 30, 1971.

By notice published in the FEDERAL REGISTER on January 29, 1971, (36 F.R. 1449) the Commission, Division 2 stayed the implementation of Accounting Series Circular No. 144—Revised issued January 8, until all interested parties had expressed their views and comments relating to the writeoff of certain accounts receivable due from the Penn Central Transportation Co. and other railroads initiating bankruptcy preceedings in 1970.

Upon review of the responses, Division 2 considered the subject to be of such significance to the entire industry it referred the matter to the entire Commission on April 6, 1971.

After taking due consideration of all views and comments a majority of the Commission voted on April 23, 1971, not to reinstate Accounting Series Circular No. 144—Revised, and to require instead that the receivables in question be transferred to account 741, other assets, with appropriate footnote explanation.

The Commission further decided that no objection will be taken with regard to accounting performed by carriers that have already written off the receivables as prescribed in the circular. Amounts written off subsequent to 1970 shall be charged to account 551, miscellaneous income charges.

Service of this notice shall be made on all carriers by railroad which are affected hereby and notice thereto shall be given the general public by depositing a copy of this notice in the Office of the Secretary of the Commission at Washington, D.C., and by filing the notice with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-6487 Filed 5-7-71;8:50 am]

[No. 35360]

ARKANSAS INTRASTATE 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 February 8, 1971, the Commission, Division 2, instituted an investigation pursuant to sections 13 and 15a(2) of the Interstate Commerce Act into the matters and things presented in the petition filed December 28, 1970, by the common carriers by railroad operating within the State of Arkansas, wherein it is alleged that the Arkansas Commerce Commission had denied and that this Commission in No. 35018, Arkansas Intrastate Freight Rates and Charges (not printed), decided November 14, 1969, has not accorded increases in intrastate rates and charges on soybeans corresponding to increases maintained by the petitioners on interstate commerce as authorized by this Commission in Ex Parte No. 256, Increased Freight Rates, 1967, 329 ICC 854 and 332 ICC 280, and that the Arkansas Commerce Commission has not permitted increases in linehaul intrastate rates on rough rice and rice hulls, soybeans, soybean meal, fluxing stone, pulpwood, and wood chips corresponding to the final increase maintained by the petitioners on interstate commerce as authorized by this Commission in Ex Parte No. 259, Increased Freight Rates, 1968, 332 ICC 714;

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 requires the adoption of special procedure for the purpose of expediting the hearing; and for good cause shown:

It is further ordered, That on or before May 31, 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 below and any additional persons who make known their desire to actively participate in the proceeding on or before May 20, 1971.

It is further ordered, That on or before June 30, 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 set forth below and any additional persons who make known their desire to actively participate on or before May 20, 1971. Attached below as 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 20, 1971, as well as all persons listed in Appendix A set forth 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 July 9, 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 19, 1971, 9:30 a.m. d.s.t. (or 9:30 a.m. U.S. Standard Time, if that time is observed) in the Hearing Room of the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, AR, 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 Arkansas be notified of the proceeding by sending a copy of this order by certified mail to the Governor of Arkansas, Little Rock, Arkansas, and a copy to the Arkansas Commerce Commission, Little Rock, Arkansas; 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 28th day of April 1971.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

APPENDIX A

Ralph H. Bell, Manager of Commerce, General Transportation Department, Reynolds Aluminum, Reynolds Metals Co., Richmond, Va. 23218.

E. K. Brenner, Manager, Transportation Cost Control, Farmland Industries, Inc., Post Office Box 7305, Kansas City, MO 64116.

Harry B. LaTourette, General Attorney, St. Louis Southwestern Railway Co., 1517 West Front Street, Tyler, TX 75701.

Dickson R. Loos, Brawner Building, 888 Seventeenth Street NW., Washington, D.C. 20006, representing: Arkansas Committee of the Southwestern Paper Traffic Committee et al.

Phillip A. Martin, Director of Transportation, Arkansas Industrial Development Commission, State Capitol Building, Little Rock, AR 72210.

R. H. Stahlheber, Missouri Pacific Railroad Co., 210 North 13th Street, St. Louis, MO 63103.

B. C. Worley, Manager, Fort Smith Freight Bureau, Post Office Box 45, Fort Smith, AR 72901.

[FR Doc.71-6488 Filed 5-7-71;8:50 am]

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federal register

SATURDAY, MAY 8, 1971
WASHINGTON, D.C.
Volume 36 ■ Number 90

PART II

DEPARTMENT OF TRANSPORTATION

■

Federal Aviation Administration

■

Advisory Circular Checklist and Status of Federal Aviation Regulations

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[AC 00-2R—Effective February 12, 1971]

ADVISORY CIRCULAR CHECKLIST AND STATUS OF FEDERAL AVIATION REGULATIONS

1. *Purpose.* This notice contains the revised checklist of current FAA advisory circulars and the status of Federal Aviation Regulations as of February 12, 1971.

2. *Explanation.* The FAA issues advisory circulars to inform the aviation public in a systematic way of nonregulatory material of interest. Unless incorporated into a regulation by reference, the contents of an advisory circular are not binding on the public. Advisory circulars are issued in a numbered-subject system corresponding to the subject areas in the recodified Federal Aviation Regulations (14 CFR Ch. I). This checklist is issued triannually listing all current circulars and now includes information concerning the status of the Federal Aviation Regulations.

3. *The Circular Numbering System.*

a. *General.* The advisory circular numbers relate to the subchapter titles and correspond to the Parts, and when appropriate, the specific sections of the Federal Aviation Regulations. Circulars of a general nature bear a number corresponding to the number of the general subject (subchapter) in the FAR's.

b. *Subject numbers.* The general subject matter areas and related numbers are as follows:

Subject Number	*Subject Matter*
00	General.
10	Procedural.
20	Aircraft.
60	Airmen.
70	Airspace.
90	Air Traffic Control and General Operations.
120	Air Carrier and Commercial Operators and Helicopters.
140	Schools and Other Certified Agencies.
150	Airports.
170	Air Navigational Facilities.
180	Administrative.
210	Flight Information.

c. *Breakdown of subject numbers.* When the volume of circulars in a general series warrants a subsubject breakdown, the general number is followed by a slash and a subsubject number. Material in the 150, Airports, series is issued under the following subsubjects:

Number	*Subject*
150/1900	Defense Readiness Program.
150/4000	Resource Management.
150/5000	Airport Planning.
150/5100	Federal-aid Airport Program.
150/5150	Surplus Airport Property Conveyance Programs.
150/5190	Airport Compliance Program.
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150/5220	Airport Safety Equipment and Facilities.
150/5230	Airport Ground Safety System.
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150/5360	Airport Buildings.
150/5370	Airport Construction.
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d. *Individual circular identification numbers.* Each circular has a subject number followed by a dash and a sequential number identifying the individual circular. This sequential number is not used again in the same subject series. Revised circulars have a letter A, B, C, etc., after the sequential number to show complete revisions. Changes to circulars have CH 1, CH 2, CH 3, etc., after the identification number on pages that have been changed. The date on a revised page is changed to the effective date of the change.

4. *The Advisory Circular Checklist.*

a. *General.* Each circular issued is listed numerically within its subject-number breakdown. The identification number (AC 120-1), the change number of the latest change, if any, to the right of the identification number, the title, and the effective date for each circular are shown. A brief explanation of the contents is given for each listing.

b. *Omitted numbers.* In some series sequential numbers omitted are missing numbers, e.g., 00-8 through 00-11 have not been used although 00-7 and 00-12 have been used. These numbers are assigned to advisory circulars still in preparation which will be issued later or were assigned to advisory circulars that have been canceled.

c. *Free and sales circulars.* This checklist contains advisory circulars that are for sale as well as those distributed free of charge by the Federal Aviation Administration. Please use care when ordering circulars to ensure that they are ordered from the proper source.

d. *Internal directives for sale.* A list of certain internal directives sold by the Superintendent of Documents is shown at the end of the checklist. These documents are not identified by advisory circular numbers, but have their own directive numbers.

5. *How to get circulars.*

a. When a price is listed after the description of a circular, it means that this circular is for sale by the Superintendent of Documents. When (Sub.) is included with the price, the advisory circular is available on a subscription basis only. After your subscription has been entered by the Superintendent of Documents, supplements or changes to the basic document will be provided automatically at no additional charge until the subscription expires. When no price is given, the circular is distributed free of charge by FAA.

b. Request free advisory circulars shown without an indicated price from: Department of Transportation, Distribution Unit, TAD 484.3, Washington, D.C. 20590.

NOTE: Persons who want to be placed on FAA's mailing list for future circulars should write to the above address. Be sure to identify the subject matter desired by the subject numbers and titles shown in paragraph 3b because separate mailing lists are maintained for each advisory circular subject series. Checklists and circulars issued in the general series will be distributed to every addressee on each of the subject series lists. Persons requesting more than one subject classification may receive more than one copy of related circulars and this checklist because they will be included on more than one mailing list. Persons already on the distribution list for AC's and changes to FAR's will automatically receive related circulars.

c. Order advisory circulars and internal directives with purchase price given from:

Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402;

or from any of the following bookstores located throughout the United States:

GPO Bookstore, Federal Building, Room 1023, 450 Golden Gate Avenue, San Francisco, Calif. 94102.

GPO Bookstore, Federal Office Building, Room 1463, 14th Floor, 219 South Dearborn Street, Chicago, Ill. 60604.

GPO Bookstore, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

GPO Bookstore, Federal Building, Room 135, 601 East 12th Street, Kansas City, Mo. 64106.

GPO Bookstore, Room G25, John F. Kennedy Federal Building, Sudbury Street, Boston, Mass. 02203.

Send check or money order with your order to the Superintendent of Documents. Make the check or money order payable to the Superintendent of Documents in the amounts indicated in the list. Orders for mailing to foreign countries should include an additional amount of 25 percent of the total price to cover postage. No c.o.d. orders are accepted.

6. *Reproduction of Advisory Circulars.* Advisory circulars may be reproduced in their entirety or in part without permission from the Federal Aviation Administration.

7. *Cancellations.* The following advisory circulars are canceled:

AC 00-2Q Advisory Circular Checklist, 10-12-70. Canceled by AC 00-2R, Advisory Circular Checklist, 2-12-71.

AC 20-6M U.S. Civil Aircraft Register, 1-29-70. Canceled by AC 20-6N, U.S. Civil Aircraft Register, 7-1-70.

AC 21-7 Certification and Approval of Import Products, 6-13-67. Canceled by AC 21-7A, Certification and Approval of Import Products, 11-24-69.

AC 25.981-1 Guidelines for Substantiating Compliance with the Fuel Tank Temperature Requirements, 7-23-70. Canceled by AC 25.981-1A, Guidelines for Substantiating Compliance with the Fuel Tank Temperature Requirements, 1-20-71.

AC 61-12C Student Pilot Guide, 10-3-68. Canceled by AC 61-12D, Student Pilot Guide, 7-16-70.

AC 61-16 Flight Instructor's Handbook, 1-19-65. Canceled by AC 61-16A, Flight Instructor's Handbook, 10-14-69.

AC 61-28 Commercial Pilot Examination Guide, 5-17-66. Canceled by AC 61-28A, Commercial Pilot Written Test Guide, 4-28-70.

AC 61-34 Federal Aviation Regulations Written Examination Guide for Private, Commercial, and Military Pilots, 11-17-67. Canceled by AC 61-34A, Federal Aviation Regulations Written Test Guide for Private, Commercial, and Military Pilots, 6-18-70.

AC 65-6A Change in Airframe and Powerplant Mechanics Tests, 12-8-67. Canceled.

AC 65-10 The Sixth Annual FAA International Aviation Maintenance Symposium, 4-1-70. Canceled by AC 20-70, Final Announcement—The Sixth Annual FAA International Aviation Maintenance Symposium, 8-19-70.

AC 65.95-2A Handbook and Study Guide for Aviation Mechanics' Inspection Authorization, 4-15-69. Canceled by AC 65.95-2B, Handbook and Study Guide for Aviation Mechanics Inspection Authorization, 10-9-70.

AC 70/7460-2A Proposed Construction or Alterations of Objects That May Affect the Navigable Airspace, 7-2-69. Canceled by AC 70/7460-2B, Proposed Construction or Alterations of Objects That May Affect the Navigable Airspace, 11-4-70.

AC 77-1 Objects Affecting Navigable Airspace, 7-2-65. Canceled.

AC 91-11 Periodic Inspection Reminder, 8-10-65. Canceled by AC 91-11A, Annual Inspection Reminder, 12-3-69.

AC 91-12A Required Inspection for Air Carrier Aircraft Reverting to General Operation Under FAR 91, 5-1-70. Canceled by AC 91-12B, Required Inspection for Aircraft Operating Under FAR 121, 123, 127, or 135 and Reverting to General Operation Under FAR 91, 12-9-70.

AC 120-4B Criteria for Turbojet Landing Weather Minima—Air Carriers and Commercial Operators of Large Aircraft, 6-14-68. Canceled by AC 120-29, Criteria for Approving Category I and Category II Landing Minima for FAR 121 Operators, 9-25-70.

AC 120-20 Criteria for Approval of Category II Landing Weather Minima, 6-6-66. Canceled by AC 120-29, Criteria for Approving Category I and Category II Landing Minima for FAR 121 Operators, 9-25-70.

AC 121-3K Maintenance Review Board Reports, 3-31-70. Canceled by AC 121-3L, Maintenance Review Board Reports, 1-29-71.

AC 140-1D Consolidated Listing of FAA Certificated Repair Stations, 7-1-68. Canceled by AC 140-1E, Consolidated Listing of FAA Certificated Repair Stations, 12-9-70.

AC 143-2A Ground Instructor Instrument Written Test Guide, 9-29-67. Canceled by AC 143-2B, Ground Instructor Instrument Written Test Guide, 6-25-70.

AC 147-2F Federal Aviation Administration Certificated Mechanic School Directory, 7-15-69. Canceled by AC 147-2G, Directory of FAA Certificated Aviation Maintenance Technician Schools, 10-27-70.

AC 149-2D Listing of Federal Aviation Administration Certificated Parachute Lofts, 8-1-68. Canceled by AC 149-2E, Listing of Federal Aviation Administration Certificated Parachute Lofts 12-9-70.

AC 150/5320-5A Airport Drainage, 1-28-66. Canceled by AC 150/5320-5B, Airport Drainage, 7-1-70.

AC 150/5340-1B Marking of Serviceable Runways and Taxiways, 4-2-69. Canceled by AC 150/5340-1C, Marking of Paved Areas on Airports, 11-3-70.

AC 150/5340-7A Marking and Lighting of Deceptive, Closed, and Hazardous Areas on Airports, 1-10-68. Canceled by AC 150/5340-1C, Marking of Paved Areas on Airports, 11-3-70.

AC 150/5340-16A Medium Intensity Runway Lighting System, 12-19-67. Canceled by AC 150/5340-16B, Medium Intensity Runway Lighting System and Visual Approach Slope Indicators for Utility Airports, 10-26-70.

AC 150/5345-6 Specification for L-809 Airport Light Base and Transformer Housing, 9-3-63. Canceled by AC 150/5345-42, FAA Specification L-857, Airport Light Bases, Transformer Housing and Junction Boxes, 10-27-70.

AC 150/5345-7 Specification for L-824 Underground Electrical Cables for Airport Lighting Circuits, 11-4-63. Canceled by AC 150/5345-7A, Specification for L-824 Underground Electrical Cables for Airport Lighting Circuits, 10-1-70.

AC 150/5345-32 Specification for L-837 Large Size Light Base and Transformer Housing, 1-13-65. Canceled by AC 150/5345-42, FAA Specification L-857, Airport Light Bases, Transformer Housing and Junction Boxes, 10-27-70.

AC 150/5380-3 Cleaning of Runway Contamination, 6-28-68. Canceled by AC 150/5380-3A, Removal of Contaminants from Pavement Surfaces, 10-27-70.

8. *Additions.* The following advisory circulars are added to the list:

AC 00-2R Advisory Circular Checklist (2-12-71).

AC 00-29 Airborne Automatic Altitude Reporting Systems (12-9-69).

AC 20-6N U.S. Civil Aircraft Register (7-1-70).

AC 20-7G Supplement 3, General Aviation Inspection Aids (November 1970).

AC 20-7G Supplement 4, General Aviation Inspection Aids (December 1970).

AC 20-7G Supplement 5, General Aviation Inspection Aids (January 1971).

AC 20-7G Supplement 6, General Aviation Inspection Aids (February 1971).

AC 20-70 Final Announcement—The Sixth Annual FAA International Aviation Maintenance Symposium (8-19-70).

AC 20-71 Dual Locking Devices on Fasteners (12-8-70).

AC 21-2B Ch-1 Export Airworthiness Approval Procedures (11-13-70).

AC 21-7A Certification and Approval of Import Products (11-24-69).

AC 21-9 Manufacturers Reporting Failures, Malfunctions, or Defects (12-30-70).

AC 25.981-1A Guidelines for Substantiating Compliance with the Fuel Tank Temperature Requirements (1-20-71).

AC 43.13-1 Ch-8 Acceptable Methods, Techniques, and Practices—Aircraft Inspection and Repair (6-11-70 and 10-22-70).

AC 43.13-2 Ch-9 Acceptable Methods, Techniques, and Practices—Aircraft Alterations (10-19-70).

AC 61-12D Student Pilot Guide (7-16-70).

AC 61-16A Flight Instructor's Handbook (10-14-69).

AC 61-28A Commercial Pilot Written Test Guide (4-28-70).

AC 61-34A Federal Aviation Regulations Written Test Guide for Private, Commercial and Military Pilots (6-18-70).

AC 65-9 Airframe and Powerplant Mechanics—General Handbook (8-26-70).

AC 65-11 Airframe and Powerplant Mechanics Certification Information (5-22-70).

AC 65.95-2B Handbook and Study Guide for Aviation Mechanics Inspection Authorization (10-9-70).

AC 70/7460-1 Ch-2 Obstruction Marking and Lighting (7-2-70).

AC 90-45 Ch-1 Approval of Area Navigation Systems for Use in the U.S. National Airspace System (10-20-70).

AC 90-50 Air Traffic Control Radio Frequency Assignment Plan for VFR and IFR Communications (9-29-70).

AC 90-51 FAA Motion Picture—"Caution—Wake Turbulence" (11-17-70).

AC 90-52 FAA Symposium on Turbulence (12-15-70).

AC 91-11A Annual Inspection Reminder (12-3-69).

AC 91-12B Required Inspection for Aircraft Operating Under FAR 121, 123, 127, or 135 and Reverting to General Operation Under FAR 91 (12-9-70).

AC 91-31 FAR Requirement for the Filing of Flight Plans for Flights Between Mexico and the United States (2-1-71).

AC 120-29 Criteria for Approving Category I and Category II Landing Minima for FAR 121 Operators (9-25-70).

AC 121-1 Ch-21 Standard Maintenance Specifications Handbook (12-14-70).

AC 121-3L Maintenance Review Board Reports (1-29-71).

AC 121-13 Ch-2 Self-Contained Navigation Systems (Long Range) (12-21-70).

AC 121-16 Maintenance Certification Procedures (11-9-70).

AC 140-1E Consolidated Listing of FAA Certificated Repair Stations (12-9-70).

AC 143-2B Ground Instructor Instrument Written Test Guide (6-25-70).

AC 147-2G Directory of FAA Certificated Aviation Maintenance Technician Schools (10-27-70).

AC 149-2E Listing of Federal Aviation Administration Certificated Parachute Lofts (12-9-70).

AC 150/5000-2 Index of Publications, Airport Service, Standards Division (9-28-70).

AC 150/5070-5 Planning the Metropolitan Airport System (5-22-70).

AC 150/5100-7 Requirement for Public Hearings in the Airport Development Aid Program (1-4-71).

AC 150/5200-10 Ch-1 Airport Emergency Operations Planning (9-15-70).

AC 150/5200-13 Removal of Disabled Aircraft (8-27-70).

AC 150/5200-14 Results of 90-Day Trial Exercise on Fire Department Activity (9-8-70).

AC 150/5300-7 FAA Policy on Facility Relocations Occasioned by Airport Improvements or Changes (11-7-70).

AC 150/5300-8 Planning and Design Criteria for Metropolitan STOL Ports (11-5-70).

AC 150/5320-5B Airport Drainage (7-1-70).

AC 150/5340-1C Marking of Paved Areas on Airports (11-3-70).

AC 150/5340-16B Medium Intensity Runway Lighting System and Visual Approach Slope Indicators for Utility Airports (10-26-70).

AC 150/5345-7A Specification for L-824 Underground Electrical Cables for Airport Lighting Circuits (10-1-70).

AC 150/5345-42 FAA Specification L-857, Airport Light Bases, Transformer Housing and Junction Boxes (10-27-70).

AC 150/5345-43 FAA/DOD Specification L-856, High Intensity Obstruction Lighting System (8-19-70).

AC 150/5345-44 Specification for L-858, Retroreflective Taxiway Guidance Signs (12-15-70).

AC 150/5380-3A Removal of Contaminants from Pavement Surfaces (10-27-70).

AC 170-11 Amendment of Federal Aviation Regulation Part 171 (FAR-171)—Cost of Flight and Ground Inspections (9-17-70).

AC 170-12 Implementation of 50 KHz/Y Channels for ILS/VOR/DME (10-7-70).

AC 183-30 Directory of FAA Designated Mechanic Examiners (12-14-70).
AC 183-31 FAA Designated Parachute Rigger Examiner Directory (12-14-70).

ADVISORY CIRCULAR CHECKLIST

NOTICE

Superintendent of Documents catalogue numbers have been included to aid Superintendent of Documents personnel in processing orders. Please use them when ordering—along with the title and FAA number. To avoid unnecessary delays, do not order single-sales material and subscription-sales material on the same order form, as orders are separated for processing by different departments when they arrive at Superintendent of Documents.

General

SUBJECT NO. 00

00-1 The Advisory Circular System (12-4-62).

Describes the FAA Advisory Circular System.

00-2R Advisory Circular Checklist (2-12-71).

Transmits the revised checklist of current FAA advisory circulars and the status of the Federal Aviation Regulations as of 2-12-71.

00-6 Aviation Weather (5-20-65).

Provides an up-to-date and expanded text for pilots and other flight operations personnel whose interest in meteorology is primarily in its application to flying. Reprinted 1969. ($4 GPO.) FAA 5.8/2: W 37.

00-7 State and Regional Defense Airlift Planning (4-30-64).

Provides guidance for the development of plans by the FAA and other Federal and State agencies for the use of non-air-carrier aircraft during an emergency.

00-7 CH 1 State and Regional Defense Airlift Planning (1-5-65).

Provides an example of a State Plan for the Emergency Management of Resources in Appendix 4, and adds new Appendix 9.

00-7 CH 2 State and Regional Defense Airlift Planning (2-20-67).

Revises Appendix 6, SCATANA.

00-14 Flights by U.S. Pilots Into and Within Canada (4-16-65).

Provides information concerning flights into and within Canada.

00-15 Potential Hazard Associated With Passengers Carrying "Anti-Mugger" Spray Devices (8-20-65).

Advises aircraft operators, crewmembers, and others who are responsible for flight safety, of a possible hazard to flight should a passenger inadvertently or otherwise discharge a device commonly known as an "anti-mugger" spray device in the cabin of an aircraft.

00-17 Turbulence in Clear Air (12-16-65).

Provides information on atmospheric turbulence and wind shear, emphasizing important points pertaining to the common causes of turbulence, the hazards associated with it, and the conditions under which it is most likely to be encountered.

00-21 Shoulder Harness (10-5-66).

Provides information concerning the installation and use of shoulder harnesses by pilots in general aviation aircraft.

00-23B Near Midair Collision Reporting (12-4-69).

Advises that the FAA will continue through December 31, 1971, to handle reports of near midair collisions in accordance with the policy established January 1, 1968.

00-24 Thunderstorms (6-12-68).

Contains information concerning flights in or near thunderstorms.

00-25 Forming and Operating a Flying Club (3-24-69).

Provides preliminary information that will assist anyone or any group of people interested in forming and operating a flying club. ($0.35 GPO.) TD 4.8:F 67.

00-26 Definition of "U.S. National Aviation Standards" (1-22-69).

Informs the aviation community of the approval by the FAA Administrator of a definition of U.S. National Aviation Standards, the need for such standards, and their relationship to the Federal Aviation Regulations.

00-27 U.S. National Standard for the IFF Mark X (SIF) Air Traffic Control Radar Beacon System Characteristics (ATCRBS) (1-24-69).

Informs the aviation community of the approval by the FAA Administrator of the U.S. National Aviation Standard for the ATCRBS.

00-28 Communications Interference Caused by Sticking Microphone Buttons (8-6-69).

Alerts the industry of communications interference from undesired radiofrequency transmissions.

00-29 Airborne Automatic Altitude Reporting Systems (12-9-69).

Provides information regarding the nature and extent of erroneous altitude reporting systems.

00-30 Rules of Thumb for Avoiding or Minimizing Encounters with Clear Air Turbulence (3-5-70).

Brings to the attention of pilots and other interested personnel, the "Rule of Thumb" for avoiding or minimizing encounters with clear air turbulance (CAT).

00-31 U.S. National Aviation Standard for the VORTAC System (6-10-70).

Informs the aviation community of the establishment and content of the U.S. National Aviation Standard for the VORTAC (VOR-TACAN-DME) System.

00-32 Civil Air Patrol and State and Regional Defense Airlift Relationships (7-2-70).

Advises interested persons of the Memorandum of Understanding between CAP and FAA, and provides additional guidance to further improve the use of non-air carrier aircraft in time of national emergency.

Procedural

SUBJECT NO. 10

11-1 Airspace Rule-Making Proposals and Changes to Air Traffic Control Procedures (10-28-64).

Emphasizes the need for the early submission of proposals involving airspace rule-making activity or changes to existing procedures for the control of air traffic.

Aircraft

SUBJECT NO. 20

20-3B Status and Availability of Military Handbooks and ANC Bulletins for Aircraft (5-12-69).

Announces the status and availability of Military Handbooks and ANC Bulletins prepared jointly with FAA.

20-5B Plane Sense (1970).

Provides general aviation information for the private aircraft owner.

20-6N U.S. Civil Aircraft Register Vol. I and II (7-1-70).

Lists all active U.S. civil aircraft by registration number. ($13.50 GPO.) TD 4.18/2:970.

20-7G General Aviation Inspection Aids, Summary (August 1970).

Provides the aviation community with a uniform means for interchanging service experience that may improve the durability and safety of aeronautical products. Of value to mechanics, operators of repair stations, and others engaged in the inspection, maintenance, and operation of aircraft in general. ($3, $3.75 foreign—Sub. GPO.) TD 4.409:970.

20-7G Supplement 1 (September 1970).

20-7G Supplement 2 (October 1970).

20-7G Supplement 3 (November 1970).

20-7G Supplement 4 (December 1970).

20-7G Supplement 5 (January 1971).

20-7G Supplement 6 (February 1971).

20-9 Personal Aircraft Inspection Handbook (12-2-64).

Provides a general guide, in simple, nontechnical language, for the inspection of aircraft. Reprinted 1967. ($1 GPO.) FAA 5.8/2:Ai 7/2.

20-10 Approved Airplane Flight Manuals for Transport Category Airplanes (7-30-63).

Calls attention to the regulatory requirements relating to FAA Approved Airplane Flight Manuals.

20-13A Surface-Effect Vehicles (8-28-64).

States FAA policy on surface-effect vehicles (vehicles supported by a cushion of compressed air).

20-15A Qualification of Type Certificated Engines and Propellers for Aircraft Installations (3-24-66).

Calls attention to the relationship between both Federal Aviation Regulations, Parts 33 (Aircraft Engine Airworthiness)

and 35 (Propeller Airworthiness), and various aircraft airworthiness parts.

20–17 Surplus Military Aircraft (1–6–64).

Informs how to obtain copies of regulations required for certification of surplus military aircraft.

20–18A Qualification Testing of Turbojet Engine Thrust Reversers (3–16–66).

Discusses the requirements for the qualification of thrust reversers and sets forth an acceptable means of compliance with the tests prescribed in Federal Aviation Regulations, Part 3, when run under nonstandard ambient air conditions.

20–20A Flammability of Jet Fuels (4–9–65).

Gives information on the possibility of combustion of fuel in aircraft fuel tanks.

20–23C Interchange of Service Experience—Mechanical Difficulties (5–9–69).

Explains the advantages of a voluntary exchange of service experience data.

20–24A Qualification of Fuels, Lubricants, and Additives (4–1–67).

Establishes procedures for the approval of the use of subject materials in certificated aircraft.

20–25A Identification of Technical Standard Order (TSO) Safety Belts (3–14–69).

Describes the markings which indicate that a safety belt has been manufactured under the FAA TSO system and approved for use in certificated aircraft.

20–27A Certification and Operation of Amateur-Build Aircraft (8–12–68).

Provides information and guidance material for amateur aircraft builders.

20–28 Nationally Advertised Aircraft Construction Kits (8–7–64).

Explains that using certain kits could render the aircraft ineligible for the issuance of an experimental certificate as an amateur-built aircraft.

20–29A Use of Anti-Icing Additive PFA–55MB (6–19–67).

Provides information on the use of anti-icing additive for jet fuels to assure compliance with FAR's that require assurance of continuous fuel flow under icing conditions.

20–30A Airplane Position Lights and Supplementary Lights (4–18–68).

Provides an acceptable means for complying with the position light requirements for airplane airworthiness and acceptable criteria for the installation of supplementary lights on airplanes.

20–32A Carbon Monoxide (CO) Contamination in Aircraft—Detection and Prevention (9–13–68).

Informs aircraft owners, operators, maintenance personnel, and pilots of the potential dangers of carbon monoxide contamination and discusses means of detection and procedures to follow when contamination is suspected.

20–33 Technical Information Regarding Civil Aeronautics Manuals 1, 3, 4a, 4b, 5, 6, 7, 8, 9, 10, 13, and 14 (2–8–65).

Advises the public that policy information contained in the subject Civil Aeronautics Manuals may be used in conjunction with specific sections of the Federal Aviation Regulations.

20–34A Prevention of Retractable Landing Gear Failures (4–21–69).

Provides information and suggested procedures to minimize landing accidents involving aircraft having retractable landing gear.

20–35A Tie-Down Sense (10–29–68).

Provides information of general use on aircraft tie-down techniques and procedures.

20–36A Index of Materials, Parts, and Appliances Certified Under the Technical Standard Order System—March 1, 1966 (4–8–66).

Lists the materials, parts, and appliances for which the Administrator has received statements of conformance under the Technical Standard Order system as of March 1, 1966. Such products are deemed to have met the requirements for FAA approval as provided in Part 37 of the Federal Aviation Regulations.

20–37A Aircraft Metal Propeller Blade Failure (4–4–69).

Provides information and suggested procedures to increase service life and to minimize blade failures of metal propellers.

20–38A Measurement of Cabin Interior Emergency Illumination in Transport Airplanes (2–8–66).

Outlines acceptable methods, but not the only methods, for measuring the cabin interior emergency illumination on transport airplanes, and provides information as to suitable measuring instruments.

20–39 Installation Approval of Entertainment Type Television Equipment in Aircraft (7–15–65).

Presents an acceptable method (but not the only method) by which compliance may be shown with Federal Aviation Regulations 23.1431, FAR 25.1309(b), FAR 27.1309(b), or EAR 29.1309(b), as applicable.

20–40 Placards for Battery-Excited Alternators Installed in Light Aircraft (8–11–65).

Sets forth an acceptable means of complying with placarding rules in Federal Aviation Regulations 23 and 27 with respect to battery-excited alternator installations.

20–41 Replacement TSO Radio Equipment in Transport Aircraft (8–30–65).

Sets forth an acceptable means for complying with rules governing transport category aircraft installations in cases involving the substitution of technical standard order radio equipment for functionally similar radio equipment.

20–42 Hand Fire Extinguishers in Transport Category Airplanes and Rotorcraft (9–1–65).

Sets forth acceptable means (but not the sole means) of compliance with certain hand fire extinguisher regulations in FAR 25 and FAR 29, and provides related general information.

20–43A Aircraft Fuel Contamination (6–12–70).

Informs the aviation community of the potential hazards of fuel contamination, its control, and recommended fuel servicing procedures.

20–44 Glass Fiber Fabric for Aircraft Covering (9–3–65).

Provides a means, but not the sole means, for acceptance of glass fiber fabric for external covering of aircraft structure.

20–45 Safetying of Turnbuckles on Civil Aircraft (9–17–65).

Provides information on turnbuckle safetying methods that have been found acceptable by the FAA during past aircraft type certification programs.

20–46 Suggested Equipment for Gliders Operating Under IFR (9–23–65).

Provides guidance to glider operators on how to equip their gliders for operation under instrument flight rules (IFR), including flight through clouds.

20–47 Exterior Colored Band Around Exits on Transport Airplanes (2–8–66).

Sets forth an acceptable means, but not the only means, of complying with the requirement for a 2-inch colored band outlining exits required to be openable from the outside on transport airplanes.

20–48 Practice Guide for Decontaminating Aircraft (5–5–66).

The title is self-explanatory.

20–49 Analysis of Bird Strike Reports on Transport Category Airplanes (7–27–66).

Provides the results of a statistical study on the frequency of collisions of birds with transport aircraft and the resulting damages.

20–50 Ultrasonic Nondestructive Testing (11–9–66).

Provides FAA personnel and the general aviation public with some of the theory and processes of ultrasonic testing which will assist them in the more advanced uses of this system for the inspection of aircraft and aircraft components during manufacture or maintenance. ($0.70 GPO.) TD 4.8:U1 8.

20–51 Procedures for Obtaining FAA Approval of Major Alterations to Type Certificated Products (4–12–67).

Provides assistance to persons who desire to obtain FAA approval of major alterations to type certificated products.

20–52 Maintenance Inspection Notes for Douglas DC–6/7 Series Aircraft (8–24–67).

Describes maintenance inspection notes which can be used for the maintenance support of certain structural parts of DC–6/7 series aircraft.

20–53 Protection of Aircraft Fuel System Against Lightning (10–6–67).

Sets forth acceptable means, not the sole means, by which compliance may be shown with fuel system lightning protection airworthiness regulations.

20–54 Hazards of Radium-Activated Luminous Compounds Used on Aircraft Instruments (10–24–67).

Provides information concerning health hazards associated with the repair and maintenance of instruments containing luminous markings activated with radium-226 or radium-228 (mesothorium).

20–55 Turbine Engine Overhaul Standard Practices Manual—Maintenance of Fluorescent Penetrant Inspection Equipment (1–22–68).

Advises operators of the necessity for periodic checking of black light lamps and filters used during fluorescent penetrant inspection of engine parts.

20–56 Marking of TSO–C72a Individual Flotation Devices (1–19–68).

Outlines acceptable methods for marking individual flotation devices which also serve as seat cushions.

20–57 Automatic Landing Systems (1–29–68).

Sets forth an acceptable means of compliance, but not the only means, for the installation approval of automatic landing systems in transport category aircraft which may be used initially in Category II operations.

20–58A Acceptable Means of Testing Automatic Altitude Reporting Equipment for Compliance With FAR 91.36(b) (4–28–69).

Title is self-explanatory.

20–59 Maintenance Inspection Notes for Convair 240, 340/440, 240T, and 340T Series Aircraft (2–19–68).

Describes maintenance inspection notes which can be used for the maintenance support of certain structural parts of Convair 240, 340/440, 240T, and 340T series aircraft.

20–60 Accessibility to Excess Emergency Exits (7–18–68).

Sets forth acceptable means of compliance with the "readily accessible" provisions in the Federal Aviation Regulations dealing with excess emergency exits.

20–61 Nondestructive Testing for Aircraft (May 1969).

Reviews the basic principles underlying nondestructive testing.

20–62A Eligibility, Quality, and Identification of Approved Aeronautical Replacement Parts (6–16–70).

Provides information relative to the determination of the eligibility of aeronautical parts and materials for installation on certificated aircraft.

20–63 Airborne Automatitc Direction Finder Installations (Low and Medium Frequency) (7–7–69).

Sets forth one means, but not the only means, of demonstrating compliance with the airworthiness rules governing the functioning of airborne automatic direction finders. It does not pertain to installations previously approved.

20–64 Maintenance Inspection Notes for Lockheed L–188 Series Aircraft (8–1–69).

Describes maintenance inspection notes which can be used for the maintenance support of certain structural parts of Lockheed L–188 series aircraft.

20–65 U.S. Airworthiness Certificates and Authorizations for Operation of Domestic and Foreign Aircraft (8–11–69).

Provides general information and guidance concerning issuance of airworthiness certificates for U.S. registered aircraft, and issuance of special flight authorizations for operation in the United States of foreign aircraft not having standard airworthiness certificates issued by the country of registry.

20–66 Vibration Evaluation of Aircraft Propellers (1–29–70).

Outlines acceptable means, but not the sole means, for showing compliance with the requirements of the FARs concerning propeller vibration.

20–67 Airborne VHF Communication System Installations (3–6–70).

Sets forth one means, but not the only means, of demonstrating compliance with the airworthiness rules governing the functioning of airborne VHF communication systems.

20–68 Recommended Radiation Safety Precautions for Airborne Weather Radar (3–11–70).

Sets forth recommended radiation safety precautions for ground operation of airborne weather radar.

20–69 Conspicuity of Aircraft Instrument Malfunction Indicators (5–14–70).

Provides design guidance information on methods of improving conspicuity of malfunction indication devices.

20–70 Final Announcement—The Sixth Annual FAA International Aviation Maintenance Symposium (8–19–70).

Notifies the public that this is the final announcement and invitation to this annual event.

20–71 Dual Locking Devices on Fasteners (12–8–70).

Provides guidance and acceptable means, not the sole means, by which compliance may be shown with the requirements for dual locking devices on removable fasteners installed in rotocraft and transport category airplanes.

21–1 Production Certificates (6–15–65).

Provides information concerning Subpart G of Federal Aviation Regulations (FAR) Part 21, and sets forth acceptable means of compliance with its requirements.

21–2B Export Airworthiness Approval Procedures (10–2–69).

Announces the adoption of new regulations and provides guidance to the public regarding the issuance of export airworthiness approvals for aeronautical products to be exported from the United States.

21–2B Ch. 1 (11–13–70).

21–3 Basic Glider Criteria Handbook (1962).

Provides individual glider designers, the glider industry, and glider operating organizations with guidance material that augments the glider airworthiness certification requirements of the Federal Aviation Regulations. Reprinted 1969. ($1 GPO.) FAA 5.8/2:G49/962.

21–4B Special Flight Permits for Operation of Overweight Aircraft (7–30–69).

Furnishes guidance concerning special flight permits necessary to operate an aircraft in excess of its usual maximum certificated takeoff weight.

21–5A Summary of Supplemental Type Certificates (2–16–70).

Notifies the public of a change in price of the Summary of Supplemental Type Certificates (SSTC), Part 21 of the Federal Aviation Regulations.

21–6 Production Under Type Certificate Only (5–26–67).

Provides information concerning Subpart F of FAR Part 21, and sets forth examples, when necessary, of acceptable means of compliance with its requirements.

21–7A Certification and Approval of Import Products (11–24–69).

Provides guidance and information relative to U.S. certification and approval of import aircraft, aircraft engines and propellers that are manufactured in a foreign country with which the United States has an agreement for the acceptance of those products for export and import.

21–8 Aircraft Airworthiness; Restricted Category: Certification of Aircraft With Uncertificated or Altered Engines or Propellers (5–21–69).

Sets forth acceptable means of substantiating that uncertificated or altered engines and propellers have no unsafe features for type certification of aircraft in the restricted category.

21–9 Manufacturers Reporting Failures, Malfunctions, or Defects (12–30–70).

Provides information to assist manufactures of aeronautical products (aircraft, aircraft engines, propellers, appliances, and parts) in notifying the Federal Aviation Administration of certain failures, malfunctions, or defects, resulting

from design or quality control problems, in the products which they manufacture.

21.25–1 Use of Restricted Category Airplanes for Glider Towing (4–20–65).

Announces that glider towing is now considered to be a special purpose for type and airworthiness certification in the restricted category.

21.303–1 Replacement and Modification Parts (3–2–66).

Provides information concerning section 21.303 of Federal Aviation Regulations, Part 21, and sets forth examples of acceptable means of compliance with its requirements.

23–1 Type Certification Spin Test Procedures (4–1–64).

Sets forth an acceptable means by which compliance may be shown with the one-turn spinning requirement in Part 3 of the CAR's.

23.1329–1A Automatic Pilot Systems Approval (Non-Transport) (7–8–68).

Sets forth an acceptable means by which compliance with the automatic pilot installation requirements of FAR 23.1329 may be shown.

25–2 Extrapolation of Takeoff and Landing Distance Data Over a Range of Altitude for Turbine-Powered Transport Aircraft (7–9–64).

Sets forth acceptable means by which compliance may be shown with the requirements in CAR 4b and SR–422B.

25–4 Inertial Navigation Systems (INS) (2–18–66).

Sets forth an acceptable means for complying with rules governing the installation of inertial navigation systems in transport category aircraft.

25–5 Installation Approval on Transport Category Airplanes of Cargo Unit Load Devices Approved as Meeting the Criteria in NAS 3610 (6–3–70).

Sets forth an acceptable means, but not the sole means, of complying with the requirements of the Federal Aviation Regulations (FAR's) applicable to the installation on transport category airplanes of cargo unit load devices approved as meeting the criteria in NAS 3610.

25.253–1 High-Speed Characteristics (11–24–65).

Sets forth an acceptable means by which compliance may be shown with FAR 25.253 during certification flight tests.

25.253–1 CH 1 (1–10–66).

Provides amended information for the basic advisory circular.

25.981–1A Guidelines for Substantiating Compliance With the Fuel Tank Temperature Requirements (1–20–71).

Sets forth some general guidelines for substantiating compliance with fuel tank temperature airworthiness standards, section 25.981.

25.1329–1A Automatic Pilot System Approval (7–8–68).

Sets forth an acceptable means by which compliance with the automatic pilot installation requirements of FAR 25.1329 may be shown.

25.1457–1A Cockpit Voice Recorder Installations (11–3–69).

Sets forth one acceptable means of compliance with provisions of FAR 25.1457 (b), (e), and (f) pertaining to area microphones, cockpit voice recorder location, and erasure features.

27.1581–1 Sea Rotorcraft Autorotative Landing on Land (8–3–65).

Sets forth acceptable means, not the sole means, with which to provide suitable warning information to crews of float-equipped rotorcraft (pneumatic bag type) when a safe autorotative landing on land may not be possible.

29–1 Approval Basis for Automatic Stabilization Equipment (ASE) Installations in Rotorcraft (12–26–63).

Gives means for compliance with flight requirements in various CAR's.

29–1 CH 1 (3–26–64).

Transmits revised information about the time delay of automatic stabilization equipment.

29.773–1 Pilot Compartment View (1–19–66).

Sets forth acceptable means, not the sole means, by which compliance with FAR 29.773(a)(1), may be shown.

33–1B Turbine-Engine Foreign Object Ingestion and Rotor Blade Containment Type Certification Procedures (4–22–70).

Provides guidance and acceptable means, not the sole means, by which compliance may be shown with the design and construction requirements of Part 33 of the Federal Aviation Regulations.

33–2 Aircraft Engine Type Certification Handbook (3–30–66).

Contains guidance relating to type certification of aircraft engines which will constitute acceptable means, although not the sole means, of compliance with the Federal Aviation Regulations.

33–2 CH 1 (9–13–67).

Transmits revised material to the basic advisory circular.

33–3 Turbine and Compressor Rotors Type Certification Substantiation Procedures (9–9–68).

Sets forth guidance and acceptable means, not the sole means, by which compliance may be shown with the turbine and compressor rotor substantiation requirements in FAR Part 33.

37–2 Test Procedures for Maximum Allowable Airspeed Indicators (12–9–68).

Provides guidance concerning test procedures which may be used in showing compliance with the standards in FAR 37.145 (TSO–C46a).

37–3 Radio Technical Commission for Aeronautics Document DO–138 (1–10–69).

This circular announces RTCA Document DO–138 and discusses how it may be used in connection with technical standard order authorizations.

39–1A Jig Fixtures; Replacement of Wing Attach Angles and Doublers on Douglas Model DC–3 Series Aircraft Airworthiness Directive 66–18–2 (3–5–70).

Describes methods of determining that jig fixtures used in the replacement of the subject attached angles and doublers meet the requirements of Airworthiness Directive 66–18–2.

39–6B Summary of Airworthiness Directives (5–20–70).

Announces the availability of a new Summary of Airworthiness Directives dated January 1, 1970.

43–1 Matching VHF Navigation Receiver Outputs With Display Indicators (8–2–65).

Alerts industry to the possibility of mismatching outputs, both guidance and flag alarm, of certain VHF navigation receivers when used with some types of display indicators causing the receiver to fail without providing a flag alarm.

43–2 Minimum Barometry for Calibration and Test of Atmospheric Pressure Instruments (9–10–65).

Sets forth guidance material which may be used to determine the adequacy of barometers used in the calibration of aircraft static instruments and presents information concerning the general operation, calibration, and maintenance of such barometers.

43.9–1B Instruction for Completion of FAA Form 337 (6–27–66).

Provides instructions for completing revised FAA Form 337, Major Repair and Alteration (Airframe, Powerplant, Propeller or Appliance).

43.13–1 Acceptable Methods, Techniques and Practices—Aircraft Inspection and Repair (5–16–66).

Contains methods, techniques, and practices acceptable to the Administrator for inspection and repair to civil aircraft. Published in 1965. ($3—Sub. GPO.) FAA 5.15:965.

Subscription now includes: Ch. 1 (5–1–67); Ch. 2 (8–9–67); Ch. 3 (1–24–68); Ch. 4 (1–29–68); Ch. 5 (9–20–68); Ch. 6 (5–1–69); Ch. 7 (6–12–69); Ch. 8 (6–11–70 and 10–22–70).

43.13–2 Acceptable Methods, Techniques, and Practices—Aircraft Alterations (4–19–66).

Contains methods, techniques, and practices acceptable to the Administrator in altering civil aircraft. Published in 1965. ($2—Sub. GPO.) FAA 5.16:965.

Subscription now includes: Ch. 1 (1–12–67); Ch. 2 (5–26–67); Ch. 3 (6–26–67); Ch. 4 (9–12–67); Ch. 5 (11–9–67); Ch. 6 (4–12–68); Ch. 7 (5–12–69); Ch. 8 (10–29–69), Ch. 9 (10–19–70).

43–202 Maintenance of Weather Radar Radomes (6–11–65).

Provides guidance material useful to repair facilities in the maintenance of weather radar radomes.

43–203A Altimeter and Static System Tests and Inspections (6–6–67).

Specifies acceptable methods for testing altimeter and static system. Also, provides general information on test equipment used and precautions to be taken.

47–1 Aircraft Registration Eligibility, Identification and Activity Report (2–25–70).

Advises owners and operators of U.S. civil aircraft of recent regulatory changes that require the annual submission of current information related to aircraft registration eligibility, and requests similar submission of information related to identification and activity of aircraft; and to call attention to the availability of the reporting form to be used in complying with this regulatory change.

Airmen

SUBJECT NO. 60

60–1 Know Your Aircraft (6–12–63).

Describes potential hazards associated with operation of unfamiliar aircraft and recommends good operating practices.

60–2G Annual Aviation Mechanic Safety Awards Program (3–5–70).

Provides the details of the annual Aviation Mechanic Safety Awards Program.

60–4 Pilot's Spatial Disorientation (2–9–65).

Acquaints pilots flying under visual flight rules with the hazards of disorientation caused by the loss of reference with the natural horizon.

60–5 Advisory Information on Written Test Questions Missed (4–24–67).

Announces a new automated method of reporting written test results to airmen applicants. The applicant will be provided information concerning the subject matter areas in which one or more questions were answered incorrectly on the test.

60–6 FAA Approved Airplane Flight Manuals, Placards, Listings, Instrument Markings—Small Airplanes (12–13–68).

Alerts pilots to the regulatory requirements relating to the subject and provides information to aid pilots to comply with the provisions of FAR section 91.31.

61–1C Aircraft Type Ratings (5–8–70).

Announces new designators adopted by the Federal Aviation Administration for aircraft type ratings issued with pilot certificates.

61–2A Private Pilot (Airplane) Flight Training Guide (9–1–64).

Contains a complete private pilot flight training syllabus which consists of 30 lessons. Published in 1964. ($1 GPO.) FAA 5.8/2:P 64/4/964.

61–3B Flight Test Guide—Private Pilot—Airplane—Single Engine (4–2–68).

Assists the private pilot applicant in preparing for his certification flight test. Published in 1968. ($0.20 GPO.) TD 4.408:P 64/2.

61–4B Flight Test Guide—Multiengine Airplane Class or Type Rating (4–1–68).

Assists the private pilot applicant in preparing for certification or rating flight tests. Reprinted in 1969. ($0.25 GPO.) TD 4.408:M 91.

61–5A Helicopter Pilot Written Test Guide—Private—Commercial (8–14–67).

Gives guidance to applicants preparing for the aeronautical knowledge requirements for a private or commercial pilot certificate with a helicopter rating.

61–8B Instrument Rating (Airplane) Written Test Guide (4–24–69).

Outlines the scope of the written test and directs applicants to appropriate study materials. Details subject areas covered in the test and indicates areas of aviation knowledge in which instrument pilots must be well informed. ($0.70 GPO.) TD 4.8:In 7/4.

61–9 Pilot Transition Courses for Complex Single-Engine and Light Twin-Engine Airplanes (6–16–64).

Provides training syllabuses and checkout standards for pilots who seek to qualify on additional types of airplanes. Published in 1964. ($0.15 GPO.) FAA 5.8/2:P 64/7.

61–10 Private and Commercial Pilots Refresher Courses (9–1–64).

Provides a syllabus of ground instruction periods and training lessons. Reprinted in 1969. ($0.25 GPO.) FAA 5.8/2:P 64/9.

61–11A Airplane Flight Instructor Written Test Guide (9–5–67).

Provides information to prospective airplane flight instructors about certification requirements, application procedures, and reference study materials; a sample examination is presented with explanations of the correct answers. Reprinted in 1969. ($0.70 GPO.) TD 4.408:In 7.

61–12D Student Pilot Guide (7–16–70).

Serves as a guide for prospective student pilots and presents general procedures for obtaining student and private pilot certificates. ($0.20 GPO.) TD 4.8:P 64/3/970.

61–13 Basic Helicopter Handbook (1–20–66).

Provides detailed information to applicants preparing for private, commercial, and flight instructor pilot certificates with a helicopter rating about helicopter aerodynamics, performance, and flight maneuvers. It will also be useful to certificated helicopter flight instructors as an aid in training students. Published in 1965. ($0.75 GPO.) FAA 5.8/2:H 36.

61–14A Flight Instructor Practical Test Guide (10–23–69).

Provides assistance to the certificated pilot in preparing for the practical demonstration required for the issuance of the flight instructor certificate. ($0.15 GPO.) TD 4.408:In 7/4.

61–16A Flight Instructor's Handbook (10–14–69).

Gives guidance and information to pilots preparing to apply for flight instructor certificates, and for use as a reference by flight instructors. ($1.25 GPO.) TD 4.408:In 7/3.

61–17A Flight Test Guide—Instrument Pilot Airplane (6–6–67).

Provides assistance for the instrument pilot applicant in preparing for his instrument rating flight test. Published in 1967. ($0.10 GPO.) TD 4.408:In 7/2.

61–18B Airline Transport Pilot (Airplane) Written Test Guide (7–1–68).

Describes the type and scope of aeronautical knowledge covered by the written examination, lists appropriate references for study, and presents sample examination questions. Published in 1968. ($0.55 GPO.) TD 4.408:P 64/3.

61–19 Safety Hazard Associated With Simulated Instrument Flights (12–4–64).

Emphasizes the need for care in the use of any device restricting visibility while conducting simulated instrument flights that may also restrict the view of the safety pilot.

61–21 Flight Training Handbook (1–11–66).

Provides information and direction in the introduction and performance of training maneuvers for student pilots, pilots requalifying or preparing for additional ratings, and flight instructors. Reprinted in 1969. ($1.25 GPO.) FAA 1.8:F 64/4.

61–23 Private Pilot's Handbook of Aeronautical Knowledge (5–27–66).

Contains essential, authoritative information used in training and guiding applicants for private pilot certification, flight instructors, and flying school staffs. Reprinted in 1969. ($2.75 GPO.) FAA 5.8/2:P 64/5/965.

61–25 Flight Test Guide—Helicopter, Private and Commercial Pilot (12–7–65).

Assists the helicopter pilot applicant in preparing for the certification flight tests; provides information concerning applicable procedures and standards. Published in 1965. ($0.10 GPO.) FAA 1.8:H 36/2.

61–27A Instrument Flying Handbook (4–30–68).

Provides the pilot with basic information needed to acquire an FAA instrument rating. It is designed for the reader who holds at least a private pilot certificate and is knowledgeable in all areas covered in the "Private Pilot's Handbook of Aeronautical Knowledge." Published in 1969. ($2.50 GPO.) TD 4.408:In 7/3.

61–28A Commercial Pilot Written Test Guide (4–28–70).

Reflects current operating procedures and techniques for the use of applicants in preparing for the Commercial Pilot-Airplane Written Test. ($1.50 GPO.) TD 4.408:P 64/4.

61–29 Instrument Flight Instructor Written Examination Guide (9–28–66).

Designed to aid those preparing for the Instrument Flight Instructor Written Examination, this guide outlines basic knowledge necessary to an instrument flight instructor, indicates sources helpful in acquiring this knowledge, and provides sample questions and answers for practice. Reprinted 1969. ($1.00 GPO.) FAA 1.8:In 7.

61–30 Flight Test Guide—Gyroplane, Commercial Pilot (2–8–66).

Assists commercial pilot operator in preparing for certification test. Revised in 1966. ($0.15 GPO.) FAA 5.8/2:G 99/2/966.

61–31 Gyroplane Pilot Examination Guide, Private and Commercial (2–9–66).

Outlines information basic to a gyroplane pilot, lists sources useful in acquiring this knowledge, and presents sample examination questions.

61–32 Private Pilot Written Examination Guide (8–15–67).

A combination workbook, written test guide. Includes 71 exercises covering every section of the Private Pilot's Handbook of Aeronautical Knowledge plus a sample written test presented in a fashion similar to the current Private Pilot Written Examination. Reprinted in 1969. ($1.75 GPO.) TD 4.408:P64.

61–33 Gyroplane Flight Instructor Examination Guide (3–25–66).

Assists applicants who are preparing for the Flight Instructor Rotorcraft Gyroplane Written Examination. Revised in 1966.

61–34A Federal Aviation Regulations Written Test Guide for Private, Commercial and Military Pilots (6–18–70).

Outlines the scope of the basic knowledge required of civilian or military pilots who are studying FARs as they pertain to the Regulations terminology; to the certification of private and commercial pilots; to the operation of aircraft in the national airspace; and to the requirements of the National Transportation Safety Board. For use as a guide in preparing for the FAR Written Test. ($0.40 GPO.) TD 4.8:P 64.

61–38 Rotorcraft Helicopter Written Test Guide (8–16–67).

Gives guidance to applicants preparing for the aeronautical knowledge requirement for a flight instructor certificate with a helicopter rating.

61–39 Flight Test Guide, Private and Commercial Pilot—Glider (8–28–67).

Assists applicants for private and commercial pilot flight tests in gliders.

61–41 Glider Flight Instructor Written Test Guide (11–7–67).

Outlines the scope of the basic aeronautical knowledge requirements for a glider flight instructor; acquaints the applicant with source material that may be used to acquire this basic knowledge; and presents a sample test with correct answers and explanations.

61–42 Airline Transport Pilot (Helicopter) Written Test Guide (11–7–67).

Provides guidance to applicants preparing for the Airline Transport Pilot Rotorcraft/Helicopter (VFR and/or IFR) Written Tests. Describes the type and scope of required aeronautical knowledge covered by the written test. ($0.35 GPO.) TD 4.408:H 36.

61–43 Glider Pilot Written Test Guide—Private and Commercial (11–30–67).

Outlines the scope of the basic aeronautical knowledge requirements for a glider pilot; acquaints the applicant with source material that may be used to acquire this basic knowledge; and presents a sample test with correct answers and explanations.

61–45 Instrument Rating (Helicopter) Written Test Guide (1–24–68).

Assists applicants who are preparing for the helicopter instrument rating. Presents a study outline, study materials and a sample test with answers.

61–46 Flight Instructor Procedures (6–4–69).

Informs flight instructors of the procedures involved in the renewal or reinstatement of Flight Instructor Certificates, qualification for "Gold Seal" certificates, and endorsing student pilot logbooks for various operations.

61–47 Use of Approach Slope Indicators for Pilot Training (9–16–70).

Informs pilot schools, flight instructors and student pilots of the recommendation of the Federal Aviation Administration on the use of approach slope indicator systems for pilot training.

61.117–1C Flight Test Guide—Commercial Pilot, Airplane (2–7–69).

Assists the commercial applicant in preparing for his certification flight test. ($0.20 GPO.) TD 4.8:P 64/3.

63–1A Flight Engineer Written Test Guide (5–10–68).

Contains information about certification requirements and describes the type and scope of the examination. It also lists appropriate study and reference material and presents sample examinations with test items similar to those found in the official examinations. Published in 1968. ($0.50 GPO.) TD 4.408:En 3.

63–2A Flight Navigator Written Test Guide (4–4–69).

Defines the scope and narrows the field of study to the basic knowledge required for the Flight Navigator Certificate. Published in 1969. ($.40 GPO.) TD 4.8:F 64/2.

65–2A Airframe and Powerplant Mechanics Certification Guide (10–12–67).

Provides information to prospective airframe and powerplant mechanics and other persons interested in FAA certification of aviation mechanics. Reprinted in 1969. ($0.65 GPO.) TD 4.8:Ai 7/6.

65–4A Aircraft Dispatcher Written Test Guide (8–16–68).

Describes the type and scope of aeronautical knowledge covered by the aircraft dispatcher written examination, lists reference materials, and presents sample questions. Published in 1969. ($0.50 GPO.) TD 4.8:Ai 7/12.

65–5 Parachute Rigger Certification Guide (6–19–67).

Provides information on how to apply for a parachute rigger certificate or rating and assists the applicant in preparing for the written, oral, and practical tests. Reprint in 1970. ($0.25 GPO.) TD 4.8:P 21.

65–9 Airframe and Powerplant Mechanics—General Handbook (8–26–70).

Designed as a study manual for persons preparing for a mechanic certificate with airframe or powerplant ratings. Emphasis in this volume is on theory and methods of application, and is intended to provide basic information on principles, fundamentals, and airframe and powerplant ratings. ($4 GPO.) TD 4.408:AI 7/2.

65–11 Airframe and Powerplant Mechanics Certification Information (5–22–70).

Provides answers to questions most frequently asked about Federal Aviation Administration certification of aviation mechanics.

65.33–1 List of Study References for the ATC Tower Operator Examination (5–25–66).

The title is self-explanatory.

65.95–2B Handbook and Study Guide for Aviation Mechanics Inspection Authorization (10–9–70).

This handbook gives guidance to persons conducting annual and progressive inspections and approving major repairs or alterations of aircraft. While the handbook is primarily intended for mechanics holding or preparing for an Inspection Authorization, it may be useful to aircraft manufacturers and certificated repair stations who have these privileges.

Airspace

SUBJECT NO. 70

70/7460–1 Obstruction Marking and Lighting (2–29–68). (Consolidated reprint includes change 1, 1969.)

Describes the agency standards on obstruction marking and lighting and establishes the methods, procedures, and equipment types as official FAA policy. ($0.60 GPO.) TD 4.8:Ob 7/968.

70/7460–1 CH 2 (7–2–70).

Specifies an increase in the maximum width of the aviation surface orange and white painted bands for display on towers, smokestacks and similar structures.

70/7460–2B Proposed Construction or Alterations of Objects That May Affect the Navigable Airspace (11–4–70).

This handbook gives guidance to persons conducting annual and progressive inspections and approving major repairs or alterations of aircraft. It also stresses the important role they have in air safety. While the handbook is primarily intended for mechanics holding or preparing for an Inspection Authorization, it may be useful to aircraft manufacturers and certificated repair stations who have these privileges.

70/7460–3 Petitioning the Administrator for Discretionary Review; Section 77.37, FAR (8–8–68).

Revises and updates information concerning the submission of petitions to the Administrator for review, extension, or revision of determinations issued by regional directors or their designees.

73–1 Establishment of Alert Areas (3–11–68).

Announces the establishment of alert areas and sets forth the procedures which FAA will follow in establishing such areas.

Air Traffic Control and General Operations

SUBJECT NO. 90

90–1A Civil Use of U.S. Government Produced Instrument Approach Charts (4–10–68).

Clarifies landing minimums requirements and revises instrument approach charts.

90–5 Coordination of Air Traffic Control Procedures and Criteria (6–13–63).

States Air Traffic Service policy respecting coordination of air traffic procedures and criteria with outside agencies and/or organizations.

90–8 Radio Identification of Student Pilots (8–15–63).

Encourages student pilots to identify themselves when communicating with FAA facilities.

90–11A Air Traffic Control Radio Frequency Assignment Plan (6–7–68).

Describes the civil air traffic control very high frequency assignment plan and the allocation of frequencies in the 118–136 MHz band.

90–12 Severe Weather Avoidance (4–15–64).

Provides information regarding air traffic control assistance in avoiding severe weather conditions.

90–14A Altitude—Temperature Effect on Aircraft Performance (1–26–68).

Introduces the Denalt Performance Computer and reemphasizes the hazardous effects density altitude can have on aircraft.

90–19 Use of Radar for the Provision of Air Traffic Control Services (10–29–64).

Advises the aviation community of FAA practice in the use of radar information to provide air traffic control services.

90–20 Weather Radar Radomes (11–12–64).

Highlights some important points to consider in the selection and maintenance of weather radar radomes.

90–22B Automatic Terminal Information Service (ATIS) (1–30–70).

Provides updated information concerning the operation of Automatic Terminal Information Service (ATIS).

90–23A Wake Turbulence (12–21–65).

Provides information on the subject of wake turbulence and suggests techniques that may help pilots avoid the hazards associated with wing tip vortex turbulence.

90–31 Retention of Flight Service Station (FSS) Civil Flight Plans and Related Records (7–1–67).

Establishes new retention periods for flight plans, preflight briefing logs, visual flight rule flight progress strips, and related records with FSSs.

90–32 Radar Capabilities and Limitations (8–15–67).

Advises the aviation community of the inherent capabilities and limitations of radar systems and the effect of these factors on the service provided by air traffic control (ATC) facilities.

90–33 VFR Communications for General Aviation (11–20–67).

Describes VHF (118–136 MHz band) air/ground communications channel utilization for general aviation aircraft in the VFR environment and includes information on the use of channels in the private aircraft (122–123 MHz) band recently made available by the Federal Communications Commission (Docket 17177).

90–34 Accidents Resulting from Wheelbarrowing in Tricycle Gear Equipped Aircraft (2–27–68).

Explains "wheelbarrowing", the circumstances under which it is likely to occur, and recommended corrective action.

90–35 Frequency Discipline (5–17–68).

Reemphasizes the need for pilots to be constantly aware of the importance of practicing frequency discipline in normal conduct of operations.

90–36 The Use of Chaff as an In-Flight Emergency Signal (5–22–68).

Advises of the value and proper usage of chaff to alert radar controllers to the presence of an aircraft in distress which has a two-way radio failure.

90–38A Use of Preferred IFR Routes (12–29–69).

Outlines the background, intent, and requested actions pertaining to the use of preferred IFR routes.

90–39 Identification of Civil Aircraft in Radio Communications (8–5–68).

Outlines an important change in the Federal Communications Commission (FCC) rules for the aviation services concerning the methods of identifying aircraft in radio transmissions.

90–40 Intersection Takeoffs (9–5–68).

Apprises pilots concerning procedures governing intersection takeoffs.

90–41 Standard Terminal Arrival Routes (9–6–68).

Describes a program for establishment and use of standard terminal arrival (STARS).

90–42 Traffic Advisory Practices at Nontower Airports (12–9–68).

This circular establishes, as good operating practices, procedures for pilots to exchange traffic information when operating to or from nontower airports.

90–43A Operations Reservations for High-Density Traffic Airports (12–23–69).

Advises the aviation community of the means for all aircraft operators, except scheduled and supplemental air carriers and scheduled air taxis, to obtain a reservation to operate to and/or from designated high-density traffic airports.

90–44 Airport Ground Operations During Low Visibility Conditions (4–25–69).

Alerts the aviation community to potential problem areas which may exist on airport movement areas during periods of extremely low visibility.

90–45 Approval of Area Navigation Systems for Use in the U.S. National Airspace System (8–18–69).

Provides guidelines for implementation of area navigation (RNAV) within the National Airspace System (NAS).

90–45 CH–1 (10–20–70).

Deletes certain items found to be in excess of minimum requirements and clarifies certain other items.

90–46 Depiction of Holding Patterns (8–19–69).

Provides information concerning the Federal Aviation Administration's plan to chart holding patterns and the course of action to be followed when holding is required.

90–47 Abbreviated Instrument Flight Rules Departure Clearance (3–18–70).

Provides guidance to pilots and operators for participation in the Abbreviated IFR Departure Clearance Program.

90–48 Pilots' Role in Collision Avoidance (3–20–70).

Alerts all pilots to the midair collision and near midair collision hazard and to emphasize those basic problem areas of concern, as related to the human causal factors, where improvements in pilot education, operating practices, procedures, and techniques are needed to reduce midair conflicts.

90–49 The Airman's Information Manual (7–31–70).

Serves as a reminder of the importance of pilot familiarity with Rules, Practices, and Procedures for safe flight operations.

90–50 Air Traffic Control Radio Frequency Assignment Plan for VFR and IFR Communications (9–29–70).

Describes the civil air traffic control assignment of frequencies in the very high frequency (118–136 MHz) band.

90–51 FAA Motion Picture—"Caution—Wake Turbulence" (11–17–70).

Announces the availability of a new wake turbulence film and encourages its viewing.

90–52 FAA Symposium on Turbulence (12–15–70).

Announces to the public where and when "FAA Symposium on Wake Turbulence" will convene.

91–3 Acrobatic Flight (9–30–63).

Sets safe operating practices for the conduct of acrobatic flight operations.

91–5A Waivers of Subpart B, Part 91 of the Federal Aviation Regulations (FARs) (5–6–69).

Provides updated information concerning the submission of applications for and the issuance of waivers of Subpart B, FAR 91.

91–6 Water, Slush, and Snow on the Runway (1–21–65).

Provides background and guidelines concerning the operation of turbojet aircraft with water, slush, and/or snow on the runway.

91–7 Hazards Associated With In-Flight Use of "Visible-Fluid" Type Cigarette Lighters (3–16–65).

Discusses the potential hazards associated with in-flight use of "visible-fluid" type cigarette lighters.

91–8A Use of Oxygen by General Aviation Pilots/Passengers (8–11–70).

Provides general aviation personnel with information concerning the use of oxygen.

91–9 Potential Hazards Associated With Turbojet Ground Operations (6–19–65).

Alerts turbojet operators and flight crews to potential hazards involving turbojet operations at airports.

91–10A Suggestions for Use of ILS Minima by General Aviation Operators of Turbojet Airplanes (10–8–65).

Provides general aviation operators of turbojet airplanes with information on practices and procedures to be considered before utilizing the lowest published IFR minima prescribed by FAR Part 97 and provides information on pilot-in-command experience, initial and recurrent pilot proficiency, and airborne airplane equipment.

91–11A Annual Inspection Reminder (12–3–69).

Provides the aviation community with a uniform visual reminder of the date an annual inspection becomes due. (Reference section 91.169(a)(1) of the FARs.)

91.11–1 Guide to Drug Hazards in Aviation Medicine (7–19–63).

Lists all commonly used drugs by pharmacological effect on airmen with side effects and recommendations. Reprinted 1970. ($0.50 GPO.) FAA 7.9:D 84.

91–12B Required Inspection for Aircraft Operating Under FAR 121, 123, 127, or 135 and Reverting to General Operation Under FAR 91 (12–9–70).

Describes acceptable methods for complying with the required inspections set forth in FAR Part 91.

91–13A Cold Weather Operation of Aircraft (1–2–70).

Provides background and guidelines relating to operation of aircraft in the colder climates where wide temperature changes may occur.

91–14 Altimeter Setting Sources (2–15–67).

Provides the aviation public, industry, and FAA field personnel with guidelines for setting up reliable altimeter setting sources.

91–15 Terrain Flying (2–2–67).

A pocket-size booklet designed as a tool for the average private pilot. Contains a composite picture of the observations, opinions, warnings, and advice from veteran pilots who have flown this vast land of ours that can help to make flying more pleasant and safer. Tips on flying into Mexico, Canada, and Alaska. ($0.55 GPO.) TD 4.2:T 27.

91–16 Category II Operations—General Aviation Airplanes (8–7–67).

Sets forth acceptable means by which Category II operations may be approved in accordance with FAR Parts 23, 25, 61, 91, 97, and 135.

91–17 The Use of View Limiting Devices on Aircraft (2–20–68).

Alerts pilots to the continuing need to make judicious and cautious use of all view limiting devices on aircraft.

91–19 Emergency Locator Beacons—Crash, Survival, Personnel (3–17–69).

Provides information concerning recent activities relating to emergency locator radio beacons. Describes for users the means by which such signals will be monitored or heard.

91–20 Inspection Schedule—for Beech Model B–99 (3–14–69).

Provides information for use by persons planning to develop an inspection schedule for Beech Model B–99.

91–21 Inspection Schedule—for Handley-Page Model HP–137 (4–24–69).

Provides information for use by persons planning to develop an inspection schedule for the Handley-Page Model HP–137 aircraft.

91–22 Altitude Alerting Devices/Systems (7–7–69).

Provides guidelines for installing and evaluating altitude alerting systems.

91–23 Pilot's Weight and Balance Handbook (5–6–69)

Provides an easily understood text on aircraft weight and balance for pilots who need to appreciate the importance of weight and balance control for safety of flight. Progresses from an explanation of basic fundamentals to the complete application of weight and balance principles in large aircraft operations. ($0.70 GPO.) TD 4.408: P 64/3.

91–24 Aircraft Hydroplaning or Aquaplaning on Wet Runways (9–4–69).

Provides information to the problem of aircraft tires hydroplaning on wet runways.

91–25 Loss of Visual Cues During Low Visibility Landings (9–22–69).

Provides information regarding the importance to the pilot of maintaining unbroken visual cues during the final stages of an instrument approach when reaching the DH or MDA and continuing further descent.

91–26 Maintenance and Handling of Air-Driven Gyroscopic Instruments (10–29–69).

Advises operators of general aviation aircraft of the need for proper maintenance of air-driven gyroscopic instruments and associated air filters.

91–27 Systemsworthiness Analysis Program (10–30–69).

Provides information on the adaptation of the Systemsworthiness Analysis Program to certain activities in general aviation.

91–28 Unexpected Opening of Cabin Doors (12–23–69).

Outlines the importance of assuring that cabin doors are properly closed prior to takeoff.

91–29 Radar Transponder Requirements (3–30–70).

Describes certain aspects of the planned operation of the Air Traffic Control Radar Beacon System (ATCRBS) which will be of interest to aircraft operators who expect to use radar transponders in their aircraft.

91–30 Terminal Control Areas (TCA) (6–11–70).

Explains the TCA concept and answers some of the most frequently asked questions pertaining to TCA.

91–31 FAR Requirement for the Filing of Flight Plans for Flights Between Mexico and the United States (2–1–71).

Informs pilots of the requirements of section 91.12(c) of Part 91 of the Federal Aviation Regulations.

91.29–1 Special Structural Inspections (1–8–68).

Discusses occurrences which may cause structural damage affecting the airworthiness of aircraft.

91.83–1 Canceling or Closing Flight Plans (3–12–64).

Outlines the need for canceling or closing flight plans promptly to avoid costly search and rescue operations.

91.83–2 IFR Flight Plan Route Information (2–16–66).

Clarifies the air traffic control needs for the filing of route information in an

IFR (Instrument Flight Rules) flight plan.

95–1 Airway and Route Obstruction Clearance (6–17–65).

Advises all interested persons of the airspace areas within which obstruction clearance is considered in the establishment of Minimum En Route Instrument Altitudes (MEAs) for publication in FAR Part 95.

99.11–1 Flight Plan Requirements: Coastal or Domestic ADIZ (11–15–63).

Provides recommended flight plan filing procedures for operation within or into an Air Defense Identification Zone (ADIZ).

99.27–1 Flight Plan Tolerances for Air Defense Identification Zones (9–30–63).

Provides recommended flight plan tolerances for operations within or into the ADIZ.

101–1 Waivers of Part 101, Federal Aviation Regulations (1–13–64).

Provides information on submission of applications and issuances of waivers to FAR Part 101.

103–1 Hazard Associated With Sublimation of Solid Carbon Dioxide (Dry Ice) Aboard Aircraft (12–16–63).

Discusses potential hazards of dry ice and gives precautionary measures.

103–2 Information Guide for Air Carrier Handling of Radioactive Materials (7–23–70).

Acquaints air carrier industry and in particular, air freight handling personnel, with the essential requirements and practical application of the various regulations pertaining to the handling and transportation of radioactive materials.

105–2 Sport Parachute Jumping (9–6–68).

Provides suggestions to improve sport parachuting safety; information to assist parachutists in complying with FAR Part 105; and a list of aircraft which may be operated with one cabin door removed, including the procedures for obtaining FAA authorization for door removal.

Air Carrier and Commercial Operators and Helicopters

SUBJECT NO. 120

120–1A Reporting Requirements of Air Carriers, Commercial Operators, and Travel Clubs (4–24–69).

Advises of the mechanical reliability reporting requirements contained in FAR Parts 121 and 127 and the accident and incident reporting requirements of NTSB Part 430, Safety Investigation Regulations.

120–2A Precautionary Propeller Feathering To Prevent Runaway Propellers (8–20–63).

Emphasizes the need for prompt feathering when there is an indication of internal engine failure.

120–5 High Altitude Operations in Areas of Turbulence (8–26–63).

Recommends procedures for use by jet pilots when penetrating areas of severe turbulence.

120–7A Minimum Altitudes for Conducting Certain Emergency Flight Training Maneuvers and Procedures (7–27–70).

Issued to emphasize to all air carriers and other operators of large aircraft the necessity for establishing minimum altitudes above the terrain or water when conducting certain simulated emergency flight training maneuvers.

120–12 Private Carriage Versus Common Carriage by Commercial Operators Using Large Aircraft (6–24–64).

Provides guidelines for determining whether current or proposed transportation operations by air constitute private or common carriage.

120–13 Jet Transport Aircraft Attitude Instrument Systems (6–26–64).

Provides information about the characteristics of some attitude instrument systems presently installed in some jet transport aircraft.

120–16A Continuous Airworthiness Program (9–11–69).

Provide air carriers and commercial operators with guidance and information pertinent to certain provisions of Federal Aviation Regulations Parts 121 and 127.

120–17 Handbook for Maintenance Control by Reliability Methods (12–31–64).

Provides information and guidance material which may be used to design or develop maintenance reliability programs which include a standard for determining time limitations.

120–17 CH 1 (6–24–66).

120–17 CH 2 (5–6–68).

120–18 Preservation of Maintenance Records (5–10–65).

Provides information and guidance relative to the microfilming of maintenance records.

120–21 Aircraft Maintenance Time Limitations (6–24–66).

Provides methods and procedures for the initial establishment and revision of time limitations on inspections, checks, maintenance or overhaul.

120–24A Establishment and Revision of Aircraft Engine Overhaul and Inspection Periods (2–25–69).

Describes methods and procedures used by the FAA in the establishment and revision of aircraft engine overhaul periods.

120–26A Civil Aircraft Operator Designators (5–11–70).

Revises the criteria and states the procedures for the assignment of a designator and a corresponding air/ground call sign to civil aircraft operators engaged in domestic services on a repetitive basis.

120–27 Aircraft Weight and Balance Control (10–15–68).

Provides a method and procedures for weight and balance control.

120–28 Concepts of Airborne Systems for Category IIIA Operations (9–5–69).

Assist the aviation industry with initial preparations for Category IIIA operations.

120–29 Criteria for Approving Category I and Category II Landing Minima for FAR 121 Operators (9–25–70).

Sets forth criteria used by FAA in approving turbojet landing minima of less than 300–¾ or RVR 4,000 (Category I) and Category II minima for all aircraft.

121–1 Standard Maintenance Specifications Handbook (12–15–62).

Consolidated reprint 5–15–69, includes Changes 1 through 18.

Provides procedures acceptable to FAA which may be used by operators when establishing inspection intervals and overhaul times.

121–1 CH 19 (12–19–69).

Revises existing material in the subject handbook.

121–1 CH 20 (7–17–70).

Changes existing and includes new material in the subject handbook.

121–1 CH 21 (12–14–70).

Revises existing and includes new material in the subject handbook.

121–3L Maintenance Review Board Reports (1–29–71).

Revises the list of Maintenance Review Board Reports that are currently in effect (January 1971).

121–6 Portable Battery-Powered Megaphones (1–5–66).

Sets forth an acceptable means for complying with rules (applicable to various persons operating under Part 121 of the Federal Aviation Regulations) that prescribe the installation of approved megaphones.

121–7 Use of Seat Belts by Passengers and Flight Attendants To Prevent Injuries (7–14–66).

Concerned with the prevention of injury due to air turbulence.

121–9 Maintenance of Evacuation Slides (9–22–66).

Provides information and guidance to air carriers and commercial operators in the maintenance of emergency evacuation slides.

121–12 Wet or Slippery Runways (8–17–67).

Provides uniform guidelines in the application of the "wet runway" rule by certificate holders operating under FAR 121.

121–13 Self-Contained Navigation Systems (Long Range) (10–14–69).

States an acceptable means, not the only means, of compliance with the referenced sections of the FAR as they

apply to persons operating under Parts 121 or 123 who desire approval of Doppler RADAR navigation systems or Inertial Navigation Systems (INS) for use in their operations.

121-13 CH-1 (7-31-70).

Assures standardization of the Minimum Equipment List (MEL) with respect to Inertial Navigation Systems (INS) through the appropriate Flight Operations Evaluation Board (FOEB).

121-13 CH-2 (12-21-70).

Permits all flight training for Doppler and INS qualification, to be completed in a simulator or training device approved for conducting the required pilot training and qualifications in the use of these systems.

121-14 Aircraft Simulator Evaluation and Approval (12-19-69).

Sets forth one means that would be acceptable to the Administrator for approval of aircraft simulators or other training devices requiring approval under 121.407.

121-16 Maintenance Certification Procedures (11-9-70).

Provides guidance for the preparation of an Operations Specification—Preface Page which will afford nominal and reasonable relief from approved service and overhaul time limits when a part is borrowed from another operator.

121.195(d)-1 Alternate Operational Landing Distances for Wet Runways; Turbojet Powered Transport Category Airplanes (11-19-65).

Sets forth an acceptable means, but not the only means, by which the alternate provision of section 121.195(d) may be met.

123-1 Air Travel Clubs (10-17-68).

Sets forth guidelines and procedures to assist air travel clubs using large aircraft in meeting safety requirements of FAR Part 123.

135.155-1 Alternate Static Source for Altimeters and Airspeed and Vertical Speed Indicators (2-16-65).

Sets forth an acceptable means of compliance with provisions in FAR Part 135 and Part 23 dealing with alternate static sources.

135-1A Air Taxi Aircraft Weight and Balance Control (9-26-69).

Provides a method and procedures for developing a weight and balance control system for small aircraft operating in the air taxi fleet under FAR Part 135.

135-2 Air Taxi Operators of Large Aircraft (10-14-69).

Provides guidelines and procedures for use by air taxi operators or applicants for Air Taxi Operator certificates who desire to obtain FAA authorization to operate large aircraft (more than 12,500 pounds maximum certificated takeoff weight) in air taxi operations.

135-3 Air Taxi Operators of Small Aircraft (2-17-70).

Sets forth guidelines and procedures to assist persons in complying with the requirements of Federal Aviation Regulations, Part 135.

135.60-1 Aircraft Inspection Programs (5-1-70).

Provides information for use by air taxi operators and commercial operators of small aircraft developing an aircraft inspection program for FAA approval.

137-1 Agricultural Aircraft Operations (11-29-65).

Explains and clarifies the requirements of FAR Part 137 and provides additional information, not regulatory in nature, which will assist interested persons in understanding the operating privileges and limitations of this part.

Schools and Other Certificated Agencies

SUBJECT NO. 140

140-1E Consolidated Listing of FAA Certificated Repair Stations (12-9-70).

Provides a revised directory of all FAA certificated repair stations as of October 1970.

140-2E List of Certificated Pilot Flight and Ground Schools (1-1-69).

Lists FAA certificated pilot schools as of January 1969.

140-3B Approval of Pilot Training Courses Under Subpart D of Part 141 of the FAR (1-8-70).

The title is self-explanatory.

140-4 Use of Audio-Visual Courses in Approved Pilot Ground Schools Certificated Under Part 141 (8-7-68).

Informs operators of certificated pilot schools on the use of audio-visual training aids for instruction in approved ground school courses conducted under the FARs.

143-1B Ground Instructor Examination Guide—Basic—Advanced (4-18-67).

Designed to assist applicants preparing for the Basic or Advanced Ground Instructor Written Examination by outlining the required knowledge and by providing sample questions for practice. Revised in 1967. ($1 GPO.) TD 4.408: G 91.

143-2B Ground Instructor—Instrument—Written Test Guide (6-25-70).

Provides information to applicants for the instrument ground instructor rating about the subject areas covered in the examination and illustrated by a study outline, a list of study materials, and a sample examination with answers. ($0.65 GPO.) TD 4.8: G 91.

145.101-1A Application for Air Agency Certificate—Manufacturer's Maintenance Facility (3-10-69).

Explains how to obtain a repair station certificate.

147-2G Directory of FAA Certificated Aviation Maintenance Technician Schools (10-27-70).

Provides a revised directory of all FAA certificated aviation maintenance technician schools (formerly mechanic schools) as of the effective date.

149-2E Listing of Federal Aviation Administration Certificated Parachute Lofts (12-9-70).

Describes acceptable methods for complying with the required inspections set forth in Federal Aviation Regulations, Part 91.

Airports

SUBJECT NO. 150

DEFENSE READINESS PROGRAM

150/1930-1 Radiological Decontamination of Civil Airports (8-19-66).

Offers guidance in preattack preparations, emergency action and decontamination methods.

AIRPORT PLANNING

150/5000-1 Cancellation of Obsolete Publications Issued by Standards Division, Airports Service (4-17-70).

Cancels outstanding airport engineering data sheets, technical standard orders, airport engineering bulletins, and miscellaneous publications that are no longer current and to direct the reader to a new source of information, where applicable.

150/5000-2 Index of Publications, Airport Service, Standards Division (9-28-70).

Transmits the first Airports Service, Standards Division, index of advisory circulars and related publications.

150/5040-1A Announcement of Report—Aviation Demand and Airport Facility Requirement Forecasts for Large Air Transportation Hubs Through 1980 (3-27-69).

Announces the availability of the new report and where to obtain it.

150/5040-2 Announcement of Report—Aviation Demand and Airport Facility Requirement Forecasts for Medium Air Transportation Hubs Through 1980 (5-22-69).

Announces the availability to the public, Federal Aviation Administration personnel, airport and local government planning officials, the aviation industry, and the interested public with forecasts of aviation demand and selected airport facility requirements for medium hubs through 1980.

150/5040-3 Announcement of Report—A Suggested Action Program for the Relief of Airfield Congestion at Selected Airports (6-19-69).

Announces the availability of the report to the public which identifies and analyzes the possible improvements leading to reduced aircraft delays at 18 of the Nation's highest density airports.

150/5040-4 Announcement of Supplementary Report—A Suggested Action Program for the Relief of Airfield Congestion at Selected Airports (3-31-70).

Identifies and analyzes possible improvements needed to prevent delays at 10 additional airports where demand compared to capacity indicates serious congestion will become a problem. This report is supplementary to the report announced by AC 150/5040-3.

150/5050–2 Compatible Land Use Planning in the Vicinity of Airports (4–13–67).

Advises Federal Aviation Administration personnel, local government officials and the public of the availability of the following two reports prepared under the auspices of the FAA by the firm of Transportation Consultants, Inc. *Compatible Land Use Planning On and Around Airports, and Aids Available for Compatible Land Use Planning Around Airports.*

150/5050–3 Announcement of a Report Entitled "Planning the State Airport System" (1–31–69).

Advises of the availability of the report and how to obtain it.

150/5060–1A Airport Capacity Criteria Used in Preparing the National Airport Plan (7–8–68).

Presents the method used by the Federal Aviation Administration for determining when additional runways, taxiways, and aprons should be recommended in the National Airport Plan. The material is also useful to sponsors and engineers in developing Airport Layout Plans and for determining when additional airport pavement facilities should be provided to increase aircraft accommodation capacity at airports.

150/5060–2 Airport Site Selection (7–19–67).

Recommends procedures and provides guidance for analyzing potential airport sites.

150/5060–3A Airport Capacity Criteria used in Long-Range Planning (12–24–69).

Describes the method used by the Federal Aviation Administration for determining the approximate practical hourly and practical annual capacities of various airport runway configurations and is used in long-range (10 years or more) planning for expansion of existing airports and construction of new airports to accommodate forecast demand.

150/5070–1 Rapid Transit Service for Metropolitan Airports (8–26–65).

Informs airport officials of a Federal assistance program for rapid transit.

150/5070–2 Planning the Metropolitan Airport (9–17–65). (Consolidated reprint 6–30–66 includes change 1.)

Provides guidance and methodology for planning the metropolitan airport system as a part of the comprehensive metropolitan planning program.

150/5070–3 Planning the Airport Industrial Park (9–30–65).

Provides guidance to communities, airport boards, and industrial developers for the planning and development of Airport Industrial Parks.

150/5070–4 Planning for Rapid Urbanization Around Major Metropolitan Airports (3–31–66).

Alerts planning agencies to the need for developing appropriate planning programs to guide rapid urbanization in the vicinity of major metropolitan airports and suggests procedures for such planning programs.

150/5070–5 Planning the Metropolitan Airport System (5–22–70).

Gives guidance in developing airport-system plans for large metropolitan areas. It may be used by metropolitan planning agencies and their consultants in preparing such system plans and by the FAA in reviewing same. ($1.25 GPO) TD 4.108:M56/2.

150/5090–1 Regional Air Carrier Airport Planning (2–2–67).

This circular: (1) Informs local and State governments, airport operators, and area planners of a Federal policy concerning the development of a single airport to serve two or more cities and their environs; and (2) provides such planners with guidance for evaluating the feasibility of establishing such regional airports.

FEDERAL-AID AIRPORT PROGRAMS

150/5100–3A Federal-aid Airport Program-Procedures Guide for Sponsors (9–20–68).

Provides guidance to public agencies that sponsor or propose to sponsor projects under the Federal-aid Airport Program (FAAP) authorized by the Federal Airport Act.

150/5100–3A CH 1 (11–28–69).

Transmits revised pages to subject advisory circular.

150/5100–4 Airport Advance Planning (1–12–68).

Provides an explanation of the FAA advance planning program.

150/5100–5 Land Acquisition in the Federal-aid Airport Program (1–30–69).

Provides general information to sponsors of airport development projects under the Federal-aid Airport Program on the eligibility of land acquisition and extent of Federal participation in land acquisition costs.

150/5100–6 Labor Requirements in Federal-aid Airport Program Contracts (6–6–69).

Covers the basic labor requirements applicable to the Federal-aid Airport Program (FAAP). Intended primarily for the guidance of those public agencies sponsoring projects under the program and the contractors and subcontractors engaged in work under a project.

150/5100–7 Requirement for Public Hearing in the Airport Development Aid Program (1–4–71).

Provides guidance to sponsors of airport development projects under the Airport Development Aid Program (ADAP) on the necessity for and conduct of public hearings.

SURPLUS AIRPORT PROPERTY CONVEYANCE PROGRAMS

150/5150–2 Federal Surplus Personal Property for Public Airport Purposes (6–27–68).

Outlines policies and procedures for State and local agencies applying for and acquiring surplus Federal personal property for public airport purposes.

150/5150–2 CH 1 (4–22–69).

Revises the flow of copies of the SF 123 to provide for more accurate review of donated property.

AIRPORT COMPLIANCE PROGRAM

150/5190–1 Minimum Standards for Commercial Aeronautical Activities on Public Airports (8–18–66).

Gives to owners of public airports information helpful in the development and application of minimum standards for commercial aeronautical activities.

150/5190–2 Exclusive Rights at Airports (9–2–66).

Provides basic information and guidance on FAA policy concerning exclusive rights at public airports on which Federal funds, administered by the FAA, have been expended.

150/5190–3 Model Airport Zoning Ordinance (1–16–67).

Provides a guide to be used in preparing airport zoning ordinances. This model will require modification and revision to suit circumstances and fulfill State and local law.

AIRPORT SAFETY—GENERAL

150/5200–1 Bird Hazards to Aviation (3–1–65).

Discusses certain steps that can be taken toward reducing or solving the bird strike problem on and near airports.

150/5200–2A Bird Strike/Incident Report Form (1–9–70).

Informs military and civil aviation organizations that FAA Form 3830, "Bird Strike/Incident Report Form," (BOB: 04–R136) is available for use in reporting bird hazards and accidents/incidents to aircraft resulting from bird strikes.

150/5200–3 Bird Hazards to Aircraft (10–7–66).

Transmits the latest published information concerning the reduction of bird strikes on aircraft.

150/5200–4 Foaming of Runways (12–21–66).

Discusses runway foaming and suggests procedures for providing this service.

150/5200–5 Considerations for the Improvement of Airport Safety (2–2–67).

Emphasizes that, in the interest of accident/incident prevention, airport management should conduct self-evaluations and operational safety inspections. An exchange of information and suggestions for the improvement of airport safety is also suggested.

150/5200–6A Security of Aircraft at Airports (6–28–68).

Directs attention to the problem of pilferage from aircraft on airports and suggests action to reduce pilferage and the hazards that may result therefrom.

150/5200–7 Safety on Airport During Maintenance of Runway Lighting (1–24–68).

Points the possibility of an accident occurring to airport employees caused by electrocution.

150/5200–8 Use of Chemical Controls to Repel Flocks of Birds at Airports (5–2–68).

Acquaints airport operators with new recommendations on the use of chemical methods for dispersing flocks of birds.

150/5200–9 Bird Reactions and Scaring Devices (6–26–68).

Transmits a report on bird species and their responses and reactions to scaring devices.

150/5200–10 Airport Emergency Operations Planning (7–26–68).

Provides guidance to airport management and disaster control personnel in the preparation of plans for emergency actions at civil airports.

150/5200–10 CH 1 (9–15–70).

Transmits additional guidance regarding post accident passenger accommodations, crowd control, a regional telephone list for requesting radiological assistance from the Atomic Energy Commission, and other items related to these subjects.

150/5200–11 Airport Terminals and the Physically Handicapped (11–27–68).

Discusses the problems of the physically handicapped air traveler and suggests features that can be incorporated in modification or new construction of airport terminal buildings.

150/5200–12 Fire Department Responsibility in Protecting Evidence at the Scene of an Aircraft Accident (8–7–69).

Furnishes general guidance for employees of airport management and other personnel responsible for firefighting and rescue operations, at the scene of an aircraft accident, on the proper preservation of evidence.

150/5200–13 Removal of Disabled Aircraft (8–27–70).

Discusses the responsibility for disabled aircraft removal and emphasizes the need for prearranged agreements, plans, equipment, and improved coordination for the expeditious removal of disabled aircraft from airport operating areas. It also illustrates some of the various methods used, equipment employed, equipment available, and concepts for aircraft recovery.

150/5200–14 Results of 90–Day Trial Exercise on Fire Department Activity (9–8–70).

Transmits statistical data collected during a 90-day trial exercise conducted to determine the relationship between aircraft fire and rescue service activities and airport aeronautical operations.

150/5200–15 Availability of the International Fire Service Training Association's (IFSTA) Aircraft Fire Protection and Rescue Procedures Manual (9–11–70).

Announces the availability of the subject manual.

150/5210–2 Airport Emergency Medical Facilities and Services (9–3–64).

Provides information and advice so that airports may take specific voluntary preplanning actions to assure at least minimum first-aid and medical readiness appropriate to the size of the airport in terms of permanent and transient personnel.

150/5210–4 FAA Aircraft Fire and Rescue Training Film, "Blanket for Survival" (10–27–65).

Provides information on the purpose, content, and availability of the subject training film.

150/5210–5 Painting, Marking, and Lighting of Vehicles Used on an Airport (8–31–66).

Makes recommendations concerning safety, efficiency, and uniformity in the interest of vehicles used on the aircraft operational area of an airport.

150/5210–6A Aircraft Fire and Rescue Facilities and Extinguishing Agents (1–14–70).

Furnishes general guidance for estimating the aircraft fire and rescue facilities needed at civil airports.

150/5210–7 Aircraft Fire and Rescue Communications (10–28–66).

Provides airport management with information helpful in the establishment of communication and alarm facilities. Such facilities alert and guide those personnel who must deal with aircraft ground emergencies.

150/5210–8 Aircraft Firefighting and Rescue Personnel and Personnel Clothing (1–13–67).

Provides guidance concerning the manning of aircraft fire and rescue trucks, the physical qualifications that personnel assigned to these trucks should meet, and the protective clothing with which they should be equipped.

150/5210–9 Airport Fire Department Operating Procedures During Periods of Low Visibility (10–27–67).

Suggests training criteria which airport management may use in developing minimum response times for aircraft fire and rescue trucks during periods of low visibility.

150/5210–10 Airport Fire and Rescue Equipment Building Guide (12–7–67).

This title is self-explanatory.

150/5210–11 Response to Aircraft Emergencies (4–15–69).

Informs airport operators and others of an existing need for reducing aircraft firefighting response time, and outlines a uniform response time goal of 2 minutes within aircraft operational areas on airports.

150/5220–1 Guide Specification for a Light-Weight Airport Fire and Rescue Truck (7–24–64).

Describes a vehicle with performance capabilities considered as minimum for an acceptable light rescue truck.

150/5220–2 Guide Specification for 1,800-Gallon Aircraft Fire and Rescue Truck (7–24–64).

Describes a vehicle possessing the minimum performance capabilities recommended for an acceptable aircraft fire and rescue truck.

150/5220–3 Guide Specification for 1,000-Gallon Aircraft Fire and Rescue Truck (3–9–67).

The title is self-explanatory.

150/5220–4 Water Supply Systems for Aircraft Fire and Rescue Protection (12–7–67).

The title is self-explanatory.

150/5220–5 Guide Specification for a Combination Foam and Dry Chemical Aircraft Fire and Rescue Truck (12–29–67).

Specification requirements developed by FAA to assist airport management in developing local procurement specifications for fire and rescue trucks.

150/5220–6 Guide Specification for 1,000-Gallon Tank Truck (4–10–68).

Assists airport management in the development of local procurement specifications.

150/5220–7 Guide Specification for 2,500-Gallon Aircraft Fire and Rescue Truck (8–30–68).

Guide Specification developed to assist airport management in the development of local procurement specifications.

150/5220–8 Guide Specification for 2,000-Gallon Tank Truck (6–13–69).

Assists airport management in the development of local procurement specifications for 2,000-gallon tank truck.

150/5220–9 Aircraft Arresting System for Joint Civil/Military (4–6–70).

Updates existing policy and describes and illustrates the various types of military aircraft emergency arresting systems that are now installed at various joint civil/military airports. It also informs users of criteria concerning installations of such systems at joint civil/military airports.

150/5230–1 Suggestions for Airport Safety Self-Inspection (3–30–64).

Summarizes the functional statements, procedures, forms, and schedules on safety self-inspection now in use at many U.S. civil airports.

150/5230–3 Fire Prevention During Aircraft Fueling Operations (4–8–69).

This advisory circular provides information on fire preventative measures

which aircraft servicing personnel should observe during fueling operations.

CIVIL AIRPORTS EMERGENCY PREPAREDNESS

150/5240–1A Airport Disaster Control Guide (10–31–67).

Acts as a guide to reducing or avoiding problems imposed by enemy nuclear attack.

DESIGN, CONSTRUCTION, AND MAINTENANCE—GENERAL

150/5300–2A Airport Design Standards—Site Requirements for Terminal Navigational Facilities (10–8–69).

Provides information regarding the location, function, and siting requirements of terminal air navigational facilities to enable sound airport design and development, as well as facilitating their proper and economical establishment.

150/5300–3 Adaptation of TSO–N18 Criterion to Clearways and Stopways (10–18–64).

Sets forth standards recommended by the FAA for guidance of the public for the adaptation of TSO–N18 criterion to clearways and stopways.

150/5300–4A Utility Airports—Air Access to National Transportation (5–6–69).

Presents recommendations of the Federal Aviation Administration for the design of utility airports. These airports are developed for general aviation operations and this guide has been prepared to encourage and guide persons interested in their development. ($1.75 GPO.) TD 4.8:Ai 7/968.

150/5300–5 Airport Reference Point (9–26–68).

Defines and presents the method for calculating an airport reference point.

150/5300–6 Airport Design Standards, General Aviation Airports, Basic and General Transport (7–14–69).

Provides recommended design criteria for the development of larger than general utility airports.

150/5300–7 FAA Policy on Facility Relocations Occasioned by Airport Improvements or Changes (11–7–70).

Informs the aviation community of the FAA policy governing responsibility for funding relocation, replacement and modification to air traffic control and air navigation facilities that are made necessary by improvements or changes to the airport.

150/5300–8 Planning and Design Criteria for Metropolitan STOL Ports (11–5–70).

Provides the criteria recommended for the planning and design of STOL ports in metropolitan areas.

150/5310–2 Airport Planning and Airport Layout Plans (9–19–68).

Contains guidance material for airport planning and preparation of airport layout plans. It applies to any airport. It is also used as a basis for determining the acceptability of airport layout plans prepared or revised with Federal cost participation under the Federal-aid Airport Program.

150/5310–3 FAA Order 5310.2, Relocating Thresholds Due to Obstructions at Existing Runways (5–27–68).

Announces the issuance of instructions to FAA field personnel on the displacement or relocation of thresholds.

150/5320–5B Airport Drainage (7–1–70).

Provides guidance for engineers, airport managers, and the public in the design and maintenance of airport drainage systems. ($1.00 GPO.) TD 4.8:78/970.

150/5320–6A Airport Paving (5–9–67).

Provides data for the design and construction of pavements at civil airports.

150/5320–6A CH 1 (6–11–68).

Transmits page changes and adds new chapter 6 to basic AC.

150/5320–6A CH 2 (2–2–70).

Transmits new paragraphs 3, 4, and 5, and adds a new Appendix 2.

150/5320–6A CH 3 (4–1–70).

Transmits several page changes and new subgrade compaction criteria.

150/5325–2B Airport Design Standards—Air Carrier Airports—Surface Gradient and Line of Sight (2–18–70).

Establishes design standards for airports served by certificated air carriers to assist engineers in (1) designing the gradients of airport surface areas used to accommodate the landing, takeoff, and other ground movement requirements of airplanes while (2) providing adequate line of sight between airplanes operating on airports.

150/5325–3 Background Information on the Aircraft Performance Curves for Large Airplanes (1–26–65).

Provides airport designers with information on aircraft performance curves for design which will assist them in an objective interpretation of the data used for runway length determination.

150/5325–3 CH 1 (5–12–66).

Transmits a revision to the effective runway gradient standards.

150/5325–4 Runway Length Requirements for Airport Design (4–5–65).

Presents aircraft performance curves and sets forth standards for the determination of runway lengths to be provided at airports. The use of these standards is required for project activity under the Federal-Aid Airport Program when a specific critical aircraft is considered as the basis for the design of a runway.

150/5325–4 CH 1 (8–5–65).

Provides amended information for the basic advisory circular and includes aircraft performance curves for the BAC 1–11.

150/5325–4 CH 2 (9–21–65).

Transmits aircraft performance curves for the Boeing 707–300C and the Fairchild F–27 and F–27B.

150/5325–4 CH 3 (4–25–66).

Transmits aircraft performance curves for the Douglas DC–8–55, DC–8F–55, and DC–9–10 Series, the Fairchild F–27J, and the Nord 262.

150/5325–4 CH 4 (5–12–66).

Transmits a revision to the effective runway gradient standards.

150/5325–4 CH 5 (7–13–66).

Transmits aircraft performance curves for the Douglas DC–9–10 Series equipped with Pratt & Whitney JT8D–1 Engines.

150/5325–4 CH 6 (12–8–66).

It is recommended that turbojet powered aircraft use more runway length when landing under wet or slippery, rather than under dry conditions. This change furnishes a basis for estimating the additional recommended length.

150/5325–4 CH 7 (2–7–67).

Presents design curves for landing and takeoff requirements of airplanes in common use in the civil fleet. Also presented are instructions on the use of these design curves and a discussion of the factors considered in their development.

150/5325–4 CH 8 (11–8–67).

Transmits aircraft performance curves for the Boeing 747, Convair 640 (340D or 440D), and Douglas DC–9–30 Series.

150/5325–5A Aircraft Data (1–12–68).

Presents a listing of principal dimensions of aircraft affecting airport design for guidance in aircraft development.

150/5325–6 Effects of Jet Blast (4–15–65).

Presents the criteria for treatment of jet blast effects which are acceptable in accomplishing a project meeting the eligibility requirements of the Federal-aid Airport Program.

150/5325–7 Is Your Airport Ready for the Boeing 747 (1–23–68).

Presents a preliminary condensed survey of today's airport design criteria and their suitability to the presently known characteristics of the Boeing 747 airplane.

150/5325–8 Compass Calibration Pad (5–8–69).

Provides guidelines for the design, location on the airport, and construction of a compass calibration pad, and basic information concerning its use in determining the deviation error in an aircraft magnetic compass.

150/5330–2A Runway/Taxiway Widths and Clearances for Airline Airports (7–26–68).

Presents the Federal Aviation Administration recommendations for landing strip, runway, and taxiway widths and clearances at airports served by certificated air carriers.

150/5330–3 Wind Effect on Runway Orientation (5–5–66).

Provides guidance for evaluating wind conditions and determining their effect on the orientation of runways.

150/5335–1A Airport Design Standards—Airports Served by Air Carriers—Taxiways (5–15–70).

Provides criteria on taxiway design for airports served by certificated route air carriers with present airplanes and those anticipated in the near future.

150/5335–2 Airport Aprons (1–27–65).

Provides the criteria for airport aprons which are acceptable in accomplishing a project meeting the eligibility requirements of the Federal-aid Airport Program.

150/5340–1C Marking of Paved Areas on Airports (11–3–70).

Describes standards for marking serviceable runways and taxiways as well as deceptive, closed, and hazardous areas on airports.

150/5340–4B Installation Details for Runway Centerline and Touchdown Zone Lighting Systems (5–6–69).

Describes standards for the design and installation of runway centerline and touchdown zone lighting systems.

150/5340–5 Segmented Circle Airport Marker System (8–1–63).

Recommends an airport marking system of pilot aids and traffic control devices. Required for FAAP project activity.

150/5340–8 Airport 51-foot Tubular Beacon Tower (6–11–64).

Provides design and installation details on the subject tower.

150/5340–9 Prefabricated Metal Housing for Electrical Equipment (8–18–64).

Provides design and installation details on the subject metal housing.

150/5340–13A High Intensity Runway Lighting System (4–14–67).

Provides corrected curves for estimating loads in high intensity series circuits.

150/5340–14B Economy Approach Lighting Aids (6–19–70).

Describes standards for the design, selection, siting, and maintenance of economy approach lighting aids.

150/5340–15A Taxiway Edge Lighting System (11–1–67).

Describes standards for the design, installation, and maintenance of a taxiway edge lighting system.

150/5340–15A CH 1 (4–2–68).

Transmits change to basic AC.

150/5340–16B Medium Intensity Runway Lighting System and Visual Approach Slope Indicators for Utility Airports (10–26–70).

Describes standards for the design installation, and maintenance of medium intensity runway lighting system (MIRL), and visual approach slope indicators for utility airports.

150/5340–17 Standby Power for Non-FAA Airport Lighting Systems (1–25–68).

Describes standards acceptable for the design, installation, and maintenance of standby power for nonagency owned airport visual aids associated with the National Airspace System.

150/5340–18 Taxiway Guidance System (9–27–68).

Describes the recommended standards for design, installation, and maintenance of a taxiway guidance sign system.

150/5340–19 Taxiway Centerline Lighting System (11–14–68).

Describes the recommended standards for design, installation, and maintenance of a taxiway centerline lighting system.

150/5340–20 Installation Details and Maintenance Standards for Reflective Markers for Airport Runway and Taxiway Centerlines (2–17–69).

Describes standards for the installation and maintenance of reflective markers for airport runway and taxiway centerlines.

150/5345–1B Approved Airport Lighting Equipment (10–30–68).

Contains lists of approved airport lighting equipment and manufacturers qualified to supply such equipment.

150/5345–2 Specification for L–810 Obstruction Light (11–4–63).

Required for FAAP project activity.

150/5345–2 CH 1 (10–28–66).

Transmits page changes to the subject advisory circular. This change provides for a new Alloy 360 in the die casting process.

150/5345–3A Specification for L–821 Airport Lighting Panel for Remote Control of Airport Lighting (10–20–67).

Required for FAAP project activity.

150/5345–3A CH 1 (6–11–68).

Corrects case dimensions for the size 4 panel and other page changes.

150/5345–3A CH–2 (9–17–69).

Provides corrected drawings for the size 4 panel layout dimensions and the case dimensions.

150/5345–4 Specification for L–289 Internally Lighted Airport Taxi Guidance Sign (10–15–63).

Required for FAAP project activity.

150/5345–4 CH 1 (10–28–66).

Transmits page changes to the subject advisory circular. This change provides for a new Alloy 360 in the die casting process.

150/5345–5 Specification for L–847 Circuit Selector Switch, 5,000 Volt 20 Ampere (9–3–63).

Required for FAAP project activity.

150/5345–7A Specification for L–824 Underground Electrical Cables for Airport Lighting Circuits (10–1–70).

Describes the specification requirements for underground electrical cables for airport lighting circuits. Published by the FAA for the guidance of the public.

150/5345–9C Specification for L–819 Fixed Focus Bidirectional High Intensity Runway Lights (12–23–69).

Describes the subject specifications requirements and is published by the Federal Aviation Administration for the guidance of the public.

150/5345–10B Specification for L–828 Constant Current Regulator With Stepless Brightness Control (4–8–68).

Required for FAAP project activity.

150/5345–11 Specification for L–812 Static Indoor Type Constant Current Regulator Assembly, 4 Kw and 7½ Kw, With Brightness Control for Remote Operations (3–2–64).

Required for FAAP project activity.

150/5345–12A Specification for L–801 Beacon (5–12–67).

Describes the subject specification requirements.

150/5345–13 Specification for L–841 Auxiliary Relay Cabinet Assembly for Pilot Control of Airport Lighting Circuits (1–6–64).

Required for FAAP project activity.

150/5345–15 Specification for L–842 Airport Centerline Light (1–6–64).

Required for FAAP project activity.

150/5345–16 Specification for L–843 Airport In-Runway Touchdown Zone Light (1–20–64).

Required for FAAP project activity.

150/5345–17 Specification for L–845 Semiflush Inset Prismatic Airport Light (3–3–64).

Describes the subject specification requirements.

150/5345–18 Specification for L–811 Static Indoor Type Constant Current Regulator Assembly, 4 Kw; With Brightness Control and Runway Selection for Direct Operation (3–3–64).

Required for FAAP project activity.

150/5345–18 CH 1 (5–28–64).

Advises that a detail requirement is not applicable to the circular.

150/5345–19 Specification for L–838 Semiflush Prismatic Airport Light (5–11–64).

Describes the subject specification requirements.

150/5345–20 Specification for L–802 Runway and Strip Light (6–24–64).

Describes the subject specification requirements.

150/5345–20 CH 1 (8–31–64).

Provides amended information for the basic advisory circular.

150/5345–20 CH 2 (1–14–66).

Provides new dimensions for the thickness of the metal stake and an organizational change.

150/5345–20 CH 3 (10–28–66).

Transmits page changes to the subject advisory circular. This change provides for a new Alloy 360 in the die casting process.

150/5345–20 CH 4 (8–5–69).

Describes the subject specification requirements for a runway and strip light.

150/5345–21 Specification for L–813 Static Indoor Type Constant Current Regulator Assembly; 4 Kw and 7½ Kw; for Remote Operation of Taxiway Lights (7–28–64).

Describes the subject specification requirements.

150/5345–22 Specification for L–834 Individual Lamp Series-to-Series Type Insulating Transformer for 5,000 Volt Series Circuit (10–8–64).

Describes the subject specification requirements.

150/5345–23 Specification for L–822 Taxiway Edge Light (10–13–64).

Describes the subject specification requirements.

150/5345–23 CH 1 (1–14–66).

Provides new dimensions for the thickness of the metal stake and an organizational change.

150/5345–23 CH 2 (10–28–66).

Transmits page changes to the subject advisory circular. This change provides for a new Alloy 360 in the die casting process.

150/5345–23 CH 3 (8–5–69).

Describes the subject specification requirements for a taxiway edge light.

150/5345–26 Specification for L–823 Plug and Receptacle, Cable Connectors (10–5–64).

Describes the subject specification requirements.

150/5345–27A Specification for L–807 Eight-foot and Twelve-foot Unlighted or Externally Lighted Wind Cone Assemblies (6–16–69).

Describes the subject specification requirements for a hinged steel pole support, an anodized tapered aluminum hinged base pole support, and an "A" frame fixed support with a pivoted center pipe support.

150/5345–28A Specification for L–851 Visual Approach Slope Indicator System (3–17–70).

Describes the subject specification requirements for visual approach slope indicator system (VASI) equipment.

150/5345–29 FAA Specification L–852, Light Assembly, Airport Taxiway Centerline (3–18–68).

Describes, for public guidance, FAA Specification L–852 which establishes the performance requirements and pertinent construction details for bidirectional semiflush inset light assemblies for lighting airport taxiway centerlines.

150/5345–30A Specification for L–846 Electrical Wire for Lighting Circuits To Be Installed in Airport Pavements (2–3–67).

Describes, for the guidance of the public, subject specification requirements for electrical wire.

150/5345–31A Specification for L–833 Individual Lamp Series-to-Series Type Insulating Transformer for 600-Volt or 5,000-Volt Series Circuits (4–24–70).

Describes the subject specification requirements and is published by the FAA for the guidance of the public.

150/5345–33 Specification for L–844 Individual Lamp Series-to-Series Type Insulating Transformer for 5,000 Volt Series Circuit 20/6.6 Amperes 200 Watt (1–13–65).

Describes the subject specification requirements.

150/5345–34 Specification for L–839 Individual Lamp Series-to-Series Type Insulating Transformer for 5,000 Volt Series Circuit 6.6/20 Amperes 300 Watt (1–13–65).

Describes the subject specification requirements.

150/5345–35 Specification for L–816 Circuit Selector Cabinet Assembly for 600 Volt Series Circuits (1–28–65).

Describes the subject specification requirements.

150/5345–36 Specification for L–808 Lighted Wind Tee (2–3–65).

Describes the subject specification requirements.

150/5345–37B FAA Specification L–850, Light Assembly Airport Runway Centerline and Touchdown Zone (1–8–68).

Revises subject light assembly.

150/5345–38 Changes to Airport Lighting Equipment (3–23–67).

The title is self-explanatory.

150/5345–39 FAA Specification L–853, Runway and Taxiway Centerline Reflective Markers (1–10–69).

Describes specification requirements for L–853 Runway and Taxiway reflective markers for guidance of the public.

150/5345–41 Specification for L–855, Individual Lamp, Series-to-Series Type Insulating Transformer for 5,000-Volt Series Circuit, 6.6/6.6 Amperes, 65 Watts (4–24–70).

Describes the subject specification and is published by the FAA for the guidance of the public.

150/5345–42 FAA Specification L–857, Airport Light Bases, Transformer Housing and Junction Boxes (10–27–70).

Describes specification requirements for airport light bases, transformer housing and junction boxes for the guidance of the public.

150/5345–43 FAA/DOD Specification L–856, High Intensity Obstruction Lighting System (8–19–70).

Describes specification requirements for high intensity obstruction lighting system.

150/5345–44 Specification for L–858 Retroreflective Taxiway Guidance Signs (12–15–70).

Describes the specification for retroreflective taxiway guidance signs.

150/5355–1 Diagrammatic Maps and Location Signs at Airports (3–21–69).

Informs airport authorities of the desirability to provide diagrammatic maps of facilities within terminal buildings and of the need for clearly marked locations signs at airports, especially at those used by international travelers.

150/5355–2 Fallout Shelters in Terminal Buildings (4–1–69).

Furnishes guidance for the planning and design of fallout shelters in airport terminal buildings.

150/5360–1 Airport Service Equipment Buildings (4–6–64).

Provides guidance on design of buildings for housing equipment used in maintaining and repairing operational areas.

150/5360–2 Airport Cargo Facilities (4–6–64).

Provides guidance material on air cargo facilities.

150/5360–3 Federal Inspection Service Facilities at International Airports (4–1–66).

Describes and illustrates recommended facilities for inspection of passengers, baggage, and cargo entering the United States through international airport terminals. The material is for the guidance of architect-engineers and others interested in the planning and design of these airport facilities.

150/5370–1A Standard Specifications for Construction of Airports (5–28–68).

Contains specification items for construction of airports and other related information. Acceptable for FAAP project activity. Published in 1968. ($3.50 GPO.) TD 4.24:968

150/5370–2 Safety on Airports During Construction Activity (4–22–64).

Provides guidelines concerning safety at airports during periods of construction activity.

150/5370–4 Procedures Guide for Using the Standard Specifications for Construction of Airports (5–29–69).

Provides guidance to the public in the use and application of the Standard Specifications for Construction of Airports.

150/5370–5 Offshore Airports (12–15–69).

Announces to the public the availability of a two-volume report on offshore airport planning and construction methods.

150/5370–6 Construction Progress and Inspection Report—Federal-Aid Airport Program (3–16–70).

Provides for a report on construction progress and inspection of Federal-aid Airport Program (FAAP) projects, suggests a form for the report, and recommends use of the form unless other arrangements exist to obtain the type of information provided by the form.

150/5380–1 Airport Maintenance (4–14–63).

Provides a basic checklist and suggestions for an effective airport maintenance program.

150/5380–2A Snow Removal Techniques Where In-Pavement Lighting Systems Are Installed (12–24–64).

Provides information on damage to inpavement lighting fixtures by snow removal equipment and recommends procedures to avoid such damage.

150/5380–3A Removal of Contaminants from Pavement Surfaces (10–27–70).

Provides information to the aviation industry relative to cleaning rubber deposits, oil, grease, and jet aircraft exhaust deposits from runway surfaces.

150/5380–4 Ramp Operations During Periods of Snow and Ice Accumulation (9–11–68).

Directs attention to an increased accident potential when snow or ice accumulates on the surfaces of ramps and aircraft parking and holding areas and suggests some measures to reduce this potential.

150/5390–1A Heliport Design Guide (11–5–69).

Contains design guidance material for the development of heliports, both surface and elevated. ($0.75 GPO.) TD 4.108:H36.

Air Navigational Facilities

SUBJECT NO. 170

170–2 Implementation of ILS Channels 11 Through 20 (10–16–63).

Advertises that ILS Channels 11 through 20 are now being used in the United States and encourages owners to equip their aircraft with 20-channel capability.

170–3B Distance Measuring Equipment (DME) (11–8–65).

Presents information on DME and some of its uses to pilots unfamiliar with this navigational aid.

170–6A Use of Radio Navigation Test Generators (3–30–66).

Gives information received from the Federal Communications Commission as to the frequencies on which the FCC will license test generators (used to radiate a radio navigation signal) within the scope of its regulations and gives additional information to assist the user when checking aircraft navigation receivers.

170/6850–1 Aeronautical Beacons and True Lights (8–28–68).

Describes FAA standards for the installation and operation of aeronautical beacons serving as true lights.

170–7 Decommissioning of ILS Middle Compass Locators (10–29–65).

Disseminates information regarding the FAA program for decommissioning of compass locators associated with ILS middle markers.

170–8 Use of Common Frequencies for Instrument Landing Systems Located on Opposite Ends of the Same Runway (11–7–66).

In the future, common frequencies may be assigned to like components of two instrument landing systems serving opposite ends of the same runway. This will include the localizers, glide slopes, and associated outer and middle marker compass locators (LOM and LMM).

170–9 Criteria for Acceptance of Ownership and Servicing of Civil Aviation Interest(s) Navigational and Air Traffic Control Systems and Equipment (11–26–68).

Contains a revised FAA policy under which the FAA accepts conditional ownership of equipment and systems from civil aviation interests, without the use of Federal funds, and operates, maintains, and provides the logistic support of such equipment.

170–10 FAA Recommendations to FCC on Licensing of Non-Federal Radio Navigation Aids (10–17–69).

Gives background information and describes the basis for recommendations to be made by the FAA to the Federal Communications Commission (FCC) regarding licensing of radio navigation aids.

170–11 Amendment of Federal Aviation Regulation Part 171 (FAR–171)—Cost of Flight and Ground Inspections (9–17–70).

Alerts the public to the amendment to FAR Part 171 pertaining to the payment of ground and flight inspection charges prior to the issuance of an approved IFR procedure.

170–12 Implementation of 50 KHz/Y Channels for ILS/VOR/DME (10–7–70).

Advises aircraft owners, operators and radio equipment manufacturers of plans for future implementation of split channel assignments in the aeronautical radio navigation bands.

171–1 Estimating Packing and Shipping Costs for Export Shipments for ATC and Navaid Equipments (2–18–66).

Assists personnel engaged in preparing packing and shipping estimates of air navigation and traffic control equipments for overseas shipment.

Administrative

SUBJECT NO. 180

183–30 Directory of FAA Designated Mechanic Examiners (12–14–70).

Provides a new directory of all FAA designated parachute rigger examiners as of the effective date shown above.

183–31 FAA Designated Parachute Rigger Examiner Directory (12–14–70).

Provides a new directory of all FAA designated parachute rigger examiners as of the effective date shown above.

183.29–1E Designated Engineering Representatives (1–5–70).

Lists in Appendix 1 the Designated Engineering Representatives who are available for consulting work.

Flight Information

SUBJECT NO. 210

210–1 National Notice to Airmen System (2–8–64).

Announces FAA policy for the preparation and issuance of essential flight information to pilots and other aviation interests.

210–2A Established Schedule for Flight Information Effective Dates (9–19–69).

Emphasizes the importance of adherence to the established schedule of effective dates for flight information, and provides a copy of the schedule through June 1971.

210–3 National Notice to Airmen System—Elimination of NOTAM Code (5–22–70).

Announces changes in criteria and procedures for the Notice to Airmen System required to accommodate the transmission of all domestic Notice to Airmen data in clear contracted language and eliminate use of the NOTAM code on the domestic Service A circuits.

211–2 Recommended Standards for IFR Aeronautical Charts (3–20–67).

Sets forth standards recommended by the Federal Aviation Administration for the guidance of the public in the issuance of IFR aeronautical charts for use in the National Airspace System (NAS).

Internal Directives

Contractions Handbook, 7340.1B (9–16–69).

Gives approved word and phrase contractions used by personnel connected with air traffic control, communications,

weather, charting, and associated services. ($3.75 Sub.—GPO.) TD 4.308:C76/969.

Location Identifiers, 7350.1Q.

Incorporates all authorized 3-letter location identifiers for special use in United States, worldwide, and Canadian assignments. Dated 9–15–70. ($6 Sub.—GPO.) TD 4.310:.

Flight Services, 7110.10A (4–1–71).

This handbook consists of two parts. Part I, the basic, prescribes procedures and phraseology for use by personnel providing flight assistance and communications services. Part II, the teletypewriter portion, includes Services A and B teletypewriter operating procedures, pertinent International Teletypewriter Procedures, and the conterminous U.S. Service A Weather Schedules. ($9 Sub.—GPO.) TD 4.308: F 64.

International Flight Information Manual, Vol. 18 (April 1970).

This Manual is primarily designed as a preflight and planning guide for use by U.S. nonscheduled operators, business and private aviators contemplating flights outside of the United States.

The Manual, which is complemented by the International Notams publication, contains foreign entry requirements, a directory of aerodromes of entry including operational data, and pertinent regulations, and restrictions. It also contains passport, visa, and health requirements for each country. Published annually with quarterly amendments. ($3.50–$4.50 foreign—Annual Sub. GPO.) TD 4.309:16.

International Notams.

Covers notices on navigational facilities and information on associated aeronautical data generally classified as "Special Notices". Acts as a notice-to-airmen service only. Published weekly. ($5—Annual Sub. GPO.) TD 4.11:.

Airman's Information Manual:

Part 1—Basic Flight Manual and ATC Procedures.

This part is issued quarterly and contains basic fundamentals required to fly in the National Airspace System; adverse factors affecting Safety of Flight; Health and Medical Facts of interest to pilots; ATC information affecting rules, regulations, and procedures; a Glossary of Aeronautical Terms; U.S. Entry and Departure Procedures, including Airports of Entry and Landing Rights Airports; Air Defense Identification Zones (ADIZ); Designated Mountainous Areas, Scatana, and Emergency Procedures. (Annual Sub. $4, Foreign mailing—$1 additional. GPO.) TD 4.12:pt. 1/.

Part 2—Airport Directory.

This part is issued semiannually and contains a Directory of all Airports, Seaplane Bases, and Heliports in the conterminous United States, Puerto Rico, and the Virgin Islands which are available for transient civil use. It includes all of their facilities and services, except communications, in codified form. Those airports with communications are also listed in Part 3 which reflects their radio facilities. A list of new and permanently closed airports which updates this part is contained in Part 3.

Included, also, is a list of selected Commercial Broadcast Stations of 100 watts or more of power and Flight Service Stations and National Weather Service telephone numbers. (Annual Sub. $4, Foreign mailing—$1 additional. GPO.) TD 4.12:pt. 2/.

Parts 3 and 3A—Operational Data and Notices to Airmen.

Part 3 is issued every 28 days and contains an Airport/Facility Directory containing a list of all major airports with communications; a tabulation of Air Navigation Radio Aids and their assigned frequencies; Preferred Routes; Standard Instrument Departures (SIDs); Substitute Route Structures; a Sectional Chart Bulletin, which updates Sectional charts cumulatively; Special General and Area Notices; a tabulation of New and Permanently Closed Airports, which updates Part 2; and Area Navigation Routes.

Part 3A is issued every 14 days and contains Notices to Airmen considered essential to the safety of flight as well as supplemental data to Part 3 and Part 4. (Annual Sub. $20, Foreign mailing—$5 additional. GPO.) TD 4.12:pt. 3/.

Part 4—Graphic Notices—Supplemental Data.

Part 4 is issued semiannually and contains abbreviations used in all parts of AIM; Parachute Jump Areas; VOR Receiver Check Points; Special Notice Area Graphics; and Heavy Wagon and Oil Burner Routes.

Future editions will be expanded to include Special Terminal Area Charts and data not subject to frequent change. (Annual Sub. $1.50, Foreign mailing—$0.50 additional. GPO.) TD 4.12:pt. 4/.

Aircraft Type Certificate Data Sheets and Specifications.

Contains all current aircraft specifications and type certificate data sheets issued by the FAA. Monthly supplements provided. ($30—Sub., Foreign mailing—$7.50 additional. GPO.) TD 4.15:967.

Aircraft Engine and Propeller Type Certificate Data Sheets.

Contains all current aircraft engine and propeller type certificate data sheets and specifications issued by FAA. Monthly supplements provided. ($16—Sub., Foreign mailing—$4 additional. GPO.) TD 4.15/2:968.

Summary of Supplemental Type Certificates.

Contains all supplemental type certificates issued by FAA regarding design changes in aircraft, engines, or propellers. List includes description of change, the model and type certificate number, the supplemental type certificate number, and the holder of the change. Quarterly supplements provided. ($23—Sub., Foreign mailing—$5.75 additional, GPO.) TD 4.36: 971.

STATUS OF THE FEDERAL AVIATION REGULATIONS

As of February 12, 1971

FEDERAL AVIATION REGULATIONS VOLUMES

Volume No.	Contents	Price	Transmittals
Volume I		$1.50 plus 50¢ foreign mailing	4
Part 1	Definitions and Abbreviations.		
Volume II		$8 plus $2 foreign mailing	15
Part 11	General Rule-Making Procedures.		
Part 13	Enforcement Procedures.		
Part 15	Nondiscrimination in Federally assisted Programs of the Federal Aviation Administration.		
Part 21	Certification Procedures for Products and Parts.		
Part 37	Technical Standard Order Authorizations.		
Part 39	Airworthiness Directives.		
Part 45	Identification and Registration Marking.		
Part 47	Aircraft Registration.		
Part 49	Recording of Aircraft Titles and Security Documents.		
Part 183	Representatives of the Administrator.		
Part 185	Testimony by Employees and Production of Records in Legal Proceedings.		
Part 187	Fees.		
Part 189	Use of Federal Aviation Administration Communications System.		
Volume III		$5.50 plus $1.50 foreign mailing	2
Part 23	Airworthiness Standards: Normal, Utility, and Acrobatic Category Airplanes.		
Part 25	Airworthiness Standards: Transport Category Airplanes.		
Part 36	Noise Standards: Aircraft Type Certification.		
Volume IV		$3.50 plus 75¢ foreign mailing	1
Part 27	Airworthiness Standards: Normal Category Rotorcraft.		
Part 29	Airworthiness Standards: Transport Category Rotorcraft.		
Part 31	Airworthiness Standards: Manned Free Balloons.		
Part 33	Airworthiness Standards: Aircraft Engines.		
Part 35	Airworthiness Standards: Propellers.		
Volume V		$3 plus 75¢ foreign mailing	7
Part 43	Maintenance, Preventive Maintenance, Rebuilding, and Alteration.		
Part 145	Repair Stations.		
Part 149	Parachute Lofts.		
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Part 91	General Operating and Flight Rules.		
Part 93	Special Air Traffic Rules and Airport Traffic Patterns.		
Part 99	Security Control of Air Traffic.		
Part 101	Moored Balloons, Kites, Unmanned Rockets, and Unmanned Free Balloons.		
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Part 157	Notice of Construction, Alteration, Activation, and Deactivation of Airports.		
Part 169	Expenditure of Federal Funds for Nonmilitary Airports or Air Navigational Facilities Thereon.		
Part 171	Non-Federal Navigation Facilities.		

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MARY E. HEALY,
Manager, Headquarters Operations.

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