federal register

WEDNESDAY, MAY 12, 1971
WASHINGTON, D.C.
Volume 36 ■ Number 92
Pages 8717–8765

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

FEDERAL REGISTER

Area Code 202 Phone 962-8626

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

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Contents

(Continued on next page)

List of CFR Parts Affected

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

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

Presidential Documents

Title 3—The President

MEMORANDUM OF APRIL 30, 1971

Automatic Data Processing Standards for Use by Federal Agencies

Memorandum for the Director, Office of Management and Budget

THE WHITE HOUSE,
Washington, April 30, 1971.

The Director of the Office of Management and Budget is hereby authorized and empowered to act finally, on behalf of the President, upon the recommendations provided for in Section 111(f)(2) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 759(f)(2)), concerning the establishment of automatic data processing standards for use by Federal agencies.

If, in any particular instance, the Director deems it appropriate to do so, he may submit such recommendations for my approval.

The Federal standards approved under this authority are intended to improve the Government's effectiveness in the use of automatic data processing systems. I expect that Federal agencies will apply these standards whenever their use will lead to greater operational efficiency and reduced costs.

This memorandum shall be published in the FEDERAL REGISTER.

Richard Nixon

[FR Doc.71-6696 Filed 5-11-71;9:50 am]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Federal Communications Commission

Section 213.3138 is amended to show that the position of Chief, Broadcast Bureau, is no longer excepted under Schedule A. Effective on publication in the FEDERAL REGISTER (5-12-71), paragraph (a) of § 213.3138 is amended as set out below.

§ 213.3138 Federal Communications Commission.

(a) The Chief of each of the following Bureaus: Common Carrier and Safety Radio Services.

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

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

[FR Doc.71-6607 Filed 5-11-71;8:48 am]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 of Schedule C is amended to show the following title changes: from Deputy Assistant Secretary for Metropolitan Planning and Development to Deputy Assistant Secretary for Community Planning and Management; from Deputy Assistant Secretary for Model Cities to Deputy Assistant Secretary for Community Development. Effective on publication in the FEDERAL REGISTER (5-12-71), the headnote and subparagraph (8) of paragraph (d), and the headnote and subparagraph (5) of paragraph (e) are amended as set out below.

§ 213.3384 Department of Housing and Urban Development.

* * * * *

(d) *Office of the Assistant Secretary for Community Planning and Development.* * * *

(8) Deputy Assistant Secretary for Community Planning and Development.

* * * * *

(e) *Office of the Assistant Secretary for Community Development.* * * *

(5) Deputy Assistant Secretary for Community Development.

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

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

[FR Doc.71-6608 Filed 5-11-71;8:48 am]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 1—INVESTMENT SECURITIES REGULATION

Securities Eligible for Underwriting and Unlimited Holding

The following new sections are added to Part 1 of Title 12:

Sec.
1.307 Small Business Investment Company Debentures offered and guaranteed by the Small Business Administration.
1.308 West Chester Area Joint School Authority (Pennsylvania).
1.309 State of Florida Expressway Bonds.

AUTHORITY: §§ 1.307-1.309 issued under R.S. 324 et seq., as amended, paragraph Seventh of R. S. 5136, as amended; 12 U.S.C. 1 et seq., 24(7), unless otherwise noted.

§ 1.307 Small Business Investment Company Debentures offered and guaranteed by the Small Business Administration.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24 of $30 million Debentures due May 1, 1981, issued by small business investment companies and offered fully guaranteed as to principal and interest by the Small Business Administration.

(b) *Opinion.* (1) The Small Business Administration (SBA), an agency of the United States, proposes to acquire, through direct loans made in accordance with the Small Business Investment Act of 1958, subordinated debentures issued by small business investment companies and to sell these debentures to private investors or underwriters with a guaranty by the SBA of timely payment of principal and interest, subject to the right of SBA to substitute a similar debenture held by it for one in default held by a purchaser.

(2) In an opinion of April 14, 1971, addressed to the Administrator, Small Business Administration, the Attorney General of the United States ruled with respect to this offering that the guaranties are authorized under Federal law and would constitute general obligations of the United States secured by its full faith and credit.

(c) *Ruling.* It is our conclusion that small business investment company debentures offered and guaranteed by the Small Business Administration are obligations of the United States and are eligible for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24. (Acting Comptroller's letter dated May 3, 1971.)

§ 1.308 West Chester Area Joint School Authority (Pennsylvania).

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $5,985,000 West Chester Area Joint School Authority School Revenue Bonds, Series of 1971, for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The West Chester Area Joint School Authority is a body corporate and politic organized by the West Chester Area School District under the Municipal Authorities Act of Pennsylvania. A municipal authority organized by a school district is authorized to hold, acquire, construct, improve, operate and lease public school buildings and facilities and to issue bonds to finance such projects. The School Code provides that a school district may sell or lease school property to a municipal authority and may lease school projects from a municipal authority under a long-term lease if all obligations thereunder can be met from current revenues. These revenues include ad valorem school taxes, State reimbursements and other revenues.

(2) The Authority is issuing these bonds to finance the acquisition, construction and equipping of a new senior high school building to be known as East Senior High School.

(3) The new school will be constructed in part on land previously acquired by the Authority in connection with the construction of another school which the Authority has leased to the School District and in part on additional land which the Authority will acquire from the School District and which will be added to the property which is subject to the lease. The School District has unconditionally promised in a supplemental lease agreement to pay annual lease rentals to the Authority in amounts sufficient to provide for the payment of the principal of and interest on the bonds as well as other necessary expenses.

(4) The School District is authorized and directed under the School Code to levy an unlimited annual tax on the assessed valuation of taxable real estate to pay rentals due the Authority. The School Code also provides that if any school district fails to pay any rental payment due any municipal authority in accordance with the terms of any school lease, the State Superintendent of Public Education shall, after appropriate notice, withhold from any State appropriation due the school district an amount equal to the amount owing and shall pay such sum to the municipal authority.

(c) *Ruling.* It is our conclusion that the $5,985,000 West Chester Area Joint

Series of 1971, are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting and unlimited holding by national banks. (Acting Comptroller's letter dated May 4, 1971.)

§ 1.309 State of Florida Expressway Bonds.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $70,500,000 Expressway Bonds, Series of 1970, issued in the name of the State of Florida by the Division of Bond finance for and on behalf of the Orlando-Orange County Expressway Authority for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Constitution of the State of Florida authorizes the issuance (when authorized by law) of state bonds pledging the full faith and credit of the State to finance the acquisition and construction of roads when such bonds are primarily payable from pledged tolls and portions of certain gas taxes. Florida law has authorized the issuance of such State bonds in the name of the State by the Division of Bond Finance on behalf of any State agency.

(2) The Orlando-Orange County Expressway Authority is a body politic and corporate and an agency of the State created by Florida law with the right to acquire, hold, construct, improve, maintain, operate, own and lease in the capacity of lessor, the Orlando-Orange county expressway system; to enter into and make lease-purchase agreements with the Department of Transportation; and to borrow money and issue its bonds to finance such projects. The Authority has issued $7 million Expressway Bonds, Series of 1965, to finance an expressway project which was leased to the State Road Department (now Department of Transportation) under a lease-purchase agreement.

(3) The Division of Bond Finance is issuing these bonds on behalf of the Authority to finance the acquisition and construction of the East-West Expressway in Orange County. The completed project will be leased to the Department of Transportation under a supplemental lease-purchase agreement. Under the lease-purchase agreement of 1965 and the supplemental agreement of 1970, the principal of an interest on the Series of 1965 bonds and these bonds, will be equally secured and payable from rentals to be paid to the Authority by the Department of Transportation. The rentals will consist of revenues derived from the Expressway System (which includes the 1965 project and the 1970 project) and certain gas taxes.

(4) These bonds have been validated in accordance with Florida law by a Florida Circuit Court as fully authorized State Bonds secured by a valid pledge of the full faith and credit of the State of Florida. A validation judgment relating to similar bonds has been affirmed by the Florida Supreme Court.

(c) *Ruling.* It is our conclusion that the $70,500,000 Expressway Bonds, Series of 1970, issued in the name of the State of Florida by the Division of Bond Finance for and on behalf of Orlando-Orange County Expressway Authority, are general obligations of a State under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting and unlimited holding by national banks. (Acting Comptroller's letter dated May 6, 1971.)

Dated: May 6, 1971.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

[FR Doc.71-6579 Filed 5-11-71;8:46 am]

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 71-418]

PART 545—OPERATIONS

Closing of Books by Federal Savings and Loan Associations; Correction

MAY 4, 1971.

Resolved that F.R. Doc. 71-5956, amending § 545.20 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR 545.20), published in the issue dated April 29, 1971, at 36 F.R. 8029, is corrected by changing the figure "30" to read "31" in the first sentence.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[FR Doc.71-6584 Filed 5-11-71;8:46 am]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-689; Amdt. 15]

PART 249—PRESERVATION OF AIR CARRIER ACCOUNTS, RECORDS AND MEMORANDA

Preservation of Records by Study Group Charterers and Tour Operators

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of May 1971.

In SPR-46,[1] and SPR-45,[2] the Board inter alia, adopted certain record-retention requirements for study group charterers and tour operators in Parts 373 and 378, respectively, of the Special Regulations (14 CFR Parts 373 and 378).[3] Specifically, study group charterers and tour operators, as the case may be, will be required to retain (1) documents reflecting deposits made by tour or study group participants; (2) receipts from vendors of goods and services furnished in connection with study group charters or inclusive tours; and (3) documents reflecting payments received by retail travel agents.[4]

In the interest of uniformity, we are amending Part 249 to include the foregoing record retention requirements. Since the amended rules are identical to the requirements presently contained in § 373.8 of Part 373 and § 378.7 of Part 378, the Board finds that notice and public procedure thereon are unnecessary, and the rule will be made effective immediately.

According, the Civil Aeronautics Board hereby amends Part 249 of the Economic Regulations (14 CFR Part 249) effective May 5, 1971, as follows:[5]

1. Amend the Table of Contents by adding a title to new § 249.9. As amended, the Table of Contents will read in pertinent part:

Sec.
249.9 Period of preservation of records by tour operators and study group charterers.

2. Amend § 249.1 to read as follows:

§ 249.1 Applicability.

Except as otherwise provided in this subpart or other parts of this subchapter, the provisions of this subpart shall apply to (a) air carriers, as defined in section 101(3) of the Act, which hold certificates of public convenience and necessity, supplemental air carriers, subject to the reporting requirements of Part 241 of this subchapter and former Part 242 of this subchapter, (b) holders of a permit authorizing the navigation in the United States of foreign civil aircraft pursuant to Part 375 of this chapter (Board's special regulations), (c) foreign air carriers, as defined in section 101(19) of the Act, (d) tour operators as defined in § 378.2(d) of this chapter, and (e) study group charterers as defined in § 373.2 of this chapter.

3. Amend § 249.2 by adding definitions of "study group charterer," and "tour operator," as follows:

§ 249.2 Definitions.

For the purposes of this part:

* * * * *

"Study group charterer" means any citizen of the United States, as defined in section 101(13) of the Federal Aviation

---

[1] Adopted Mar. 30, 1971 and effective May 8, 1971.

[2] Adopted Mar. 30, 1971 and effective May 8, 1971.

[3] In SPR-46, the Board issued new Part 373 to authorize, subject to the conditions provided therein, study group charters by direct air carriers and study group charterers.

[4] This requirement does not apply to study group charter operations wherein the travel agent acts on behalf of the direct air carrier.

[5] Appropriate implementing amendments to §§ 249.1 and 249.2 are also included.

Act (other than a direct air carrier), authorized under the provision of Part 373 of this chapter (14 CFR Part 373)—to engage in the formation of study groups for transportation on study group charters.

* * * * *

"Tour operator" means any citizen of the United States, as defined in section 101(13) of the Federal Aviation Act (other than a supplemental air carrier), authorized under the provision of Part 378 of this chapter to engage in the formation of groups for transportation on inclusive tours.

* * * * *

4. Add new § 249.9 to read as follows:

§ 249.9 Period of preservation of records by tour operators and study group charterers.

(a) Every tour operator conducting a tour pursuant to Part 378 of this chapter shall retain for 2 years after completion of the tour or series of tours true copies of the following documents at its principal or general office in the United States and shall make them available upon request by an authorized representative of the Board.

(1) All receipts and statements of travel agents, and all other documents which evidence or reflect deposits made by each tour participant;

(2) All receipts and statements of travel agents, and all other documents which evidence or reflect commissions received by, paid to, or deducted by travel agents in connection with the tour or series of tours; and

(3) All statements, invoices, bills, and receipts from suppliers or furnishers of goods or services in connection with the tour or series of tours.

(b) Every study group charterer conducting a study group charter pursuant to Part 373 of this chapter shall retain for 2 years after completion of the study group charter or series of study group charters true copies of the following documents at its principal or general office in the United States and shall make them available upon request by an authorized representative of the Board.

(1) All documents which evidence or reflect deposits made by each student participant; and

(2) All statements, invoices, bills, and receipts from suppliers or furnishers of goods or services in connection with the study group charter or series of study group charters.

(Secs. 204 and 407 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 766; 49 U.S.C. 1324, 1377)

By the Civil Aeronautics Board.

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

[FR Doc.71-6567 Filed 5-11-71;8:45 am]

SUBCHAPTER D—SPECIAL REGULATIONS

[Reg. SPR-47; Amdt. 3]

PART 378—INCLUSIVE TOURS BY SUPPLEMENTAL AIR CARRIERS, CERTAIN FOREIGN AIR CARRIERS, AND TOUR OPERATORS

Definition of Foreign Tour Operators

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of May 1971.

Part 378 establishes the terms and conditions governing the furnishing of inclusive tours in interstate, overseas, and foreign air transportation by supplemental air carriers, certain foreign air carriers[1] and tour operators, and, in foreign air transportation, by foreign tour operators. Section 378.2(d-1) defines "foreign tour operator" as "any person who is not a U.S. citizen (other than a direct foreign air carrier) engaging in the formation of groups for transportation on inclusive tours and over which the Board by § 378.3a has declined to exercise its jurisdiction." The declination of jurisdiction in the latter section is "over foreign tour operators with respect to inclusive tours which originate in a foreign country." Similar provisions appear in Part 378a (Bulk Inclusive Tours by Tour Operators) concerning foreign tour operators engaging in the formation of groups for transportation on bulk inclusive tours. (§§ 378a.2(b) and 378a.8.)

The Board recently, and for the first time, issued a foreign air carrier permit authorizing the holder to conduct operations within the United States as a foreign tour operator.[2] While, as noted, the term "over which the Board * * * has declined to exercise its jurisdiction" appears as a part of the definitions of foreign tour operator in Parts 378 and 378a, that term was merely descriptive of then existing such operators and does not necessarily render inapplicable to the holder of a section 402 permit the substantive portion of the definition defining a foreign tour operator as "any person who is not a U.S. citizen (other than a direct foreign air carrier) engaging in the formation of groups for transportation in inclusive tours. * * *" Moreover, there was no intent to exclude such foreign tour operators from the classification of foreign tour operators under Parts 378 or 378a or, in the case of Part 378, to prohibit the applicable direct air carriers from chartering to them. Therefore, to the extent that any ambiguity may exist concerning this matter, the definitions of "Foreign tour operator" in Parts 378 and 378a, respectively, are being amended to include persons holding permits authorizing them to engage in U.S. originated tours.

In addition, clarification of Parts 378 and 378a is desirable to specify with particularity the provisions of these parts that are applicable to foreign tour operators holding authority to engage in U.S. originating tours, since no such foreign tour operator was in existence at the time these rules were issued.[3] The Board considers it manifest that such foreign tour operators should, with respect to U.S. originating tours, be under the same restrictions as "tour operators"; i.e., persons of U.S. citizenship (other than a direct air carrier) authorized by Parts 378 or 378a to engage in the formation of groups for transportation on ITC's or BIT's, respectively. Otherwise these foreign tour operators would have an undue competitive advantage over tour operators. This interpretation of the provisions to be applicable to foreign tour operators is consistent with the Board's requirement that direct foreign air carriers holding ITC authority shall comply with Part 378 to the same extent as U.S. supplementals in order not to give undue competitive advantage to foreign carriers.[4]

Accordingly, Part 378 is being amended to add such foreign tour operators to the provisions of §§ 378.7 (Record retention), 378.10 (Procedure), 378.11 (Discrimination), 378.12 (Methods of competition), 378.13 (Tour Prospectus), 378.14 (Charter contract), 378.16 (Surety bond), 378.16a (Reporting requirements), 378.17 (Contract between tour operators and tour participants), 378.18 (Disbursements from depository account), 378.19 and 378.20 (Post tour reporting).[5]

Since the amendments herein are interpretive and clarifying in character, notice and public procedure thereon are unnecessary, and the rule will be made effective on less than 30 days' notice.

Accordingly, the Civil Aeronautics Board hereby amends Part 378 of its special Regulations (14 CFR Part 378) effective on May 8, 1971, as follows:

1. Amend the table of contents to revise the title of § 378.17. As amended, the table of contents will read in pertinent part:

[1] I.e., those holding permits authorizing them to perform inclusive tour charters.

[2] Kuoni Travel Limited (Switzerland), doing business as Kuoni Travel Inc., Order 71-2-121. Since then, the Board has also issued a foreign air carrier permit to Thos. Cook & Son (Continental and Overseas), Ltd. (Great Britain), doing business as Thos. Cook & Son, Inc. (United States), Order 71-4-159, authorizing the holder to conduct operations within the United States as a foreign tour operator.

[3] Kuoni's permit became effective on Feb. 25, 1971.

[4] Cf. SPR-28, Jan. 7, 1969.

[5] In addition, § 378.19 (Inclusive tours operated by U.S. supplemental carriers for foreign tour operators) is being revised to make clear that it applies only to foreign-originating tours.

Sec.

* * * * *

378.17 Contract between tour operators or foreign tour operators and tour participants.

* * * * *

2. Amend § 378.2(d-1) to read as follows:

§ 378.2 Definitions.

As used in this part, unless the context otherwise requires * * *

* * * * *

(d-1) "Foreign tour operator" means any person who is not a U.S. citizen (other than a direct foreign air carrier):

(i) Who is engaged in the formation of groups for transportation on inclusive tours which originate in a foreign country and over whom the board by § 378.3a has declined to exercise its jurisdiction; and/or

(ii) Who is engaged in the formation of groups for transportation on inclusive tours which originate in the United States and who holds a permit issued pursuant to section 402 of the Act authorizing such transportation. "Foreign tour operator" as used in §§ 378.7, 378.10–378.14, 378.16, 378.16a, 378.17, 378.18, and 378.20 is confined to the meaning set forth in this subparagraph.

3. Amend § 378.7 to read as follows:

§ 378.7 Record retention.[6]

(a) Every tour operator or foreign tour operator conducting a tour pursuant to this part shall retain for 2 years after completion of the tour or series of tours true copies of the following documents at its principal or general office in the United States:

(1) All receipts and statements of travel agents, and all other documents which evidence or reflect deposits made by each tour participant;

(2) All receipts and statements of travel agents, and all other documents which evidence or reflect commissions received by, paid to or deducted by travel agents in connection with the tour or series of tours;

(3) All statements, invoices, bills, and receipts from suppliers or furnishers of goods or services in connection with the tour or series of tours.

(b) Every tour operator or foreign tour operator shall make the documents listed in this section available in the United States upon request by an authorized representative of the Board and shall permit such representative to make such notes and copies thereof as he deems appropriate.

4. Amend §§ 378.10 through 378.14 to read as follows:

[6] Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both. Title 18, U.S.C. § 1001.

§ 378.10 Procedure.

(a) No inclusive tour or series of tours shall be operated, nor shall any tour operator or foreign tour operator sell or offer to sell, solicit, or advertise such tour or tours, unless there is on file with the Board a Tour Prospectus satisfying the requirements of § 378.13. If a series of tours is to be operated for one tour operator or foreign tour operator pursuant to one charter contract, the Prospectus may cover the entire series, provided the elapsed time between the commencement of the first tour and the departure of the last tour shall not exceed 1 year. The Tour Prospectus shall be filed at least 60 days before commencement of the tour or tours. Late filing of the Prospectus will not be permitted except for good cause shown.

* * * * *

§ 378.11 Discrimination.

No tour operator or foreign tour operator shall make, give, or cause any undue or unreasonable preference or advantage to any particular person, port, locality, or description of traffic in air transportation in any respect whatsoever or subject any particular person, port, locality, or description of traffic in air transportation to any unjust discrimination or any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

§ 378.12 Methods of competition.

No tour operator or foreign tour operator shall engage in unfair or deceptive practices or unfair methods of competition in air transportation or the sale thereof. Advertising by tour operators or foreign tour operators of tour prices shall be limited to the total tour price without a breakdown into component parts, except that additional charges for optional services or facilities may be reflected.

§ 378.13 Tour prospectus.

The prospectus shall include copies of the charter contract, the contract between the tour operator or foreign tour operator and tour participants, the tour operator's or foreign tour operator's surety bond and, where applicable, a copy of the depository agreement with a bank as provided in § 378.16(b)(2), and shall contain the following information:

(a) Name and address of the tour operator or the foreign tour operator;

(b) The proposed date and time of each flight;

(c) Equipment to be used, including the aggregate number of each type of aircraft and capacity;

(d) The tour itinerary, including hotels (name and length of stay at each), and sightseeing or other arrangements, if any;

(e) The tour price per passenger;

(f) The number of persons expected to participate in the tour;

(g) Charter price of the aircraft;

(h) The individually ticketed air fare, computed as provided in § 378.2(b)(4);

(i) Samples of solicitation material proposed by the tour operator or foreign tour operator (all sales advertising and solicitation materials employed by the tour operator or foreign tour operator shall state the name of the supplemental air carrier to be utilized).

§ 378.14 Charter contract.

The charter contract between the tour operator or foreign tour operator and the supplemental carrier shall evidence a binding commitment on the part of the carrier to furnish the air transportation required for the tour or tours covered by the contract.

5. Amend §§ 378.16, 378.16a, and 378.17 and the title of the latter to read as follows:

§ 378.16 Surety bond.

(a) Except as provided in paragraph (b) of this section, the tour operator or foreign tour operator shall furnish a surety bond in one of the following amounts dependent upon the length of the tour: (1) For a tour of 2 weeks or less, a bond in an amount of not less than the charter price for the air transportation to be furnished in connection with such tour; (2) for a tour of more than 2 weeks but less than 4 weeks, a bond in an amount of not less than twice the charter price; and (3) for a tour of 4 weeks or more, a bond in an amount of not less than three times the charter price: *Provided, however*, That the liability of the surety to any tour participant shall not exceed the tour price.

(b) The supplemental air carrier and the prospective tour operator or foreign tour operator may elect, in lieu of furnishing a surety bond as provided under paragraph (a) of this section, to comply with the requirements of subparagraphs (1) and (2) of this paragraph as follows:

(1) The tour operator or foreign tour operator shall furnish a surety bond in a minimum amount of $10,000 per flight up to a maximum amount of $200,000 for a series of 20 or more flights, for the protection of the tour participants, the bond to continue in effect until completion of the tour or series of tours: *Provided, however*, That the liability of the surety to any tour participant shall not exceed the tour price.

(2) The supplemental air carrier and tour operator or foreign tour operator shall enter into an agreement with a designated bank, the terms of which shall provide that all deposits by tour participants paid to tour operators or foreign tour operators and their retail travel agents shall be deposited with and maintained by the bank subject to the following conditions:

(i) On sales made to tour participants by tour operators or foreign tour operators the participant shall pay by check or money order payable to the bank; on sales made to tour participants by retail travel agents, the retail travel agent may deduct his commission and remit the balance to the designated bank by check or money order: *Provided*, That, the travel agent agrees in writing with the tour operator or foreign tour operator that if the tour is canceled, the travel agent shall remit to the bank the full amount of commission previously deducted or received within 10 days after receipt of notification of cancellation of the tour;

(ii) The bank shall pay the supplemental air carrier the charter price for the transportation not earlier than 60 days (including day of departure) prior to the scheduled day of departure of the originating or returning flight, upon certification of the departure date by the supplemental air carrier: *Provided*, That, in the case of a round-trip charter contract to be performed by one carrier, the total round-trip charter price shall be paid to the carrier not earlier than 60 days prior to the scheduled day of departure of the originating flight;

(iii) The bank shall reimburse the tour operator or foreign tour operator for refunds made by the latter to the tour participant upon written notification from the tour operator or foreign tour operator;

(iv) If the tour operator, foreign tour operator or the supplemental air carrier notifies the bank that a tour has been canceled, the bank shall make applicable refunds directly to the tour participants;

(v) After the charter price has been paid in full to the supplemental air carrier, the bank shall pay funds from the account directly to the hotels, sightseeing enterprises, or other persons or companies furnishing surface accommodations or services in connection with the tour or series of tours upon presentation to the bank of vendors' bills and upon certification by the tour operator or foreign tour operator of the amounts payable for such surface accommodations or services and the persons or companies to whom payment is to be made: *Provided, however*, That the total amounts paid by the bank pursuant to subdivisions (ii) and (v) of this subparagraph shall not exceed 80 percent of the total deposits received by the bank less any refunds made to tour participants pursuant to subdivisions (iii) and (iv) of this subparagraph;

(vi) As used in this section, the term "bank" includes a bank, savings and loan association, or other financial institution insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation;

(vii) The bank shall maintain a separate accounting for each tour;

(viii) Notwithstanding any provisions above, the amount of total deposits required to be maintained in the depository account of the bank may be reduced by one or both of the following: the amount of any surety bond in the form prescribed herein in excess of the minimum bond required by paragraph (b) (1) of this section; an escrow with the designated bank of Federal, State, or municipal bonds or other negotiable securities which are publicly traded on a securities exchange: *Provided*, That such other securities shall be substituted for cash in an amount no greater than 80 percent of their market value at time of deposit in escrow with the bank: *And provided, further*, That should the valuation of such other securities decrease in an amount in excess of 20 percent of the valuation at time of original deposit, additional securities shall be placed in escrow so as to compensate for such decrease in value below 20 percent;

(ix) Except as provided in subdivisions (ii), (iii), (iv), (v), and (viii) of this subparagraph, the bank shall not pay out any funds from the account prior to 2 banking days after completion of each tour, when the balance in the account shall be paid to the tour operator or foreign tour operator, upon certification of the completion date by the supplemental air carrier.

(c) The bond required under paragraphs (a) and (b) of this section shall insure the financial responsibility of the tour operator or foreign tour operator and the supplying of the transportation and all other accommodations, services, and facilities in accordance with the contract between the tour operator or foreign tour operator and the tour participants, and shall be in the form set forth following § 378.31.[7] Such bond shall be issued by a reputable and financially responsible bonding or surety company which is legally authorized to issue bonds of that type in the State in which the tour originates. For purposes of this section, the term "State" includes any territory or possession of the United States, or the District of Columbia. The Board will consider that a bonding or surety company is prima facie qualified under this section if such company's surety bonds are accepted by the Interstate Commerce Commission under 49 CFR 1084.6, and if such company is listed in Best's Insurance Reports (Fire and Casualty) with a general policyholders' rating of "A" or better. If the bond does not comply with the requirements of this section, or for any reason fails to provide satisfactory or adequate protection for the public, the Board will notify the supplemental air carrier and the tour operator or foreign tour operator, by registered or certified mail, stating the deficiencies of the bond. Unless such deficiencies are corrected within the time set forth in such notification, the subject tour or tours shall in no event be operated.

(d) The bond required by this section shall provide that unless the tour participant files a claim with the tour operator or foreign tour operator within sixty (60) days after completion of the tour, the surety shall be released from all liability under the bond to such tour participant. The contract between the tour operator or foreign tour operator and the tour participant shall contain notice of this provision.

§ 378.16a Reporting requirements.

If a tour operator or foreign tour operator relies upon the bond-depository option of § 378.16(b) for compliance with the requirements of that section, the following monthly reports shall be filed with the Board's Bureau of Operating Rights not later than the 10th day of the month succeeding the reporting period: (1) By the depository bank showing the total amount of deposits received and disbursed during the month; and (2) by the tour operator or foreign operator showing, for the reporting period, the total amount of customer deposits received by him or his agents, the amount of commissions deducted therefrom by said agents, the amount of commissions repaid by said agents to the depository account, as well as the amount of refunds made by the tour operator or foreign tour operator or the bank to tour participants: *Provided*, That, the depository bank may, in lieu of subparagraph (1) of this paragraph, elect to file a duplicate monthly statement of the same type it provides to depositors and, when so elected, the reporting period for the tour operator or foreign tour operator in (2) above shall correspond to the reporting period of the bank. The term "bank" shall have the meaning set forth in § 378.16. The reports shall be certified by the officer in charge of the bank's or the tour operator's or foreign tour operator's accounts, as the case may be, and the certification shall be in the following form:

CERTIFICATION[*]

I, the undersigned ____________________
(Title of officer in charge of accounts)
of the ________________________________
(Full name of reporting company)
do certify that this report and all supporting documents which are submitted herewith, filed for the above indicated period, have been prepared by me or under my direction; that I have carefully examined them and declare that, to the best of my knowledge and belief, the information contained therein is complete and accurate.

____
(Signature)

____
(Bank or tour operator's or foreign tour operator's post office address)

Date ____________, 19__.

§ 378.17 Contract between tour operators or foreign tour operators and tour participants.

Where each participant in a tour receives the same accommodations, land tours, etc., the contract between the tour operator or foreign tour operator and the tour participants shall be the same. Contracts between tour operators or foreign tour operators and tour participants shall include provisions concerning the following matters:

(a) Method of payment, e.g., installment payments;

(b) Refunds in the event of the tour's cancellation or the passenger's change of plans;

(c) Carriers' liability limitations for passengers' baggage;

(d) Aircraft equipment substitutions;

(e) Seating accommodations; and

(f) Nonperformance of tour because

---

[7] Filed as part of reissued document (SPR-40).

[*] Title 18 U.S.C. section 1001, Crimes and Criminal Procedure, makes it a criminal offense, subject to a maximum fine of $10,000 or imprisonment for not more than 5 years or both, to knowingly and willfully make or cause to be made any false or fraudulent statements or representations in any matter within jurisdiction of any agency of the United States.

of insufficient number of participants.

(g) Unless the tour participant files a claim with the tour operator or foreign tour operator within sixty (60) days after completion of the tour, the surety shall be released from all liability under the bond to such tour participant (see § 378.16(d)).

5. Amend § 378.18 to read as follows:

§ 378.18 Disbursements from depository account.

No tour operator or foreign tour operator shall cause its agents or the depository bank to make disbursements or payments from tour-participant deposits except in accordance with the provisions of this part.

6. Amend §§ 378.19 and 378.20 to read as follows:

§ 378.19 Inclusive tours operated by U.S. supplemental carriers for foreign tour operators.

(a) At last 90 days in advance of the date of departure of the proposed tour or series of tours to be operated by a U.S. supplemental air carrier for a foreign tour operator as defined in § 378.2 (d-1)(i), the supplemental carrier shall file with the Civil Aeronautics Board (Director, Bureau of Operating Rights) a Tour Prospectus which shall contain the following information:

(1) Name and address of the foreign tour operator;

(2) The proposed date and time of each flight;

(3) Equipment to be used, including the aggregate number of each type of aircraft and capacity;

(4) The tour itinerary, including hotels (name and length of stay at each), and sightseeing or other arrangements, if any;

(5) The tour price per passenger;

(6) The number of persons expected to participate in the tour;

(7) Charter price of the aircraft;

(8) The individually ticketed air fare, computed as provided in § 378.2(b)(4).

(b) A U.S. supplemental air carrier operating an inclusive tour for a foreign tour operator shall require full payment of the total charter price prior to commencement of the air transportation.

§ 378.20 Posttour reporting.

(a) Within 30 days after completion of a tour or series of tours, the supplemental air carrier and tour operator or foreign tour operator shall jointly file with the Board (Supplementary Services Division, Bureau of Operating Rights) a posttour report: *Provided*, That in the case of a series of tours which exceeds 6 months between commencement of the first tour and departure of the last tour, the supplemental air carrier and tour operator or foreign tour operator shall file a joint interim report within 30 days after the expiration of 6 months from commencement of the first tour, covering tours completed during such 6 months. The posttour and interim report shall indicate whether or not the tours authorized hereunder were, in fact, performed. To the extent that the operations differed from those described in the prospectus filed under § 378.10, such differences shall be fully detailed including the reasons therefor. However, the making of such an explanation shall not of itself operate as authority for or excuse any such deviation.

(b) The supplemental air carrier shall promptly notify the Board regarding any tours covered by a prospectus filed under § 378.10 that are later canceled.

(Secs. 204(a), 401, and 402 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 754 (as amended), 757; 49 U.S.C. 1324, 1371, 1372)

By the Civil Aeronautics Board.

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

[FR Doc.71-6615 Filed 5-11-71;8:49 am]

[Reg. SPR-48; Amdt. 5]

PART 378a—BULK INCLUSIVE TOURS BY TOUR OPERATORS

Definition of Foreign Tour Operators

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of May 1971.

For the reasons set forth in SPR-47, issued contemporaneously, the definition of "foreign tour operator" in § 378a.2 is being amended to include persons holding permits authorizing them to engage in U.S. originated tours. In addition Part 378a is being amended to add such foreign tour operators to the provisions of §§ 378a.10 (Procedure), 378a.11 (Discrimination), 378a.12 (Methods of competition), 378a.13 (Surety bond), 378a.14 (Contract between tour operators and tour participants), and 378a.20 (Waiver).

Since the amendments herein are interpretive and clarifying in character, notice and public procedure thereon are unnecessary, and the rule will be made effective on less than 30 days' notice.

Accordingly, the Civil Aeronautics Board amends Part 378a of its Special Regulations (14 CFR Part 378a), effective on May 8, 1971, as follows:

1. Amend the table of contents to revise the title of § 378a.14. As amended the table of contents will read in pertinent part:

2. Amend 378a.2 to read as follows:

§ 378a.2 Definitions.

As used in this part, unless the context otherwise requires:

* * * * *

(b) "Foreign tour operator" means any person who is not a U.S. citizen (other than a direct foreign air carrier):

(1) Who is engaged in the formation of groups for transportation on bulk inclusive tours which originate in a foreign country and over whom the Board by § 378a.8 has declined to exercise its jurisdiction; and/or

(2) Who is engaged in the formation of groups for transportation on bulk inclusive tours which originate in the United States and who holds a permit issued pursuant to section 402 of the Act authorizing such transportation. "Foreign tour operator" as used in §§ 378a.10-378a.14 and 378a.20, is confined to the meaning set forth in this subparagraph.

3. Amend §§ 378a.10 through 378a.14 and 378a.20, including the title of § 378a.14, to read as follows:

§ 378a.10 Procedure.

No bulk inclusive tour or series of tours shall be operated, nor shall any tour operator or foreign tour operator sell or offer to sell, solicit, or advertise such tour or tours, unless there is on file with the Board the form of contract between the tour operator or foreign tour operator and tour participants, the tour operator's or foreign tour operator's surety bond and, where applicable, a copy of the depository agreement with a bank as provided in § 378a.13(b)(2). These documents shall be filed at least 60 days before commencement of the tour or tours and late filing will not be permitted except for good cause shown.

§ 378a.11 Discrimination.

No tour operator or foreign tour operator shall make, give, or cause any undue or unreasonable preference or advantage to any particular person, port, locality, or description of traffic in air transportation in any respect whatsoever or subject any particular person, port, locality, or description of traffic in air transportation to any unjust discrimination or any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

§ 378a.12 Methods of competition.

No tour operator or foreign tour operator shall engage in unfair or deceptive practices or unfair methods of competition in air transportation or the sale thereof. Advertising by tour operators or foreign tour operators of tour prices involving bulk fares shall be limited to the total tour price without a breakdown into component parts, except that additional charges for optional services or facilities may be reflected.

§ 378a.13 Surety bond.

(a) Except as provided in paragraph (b) of this section, the tour operator or foreign tour operator shall furnish a surety bond in an amount of not less than twice the amount of the contract bulk price for the air transportation to be furnished in connection with such tour: *Provided, however*, That the liability of the surety to any tour participant shall not exceed the tour price.

(b) The prospective tour operator or foreign tour operator may elect, in lieu of furnishing a surety bond as provided under paragraph (a) of this section, to comply with the requirements of subparagraphs (1) and (2) of this paragraph as follows:

(1) The tour operator or foreign tour operator shall furnish a surety bond in a minimum amount of $10,000 per flight up to a maximum amount of $100,000 for a series of 10 or more flights, for the protection of the tour participants, the bond to continue in effect until completion of the tour or series of tours: *Provided, however*, That the liability of the surety to any tour participant shall not exceed the tour price.

(2) The direct air carrier and tour operator or foreign tour operator shall enter into an ageement with a designated bank, the terms of which shall include the following:

(i) Each tour participant shall pay for his deposit and subsequent payments comprising the tour price only by check or money order payable to such bank which shall maintain a separate account for each tour: *Provided, however*, That if the tour participant makes a cash deposit, the tour operator, foreign tour operator, or travel agent who receives such cash deposit shall forthwith remit to the designated bank a check for the full amount of the deposit without deduction of commission;

(ii) The bank shall not pay the direct air carrier the price for the transportation earlier than 30 days (including day of departure) prior to the scheduled day of departure of the originating or returning flight, upon certification of the departure date by the direct air carrier;

(iii) The bank shall reimburse the tour operator or foreign tour operator for refunds made by the latter to the tour participant upon written notification from the tour operator or foreign tour operator;

(iv) If the tour operator, foreign tour operator or the direct air carrier notifies the bank that a tour has been canceled, the bank shall make the applicable refunds directly to the tour participants; and

(v) Except as provided in subdivision (iii) of the subparagraph, the bank shall not pay any funds from the account to the tour operator or foreign tour operator prior to 2 banking days after completion of each tour, when the balance in the account shall be paid to the tour operator or foreign tour operator upon certification of the completion date by the direct air carrier. As used in this subparagraph, the term "bank" includes a bank, savings and loan association, or other financial institution insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.

(c) The bond required under paragraphs (a) and (b)(1) of this section shall insure the financial responsibility of the tour operator or foreign tour operator and the supplying of the transportation and all other accommodations, services, and facilities in accordance with the contract between the tour operator or foreign tour operator and the tour participants, and shall be in the form set forth in the appendix to this Part 378a.[1] Such bond shall be issued by a reputable and financially responsible bonding or surety company which is legally authorized to issue bonds of that type in the State in which the tour originates. For purposes of this section, the term "State" includes any territory or possession of the United States, or the District of Columbia. The Board will consider that a bonding or surety company is prima facie qualified under this section if such company's surety bonds are accepted by the Interstate Commerce Commission under 49 CFR 1084.6, and if such company is listed in Best's Insurance Reports (Fire and Casualty) with a general policyholders' rating of "A" or better. If the bond does not comply with the requirements of this section, or for any reason fails to provide satisfactory or adequate protection for the public, the Board will notify the direct air carrier and the tour operator or foreign tour operator, by registered or certified mail, stating the deficiencies of the bond. Unless such deficiencies are corrected within the time set forth in such notification, the subject tour or tours shall in no event be operated.

(d) The bond required by this section shall provide that unless the tour participant files a claim with the tour operator or foreign tour operator within sixty (60) days after completion of the tour, the surety shall be released from all liability under the bond to such tour participant. The contract between the tour operator or foreign tour operator and the tour participant shall contain notice of this provision.

[1] Appendix filed as part of original issuance (SPR-32).

§ 378a.14 Contract between tour operators or foreign tour operators and tour participants.

Where each participant in a tour receives the same accommodation, land tours, etc., the contract between the tour operator or foreign tour operator and the tour participants shall be the same. Contracts between tour operators or foreign tour operators and tour participants shall include provisions concerning the following matters:

(a) Method of payment, e.g., installment payments;

(b) Refunds in the event of the tour's cancellation or the passenger's change in plans;

(c) Carriers' liability limitations for passengers' baggage.

(d) Nonperformance of tour because of insufficient number of participants; and

(e) Unless the tour participant files a claim with the tour operator or foreign tour operator within sixty (60) days after completion of the tour, the surety shall be released from all liability under the bond to such tour participant (see § 378a.13(d)).

§ 378a.20 Waiver.

A waiver of any of the provisions of this regulation may be granted by the Board upon its own initiative, or upon the submission by a tour operator or foreign tour operator of a written request therefor: *Provided*, That such a waiver is in the public interest and it appears to the Board that special or unusual circumstances warrant a departure from the provisions set forth herein.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended; 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

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

[FR Doc.71-6616 Filed 5-11-71;8:49 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. IC-6440]

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

PART 271—INTERPRETATIVE RELEASES RELATING TO THE INVESTMENT COMPANY ACT OF 1940 AND RULE AND REGULATIONS THEREUNDER

Repeal of Certain Exemptions; Pyramiding of Investment Companies; Regulation of Fund Holding Companies

Changes in the Investment Company Act of 1940 made by the Investment Company Amendments Act of 1970 (Public Law 91-547) relating to the repeal and modification of exemptions for certain companies; the pyramiding of investment companies and the regulation of fund holding companies; and rescission of Rule 11b-1 under the Investment Company Act.

This is the fourth in a series of releases on problems arising under the Investment Company Amendments Act of 1970 (1970 Act) (Public Law 91-547 (84 Stat. 1413)), enacted December 14, 1970.[1] The purpose of the release is to call to the attention of registered investment companies and other interested persons some important amendments relating to the repeal and modification of certain exemptions in the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.) and to the pyramiding of investment companies and the regulation of fund holding companies under the Investment Company Act. The release also confirms that Rule 11b-1 (17 CFR 270.11b-1) under the Investment Company Act is superseded and thus is hereby rescinded by the Commission.

[1] See Investment Company Act Releases Nos. 6336 (36 F.R. 2867), 6392 (36 F.R. 2867), and 6430 (36 F.R. 7896).

Repeal of exemptions for certain companies. The 1970 Act (84 Stat. 1414) deletes the exception formerly provided by section 3(c)(8) of the Investment Company Act (15 U.S.C. 80a–3(c)(8)) for a company 90 percent or more of the value of whose investment securities were represented by securities of a single issuer which is a bank, insurance company or other person enumerated in paragraphs (4), (5), or (6) of section 3(c), as amended (formerly paragraphs (5), (6), (7)), (84 Stat. 1414–1415.)

The 1970 Act (84 Stat. 1415) also modifies the exclusion provided by section 3(c)(5) of the Investment Company Act (formerly section 3(c)(6)) (15 U.S.C. 80a–3(c)(6)) to make such exclusion unavailable to real estate, factoring and other specified financing companies otherwise falling within the definition of investment company in section 3(a) of the Act (15 U.S.C. 80a–3(a)), if they issue redeemable securities.[2]

Companies which had relied upon the exception provided by section 3(c)(8) and companies issuing redeemable securities which had relied upon section 3(c)(6) before the enactment of the 1970 Act must therefore promptly register under the Investment Company Act. Also, registered investment companies should ascertain whether they have any securities of investment companies, now required to register by the above amendments, in their portfolios in order to avoid the percentage limitations on the acquisition of investment company securities provided in section 12(d)(1), as amended by the 1970 Act (84 Stat. 1417), discussed below.

Limitations on the creation and operation of fund holding companies. The 1970 Act amends section 12(d)(1) of the Investment Company Act to impose greater limitations on the pyramiding of investment companies and on the creation and operation of fund holding companies.[3]

New Subparagraph (A) (84 Stat. 1417) of section 12(d)(1) makes it unlawful for any registered investment company[4] and the companies it controls[5] to purchase or otherwise acquire any security issued by any other investment company[6] if, as a result of such transaction, the limitations in that subparagraph would be exceeded. In addition, subparagraph (A) makes it unlawful for any investment company[7] and the companies it controls to purchase or otherwise acquire any security issued by any registered investment company if, as a result of such transaction, the limitations contained in that paragraph would be exceeded.[8]

Open-end investment companies and persons selling the shares of such companies should give special attention to new subparagraph (B) of section 12(d)(1). In addition to the prohibitions imposed by subparagraph (A) on registered investment companies and the companies they control on purchases of securities issued by other investment companies, subparagraph (B) (Public Law 91–547; 84 Stat. 1417) makes it unlawful for any registered investment company, its principal underwriter, or any broker-dealer registered under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) knowingly to sell or otherwise to dispose of a security issued by such registered company to any other investment company if, as a result of such transactions, the limitations contained in that subparagraph would be exceeded.[9] In order to comply with this provision it will be necessary for registered open-end companies to maintain accurate and up-to-date records on all of its shareholders known to be investment companies and companies controlled by investment companies,[10] and such records must be made available to their principal underwriters. Relevant information on these matters should be made available to dealers who sell their securities. It would also be advisable for registered open-end companies, their underwriters and dealers to adopt procedures to ascertain the identity of the ultimate purchaser when any person places an order for shares in an unusually large amount.

New subparagraph (C) (84 Stat. 1417) imposes limitations, in addition to those contained in subparagraph (A), on purchases by registered and other investment companies of securities issued by registered closed-end investment companies. Since the stock of closed-end companies is usually bought and sold in secondary trading markets rather than through the issuance of new shares as in the case of open-end companies, it would be much more difficult for a seller to know how much of a closed-end company's stock is owned by investment companies generally. Therefore, subparagraph (C) makes it unlawful for any investment company and the companies it controls to purchase or otherwise acquire any security issued by a registered closed-end investment company if, as a result of the transaction, the acquiring investment company, and other investment companies having the same investment adviser, and companies controlled by such investment companies[11] own more than 10 percent of the total outstanding voting stock of such closed-end company.

Subparagraph (D) (84 Stat. 1418) retains the exceptions provided in section 12(d)(1) before enactment of the 1970 Act from the prohibitions against transfer of investment company interests for securities received as a dividend or as a result of exchange offers under section 11 and plans of reorganization other than a plan devised for the purpose of evading subparagraphs (A) through (C).

[2] "Redeemable security" is defined by section 2(a)(32) of the Investment Company Act (84 Stat. 1413), formerly section 2(a)(31) (15 U.S.C. 80a–2(a)(31)).

[3] A fund holding company is an investment company which invests in securities issued by other investment companies.

[4] "Registered investment company" for these purposes includes a company coming within the definition of "investment company" in section 3(a) of the (Investment Company) Act, which is not excluded by section 3(b) or section 3(c) of the Act, and which is actually registered or required to register under the Act. (See S.E.C. v. Fifth Avenue Coach Lines, Inc. et al., 289 F. Supp. 3 (S.D.N.Y. 1968), aff'd C.A. 2, Nos. 137–140 80a–2(a)(9)).

[5] "Control" is defined in section 2(a)(9) of the Investment Company Act (15 U.S.C. 80a–2(a)(9)).

[6] "Any other investment company" for these purposes refers to both registered and unregistered investment companies (see footnote 4, supra) including foreign-based or offshore investment companies which are not subject to the registration requirements of the Investment Company Act.

[7] See footnote 6, supra.

[8] The limitations would be exceeded and subparagraph (A) would be violated if, immediately after such purchase or acquisition, the acquiring investment company and the companies it controls will own in the aggregate (1) more than 3 percent of the total outstanding stock of the acquired investment company; or (2) securities issued by the acquired investment company having an aggregate value in excess of 5 percent of the value of the total assets of the acquiring investment company; or (3) securities issued by the acquired investment company and all other investment companies (other than treasury stock of the acquiring investment company) having an aggregate value in excess of 10 percent of the value of the total assets of the acquiring investment company. Limitations (1) and (2) are not by their terms applicable to purchases or acquisitions by an investment company, which is not registered or required to be registered under the Investment Company Act, of a security issued by another such investment company, but only to a purchase or acquisition of a security issued by a registered investment company. However, limitation (3) would be exceeded by an investment company which is not registered or required to be registered under the Investment Company Act if, as a result of a transaction in which it or a company it controls purchases a security issued by a registered investment company, it and the companies it controls own securities issued by any investment companies which have an aggregate value in excess of 10 percent of the value of its total assets. In other words, securities of other investment companies not registered under the Act are considered for the purpose of determining whether the 10 percent limitation would be exceeded.

[9] The limitations would be exceeded and subparagraph (B) would be violated if, immediately after such sale or disposition (i) more than 3 percent of the total outstanding voting stock of the registered investment company would be owned by the acquiring investment company and any company or companies it controls; or (ii) more than 10 percent of the total outstanding voting stock of the registered investment company would be owned by the acquiring investment company and other investment companies and companies controlled by them.

[10] Section 2(a)(8) (15 U.S.C. 80a–2(a)(8)) defines "company" as a corporation, a partnership, an association, a joint-stock company, a trust, a fund, or any organized group of persons whether incorporated or not; or any receiver, trustee in bankruptcy or similar official or any liquidating agent for any of the foregoing.

[11] "Companies controlled by such investment companies" includes companies controlled by the acquiring company.

Subparagraph (E) (84 Stat. 1418) continues the exceptions provided in section 12(d)(1) for registered unit trusts issuing periodic payment plan certificates.[12] This subparagraph also extends the exception from prohibitions of amended section 12(d)(1) to an investment company security purchased or acquired by an investment company, if the depositor of or principal underwriter for such acquiring investment company is a broker or dealer registered under the Securities Exchange Act of 1934, or is a person controlled by such a broker or dealer and the investment portfolio of the acquiring company consists only of such security. In order to avail itself of the exception provided by subparagraph (E), an unregistered investment company (e.g., a foreign unit trust) must make an arrangement with underlying portfolio investment companies or such companies' principal underwriters to afford to such unregistered investment company's shareholders certain rights specified in the subparagraph regarding the voting of proxies and the substitution of other securities for the underlying securities.

Subparagraph (G) (84 Stat. 1418) provides that, for the purpose of section 12(d)(1), the value of an investment company's total assets shall be computed as of the time of purchase or acquisition, or as closely thereto as is reasonably possible.

Under the statutory pattern provided by the amendments to section 12(d)(1), subparagraphs (A), (B), and (C) impose substantial restrictions on the creation and operation of fund holding companies. However, the 1970 Act also adds a new subparagraph (F) (84 Stat. 1418) to section 12(d)(1) which would make it possible to continue to create and to operate registered fund holding companies subject to the conditions specified in that subparagraph. This new provision raises a number of problems. Also, one portion of subparagraph (F) deals with the relationship fund holding companies with their portfolio companies. Therefore, persons interested in forming fund holding companies, as well as registered investment companies which are or may become portfolio companies of fund holding companies, should be aware of the following comments which the Commission's Division of Corporate Regulation has given to existing registered fund holding companies:

1. A registered fund holding company may not offer or sell any security issued by it at a public offering price which includes a sales load of more than 1½ percent.

2. A fund holding company together with all of its affiliated persons cannot purchase or acquire in the aggregate more than 3 percent of the total outstanding stock of any other investment company. Under prior law, a holding company could purchase 5 percent of the total outstanding stock of an investment company which had a policy of concentration, or 3 percent of an investment company which did not have a policy of concentration. Since a fund holding company's ability to purchase shares of any investment company is now dependent upon the action of a broad class of persons—affiliated persons as defined in section 2(a)(3) of the Investment Company Act (15 U.S.C. 80a–2(a)(3))—procedures should be instituted to assure that a fund will be able to determine prior to making an investment the eligibility of the particular security for the fund holding company's portfolio under this restriction.

3. No investment company whose securities are owned by a fund holding company is required to redeem more than 1 percent of the former's securities during any period of less than 30 days. Previously a fund holding company had the same redemption rights as any other holder of securities issued by a registered open-end company—that is, except during those emergency periods specified in section 22(e) (15 U.S.C. 80a–22(e))—payment or satisfaction within 7 days after tender for redemption. The effect of this redemption limitation must be considered together with the obligation of the fund holding company itself to redeem its securities within 7 days as specified in section 22(e) of the Investment Company Act. Thus, while a fund holding company may purchase more than 1 percent of the total outstanding securities of the investment company, such a purchase may, unless the fund holding company contemplates redemptions in kind, impair its liquidity, substantially affecting its ability to comply wth section 22(e).

Further, investment commitments above the 1 percent limitation could result in a situation where a fund holding company would not be able to redeem a portfolio security at such time as it appears to management to be in the fund holding company's best interest to do so.

4. Investment company securities held by a fund holding company may be voted by such company only either (a) after seeking instructions from its security holders with regard to such security and then in accordance with such instructions, or (b) in the same proportion as the vote of all other holders of such security. If alternative (a) is followed, the Investment Company Act, in effect, requires the fund holding company to make an arrangement with the issuer or principal underwriter of the issuer whereby sufficient proxy solicitation or other material may be transmitted to the fund holding company's security holders so that their instructions may be obtained.

Each fund holding company's prospectus should make adequate disclosure concerning the foregoing. For example, if the company, pursuant to its investment policy, retains the freedom to purchase more than 1 percent of the total outstanding shares of one or more investment companies, the appropriate prospectus disclosure should include a discussion of the effect of any such holding on the fund holding company's liquidity and ability to change investments.

Sales charge in exchange of series shares and rescission of rule 11b–1 under the Investment Company Act. The 1970 Act (84 Stat. 1417) deletes paragraph (2) of section 11(b) of the Investment Company Act (15 U.S.C. 80a–11(b))[13] which formerly permitted registered investment companies which issue series shares or the principal underwriters of such companies to charge an additional sales load when shareholders in one series exchange their shares for shares in another series. This amendment is effective immediately and supersedes rule 11b–1, which is hereby rescinded. Series companies are therefore subject to the same treatment as other open-end investment companies with respect to offers of exchange as provided under section 11(a) of the Investment Company Act (15 U.S.C. 80a–11(a)).

Commission action. Part 270 of Chapter II of Title 17 of the Code of Federal Regulations is amended by rescinding § 270.11b–1 thereunder, effective April 6, 1971.

The Commission finds that the provisions of 17 CFR 270.11b–1 have been made obsolete by deletion of the provisions of former paragraph (2) of section 11(b) of the Act (15 U.S.C. 80a–11(b)(2)) by the provisions of section 6 of Public Law 91–547 (84 Stat. 1417), and that notice and procedures under 5 U.S.C. are unnecessary. Accordingly, the foregoing recission shall be effective on April 6, 1971.

(Secs. 6(c), 11(b), 38(a); 54 Stat. 800, 808, 841; 15 U.S.C. 80a–6(c), 80a–11(b), 80a–37(a))

By the Commission, April 6, 1971.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71–6602 Filed 5–11–71;8:48 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 71–123]

PART 174—PROTESTS

Criteria for Further Review

MAY 3, 1971.

In formulating the circumstances in which further review of protests which the district director would otherwise deny shall be accorded, three criteria were set forth in § 174.24 of the Customs Regulations. One of these provided that further

[12] This amendment also makes it clear that the exception covers the acquisition of securities issued by two or more investment companies by a registered unit investment trust that issues two or more classes of securities each of which provides for the accumulation of shares of a different investment company.

[13] Note the conforming technical amendment made by the 1970 Act (84 Stat. 1413) in sec. 22(d) of the Investment Company Act (15 U.S.C. 80a–22(d)) which deletes the reference to clause (2) of sec. 11(b).

review would be accorded when the decision against which the protest was filed is alleged to be inconsistent with a prior published ruling. It now appears that this limitation is unnecessarily restrictive.

Accordingly, paragraph (a) of § 174.24 is hereby amended to read:

§ 174.24 Criteria for further review.

* * * * *

(a) Is alleged to be inconsistent with a ruling of the Commissioner of Customs or his designee, or with a decision made in any district with respect to the same or substantially similar merchandise;

* * * * *

(R.S. 251, as amended, secs. 515, 624, 46 Stat. 734, as amended; 759; 19 U.S.C. 66, 1515, 1624)

Since this amendment to § 174.24 expands the right of a party filing a protest to obtain further review, notice and public proceedings thereon are found unnecessary, and the amendment shall be effective upon publication in the FEDERAL REGISTER (5-12-71).

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

Approved: May 3, 1971.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-6578 Filed 5-11-71;8:46 am]

Title 21—FOOD AND DRUGS

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

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Sulfadimethoxine

Correction

In F.R. Doc. 71-5498 appearing at page 7650 in the issue for Friday, April 23, 1971, the percentage under "Grams per gallon" for the first entry of Table 1 in § 135c.13(e), now reading "0.03%", should read "0.05%".

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER A—GENERAL

[CGFR 71-30]

PART 1—GENERAL PROVISIONS

Testimony by Coast Guard Personnel in Legal Proceedings

This amendment revises the regulations applicable to testimony of Coast Guard personnel in legal proceedings to make them consistent with the regulations of the Department of Transportation in Part 9 of Title 49, Code of Federal Regulations. This amendment also delegates the authority of the Chief Counsel of the Coast Guard as the "appropriate counsel of the operating administration concerned" to the District Legal Officers.

Since this amendment relates to agency management, procedure, and practice, it is exempt from the notice and public procedure provisions of 5 U.S.C. 553 and may be made effective upon publication in the FEDERAL REGISTER.

Accordingly, Subpart 1.20 is revised to read as follows:

Subpart 1.20—Testimony by Coast Guard Personnel and Production of Records in Legal Proceedings

§ 1.20-1 Testimony by Coast Guard personnel and production of records.

(a) The regulations in 49 CFR Part 9 apply to the testimony of Coast Guard personnel, production of Coast Guard records, and service of process in legal proceedings.

(b) Except for the acceptance of service of process or pleading, the District Legal Officer of each Coast Guard District, with respect to matters arising within his District, is delegated the functions of the "appropriate counsel of the operating administration concerned" described in 49 CFR Part 9.

(c) A request for a member or employee of the Coast Guard to testify or for permission to interview a member or employee of the Coast Guard District must be made to the District Legal Officer of the Coast Guard District in which the member or employee is serving or if the member or employee is serving at Coast Guard Headquarters, to the Chief Counsel, U.S. Coast Guard.

(d) Process or pleadings in any legal proceeding concerning the Coast Guard may be served, at the option of the server, on the Chief Counsel or the Deputy Chief Counsel of the Coast Guard with the same effect as if served on the Commandant of the Coast Guard. The official accepting the service under this section acknowledges the service and takes further action as appropriate.

(80 Stat. 383, as amended, sec. 1, 33 Stat. 1022, as amended, sec. 9, 80 Stat. 944; 5 U.S.C. 552, 14 U.S.C. 632, 633, 46 U.S.C. 375, 416, 49 U.S.C. 1657 (a) and (e); 49 CFR 1.46, 49 CFR Part 9)

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER (5-12-71).

Dated: May 3, 1971.

C. R. BENDER,
Admiral, U.S. Coast Guard, Commandant.

[FR Doc.71-6587 Filed 5-11-71;8:46 am]

Title 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

PART 1—RULES OF PRACTICE IN PATENT CASES

Discovery During Interference Proceedings

These rule changes are intended to provide for: (1) Consideration of action sought by a party to a patent interference proceeding outside the period prescribed therefor where the delay in seeking such action is justified; (2) the designation of a specific period for discovery and the preparation for the taking of testimony; (3) specified discovery upon request (a) during the period for preparation for testimony as to evidence and testimony to be offered by junior parties and (b) after completion of testimony in chief of the junior parties, as to evidence and testimony to be offered by senior parties; (4) the ordering of additional discovery upon motion by a party where the interest of justice so requires; and (5) sanctions by the Board of Patent Interferences where there is noncompliance with a requirement of a rule or an order by the Board.

The proposal to amend Title 37, Code of Federal Regulations, by revising §§ 1.245 and 1.251 and by adding a new § 1.287 was published in the December 31, 1970, issue of the FEDERAL REGISTER (35 F.R. 20011).

All interested persons were given an opportunity to participate in the rule-making process by submission of comments in writing and in person at an oral hearing held on February 19, 1971. The rules are being adopted after full and careful consideration of all the material submitted. The departures from the published text reflect certain of the views expressed in the submitted material.

Effective Date. This amendment shall become effective 30 days after publication in the FEDERAL REGISTER and shall apply only to those interferences in which the times for taking testimony are set on or after such effective date.

In consideration of the comments received and pursuant to the authority contained in section 6 of the Act of July 19, 1952 (66 Stat. 793; 35 U.S.C. 6), Part 1 of Title 37, Code of Federal Regulations is hereby amended as follows:

1. Section 1.245 is revised to read as follows:

§ 1.245 Extension of time.

Extensions of time in any case not otherwise provided for may be had by stipulation of the parties, subject to approval, or on motion duly brought, sufficient cause being shown for such extension. A motion not timely made may be considered upon a showing of sufficient cause as to why such motion was not timely presented.

2. Section 1.251, paragraphs (a), (b), (c), and (d) are revised, and a new paragraph (e) is added as follows:

§ 1.251 Assignment of times for discovery and taking testimony.

(a) A period for preparation for testimony will be set in which all parties should complete discovery and other preparatory activities.

(b) Times will be assigned in which the junior party shall complete his testimony in chief, and in which the other party shall complete the testimony on his side, and a further time in which the junior party may take rebutting testimony, but he shall take no other testimony. If there be more than two parties to the interference, the times for taking testimony will be so arranged that each shall have an opportunity to prove his case against prior parties and to rebut their evidence, and also to meet the evidence of junior parties.

(c) Times for preparation of testimony, for compliance with § 1.287(a) and for taking of testimony will ordinarily be assigned in notices sent to the parties after motions under § 1.231 have been disposed of or, if no such motions have been filed, after the close of the motion period (§ 1.231).

(d) Testimony shall be taken during the times assigned in accordance with §§ 1.271 to 1.286.

(e) The date for final hearing will ordinarily be set in separate notices.

3. A new § 1.287 is added as follows:

§ 1.287 Discovery.

(a)(1) Each party who expects to take testimony must serve on each opposing party who requests service the following:

(i) A copy of each document in his possession, custody, or control and upon which he intends to rely,

(ii) A list of and a proffer of reasonable access to things in his possession, custody, or control and upon which he intends to rely, and

(iii) A list giving the names and addresses of all persons whom he intends to call as witnesses and indicating the relationship of each person to the invention in issue.

(2) Dates for compliance with subparagraph (1) of this paragraph will be set in accordance with the following:

(i) The date by which all parties may request service shall be not less than 10 days from the date of the order setting testimony times;

(ii) The date for service by all junior parties shall be not less than 30 days from the date of the order setting such times;

(iii) The date for service by the senior party shall be not less than 10 days from the date set for the close of testimony in chief of all junior parties.

(3) Where more than two parties are involved and one of the junior parties is not entitled to take testimony as to a more senior party, the requirements of subparagraphs (1) and (2) of this paragraph shall not be applicable as between such parties.

(b) The provisions of paragraph (a) of this section are without prejudice to the right of a party, where appropriate, to obtain production of documents or things during cross-examination of an opponent's witness or during his own period for rebuttal testimony.

(c) Upon motion (§ 1.243) brought by a party during the period for preparation for testimony, or thereafter as authorized under § 1.245, and upon a showing that the interest of justice so requires, the Board of Patent Interferences may order additional discovery as to matters under the control of a party within the scope of the discovery rules of the Federal Rules of Civil Procedure, specifying the terms and conditions of such additional discovery. An order by the Board granting or denying a motion under this paragraph shall not be subject to review prior to a decision awarding priority.

(d) (1) A party will not be permitted to rely on any document or thing in his possession, custody, or control, or on any witness, not listed and served by that party as required by paragraph (a) of this section, except upon a promptly filed motion accompanied by the proposed additional documents or lists together with a showing of sufficient cause as to why they were not served by the date set pursuant to paragraph (a) of this section.

(2) Any failure to comply with an order under the provisions of paragraph (c) of this section may be considered by the Board of Patent Interferences as basis for applying appropriate restrictions against the party failing to comply, for holding certain facts to have been established, and in an appropriate case for awarding priority against him, or for taking such other action as may be deemed appropriate.

(e) The parties may by agreement among themselves modify any of the foregoing requirements consistent with the schedule of times for taking testimony and filing the record. In the absence of such agreement, discovery will not be permitted prior to the period set for the preparation for testimony.

Dated: May 6, 1971.

WILLIAM E. SCHUYLER, Jr.,
Commissioner of Patents.

Approved:

JAMES H. WAKELIN, Jr.,
Assistant Secretary for Science and Technology.

[FR Doc.71-6617 Filed 5-11-71;8:49 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 16979]

PART 0—COMMISSION ORGANIZATION

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

Order Extending Time for Filing Responsive Pleadings

In the matter of regulatory and policy problems presented by the interdependence of computer and communication services and facilities.

1. The Chief, Common Carrier Bureau has under consideration a "Motion for Extension of Time to File Responsive Pleadings to Pleadings Requesting Reconsideration and Clarification" in the above-captioned proceeding (36 F.R. 8450). The request is based on the allegation that Western Union was not served with copies of many of the petitions and that it has only recently obtained such copies.

2. It appears that good cause has been shown for the extension requested and that such an extension will not unduly delay resolution of this proceeding.

3. *Accordingly, it is ordered,* That the time for filing responsive pleadings to pleadings requesting reconsideration and clarification herein is extended to May 18, 1971.

Adopted: April 30, 1971.

Released: May 3, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WILLIAM M. LESHER,
Acting Chief, Domestic Rates Division for Chief, Common Carrier Bureau.

[FR Doc.71-6585 Filed 5-11-71;8:46 am]

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

[OST Docket No. 1; Amdt. 1-48]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Delegation of Authority With Respect to Aircraft Emission Standards

The purpose of this amendment is to delegate, to the Federal Aviation Administrator, the authority vested in the Secretary of Transportation by section 11(a) of the Clean Air Amendments of 1970 (Public Law 91-604; 84 Stat. 1703) which added Part B—"Aircraft Emission Standards" to title II of the Clean Air Act (42 U.S.C. 1857 et seq.).

Since this amendment relates only to the internal management of the Department, notice and public procedure thereon are not required and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, effective May 6, 1971, § 1.47 of Title 49, Code of Federal Regulations, is amended by adding the following paragraph at the end thereof:

§ 1.47 Delegations to Federal Aviation Administrator.

* * * * *

(j) Carry out the functions vested in the Secretary by part B of title II of the Clean Air Act, as amended (84 Stat. 1703).

(Sec. 9, Department of Transportation Act, 49 U.S.C. 1657)

Issued in Washington, D.C., on May 6, 1971.

JOHN A. VOLPE,
Secretary of Transportation.

[FR Doc.71-6571 Filed 5-11-71;8:45 am]

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

[Dockets No. 1-9, 1-10; Notice 4]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Exterior Protection; Passenger Cars; Correction

In F.R. Doc. 71-5234, appearing at page 7219 in the issue for April 16, 1971, a paragraph was inadvertently omitted. In the third column, the regulation is corrected by the insertion of the omitted paragraph as S7.1.5 and the renumbering of the present paragraphs S7.1.5 and S7.1.6 as S7.1.6 and S7.1.7, so that those paragraphs read as follows:

§ 571.21 Federal Motor Vehicle Safety Standards

* * * * *

MOTOR VEHICLE SAFETY STANDARDS NO. 215

EXTERIOR PROTECTION—PASSENGER CARS

S7.1.5 Move the test device away from the vehicle, then release it so that plane A remains vertical from release until the onset of rebound, and the arc described by any point on the impact line is constant, with a radius of not less than 11 feet, and lies in a plane parallel to the vertical plane through the vehicle's longitudinal centerline.

S7.1.6 Impact the front of the vehicle at 5 m.p.h. and the rear at 4 m.p.h.

S7.1.7 Perform the impacts at intervals of not less than 30 minutes.

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

Issued on May 6, 1971.

DOUGLAS W. TOMS,
Acting Administrator.

[FR Doc.71-6574 Filed 5-11-71;8:45 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 28—PUBLIC ACCESS, USE AND RECREATION

Wichita Mountains Wildlife Refuge, Okla.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 28.28 Special regulations, public access, use, and recreation, for individual wildlife refuge areas.

OKLAHOMA

WICHITA MOUNTAINS WILDLIFE REFUGE

Those portions of the refuge designated for public use are open for certain recreational uses January 1, 1971, through December 31, 1971. The public use area totals approximately 22,400 acres and is delineated on maps available from the Refuge Manager, Box 448, Cache, OK 73527 and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Public access, use, and recreational activity shall be subject to the following special conditions.

1. Sightseeing, nature observation, photography, and hiking are permitted except where restricted by sign.
2. Camping and picnicking are permitted in areas where refuge tables and firegrates are provided. A written permit is required for stays in excess of seven (7) days. Camp stoves and charcoal grills may be used in camp and picnic areas. Dead and down timber may be used in firegrates provided by the refuge.
3. Boating is permitted in accordance with State and Federal boating regulations on the refuge portions of Elmer Thomas Lake except in marked swimming and scuba diving areas. All other floating devices are prohibited on all refuge waters unless permitted by other Federal regulations.
4. Swimming and wading are permitted at designated beaches. Life jackets and buoyant vests may be worn while swimming. Food and beverages are prohibited on swimming beaches. Snorkeling and skin diving are restricted to designated swimming areas.
5. Scuba diving is permitted in the refuge portions of Elmer Thomas Lake. Diving areas must be marked with appropriate warning flags when outside of marked swimming areas. Flags must be removed before leaving the area. Inflatable vests may be worn when diving.
6. Leashed pets under close control are permitted except on designated swimming beaches.
7. Possession of fireworks is prohibited.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuges generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1971.

JULIAN A. HOWARD,
Refuge Manager, Wichita Mountains Wildlife Refuge, Cache, Okla.

MAY 3, 1971.

[FR Doc.71-6600 Filed 5-11-71;8:47 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 917]

[Docket No. AO-90 A5]

FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Further Amendment of the Marketing Agreement and Order (Partial)

Pursuant to the rules of practice and procedure as amended, governing proceedings to formulate Marketing Agreements and Orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed further amendment of the marketing agreement and Order No. 917 (7 CFR Part 917; 36 F.R. 7510), regulating the handling of fresh pears, plums, and peaches grown in California, hereinafter referred to collectively as the "order". The order is effective pursuant to provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "act".

Interested persons may file written exceptions to this recommended decision with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than 10 days after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate. All such communications will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The public hearing on the record of which the recommended amendment of the order was formulated was held in Fresno, Calif., on January 13, 1971, pursuant to a notice thereof which was published in the FEDERAL REGISTER on December 24, 1970 (35 F.R. 19579), and a supplemental notice published December 31, 1970 (35 F.R. 20010). The notice and supplemental notice contained amendment proposals which had been submitted to the Secretary of Agriculture by the Control Committee, and the Plum Commodity Committee, administrative agencies for the order.

Material issues. The material issues presented on the record of the hearing involve amendatory proposals to:

(1) Change the definition of fruit to extend the regulatory provisions to all varieties of peaches.

(2) Change the definition of fruit to extend the regulatory provisions to additional varieties of pears.

(3) Change the definition of grower as it applies to peaches.

(4) Realign the boundaries of certain districts.

(5) Change the provisions as to qualifications of nominees to represent the Peach Commodity Committee as grower members on the Control Committee.

(6) Change the provisions as to qualifications of nominees to represent the Pear and Plum Commodity Committees as grower members on the Control Committee.

(7) Increase the number of members on the Peach Commodity Committee, and increase the term of office of such members from 1 to 2 years.

(8) Increase the term of office of the Pear and Plum Commodity Committees from 1 to 2 years.

(9) Change the representation areas for peaches and reallocate representation on the Peach Commodity Committee among such areas.

(10) Change the quorum requirement for the Peach Commodity Committee; and increase the number of affirmative votes necessary by such committee to approve actions with respect to research and regulations.

(11) Add authority for production research for peaches.

(12) Add authority for production research for pears and plums, and for paid advertising for plums.

(13) Change the provisions on termination, with respect to peaches, to delay for 2 years the next scheduled referendum on continuance.

(14) Change the provisions on termination, with respect to pears and plums, to delay for 2 years the next scheduled referendum on continuance.

This is a partial recommended decision dealing only with the issues applicable to pears and plums. The issues pertaining to peaches were dealt with in an earlier decision.

(2) The term "fruit" should be redefined in the order as hereinafter set forth to extend the regulatory provisions of the order to additional varieties of pears.

Current provisions of the order are applicable to Bartlett, Dr. Jules Guyot (Guyot, Early Bartlett, Clapps Favorite (Hill Bartlett), Max-Red (Max-Red Bartlett, Red Bartlett), Rosired (Rosired Bartlett), Winter Bartlett, Gorham (Late Bartlett) varieties of pears. A number of similar varieties of pears have been developed. Some of these varieties mature just prior to or during the marketing season for the varieties currently subject to regulation under the order. Hence they complete with the regulated varieties. Such varieties should be subject to regulation under the order on the same basis as the varieties which are currently covered. The order should cover all varieties of pears except Beurre Hardy, Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau. These varieties are subject to regulation under the California Marketing Order for Fresh Fall and Winter Pears, and Federal Marketing Order No. 927. Therefore, "pears" in § 917.4 *Fruit* should be redefined as hereinafter set forth to include all varieties of pears except Beurre Hardy, Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau.

The order should provide that any variety of pears, other than those specifically excluded, should be subject to all provisions of the order. The full latitude of the regulatory provisions should be available so that differences in the characteristics and individual situations of the various varieties can be recognized in the tailoring of regulations for the different varieties. Persons familar with pears, including inspectors, can distinguish one variety of pears from another. Hence, the issuance of regulation recognizing differences in such characteristics is appropriate and practical, and would tend to effectuate the purposes of the order and the act. The evidence indicates that initially it may not be necessary to apply the full scope of regulation to varieties the production of which is relatively small. If the objectives of the act and the order can be served by the application of a minimum of regulation to some varieties, for example, container marking as to variety, it was indicated that imposition of regulations only to such extent would be favored by the industry.

Imposition of regulations on a minimum basis has been found to be practical with respect to some of the varieties currently covered, and it should be equally so with respect to the varieties proposed to be added. Consistent with this, grade and size regulations have been imposed on only three of the varieties currently subject to regulation under the order. The remainder of such varieties have been made subject only to the requirement that they be accurately marked as to variety.

(4), (6), and (8) Districts and representation areas are established in the order to provide a basis for geographic representation on the commodity committees under the order. The districts are comprised of combinations of specified delineated portions of the production area. The representation areas consist of specified districts or combinations thereof. Representation on the Commodity Committees is allocated among the representation areas principally on the basis of the relative volume of production. No changes in districts are required to accommodate the Pear and Plum Commodity Committees. However, for simplicity it is desirable that each district be the same for each commodity. It is therefore concluded that the districts specified in § 917.14(k), (q), and (r) should be redefined as hereinafter set forth. All of these districts are in the same pear and plum representation area, hence such redefinition will not change any grower's area of representation.

The order should be amended to specify a 2-year term of office for the Plum and Pear Commodity Committee members instead of a 1-year term as currently provided. Such 2-year term should end on the last day of February of odd numbered years. The evidence indicates that there is little change in the membership of these commodity committees from year to year, hence it appears that the longer term is desirable. Nomination meetings do make demands on growers time, and to the extent such meetings are unnecessary they should not be required. The evidence further indicates that the industry desires to arrange terms of office so such terms and nomination meetings under the State and Federal Marketing Orders under the same management coincide. At the time of the hearing on Janury 13, 1971, nomination meetings to fill positions on the Plum and Pear Commodity Committees had been held but appointments had not been made. Such appointments will have been made, prior to the effective time of this amendment, under current provisions of the order. The order provides that after having been selected and qualified the members and alternates of these committees shall serve for the term for which selected and until their successors have been selected and qualified. In this connection should the amendment be made effective members and alternates of such committees serving at the effective time of the amendment should continue to serve until the last day of February 1973. It is therefore concluded that the order should be amended consistent with the foregoing.

In addition to the three commodity committees representing the three fruits under the order, the order provides for a Control Committee, comprised of 12 shipper members and 13 grower members. The Control Committee performs local administration of the program in all intercommodity matters under the order, while each respective commodity committee deals with matters related specifically to its fruit. The grower members of the Control Committee are nominated by the commodity committees on the basis of an allocation to each as specified under the order. The order provides that each such grower so nominated shall be an individual person who produced fruit during the previous season. Except in rare instances, each commodity committee has nominated persons for its positions on the Control Committee from among its own membership. The order should be amended, as hereinafter set forth, to require that each person nominated by the Plum and Pear Commodity Committees to fill a grower position on the Control Committee shall be a member or alternate member of the respective Commodity Committee. Such requirement would assure that there will be among the grower membership of the Control Committee persons who are familiar with the problems of each respective fruit.

(12) The order now requires a vote equal to the quorum requirement for recommendations pursuant to §§ 917.40 through 917.43. In the case of the Plum and Pear Commodity Committees this is 8 members. Such requirement should be made to apply to recommendations pursuant to § 917.39 because as hereinafter discussed, it is proposed to add authority in the order for the committees to establish production research projects in addition to marketing research and development projects. Such projects which are designed to assist, improve, or promote the marketing, distribution, and consumption, or efficient production of plums and pears may involve substantial expenditures. In addition, with respect to plums, authority would be added for the Plum Commodity Committee to engage in any form of promotion including paid advertising. It is highly desirable that the recommendations with respect to any such projects, as well as recommendations on regulations under the sections previously cited, have a high degree of support by the respective committee and the industry. It is therefore concluded that the order should be amended, as hereinafter set forth, to require an affirmative vote by the Plum and Pear Commodity Committees for the approval of actions and recommendations pursuant to the specified sections as indicated.

The order should be amended as hereinafter set forth to authorize the Plum and Pear Commodity Committees to establish production research projects for such fruits.

The evidence indicates that there is a number of problem areas related to the production of plums and pears on which research may prove to be beneficial. Many problems which affect the fruit in the orchard affect the quality and shelf life manifested by the fruit in marketing channels. Hence, many marketing research projects cannot be of maximum effectiveness unless the scope of study concerns itself not only with what happens to the fruit after it is picked from the tree but also how it develops prior to harvest.

The control of decay in plums has become increasingly difficult in recent years, due largely to buildup of brown rot in the orchards and subsequent spread of infection in the packinghouses. The reduction of losses from decay in the market requires integrated control measure that reduce infections in the orchard, in packinghouses, during transit, and during marketing. Research on methods of preventing infection in the orchard, and sanitation measures in the packinghouses are appropriate areas for investigation.

Pear blight was mentioned specifically as a disease affecting this fruit which currently is under study. The order does not now permit the committees to assist in financing this work from order assessments. It was indicated that since blight affects the trees which produce the fruit regulated under the order it would be appropriate to make such assistance available if necessary to progress the work.

The foregoing are examples of the kinds of problems on which the committee may wish to undertake studies. They should not be viewed as limiting the respective committees production research authority which should include any such research that is permitted under the act.

The plum industry has supported advertising and promotional activities for plums under a State marketing order since 1966. The evidence indicates that economies could be effected and it would otherwise be advantageous to the industry if such activities were carried out under the order. The order currently is managed under a management sharing arrangement in conjunction with seven other marketing programs. The sharing of overhead costs among these programs reduces the costs of operation for each program. The evidence indicates that provision for paid advertising activities for plums, and vesting authority therefor in the Plum Commodity Committee, would place the plum industry in a better position to advance the interests of growers and this would tend to effectuate provisions of the act and the order. Therefore, the order should be amended as hereinafter set forth to authorize any form of marketing promotion for plums, including paid advertising.

Production of plums is increasing. In 1970 production was up by 1,300 carloads over that produced in 1968. Data on recent plantings indicate this trend can be expected to continue. Sales of plum trees by nurseries for commercial planting indicates that trees sold a year ago would plant 1,657 acres, 2 years ago 1,787 acres, and 3 years ago 1,359 acres. Significant also is the fact that the varieties being planted are largely those which produce heavily.

The record shows that the consensus of the industry is that promotional activities for plums have been beneficial in increasing demand and should be continued. Plums compete for shelf space and retail promotion with many processed and fresh fruits, many of which are now nationally advertised and promoted. In competing for this space and attention plums should benefit from a promotional program which offers the retailer an attractive quality product which the industry helps sell with an advertising and promotional campaign. The following promotional and advertising techniques together with the relative advantages were cited as examples of techniques which may be employed under the authorization: Publicity education is a good technique to use when promotional funds are limited, particularly if a major portion of the program is directed to newspaper food pages. Food page publicity which makes available serving suggestions, product information, stories and recipes, many of them illustrated by appetizing photographs, often will be given newspaper editorial space which, if evaluated at advertising rates, is worth many times the fee paid the publicity agency. Women look to the food pages of newspapers and magazines, radio and TV programs, and to local extension home economists and utility company personnel for guidance in meal planning. They readily accept suggestions from these sources as reliable and acceptable information. The expanded authority for promotion, including paid advertising, would enable the committee to supply plum information and publicity materials to food news editors and similar persons for appropriate distribution. It is recognized, however, that publicity education activities do have a disadvantage in that one cannot control the message. Since editorial space cannot be bought, one cannot dictate an editor's handling of a story. This disadvantage is more than offset, however, by the fact that good publicity education brings the greatest return for the dollar expended.

The second promotional and advertising technique is merchandising. The development and distribution of attractive point-of-sale material and other merchandising aids are promotional devices used by many fresh fruit industries with promotional budgets. Plums are particularly well adapted because of the numerous colorful varieties and their seasonal nature which requires that their availability be brought to the attention of consumers during their relatively short marketing season. Artistically developed pieces may serve the dual function of both attracting and informing the consumer regarding the varieties as their marketing seasons occur.

Recipe folders and varietal brochures are also useful aids, the latter not only for consumers but also for buyers and merchandisers. A varietal brochure could identify the important varieties, their ripening periods and anticipated volume. Similarly, letters and bulletins to the trade carrying this type of information as well as handling and display methods are helpful.

Essential to most merchandising programs is a field staff located in the marketing areas where activities are to be concentrated. With training and experience those men could become the plum experts in markets and the trade could look to them for information about the crop and materials with which to promote it. Their duties could include the dissemination of supply information, including pack period movement and special information concerning particular varieties, the distribution of point-of-sale material and other aids, merchandising the media program to the trade if one is purchased, and arranging for and supervising retail contests.

The third technique is paid advertising, often referred to as "media". Media is expensive but some things can be done in this field that are inexpensive and yet create an impact on the buying trade as well as the consuming public. Trade paper ads, particularly at the beginning of the season, together with the editorial suport which trade papers are willing to accord an advertiser are helpful in launching a program for a seasonal fruit such as the plum. Spot radio or TV commercials in the principal markets during peak movement periods is a possibility. It has been found in many fresh promotional programs that such spot announcements, particularly when developed with a "dealer tag" at the end of each spot, have considerable influence in triggering retail promotions. "Dealer tags" are blank spots at the end of the announcements in which the announcer refers to a local retailer as a good place to purchase the product. These spots can be merchandised in such a way as to secure extra display space, and promotional price and tie-in advertising financed by the retailer.

Since most of the food page publicity occurs in newspapers, some newspaper advertising might be indicated partly because newspapers are understandably influenced in favor of advertisers when scheduling editorial space. Such ads at the beginning of the season could take the form of announcing the seasonal availability of the fruit while later ads could elaborate upon the deliciousness of the fruit and pinpoint periods of greatest availability.

The Plum Commodity Committee should have the responsibility of developing and carrying out each season's advertising and promotional program. In developing recommendations for such program to be submitted to the Secretary for approval, the committee should consider the items enumerated in the powers and duties of the committee under § 917.35(e). The committee's authority to appoint committees to aid it in the performance of its duties as provided in § 917.35(d) should be used to the extent necessary to secure advice and assistance in the planning and conduct of the advertising and promotional program.

In this connection, the committee may wish to appoint the Plum Sales Managers Committee as an advisory committee for promotional and advertising activities since the members are familiar with plum marketing and are already acting in an advisory capacity assisting in the development of recommendations for regulations.

(14) Current provisions of the order require quadrennial referenda to ascertain whether continuance of the order as to any fruit covered thereunder is favored by growers. The next such referenda for plums and pears would be required during the period December 1, 1972–February 15, 1973. The order also provides that the Control Committee may, upon the basis of a petition from growers received prior to October 1 of any year, recommend to the Secretary that such a referendum be held. It further provides that if the Secretary receives such a recommendation not later than December 1 of the then current fiscal period, he shall conduct such referendum prior to February 15. Based on this and the fact that a referendum will be conducted to ascertain if the plum and pear growers favor this amendment, it was advanced without opposition that the next regularly scheduled referendum on continuance should be rescheduled to be required during the period beginning December 1, 1974, and ending February 15, 1975. Since ample opportunity otherwise exists for growers to express their sentiments with respect to continuance between the present time and the foregoing period, it is concluded that the order should be amended as hereinafter set forth to reschedule said referendum as it applies to plums and pears.

Except as heretofore discussed conforming changes are not required.

Rulings on proposed findings and conclusions. February 8, 1970, was fixed as the latest date for filing proposed findings and conclusions, written arguments, or briefs based upon the evidence received at the hearing. One brief was filed. Each point in such brief was fully and carefully considered along with the evidence in the record, in making the findings and conclusions herein set forth. To the extent that any suggested findings or conclusions contained in the brief are inconsistent with the findings or conclusions contained in the brief are inconsistent with the findings and conclusions contained herein, they are denied on the basis of the facts found and stated in connection with this decision.

General findings. Upon the basis of the evidence adduced at such hearing, and the record thereof it is found that:

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

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

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

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

(5) All handling of plums grown in the production area is in the current of interstate or foreign commerce or directly

burdens, obstructs, or affects such commerce.

Recommended amendment of the marketing agreement and order. The following amendment of the order is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

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

§ 917.4 Fruit.

"Fruit" means the edible product of the following three kinds of trees (a) all varieties of plums, (b) all varieties of peaches, and (c) all varieties of pears except Beurre Hardy, Beurre D'Anjou, Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau.

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

§ 917.14 District.

* * * * *

(k) "South Coast District" includes and consists of San Luis Obispo County, Santa Barbara County, and Ventura County.

* * * * *

(q) "Tehachapi District" includes and consists of that portion of Kern County not included in Kern District, and Inyo County.

(r) "Southern California District" includes and consists of San Bernardino County, Orange County, San Diego County, Imperial County, Riverside County, and Los Angeles County.

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

§ 917.18 Nomination of grower members of the Control Committee.

* * * * *

(b) A person nominated by any commodity committee for membership on the Control Committee shall be an individual person who produced fruit during the previous season, and who is a member or alternate member of the commodity committee which nominates him. Such persons shall have the qualifications specified in § 917.24(c). Each member of each commodity committee shall have only one vote in the selection of nominees for membership on the Control Committee.

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

§ 917.20 Designation of members of commodity committees.

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

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

§ 917.35 Powers and duties of each commodity committee.

Each commodity committee shall have the following powers and duties.

(a) With regard to the respective fruit for which it was established, to establish production research and marketing research and development projects as authorized under § 917.39, to recommend to the Secretary regulation of shipments pursuant to the provisions of this part, and to possess such other powers and exercise such other duties as will properly effectuate the purpose of this part: *Provided, however,* That the Pear and Plum Commodity Committees shall each approve actions under § 917.39 and make said recommendation pursuant to § 917.40 through § 917.43 only upon the affirmative vote of not less than 8 members of each said committee: *Provided further,* That the Peach Commodity Committee shall approve such actions pursuant to § 917.39 or make said recommendations pursuant to § 917.40 through § 917.43 only upon the affirmative vote of not less than 9 members of said committee.

* * * * *

12a. Section 917.39 *Market research and development* is amended to read as follows:

§ 917.39 Market research and development.

The committees, with the approval of the Secretary, may establish or provide for the establishment of production research, marketing research, and development projects designed to assist, improve, or promote the marketing, distribution, and consumption or efficient production of fruit. Such projects, with respect to plums may provide for any form of marketing promotion including paid advertising. The expenses of such projects shall be paid from funds collected pursuant to section 917.37.

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

§ 917.61 Termination.

* * * * *

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

* * * * *

Dated: May 7, 1971.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.71-6612 Filed 5-11-71;8:49 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Ch. I]

LABEL DECLARATIONS ON STANDARDIZED AND NONSTANDARDIZED FOODS

Notice of Proposed Rule Making

Notice is given that a petition has been filed by Label, Inc. (Law Students Association For Buyers' Education and Labeling), Box 226, 2020 F Street NW., Washington, DC 20006, proposing amendment of the regulations setting forth definitions and standards of identity for foods in 21 CFR Subchapter B.

The petitioner proposes the issuance of new regulations requiring that: "For the purposes of promoting honesty and fair dealing in the interest of the consumer, all food manufacturers and distributors must list on the label, in the order of their predominance, all ingredients which are contained in their product."

Grounds given in support of the proposal are:

1. Adequate information as to the contents of standardized foods should be on the label to enable the consumer to make an informative choice of the food he buys.

2. The absence of the names of ingredients from the label of standardized foods does not promote honesty and fair dealing in the interest of the consumer.

3. Health and religious dietary reasons require full label disclosure of the names of all ingredients in standardized foods.

4. The absence of the names of all mandatory ingredients and nondesignated optional ingredients from the labels of standardized foods is an inadequate substitute for informative labeling and is misleading to the consumer.

The Commissioner of Food and Drugs recognizes that: (1) Some consumers desire more informative food labeling; (2) some food manufacturers and distributors have begun a program of revising their labels for standardized food to more fully inform consumers; (3) other members of the industry are considering labeling changes; and (4) the failure to reveal material information may result in food being misbranded because the labeling is misleading.

The Commissioner is aware that in its final report to the President, the White House Conference on Food, Nutrition, and Health stated that the consumer is entitled to more meaningful and useful information than is now provided by food labels.

To enable the Food and Drug Administration to determine the adequacy of present labeling for standardized and nonstandardized foods and the nature and extent of changes that are desirable in the labels of such foods, the Commissioner invites comment on the petition of Label, Inc., and suggestions on any related subjects, including but not limited to: (1) Label declarations identifying each ingredient by its common or usual name; (2) label declarations classifying ingredients by function and source; and (3) the manner of presenting label information (order of predominance, placement on label, size and type of print, contrast and legibility, etc.).

Comments are invited on whether the Food and Drug Administration has the legal authority to promulgate regulations as proposed by Label, Inc., or whether new legislation must be enacted in view of provisions of the Federal Food, Drug, and Cosmetic Act; specifically, sections 401 and 403(g) applicable to standardized foods and section 403(i) applicable to foods for which standards have not been promulgated.

Pursuant to provisions of the act (secs. 401, 403, 701; 52 Stat. 1046, 1047, 1055, as amended; 21 U.S.C. 341, 343, 371) and under authority delegated to the Commissioner (21 CFR 2.120), interested persons are invited to submit their comments in writing (preferably in quintuplicate) regarding this proposal within 60 days after its date of FEDERAL REGISTER publication. Comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, and may be accompanied by a memorandum or brief in support thereof.

The Food and Drug Administration is testing patterns of food labeling that will provide useful nutritional labeling information. When sufficient information has been developed, proposals regarding such labeling will be published for comment.

Dated: April 30, 1971.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.71-6570 Filed 5-11-71;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 239]

[Docket No. 23173; EDR-197A]

REPORTING DATA PERTAINING TO FREIGHT LOSS AND DAMAGE CLAIMS BY CERTAIN AIR CARRIERS AND FOREIGN ROUTE AIR CARRIERS

Supplemental Notice of Proposed Rule Making

MAY 7, 1971.

The Board, by circulation of notice of proposed rule making EDR-197 dated March 10, 1971, and publication at 36 F.R. 4882, gave notice that it had under consideration the enactment of a new part (Part 239) of the economic regulations to establish a system of reporting of freight loss and damage claims by certain air carriers and foreign route air carriers. Interested persons were invited to participate by submission of twelve (12) copies of written data, views, or arguments pertaining thereto to the Docket Section of the Board on or before May 13, 1971. Subsequent to the issuance of the proposed rule the Air Transport Association (ATA) on behalf of 20 air carriers requested an extension of time to June 30, 1971 for filing comments. ATA asserts, inter alia, that the Airline Finance and Accounting Conferences' Air Cargo Claims Committee has scheduled its annual meeting on May 12-13, 1971, and that the proposed reporting requirements should be reviewed by this committee. It is further maintained that the proposed rule would require major revisions to some carriers' air freight accounting procedures and policies and data processing program and that additional time is required to submit comprehensive and meaningful comments in the matter.

The undersigned finds that good cause has been shown for an extension of time for filing comments to June 1, 1971, but that any further extension is not warranted and would not be conducive to the proper dispatch of the Board's business.

Accordingly, pursuant to the authority delegated in § 385.20(d) of the Board's organization regulations, the undersigned hereby extends the time for submitting comments to June 1, 1971.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

[SEAL] CHARLES A. HASKINS,
Acting Associate General Counsel,
Rules and Rates.

[FR Doc.71-6614 Filed 5-11-71;8:49 am]

ENVIRONMENTAL PROTECTION AGENCY

[18 CFR Part 640]

STANDARDS OF PERFORMANCE FOR MARINE SANITATION DEVICES

Notice of Proposed Rule Making

Notice is hereby given that the Administrator of the Environmental Protection Agency proposes to amend Chapter V of Title 18, Code of Federal Regulations, by adding a new Part 640, as set forth below.

The proposed regulation would promulgate Federal standards of performance for marine sanitation devices. Section 13 of the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1163, directs the Secretary of the Interior to promulgate Federal standards of performance for marine sanitation devices. The authority and functions of the Secretary of the Interior under section 13 were transferred to the Administrator of the Environmental Protection Agency by Reorganization Plan No. 3 of 1970. The proposed regulation was formulated after consultation with the Department of Transportation and after consideration of the economic costs involved and the limits of available technology.

The proposed regulation would require marine sanitation devices to provide a high level of treatment which will be approximately the equivalent of the secondary treatment standards for municipal waste facilities. Such regulation would meet the standards specified in § 640.2, for any sewage permitted to flow through.

It is recognized that appropriate flow-through devices meeting this standard may not have yet been developed for certain smaller classes of vessels covered by the proposed regulation. However, it is believed that the development of such devices prior to the effective date of the standards is within the limits of available technology. Accordingly, the performance standards proposed herein are considered to be practicable and reasonable. Holding tanks and other devices which preclude any discharge are presently on the market and are capable of providing compliance with the standards.

Under section 13(b)(1) of the Federal Water Pollution Control Act, as amended, the Secretary of Transportation has the responsibility to promulgate regulations, consistent with the standards adopted by the Administrator, governing the design, construction, installation, and operation of marine sanitation devices. In this connection, section 13(c)(2) permits the Secretary of Transportation, after consultation with the Administrator, to distinguish among classes, types, and sizes of vessels as well as between new and existing vessels, and to waive applicability of standards and regulations as necessary or appropriate for such classes, types, and sizes of vessels. The Administrator will continue to cooperate and consult with the Secretary of Transportation in connection with the discharge of the Secretary's responsibilities under section 13.

Initial standards and regulations promulgated under section 13 preempt any statute or regulation of a State or political subdivision with respect to the design, manufacture, or installation or use of any marine sanitation device on any vessel subject to section 13. However, such preemption does not take place until the effective date of the initial standards and regulations. The initial standards and regulations become effective for new vessels two years after promulgation, and for existing vessels five years after promulgation.

Under section 13(f) of the Act, any State may apply to the Administrator for issuance of a regulation prohibiting the discharge from a vessel of any sewage (whether treated or not) into certain delineated areas of waters of the State, and the Administrator shall issue such regulation where he determines that any applicable water quality standards require such prohibition. Examples of such areas which may require the issuance of such regulations could include known shellfish grounds, enclosed inland lakes, areas adjacent to or located in boating marinas, areas adjacent to public beaches, and certain critical waters in the Great Lakes States. The Administrator will welcome such applications and will consider them with dispatch. No-discharge regulations issued by the Administrator will become effective no sooner than the effective dates of the initial standards and regulations issued under section 13(b). Until such dates, the States have the authority to adopt and enforce their own statutes or regulations on this subject without Federal participation.

Interested persons are invited to submit, in triplicate, their written views, comments, and recommendations concerning the proposed standards to the Administrator, Environmental Protection Agency, 1626 K Street NW., Washington, DC. All relevant material received not later than 45 days after publication of this notice will be considered.

Dated: May 8, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

PART 640—MARINE SANITATION DEVICE STANDARDS

Sec.
640.1 Definitions.
640.2 Standards.
640.3 Complete prohibition.
640.4 Analytical procedures.

AUTHORITY: The provisions of this Part 640 are issued under section 13, 70 Stat. 506, as amended, 33 U.S.C. 1163. Interpret or apply section (b)(1), 84 Stat. 100, 33 U.S.C. 1163(b)(1).

§ 640.1 Definitions.

For the purpose of these standards the following definitions shall apply:

(a) "Sewage" means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes;

(b) "Discharge" includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping;

(c) "Marine Sanitation Device" includes any equipment for installation on board a vessel and which is designed to receive, retain, treat, or discharge sewage, and any process to treat such sewage;

(d) "Vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States;

(e) "Biochemical Oxygen Demand (BOD)" means the oxygen, measured in milligrams per liter, required by bacteria while stabilizing the organic matter in a sample of sewage under aerobic conditions over a period of 5 days at 20° centigrade;

(f) "Coliform Bacteria" means all of the aerobic and facultative anaerobic, gram-negative, non-spore-forming, rod-shaped bacteria that:

(1) In the Tube-Dilution (most probable number) test, ferment lactose with gas formation within 48 hours of incubation at 35° centigrade, or

(2) In the Standard Membrane Filter Technique Test, produce a dark colony of bacteria with a metallic sheen on M-Endo Broth or Agar within 24 hours of incubation at 35° centigrade.

§ 640.2 Standards.

(a) A marine sanitation device which will prevent the discharge of untreated or inadequately treated sewage, and which will be required under these standards, is one which will prevent the discharge of an effluent containing visible floating or settleable solids; and from which the effluent, without dilution other than that normally used for flushing purposes, does not contain:

(1) Total coliform bacteria in excess of 240 per 100 ml.;

(2) Biochemical Oxygen Demand in excess of 100 mg./1; and

(3) Suspended solids in excess of 150 mg./1.

§ 640.3 Complete Prohibition

A State may make a written application to the Administrator, Environmental Protection Agency, for the issuance of a regulation completely prohibiting the discharge from a vessel of any sewage (whether treated or not) into particular waters of the State, or specified portions thereof. Such application shall specify with particularity the waters, or portions thereof, for which a complete prohibition is desired. The application shall also demonstrate that a complete prohibition is required by applicable water quality standards; and in this connection the application shall include; (a) a statement of the applicable water quality standards, (b) current data as to the condition of the waters or portions thereof which are the subject of the application, and (c) an explanation of the reasons why it is believed that the discharge of sewage from vessels may contribute to a violation of water quality standards in the waters or portions thereof which are the subject of the application. If, on the basis of the State's application and any other information available to him, the Administrator is unable to make a finding that applicable water quality standards require a complete prohibition of any discharge in the waters or portions thereof covered by the application, he shall state the reasons why he cannot make such a finding, and shall deny the application. If the Administrator makes a finding that applicable water quality standards require a complete prohibition of any discharge in all or any part of the waters or portions thereof covered by the State's application, he shall publish such finding together with a notice of proposed rule making, and then shall proceed in accordance with 5 U.S.C. 553. If the Administrator's finding that applicable water quality standards require a complete prohibition covering a more restricted or more expanded area than that applied for by the State, he shall state the reasons why his finding differs in scope from that requested in the State's application. No regulation under this section shall be issued to take effect sooner than the effective date of the initial standards and regulations issued under section 13(b)(1) of the Act.

§ 640.4 Analytical procedures.

In determining the composition and quality of effluent discharged from marine sanitation devices the procedures contained in the current "Standard Methods for the Examination of Water and Wastewater," or subsequent revisions or amendments thereto, shall be employed.

[FR Doc.71-6653 Filed 5-11-71; 8:50 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1115]

[Ex Parte No. 275]

EXPANDED DEFINITION OF TERM "SECURITIES"

Extension of Time for Filing Statements

General notice of the institution of the above-entitled proceeding has been given by publication in the FEDERAL REGISTER (36 F.R. 6595). The Commission's notice of the proposed rule making fixed the date of May 14, 1971, for the filing of statements by interested persons. A number of requests have been received for extending the period of time in which to file those statements and, considering the importance of the proceeding, the time is hereby extended to July 9, 1971.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-6593 Filed 5-11-71;8:49 am]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[S 4257]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

MAY 4, 1971.

The Forest Service, U.S. Department of Agriculture, has filed an application for the withdrawal of the land described below, subject to valid existing rights, from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws.

The land has previously been withdrawn for an administrative site in the Shasta-Trinity National Forest and as such has been open to entry under the general mining laws. The Forest Service desires the exclusion of mining activity to permit the continued use of the land for an administrative site, which use is incompatible with mineral development.

All persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing on or before June 14, 1971, to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, Room E-2807, Federal Office Building, 2800 Cottage Way, Sacramento, CA 95825.

The Department's regulations provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The land involved in the application is:

SHASTA-TRINITY NATIONAL FOREST

HUMBOLDT MERIDIAN

Hyampom Administrative Site
T. 3 N., R. 6 E.,
Sec. 22, SE$\frac{1}{4}$NE$\frac{1}{4}$.

The area described aggregates 40 acres in Trinity County.

ELIZABETH H. MIDTBY,
Chief, Lands Adjudication Section.

[FR Doc.71-6601 Filed 5-11-71;8:48 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 8867; Docket No. FDC-D-256; NDA 8-867, etc.]

RAUWOLFIA SERPENTINA AND RAUWOLFIA ALKALOIDS

Drugs for Human Use; Drug Efficacy Study Implementation

Correction

In F.R. Doc. 71-5859 appearing at page 7984 in the issue for Wednesday, April 28, 1971, a heading reading "Reserpine" should be inserted immediately above the heading reading "Description" in the third column on page 7987.

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA-Petition-No. 32]

BURLINGTON NORTHERN INC., CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD CO. AND AMTRAK

Joint Petition for Exemption for Passenger Train Movements

The order in this proceeding dated April 29, 1971 (36 F.R. 8707), should be, and it is hereby amended and supplemented to require, as a further condition, that the west bound passenger train receive the initial terminal inspection and test at its initial terminal in Chicago and that such inspection and test be certified to by the use of the certificate referred to in the initial order herein dated April 29, 1971. A copy of such certificate is to be placed on the locomotive of the west bound train and handled administratively as otherwise directed by the Bureau of Railroad Safety.

Dated this 30th day of April 1971 in Washington, D.C.

ROBERT R. BOYD,
Office of Hearings and Proceedings and Hearing Examiner.

[FR Doc.71-6397 Filed 5-11-71;8:45 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-89, 50-163, 50-227, 50-234, 50-240, 50-253]

GULF OIL CORP.

Notice of Amendments for Corporate Name Change of Facility Licenses

The Atomic Energy Commission has issued, effective as of the date of issuance, amendments to Facility Licenses Nos. R-38, R-67, R-100, R-104, R-105, and CX-23 to change the corporate name of the holder of these licenses to Gulf Oil Corp. The licenses were previously issued to Gulf Energy & Environmental Systems, Inc., for authorization to possess, but not to operate, the HTGR facility, and to possess, use and operate all of the other facilities, all located on the Corporation's Torrey Pines Mesa site in San Diego, Calif.

By application dated January 11, 1971, and supplement dated March 30, 1971, Gulf Oil Corp. advised that the corporate name of Gulf Energy & Environmental Systems, Inc., had been changed to Gulf Oil Corp. and requested that the Facility Licenses Nos. R-38, R-67, R-100, R-104, R-105, and CX-23 be amended to reflect the change. There are no changes to the operating staff for the facilities or in the uses which will be made of the facilities.

The Commission has found that the applications for the amendments comply with the requirements of the Atomic Energy Act of 1954, as amended ("the Act"), and the Commission's regulations published in 10 CFR Chapter I. The Commission has made the findings required by the Act and the Commission's regulations which are set forth in the amendments, and has concluded that the issuance of the amendments will not be inimical to the common defense and security or to the health and safety of the public. Prior public notice of the proposed issuance of this amendments is not required since the amendments do not involve significant hazards considerations different from those previously evaluated.

Within 15 days from the date of publication of the notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene.

Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to these amendments, see (1) the licensee's applications for license amendments dated January 11, 1971, and supplement dated March 30, 1971, and (2) the amendments to the facility licenses which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, DC. Copies of the amendments may be obtained upon request sent to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda Md., this 23d day of April 1971.

For the Atomic Energy Commission.

RICHARD H. VOLLMER,
Acting Assistant Director for Reactor Operations, Division of Reactor Licensing.

[FR Doc.71-6582 Filed 5-11-71;8:46 am]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 23369, 22859; Order 71-5-18]

AIR WEST AND UNITED AIR LINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of May 1971.

Cancellation of 100-pound weight break on fish and sea food proposed by Air West (Hughes Air Corp., doing business as Air West) and United Air Lines, Inc., Docket 23369; domestic air freight rate investigation, Docket 22859.

By tariff revisions[1] filed April 9, and marked to become effective May 9, 1971, United Air Lines, Inc., (United) and Air West (Hughes Air Corp., doing business as Air West) propose, inter alia, to cancel joint specific commodity rates on fish and sea food from Twin Falls, Idaho, to Chicago and New York/Newark for shipments of 100-499 pounds. The carriers assert that their proposal is in line with recent tariff action taken by United and various other carriers and approved by the Board.

A complaint was filed jointly by Thousand Springs Trout Farms, Inc., and Clear Springs Trout Co., Inc.[2] The complaint asserts, inter alia, that United failed to make any statement in its justification regarding the cancellation of rates at the 100-pound weight break; that it would be impossible for shippers to meet the new 500-pound minimum weight since no consignee could use that much fresh fish in a single day; that the instant filing is inconsistent with the action taken by United and other major trunks in excluding sea foods from the 500-pound minimum established for all other specific commodity rates; and that the proposed increases would have a significant adverse effect upon the carriers' volume and revenue through the diversion of this movement to refrigerated truck.

Upon consideration of all relevant factors, the Board finds that the proposed cancellation of the 100-pound weight break for rates on fish and sea food may be unjust, unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be suspended pending investigation.[3]

The Board, by Order 71-2-119, dated February 26, 1971, suspended and set for investigation a previous proposal by Air West and United to increase rates on fish and sea food in the above markets. This action was based on the ground that the proposed rates would have involved relatively sharp increases, ranging between 25 and 51 percent, apparently resulting in significant shipper impact. The suspended rates were canceled by the carriers pursuant to special permission by the Board, leaving in effect the previous rates.

The proposed cancellation of the joint specific commodity rates would leave in effect the sum of the local general commodity rates. The result would be rate increases as high as 124 percent, considerably more than the increases that would have resulted from the rates that the Board previously suspended. Our current action is also consistent with a number of other Board decisions[4] implementing the concept that carriers should not be permitted large increases at one time, which may result in a significant shipper impact.

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 rates and provisions (except those reading "Expires with December 31, 1971") from Twin Falls, Idaho, to Chicago, Ill., and New York, N.Y.-Newark, N.J., on Item No. 920 via Routing RW-SLC-UA for minimum weights of 500 and 1,000 pounds and cancellation of the rate for 100 pounds, on Fifth Revised Page 230 of Airline Tariff Publishers, Inc., Agent's CAB No. 158 and rules, regulations, or practices affecting such rates 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 rates and provisions, and rules, regulations, and practices affecting such rates and provisions;

2. Pending hearing and decision by the Board, the rates and provisions (except those reading "Expires with December 31, 1971") from Twin Falls, Idaho, to Chicago, Ill., and New York, N.Y.-Newark, N.J., on Item No. 920 via Routing RW-SLC-UA for minimum weights of 500 and 1,000 pounds and cancellation of the rate for 100 pounds, on Fifth Revised Page 230 of Airline Tariff Publishers, Inc., Agent's CAB No. 158 are suspended and their use deferred to and including August 6, 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 23369, is assigned for hearing before an examiner of the Board, at a time and place hereafter to be designated;

4. The complaint of Thousand Springs Trout Farms, Inc., and Clear Springs Trout Co., Inc., in Docket 23326, is dismissed, except to the extent granted herein; and

5. Copies of this order shall be filed with the tariff and served upon United Air Lines, Inc., Air West (Hughes Air Corp. doing business as Air West), Thousand Springs Trout Farms, Inc., and Clear Springs Trout Co., Inc., which are hereby made parties to Docket 23369.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-6568 Filed 5-11-71;8:45 am]

[1] Revisions to Airline Tariff Publishers, Inc., Agent's Tariff CAB No. 158.

[2] The complaint was untimely as a request for suspension. In accordance with the Board's regulations in economic proceedings, Part 302.505 (14 CFR) the complaint should have been filed no later than Apr. 21, 1971. A telegraphic complaint was received on Apr. 27, followed by a formal complaint on Apr. 28, 1971.

[3] The tariffs in question are now under investigation in Docket 22859, Domestic Air Freight Rate Investigation.

[4] Order 69-5-65, Pan American's proposed increases of 40 percent and over; Order 69-2-111, Reeve Aleutian's proposal to increase specific commodity rates as much as 250 percent; Order 69-3-94, United's proposal to increase general commodity rates up to 33 percent; and Order 69-5-105, Caribair's proposal to increase general commodity rates by as much as 67 percent.

[Dockets Nos. 23296, 23080; Order 71-5-11]

WRIGHT AIR LINES, INC.

Order To Show Cause Regarding Establishment of Service Mail Rates

Issued under delegated authority, May 4, 1971.

The Postmaster General filed a notice of intent April 20, 1971, pursuant to 14 CFR, Part 298, petitioning the Board to establish for Wright Air Lines, Inc. (Wright), an air taxi operator, final service mail rates for the transportation of priority and nonpriority mail by aircraft between Cleveland, Ohio, and Detroit, Mich.

No service mail rates are currently in effect for this transportation by Wright. The Postmaster General requests that the multielement service mail rates established for priority mail by Order E-

25610, August 28, 1967, in the Domestic Service Mail Rate Investigation, and for nonpriority mail by Order 70–4–9, April 2, 1970, Nonpriority Mail Rates, be made applicable to this carriage of mail.[1] He states that the Postal Service and Wright agree that the applicable multielement rates are the fair and reasonable rates of compensation for the proposed services.

The rates established by Orders E–25610 and 70–4–9 have been open since December 12, 1970, pursuant to Order 70–12–48, December 8, 1970, instituting an investigation of the domestic service mail rates for priority and nonpriority mail. Therefore, the present domestic service rates for the transportation of priority and nonpriority mail by air are subject to such retroactive adjustment to December 12, 1970, as the final decision in the current domestic service mail rate investigation may provide.

We propose to establish service rates for the transportation by Wright of priority and nonpriority mail at the levels established in Orders E–25610 and 70–4–9, respectively. These rates and provisions will be subject to retroactive adjustment when the current domestic service mail rate investigation is concluded. Furthermore, Wright will be made a party to that proceeding.

The Board finds it in the public interest to fix, determine, and establish the fair and reasonable rates of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[2] to include the following findings and conclusions:

The fair and reasonable service mail rates to be paid to Wright Air Lines, Inc., entirely by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Cleveland, Ohio and Detroit, Mich. shall be:

(a) For priority mail, the multielement rates established by the Board in Order E–25610, August 28, 1967, as amended;

(b) For nonpriority mail, the multielement rates established by the Board in Order 70–4–9, April 2, 1970; and

(c) The rates and provisions of Orders E–25610 and 70–4–9 shall be applicable to Wright Air Lines, Inc., on a temporary basis, subject to such retroactive adjustment as the decision in Docket 23080 may provide.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, the Board's Regulations 14 CFR Part 302, 14 CFR Part 298, and the authority duly delegated by the Board in its organization regulations, 14 CFR 385.16(f).

It is ordered, That:

1. Wright Air Lines, Inc., the Postmaster General, Airlift International, Inc., American Airlines, Inc., Eastern Air Lines, Inc., The Flying Tiger Line Inc., Mohawk Airlines, Inc., North Central Airlines, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and all other interested persons, are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the rates specified above, as the fair and reasonable temporary rates of compensation to be paid to Wright Air Lines, Inc., for the transportation of priority and nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, as specified below;

3. Wright Air Lines, Inc., is hereby made a party in Docket 23080;

4. This order shall be served on Wright Air Lines, Inc., the Postmaster General, Airlift International, Inc., American Airlines, Inc., Eastern Air Lines, Inc., The Flying Tiger Line Inc., Mohawk Airlines, Inc., North Central Airlines, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

1. Further procedures related to the attached order shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed therein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

2. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed therein and fix and determine the final rate specified therein;

3. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307).

[FR Doc. 71–6569 Filed 5–11–71;8:45 am]

[1] The service mail rates established by those orders provide for terminal charges per pound of mail originated of 2.34 cents at Cleveland and at Detroit, plus line-haul charges per mail ton-mile of 24 cents for priority mail and 11.33 cents for nonpriority mail.

[2] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

[Docket No. 23371]

ALLEGHENY AIRLINES, INC., AND MOHAWK AIRLINES, INC.

Application for Approval of Merger; Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on May 20, 1971, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Merritt Ruhlen.

Requests for information and evidence, proposed statements of issues, and proposed procedural dates shall be submitted by counsel for the Bureau of Operating Rights on or before May 14, 1971, and by the other parties no later than May 19, 1971.

Dated at Washington, D.C., May 6, 1971.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[FR Doc.71-6594 Filed 5-11-71;8:47 am]

[Docket No. 22617; Order 71-5-26]

WTC AIR FREIGHT

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of May 1971.

By Order 70–10–12, dated October 2, 1970, the Board suspended and initiated the investigation in this docket of aggregate rates proposed by WTC Air Freight. The rates proposed offer incentive discounts based upon certain conditions including a requirement of a tender of 500 pounds for two or more shipments. The investigation was directed principally to the discrimination issue involved in a reduced rate for one shipment being dependent upon the tender of another shipment or shipments. This investigation proceeded to prehearing conference before Examiner Edward T. Stodola, and information responses have been exchanged. Subsequently, WTC requested deferral of further procedural dates and filed a motion requesting, inter alia that it be permitted to amend its tariff under suspension and investigation so as to substitute a requirement of a tender of five shipments regardless of weight in lieu of the 500-pound tender requirement for two or more shipments. WTC would also exclude 11 markets from the application of the tariff. In addition, WTC requested that the investigation proceed upon the basis of the modified tariff and consented therein to a suspension of the proposed revision and committed itself to defer the effectiveness of the tariff pending disposition of the proceeding.

Special tariff permission has been granted permitting WTC to file the tariff revisions requested and such tariff was filed April 19, 1971 marked to become effective May 19, 1971. The revised requirement of a tender of five shipments leaves remaining the discrimination issue stemming from the conditioning of lower rates for one shipment upon the tender of other shipments and this matter should be placed under investigation. No objections, however, have been made to WTC's motion and the Board finds no reason why the proceeding cannot go forward on the basis of the modified tariff which will be suspended for the same reasons applying to the suspension of the original filing.

Upon consideration of all relevant matters, the Board finds that WTC's proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. Further, in view of the serious questions of discrimination, and consistent with Order 70-10-12, the Board finds that the proposed tariff should be suspended pending investigation.

WTC's motion filed January 7, 1971, will be denied except to the extent heretofore granted. In view of the basic similarity of issues, the Board will expand the investigation of WTC's aggregate rates now pending in Docket 22617 to encompass the investigation instituted herein. The Board will expect WTC to defer the effectiveness of its proposed tariffs pending final decision by the Board herein. Further procedural steps in this investigation will be established by the Hearing Examiner.

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 provisions on the Second Revised Page 9-C, First Revised Page 9-D, First Revised Page 9-E, and First Revised Page 9-F of C.A.B. No. 7 issued by WTC Air Freight, and rules, regulations, or practices affecting such 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 provisions, and rules, regulations, or practices affecting such provisions;

2. Pending hearing and decision by the Board, the Second Revised Page 9-C, First Revised Page 9-D, First Revised Page 9-E, and First Revised Page 9-F of CAB No. 7 issued by WTC Air Freight, are suspended and their use deferred to and including August 16, 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 investigation now pending in Docket 22617 is hereby expanded to encompass the investigation instituted in paragraph 1;

4. Except to the extent heretofore granted, the motion of WTC Air Freight in Docket 22617 is denied; and

5. A copy of this order shall be filed with the tariffs and served upon all parties to Docket 22617.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-6613 Filed 5-11-71;8:49 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF COMMERCE

Notice of Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Deputy Under Secretary of Commerce.

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

[FR Doc.71-6609 Filed 5-11-71;8:48 am]

INTER-AMERICAN SOCIAL DEVELOPMENT INSTITUTE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Inter-American Social Development Institute to fill by noncareer executive assignment in the excepted service the position of Director of Resources and Research.

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

[FR Doc.71-6610 Filed 5-11-71;8:48 am]

INTER-AMERICAN SOCIAL DEVELOPMENT INSTITUTE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorized the Department of Inter-American Social Development Institute to fill by noncareer executive assignment in the excepted service the position of General Counsel, Office of the General Counsel.

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

[FR Doc.71-6611 Filed 5-11-71;8:49 am]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 19237, 19238]

SPRAGUE ELECTRIC CO. AND BERKSHIRE HILLS AVIATION, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Sprague Electric Co., North Adams, Mass., Docket No. 19237, File No. 28-A-L-120, and Berkshire Hills Aviation, Inc., North Adams, Mass., Docket No. 19238, File No. 116-A-L-110; for aeronautical advisory station to serve Harriman Airport, North Adams, Mass.

1. The Commission's rules (§ 87.251 (a)) provide that only one aeronautical advisory station may be authorized to operate at a landing area. The above-captioned applications both seek Commission authority to operate an aeronautical advisory station at Harriman Airport, North Adams, Mass., and, therefore, are mutually exclusive. Accordingly, it is necessary to designate the applications for hearing. Except for the issues specified herein each applicant is otherwise qualified.

2. In view of the foregoing: *It is ordered*, That, pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, and § 0.331(b) (21) of the Commission rules, the above-captioned applications are hereby designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order on the following issues:

(a) To determine which applicant would provide the public with better aeronautical advisory service based on the following consideration:

(1) Location of the fixed-base operation and proposed radio station in relation to the landing area and traffic patterns;

(2) Hours of operation;

(3) Personnel available to provide advisory service;

(4) Experience of applicant and employees in aviation and aviation communications;

(5) Ability to provide information pertaining to primary and secondary communications as specified in § 87.257 of the Commission's rules;

(6) Proposed radio system including control and dispatch points; and

(7) The availability of the radio facilities to other fixed-base operators.

(b) To determine in light of the evidence adduced on the foregoing issued which, if either, of the applications should be granted.

3. *It is further ordered*, That to avail themselves of an opportunity to be heard Sprague Electric Co., and Berkshire Hills

Aviation, Inc., 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 set for hearing and present evidence on the issues specified in this order. Failure to file a written appearance within the time specified may result in dismissal of the application with prejudice.

Adopted: May 4, 1971.

Released: May 5, 1971.

SAFETY AND SPECIAL RADIO SERVICES BUREAU,
[SEAL] IRVING BROWNSTEIN,
Deputy Chief, Safety and Special Radio Services Bureau.

[FR Doc.71-6586 Filed 5-11-71;8:46 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 11(p)(1) of the Federal Water Pollution Control Act, as amended, and, accordingly, have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	*Owner/operator and vessels*
01029	Port City Towing Co.:
	M/V Lesta K.
01048	Adriatic Maritime Co., Ltd.:
	Cavalier of Athens.
01049	Delos Maritime Co., Ltd.:
	M/V Black Knight.
01086	Martalento Compania Naviera S.A. Panama:
	Polyvos.
01090	Wallem, Steckmest & Co., A/S:
	Kronviken.
01161	General Freighters Corp.:
	Alessandra.
	Nicola.
	Syrie.
01318	Aug. Bolten, Wm. Miller's Nachfolger:
	Karina.
01319	Cambridge Tankers Ltd.:
	Hunter Cambridge.
01341	John I. Jacobs & Co., Ltd.:
	Hollywood.
	Laurelwood.
	Oakwood.
01353	Rederi A. B. Fredrika:
	Ragunda.
	Gudmundra.
	Dorotea.
01357	Eastern Associated Terminals Co.:
	EAT 133.
	EAT 148.
01358	Orgulf Transport Co.:
	A. P. Boxley.
	J. N. Philips.
01359	The Ohio River Co.:
	ORT 126.
	ORT 121E.
	ORT 122.
	ORT 124.
	ORT 111.
01360	Midland Enterprises Inc.:
	John J. Rowe.
	Walter C. Beckjord.
	Ovec.
	Queen City.
	Robert T. Tibolt.
	Wm. H. Zimmer.
	L. Fiore.
	Elaine G.
	Helen S.
	Harllee Branch Jr.
	John Ladd Dean.
	Orco.
	Mike Creditor.
	Bob Benter.
	City of Huntington.
	Kenova.
01381	Shipping & Coal Co., Ltd.:
	Foreland.
01601	Tollana Shipping Corp.:
	Tollana.
01602	Efstathios Compania Naviera S.A.:
	Efstathios.
01719	Unterweser Reederei G.m.b.H., Bremen/Germany, Blumenthalstr:
	Kelkheim.
01763	The Western Pacific Railroad Co.:
	M/V Las Plumas.
01776	Perga Steamship Co. S.A.:
	Nimertis.
01780	Virgo Steamship Co., S.A.:
	Kapetan Georgis.
01782	Vota Steamship Co., S.A.:
	Aelio.
01789	Parnassos Shipping Corp.:
	M/V Marylisa.
01790	Rex Shipping Corp.:
	Alexandra Voyazides.
01829	Bayamon Tankers Corp.:
	Jasper.
01830	Cardon Tankers Corp.:
	Topaz.
01880	Victoria Shipping Co., Inc.:
	Van Fort.
01833	S.A.S.D.A. Societa Anonima:
	M/V Mario Z.
01884	Northern Barge Line Co.:
	NBL 1.
	NBL 2.
	NBL 3.
	NBL 4.
02038	Polskie Linie Oceaniczne:
	Stefan Batory.
	Wyspianski.
	Staszic.
	Sniadecki.
	Heweliusz.
	Domeyko.
	Romer.
	K. I. Galczynski.
	Henryk Jendza.
	Pawel Szwydkoj.
	Czacki.
	Boleslaw Chrobry.
	Boleslaw Smialy.
	Mieszko I.
	Zeromski.
	Sienkiewicz.
	Zawichost.
	Zawiercie.
	Zambrow.
	Zabrze.
	Zakopane.
	Zamosc.
	Hugo Kollataj.
	Krynica.
	Polanica.
	Brodnica.
02039	Gryf Szczecin, Poland:
	M/S Pomorze.
	M/S Gryf Pomorski.
	S/S Kaszuby.
	M/S Piast.
	M/T Likomur.
	M/T Kolen.
	M/T Korwin.
	M/T Lutjan.
	M/T Kniazik.
	M/T Likodyn.
	M/T Kanaryjka.
	M/T Kantar.
	M/T Lodowik.
	M/T Laskara.
	M/T Kulbin.
	S/T Kaczawa.
	S/T Karwia.
	S/T Krepina.
	S/T Radwa.
	S/T Hancza.
	S/T Osa.
	S/T Omulew.
	S/T Skawa.
	S/T Olza.
	S/T Opawa.
	S/T Sleza.
	S/T Slupia.
	S/T Skrwa.
	S/T Swider.
	S/T Szprotawa.
	S/T Obra.
	S/T Olawa.
	S/T Kwisa.
	S/T Lamienna.
02040	Odraswinoujscie:
	Sniardwy.
	Szczytno.
	Sejno.
	Gardno.
	Goplo.
	Jamno.
	Jasien.
	Foka.
	Finwal.
	Pletwal.
	Orka.
	Homar.
	Langusta.
	Narwal.
	Kaszalot.
	Sejwal.
	Wicko.
	Wigry.
	Morskie Oko.
	Morag.
	Mamry.
	Mielno.
	Miedwie.
02041	Dalmor Przedsiebiorstwo Polowow Dalekomorskich I Uslug Rybackich:
	Rawka.
	Plona.
	Brda.
	Biebrza.
	Raba.
	Radomka.
	Rozoga.
	Przemsza.
	Brynica.
	Barycz.
	Poprad.
	Biala.
	Tanew.
	Tysmienica.
	Wierzyca.
	Walsza.
	Nidzica
	Gen. Rachimow.
	Dalmor.
	Pegaz.
	Carina.
	Lyra.
	Lepus.
	Lacerta.
	Libra.
	Uran.
	Neptun.
	Jowisz.
	Jupiter.
	Auriga.
	Aries.
	Feniks.
	Antlia.

Certificate No.	Owner/operator and vessels
	Andromeda.
	Virgo.
	Merkury.
	Apus.
	Centaurus.
	Cetus.
	Cygnus.
	Columba.
	Crater.
	Kastor.
02042---	Polskie Ratownictwo Okretowe:
	Jantar.
	Koral.
	Perkun
	Swarozyc.
02046---	Marveras Compania Naviera S.A.:
	Almar.
02047---	Amarilis Shipping Co. Ltd.:
	Amarilis.
02048---	Apollon Shipping Corp.:
	Apollon.
02049---	Astro Ascendente Compania Naviera S. A.:
	Aris.
02050---	Bluesea Corp.:
	Bluesea.
02051---	N. Michalos & Sons Maritime Co., Ltd.:
	Calliopi Michalos.
02052---	Cosmo Maritime Corp.:
	Cosmar.
02053---	Lozan Corp.:
	Lozan.
02054---	Paulcrown Compania Naviera S.A.:
	Paulcrown.
02055---	Conway Shipping Co., Ltd.:
	Victor.
02056---	West End Shipping Corp. S.A.:
	Anastasia V.
02057---	Regina Sea Transports Corp. S.A.:
	Joana.
02058---	General Maritime Concern:
	Lavender.
02134---	Vlamani Compania Naviera S.A.:
	Atlantic Klif.
02135---	Armada ii Compania Naviera S.A.:
	Pacific Klif.
02181---	James L. Bryan:
	James L. Bryan.
	BBC-2002.
	BBC-2001.
02190---	Bugsier-, Reederei- und Bergungs-Aktiengesellschaft:
	M/V Weserland.
	M/V Hannoverland.
	M/V Ostfriesland.
	M/V Arctic.
	M/V Oceanic.
	M/V Seefalke.
	M/V Pacific.
	M/V Atlantic.
	M/V Albatros.
	M/V Baltic.
02191---	Manhattan Oil Transporation Corp.:
	Manoleine.
	Mantank.
	Manhunt.
	Betty K.
	Joan K.
	Supercraft.
	Starcraft.
	Ivor.
02200---	State of Washington:
	Vashon.
	M/V Kehloken.
	M/V Klahanie.
	M/V Chetzemoka.
	M/V Quinault.
	M/V Illahee.
	M/V Nisqually.
	M/V Klickitat.
	M/V Olympic.
	M/V Rhododendron.
	M/V Evergreen State.
	M/V Klahowya.
	M/V Tillikum.
	M/V Hiyu.
	M/V Kaleetan.
	M/V Yakima.
	M/V Elwha.
	M/V Kulshan.
02239---	Compagnia Marittima Carlo Cameli:
	San Giusto.
02295---	The Great Eastern Shipping Co., Ltd.:
	Jag Rekha.
02336---	Klis Compania Naviera S.A. Panama:
	Theodoros K.
02342---	Consolidated Mariners, Inc.:
	Essential.
02438---	Gefo Gesellschaft Fur Oeltransporte Mbh. & Co.:
	Gefo Sun.
02501---	Standard Oil Company of California:
	J. H. Tuttle.
	Hillyer Brown.
	Nevada Standard.
	Hawaii Standard.
	Arizona Standard.
	Washington Standard.
	Idaho Standard.
	Oregon Standard.
	H. D. Collier.
	J. L. Hanna.
	J. H. MacGaregill.
	F. S. Bryant.
	Utah Standard.
	M. E. Lombardi.
	Alaska Standard.
	S. O. Co. No. 18.
	Chevron Oiler.
	S. O. Co. No. 17.
	Standard Oiler.
	S. O. Co. No. 7.
	Chevron Tongass.
02575---	Sandra Shipping Co., Ltd.:
	Aurora.
02630---	The Offshore Co.:
	Hustler.
02713---	T. L. James & Co., Inc.:
	Clark.
	Tom James.
	BT-10.
	BT-1.
	BT-90.
	Lewis James.
	BT-51.
	Geo. D. Williams.
	BT-112.
	BT-105.
	BT-108.
	BT-109.
	BT-110.
	BT-104.
	BT-26.
	BT-79.
	BT-103.
	Bobby James.
	Gnat.
02714---	Golden Eagle Panama Inc.:
	Golden Petrel.
	Golden Condor.
	Golden Owl.
02718---	Almajor Shipping Co., Ltd.:
	Georgios Matsas.
02724---	Security Barge Line Inc.:
	Washington.
	Issaquena.
	Tunica.
02750---	H & S Transportation Co., Inc.:
	STC 2520 B.
	STC 2510.
	NBC 965.
	NBC 966.
	STC 2004.
	Christy 211.
	NBC 1452.
	Aileen Sanders.
02884---	West Africa Steamship Co., Ltd.:
	Prophet Elias.
02912---	R. & W. Marine Inc.:
	Louisiana.
	Solvay.
02913---	River Service Corp.:
	M/V 77.
	M/V 76.
	M/V 75.
02948---	Raymond International Inc.:
	Century.
	Constitution.
	Monarch.
	Colossus.
	Challenger.
	Commerce.
	Conqueror.
	California.
	S-69 Chelsea.
	S-78 Conductor.
	S-79 Cree.
	S-73 Commonwealth.
	S-74 Concord.
02959---	Kokuyo Kaiun Kabushiki Kaisha:
	Toyota Maru No. 15.
02978---	Corthian Shipping Corporation of Panama S.A.:
	Corthian.
02979---	The J. P. Porter Co., Ltd.:
	Lockeport.
03014---	Tarwave Shipping Co.:
	Tarpon Silver.
03015---	Tarspray Shipping Co.:
	Tarpon Clipper.
03016---	Tarsea Shipping Co.:
	Tarpon River.
03017---	Tarswift Shipping Co.:
	Tarpon Sea.
03047---	E. I. du Pont de Nemours & Co.:
	Chemical 704.
	Edge Moor I.
	EIDC 53.
	EIDC 54.
	EIDC 55.
	Chemical 702.
	Chemical 703.
	EIDC 6.
	Chemical 701.
	EIDC 51.
	EIDC 52.
	EIDC 7.
	Rep Acid.
	EIDC 5.
	EIDC 4.
	EIDC 3.
	Chemical 101.
	Chemical 102.
	EIDC 2.
	EIDC 1.
03070---	Coastal Towing Corp.:
	Coastal 2503.
	Coastal 2504.
	Coastal 2615.
	Coastal 2650.
	Chotin 1658.
	NBC 903.
	NBC 980.
03120---	Naves Transoceanicas Armadora S.A.:
	Aristokratis.
03122---	Santa Dodo Compania Naviera S.A. Panama:
	Stabenko.
03256---	Upper Mississippi Towing Corp.:
	Leslie Ann.
03258---	Mohawk Navigation Co., Ltd.:
	S/S Golden Hind.
	M/V Silver Isle.
	M/V Senneville.
03259---	Scott Misener Steamships Ltd.:
	M/V Ralph Misener.
	S/S J. N. McWatters.
	S/S John A. France.
	S/S Scott Misener.
	S/S John O. McKellar.
	S/S John E. F. Misener.

Certificate No.	Owner/operator and vessels
	S/S George M. Carl.
	S/S Royalton.
03271	Sea-Land Service, Inc.:
	Chicago.
	New Yorker.
	Maiden Creek.
	Claiborne.
	Summit.
	Warrior.
	Wacosta.
	Afoundria.
	Arizpa.
	Gateway City.
	Raphael Semmes.
	Fairland.
	Bienville.
	Azalea City.
	Beauregard.
	Detroit.
	Ponce.
	Mayaguez.
	Baltimore.
	Philadelphia.
	Mobile.
	Portland.
	Brooklyn.
	Charleston.
	New Orleans.
	Seattle.
	Anchorage.
	Boston.
	Newark.
	Galveston.
	Tampa.
	Jacksonville.
	Houston.
	San Juan.
	Los Angeles.
	Elizabethport.
	San Francisco.
	Long Beach.
	Oakland.
	Panama.
	Trenton.
	Rose City.
	Pittsburgh.
	San Pedro.
	St. Louis.
03294	Companhia de Navegacao Lloyd Brasileiro:
	Itapui.
03329	Hudson Waterways Corp.:
	Seatrain Ohio.
	Seatrain Carolina.
	Seatrain Puerto Rico.
	Seatrain Maryland.
	Seatrain Florida.
	Seatrain Maine.
	Seatrain Washington.
03340	Lloyds Africa Ltd.:
	Eastport.
	Bayport.
	Centerport.
	Greenport.
	Bellport.
	Freeport.
03372	Compania Naviera Delagrazia S.A.:
	Agios Nicolaos IV.
03373	Theopatoron Compania Naviera S.A.:
	Dimitris P. Lemos.
03375	Astroneptuno Compania Naviera, S.A.:
	Dalemos.
03376	Carnation Compania Naviera, S.A.:
	Irene S. Lemos.
03377	Compania Naviera Avra S.A.:
	Kyrakatingo.
03378	Compania Naviera Rimaran, S.A.:
	Marianna.
03379	Compania Pacifica Financiera, S.A.:
	Maria P. Lemos.
03380	Nava Strovili Compania Naviera, S.A.:
	Polydoros.
03381	Compania Naviera Syra, S.A.:
	Rinoula.
03382	Endeavour Compania Naviera, S.A.:
	Spalmatori Islands.
03383	Spalmatori Compania Naviera, S.A.:
	Spalmatori Captain.
03384	Apiganos Corp.:
	Spalmatori Engineer.
03385	Marvigia Compania Naviera, S.A.:
	Spalmatori Seaman.
03386	Compania Naviera Garoufalia, S.A.:
	Spyros A. Lemos.
03392	Estralla Maritima S.A. de Navegacion y Comercio:
	Pecten.
	Kellia.
	Harvella.
	Estrella Argentina.
	Estrella Patagonica.
03410	Pacoil Shipping Co. S.A. of Panama:
	Athenian Glory.
03411	Athenian Shipping, Inc. S.A.:
	Athenian Lady.
03434	Hoko Suisan K.K.:
	Hoko Maru No. 25.
03440	Japan Kisen Kabushiki Kaisha:
	Kyokuryu Meru.
03447	K.K. Kyokuyo:
	Kyokusei Maru.
03451	Kowa Shosen K.K.:
	Japan Maple.
03477	Nissui Laiun K.K.:
	Matsukaze Maru.
03502	Shinyei Senpaku K.K.:
	Canada Maru.
03514	Terukuni Kaiun K.K.:
	Kirishima Maru.
03569	I/S Ringvard:
	M/S Ringvard.
03570	I/S Ringar:
	M/S Ringar.
03571	Ringsdals Rederi A/S and Olva Ringsdals Tankrederi A/S:
	M/S Ringstad.
03594	Bordagain Shipping Co., Ltd.:
	Bordagain.
	Bordabarri.
	Borabekoa.
03637	P.A. Van Es & Co. N.V.:
	Breevliet.
	Breevoort.
	Breeveld.
	Breezand.
	Breehorn.
	Bree-Helle.
	Kittiwake.
	Imber.
	Breehees.
03672	Helena Marine Service, Inc.:
	HMS-105.
	HMS-102.
03679	Miami Terminal Transport:
	Fred H. Billups.
	Mariam P. Billups.
	Irwin II.
	Out Islander.
	Freight Transporter.
	Mar Caribe.
	Freeport I.
03688	The Pilots' Association for the Bay and River Delaware:
	M/V Philadelphia.
03693	Tex-Tow, Inc.:
	George, Jr.
	David.
03695	Wood River Harbor Service Co.:
	Bunker.
	CE-58.
	J. W. Good.
	GMC Barge.
03696	Graham Towing Co.:
	IMS-2005.
	IMS-2006.
03857	Jones & Laughlin Steel Corp.:
	Chem 2.
03861	Far East Shipping Co.:
	S/S Akiko.
03938	Liberian Virtue Transports, Inc.:
	World Pelagic.
04002	Compagnie Des Messageries Maritimes:
	Zambeze.
	Kangourou.
	Moheli.
	Vaucluse.
	Vienne.
	Velay.
	Yang-Tse.
	Yalou.
	Oyonnax.
	Yarra.
	Tigre.
	Si-Kiang.
	Polynesie.
	Moonie.
	Le Natal.
	Kouang Si.
	Iraouaddy.
	Indus.
	Godavery.
	Gance.
	Gallieni.
	Euphrate.
	Mozambique.
	Pasteur.
04023	Erie Sand and Gravel Co.:
	Wellston.
	M/V J. S. St. John.
04024	Erie Sand Steamship Co.:
	M/V Niagara.
	S/S Sidney E. Smith, Jr.
	M/V Lakewood.
04065	Altair Maritime S.A.:
	Aquila.
04066	Taurus Shipping Co., Inc.:
	Akbar.
04084	Ocean Messengers, Inc.:
	Seafarer.
04087	Merichem Co.:
	ETT-104.
	ETT-105.
	MER-111.
	NMS-1304.
04098	Hougland Barge Line, Inc.:
	WGH 9.
	WGH 10.
	JGH 33.
	WGH 14.
	RWH 43.
	WGE 15.
	WGH 11.
	WGH 12.
	WGH 16.
	WGH 21.
	WGH 31.
	Jackson Purchase.
	Pennyrile.
	WGH 47.
	Jayne Hougland.
	Frances M. Hougland.
	Warren Hougland.
	Jim Hougland.
	Walter G. Hougland.
04104	Parkhill-Goodloe Co., Inc.:
	Dauntless.
04113	Mon River Towing, Inc.:
	Jacob G.
	MRBL-12.
	MRBL-88.
	MRT-21.
	PO-1201.
	E-110 (Esso 110).
	Walker 24.
	GBL-4 (Hines 20).
	GBL-3 (IOC-2).
	GBL (IOT-2).
	GBL-1 (IOT-1).
	GBL-5 (IOT-5).
	GBL-6.

Certificate No.	Owner/operator and vessels
	GBL–7.
	GBL–8.
	GBL–9.
	GBL–10.
04123	J. M. Johannesens Rederi A/S:
	Finse.
04129	Missouri River Barge Lines, Inc.:
	M/V Vicksburg.
	M/V Belzoni.
04131	Ocean Couriers, Inc.:
	Avenger.
04132	Parco, Inc.:
	Elizabeth Turner.
04138	Dixie Sand and Gravel Co.:
	Richard Hardy.
04170	Dillingham Corp.:
	HTB–4.
	HTB–5.
	HTB–7.
	HTB–9.
	HTB–10.
	HTB–11.
	HTB–14.
	HTB–25.
	HTB–27.
	HTB–29.
	HTB–32.
	PT&S 378.
	Mikiona.
	MO I.
	Gaylord.
	C. F. Weeber.
	Mud Scow 2318.
	HD 2300.
04171	Young Brothers Ltd.:
	YB–15.
	YB–16.
	YB–18.
	YB–19.
	YB–20.
	YB–22.
	YB–23.
	YB–24.
	YB–26.
	YB–30.
04175	Atlantic, Gulf and Pacific Co.:
	1501.
	Pittsburg.
	Barlow.
	Texas.
	Arundel (Mobile).
	Baltimore.
	Carolina.
	A.G. & P. Co. No. 74.
	A.G. & P. Co. No. 75.
	A.G. & P. Co. No. 62.
	A.G. & P. Co. No. 66.
	A.G. & P. Co. No. 76.
	SC 1099.
	SC 1100.
	A.G. & P. Co. No. 70.
	Florida.
	Peru.
04179	Ory Bros. Marine Service, Inc.:
	CBL 302.
04183	Vita Food Products, Inc.:
	Dipper.
	Viceroy.
04197	Gulf Atlantic Towing Corp.:
	Manila.
	Caribe.
	GATCO 3060.
	GATCO 3061.
	GATCO 3062.
	GATCO 1603.
	GATCO 200.
	GATCO 165.
	GATCO 135.
	GATCO 102.
	GATCO 105.
	GATCO 106.
	H. G. Williams.
	GATCO 95.
	GATCO 83.
	GATCO 80.
04231	Albright and Wilson Ltd.:
	Albright Explorer.
	Albright Pioneer.
04244	Suchanan Shipping Co., Inc.:
	Star Clipper.
	Star Bay.
04245	Breford Co., Inc.:
	Blankenberg.
04246	Florida Panama Lines, Inc.:
	Tauros.
	Carlos Miguel.
	Loreto.
04258	Trans World Navigation Corp., Ltd.
	Mandarin.
04264	Keretis Comapnia Maritima S.A.:
	Capetan Costas Panou.
04269	Vronca Compania Naviera S.A.:
	Kyra Katina.
04270	Industrias Compania Naviera S.A.:
	Caliopi.
04274	Selestial Shipping Co.:
	Ourania.
04277	C. W. Blakeslee & Sons, Inc.:
	William, P.
	Major.
04284	Oil Base, Inc.:
	No. 324.
	SB–11.
	No. 320.
04291	Barge Operations, Inc.:
	Anne Louise.
04292	Mercury Tank Cleaning Corp.:
	Peter Frank.
04293	General Marine Transport Corp.:
	Susan Frank.
04294	Diversified Tansport, Corp.:
	Sam Berman.
04295	Water Facilities, Inc.:
	Amy B.
04296	Crystal Oil Co., Inc.:
	Alan Martin.
04319	Catano Barge Corp.:
	Catano.
04365	Roy Carl Furfiord:
	Sonya.
	Aleutian Fjord.
04376	Panultra S. A.:
	Marietta E.
04387	Seatankers, Inc.:
	Universal Conveyor.
	Universal Patriot.
	Cedros.
04406	Alter Co.:
	Col. Davenport.
	Phyllis.
	Frank R. Alter.
04410	Tenneco Oil Co.:
	Tenneco 150.
	Tenneco 128.
	Tenneco 125.
	Tenneco 160.
	Tenneco 161.
	Tenneco 170.
04444	Mid-America Transportation Co.:
	Emma Bordner.
	Ann King.
04446	Universal Marine, Inc.:
	UMI 1650.
	C. R. Clements.
	UMI 1822B.
	UMI 2408.
	UMI 2407.
	UMI 2223B.
	UMI 2222B.
	UMI 2521.
	UMI 2523.
	UMI 2564.
	UMI 2563.
	UMI 2550.
	UMI 2551.
	UMI 2822B.
	UMI 2821.
	UMI 2820.
04451	Venus International Corp.:
	Pleias.
	Venus Challenger.
04454	Satsumaru Kaiun K.K.:
	Satsu Maru No. 16.
04456	Venus Maritime Corp.:
	Venus Argosy.
	Venus Bounty.
04492	Haruki Suisan Kabushiki Kaisha:
	Yukonaru No. 18.
04547	Mr. Katsujiro Yamazaki:
	Kotohiramaru No. 38.
04558	Daiei Gyogyo Kabushiki Kaisha:
	Takuyo Maru.
04607	The Bridgeport and Port Jefferson Steamboat Co.:
	Martha Vineyard.
04629	Smit International (Antilles) N.V.:
	Schelde.
04631	O. L. Schmidt Barge Lines, Inc.:
	No. 29.
	No. 28.
	No. 26.
	No. 25.
04635	Crescent Towing & Salvage Co., Inc.:
	Humrick.
04641	American Tug Boat Co.:
	ATB–96.
	ATB–97.
	ATB–99.
04679	Ratnakar Shipping Co., Ltd.:
	Ratna Manjushree.
	Ratna Chandralekha.
	Ratna Usha.
	Ratna Jayshree.
04703	Yokkaichi Gyogyo Kabushiki Kaisha:
	Nanseimaru No. 17.
	Daienmaru No. 11.
04774	Imperial Shipping Trading Corp. Panama:
	Crown III.
04791	Atlantic Navigation Ltd.:
	Dolphin.
04805	Big T Towing Co., Inc.:
	Tennessee.
04806	Feeder Line Towing Service, Inc.:
	Linda.
04807	Williamson Marine Transport, Inc.:
	Ohio.
04808	Tri-W Towing Co., Inc.:
	Tri-W.
04809	Williamson Towing Co., Inc.:
	Greenville.
04848	Surrendra Overseas Ltd.:
	APJ Priya.
	APJ Akash.
	APJ Anjli.
	APJ Sushma.
	APJ Ambika.
04882	Compania Naviera Para Niajes Sud America S.A.:
	M/V Pantelis.
04883	Bumble Bee Seafoods, A:
	Anne M.
04884	Hall Corp. (Shipping) 1969 Ltd.:
	Inland Transport.
	James Transport.
	River Transport.
	Hudson Transport.
	Sea Transport.
	Cove Transport.
	Lake Transport.
	Cape Transport.
	Bay Transport.
	Halifax.
	Stonefax.
	Orefax.
	Maplecliffe Hall.
	Ottercliffe Hall.
	Lawencecliffe Hall.
	Frankcliffe Hall.
	Beavercliffe Hall.
	Hutchcliffe Hall.
	Northcliffe Hall.
	Coniscliffe Hall.

Certificate No.	Owner/operator and vessels
	Industrial Transport.
	Chemical Transport.
04899---	Navmachos Shipping Co.:
	Navmachos.
04900---	Okeanomachos Compania Naviera S.A.:
	Okeanomachos.
04901---	Ogden Amazon Transport, Inc.:
	Ogden Amazon.
04902---	Ogden Thames Transport, Inc.:
	Ogden Thames.
04903---	Hudson Transport, Inc.:
	S/S Hudson.
04907---	James River Transport, Inc.:
	S/S James.
04917---	Wabash Transport, Inc.:
	S/S Ogden Wabash.
04919---	Albany River Transport, Inc.:
	S/S Albany.
04986---	Rederij M/V Leo Polaris:
	Leo Polaris.
05000---	Mullion Tankers Ltd.:
	Prima.
	Seconda.
05001---	Wenduyne Shipping Co., Ltd.:
	Wenduyne.
05004---	Flowers Transportation, Inc.:
	Glenda S.
05008---	Star-Kist Foods, Inc.:
	Cheryl Marie.
	Freedom.
	Apollo.
	Angela.
	Mary Antoinette.
	Jasna.
	Vida.
	Antonina C.
05016---	Hess Oil Virgin Islands Corp.:
	U 704.
	Hovic 4.
	Thatch Cay.
05042---	State of Alaska Department of Public Works:
	M/V Wickersham.
	M/V Malaspina.
	M/V Matanuska.
	M/V Taku.
	M/V Tustumena.
	M/V Bartlett.
05058---	Oriental Bulk Carriers, Inc.:
	Atlantic Challenge.
05083---	Marwell Caribe, Inc.:
	Western Warrior.
	Allan Judith.
05153---	William Holm Jacobsen:
	Christian Holm.
05204---	Steuart Transportation Co.:
	STC 104.
	STC 101.
	STC 102.
	STC 106.
	STC 107.
	STC 109.
	Auntie Mame.
	T/B Elizabeth S.
05206---	McDonough Co.:
	West Virginian Dredge.
	Joe Lucas Dredge.
05213---	Americas Navigation Co., S.A.:
	S/S Citizens UNA.
05232---	Diamond Drilling Co.:
	ST-65.
	ST-64.
05250---	Fleet Towing Co.:
	Invader.
	Illinois.
05276---	M/S Silur-Von Colln-Schiffahrts-kommandit-Gesellschaft:
	Sovereigh Jade.
05287---	CWC Fisheries, Inc.:
	Alaska Queen.
	Ocean Maid.
05289---	Connaught Tankers Corp.:
	Cumbernauld.
50299---	Waterways Marine of Greenville, Inc.:
	GWG 202.
05322---	Gloria Navigation Line Co.:
	Gloria Siderum.
05305---	Clio Navigation S.A. Panama:
	Charalambos.
05361---	Mismar Motorship Corp.:
	Miss Marietta.
05362---	Minimich Corp.:
	M/V Michalakis.
05363---	Maistros Corp.:
	M/V Master Petros.
05364---	Minimar Corp.:
	M/V Mary.
05378---	Gulf States Oil Transportation Co.:
	Gulf States 3000.
	Gulf States 1001.
	Gulf States 1000.
	Gulf States 3001.
	Gulf States 2401.
	Gulf States 2400.
05380---	Tridentco Shipping Ltd.:
	Sovereign Ruby.
05386---	Zip Corp.:
	S/S Cohansey.
05405---	Linea Amazonica S.A.:
	Atahualpa.
05432---	Lloyd Triestino-Societa: per Azioni di Navigazione:
	Galileo Galilei.
	Guglielmo Marconi.
05458---	Oceanic Freighters Corp.:
	M/V Lady Era.
05459---	Neptunia Inc.:
	M/V Theodore.
05460---	Alkman Inc.:
	M/V Alkman.
05461---	Oceanica Inc.:
	M/V Oceanic.
05462---	Atlantis Corp.:
	M/V Helen.
05462---	Apollo Corp.:
	M/V Apollo.
05464---	Pacific Corp.:
	M/V Christitsa.
05465---	Alcyonia Corp.:
	M/V Ima.
05468---	Luna IV Compania Naviera S.A. Panama:
	Papanicolis.
05469---	Santaroza Navigation Co., Ltd.:
	Katina M.
05490---	Levingston Shipbuilding Co.:
	Golden Rule.
	Helping Hand.
05492---	Nuffiels Shipping, Inc.:
	Independent Trader.
05494---	Moore Terminal & Barge Co., Inc.:
	Margaret M.
	Betty M.
	Jimmy M.
	Christine M.
	John, Jr.
	Betty Elizabeth.
	James W. Moore-100.
	James, Jr.
05495---	Per Hagen's Rederi:
	Aksvik.
05497---	Holy Co., Ltd.:
	M/V Holy.
05502---	Independent Pioneer Navigation (Liberia) Ltd.:
	Independent Pioneer.
05504---	Wavecrest Shipping Co., Ltd.:
	Agia Sophia.
05527---	Rancocas Steamship Co.:
	Coral Gem.
05530---	Consolidated Towing Co.:
	Melinda B.
05539---	Westgate Terminals, Inc.:
	Southgate.
	Westgate.
	Independence.
	Concho.
	Missouri.
	Westport.
	San Juan.
	United States.
	Carol Virginia.
	Mary Barbara.
	Lois Seaver.
	Larry Roe.
	Elsie A.
05540---	Kaiser Steel Corp.:
	Maddy B.
05549---	Polska Zegluga Morska:
	M/V Manifest Lipcowy.
	M/V Powstaniec Slaski.
	M/V Ziemia Kielecka.
	M/V Ziemia Szczecinska.
	M/V Ziemia Lubuska.
	M/V Ziemia Wielkopolska.
	M/V Ziemia Gdanska.
	M/V Ziemia Mazowiecka.
	M/V Ziema Loszalinska.
05551---	Lyra Shipping Corp.:
	Harp.
05555---	Potomac Sand and Gravel Co.:
	PS&G Arlington.
	PS&G Dredge No. 8.
	Keystone.
05557---	Astrovivo Compania Naviera S.A.:
	S/S Stravros.
05558---	Guadoro Compania Naviera S.A.:
	S/S Panagia Kounistra.
05561---	Inland Steel Co.:
	Wilfred Sykes.
	E. J. Block.
	Clarence B. Randall.
	Philip D. Block.
	L. E. Block.
	Edward L. Ryerson.
05564---	Europa Shipping Corp.:
	Marathonian.
05565---	Fairfield Shipping Corp.:
	Stephanie.
05566---	Jutland Shipping Corp.:
	Elisabeth
05567---	Mid-Atlantic Steamship Corp.:
	Sounion.
05568---	African Shipping Enterprises Ltd.:
	Aktion.
05577---	Far-Eastern Steamship Co.:
	Alexander Vermishev.
	Gamzat Tsadasa.
	Ivan Kotliarevsky.
	Konstantin Paustovsky.
	Makhtum Kuli.
	Alisher Navoi.
	Ovanes Tumanyan.
	Okhotsk.
	Ola.
	Otradnoe.
	Orsha.
	Ornburg.
	Novikov-Priboy.
	Gavriil Derzhavin.
	Sergey Essenin.
	Vladimir Mayadovsky.
	Nikolay Karamzin.
	Suleyman Stalsky.
05582---	Mesa Industri-Og Skipsservice A/S:
	Elisabeth.
05585---	Freeport Barge Lines, Inc.:
	Hines 32.
	Hines 33.
05587---	Fairplay Schleppdampfschiffs-Reederei Richard Borchard G.m.b.H.:
	Fairplay IX.
05593---	Interessentskapet Pacific:
	M/V Pacific Express.
05595---	Interessentskapet Obo:
	M/A Obo Prince.
05599---	Unity Maritime Corp.:
	Unity.
05605---	Faircape Steamship Corp.:
	M/V Stamatios.
05606---	Antria Shipping Co., Ltd., Monrovia:
	Akra Aktion.

Certificate No.	Owner/operator and vessels
05607---	Hannah Inland Waterways Corp.:
	No. 3102.
	No. 3101.
	No. 2903.
	No. 2902.
	Hannah 2901.
	Hannah 2004.
	Hannah 2003.
	Hannah 2002.
	Hannah 2001.
	Muskegon.
05609---	Saint Nicolas Shipping Co.:
	Mariner.
05610---	Davis Construction Co.:
	D-6521.
	D-6220.
05616---	Eastern Maritime Corp. Ltd.:
	M/V Eastern Mariner.
05617---	Maritima Del Norte, S.A.:
	Sierra Andia.
	Sierra Aramo.
	Sierra Aranzazu.
	Sierra Luna.
	Sierra Lucena.
	Sierra Fria.
	Sierra Madre.
	Sierra Maria.
05618---	Compania Naviera Unitas S.A.:
	Argolis.
05619---	Paleocrassas Brothers & Partners:
	Captaynnis.
05620---	Sociedad de Navegacion Albion S.A.:
	M/S Ekali.
05624---	P. N. Pertambangan Minjak Dan Gas Bumi Nasional (Pertamina):
	Permina 104.
	Permina 101.
	Permina 102.
	Permina 1006.
	Permina 1005.
	Permina 1003.
	Permina 1002.
	Permina 1001.
	Permina 1004.
	Permina 103.
	Permina 107.
	Permina Samudra IV.
	Permina Samudra V.
	Permina Samudra II.
	Permina Samudra I.
05625---	Maritime International Development Corp., Ltd.;
	M/V Hoi Fung.
05626---	Muhammadi Steamship Co., Ltd.:
	Al Hasan.
	Al Ahmadi.
	Al Abedin.
	Al Kulsum.
	Al Abbas.
	Al Murtaza.
05627---	Gestioni Esercizio Navi Sicilia-G.E.N.S. S.p.A.:
	Capo Noli.
05628---	Capricorn Lines (Proprietary) Ltd.:
	Safocean Auckland.
	Safocean Albany.
05629---	General Electric Co.:
	Gowanus Bay No. 1.
	Gowanus Bay No. 2.
	Gowanus Bay No. 3.
	Gowanus Bay No. 4.
05630---	Newport News Shipbuilding and Dry Dock Co.:
	Atlas.
	Tank Barge No. 25.
05635---	Mr. Masanori Yoshinoya:
	M/S Sagami Maru.
05637---	Hagimori Kaiun K.K.:
	Tenryo Maru.
	Tenkai Maru.
05641---	Maisam Shipping Co., S.A.:
	Achaika Star.
05643---	A/S Marva:
	Marva.
05644---	Hurricanesea Compania Navirera Panama:
	Alphard.
05656---	Ceylon Shipping Corp., Ltd.:
	Lanka Rani.
05658---	Naviera Guanche, S.A.:
	Guayarmina.
	Guayadeque.
05670---	Vasco Madrilena de Navegacion S.A.:
	Valle de Orozco.
	Cantonad.
	Irus.
05695---	O.K. Service Shipping Ltd.:
	O.K. Service X.
05704---	Murmansk Steamship Co.:
	Vasya Shiphskovsky.
	Stanislavsky.
	Ivan Moskvin.
	Vasiliy Kachalov.
	Nemirovich Danchenko.
	Leonid Leonidov.
	Dneproges.
	Volkhovges.
	Rionges.
	Kuibyshevges.
	Angarges.
	Tsimlyanskges.
	Navarin.
	Vasya Kotik.
	Sasha Kovalev.
	Galya Komleva.
	Indigirka.
	Zapolyarny.
	Shura Kober.
	Le A.
	Nina Kukoverovwa.
	Vasya Korobko.
	Sasha Borodulin.
	Juta Bondarovskaya.
	Murman.
	Bukhtarma.
	Olenegorsk.
	Segezha.
	Gizhiga.
05706---	Chowgule Steamships Ltd.:
	M/V Maratha Providene.
	M/V Maratha Progress.
M-02496	United States Steel Corp.:
	Vessels held for purposes of construction, scrapping or sale, but not including vessels over 1,000 gross tons.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-6554 Filed 5-11-71;8:45 am]

FEDERAL RESERVE SYSTEM

FIRST ARKANSAS BANKSTOCK CORP.

Order for, and Notice of, Reconsideration

In the matter of the application of First Arkansas Bankstock Corp., Little Rock, Ark., for approval of acquisition of 80 percent or more of the voting shares of The Stephens Security Bank, Stephens, Ark.

This matter comes before the Board of Governors on Petition by First Arkansas Bankstock Corp. requesting that the Board reconsider its order dated February 22, 1971 (36 F.R. 3852), whereby the Board denied the application of First Arkansas Bankstock Corp., filed pursuant to section 3(a) of the Bank Holding Company Act of 1956, for prior approval of the acquisition of 80 percent or more of the voting shares of The Stephens Security Bank.

The Board's original action was specifically due to the enactment in Arkansas, subsequent to the filing of the application, of a statute prohibiting the formation and expansion of multibank holding companies. The petition is based upon a recently enacted Arkansas statute which exempts from the general prohibition applications in process before the Board prior to the passage of the first statute. In view thereof, the Board finds that reconsideration would be appropriate in order to reach a decision as to the merits of the application.

It is hereby ordered, That the Petition for Reconsideration of the application be and hereby is granted. In order to facilitate such reconsideration, not later than thirty (30) days after the publication of this order in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application, as amended, may be inspected at the office of the Board of Governors or the Federal Reserve Bank of St. Louis.

By order of the Board of the Governors,[1] May 4, 1971.

KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-6583 Filed 5-11-71;8:46 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5020]

APPALACHIAN POWER CO.

Notice of Proposed Issue and Sale of Notes to Banks and to Dealers in Commercial Paper and Exception From Competitive Bidding

MAY 5, 1971.

Notice is hereby given that Appalachian Power Co. (Appalachian), 40 Franklin Road, Roanoke, VA 24009, an electric utility subsidiary company of American Electric Power Co., Inc., a registered holding company, has filed an application and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) of the Act and Rule 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Appalachian requests that from the date of the granting of this application to June 30, 1973, the exemption from the provisions of section 6(a) of the Act,

---

[1] Voting for this action: Chairman Burns and Governors Robertson, Daane, Maisel, and Brimmer. Absent and not voting: Governors Mitchell and Sherrill.

afforded to it by the first sentence of section 6(b) of the Act, relating to the issue of short-term notes, be increased to the extent necessary to cover the issuance and sale of notes to banks and to dealers in commercial paper up to the maximum amounts allowable under its Articles of Association. Appalachian's Articles of Association provide among other things, that Appalachian may not incur unsecured indebtedness with maturities of less than 10 years (other than obligations to pay the purchase price of material or equipment made in the ordinary course of business) in an aggregate amount which would exceed 10 percent of the capitalization of the company, without the consent of the holders of a majority of the total number of shares of cumulative preferred stock of all series then outstanding. Pursuant to an order of the Commission dated March 30, 1971 (Holding Company Act Release No. 17070), Appalachian has proposed to the holders of the shares of cumulative preferred stock, for their consideration at a special meeting of shareholders to be held on May 19, 1971, that until January 1, 1975, the company be authorized to incur additional short-term indebtedness in excess of 10 percent, but not in excess of 20 percent (when taken together with the company's outstanding unsecured debentures), of the aggregate of the total principal amount of all bonds or other secured indebtedness of the company and the capital and surplus of the company, provided that none of such short-term debt shall mature later than June 1, 1975. As of March 31, 1971, the maximum amount of short-term indebtedness which Appalachian can incur is $73,330,000, and if the holders of the cumulative preferred stock approve the aforementioned proposal, Appalachian could incur $27,800,000 additional short-term indebtedness. Thus, Appalachian now proposes to issue short-term notes to banks and commercial paper dealers in an aggregate amount not to exceed $101,130,000 outstanding at any one time, including short-term notes presently outstanding. Increases in this amount may be authorized by supplemental order of the Commission. The notes are to be issued from time to time prior to June 30, 1973, as funds are required: *Provided*, That none of the notes will mature later than December 31, 1973.

The proceeds from the issue and sale of the notes will be used by Appalachian to reimburse its treasury for past expenditures made in connection with its construction program, to pay part of the cost of its future construction program, and for other corporate purposes. Such construction expenditures for the second half of 1971 and for the year 1972 are estimated to total $63 million and $81 million, respectively. The application states that, unless otherwise authorized by the Commission, all of the short-term debt of Appalachian will be retired by December 31, 1973, from internal cash resources, debt or equity financing, or cash capital contributions.

Each note payable to a bank to be issued by Appalachian will be dated as of the date of the borrowing which it evidences and will mature not more than 270 days after the date of issuance or renewal thereof. Each such note will bear interest no greater than the prime rate of commercial banks at the time of issuance or in effect from time to time and will be prepayable at any time without premium or penalty. Appalachian will not effect any borrowing from banks pursuant to this application until an amendment thereto has been filed setting forth the name or names of the banks from which such borrowings are to be effected and such amendment shall have been granted by order of the Commission.

The commercial paper will be in the form of promissory notes in denominations of not less than $50,000 nor more than $5,000,000 and will be of varying maturities, with no maturity more than 270 days after the date of issue; none will be prepayable prior to maturity. The commercial paper notes of Appalachian will be sold directly to not more than two dealers at a discount not in excess of the discount rate per annum prevailing at the time of issuance for commercial paper of comparable quality and maturity. No commercial paper notes will be issued having a maturity more than 90 days at an effective interest cost which exceeds the effective interest cost at which Appalachian could borrow from banks. The dealers will reoffer the commercial paper notes to not more than 100 of their customers identified and designated in a list (nonpublic) prepared in advance. It is expected that Appalachian's commercial paper notes will be held by each dealer's customers to maturity, but if the customers wish to resell prior to maturity, the dealer, pursuant to a verbal repurchase agreement, will repurchase the notes and reoffer them to others in its group of 100 customers.

Appalachian requests exception from the competitive bidding requirements of Rule 50 for the proposed issue and sale of its commercial paper pursuant to paragraph (a)(5) thereof on the grounds that it is not practicable to invite competitive bids for commercial paper and that current rates for commercial paper of prime borrowers such as Appalachian are published daily in financial publications. Appalachian also requests authority to file certificates under Rule 24 with respect to the issue and sale of commercial paper hereafter consummated pursuant to this proceeding on a quarterly basis.

The application states that expenses related to the proposed transactions are estimated not to exceed $2,500. It is further stated that the Virginia State Corporation Commission has jurisdiction over the transactions proposed by Appalachian and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than May 27, 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 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 (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant 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, as amended or as it may be further amended, may be granted 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.71-6603 Filed 5-11-71;8:48 am]

[812-2782]

DANA LABORATORIES, INC.

Notice of Filing of Application for Order Authorizing Proposed Transaction

MAY 5, 1971.

Notice is hereby given that Dana Laboratories, Inc. (Dana) 500 Newport Center Drive, Newport Beach, CA 92660, a California corporation, has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 (Act) for an order exempting from the provisions of section 17(a) a proposed transaction involving the purchase by Dana from, or exchange of real property between Dana and Dana's president, John F. Bishop, and his wife. All interested persons are referred to the application on file with the Commission for a full statement of the representations therein, which are summarized below.

Christiana Securities Co. (Christiana), a registered closed-end investment company, owns approximately 28 percent of the outstanding common stock of E. I. du Pont de Nemours and Co., which, in turn, owns approximately 32.7 percent of the common stock of Dana.

Under sections 2(a)(3) and 2(a)(9) of the Act, Dana is presumed to be a controlled company of Christiana. Bishop is a director, chairman of the board of directors, and president of Dana and owns beneficially 10.6 percent of its common stock, of which 2.5 percent is held in trust for his minor children; under section 2(a)(3) of the Act, Bishop is an affiliated person of Dana.

Dana proposes to acquire from the Bishops, pursuant to an option, 8 acres of real property upon which certain of Dana's manufacturing facilities are located. Under the terms of the agreement between Dana and the Bishops, the Bishops shall have 18 months from the date the order of exemption is granted within which to select a parcel of real property to be acquired by Dana. If such selection is made, Dana has agreed to acquire such property and subsequently transfer it to the Bishops in exchange for the Bishops' property. In the event that the Bishops fail to select real property within the 19-month period, the parties have agreed that applicant may purchase the Bishops' property for cash, as described below. The Bishops have agreed not to select real property owned by an affiliated person of Dana, du Pont, or Christiana. Dana may reject the property within the 18-month period, the Bishops will refrain from exercising control over or influencing in any way Dana's decision to or not to purchase the property selected by the Bishops. Dana has undertaken to file with the Commission a final report on the acquisition of real property contemplated by the agreements.

Exercise of the option for a cash purchase would be at fair market value of the properties, but in no event less than $360,000 plus cost to the Bishops of buildings and other improvements. Such costs amounted to $1,025,474 for a total minimum price of $1,385,474. However, two independent appraisers have valued the property at $1,550,000, and Dana has exercised the option to purchase the properties at an amount $30,000 below the appraised fair market value of the property. Dana is to pay cash in the amount of $1,520,000 less the balance unpaid on a promissory note dated March 31, 1968, in the principal amount of $1,065,000, and assume the Bishops' remaining obligations under the promissory note.

Section 17(a) of the Act, as here pertinent, prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from selling to or purchasing from a controlled company of such registered company any securities or other property unless the Commission, upon application pursuant to section 17(b), grants an exemption from the provisions of section 17(a) after finding that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of such investment company and with the general purposes of the Act.

Notice is further given that any interested person may, not later than May 25, 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 Dana 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 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.71-6604 Filed 5-11-71;8:48 am]

[70-5018]

GEORGIA POWER CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds

MAY 5, 1971.

Notice is hereby given that Georgia Power Co. (Georgia), 270 Peachtree Street NW., Atlanta, GA 30303, an electric utility subsidiary company of The Southern Co., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Georgia proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $100 million principal amount of its First Mortgage Bonds, ______ percent Series, to mature not less than 5 years and not more than 30 years from the second day of the calendar month within which the bonds are issued. Georgia will decide on the maturity of the bonds after the date of public invitation for proposals and subsequently notify prospective bidders, but not less than 72 hours prior to the time of the bidding. The interest rate (which will be a multiple of one-eighth percent) and the price, exclusive of accrued interest, to be paid to Georgia (which will be not less than 99 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under the indenture, dated as of March 1, 1941, between Georgia and Chemical Bank, as trustee, as heretofore supplemented and as to be further supplemented by a supplemental indenture to be dated June 1, 1971, which includes a prohibition until June 1, 1976, against refunding the bonds with the proceeds of funds borrowed at a lower annual cost of money. The proceeds from the sale of the bonds will be used to finance, in part, Georgia's 1971 construction program (estimated to be $363,787,000), to repay short-term notes incurred for such purpose (both bank notes and commercial paper), to retire outstanding bonds, and for other lawful purposes.

It is stated that the Georgia Public Service Commission has expressly authorized the proposed issuance and sale of the bonds by Georgia and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. The fees and expenses to be incurred in connection with the transaction will be supplied by amendment.

Notice is further given that any interested person may, not later than May 25, 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 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 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, as filed or as it may be amended, may be granted 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.71-6605 Filed 5-11-71;8:48 am]

[70-5019]

OHIO EDISON CO.

Notice of Proposed Issue and Sale of Bonds at Competitive Bidding and Issue of Bonds for Sinking Fund Purposes

MAY 5, 1971.

Notice is hereby given that Ohio Edison Co. (Ohio Edison), 47 North Main Street, Akron, OH 44308, a registered holding company and a public-utility company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Ohio Edison proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $60 million principal amount of First Mortgage Bonds ______ percent Series of 1971 due 2001. The interest rate of the bonds (which will be a multiple of one eighth of 1 percent) and the price, exclusive of accrued interest, to be paid to Ohio Edison (which will be not less than 100 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under Ohio Edison's indenture dated as of August 1, 1930, between Ohio Edison and Bankers Trust Co., trustee, as heretofore amended and supplemented and as to be further amended and supplemented by a 20th Supplemental Indenture to be dated as of the first day of the calendar month in which the bonds are issued. The supplemental Indenture includes a prohibition until June 1, 1976, against refunding the issue with funds borrowed at a lower annual cost of money.

The proceeds from the sale of the new bonds will be used for the acquisition of property, the construction, completion, extension, renewal, or improvement of Ohio Edison's facilities or for the improvement of its service, or for repayment of unsecured short-term debt, estimated to be outstanding at the time of issue in the amount of $20 million, or for the reimbursement of its treasury for expenditures made for such purposes. Ohio Edison's construction expenditures for the year 1971 are estimated at $103,714,000.

Ohio Edison also proposes, on or about November 1, 1971, to issue an additional $427,000 principal amount of its First Mortgage Bonds 3¼ percent Series of 1955 due 1985, under the provisions of its 12th Supplemental Indenture dated as of May 1, 1955, and to surrender such bonds to the trustee in accordance with the sinking fund provisions. The bonds are to be identical with those authorized by the Commission on April 8, 1971 (Holding Company Act Release No. 17091), and are to be issued on the basis of property additions. Ohio Edison estimates that, after the proposed issue of the new bonds and the sinking fund bonds, unfunded net property additions will amount to approximately $92,998,000 as of December 31, 1970.

It is stated that the issuance of the new bonds and the sinking fund bonds is subject to the jurisdiction of the Public Utilities Commission of Ohio and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be paid in connection with the sinking fund bonds are estimated at $600. The fees and expenses in connection with the new bonds are to be filed by amendment.

Notice is further given that any interested person may, not later than May 26, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-6606 Filed 5-11-71;8:48 am]

DEPARTMENT OF LABOR

Office of the Secretary

[Secretary of Labor's Order 14-71]

AGE DISCRIMINATION IN EMPLOYMENT

Delegation of Authority and Assignment of Responsibility for Administration and Enforcement

1. *Purpose.* This order delegates authority and assigns responsibility for the performance of functions assigned to the Secretary of Labor pursuant to the Age Discrimination in Employment Act of 1967 (Public Law 90-202).

2. *Background.* The Age Discrimination in Employment Act of 1967 was enacted to promote employment of older persons based on their ability to prohibit arbitrary age discrimination in employment; and to help employers and workers find ways of meeting problems arising from the impact of age on employment.

3. *Delegation of authority and assignment of reseponsibilities.* a. The Assistant Secretary for Manpower is hereby delegated authority and assigned responsibility for:

(1) Undertaking studies concerning the needs and abilities of older workers, and their potentials for continued employment and contribution to the economy;

(2) Undertaking or promoting research, with a view to reducing barriers to the employment of older persons, and the promotion of measures for utilizing their skills including publishing and otherwise making available to employers, professional societies, and the various media of communication, and other interested persons the findings of research studies;

(3) Helping employers and workers find ways of meeting problems arising from the impact of age on employment other than the administrative and enforcement activities (including conciliation) delegated to the Assistant Secretary for Employment Standards;

(4) Undertaking an appropriate study of institutional and other arrangements, giving rise to involuntary retirement, and preparing for the Assistant Secretary for Employment Standards a report of findings, pursuant to section 5 of the Age Discrimination in Employment Act, and undertaking other studies and preparing appropriate recommendations to the Assistant Secretary for Employment Standards concerning the Age Discrimination in Employment Act; and,

(5) Promoting employment of older workers through the public employment service system and through cooperative effort (including regional, state, and local agencies and employers, labor organizations, and employment agencies), the

development of facilities of public and private associations for expanding the opportunities and potentials of older persons.

b. The Assistant Secretary for Employment Standards is hereby delegated authority and assigned responsibility for:

(1) Issuing interpretations, rules, and regulations on the advice of the Solicitor, and establishing reasonable exemptions to and from any or all provisions of the Age Discrimination in Employment Act;

(2) Effecting voluntary compliance and attempting to eliminate alleged discriminatory practices and barriers to employment through informal methods of conciliation, conferences, and persuasion;

(3) Carrying on a continuing program of education and information including preparing and disseminating posters, pamphlets, and other information aids to promote voluntary compliance and to assist in the enforcement of the law, and, in this connection, cooperating with regional, State, local, and other agencies and cooperating with and furnishing technical assistance to employers, labor organizations, and employment agencies;

(4) Enforcing the provisions of the Act in accordance with the applicable provisions of the Fair Labor Standards Act and the Age Discrimination in Employment Act, including making investigations and requiring the keeping of records necessary or appropriate for administration of the Age Discrimination in Employment Act;

(5) Notifying promptly all persons named as prospective defendants in a proposed civil action by an individual and seeking to eliminate any alleged unlawful practices by informal methods;

(6) Undertaking appropriate studies to evaluate and appraise the effectiveness of the Act and preparing an annual report of findings and appropriate legislative recommendations pursuant to section 13 of the Act;

(7) Preparing for the Secretary recommendations with respect to desirable measures to change the lower or upper age limits specified in the Age Discrimination in Employment Act, pursuant to section 3(b) of the Act;

(8) Representing the Department of Labor at interagency councils or committees relating to matters concerning discrimination in employment on the basis of age;

(9) Assisting States in developing laws prohibiting age discrimination and sponsoring programs to achieve that end.

c. The Solicitor of Labor shall have the responsibility for providing legal advice and assistance to all officers of the Department relating to the administration of the Age Discrimination in Employment Act of 1967.

4. *Redelegation*. The authority delegated and responsibilities assigned by this order may be further redelegated.

5. *Reservation of authority*. The following functions are reserved to the Secretary:

a. Submission of reports and recommendations to the President and the Congress concerning the administration of the Age Discrimination in Employment Act.

b. The bringing of legal proceedings under the Age Discrimination in Employment Act, the determination in each case whether such proceedings are appropriate to be made by the Solicitor of Labor.

6. *Directives affected*. Secretary's Order 11–68 is hereby canceled.

7. *Effective date*. This order is effective April 28, 1971.

Signed at Washington, D.C., this 4th day of May 1971.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.71-6590 Filed 5-11-71;8:47 am]

[Secretary of Labor's Order 12-71]

ASSISTANT SECRETARY FOR OCCUPATIONAL SAFETY AND HEALTH

Delegation of Authority and Assignment of Responsibility

1. *Purpose*. This order delegates authority and assigns responsibilities of the Secretary of Labor regarding occupational safety and health functions including those set forth in the Occupational Safety and Health Act of 1970.

2. *Background*. Public Law 91-596, the Occupational Safety and Health Act of 1970, assigned major additional responsibilities to the Secretary of Labor in the field of occupational safety and health and established in the Department an Assistant Secretary for Occupational Safety and Health.

3. *Transfer of functions*. This order transfers and assigns all of the safety and health responsibilities (but not including responsibilities under the Child Labor provisions of the Fair Labor Standards Act) and related personnel, equipment and facilities, which were heretofore assigned to the Workplace Standards Administration (renamed Employment Standards Administration) to the Assistant Secretary for Occupational Safety and Health, and consolidates activities in support of these responsibilities with those assigned under the Occupational Safety and Health Act.

4. *The Occupational Safety and Health Administration* (OSHA). There is established in the Department of Labor an Occupational Safety and Health Administration which shall be headed by the Assistant Secretary for Occupational Safety and Health who reports to the Secretary of Labor.

5. *Delegation of authority and assignment of responsibility*. a. The Assistant Secretary for Occupational Safety and Health is hereby delegated authority and assigned responsibility for carrying out the safety and health programs and activities of the Department of Labor including the safety and health functions to be performed by the Secretary of Labor under:

(1) Occupational Safety and Health Act of 1970;

(2) Walsh-Healey Public Contracts Act of 1936, as amended;

(3) Service Contract Act of 1965;

(4) Contract Work Hours and Safety Standards Act;

(5) Maritime Safety Act of 1958;

(6) National Foundation on the Arts and Humanities Act of 1965;

(7) 5 U.S.C. 7902 and any Executive order thereunder;

(8) The responsibilities of the Secretary of Labor with respect to labor safety and health provisions of any other Federal statutes.

b. In carrying out the authority and responsibility delegated under this order, the Assistant Secretary for Occupational Safety and Health shall perform the above functions in accordance with existing Governmental and Departmental regulations, including Chapter 4-1300 of the Manual of Administration, which outlines the functions of Policy Development, Planning, Programing, Budgeting, Executing Programs, Reviewing, and Analyzing Planned Versus Actual Performance, and Evaluating Program Effectiveness.

c. The Assistant Secretary is delegated authority for making organizational changes within policies established by the Secretary in accordance with the provisions of Chapter 4-200 of the Manual of Administration.

d. The Assistant Secretary shall coordinate his efforts with efforts of other officials or agencies having responsibilities in the occupational safety and health area.

e. The Solicitor of Labor shall have the responsibility for providing legal advice and assistance to the Secretary and all officers of the Department relating to the administration of the statutes and Executive order listed in paragraph 5a above.

f. The Commissioner of the Bureau of Labor Statistics is hereby delegated specific authority and assigned responsibility for:

(1) Furthering the purposes of the Occupational Safety and Health Act by developing and maintaining an effective program of collection, compilation, and analysis of occupational safety and health statistics;

(2) Making grants to States or political subdivisions thereof in order to assist them in developing and administering programs dealing with occupational safety and health statistics under sections 18, 23, and 24 of the Occupational Safety and Health Act; and

(3) Coordinating his functions with the Assistant Secretary for Occupational Safety and Health.

g. The authority and responsibility delegated to the Assistant Secretary for Occupational Safety and Health, the Solicitor of Labor and the Commissioner of the Bureau of Labor Statistics may be redelegated by them.

6. *Reservation of authority*. a. The following functions are reserved to the Secretary:

(1) Submission of reports and recommendations to the President and the

Congress concerning the administration of the statutes and Executive order listed in paragraph 5a above.

(2) The bringing of legal proceedings under the statutes listed in paragraph 5a above, the determination in each case whether such proceedings are appropriate to be made by the Solicitor of Labor, who may appear for and represent the Secretary in civil litigation as authorized by law.

7. *Interim rules.* In the implementation of this Order and in the administration of the statutes listed in paragraph 5a above, the rules set forth in Chapter XIII of Title 29 of the Code of Federal Regulations, Part 6 of such title, and Parts 50-201 and 50-203 of Title 41, read in the light of the delegations made herein, shall be applicable until changed.

8. *Directives affected.* Secretary's Order No. 2-67 establishing the Advisory Committee on Occupational Safety remains in effect, except that the Assistant Secretary for Occupational Safety and Health shall serve as Executive Secretary and that secretarial, technical and other services shall be provided by the Occupational Safety and Health Administration.

9. *Effective date.* This order is effective April 28, 1971.

Signed at Washington, D.C., this 4th day of May 1971.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.71-6588 Filed 5-11-71;8:46 am]

[Secretary of Labor's Order 13-71]

ASSISTANT SECRETARY FOR EMPLOYMENT STANDARDS

Delegation of Authority and Assignment of Responsibility

1. *Purpose.* This Order redesignates the Assistant Secretary for Workplace Standards as the Assistant Secretary for Employment Standards and delegates to the Assistant Secretary for Employment Standards the authority vested in the Secretary of Labor for employment standards programs. It also redesignates the Workplace Standards Administration as the Employment Standards Administration.

2. *Background.* Secretary's Order No. 19-70 established in the Department of Labor a Workplace Standards Administration and assigned responsibilities for the workplace standards programs and activities in the Department of Labor, including safety and health program functions to the Assistant Secretary for Workplace Standards. Subsequently, the Williams-Steiger Occupational Safety and Health Act of 1970 (Public Law 91-596) established in the Department of Labor an Assistant Secretary for Occupational Safety and Health. The safety and health responsibilities of the Department of Labor are to be performed by an Occupational Safety and Health Administration headed by the Assistant Secretary for Occupational Safety and Health. This order delegates authority and assigns responsibility for employment standards programs and activities to be performed by the Employment Standards Administration.

3. *Redesignation of the Workplace Standards Administration as the Employment Standards Administration.* The Workplace Standards Administration is hereby redesignated as the Employment Standards Administration and shall perform the functions of the Department with respect to employment standards programs. The Assistant Secretary for Workplace Standards is hereby redesignated as the Assistant Secretary for Employment Standards who shall report to the Secretary. The Employment Standards Administration shall be headed by a Deputy Assistant Secretary/Administrator who shall report to the Assistant Secretary for Employment Standards, and shall act for the Assistant Secretary in his absence.

4. *Delegation of authority and assignment of responsibility.* a. The Assistant Secretary for Employment Standards is hereby delegated authority and assigned responsibility, except as hereinafter provided, for carrying out the employment standards programs and activities of the Department of Labor, including the functions to be performed by the Secretary of Labor under:

(1) Fair Labor Standards Act of 1938, as amended, including the issuance of child labor Hazardous Occupation Orders and other regulations concerning child labor standards;

(2) The Walsh-Healey Public Contracts Act of 1936, as amended; except those provisions relating to safety and health delegated to the Assistant Secretary for Occupational Safety and Health;

(3) Service Contract Act of 1965, except those provisions relating to safety and health delegated to the Assistant Secretary for Occupational Safety and Health;

(4) The Davis-Bacon Act and any laws now existing, or which may be subsequently enacted, providing for prevailing wage findings by the Secretary of Labor in accordance with or pursuant to the Davis-Bacon Act; the Copeland Act; Reorganization Plan No. 14 of 1950; and the Tennessee Valley Authority Act;

(5) Contract Work Hours and Safety Standards Act, except those provisions relating to safety and health delegated to the Assistant Secretary for Occupational Safety and Health;

(6) Title III of the Consumer Credit Protection Act;

(7) Vocational Rehabilitation Act Amendments of 1965;

(8) Arts and Humanities Act of 1965, except those provisions relating to safety and health delegated to the Assistant Secretary for Occupational Safety and Health;

(9) Federal Employees' Compensation Act, as amended and extended (5 U.S.C. 8101 et seq., except 8149 as it pertains to Employees' Compensation Appeals Board);

(10) The Longshoremen's and Harbor Workers' Compensation Act, as amended and extended;

(11) The Act of 1920 establishing a Women's Bureau (Public Law 66-259);

(12) Executive Order 11126—as amended by Executive Order 11221—Status of Women;

(13) Executive Order 11136, as amended—President's Committee on Consumer Interests and Consumer Advisory Committee;

(14) Executive Order 11246, as amended by Executive Order 11375—Federal Contract Compliance;

(15) Part C of title IV (Black Lung Benefits) of the Federal Coal Mine Health and Safety Act of 1969;

(16) Such additional Federal Acts as may from time to time confer upon the Secretary of Labor duties and responsibilities similar to the Fair Labor Standards Act.

b. In carrying out the authority and responsibility delegated under this order, the Assistant Secretary for Employment Standards shall perform the above functions in accordance with existing governmental and departmental regulations, including Chapter 4-1300 of the Manual of Administration, which outlines the functions of Policy Development, Planning, Programing, Budgeting, Executing Programs, Reviewing, and Analyzing Planned Versus Actual Performance, and Evaluating Program Effectiveness.

c. The Assistant Secretary is delegated authority for making organizational changes within policies established by the Secretary in accordance with the provisions of Chapter 4-200 of the Manual of Administration.

d. The Solicitor of Labor shall have the responsibility for providing legal advice and assistance to all officers of the Department relating to the administration of the statutes and Executive orders listed in paragraph 4a above.

5. *Redelegation of authority.* The authority and responsibility delegated to the Assistant Secretary may be redelegated by him.

6. *Interim rules.* Pending issuance of new rules, the Employment Standards Administration will follow the rules published in Chapter 13, Title 29, CFR, for action concerning the child labor provisions of the Fair Labor Standards Act and the compensation provisions of title IV, part C of the Federal Coal Mine Health and Safety Act of 1969.

7. *Reservation of authority.* a. The following functions are reserved to the Secretary:

(1) Submission of reports and recommendations to the President and the Congress concerning the administration of the statutes and Executive orders listed in paragraph 4a above.

(2) The bringing of legal proceedings under the statutes and Executive orders listed in paragraph 4a above, the determination in each case whether such proceedings are appropriate to be made by the Solicitor of Labor

b. The jurisdiction of the Wage Appeals Board, as presently described in Secretary of Labor's Order 24-70 (36 F.R. 306) and in its rules of practice

(29 CFR Part 7) is reserved, and the Board shall be empowered to review decisions under this order relating to the Davis-Bacon Act and its related laws within the scope of that jurisdiction.

8. *Directives affected.* a. Secretary's Order No. 19-70 is hereby canceled.

b. The following Secretary's orders remain in effect until canceled, except that the overall responsibility for the authority delegated in them is now vested in the Assistant Secretary for Employment Standards: 18-67, 21-67, 21-68, 26-68, 2-69, 3-69, 4-69, and 20-70, and except as otherwise provided in this order and in Secretary of Labor's Order No. 12-71.

9. *Effective date.* This order is effective April 28, 1971.

Signed at Washington, D.C., this 4th day of May 1971.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.71-6589 Filed 5-11-71;8:46 am]

[Secretary of Labor's Order 15-71]

EMPLOYMENT STANDARDS ADMINISTRATION

Redelegation of Authority and Responsibility

1. *Purpose.* This order redelegates authority and reassigns responsibility for the performance of functions assigned to the Assistant Secretary for Employment Standards by Secretary's Order No. 13-71 and Secretary's Order No. 14-71 and redelegates authority and reassigns responsibility for employment standards programs and activities to be performed by the Employment Standards Administration.

2. *Background.* Secretary's Order No. 13-71 and Secretary's Order No. 14-71 delegated authority and assigned responsibility for employment standards programs as designated therein to the Assistant Secretary for Employment Standards, with the authority to redelegate. Secretary's Order No. 13-71 also redesignated the Workplace Standards Administration as the Employment Standards Administration, and authorized the Assistant Secretary to make organizational changes. The Order further provided that the Employment Standards Administration shall be headed by a Deputy Assistant Secretary/Administrator who shall report to the Assistant Secretary for Employment Standards and shall act for the Assistant Secretary in his absence.

3. *Redelegation of authority and reassignment of responsibility.* a. The authority and responsibility for carrying out the employment sandards programs and activities which are delegated and assigned by the Secretary of Labor to the Assistant Secretary for Employment Standards by Secretary's Order No. 13-71 and Secretary's Order No. 14-71 are further redelegated and reassigned hereby, except as otherwise provided herein, to the Deputy Assistant Secretary for Employment Standards, who shall also be designated as the Administrator, Employment Standards Administration and who is also the Administrator of the Wage and Hour Division. He shall report to the Assistant Secretary. In the latter's absence, he shall act for the Assistant Secretary and report to the Under Secretary or Secretary, as appropriate.

b. The Deputy Assistant Secretary for Employment Standards/Administrator, ESA, shall—

(1) have the responsibility for assuring that public information activities and announcements are consistent with the polices of the Secretary and Assistant Secretary; and

(2) administer employment standards programs in such a manner as to be consistent with the policies of the Secretary of Labor and the Assistant Secretary for Employment Standards including policies established by staff units in the Office if the Secretary pursuant to delegations to them by the Secretary.

4. *Redelegation.* The Deputy Assistant Secretary for Employment Standards/Administrator, ESA, may redelegate authority vested in him by this order.

5. *Reservation of authority.* The submission of reports and recommendations to the Secretary concerning the administration of employment standards programs shall be reserved to the Assistant Secretary for Employment Standards.

6. *Effective date.* This order shall be effective April 28, 1971.

Signed at Washington, D.C., this 5th day of May, 1971.

ARTHUR A. FLETCHER,
Assistant Secretary,
for Employment Standards.

[FR Doc.71-6591 Filed 5-11-71;8:47 am]

FEDERAL POWER COMMISSION

[Dockets Nos. RI71-993, etc.]

EDWIN L. COX ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

APRIL 30, 1971

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Each respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

---

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI71-993	Edwin L. Cox	41	4	South Texas Natural Gas Gathering Co. (Yeary Field, Kleberg County, Tex. RR. District No. 4).	$2,410	4-1-71		6-2-71	[19] 18.0	[19] 19.07125	RI65-592
RI71-994	Getty Oil Co.	1	[2] 17	Iroquois Gas Corp. (Sheridan Field, Colorado County, Tex., RR. District No. 3).	836	4-1-71		6-2-71	[2,19] 17.0	[1,2,19] 20.77367	
	do	68	[3] 10	Southern Natural Gas Co. (Gwinville Field, Jefferson Davis and Simpson Counties, Miss.).	1,400	4-1-71	5-2-71	10-2-71	[3] 20.6	[3] 22.0	
RI71-995	Getty Oil Co. et al.	70	[4] 7	Natural Gas Pipeline Co. of America (Shaeffer Ranch et al., Fields, Jim Wells, and DuVal Counties, Tex., RR. District No. 4).	1,711	4-1-71		6-2-71	[4,19] 16.0	[1,4,19] 16.56187	
RI71-996	Logue and Patterson	14	[6,7] 7	Florida Gas Transmission Co. (Kain Field, Matagorda County, Tex., RR. District No. 3).	261,000	4-2-71		6-3-71	[5,6,19] 17.0	[6,19] 24.25	
RI71-997	Kerr-McGee Corp.	69	[8,10] 22	Transcontinental Gas Pipe Line Corp. (Ship Shoal Blocks 28 and 32 Units, Offshore Louisiana) (Disputed Zone).	264,625	4-1-71		5-17-71	22.375	[8,9] 26.0	RI71-834.
RI71-998	Union Oil Co. of California.	44	[10,11] 6	Tennessee Gas Pipeline Co. a division of Tenneco Inc. (Caillou Island Field, Lafourche Parish, Southern Louisiana).	27,115	3-31-71		5-16-71	22.375	[9,11] 26.0	RI71-564.
RI71-999	The California Co., a division of Chevron Oil Co.	58	6	South Texas Natural Gas Gathering Co. (Northeast Thompsonville Field, Jim Hogg County, RR. District No. 4).	111,117	4-6-71		6-7-71	[20] 19.1716	[20] 21.0	RI69-195.
RI71-1000	Atlantic Richfield Co.	34	[10,12] 34	Texas Eastern Transmission Corp. (North Tom Lyne (Wilcox 9,350') Field Live Oak County, Tex., RR. District No. 2).	85,857	4-8-71		6-9-71	[12,19] 15.4377	[13,14,19] 18.3779	RI68-300.
RI71-1001	Dixilyn Corp.	1	[15] 5	Sea Robin Pipeline Co. (Block 15, South Marsh Island Area, Offshore Louisiana).	15,512	4-8-71		5-24-71	[17] 17.0	[16] 21.25	
	do	2	[15] 5	Sea Robin Pipeline Co. (Block 16, South Marsh Island Area, Offshore Louisiana).	15,512	4-8-71		5-24-71	[17] 17.0	[16] 21.25	
RI71-1002	Phillips Petroleum Co. et al.	435	[18] 2	United Gas Pipe Line Co. (Merit Field, Simpson County, Miss.).		4-8-71	5-9-71	[21] Accepted			
		435	3		74,460	4-8-71	5-9-71	10-9-71	19.0	25.0	
RI71-1003	Humble Oil & Refining Co.	409	2	Florida Gas Transmission Co. (Skipper Area, Brooks County, Tex. RR. District. No. 4).	2,781	4-9-71		7-2-71	[19] 16.06	[19] 17.0638	RI70-426.
RI71-1004	Ken Blackford et al.	1	11	El Paso Natural Gas Co. (Otero Field, Rio Arriba County, N. Mex., San Juan Basin).	185	4-6-71	5-7-71	5-8-71	13.0	13.2486	
RI71-1005	George P. Caulkins, Jr.	1	4	El Paso Natural Gas Co. (Red Wash Field, Uintah County, Utah).	410	4-6-71		6-7-71	16.384	20.5	RI66-343.

* Unless otherwise stated, the pressure base is 15.025 p.s.i.a.
[1] Increase to contract rate, plus applicable tax reimbursement.
[2] Applicable only to gas well gas sales from the Wilcox B, C, and D and the Yequa Q Sand Reservoirs.
[3] Applicable only to gas well gas sales from the Washita-Fredericksburg Reservoir. (Discovered February 20, 1965.)
[4] Applicable only to gas well gas sales from the Lagarto Pasture (4,770') and Lagarto Pasture (5,400') Reservoir.
[5] Permanently certificated rate.
[6] Applies only to sales from acreage added by September 21, 1970 (Supplement No. 6).
[7] As corrected.
[8] Applicable only to sales from the 9,800' and Robulus E-6 Sand Reservoirs discovered after Oct. 1, 1968.
[9] Per Opinion No. 567 and Order No. 413.
[10] Includes documents required by Opinion No. 567.
[11] Applicable only to sales from the 2,900' Sand Reservoir discovered after Oct. 1, 1968.
[12] Applicable only to sales from the Wilcox 9,350' Sand Reservoir discovered on Jan. 10, 1971.
[13] Includes 0.5-cent dehydration and gathering.
[14] Renegotiated rate is provided for by agreement dated Mar. 1, 1971, which is being reported separately.
[15] For casinghead gas only.
[16] Increase resulting from termination of moratorium in Southern Louisiana pursuant to Order No. 413, as amended.
[17] Initial certificated rate.
[18] Agreement dated Mar. 15, 1971 provides among other things for the renegotiated rates specified therein.
[19] The pressure base is 14.65 p.s.i.a.
[20] The pressure base is 14.73 p.s.i.a.
[21] Accepted, to become effective on the date shown in the "Effective Date" column, subject to the conditions prescribed elsewhere in this order.
(Discovered Feb. 20, 1965.)

The agreement filed by Phillips Petroleum Co., et al., in addition to providing for proposed increased rates also provide for future escalations to any higher area ceiling or settlement rate prescribed by the Commission. The provisions relating to the area rate do not conform with § 154.93(b-1) of the Commission's regulations. Consistent with Commission action taken on similar filings not in conformity with § 154.93)b-1, the agreements are accepted for filing upon expiration of statutory notice with the condition that the provisions relating to the area rate will only apply upon the Commission's approval of a just and reasonable rate, or settlement rate, in an applicable area rate proceeding, for gas of comparable quality and vintage.

The proposed increases of Kerr-McGee Corp., Union Oil Company of California and Atlantic Richfield Co. apply only to gas produced from reservoirs identified in the documents submitted in accordance with Opinion No. 567. Such documents, which are being made a part of the proposed increased rate filings, show that the reservoirs were discovered subsequent to the date of the gas sale contracts involved, and therefore the gas well gas sold from such reservoirs qualify for higher ceiling prices.

Those proposed increases of Getty Oil Co. and Phillips Petroleum Co. et al., which exceed the corresponding rate filing limitations imposed in Southern Louisiana are suspended for 5 months. The remaining increases, except as hereinafter indicated, pertaining to sales outside Southern Louisiana are suspended for 61 days from the date of filing pursuant to Order No. 423 and those relating to sales within the Southern Louisiana area are suspended for 45 days from the date of filing. However, if the contractual effective date for an increase is beyond the period described above, it is suspended or 1 day from the contractual effective date.

The proposed tax reimbursement increase of Ken Blackford et al. is a tax reimbursement increase involving the New Mexico Emergency School Tax. We believe that Ken Blackford et al. should be suspended for 1 day from the expiration of the 30-day statutory notice period consistent with Commission action on similar tax reimbursement increases.

George P. Caulkins, Jr., proposes a rate increase from 16.384 cents to 20.5 cents for a sale of gas to El Paso Natural Gas Co. in the Red Wash Field, Uintah County, Utah, where no formal ceiling rates have been announced. Since the proposed rate exceeds the 13-cent increased rate ceiling for adjacent Colorado and Wyoming and the 15.384-cent initial rate certificated in Opinion No. 359 for sales in the Red Wash Field, the proposed rate is suspended for 1 day upon termination of the 60-day notice period pursuant to Order No. 423.

Certain respondents request either waiver of notice or effective dates for which adequate notice was not given. Good cause has not been shown for granting these requests and they are denied.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, § 2.56).

[FR Doc. 71-6454 Filed 5-11-71;8:45 am]

[Dockets Nos. RI71-971, etc.]

AMOCO PRODUCTION CO., ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

APRIL 23, 1971.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

[1] Does not consolidate for hearing or dispose of the several matters herein.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Each respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI71-971..	Amoco Production Co.	155	[2] 15	Michigan Wisconsin Pipeline Co. (North Elton Field, Allen Parish, Southern Louisiana).	$3,975	3-29-71	....	[42] 6-2-71	[41] 24.75	[1, 41] 26.0	RI71-638;
RI71-972..	Continental Oil Co. et al.	154	[3, 4, 5] 28	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (West Cameron Block 192 Field, Offshore Louisiana).	41,625	3-29-71	....	5-14-71	[16, 41] 21.375	[1, 41] 26.0	
RI71-973..	Forest Oil Corp.......	4	10	Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Kleberg-Driscoll Unit, Brayton Field, Nueces County, Tex., RR. District No. 4).	....	3-26-71	4-26-71	[40] Accepted	....	....	
.....do........		4	11	.....do........	35,813	3-26-71	4-26-71	9-26-71	[3] 17.08741	24.25	RI60-371.
RI71-974..	Sun Oil Co. et al.....	266	[6] 18	Transcontinental Gas Pipe Line Corp. (Egan Field, Acadia Parish, Southern Louisiana).	....	3-26-71	4-26-71	[40] Accepted	....	....	
RI68-424.......	do........	266	19	.....do........	(881) [11] 0	3-26-71	....	[38] 12-27-70 5-11-71	[41] 23.55	[7, 41] 22.375 [8] 26.0	RI68-424.
RI71-975..	Coastal States Gas Producing Co. et al.	38	3	South Texas Natural Gas Producing Co. (Northeast Thompsonville Field, Jim Hogg County, Tex., RR. District No. 4).	33,124	3-25-71	....	5-26-71	15.05625	18.0675	RI70-636.
RI71-976..	Cities Service Oil Co..	180	[12, 13] 24	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (East and West Cameron Area, Offshore Louisiana).	50,528	3-29-71	....	5-14-71	[41] 21.375	[1, 41] 26.0	RI71-677.
RI71-977..	Getty Oil Co.........	72	[13, 14] 25	.....do........	41,625	3-31-71	....	5-16-71	[41] 21.375	[1, 41] 26.0	RI71-428.
RI71-978..	Killam & Hurd., Ltd..	1	7	Natural Gas Pipeline Co. of America (Northeast Thompsonville Field, Webb County, Tex., RR. District No. 4).	24,327	3-30-71	4-30-71	9-30-71	15.056	[17] 24.08725	RI70-480.
RI71-979..	Humble Oil & Refining Co.	472	3	Natural Gas Pipeline Co. of America (Armstrong Field, Jim Hogg County, Tex., RR. District No. 4).	44,856	3-30-71	....	5-31-71	17.8	[18] 20.2920	RI71-382.
.....do........		110	[15] 1-18	United Gas Pipeline Co. (Pistol Ridge, Maxie Fields, Forest et al., Counties, Miss.).	23,833	3-9-71	....	[20] 5-7-71	[18, 41] 20.0	[19, 41] 23.0	
RI71-980..	Continental Oil Co....	26	2	El Paso Natural Gas Co. (Bisti Field, San Juan County, N. Mex.) (San Juan Basin).	418	3-31-71	....	6-1-71	[41] 14.2677	[41] 15.2869	RI64-484.
RI71-981..	Getty Oil Co. et al....	105	10	Transwestern Pipeline Co. (Kermit Field, Winkler County, Tex.) (Permian Basin).	20,560	3-31-71	5-1-71	10-1-71	19.3342	27.319	RI70-81.
RI71-982..	The Louisiana Land and Exploration Co.	8	1	Transwestern Pipeline Co. (acreage in Ward and Winkler Counties, Tex.) (Permian Basin).	22,687	3-29-71	....	5-30-71	[21] 22.0	27.5	
RI70-1581.	Gulf Oil Corp. et al..	281	5	Colorado Interstate Gas Co. (Patrick Draw Area, Sweetwater County, Wyo.).	(149)	3-29-71	....	[38] 3-29-71	15.7325	[22] 15.6163	RI70-1581.
RI71-983..	Gulf Oil Corp.........	418	8	Transwestern Pipeline Co. (Kermit and South Kermit Fields, Winkler County, Tex.) (Permian Basin).	9,240	3-29-71	4-29-71	9-29-71	18.08	27.32	RI70-1692.

See footnotes at end of table

APPENDIX—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI71-984..	Tenneco Oil Co.	193	[23] 12	El Paso Natural Gas Co. (Jalmat Field, Lea County, N. Mex.) (Permian Basin).	880	3-26-71		5-27-71	12.57	17.5	
RI71-985..	Cities Service Oil Co.	341	1	El Paso Natural Gas Co. (Citgo-University No. 1 Well, Terrell County, Tex.) (Permian Basin).	8,100	3-29-71		5-30-71	[21] 22.0	26.5	
RI71-986..	W. A. Moncrief et al.	1	2	El Paso Natural Gas Co. (Greater Aneth Field, San Juan County, Utah) (Aneth Area).	1,320	3-31-71	5-1-71	10-1-71	[41] 20.0	[41] 22.0	
	do	1	3	do	346	3-31-71	5-1-71	10-1-71	[24, 41] 17.7	[41] 22.0	
RI71-987..	Getty Oil Co. et al.	187	1	El Paso Natural Gas Co. (Toro (Ellenburger) Field, Reeves County, Tex.) (Permian Basin).	10,260	3-30-71		5-31-71	[21] 22.0	26.5	
RI71-988..	Bruce L. Wilson et al.	2	[26] 13	Southern Natural Gas Co. (Carthage Field, Panola County, Tex.) (RR. District No. 6).	2,700	3-26-71		5-27-71	[25] 12.75	[25] 15.0	
RI71-989..	Atlantic Richfield Co.	64	[27] 11	Arkansas Louisiana Gas Co. (Sentell Field, Bossier Parish) (Northern Louisiana).		3-30-71	4-30-71	[40] Accepted			
	do	64	12	do	14,760	3-30-71		5-31-71	[41] 14.853	[28] 19.0 [29] 21.0	
RI71-644..	Mobil Oil Corp. et al.	9	[31] 11	Lone Star Gas Co. (Gram Area, Carter County) (Oklahoma Other Area).	(30) (30)	3-26-71		[33] 5-27-71	15.0	[32] 21.0	RI71-644.
RI71-990..	Edwin L. Cox	30	5	Cimarron Transmission Co. (Love County, Oklahoma Other Area).	301	4-1-71		[42] 7-2-71	[34, 35] 16.0175	[34, 35] 18.0175	RI68-129.
	do	35	7	do	418	4-1-71		[42] 7-2-71	[34, 35, 36] 18.7175	[34, 35, 36] 19.8175	RI70-330.
	do	37	8	do	3,850	4-1-71		[42] 7-2-71	[34, 35, 36] 18.7175	[34, 35, 36] 19.8175	RI70-330.
	do	53	5	do	125	4-1-71		[42] 7-2-71	[35, 37] 17.0175	[35, 37] 18.0175	RI70-330.
	do	55	4	do	1,000	4-1-71		[42] 7-2-71	[35, 37] 17.0175	[35, 37] 18.0175	RI70-330.
RI71-991..	Edwin L. Cox et al.	75	3	do	3,770	4-1-71		[42] 7-2-71	[34] 17.0	[34] 18.0	RI70-996.

*Unless otherwise stated, the pressure base is 14.65 p.s.i.a.
[1] Increase resulting from termination of moratorium in Southern Louisiana pursuant to Order No. 413, as amended.
[2] Pertains only to gas well gas produced from the 7,650' Sand Reservoir.
[3] Includes documents required by Opinion No. 567 establishing the discovery date of new reservoirs.
[4] Applicable to reservoirs identified therein.
[5] Exclusive of a 0.21931-cent dehydration charge deducted by buyer.
[6] Agreements dated Feb. 19, 1971, and Feb. 24, 1971, provide among other things for extension of contract term and for the renegotiated rates specified therein.
[7] For gas discovered prior to Oct. 1, 1968.
[8] For gas discovered after Oct. 1, 1968.
[9] As supplemented and corrected by filings submitted on Apr. 7, 1971.
[10] Subject to B.t.u. adjustment. ESR in Docket No. RI71-833.
[11] No gas discovered after Oct. 1, 1968 presently being sold.
[12] Applicable to reservoirs identified therein and those previously submitted which qualify for third vintage rates.
[13] Includes documents required by Opinion No. 567 establishing the discovery date of the new reservoirs identified therein.
[14] Applicable to reservoirs identified in the documents shown to be qualified for third vintage prices.
[15] The purchaser, South Texas Natural Gas Producing Co., is a wholly subsidiary of Coastal States Gas Producing Co.
[16] Includes applicable B.t.u. adjustment for 1,140 B.t.u. gas.
[17] Includes 0.25 cent paid to seller for dehydration.
[18] Amends filing of Nov. 6, 1970, to provide for rate of 23 cents.
[19] Proposed rate of 24 cents suspended in Docket No. RI71-450 until May 7, 1971.
[20] The date of expiration of the suspension period in Docket No. RI71-450.
[21] Initial rate authorized by temporary certificate.
[22] Rate decrease reflecting recovery of Wyoming severance tax applicable to past production back to Jan. 1, 1968.
[23] Pertains only to high pressure gas.
[24] For sales under Supplement No. 1.
[25] Includes 1-cent gathering charge paid by buyer to seller.
[26] Applicable only to the Wilson Oil & Gas No. 1-A George Roberts Well.
[27] Letter agreement dated Feb. 11, 1971, which provides for proposed increased rates.
[28] Applicable to production down to and including the Bodcaw Sand.
[29] Applicable to production below the Bodcaw Sand.
[30] No current production.
[31] Applicable to acreage added by superseding contract dated July 1, 1970 (Supplement No. 9).
[32] Applicant filing from initial certificated rate to initial contract rate.
[33] Or 1 day from date of initial delivery from added acreage, whichever is later.
[34] Subject to upward and downward B.t.u. adjustment.
[35] Includes 0.0175-cent tax reimbursement.
[36] Includes 1.7-cent upward B.t.u. adjustment before increase and 1.8-cent upward B.t.u. adjustment after increase.
[37] Subject to downward B.t.u. adjustment.
[38] Accepted for filing to become effective as of the dates shown in the "Effective Date" column, with waiver of notice granted, subject to refund in the existing rate proceedings in Dockets Nos. RI68-424 and RI70-1581, respectively.
[39] Accepted subject to the existing suspension proceeding in Docket No. RI71-450 and remain suspended until May 7, 1971, the date of expiration of the suspension period in such docket.
[40] Accepted to become effective on the dates shown in the "Effective Date" column The acceptance of the agreements filed by Forest Oil Corp. and Sun Oil Corp. are subject to the conditions prescribed elsewhere in this order.
[41] The pressure base is 15.025 p.s.i.a.
[42] One day from contractual effective date.

The agreements filed by Forest Oil Corp. and Sun Oil Corp. in addition to providing for proposed increased rates also provide for future escalations to any higher area ceiling or settlement rate prescribed by the Commission. The provisions relating to the area rate do not conform with § 154.93(b-1) of the Commission's regulations. Consistent with Commission action taken on similar filings not in conformity with section 154.93 (b-1), the agreements are accepted for filing upon expiration of statutory notice with the condition that the provisions relating to the area rate will only apply upon the Commission's approval of a just and reasonable rate, or settlement rate, in an applicable area rate proceeding, for gas of comparable quality and vintage.

Sun Oil Co. is proposing a decrease from 23.55 cents, being collected subject to refund in Docket No. RI68-424, to 23.37 cents for gas discovered prior to October 1, 1968, and is simultaneously proposing an increase from 23.55 cents to 26 cents for gas discovered after October 1, 1968. The proposed decrease is accepted subject to refund in the existing suspension proceeding in Docket No. RI68-424 as of December 27, 1970, the requested effective date. The proposed increase to 26 cents is suspended until May 11, 1971, 45 days from the date of filing.

The proposed decrease of Gulf Oil Corp. reflects a decrease in the reimbursement of the Wyoming severance tax. Gulf had been collecting a double amount of the contractually due tax reimbursement to provide for reimbursement of taxes on past production back to January 1, 1968, as well as on future production. Respondent now proposes to collect the tax reimbursement on future production only. The proposed decreased rate is accepted for filing to be effective as of the date of filing subject to refund in the existing rate proceeding in Docket No. RI70-1581.

Humble Oil & Refining Co. (Humble) is amending its rate increase filed November 6, 1970, to reflect that the total rate which Humble is contractually authorized to collect is 23 cents in lieu of the previously filed 24-cent rate. Humble states that the 1-cent tax reimbursement, which was included in the 24-cent rate was not applicable under the subject contract. The amended increase is accepted, subject to the existing suspension proceeding in Docket No. RI71-450, and shall remain suspended until May 7, 1971, the date of expiration of the suspension period in that proceeding.

The proposed increases filed by Forest Oil Corp., Killam & Hurd, Ltd., Getty Oil Co., *et al.*, Gulf Oil Corp., and W. A. Moncrief are suspended for 5 months because they exceed the corresponding rate filing limitations imposed in Southern Louisiana. The remaining increases, except to the extent otherwise indicated above, pertaining to sales outside Southern Louisiana are suspended for 61 days from the date of filing pursuant to Order No. 423 and those relating to sales within the Southern Louisiana area are suspended for 45 days from the date of filing. However, if the contractual effective date for an increase is beyond the period described above, it is suspended for one day from the contractual effective date.

Certain Respondents request effective dates for which adequate notice was not given. Good cause has not been shown for granting these requests and they are denied.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, ch. I, Part 2, § 2.56).

[FR Doc.71-6453 Filed 5-11-71;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 11]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MAY 7, 1971.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC-13028 (Deviation No. 17), BONANZA BUS LINES, INC. (formerly The Short Line, Inc.), 27 Sabin Street, Post Office Box 1116, Annex Station, Providence, RI 02901, filed April 13, 1971, amended April 26, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction U.S. Highway 20 and Massachusetts Highway 32 at Palmer, Mass., over Massachusetts Highway 32 to junction Massachusetts Turnpike (Interstate Highway 90) a distance of 1 mile, thence over the Massachusetts Turnpike (Interstate Highway 90) to Interchange No. 6, a distance of 12 miles, thence over Interstate Highway 291 to downtown ramp at Springfield, Mass., and the Springfield Bus Terminal, a distance of 4 miles, thence over Main Street to junction U.S. Highway 20 a distance of one-quarter mile, thence over U.S. Highway 20 to junction Interstate Highway 91, a distance of one-quarter mile, thence over Interstate Highway 91 to junction Massachusetts Turnpike (Interstate Highway 90) at Interchange No. 4, a distance of 2 miles, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Providence, R.I., over U.S. Highway 44 to Putnam, Conn., thence over Connecticut Highway 171 to South Woodstock, Conn., thence over Connecticut Highway 169 to North Woodstock, Conn., thence over Connecticut Highway 197 to Quinebaug, Conn., thence over Connecticut Highway 131 to the Massachusetts-Connecticut State line, thence over Massachusetts Highway 131 to Sturbridge, Mass., thence over U.S. Highway 20 to North Wilbraham, Mass., thence over Wilbraham Road to Springfield, Mass., thence over U.S. Highway 20 to Albany, N.Y., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.71-6597 Filed 5-11-71;8:47 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

MAY 7, 1971.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 6302, filed December 2, 1971. Applicant: SKI UTAH TRANSPORTATION, INC. Applicant's representatives: C. Richard Henriksen, 320 South Fifth East Street, Salt Lake City, Utah, and Raymond W. Gee, 336 South Third East Street, Salt Lake City, Utah. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *passengers, together with ski equipment, clothing, and personal belongings*, over irregular routes from all points and places in Salt Lake County on the one hand, to all points and places in Alta, Park City, and Brighton, respectively, on the other hand. On return movements applicant proposes to engage the same operation. Intermediate and off-route points to be served are all intermediate ski resorts. Both intrastate and interstate authority sought.

HEARING: June 15, 1971; 10 a.m., at Public Service Commission of Utah Hearing Room, 330 East Fourth South Street, Salt Lake City, UT. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Public Service Commission of Utah, 330 East Fourth South Street, Salt Lake City, UT 84111 and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.71-6595 Filed 5-11-71;8:47 am]

[Notice 37]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MAY 7, 1971.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 120028 (Sub-No. 3) (Republication), filed April 13, 1970, published in the FEDERAL REGISTER issue of May 27, 1970, under State Docket No. Case MT-1318, and republished under No. MC 120028 (Sub-No. 3) this issue. Applicant: CRAW CARTING, INC., 200 Exchange Street, Rochester, NY 14614. Applicant's representative: S. Michael Richards, 23 West Main Street, Webster, NY 14580. An order of the Commission, Operating Rights Board, dated April 26, 1971, and served April 30, 1971, finds: a certificate of registration shall be issued to applicant, unless otherwise ordered, as evidence of a right to engage in operations in interstate or foreign commerce as a common carrier by motor vehicle, transporting the commodities from, to, or between the points, over the routes, or within the territory, and in the manner described in the appendix hereto, and subject to such additional and further conditions as may be necessary to give effect to the provisions of section 206(a)(6) of the Interstate Commerce Act, as amended. Because it is possible that other parties who have relied upon the notice in the FEDERAL REGISTER of the application as originally published may have an interest in and would be prejudiced by the lack of proper notice of the grant of authority without the requested limitation set forth in the appendix hereto, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of the certificate of registration in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in the proceeding setting forth in detail the precise manner in which it has been prejudiced. APPENDIX: Description of the transportation service authorized to be conducted solely within the State of New York in intrastate commerce, as a common carrier by motor vehicle, pursuant to that portion of certificate of public convenience and necessity No. 3099, authorized by order dated February 9, 1971, issued by the New York Public Service Commission: *General commodities*, as defined in section 800.1 of title 16 of the Official Compilation of Codes, *Rules and Regulations of the State of New York:* Between all points in Monroe County, on the one hand, and, on the other, all points in the counties of Genesee, Livingston, Ontario, Orleans, and Wayne.

No. MC 134445 (Republication), filed March 23, 1970, published in the FEDERAL REGISTER issue of April 23, 1970, and republished this issue. Applicant: WILLIAM D. DEES, doing business as DEES TRANSPORTATION, Post Office Box 446, Worland, WY 82401. Applicant's representative: Robert S. Stauffer, 3539 Boston Road, Cheyenne, WY 82001. The modified procedure has been followed in this proceeding and a report and order of the Commission, Review Board No. 4, decided December 30, 1970, and served January 12, 1971, finds; that in viewing the substance of the application, the proposed operation is that of a *common carrier*; that the present and future public convenience and necessity require operation by applicant, in interstate of foreign commerce, over irregular routes of (1) machinery, equipment, and supplies used in the manufacture and distribution of nonalcoholic beverages, from Salt Lake City, Utah, and Denver, Colo., to Worland, Wyo.; (2) nonalcoholic beverages, from Worland, Wyo., to points in Montana and South Dakota; and (3) dry animal and poultry feed and feed ingredients, agricultural cleansing and conditioning preparations, agricultural disinfectants, and agricultural and pesticides, and canned pet food, from Billings, Mont., to points in Big Horn, Park, Washakie, Hot Springs, Fremont, and Teton Counties, Wyo.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATION FOR CERTIFICATE OR PERMIT WHICH IS TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 59557 (Sub-No. 11), filed March 29, 1971. Applicant: AUCLAIR TRANSPORTATION, INC., 333 March Avenue, Manchester, NH 03103. Applicant's representative: Mary E. Kelley, 11 Riverside Avenue, Medford, MA 02155. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in Massachusetts. NOTE: Applicant's existing authority to serve New Hampshire points will be tacked at common points in Massachusetts to provide single-line service. The instant application is a matter directly related to MC-F-11126, published in the FEDERAL REGISTER issue of April 7, 1971. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240.)

MOTOR CARRIERS OF PROPERTY

No. MC-F-11145. (Correction) (NORTHERN PACIFIC TRANSPORT CO.—Merge—BURLINGTON TRUCK LINES, INC.), published in April 21, 1971, issue of the FEDERAL REGISTER on page 7564. The prior notice should have read: *both applicants arc wholly owned subsidiaries of BURLINGTON NORTHERN INC., which is not an applicant in this proceeding.*

No. MC-F-11160. Authority sought for purchase by CHICAGO KANSAS CITY FREIGHT LINE, INC., 1200 Power and Light Building, 14th and Baltimore, Kansas City, MO 64105, of the operating rights of PRIDE MOTORS, INC., Post Office Box 343, La Fox, IL 60147, and for acquisition by CHARLES J. HOFFMAN, also of Kansas City, Mo. 64105, of control of such rights through the purchase. Applicants' attorney: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, MO 64105. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC-121419 Sub-1, covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of Illinois. Vendee is authorized to operate as a *common carrier* in Illinois, Kansas, and Missouri. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11161. Authority sought for purchase by FRANK L. CASTINE, INC., doing business as CASTINE MOTOR SERVICE, 1235 Chestnut Street, Athol, MA 01331, of the operating rights and property of WESTCOTT, INC., 127 Sunderland Road, North Amherst, MA 01509, and for acquisition by DONALD R. Castine, 296 North Orange Road, Athol, MA, Richard C. CASTINE, 328 North Orange Road, Athol, MA and FRANK L. CASTINE, JR., R.F.D., Orange, MA, of control of such rights and property through the purchase. Applicants' attorney and representative: Frank J. Weiner, 6 Beacon Street, Boston, MA 02108, and Alvertus J. Morse, Central Chambers, 16 Center Street, Northampton, MA 01060. Operating rights sought to be transferred: *General commodities*, excepting among others, Classes A and B explosives, household goods, and commodities in bulk, as a *common carrier* over regular routes, between Sunderland, Mass., and Springfield, Mass., serving the intermediate point of Hadley, Mass., and the off-route points of Easthampton, Holyoke, West Springfield, Chicopee, Leverett, and Pelham, Mass.; *household goods*, as defined by the Commission, over irregular routes, between Amherst, Mass., and points in Massachusetts within 25 miles of Amherst, on the one hand, and, on the other, points in New Hampshire, Vermont, Maine, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia; *athletic equipment*, between Amherst, Mass., on the one hand, and, on the other, points in New Hampshire, Vermont, New York, and Connecticut; *livestock*, between Amherst, Mass., on the one hand, and, on the other, points in New Hampshire, Vermont, Maine, Connecticut, and New York. Vendee is authorized to operate as a *common carrier* in Massachusetts, New York, Vermont, New Hampshire, Connecticut, New Jersey, Rhode Island, Pennsylvania, and Maine. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11162. Authority sought for control by N & N TRANSPORTATION CO., INC., 827 Ridgewood Avenue, North Brunswick, NJ 08902, of ARBOR MOTOR LINES, INC., 1410 Greenwood Drive, Piscataway, NJ 08854, and for acquisition by CARMINE LUIZZA, also of North Brunswick, N.J. 08902, of control of ARBOR MOTOR LINES, INC., through the acquisition by N & N TRANSPORTATION CO., INC., of control of such rights through the purchase. Applicants' attorney: William J. Augello, Jr., Horn Professional Center, 103 Fort Salonga Road, Northport, NY 11768. Operating rights sought to be controlled: *General commodities*, excepting among others, classes A and B explosives, household goods, and commodities in bulk, as a *common carrier* over irregular routes, between New York, N.Y., on the one hand, and, on the other, Newark, Elizabeth, and New Brunswick, N.J. N & N TRANSPORTATION CO., INC., is authorized to operate as a *common carrier* in Ohio, West Virginia, Maryland, Pennsylvania, New York, New Jersey, Massachusetts, Rhode Island, Connecticut, Delaware, Virginia, and the District of Columbia and as a *contract carrier* in New Jersey, Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, Rhode Island, Maine, New Hampshire, Vermont, Ohio, West Virginia, Virginia, North Carolina, Texas, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Tennessee, Wisconsin, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11163. Authority sought for purchase by JAMES F. HERLIHY TRUCKING CO., INC., 20 Emma Street, Binghamton, NY 13905, of a portion of the operating rights of MOTOR RAIL TRANSPORT, INC., 348 West Fayette Street, Syracuse, NY 13202, and for acquisition by JAMES F. HERLIHY, 7 Andrea Drive, Vestal, NY 13850, of control of such rights through the purchase. Applicants' attorney: Herbert M. Canter, 345 South Warren Street, Syracuse, NY 13202. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods, and commodities in bulk, as a *common carrier*, over irregular routes, between Buffalo, Rochester, Syracuse, Utica, Elmira, and Binghamton, N.Y., on the one hand, and, on the other, points in New York (except New York, N.Y., and points in Nassau, Suffolk, Rockland, Westchester, Orange, Putnam, Sullivan, Ulster, Dutchess, St. Lawrence, Franklin, Clinton, and Essex Counties). Vendee is authorized to operate as a *common carrier* in New Jersey and New York. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11164. Authority sought for purchase by GLENN E. TRIPP, doing business as SPECIAL SERVICE, 760 Lindenwood Lane, Medina, OH 44256, of a portion of the operating rights of STEVENS TRUCK LINES, INC., INTERNAL REVENUE SERVICE (Successor in Interest), 893 Ridge Road, Webster, NY 14580. Applicants' attorney: Keith F. Henley, 88 East Broad Street, Suite 1660, Columbus, OH 43215. Operating rights sought to be transferred: Salt (except in bulk), as a common carrier, over irregular routes, from Akron, Ohio, to those points in New York State on and west of a line beginning at Oswego, N.Y., thence over New York Highway 57 to Syracuse, thence over Interstate Highway 81 to Binghamton, thence over New York Highway 17 to Waverly, thence over U.S. Highway 220 to the New York-Pennsylvania State line (including all of Syracuse and Binghamton, N.Y.), with restriction. Certificate not yet issued. Vendee is authorized to operate as a *contract carrier* in New York, Ohio, Pennsylvania, Massachusetts, Rhode Island, Connecticut, New Jersey, Maryland, Delaware, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11165. Authority sought for purchase by WRIGHT TRUCKING, INC., 16 Main Street, Lowell, MA 01853, of a portion of the operating rights of BONDED TRUCKING & RIGGING, INC., 16 Main Street, Lowell, MA 01853, and for acquisition by HAROLD E. WRIGHT AND HAROLD E. WRIGHT, JR., both of Sherburne Road, Pelham, N.H., of control of such rights through the purchase. Applicants' attorneys: John F. Curley, 15 Court Square, Boston, MA 02108, and William H. Sullivan, 22 Shattuck Street, Lowell, MA. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods, and commodities in bulk, as a *common carrier*, over irregular routes, between Lowell, Mass., and points within 10 miles of Lowell, on the one hand, and, on the other, points in New Hampshire on and south of a line beginning at the Maine-New Hampshire State line, and extending along U.S. Highway 202 to junction New Hampshire Highway 9, and thence along New Hampshire Highway 9 to the New Hampshire-Vermont State line, and those in Vermont on and south of Vermont Highway 9. Vendee is authorized to operate as a *common carrier* in Massachusetts, Pennsylvania, Rhode Island, New York, Connecticut, New Jersey, and Delaware. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11167. Authority sought for purchase by H. C. GABLER, INC., Rural Delivery No. 3, Chambersburg, PA 17201, of a portion of the operating rights of Stevens Truck Lines, Inc., INTERNAL REVENUE SERVICE (Successor in interest), 41 State Street, Rochester, NY 14614, and for acquisition by HAROLD C. GABLER, Montgomery Avenue, Extended, Chambersburg, PA 17201, of control of such rights through the purchase. Applicants' attorney: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Operating rights sought to be transferred: *Canned foodstuffs, frozen fruit in containers*, and *dried beans*, as a *common carrier*, over irregular routes, from Oakfield, N.Y., and points within 25 miles of Oakfield, to New York, N.Y., and points in New Jersey and Pennsylvania, except those in Potter, McKean, Warren, Crawford, Venango, Forest, Elk, and Cameron Counties, Pa., from points within 25 miles of Oakfield, N.Y., except those in Genesee and Erie Counties, N.Y., to points in the Pennsylvania Counties specified above; *burlap bags*, from New York, N.Y., and points in New Jersey, and Pennsylvania except those in the Pennsylvania Counties specified above, to Oakfield, N.Y., and points within 25 miles of Oakfield, from points in the Pennsylvania Counties specified above, to points within 25 miles of Oakfield, N.Y., except those in Genesee and Erie Counties, N.Y. Vendee is authorized to operate as a *common carrier* in Pennsylvania, Maryland, Virginia, West Virginia, New Jersey, Iowa, Kentucky, Massachusetts, Michigan, Missouri, New Hampshire, Rhode Island, Vermont, Maine, Connecticut, Delaware, Ohio, Indiana, Illinois, North Carolina, Alabama, Mississippi, Louisiana, Tennessee, Wisconsin, Florida, Georgia, South Carolina, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

Motor Carrier Passenger

No. MC-F-11166. Authority sought for purchase by NEW HAVEN & SHORE LINE RAILWAY COMPANY, Inc., 24 Hamilton Street, New London, CT 06320, the operating rights of THAMES VALLEY TRANSPORTATION, INC., Boston, Mass., and for acquisition by M. A. SAVIN, also of New London, Conn. 06320, of control of such rights through the purchase. Applicants' attorney: S. Harrison Kahn, Suite 733, Investment Building, Washington, DC. 20005. Operating rights sought to be transferred: Passengers and their baggage, and express and newspapers in the same vehicle with passengers, as a common carrier over regular routes, between New London, Conn., and Worcester, Mass., with restriction, between Colchester, and Norwich, Conn., serving all intermediate points; passengers and their baggage, and express, and newspapers in the same vehicle with passengers, and baggage of passengers in a separate vehicle, between New London, Conn., and the U.S. Naval Submarine Base at or near Groton, Conn., serving no intermediate points; passengers and their baggage and express and newspapers, in the same vehicle with passengers, during the season extending from May 15 to September 15, both inclusive of each year, between Norwich, Conn., and Misquamicut Beach, R.I., serving all intermediate points between Westerly and Misquamicut Beach, including Westerly; passengers and their baggage, restricted to traffic originating and terminating at the points indicated, in special operations on round-trip sightseeing or pleasure tours, over irregular routes, from Norwich and New London, Conn., to points in that part of New York bounded by a line beginning at Troy and extending in an easterly direction along New York Highway 2 to the New York-Massachusetts State line;

Thence south along the New York-Massachusetts State line and the New York-Connecticut State line to Long Island Sound, thence in a south-easterly direction to the southernmost tip of Manhattan Island, and thence north along the east bank of the Hudson River to Troy, including points on Long Island, and points in that part of Massachusetts west of the Connecticut River, and return; passengers and their baggage, restricted to traffic originating in the territory indicated, in special operations from points in New London County, Conn., to points in Maine, Delaware, Maryland, Virginia, and the District of

Columbia, and return; passengers and their baggage, restricted to traffic originating in the territory indicated, in charter operations, from points in New London County, Conn., to points in Maine, Delaware, Maryland, Virginia, New York, New Jersey, Pennsylvania, Massachusetts, Rhode Island, Vermont, New Hampshire, and the District of Columbia, and return; passengers and their baggage, in special operations, between New London, Groton, Norwich, and Waterford, Conn., on the one hand, and, on the other, La Guardia and Kennedy International Airports, New York, N.Y., and Newark Airport, Newark, N.J.; passengers and their baggage, in special operations, in round trip service, beginning and ending at points in New London, Conn., and extending to the site of the New York World's Fair in New York, N.Y., beginning and ending at points in New London County, Conn., and extending to the Aqueduct Race Track and Yonkers Raceway, New York, N.Y., and Belmont Park Race Track, and Roosevelt Raceway, Nassau County, N.Y., with restrictions; beginning and ending at points in New London County, Conn., and extending to Yankee Stadium, and Shea Stadium, New York, N.Y.; passengers and their baggage, in special operations, between Old Saybrook, Conn., on the one hand, and, on the other, La Guardia and Kennedy International Airports, New York, N.Y., and Newark Airport, N.J., with restriction:

Passengers and their baggage, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at Westerly, R.I., Danielson, Putnam, and Old Saybrook, Conn., and points in New London County, Conn., and extending to points in New Hampshire, Vermont, New York, Massachusetts, Rhode Island, New Jersey, Pennsylvania, Ohio, Michigan, Indiana, Illinois, Missouri, Arkansas, Mississippi, Alabama, Louisiana, Kentucky, Tennessee, West Virginia, South Carolina, North Carolina, Georgia, and Florida, beginning and ending at Daniels, Putnam and Old Saybrook, Connecticut, and Westerly, R.I., and extending to points in Maine, Delaware, Maryland, Virginia, and the District of Columbia, with restriction. Vendee is authorized to operate as a common carrier in Connecticut, New Hampshire, Maine, New York, New Jersey, Massachusetts, Rhode Island, Pennsylvania, and Vermont. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.71-6596 Filed 5-11-71;8:47 am]

[Notice 16]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MAY 7, 1971.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-263 (Deviation No. 10), GARRETT FREIGHTLINES, INC., Post Office Box 4048, Pocatello, ID 83201, filed April 29, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Emeryville, Calif., over Interstate Highway 80 to junction Interstate Highway 505, thence over Interstate Highway 505 to junction Interstate Highway 5, thence over Interstate Highway 5 to junction U.S. Highway 97, thence over U.S. Highway 97 to junction unnumbered highway at Wasco, Oreg., thence over unnumbered highway to junction U.S. Highway 30, thence over U.S. Highway 30 to junction U.S. Highway 730, thence over U.S. Highway 730 to junction U.S. Highway 12, thence over U.S. Highway 12 to Walla Walla, Wash.; and (2) from Sacramento, Calif., over California Highway 16 to junction Interstate Highway 5, thence over the route described in (1) above to Walla Walla, Wash., and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Emeryville, Calif., over U.S. Highway 40 to junction U.S. Highway 95, thence over U.S. Highway 95 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Oregon Highway 11, thence over Oregon Highway 11 to the Oregon-Washington State line, thence over Washington Highway 125 to Walla Walla, Wash., and (2) from Emeryville, Calif., over U.S. Highway 40 to junction U.S. Highway 95, thence over U.S. Highway 95 to junction Oregon Highway 78, thence over Oregon Highway 78 to junction U.S. Highway 395, thence over U.S. Highway 395 to junction Oregon Highway 11, thence over Oregon Highway 11 to the Oregon-Washington State line, thence over Washington Highway 125 to Walla Walla, Wash., and return over the same routes.

No. MC-2202 (Deviation No. 116), ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, OH 44309, filed April 26, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Indianapolis, Ind., over Indiana Highway 37 to Bedford, Ind.; (2) from Indianapolis, Ind., over U.S. Highway 421 to Monticello, Ind.; and (3) from junction Indiana Highway 67 and Indiana Highway 57, over Indiana Highway 57 to Evansville, Ind., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Indianapolis, Ind., over U.S. Highway 31 to Seymour, Ind., thence over U.S. Highway 50 to Bedford, Ind.; (2) from Indianapolis, Ind., over U.S. Highway 31 to Peru, Ind., thence over U.S. Highway 24 to Monticello, Ind.; and (3) from junction Indiana Highways 67 and 57, over Indiana Highway 67 to Vincennes, Ind., thence over U.S. Highway 41 to Evansville, Ind., and return over the same routes.

No. MC-2202 (Deviation No. 117), ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, OH 44309, filed April 28, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between McKinney, Tex., and Bonham, Tex., over Texas Highway 121, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From McKinney, Tex., over U.S. Highway 75 to Denison, Tex., thence over U.S. Highway 69 to Bells, Tex., thence over U.S. Highway 82 to Bonham, Tex., and return over the same route.

No. MC-59135 (Deviation No. 4), RED STAR EXPRESS LINES OF AUBURN, INCORPORATED, 24-50 Wright Avenue, Auburn, NY 13021, filed April 27, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Boston, Mass., and Bridgeport, Conn., over Interstate Highway 95, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Northampton, Mass., over Massachusetts, Highway 9 to Boston, Mass., (2) from Springfield, Mass., over U.S. Highway 20 to Worcester, Mass., and return over the same routes, and (3) from Springfield, Mass., across the Connecticut River to West Springfield, Mass., thence over Alternate U.S. Highway 5 to Hartford, Conn., thence over Connecticut Highway 173 to Elmwood, Conn., thence over Connecticut Highway 176A to junction Connecticut Highway 176, thence over Connecticut Highway 176 to junction Connecticut Highway 174, thence over Connecticut Highway 174 to

New Britain, Conn., thence over Connecticut Highway 71 to junction Connecticut Highway 72, thence over Connecticut Highway 72 to Berlin, Conn., thence over Alternate U.S. Highway 5 to junction U.S. Highway 5, thence over U.S. Highway 5 to junction Alternate U.S. Highway 5, thence over Alternate U.S. Highway 5 to Meriden, Conn., thence over unnumbered highways via South Meriden and Yalesville, Conn., to Wallingford, Conn., thence over U.S. Highway 5 to North Haven, Conn., thence over Alternate U.S. Highway 5 to via Montowese, Conn., to New Haven, Conn., thence over Connecticut Highway 158 to West Haven, Conn., thence over unnumbered highway (formerly Connecticut Highway 162) to junction Connecticut Highway 162, thence over Connecticut Highway 162 to Woodmont, Conn., thence over Connecticut Highway 122 to Milford, Conn., thence over unnumbered highway (formerly U.S. Highway 1) to junction U.S. Highway 1, thence over U.S. Highway 1 to Bridgeport, Conn.; and return from Bridgeport, Conn., over Connecticut Highway 8 to Shelton, Conn., thence continuing over Connecticut Highway 8 to Waterbury, Conn., thence over Connecticut Highway 73 to Watertown, Conn., thence over U.S. Highway 6 to junction Connecticut Highway 72, thence over Connecticut Highway 72 to junction Connecticut Highway 10, thence over Connecticut Highway 10 to junction Connecticut Highway 4, thence over Connecticut Highway 4 to Hartford, Conn., and thence over the route as specified above to Springfield, Mass.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-6598 Filed 5-11-71;8:47 am]

CUMULATIVE LIST OF PARTS AFFECTED—MAY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during May.

3 CFR

Page

PROCLAMATIONS:

4049 8289
4050 8551
4051 8553
4052 8657

EXECUTIVE ORDER:

11592 8555

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:

Memorandum of April 30, 1971 8721

5 CFR

213 .... 8235, 8501, 8723

7 CFR

19 8433
51 8502
52 8557
354 8235
724 .... 8291, 8503
751 8505
907 8291
908 .... 8361, 8441
909 8671
910 .... 8236, 8291, 8558
911 8236
917 8671
1015 8361
1421 .... 8291, 8362, 8559
1430 8237

PROPOSED RULES:

730 8261
911 8520
915 8522
917 8735
929 8453
966 .... 8262, 8677
980 .... 8262, 8677
1036 8524
1125 8678
1136 8376
1207 8588

8 CFR

204 8294
214 8660
234 8294
238 8294
299 .... 8295, 8505
499 8505

9 CFR

Page

76 .... 8362, 8363, 8507, 8659, 8660
97 8238

10 CFR

PROPOSED RULES:

2 8379
140 8454

12 CFR

1 8723
201 8441
545 .... 8507, 8724
703 8508

PROPOSED RULES:

747 8591

13 CFR

121 8660

14 CFR

39 .... 8209, 8306, 8307, 8509
47 8661
49 8661
71 .... 8209, 8210, 8307, 8308, 8363–8365, 8509, 8510, 8662
73 .... 8210, 8510
75 .... 8210, 8308
95 8308
97 8663
249 8724
287 8311
302 8560
310 8562
378 8725
378a 8728

PROPOSED RULES:

1 8383
21 8383
23 .... 8383, 8398
25 8383
27 8383
29 8383
33 8383
39 .... 8695, 8696
71 .... 8263, 8316–8319, 8405, 8524, 8525, 8591, 8696–8698
75 .... 8264, 8406
239 8739

15 CFR

Page

370 8367
371 8367
372 8368
373 8369
374 8370
376 8370
379 8371

16 CFR

13 .... 8292, 8665

17 CFR

231 8238
241 8238
249 8239
270 8729
271 8729

PROPOSED RULES:

270 8319
274 .... 8319, 8525

18 CFR

101 8240
104 8240
141 8240
201 8240
204 8240
260 8240
601 8666
615 8563

PROPOSED RULES:

640 8739

19 CFR

1 8666
12 8667
16 8365
174 8731

PROPOSED RULES:

10 8312

20 CFR

404 8366

PROPOSED RULES:

602 8524

21 CFR

132 8242
135c 8732
148b 8242

LIST OF FEDERAL REGISTER PAGES AND DATES—MAY

Pages	*Date*
8203–8281	May 1
8283–8354	4
8355–8426	5
8427–8494	6
8495–8543	7
8545–8649	8
8651–8716	11
8717–8765	12