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HIGHLIGHTS OF THIS ISSUE

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Title 3—The President

EXECUTIVE ORDER 11594

Providing for the Use of Transportation Priorities and Allocations During the Current Railroad Strike

WHEREAS the current railroad strike threatens to halt virtually all transportation of persons and things by rail, and the remaining transportation facilities of the nation will be unable to handle all the essential traffic requirements put upon them; and

WHEREAS section 101(a) of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2071(a)) provides that:

> "The President is hereby authorized (1) to require that performance under contracts or orders (other than contracts of employment) which he deems necessary or appropriate to promote the national defense shall take priority over performance under any other contract or order, and, for the purpose of assuring such priority, to require acceptance and performance of such contracts or orders in preference to other contracts or orders by any person he finds to be capable of their performance, and (2) to allocate materials and facilities in such manner, upon such conditions, and to such extent as he shall deem necessary or appropriate to promote the national defense."

and

WHEREAS the foregoing powers of the President have been delegated to certain officers of the Government by and pursuant to Executive Order No. 10480 of August 14, 1953, as amended:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States and Commander-in-Chief of the armed forces, including the authority conferred upon me by the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061, et seq.), it is hereby ordered as follows:

SECTION 1. This order shall constitute a finding in pursuance of section 101(b) of the Defense Production Act of 1950, as amended, with respect to the exercise, as directed by section 2 of this order, of the powers vested in me by section 101(a) of that Act.

SEC. 2. The officers of the Government in whom are vested (by or pursuant to Executive Order No. 10480, as amended), the allocation and priorities powers of the Defense Production Act of 1950, as amended, shall exercise those powers to accomplish the transportation and delivery of such persons and things as they deem necessary or proper to promote the national defense, including the accomplishment of military requirements, governmental functions, defense production and measures essential to the public health and safety.

SEC. 3. Notwithstanding any other provision of this order or any other order:

(1) The Secretary of Transportation is directed to determine, with the concurrence of the Director of the Office of Emergency Preparedness,

the proper overall apportionment and allocation of available transportation capacity.

(2) The Secretary of Transportation, subject to the general policy guidance of the Director of the Office of Emergency Preparedness, shall exercise centralized direction in the use of transportation priorities to accomplish the purposes of this order.

(3) The Secretary of Transportation shall provide the organization, procedures and redelegations to carry out the functions under the foregoing provisions of this section.

SEC. 4. This order takes effect at once and shall remain effective until the resumption of rail service makes it unnecessary but in no event more than fifteen days after the termination of the current railroad strike.

Richard Nixon

THE WHITE HOUSE,
May 17, 1971.

[FR Doc.71-7019 Filed 5-17-71;11:50 am]

NOTE: For Presidential message to Congress requesting legislation extending railroad labor-industry negotiations, see Weekly Comp. of Pres. Docs., Vol. 7, No. 21, issue of May 24, 1971.

Rules and Regulations

Title 7—AGRICULTURE

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

[Grapefruit Reg. 37, Amdt. 4]

PART 909—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF.; AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

Limitation of Shipments

Findings. (1) Pursuant to marketing Order No. 909, as amended (7 CFR Part 909; 35 F.R. 13875), regulating the handling of grapefruit grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation of the Administrative Committee reflects its appraisal of the current grapefruit crop and the current and prospective market conditions. Information received by the Department on May 11, 1971, revealed that the minimum size requirement, recommended by the committee and transmitted as a count-per-container, differed slightly from the minimum size measurement as specified in Amendment 3 of Grapefruit Regulation 37. The discrepancy arose from different mathematical interpretations by the committee and by the Department for size 56 grapefruit. As a result, said amendment permits the shipment of grapefruit slightly smaller than the minimum size intended by the committee and this amendment will eliminate that difference.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and, good cause exists for making the provisions hereof effective not later than May 17, 1971. Shipments of California-Arizona grapefruit are currently regulated pursuant to Grapefruit Regulation 37 as amended (35 F.R. 15980; 36 F.R. 1087; 36 F.R. 3516; 36 F.R. 8671). The Administrative Committee held a meeting on April 30, 1971, to consider recommendation for regulation; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting; necessary supplemental economic and statistical information upon which this recommended amendment is based were received April 30, 1971 and May 11, 1971; information regarding the provisions of the regulation recommended by the committee has been disseminated to shippers of grapefruit, grown as aforesaid; this amendment is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective on the date hereinafter set forth; and, compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed on or before the effective date hereof.

Order. In § 909.337 (Grapefruit Reg. 37; 35 F.R. 15980; 36 F.R. 1087; 36 F.R. 3516; 36 F.R. 8671), the provisions of paragraph (a)(1) which precede subdivision (i) and of paragraph (a)(2) are amended to read as follows:

§ 909.337 Grapefruit Regulation 37.

(a) *Order.* (1) Except as otherwise provided in subparagraph (2) of this paragraph, during the period May 17, 1971, through September 30, 1971, no handler shall handle from the State of California or the State of Arizona to any point outside thereof:

* * * * *

(2) Subject to the requirements of subparagraph (1)(i) of this paragraph, any handler may, but only as the initial handler thereof, handle grapefruit smaller than $3^{9}/_{16}$ inches in diameter directly to a destination in Zone 6, Zone 5, Zone 4, Zone 3, or Zone 2; and if the grapefruit is so handled directly to Zone 4, Zone 3, or Zone 2, the grapefruit does not measure less than $3^{5}/_{16}$ inches in diameter, except that a tolerance of 5 percent, by count, for grapefruit smaller than $3^{5}/_{16}$ inches shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the revised U.S. Standards for Grapefruit (California-Arizona), §§ 51.925–51.955 of this title: *Provided,* That in determining the percentage of grapefruit in any lot which are smaller than $3^{5}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $3^{11}/_{16}$ inches in diameter and smaller.

* * * * *

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

Dated: May 14, 1971.

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

[FR Doc.71-6976 Filed 5-14-71;4:16 pm]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

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

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1971 Crop Barley Loan and Purchase Program

The General Regulations Governing Price Support for the 1970 and Subsequent Crops, published at 35 F.R. 7363, and any amendments thereto, and the 1970 and Subsequent Crops Barley Loan and Purchase Program regulations, published at 35 F.R. 11166, and any amendments to such regulations, are further supplemented for the 1971 crop of barley. The material previously appearing in these sections under centerhead "1970 Crop Barley Loan and Purchase Program" remain in full force and effect as to the crop to which it was applicable.

Sec.
1421.72 Availability.
1421.73 Warehouse charges.
1421.74 Maturity of loans.
1421.75 Support rates and discounts.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

§ 1421.72 Availability.

A producer desiring a price support loan must request a loan on his eligible barley on or before April 30, 1972, on barley stored in Alaska, Idaho, Minnesota, Montana, North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming, and on or before March 31, 1972, on barley stored in all other States. To obtain price support through sales, a producer must execute and deliver to the appropriate county ASCS office a Purchase Agreement

(Form CCC–614), indicating the approximate quantity of 1971 crop barley he will sell to CCC, on or before May 31, 1972, for barley stored in the States named in this section and on or before April 30, 1972, for barley stored in all other States.

§ 1421.73 Warehouse charges.

Subject to the provisions of § 1421.56, the schedules of deductions set forth in this section shall apply to barley stored in an approved warehouse operating under the Uniform Grain Storage Agreement.

SCHEDULE OF DEDUCTIONS FOR STORAGE CHARGES BY MATURITY DATES

Maturity date of April 30, 1972	Deduction (cents per bushel)	Maturity date of May 31, 1972
(1)		(1)
Prior to May 25, 1971	14	Prior to June 29, 1971.
May 25–June 21	13	June 29–July 23.
June 22–July 17	12	July 24–Aug. 17.
July 18–Aug. 11	11	Aug. 18–Sept. 11.
Aug. 12–Sept. 5	10	Sept. 12–Oct. 6.
Sept. 6–Sept. 30	9	Oct. 7–Oct. 31.
Oct. 1–Oct. 25	8	Nov. 1–Nov. 25.
Oct. 26–Nov. 19	7	Nov. 26–Dec. 20.
Nov. 20–Dec. 14	6	Dec. 21, 1971–Jan. 14, 1972.
Dec. 15, 1971–Jan. 8, 1972.	5	Jan. 15–Feb. 8.
Jan. 9–Feb. 2	4	Feb. 9–Mar. 4.
Feb. 3–Feb. 27	3	Mar. 5–Mar. 29.
Feb. 28–Mar. 23	2	Mar. 30–Apr. 23.
Mar. 24–Apr. 30, 1972	1	Apr. 24–May 31, 1972.

[1] Date storage charges start, all dates inclusive.

§ 1421.74 Maturity of loans.

Loans mature on demand but not later than: May 31, 1972, on barley stored in the States of Alaska, Idaho, Minnesota, Montana, North Dakota, South Dakota, Oregon, Washington, Wisconsin, and Wyoming and April 30, 1972, on barley stored in all other States.

§ 1421.75 Support rates and discounts.

(a) *Basic support rates (counties).* Basic county support rates (marketing area rates in Alaska) for loan and settlement purposes are established for barley (except Mixed Barley) grading U.S. No. 2 or better and are as follows:

ALABAMA

County	Rate per bushel
All counties	$0.82

ALASKA

County	Rate per bushel	County	Rate per bushel
Delta	$0.94	Kenai-Sold	$1.06
Fairbanks	.91	Palmer	1.12
Glenallen	1.02	Talkeetna	1.12
Homer	.98		

ARIZONA

Apache	$0.74	Mohave	$0.79
Cochise	.87	Navajo	.74
Coconino	.74	Pima	.90
Gila	.74	Pinal	.93
Graham	.79	Santa Cruz	.89
Greenlee	.74	Yavapai	.74
Maricopa	.92	Yuma	.94

ARKANSAS

All Counties	$0.83

CALIFORNIA

County	Rate per bushel	County	Rate per bushel
Alameda	$1.09	Riverside	$1.04
Alpine	.93	Sacramento	1.09
Amador	1.05	San Benito	1.02
Butte	1.00	San Bernardino	1.04
Calaveras	1.05	San Diego	1.09
Colusa	1.03	San Francisco	1.09
Contra Costa	1.06	San Joaquin	1.09
El Dorado	1.05	San Luis Obispo	1.01
Fresno	1.02	San Mateo	1.06
Glenn	1.02	Santa Barbara	1.01
Humboldt	.91	Santa Clara	1.04
Imperial	1.04	Santa Cruz	1.03
Inyo	.91	Shasta	.91
Kern	1.04	Sierra	.91
Kings	1.02	Siskiyou	.91
Lake	.99	Solano	1.06
Lassen	.91	Sonoma	1.03
Los Angeles	1.09	Stanislaus	1.06
Madera	1.04	Sutter	1.03
Marin	1.06	Tehama	.96
Mariposa	1.03	Tulare	1.01
Mendocino	.94	Tuolumne	1.03
Merced	1.04	Ventura	1.04
Modoc	.91	Yolo	1.06
Monterey	1.01	Yuba	1.03
Napa	1.03		
Orange	1.09		
Placer	1.02		
Plumas	.93		

COLORADO

All counties	$0.77

CONNECTICUT

All counties	$0.83

DELAWARE

All counties	$0.83

FLORIDA

All counties	$0.85

GEORGIA

All counties	$0.85

IDAHO

County	Rate per bushel	County	Rate per bushel
Ada	$0.81	Gem	$0.81
Adams	.81	Gooding	.81
Bannock	.80	Idaho	.87
Bear Lake	.79	Jefferson	.79
Benewah	.88	Jerome	.81
Bingham	.79	Kootenai	.87
Blaine	.80	Natah	.88
Boise	.81	Lemhi	.78
Bonner	.84	Lewis	.87
Bonneville	.79	Lincoln	.81
Boundary	.82	Madison	.79
Butte	.79	Minidoka	.81
Camas	.80	Nez Perce	.88
Canyon	.81	Oneida	.80
Caribou	.79	Owyhee	.81
Cassia	.81	Payette	.81
Clark	.79	Power	.80
Clearwater	.87	Shoshone	.75
Custer	.79	Teton	.79
Elmore	.81	Twin Falls	.81
Franklin	.80	Valley	.81
Fremont	.79	Washington	.81

ILLINOIS

Alexander	$0.89	St. Clair	$0.88
Cook	.84	All other counties	.81
Madison	.88		

INDIANA

All counties	$0.79

IOWA

Pottawatamie	$0.85	All other counties	$0.81

KANSAS

County	Rate per bushel	County	Rate per bushel
Allen	$0.83	Linn	$0.86
Anderson	.85	Logan	.74
Atchison	.86	Lyon	.83
Barber	.78	McPherson	.79
Barton	.78	Marion	.80
Bourbon	.85	Marshall	.83
Brown	.85	Meade	.74
Butler	.80	Miami	.86
Chase	.81	Mitchell	.79
Chautauqua	.81	Montgomery	.83
Cherokee	.83	Morris	.81
Cheyenne	.75	Morton	.71
Clark	.74	Nemaha	.83
Clay	.81	Neosho	.83
Cloud	.80	Ness	.77
Coffey	.84	Norton	.78
Comanche	.76	Osage	.84
Cowley	.80	Osborne	.79
Crawford	.84	Ottawa	.80
Decatur	.77	Pawnee	.78
Dickinson	.80	Phillips	.78
Doniphan	.85	Pottawatomie	.83
Douglas	.86	Pratt	.78
Edwards	.78	Rawlins	.76
Elk	.81	Reno	.79
Ellis	.78	Republic	.80
Ellsworth	.79	Rice	.79
Finney	.74	Riley	.83
Ford	.76	Rooks	.78
Franklin	.86	Rush	.78
Geary	.81	Russell	.78
Gove	.76	Saline	.79
Graham	.77	Scott	.75
Grant	.73	Sedgwick	.80
Gray	.75	Seward	.73
Greeley	.73	Shawnee	.85
Greenwood	.82	Sheridan	.77
Hamilton	.73	Sherman	.75
Harper	.79	Smith	.79
Harvey	.80	Stafford	.78
Haskell	.74	Stanton	.72
Hodgeman	.77	Stevens	.73
Jackson	.85	Sumner	.80
Jefferson	.86	Thomas	.76
Jewell	.79	Trego	.77
Johnson	.86	Wabaunsee	.83
Kearny	.73	Wallace	.73
Kingman	.79	Washington	.81
Kiowa	.78	Wichita	.74
Labette	.83	Wilson	.83
Lane	.76	Woodson	.83
Leavenworth	.86	Wyandotte	.86
Lincoln	.79		

KENTUCKY

All counties	$0.80

LOUISIANA (PARISHES)

East Baton Rouge	$0.99	West Baton Rouge	$0.99
Jefferson	.99	All other counties	.82
Orleans	.99		
St. Charles	.99		

MAINE

All counties	$0.83

MARYLAND

Baltimore City	$1.01	All other counties	$0.83

MASSACHUSETTS

All counties	$0.83

MICHIGAN

All counties	$0.73

MINNESOTA

Aitkin	$0.87	Brown	$0.88
Anoka	.90	Carlton	.80
Becker	.79	Carver	.90
Beltrami	.81	Cass	.83
Benton	.87	Chippewa	.86
Big Stone	.82	Chisago	.89
Blue Earth	.89	Clay	.78

MINNESOTA—Continued

County	Rate per bushel	County	Rate per bushel
Clearwater	$0.78	Nobles	$0.82
Cottonwood	.87	Norman	.77
Crow Wing	.84	Olmsted	.89
Dakota	.90	Otter Tail	.81
Dodge	.89	Pennington	.76
Douglas	.83	Pine	.90
Faribault	.88	Pipestone	.82
Fillmore	.87	Polk	.77
Freeborn	.88	Pope	.85
Goodhue	.89	Ramsey	.90
Grant	.81	Red Lake	.77
Hennepin	.90	Redwood	.88
Houston	.86	Renville	.87
Hubbard	.81	Rice	.89
Isanti	.89	Rock	.79
Itasca	.86	Roseau	.76
Jackson	.85	St. Louis	.90
Kanabec	.88	Scott	.90
Kandiyohi	.88	Sherburne	.89
Kittson	.75	Sibley	.89
Koochiching	.86	Stearns	.87
Lac Qui Parle	.83	Steele	.89
Lake of the Woods	.81	Stevens	.83
Le Sueur	.89	Swift	.85
Lincoln	.83	Todd	.83
Lyon	.86	Traverse	.81
McLeod	.89	Wabash	.89
Mahnomen	.77	Wadena	.82
Marshall	.76	Waseca	.89
Martin	.88	Washington	.90
Meeker	.89	Watonwan	.88
Mille Lacs	.88	Wilkin	.79
Morrison	.85	Winona	.88
Mower	.88	Wright	.90
Murray	.85	Yellow Medicine	.84
Nicollet	.89		

MISSISSIPPI

All Counties	$0.82

MISSOURI

Buchanan	$0.86	St. Louis	$0.88
Clay	.86	All other counties	.83
Jackson	.86		

MONTANA

Beaverhead	$0.70	Madison	$0.76
Big Horn	.63	Madison	.76
Blaine	.62	Meagher	.71
Broadwater	.74	Mineral	.78
Carbon	.68	Missoula	.78
Carter	.65	Musselshell	.67
Cascade	.70	Park	.74
Chouteau	.68	Petroleum	.66
Custer	.64	Phillips	.60
Daniels	.62	Pondera	.69
Dawson	.64	Powder River	.63
Deer Lodge	.76	Powell	.76
Fallon	.65	Prairie	.64
Fergus	.68	Ravalli	.75
Flathead	.80	Richland	.64
Gallatin	.76	Roosevelt	.65
Garfield	.63	Rosebud	.63
Glacier	.69	Sanders	.78
Golden Valley	.68	Sheridan	.64
Granite	.75	Silver Bow	.76
Hill	.65	Stillwater	.68
Jefferson	.74	Sweet Grass	.71
Judith Basin	.67	Teton	.69
Lake	.75	Toole	.68
Lewis and Clark	.69	Treasure	.65
Liberty	.67	Valley	.61
Lincoln	.80	Wheatland	.69
McCone	.64	Wibaux	.65
McCone	$0.64	Yellowstone	.68

NEBRASKA

Adams	$0.79	Boyd	$0.79
Antelope	.82	Brown	.76
Arthur	.74	Buffalo	.79
Banner	.73	Burt	.84
Blaine	.76	Butler	.84
Boone	.82	Cass	.84
Box Butte	.73		

NEBRASKA—Continued

County	Rate per bushel	County	Rate per bushel
Cedar	$0.82	Knox	$0.82
Chase	.74	Lancaster	.84
Cherry	.74	Lincoln	.75
Cheyenne	.73	Logan	.76
Clay	.80	Loup	.78
Colfax	.84	McPherson	.75
Cuming	.84	Madison	.83
Custer	.77	Merrick	.82
Dakota	.83	Morrill	.73
Dawes	.72	Nance	.82
Dawson	.77	Nemaha	.83
Deuel	.74	Nuckolls	.80
Dixon	.82	Otoe	.84
Dodge	.84	Pawnee	.83
Douglas	.85	Perkins	.74
Dundy	.74	Phelps	.78
Fillmore	.82	Pierce	.83
Franklin	.78	Platte	.83
Frontier	.76	Polk	.83
Furnas	.77	Red Willow	.75
Gage	.83	Richardson	.83
Garden	.73	Rock	.77
Garfield	.79	Saline	.83
Gosper	.77	Sarpy	.84
Grant	.73	Saunders	.84
Greeley	.80	Scotts Bluff	.73
Hall	.80	Seward	.84
Hamilton	.81	Sheridan	.73
Harlan	.78	Sherman	.79
Hayes	.74	Sioux	.72
Hitchcock	.74	Stanton	.84
Holt	.79	Thayer	.81
Hooker	.74	Thomas	.75
Howard	.80	Thurston	.83
Jefferson	.82	Valley	.79
Johnson	.83	Washington	.84
Kearney	.78	Wayne	.83
Keith	.74	Webster	.79
Keya Paha	.76	Wheeler	.81
Kimball	.73	York	.82

NEVADA

All counties	$0.85

NEW HAMPSHIRE

All counties	$0.83

NEW JERSEY

All counties	$0.83

NEW MEXICO

All counties	$0.80

NEW YORK

Albany	$1.01	All other counties	$0.83
New York City	1.01		

NORTH CAROLINA

All counties	$0.86

NORTH DAKOTA

Adams	$0.67	McLean	$0.70
Barnes	.76	Mercer	.69
Benson	.72	Morton	.69
Billings	.67	Mountrail	.68
Bottineau	.69	Nelson	.74
Bowman	.66	Oliver	.69
Burke	.67	Pembina	.73
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Golden Valley	.65	Slope	.67
Grand Forks	.76	Stark	.68
Grant	.68	Steele	.76
Griggs	.75	Stutsman	.75
Hettinger	.68	Towner	.71
Kidder	.72	Traill	.76
La Moure	.74	Walsh	.74
Logan	.72	Ward	.68
McHenry	.70	Wells	.72
McIntosh	.72	Williams	.66
McKenzie	.64		

OHIO

All counties	$0.79

OKLAHOMA

Adair	$0.79	Le Flore	$0.76
Alfalfa	.79	Lincoln	.80
Atoka	.80	Logan	.80
Beaver	.79	Love	.81
Beckham	.80	McClain	.80
Blaine	.80	McCurtain	.76
Bryan	.79	McIntosh	.80
Caddo	.80	Major	.79
Canadian	.80	Marshall	.80
Carter	.80	Mayes	.82
Cherokee	.80	Murray	.80
Choctaw	.76	Muskogee	.80
Cimarron	.79	Noble	.79
Cleveland	.80	Nowata	.84
Coal	.80	Okfuskee	.80
Comanche	.80	Oklahoma	.80
Cotton	.80	Okmulgee	.80
Craig	.83	Osage	.80
Creek	.80	Ottawa	.83
Custer	.79	Pawnee	.79
Delaware	.82	Payne	.80
Dewey	.79	Pittsburg	.80
Ellis	.79	Pontotoc	.80
Garfield	.80	Pottawatomie	.80
Garvin	.80	Pushmatah	.76
Grady	.80	Roger Mills	.79
Grant	.79	Rogers	.82
Greer	.80	Seminole	.80
Harmon	.80	Sequoyah	.78
Harper	.78	Stephens	.80
Haskell	.76	Texas	.79
Hughes	.80	Tillman	.80
Jackson	.80	Tulsa	.81
Jefferson	.80	Wagoner	.81
Johnston	.80	Washington	.83
Kay	.79	Washita	.80
Kingfisher	.80	Woods	.78
Kiowa	.80	Woodward	.79
Latimer	.76		

OREGON

Baker	$0.88	Lake	$0.87
Benton	.92	Lane	.88
Clackamas	.96	Lincoln	.92
Clatsop	.99	Linn	.91
Columbia	.99	Malheur	.81
Coos	.82	Marion	.94
Crook	.90	Morrow	.93
Curry	.82	Multnomah	.99
Deschutes	.90	Polk	.93
Douglas	.85	Sherman	.95
Gilliam	.93	Tillamook	.96
Grant	.89	Umatilla	.91
Harney	.78	Union	.89
Hood River	.96	Wallowa	.87
Jackson	.84	Wasco	.96
Jefferson	.93	Washington	.96
Josephine	.84	Wheeler	.92
Klamath	.88	Yamhill	.94

PENNSYLVANIA

Philadelphia City	$1.01	All other counties	$0.83

RHODE ISLAND

All counties	$0.83

SOUTH CAROLINA

Charleston	$1.01	All other counties	$0.86

SOUTH DAKOTA

Aurora	$0.74	Clark	$0.77
Beadle	.77	Clay	.76
Bennett	.69	Codington	.78
Bon Homme	.75	Corson	.66
Brookings	.80	Custer	.67
Brown	.75	Davison	.75
Brule	.74	Day	.77
Buffalo	.75	Deuel	.81
Butte	.65	Dewey	.69
Campbell	.69	Douglas	.74
Charles Mix	.74	Edmunds	.75

SOUTH DAKOTA—Continued

County	Rate per bushel	County	Rate per bushel
Fall River	$0.67	Meade	$0.66
Faulk	.76	Mellette	.72
Grant	.79	Miner	.76
Gregory	.74	Minnehaha	.76
Haakon	.71	Moody	.79
Hamlin	.79	Pennington	.68
Hand	.76	Perkins	.65
Hanson	.75	Potter	.75
Harding	.65	Roberts	.78
Hughes	.74	Sanborn	.75
Hutchinson	.75	Shannon	.68
Hyde	.75	Spink	.77
Jackson	.70	Stanley	.74
Jerauld	.75	Sully	.75
Jones	.72	Todd	.72
Kingsbury	.79	Tripp	.73
Lake	.76	Turner	.75
Lawrence	.65	Union	.76
Lincoln	.76	Walworth	.73
Lyman	.74	Washabaugh	.70
McCook	.75	Yankton	.75
McPherson	.72	Ziebach	.68
Marshall	.76		

TENNESSEE

Shelby	$0.89	All other Counties	$0.83

TEXAS

Anderson	$0.94	Eastland	$0.86
Angelina	.96	Ector	.81
Archer	.82	Edwards	.81
Armstrong	.82	Ellis	.90
Atascosa	.91	El Paso	.71
Austin	.99	Erath	.87
Bailey	.82	Falls	.94
Bandera	.90	Fannin	.86
Baylor	.82	Fayette	.97
Bee	.98	Fisher	.82
Bell	.93	Floyd	.82
Bexar	.92	Foard	.82
Blanco	.93	Fort Bend	.99
Borden	.82	Franklin	.89
Bosque	.91	Freestone	.93
Bowie	.86	Gaines	.82
Brazoria	.99	Galveston	1.01
Brazos	.97	Garza	.82
Brewster	.72	Gillespie	.89
Brisco	.82	Goliad	.95
Brown	.87	Gonzales	.96
Burleson	.97	Gray	.82
Burnet	.91	Grayson	.86
Callahan	.84	Gregg	.90
Cameron	.92	Grimes	.98
Camp	.89	Guadalupe	.93
Carson	.82	Hale	.82
Cass	.87	Hall	.82
Castro	.82	Hamilton	.89
Chambers	1.01	Hansford	.81
Cherokee	.93	Hardeman	.82
Childress	.82	Hardin	.98
Clay	.84	Harris	1.01
Cochran	.82	Harrison	.89
Coke	.82	Hartley	.81
Coleman	.85	Haskell	.82
Collin	.89	Hays	.94
Collingsworth	.82	Hemphill	.81
Comal	.93	Henderson	.92
Comanche	.87	Hidalgo	.92
Concho	.87	Hill	.92
Cooke	.86	Hockley	.82
Coryell	.92	Hood	.87
Cottle	.82	Hopkins	.86
Crane	.77	Houston	.96
Crockett	.76	Howard	.82
Crosby	.82	Hudspeth	.72
Culberson	.72	Hunt	.87
Dallam	.81	Hutchinson	.81
Dallas	.90	Irion	.76
Dawson	.82	Jack	.85
Deaf Smith	.82	Jackson	.96
Delta	.86	Jasper	.96
Denton	.87	Jeff Davis	.72
De Witt	.95	Jefferson	1.01
Dickens	.82	Jim Wells	.98
Dimmit	.89	Johnson	.90
Donley	.82	Jones	.82

TEXAS—Continued

County	Rate per bushel	County	Rate per bushel
Karnes	$0.93	Red River	$0.85
Kaufman	.89	Reeves	.73
Kendall	.89	Roberts	.81
Kenedy	.95	Robertson	.94
Kent	.82	Rockwall	.87
Kerr	.89	Runnels	.84
Kimble	.87	Rusk	.91
King	.82	Sabine	.93
Kinney	.85	San Augustine	.93
Knox	.82	San Jacinto	.99
Lamar	.85	San Patricio	1.01
Lamb	.82	San Saba	.87
Lampasas	.91	Schleicher	.77
Leon	.95	Scurry	.82
Liberty	.99	Shackelford	.84
Limestone	.94	Shelby	.93
Lipscomb	.81	Sherman	.81
Live Oak	.98	Smith	.91
Llano	.91	Somervell	.87
Loving	.73	Starr	.89
Lubbock	.82	Stephens	.85
Lynn	.82	Sterling	.79
McCulloch	.87	Stonewall	.82
McLennan	.93	Sutton	.76
Madison	.97	Swisher	.82
Marion	.89	Tarrant	.90
Martin	.81	Taylor	.83
Mason	.87	Terrell	.76
Maverick	.86	Terry	.82
Medina	.90	Throckmorton	.84
Menard	.87	Titus	.89
Midland	.81	Tom Green	.82
Milam	.95	Travis	.94
Mills	.90	Trinity	.97
Mitchell	.82	Tyler	.96
Montague	.85	Upshur	.89
Montgomery	.99	Upton	.77
Moore	.81	Uvalde	.88
Morris	.89	Val Verde	.82
Motley	.82	Van Zandt	.90
Nacogdoches	.93	Victoria	.95
Navarro	.92	Walker	.98
Newton	.95	Waller	.99
Nolan	.82	Ward	.77
Nueces	1.01	Washington	.97
Ochiltree	.81	Wharton	.98
Oldham	.82	Wheeler	.82
Orange	.98	Wichita	.83
Palo Pinto	.86	Wilbarger	.82
Panola	.92	Willacy	.92
Parker	.88	Williamson	.94
Parmer	.82	Wilson	.92
Pecos	.73	Winkler	.80
Polk	.97	Wise	.87
Potter	.82	Wood	.89
Presidio	.72	Yoakum	.82
Rains	.90	Young	.85
Randall	.82		
Reagan	.76		

UTAH

All counties	$0.82

VERMONT

All counties	$0.83

VIRGINIA

Chesapeake (Norfolk)	$1.01	All other counties	$0.83

WASHINGTON

Adams	$0.90	Jefferson	$0.88
Asotin	.88	King	.99
Benton	.92	Kitsap	.96
Chelan	.94	Kittitas	.94
Clallam	.84	Klickitat	.94
Clark	.99	Lewis	.96
Columbia	.91	Lincoln	.89
Cowlitz	.99	Mason	.92
Douglas	.90	Okanogan	.88
Ferry	.86	Pacific	.92
Franklin	.91	Pend Oreille	.84
Garfield	.91	Pierce	.99
Grant	.90	San Juan	.88
Grays Harbor	.92	Skagit	.91
Island	.92	Skamania	.96

WASHINGTON—Continued

County	Rate per bushel	County	Rate per bushel
Snohomish	$0.94	Walla Walla	$0.91
Spokane	.88	Whatcom	.88
Stevens	.85	Whitman	.89
Thurston	.96	Yakima	.92
Wahkiakum	.96		

WEST VIRGINIA

All counties	$0.83

WISCONSIN

Douglas	$0.90	All other counties	$0.85

WYOMING

All counties	$0.75

(b) *Discounts.* The basic support rate shall be adjusted as applicable by discounts as follows:

	Discount (cents per bushel)
Reason:	
Class—Mixed Barley	2
Grade:	
U.S. No. 3	3
U.S. No. 4	6
U.S. No. 5	15
Total damage (percent): [1]	
10.1–11	1
11.1–12	2
12.1–13	3
13.1–14	4
14.1–15	5
15.1–16	6
16.1–17	7
17.1–18	8
18.1–19	9
19.1 and above	10
Garlicky	10
Weed Control Law (where required by § 1421.25)	10

[1] Not applicable to barley of the class Western Barley.

Other factors: Amounts determined by CCC to represent market discounts for quality factors not specified above which affect the value of the barley, such as (but not limited to) thin barley, moisture, foreign material, test weight, heat damage, musty, sour, smutty, stained, weevily, ergoty, and bleached. Such discounts will be established not later than the time delivery of barley to CCC begins and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts at county ASCS offices approximately 1 month prior to the loan maturity date.

NOTE: Discounts are cumulative except only one grade discount shall be applied. The discounts for total damage in excess of 10 percent are in addition to the discount of 15 cents for barley grading U.S. No. 5. For the purpose of applying discounts, factors which cause barley of the subclass Malting Barley or Blue Malting Barley to have a lower numerical grade than if the barley were graded under a different subclass shall be disregarded.

Effective date: Upon publication in the FEDERAL REGISTER (5–18–71).

Signed at Washington, D.C., on May 11, 1971.

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

[FR Doc.71-6867 Filed 5-17-71;8:47 am]

[CCC Grain Price Support Regs., 1970 and Subsequent Crops Dry Edible Bean Supp., Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1970 and Subsequent Crops Dry Edible Bean Loan and Purchase Program

WAREHOUSE RECEIPTS, CHARGES, AND PACKAGING

Correction

In F.R. Doc. 71-6284 appearing on page 8362 in the issue of Wednesday, May 5, 1971, the figure "Sn-1" in the sixth line of § 1421.126(b)(3)(iii) should read "SSn-1".

[CCC Texas Flaxseed Bulletin, 1971 Supplement]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1971-Texas Flaxseed Purchase Program

PURCHASE PRICE, PREMIUMS, AND DISCOUNTS

A special purchase program has been authorized for 1971 crop flaxseed produced in designated Texas counties. This subpart contains provisions applicable to the 1971 program and together with the provisions contained in CCC Texas Flaxseed Bulletin (26 F.R. 3979, 29 F.R. 6245) constitutes the 1971 Texas Flaxseed Purchase Program.

§ 1421.643 Purchase prices, premiums, and discounts.

(a) *1971 basic county purchase prices.* Basic purchase prices per bushel for flaxseed grading U.S. No. 1 and containing from 9.1 to 9.5 percent moisture produced in the counties listed below are as follows:

TEXAS

County	Rate per bushel	County	Rate per bushel
Atascosa	$2.36	Hidalgo	$2.32
Bee	2.45	Jackson	2.36
Bell	2.29	Jim Wells	2.44
Bexar	2.35	Karnes	2.42
Caldwell	2.33	Lamar	2.19
Calhoun	2.38	Live Oak	2.43
Comal	2.33	McMullen	2.38
De Witt	2.37	Matagorda	2.37
Dimmit	2.25	Nueces	2.47
Duval	2.39	Refugio	2.46
Frio	2.32	San Patricio	2.47
Goliad	2.43	Victoria	2.40
Gonzales	2.35	Wharton	2.39
Guadalupe	2.34	Wilson	2.39

(b) *Application of basic purchase prices*—(1) *Deliveries to country locations.* The basic purchase price for flaxseed deliveries by truck to authorized dealers at country locations shall be the price established for the county where the flaxseed is delivered.

(2) *Deliveries by truck to Corpus Christi terminal market.* The basic purchase price for flaxseed delivered by truck to an authorized dealer located within the switching limits of the Corpus Christi, Tex., terminal market shall be determined by adding 7 cents per bushel to the basic purchase price established for Nueces County, Tex.

(3) *Deliveries by rail to Corpus Christi terminal market.* The basic purchase price for flaxseed delivered by rail to an authorized dealer located within the switching limits of the Corpus Christi, Tex., terminal market shall be determined by adding to the basic purchase price for the county from which the flaxseed was shipped, the amount of freight per bushel actually paid in plus the current Uniform Grain Storage Agreement truck receiving and rail loading out charges of 8½ cents per bushel.

(c) *Premium for low-moisture content.* A premium of 1 cent per bushel shall be applied to eligible flaxseed which grades U.S. No. 1 or U.S. No. 2 and contains 9 percent or less moisture.

(d) *Grade discounts.* The following discounts shall be applied to eligible flaxseed which grades U.S. No. 2 or U.S. Sample Grade:

(1) U.S. No. 2—6 cents per bushel.

(2) U.S. Sample Grade—6 cents per bushel plus the following discounts, as applicable:

(i) *Moisture.*

Percent:	Cents
9.6–10.0	1
10.1–10.5	2
10.6–11.0	3
Above 11.0	[1] 3

[1] Plus 1 cent for each one-tenth percent of moisture in excess of 11.0 percent.

(ii) *Test weight.* 3 cents for each one-half pound or fraction thereof of test weight below 47 pounds.

(iii) *Other factors.* Amounts determined by CCC to represent market discounts for quality factors not specified above which affect the value of flaxseed, such as (but not limited to) heat damage, musty, and sour. Such discounts will be established not later than the time delivery of flaxseed to CCC begins and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts at ASCS county offices.

(Sec. 4, 62 Stat. 1070, as amended; sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1053, 1054, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1447, 1421)

Effective date: Upon publication in the FEDERAL REGISTER (5-18-71).

Signed at Washington, D.C., on May 11, 1971.

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

[FR Doc.71-6915 Filed 5-17-71;8:52 am]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

PART 248—CHANGE OF NONIMMIGRANT CLASSIFICATION

Miscellaneous Amendments

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

Subparagraph (15) of paragraph (e) of § 103.1 is amended to read as follows:

§ 103.1 Delegations of authority.

* * * * *

(e) *Regional commissioners.* * * *

(15) Decisions on applications for change of nonimmigrant status, as provided in § 248.3(d) of this chapter.

Part 248 is amended to read as follows:

Sec.
248.1 Eligibility.
248.2 Ineligible classes.
248.3 Application.
248.4 Change of nonimmigrant classification to that under section 101(a)(15)(H) or 101(a)(15)(L) of the Immigration and Nationality Act.

AUTHORITY: The provisions of this Part 248 issued under sec. 103, 66 Stat. 173; 8 U.S.C. 1103. Interpret or apply secs. 101, 247, 248, 66 Stat. 167, as amended, 218, as amended; 8 U.S.C. 1101, 1257, 1258.

§ 248.1 Eligibility.

(a) *General.* Except for those classes enumerated in § 248.2, any alien lawfully admitted to the United States as a nonimmigrant, including an alien who acquired such status pursuant to section 247 of the Act, who is continuing to maintain his nonimmigrant status, may apply to have his nonimmigrant classification changed to any nonimmigrant classification other than that of a fiancee or fiance under section 101(a)(15)(K) of the Act.

(b) *Maintenance of status.* In determining whether an applicant has continued to maintain his nonimmigrant status, the district director shall consider whether the alien has remained in the United States for a longer period than that authorized by the Service, and shall consider any conduct by the applicant relating to his maintenance of the status from which the applicant is seeking a change. An applicant may not be considered as having maintained his nonimmigrant status within the meaning of this section if he failed to submit his application for change of nonimmigrant classification before his authorized temporary stay in the United States had expired, unless the district director in his

discretion is satisfied that the failure to file a timely application was excusable, that the alien has not otherwise violated his nonimmigrant status and is a bona fide nonimmigrant, and the alien is not the subject of deportation proceedings under Part 242 of this chapter. A nonimmigrant applying for a change to classification as a student under section 101(a)(15)(F) of the Act shall not be considered ineligible for such change solely because he may have started attendance at school before his application was submitted. An alien shall be considered prima facie ineligible for change of nonimmigration classification as one who is no longer maintaining his nonimmigrant status, upon the introduction in Congress of a private bill seeking to confer upon him the status of a lawful permanent resident of the United States.

§ 248.2 Ineligible classes.

An alien admitted in immediate and continuous transit through the United States without a visa pursuant to section 238(d) of the Act, or an alien classified as a nonimmigrant under section 101(a)(15)(D) or (K) of the Act is not eligible for any change of nonimmigrant classification under section 248 of the Act. An alien classified as a nonimmigrant under section 101(a)(15)(C) or (J) of the Act is not eligible for any change of nonimmigrant classification other than a change to classification under section 101(a)(15)(A) or (G) of the Act.

§ 248.3 Application.

(a) *General.* Application for change of nonimmigrant classification shall be made on Form I-506. The application shall be accompanied by documentary evidence establishing that the applicant is eligible for the change of classification being requested and shall be filed with the district director having jurisdiction over the applicant's place of temporary sojourn in the United States.

(b) *Application and fee not required.* When an alien, whose status has been changed to a classification under section 101(a)(15)(A), (E), (F), (G), (H), (I), (J), or (L) of the Act, has a nonimmigrant spouse or nonimmigrant child in the United States, their status may also be changed to the classification of the spouse or child of such alien, if appropriate, without an application or fee. Neither an application nor fee is required of an alien who seeks reclassification from that of a visitor for pleasure under section 101(a)(15)(B) of the Act to that of a visitor for business under the same section; from classification as a student under section 101(a)(15)(F)(i) of the Act to classification as an accompanying spouse or minor child under section 101(a)(15)(F)(ii) of the Act or vice versa; from any classification within section 101(a)(15)(H) of the Act to any other classification within section 101(a)(15)(H) provided requisite Form I-129B visa petition has been filed and approved; or from classification as a participant under section 101(a)(15)(J) of the Act to classification as an accompanying spouse or minor child under that section, or vice versa. No fee shall be required in connection with any request for change to classification under section 101(a)(15)(A) or (G) of the Act. No fee shall be required when a change to exchange alien status under section 101(a)(15)(J) of the Act is requested by an agency of the U.S. Government; Form DSP-66, Certificate of Eligibility for Exchange-Visitor Status, submitted by such agency together with its request will be accepted in lieu of Form I-506. An alien classified as a visitor for business under section 101(a)(15)(B) of the Act need not request a change of classification to remain in the United States temporarily as a visitor for pleasure.

(c) *Approval of application.* If the application is granted, the applicant shall be notified of the decision and granted a new period of time to remain in the United States without the requirement of filing a separate application and paying a separate fee for an extension of stay. The applicant's nonimmigrant status under his new classification shall be subject to the terms and conditions applicable generally to such classification and to such other additional terms and conditions, including exaction of bond, which the district director deems appropriate to the case.

(d) *Denial of application.* When the application is denied, the applicant shall be notified of the decision and of the reasons therefor and of his right to appeal in accordance with the provisions of Part 103 of this chapter.

§ 248.4 Change of nonimmigrant classification to that under section 101(a)(15)(H) or (L) of the Immigration and Nationality Act.

Notwithstanding any other provisions of this Part, a request for a change of an alien's nonimmigrant classification to that described in section 101(a)(15(H) or (L) of the Act shall be accompanied by a petition on Form I-129B made by the alien's prospective employer or trainer.

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

This order shall be effective on the date of its publication in the FEDERAL REGISTER (5-18-71). Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date, is unnecessary in this instance and would serve no useful purpose because the amendments to §§ 103.1(e), 248.1, and 248.2 are editorial in nature; the amendments to § 248.3 are editorial in nature and confer benefits on persons affected thereby; and the amendment to § 248.4 relates to agency procedure.

Dated: May 12, 1971.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[FR Doc.71-6873 Filed 5-17-71;8:48 am]

PART 299—IMMIGRATION FORMS

Prescribed Forms

The title and description of Form I-601 listed in § 299.1 *Prescribed forms* of the order of the Immigration and Naturalization Service appearing in 36 F.R. 8505-7 of the issue of May 7, 1971, is hereby corrected to read: "I-601 (10-1-70) Application for Waiver on Grounds of Excludability under section 212 (g), (h), or (i) of the Immigration and Nationality Act."

Dated: May 12, 1971.

RAYMOND F. FARRELL,
Commissioner, Immigration and Naturalization.

[FR Doc.71-6866 Filed 5-17-71;8:47 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter III—Consumer and Marketing Service (Meat Inspection), Department of Agriculture

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

PART 331—SPECIAL PROVISIONS FOR DESIGNATED STATES AND TERRITORIES; AND FOR DESIGNATION OF ESTABLISHMENTS WHICH ENDANGER PUBLIC HEALTH AND FOR SUCH DESIGNATED ESTABLISHMENTS

Notice of Designation of Kentucky Under the Federal Meat Inspection Act

Statement of considerations. Paragraph 301(c) of the Federal Meat Inspection Act (21 U.S.C. 661(c)) required the Secretary of Agriculture to designate promptly after December 15, 1969, any State as one in which the requirements of titles I and IV of said Act shall apply to intrastate operations and transactions, and to persons, firms, and corporations engaged therein, with respect to meat products and other articles and animals subject to the Act, if he determined after consulation with the Governor of the State, or his representative, that the State involved had not developed and activated requirements, at least equal to those under titles I and IV, with respect to establishments within the State at which cattle, sheep, swine, goats, or equines are slaughtered, or their carcasses, or parts or products thereof, are prepared for use as human food, solely for distribution within such State. However, if the Secretary had reason to believe that the State would activate the necessary requirements within an additional year, he could allow the State 1 additional year in which to activate such require-

The Secretary had reason to believe, after consultation with the Governor of the State of Kentucky that the State would develop and activate the prescribed requirements by December 15, 1970, and accordingly allowed the State the additional period of time for this purpose. However, the Secretary has now determined that Kentucky has not developed and activated the prescribed requirements. Therefore, notice is hereby given that the Secretary of Agriculture designates said State under paragraph 301(c) of the Act. Upon the expiration of 30 days after publication of this notice in the FEDERAL REGISTER, the provisions of titles I and IV of said Act shall apply to intrastate operations and transactions in said State and persons, firms, and corporations engaged therein, to the same extent and in the same manner as if such operations and transactions were conducted in or for "commerce" within the meaning of the Act, and any establishment in Kentucky which conducts any slaughtering or preparation of carcasses or parts or products thereof as described above must have Federal inspection or cease its operations, unless it qualifies for an exemption under paragraph 23(a) or 301(c) of the Act. The exemption provisions of the Act are very limited.

Therefore, the operator of each such establishment who desires to continue such operations after designation of the State becomes effective should immediately communicate with the Regional Director for Meat and Poultry Inspection, as listed below, for information concerning the requirements and exemptions under the Act and application for inspection and survey of the establishment:

Dr. George Harner, Director, 127 West Hargett Street, Second Floor, Raleigh, NC 27601, Telephone: Area Code 919, 828-9561.

Accordingly, § 331.2 of the regulations under the Federal Meat Inspection Act is amended pursuant to said Act by adding the following State name (in alphabetical order) and effective date of designation to the list set forth in said section:

State:	*Effective date of designation*
Kentucky	June 18, 1971

This amendment of the regulations is necessary to reflect the determination of the Secretary of Agriculture under paragraph 301(c) of the Federal Meat Inspection Act. It does not appear that public participation in this rulemaking proceeding would make additional information available to the Secretary. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such public procedure is impracticable and unnecessary and good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

This amendment and the notice given hereby shall become effective upon publication in the FEDERAL REGISTER (5-18-71).

Done at Washington, D.C., on May 12, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-6911 Filed 5-17-71;8:51 am]

PART 331—SPECIAL PROVISIONS FOR DESIGNATED STATES AND TERRITORIES; AND FOR DESIGNATION OF ESTABLISHMENTS WHICH ENDANGER PUBLIC HEALTH AND FOR SUCH DESIGNATED ESTABLISHMENTS

Notice of Designation of Massachusetts Under the Federal Meat Inspection Act

Statement of considerations. Paragraph 301(c) of the Federal Meat Inspection Act (21 U.S.C. 661(c)) required the Secretary of Agriculture to designate promptly after December 15, 1969, any State as one in which the requirements of titles I and IV of said Act shall apply to intrastate operations and transactions, and to persons, firms, and corporations engaged therein, with respect to meat products and other articles and animals subject to the Act, if he determined after consultation with the Governor of the State, or his representative, that the State involved had not developed and activated requirements, at least equal to those under titles I and IV, with respect to establishments within the State at which cattle, sheep, swine, goats, or equines are slaughtered, or their carcasses, or parts or products thereof, are prepared for use as human food, solely for distribution within such State. However, if the Secretary had reason to believe that the State would activate the necessary requirements within an additional year, he could allow the State 1 additional year in which to activate such requirements.

The Secretary had reason to believe, after consultation with the Governor of the State of Massachusetts that the State would develop and activate the prescribed requirements by December 15, 1970, and accordingly allowed the State the additional period of time for this purpose. However, the Secretary has now determined that Massachusetts has not developed and activated the prescribed requirements. Therefore, notice is hereby given that the Secretary of Agriculture designates said State under paragraph 301(c) of the Act. Upon the expiration of 30 days after publication of this notice in the FEDERAL REGISTER, the provisions of titles I and IV of said Act shall apply to intrastate operations and transactions in said State and persons, firms, and corporations engaged therein, to the same extent and in the same manner as if such operations and transactions were conducted in or for "commerce" within the meaning of the Act, and any establishment in Massachusetts which conducts any slaughtering or preparation of carcasses or parts or products thereof as described above must have Federal inspection or cease its operations, unless it qualifies for an exemption under paragraph 23(a) or 301(c) of the Act. The exemption provisions of the Act are very limited. Therefore, the operator of each such establishment who desires to continue such operations after designation of the State becomes effective should immediately communicate with the Regional Director for Meat and Poultry Inspection, as listed below, for information concerning the requirements and exemptions under the Act and application for inspection and survey of the establishment:

Dr. C. F. Diehl, Director, 1421 Cherry Street, Seventh Floor, Philadelphia, PA 19102, Telephone: Area Code 215, 597-4216.

Accordingly, § 331.2 of the regulations under the Federal Meat Inspection Act is amended pursuant to said Act by adding the following State name (in alphabetical order) and effective date of designation to the list set forth in said section:

State:	*Effective date of designation*
Massachusetts	June 18, 1971

This amendment of the regulations is necessary to reflect the determination of the Secretary of Agriculture under paragraph 301(c) of the Federal Meat Inspection Act. It does not appear that public participation in this rulemaking proceeding would make additional information available to the Secretary. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such public procedure is impracticable and unnecessary and good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

This amendment and the notice given hereby shall become effective upon publication in the FEDERAL REGISTER (5-18-71).

Done at Washington, D.C., on May 12, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-6912 Filed 5-17-71;8:51 am]

PART 331—SPECIAL PROVISIONS FOR DESIGNATED STATES AND TERRITORIES; AND FOR DESIGNATION OF ESTABLISHMENTS WHICH ENDANGER PUBLIC HEALTH AND FOR SUCH DESIGNATED ESTABLISHMENTS

Notice of Designation of Oregon Under the Federal Meat Inspection Act

Statement of considerations. Paragraph 301(c) of the Federal Meat Inspection Act (21 U.S.C. 661(c)) required the Secretary of Agriculture to designate promptly after December 15, 1969, any State as one in which the requirements

of titles I and IV of said Act shall apply to intrastate operations and transactions, and to persons, firms, and corporations engaged therein, with respect to meat products and other articles and animals subject to the Act, if he determined after consultation with the Governor of the State, or his representative, that the State involved had not developed and activated requirements, at least equal to those under titles I and IV, with respect to establishments within the State at which cattle, sheep, swine, goats, or equines are slaughtered, or their carcasses, or parts or products thereof, are prepared for use as human food, solely for distribution within such State. However, if the Secretary had reason to believe that the State would activate the necessary requirements within an additional year, he could allow the State 1 additional year in which to activate such requirements.

The Secretary had reason to believe, after consultation with the Governor of the State of Oregon that the State would develop and activate the prescribed requirements by December 15, 1970, and accordingly allowed the State the additional period of time for this purpose. However, the Secretary has now determined that Oregon has not developed and activated the prescribed requirements. Therefore, notice is hereby given that the Secretary of Agriculture designates said State under paragraph 301(c) of the Act. Upon the expiration of 30 days after publication of this notice in the FEDERAL REGISTER, the provisions of titles I and IV of said Act shall apply to intrastate operations and transactions in said State and persons, firms, and corporations engaged therein, to the same extent and in the same manner as if such operations and transactions were conducted in or for "commerce" within the meaning of the Act, and any establishment in Oregon which conducts any slaughtering or preparation of carcasses or parts or products thereof as described above must have Federal inspection or cease its operations, unless it qualifies for an exemption under paragraph 23(a) or 301(c) of the Act. The exemption provisions of the Act are very limited. Therefore, the operator of each such establishment who desires to continue such operations after designation of the State becomes effective should immediately communicate with the Regional Director for Meat and Poultry Inspection, as listed below, for information concerning the requirements and exemptions under the Act and application for inspection and survey of the establishment:

Dr. E. M. Christopherson, Director, 630 Sansome Street, Room 825, Appraisers Building, San Francisco, CA 94111, Telephone: Area Code 415, 556–8622.

Accordingly, § 331.2 of the regulations under the Federal Meat Inspection Act is amended pursuant to said Act by adding the following State name (in alphabetical order) and effective date of designation to the list set forth in said section:

State:	*Effective date of designation*
Oregon	June 18, 1971

This amendment of the regulations is necessary to reflect the determination of the Secretary of Agriculture under paragraph 301(c) of the Federal Meat Inspection Act. It does not appear that public participation in this rulemaking proceeding would make additional information available to the Secretary. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such public procedure is impracticable and unnecessary and good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

This amendment and the notice given hereby shall become effective upon publication in the FEDERAL REGISTER (5–18–71).

Done at Washington, D.C., on May 12, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc. 71–6913 Filed 5–17–71;8:52 am]

PART 331—SPECIAL PROVISIONS FOR DESIGNATED STATES AND TERRITORIES; AND FOR DESIGNATION OF ESTABLISHMENTS WHICH ENDANGER PUBLIC HEALTH AND FOR SUCH DESIGNATED ESTABLISHMENTS

Notice of Designation of Puerto Rico Under the Federal Meat Inspection Act

Statement of considerations. Paragraph 301(c) of the Federal Meat Inspection Act (21 U.S.C. 661(c)) required the Secretary of Agriculture to designate promptly after December 15, 1969, any State[1] as one in which the requirements of titles I and IV of said Act shall apply to intrastate operations and transactions, and to persons, firms, and corporations engaged therein, with respect to meat products and other articles and animals subject to the Act, if he determined after consultation with the Governor of the State, or his representative, that the State involved had not developed and activated requirements, at least equal to those under titles I and IV, with respect to establishments within the State at which cattle, sheep, swine, goats, or equines are slaughtered, or their carcasses, or parts or products thereof, are prepared for use as human food, solely for distribution within such State. However, if the Secretary had reason to believe that the State would activate the necessary requirements within an additional year, he could allow the State one additional year in which to activate such requirements.

The Secretary had reason to believe, after consultation with the Governor of the Commonwealth of Puerto Rico that the Commonwealth would develop and activate the prescribed requirements by December 15, 1970, and accordingly allowed the Commonwealth the additional period of time for this purpose. However, the Secretary has now determined that Puerto Rico has not developed and activated the prescribed requirements. Therefore, notice is hereby given that the Secretary of Agriculture designates said State under paragraph 301(c) of the Act. Upon the expiration of 30 days after publication of this notice in the FEDERAL REGISTER, the provisions of titles I and IV of said Act shall apply to intrastate operations and transactions in said State and persons, firms, and corporations engaged therein, to the same extent and in the same manner as if such operations and transactions were conducted in or for "commerce" within the meaning of the Act, and any establishment in Puerto Rico which conducts any slaughtering or preparation of carcasses or parts or products thereof as described above must have Federal inspection or cease its operations, unless it qualifies for an exemption under paragraph 23(a) or 301(c) of the Act. The exemption provisions of the Act are very limited. Therefore, the operator of each such establishment who desires to continue such operations after designation of the Commonwealth becomes effective should immediately communicate with the Regional Director for Meat and Poultry Inspection, as listed below, for information concerning the requirements and exemptions under the Act and application for inspection and survey of the establishment:

Dr. N. B. Isom, Acting Director, 1795 Peachtree Road NE., Room 206, Atlanta, GA 30309, Telephone: Area Code 404, 526–3911.

Accordingly, § 331.2 of the regulations under the Federal Meat Inspection Act is amended pursuant to said Act by adding the following State name (in alphabetical order) and effective date of designation to the list set forth in said section:

State:	*Effective date of designation*
Puerto Rico	June 18, 1971

This amendment of the regulations is necessary to reflect the determination of the Secretary of Agriculture under paragraph 301(c) of the Federal Meat Inspection Act. It does not appear that public participation in this rulemaking proceeding would make additional information available to the Secretary. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such public procedure is impracticable and unnecessary and good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

[1] As used in section 301 of the Act, the term "State" means any State of the United States, the Commonwealth of Puerto Rico, or any organized territory of the United States.

This amendment and the notice given hereby shall become effective upon publication in the FEDERAL REGISTER (5-18-71).

Done at Washington, D.C. on May 12, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-6914 Filed 5-17-71;8:52 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 70-WE-43-AD; Amdt. 39-1213]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 747 Series Airplanes

Amendment 39-1128 (35 F.R. 19170), AD 70-26-1, requires inspections and modifications of the passenger evacuation system on Boeing Model 747 Series Airplanes. Due to reports of malfunctions and service experience, the agency was studying additional inspections and/or modifications to the evacuation system while Amendment 39-1128 was being issued. The manufacturers were developing inspections and modifications for FAA-approved service bulletins. At a meeting on December 2, 1970, at the FAA Western Regional Office, with representatives of the Air Transport Association, various operators, The Boeing Co., and FAA personnel, an extensive review of the B-747 evacuation system inspection and modification program was made. Thereafter, the first part of the overall program was incorporated into AD 70-26-1. Coordination with the ATA, the operators, and the manufacturers was effected as additional service bulletins were approved, scheduling and parts availability problems reviewed.

The agency has determined that further inspections and/or modifications of the passenger evacuation system are necessary to substantially reduce the possibility of malfunctions and improve the overall reliability of the passenger evacuation system. Therefore, Amendment 39-1128, AD 70-26-1, is being amended to require additional inspections and/or modifications.

Since a situation exists that requires immediate adoption of the regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days. In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1128 (35 F.R. 19170), AD 70-26-1, is amended by adding the following paragraphs:

(c) Within the next 500 hours' time in service after the effective date of this amendment to AD 70-26-1, and thereafter at intervals not to exceed 500 hours' time in service from the last determination, until the guide arm elbow pin is modified in a manner approved by the Chief, Aircraft Engineering Division, FAA Western Region, adjust the torque of nut P/N 69B11101-1, -2, or -3, located within the guide arm of the 10 passenger cabin doors, to 125-150 inch-pounds, or equivalent procedures approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(d) Within the next 500 hours' time in service after the effective date of this amendment to AD 70-26-1, unless already accomplished, inspect the 10 passenger cabin doors per Part I of Boeing Service Bulletin 25-2092, Revision 3, dated April 30, 1971, or later FAA approved revisions, or an equivalent inspection procedure approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(1) If this inspection per Part I establishes either that the overall distance between the stop tabs on the floor attachment fittings is within the limits of Figure 1, View AA, or that the overlap between the forward face of the slider barlock and forward floor attachment bracket is 0.25 inch or greater, no further action is required.

(2) If neither of the two conditions described in (d)(1), above, is established by the inspection per Part I of the Service Bulletin, accomplish the modification described in Parts II or III of the Service Bulletin or later FAA approved revisions, within 500 hours' time in service from the effective date of this amendment to AD 70-26-1, unless already accomplished, or equivalent modifications approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(3) If the operator elects to perform Part II, and thereafter the operator modifies, alters, repairs, or replaces a girt bar, a floor fitting, or floor fitting support, repeat Part I and, if necessary, Part II, prior to further flight or within 500 hours' time in service from the effective date of this amendment to AD 70-26-1, whichever occurs later. Alternately, the operator may elect to perform Part III at this time as terminating action.

(4) If the operator elects to perform Part III rather than Part II, as described in (d)(2), above, the Part III modification must be accomplished within 500 hours' time in service from the effective date of this amendment to AD 70-26-1.

(5) If the operator elects to perform Part II, per (d)(2), above, and further, if an adequate control procedure is approved by an FAA Principal Maintenance Inspector, Part III must be accomplished within 9,000 hours' time in service after the effective date of this amendment to AD 70-26-1. This control procedure must assure that Part I and, if necessary, Part II are accomplished before further flight if the girt bar, a floor fitting or the floor fitting support is modified, altered, repaired or replaced. This control procedure may be discontinued when Part III is accomplished. Part III, whenever accomplished, constitute terminating action.

(e) Within the next 2,000 hours' time in service after the effective date of this amendment to AD 70-26-1, unless already accomplished, modify the passenger evacuation system in accordance with the following service bulletins, or later FAA-approved revisions, or equivalent modifications approved by the Chief, Aircraft Engineering Division, FAA Western Region:

Boeing Service Bulletin 52-2022, dated Oct. 1, 1970.

Boeing Service Bulletin 52-2024, Rev. 1, dated Mar. 5, 1971.

Boeing Service Bulletin 52-2043, dated Dec. 15, 1970.

(f) Within the next 3,000 hours' time in service after the effective date of this amendment to AD 70-26-1, unless already accomplished, modify the passenger evacuation system in accordance with the following service bulletins, or later FAA-approved revisions, or equivalent modifications approved by the Chief, Aircraft Engineering Division, FAA Western Region:

Boeing Service Bulletin 25-2133, dated Jan. 26, 1971.

B. F. Goodrich Service Bulletin 25-018, dated Jan. 22, 1971.

(g) Within the next 5,000 hours' time in service after the effective date of this amendment to AD 70-26-1, unless already accomplished, modify the passenger evacuation system in accordance with the following service bulletin, or later FAA-approved revisions, or equivalent modifications approved by the Chief, Aircraft Engineering Division, FAA Western Region:

B. F. Goodrich Service Bulletin 25-016, dated Dec. 1, 1970.

The amendment becomes effective May 18, 1971.

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

Issued in Los Angeles, Calif. on May 6, 1971.

LEE E. WARREN,
Acting Director, Western Region.

[FR Doc.71-6897 Filed 5-17-71;8:50 am]

[Docket No. 71-EA-17; Admt. 39-1212]

PART 39—AIRWORTHINESS DIRECTIVES

DeHavilland Aircraft

The Federal Aviation Administration is amending § 39.13 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to DeHavilland DHC-6 type aircraft.

There has been a determination that certain electrical wiring circuits were deficient in that they were susceptible to overloading under fault conditions. Since the foregoing deficiency could exist or develop in other aircraft of similar type design, an airworthiness directive is being issued which will require an increase in circuit wire sizes, changes in or installation of circuit breakers.

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

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

DEHAVILLAND AIRCRAFT OF CANADA, LTD. Applies to DeHavilland Model DHC-6 Airplanes certificated in all categories.

Compliance required within the next 500 hours time in service after the effective date of this AD unless already accomplished.

To provide adequate protection for particular circuit wires, accomplish the following in accordance with the instructions contained in DHC Service Bulletin No. 6/245 dated October 9, 1970:

(a) Alter airplanes, S/Ns 6 through 289, except S/Ns 176, 221, 233, 268, and 286, by incorporating DHC Modification No. 6/1369;

(b) Alter airplanes, S/Ns 1 through 289, except S/Ns 176, 233, 268, and 286, by incorporating DHC Modification No. 6/1370;

(c) Alter airplanes, S/Ns 6 through 289, except S/Ns 176, 221, 233, 268, and 286, by incorporating RHC Modification No. 6/1371. Modification No. 6/1371 is applicable only to those airplanes in which DHC Modification No. 6/1053 has been incorporated;

(d) Alter airplanes, S/Ns 136 through 289, except S/Ns 176, 221, 233, 268, and 286, by incorporating DHC Modification No. 6/1372;

(e) Alter airplanes, S/Ns 136 through 289, by incorporating DHC Modification No. 6/1389.

Equivalent alterations may be used provided they are approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

Upon request with substantiation data submitted through an FAA maintenance inspector, the compliance time specified in this AD may be increased by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

This amendment is effective May 19, 1971.

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

Issued in Jamaica, N.Y., on May 4, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[FR Doc.71-6898 Filed 5-17-71; 8:50 am]

[Docket No. 71-EA-57; Amdt. 39-1209]

PART 39—AIRWORTHINESS DIRECTIVES

Fairchild Hiller Aircraft

The Federal Aviation Administration is amending Section 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Fairchild Hiller FH-1100 type helicopters.

There has been a report of a failure of an extended stabilizer in flight. Because of a need for immediate corrective action, an airmail letter dated March 9, 1971 amended by airmail letter of March 25, 1971, was dispatched to all known owners and operators of FH-1100 type helicopters making this airworthiness directive effective immediately. The same need for corrective action still exists.

Since expeditious publication is required, notice and public procedure hereon are impracticable and cause exists for making this amendment effective in less than 30 days.

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

1. A. Before the next flight, install the following placard in the cockpit in full view of the pilot: "VNE NOT TO EXCEED 80 MPH IAS".

B. Remove placard "VNE NOT TO EXCEED 80 MPH IAS" on helicopters with stabilizers modified in accordance with 2 below.

2. Within the next 100 hours' time in service after receipt of this message, unless already accomplished, modify stabilizers, P/N 24 62001 and P/N 24 62001 31, in accordance with section 2 of Fairchild Hiller Service Bulletin FH 1100 62 6 dated March 18, 1971, or later approved revision or an equivalent modification approved by Chief, Engineering and Manufacturing Branch, Eastern Region.

This amendment is effective May 19, 1971, and was effective for all recipients of the airmail letter of March 9, 1971, and amending airmail letter of March 25, 1971, upon receipt.

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

Issued in Jamaica, N.Y., on May 4, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[FR Doc.71-6899 Filed 5-17-71; 8:50 am]

[Docket No. 71-EA-66; Amdt. 39-1208]

PART 39—AIRWORTHINESS DIRECTIVES

Lycoming Aircraft Engines

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Lycoming Model IO-360A and C series aircraft engines.

There have been reports of exhaust valve failures which have been attributed to the use of P/N 76290 tappet plunger assemblies. Since this is a deficiency which can exist or develop in similar type design engines, an airworthiness directive is being issued which will require the replacement of such assemblies.

Since the foregoing situation requires the expeditious adoption of the amendment, notice and public procedure hereon are impractical and the amendment may be made effective in less than 30 days.

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

AVCO LYCOMING. Applies to all IO-360-A and -C series engines with serial numbers 1734-51A through 4412-51A and all such series engines remanufactured between September 1, 1965, and October 11, 1967.

Compliance required as indicated, unless already accomplished.

To prevent exhaust valve failures replace the hydraulic tappet plunger assembly P/N 76290 with P/N 78290 at the time in service specified below:

(a) Engines with less than 400 hours in service on P/N 76290 as of the effective date of this AD, shall comply prior to the accumulation of 450 hours in service.

(b) Engines with 400 or more hours in service on P/N 76290 as of the effective date of this AD shall comply within the next 50 hours in service.

(NOTE: Lycoming Service Bulletin No. 328 covers this subject).

This amendment is effective May 19, 1971.

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

Issued in Jamaica, N.Y., on May 4, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[FR Doc. 71-6901 Filed 5-17-71; 8:50 am]

[Docket No. 71-EA-58; Amdt. 39-211]

PART 39—AIRWORTHINESS DIRECTIVES

Pratt & Whitney Aircraft Engines

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to amend AD 71-6-3 applicable to Pratt & Whitney JT4A type airplane engines.

The purpose of this amendment is to add additional serial numbers to the existing airworthiness directive. Because of the need for immediate corrective action, a telegram dated March 12, 1971, was dispatched to all known owners and operators of aircraft incorporating the type engine, making this airworthiness directive immediately effective. The need for corrective action still exists and this airworthiness directive is being published in the FEDERAL REGISTER.

Since expeditious publication is required, notice and public procedure hereon are impractical and cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by amending AD 71-6-3 as follows:

1. Insert in the applicability statement the following additional serial numbers and a following parenthetical note.

5F7645	6F7502
5F7646	6F7504
5F8544 through 5F8547	6F7949
	6F8168
5F8550 through 5F8553	6F8198
	6F8362
5F8558	6F9707
5F8576	6F9739
5F8577	6F9751
5F8581 through 5F8584	6F9753 through 6F9759
5F8587	6F9760 through 6F9765
5F8588	
5F8695	6F9846
6F7206	6F9853
6F7207	6F9861
6F7210	6F9866
6F7214	7F0156
6F7218	7F0480
6F7501	7F0556

Pratt & Whitney Aircraft telegram PSE/RS/1-3-10-1 covers this same subject.

This amendment is effective May 19, 1971, and was effective for all recipients

of the telegram dated March 12, 1971, which contained this amendment.

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

Issued in Jamaica, N.Y., on May 4, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[FR Doc.71-6900 Filed 5-17-71;8:50 am]

[Docket No. 71-EA-81; Amdt. 39-1207]

PART 39—AIRWORTHINESS DIRECTIVES

Wood Electric

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to amend AD70-22-4, applicable to Wood Electric Circuit Breakers.

Through inadvertence, two service bulletins found in the parenthetical statement were printed in error and this amendment will correct the errors. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by amending AD70-22-4 by deleting references to Service Bulletin 2963 and 24-1010 and inserting in lieu thereof Service Bulletin 2693 and 24-1019 respectively.

This amendment is effective May 19, 1971.

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

Issued in Jamaica, N.Y., on May 4, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[FR Doc.71-6903 Filed 5-17-71;8:51 am]

[Docket No. 71-EA-80; Amdt. 39-1210]

PART 39—AIRWORTHINESS DIRECTIVES

Wright Aircraft Engines

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to amend AD 60-8-5 applicable to Wright TC18DA and TC18EA aircraft engines.

AD 60-8-5 was published at a time when the TC18 type engine was used primarily in transport category aircraft and, therefore, the inspecton required could be phased with the mandatory overhaul times of the air carrier's manual. Since that time, the engine appears primarily in general aviation usage and, therefore, without the benefit of a mandatory maintenance manual. This AD will, therefore, change the criteria to a basic hourly repetitive inspection.

Because the foregoing concerns an inspection which concerns itself with an unairworthy feature, cause exists for expeditious adoption of the amendment and, therefore, notice and public procedure hereon are impractical and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by amending AD 60-8-5 as follows:

1. In paragraph (a) delete the words "regular periodic inspection" and insert therefor "100 hours' time in service".

2. In paragraph (d) delete the words "some interval between regular periodic inspections" and insert therefor "50 hours after every inspection required in paragraph (a)".

3. Add the following paragraph (e): "Upon submission of substantiating data through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, Eastern Region, may adjust the inspection intervals.

This amendment is effective May 19, 1971.

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

Issued in Jamaica, N.Y., on May 4, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[FR Doc.71-6902 Filed 5-17-71;8:51 am]

[Docket No. 11019; Amdt. 756]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 F.R. 5610).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20590. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, DC 20590, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAPs, effective June 10, 1971:

Detroit Lakes, Minn.—Detroit Lakes Municipal Airport; VOR Runway 13, Original; Established.
Fort Wayne, Ind.—Municipal (Baer Field) Airport; VOR Runway 4, Amdt. 9; Revised.
Frankfort, Ky.—Capital City Airport; VOR Runway 6, Amdt. 1; Revised.
Liberty, Tex.—Municipal Airport; VOR-A, Original; Established.
Middleton Island, Alaska.—Middleton Island Airport; VOR Runway 19, Amdt. 4; Revised.
New Haven, Conn.—Tweed-New Haven Airport; VOR Runway 2, Amdt. 12; Revised.
Plattsburgh, N.Y.—Clinton County Airport; VOR-A, Amdt. 11; Revised.
Texarkana, Ark.—Texarkana Municipal/Webb Field; VOR Runway 13, Amdt. 8; Revised.
Warsaw, Ind.—Warsaw Municipal Airport; VOR-1, Amdt. 1; Canceled.
Warsaw, Ind.—Warsaw Municipal Airport; VOR Runway 18, Original; Established.
Warsaw, Ind.—Warsaw Municipal Airport; VOR Runway 36, Original; Established.
Wellsboro, Pa.—Grand Canyon State Airport; VOR-A, Amdt. 2; Revised.

2. Section 97.25 is amended by establishing, revising, or canceling the following LOC-LDA SIAPs, effective June 10, 1971:

Fort Wayne, Ind.—Municipal (Baer Field) Airport; LOC Runway 4, Amdt. 1; Revised.
Middletown, Pa.—Olmsted State Airport; LOC (BC) Runway 31, Amdt. 2; Revised.
Sitka, Alaska—Sitka Airport; LOC/DME Runway 11, Amdt. 3; Revised.
Texarkana, Ark.—Texarkana Municipal/Webb Field; LOC (BC) Runway 4, Original; Established.

3. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAPs, effective June 10, 1971:

Denton, Tex.—Denton Municipal Airport; NDB Runway 17, Original; Established.
Moen Island, Trust Territory—Truk Airport; NDB-A, Original; Established.
Quakertown, Pa.—Upper Bucks County Airport; NDB Runway 29, Amdt. 5; Revised.
Texarkana, Ark.—Texarkana Municipal/Webb Field; NDB Runway 22, Amdt. 1; Revised.
Youngstown, Ohio—Lansdowne Airport; NDB-A, Amdt. 2; Revised.

4. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs, effective June 10, 1971:

Keene, N.H.—Dillant-Hopkins Airport; ILS Runway 2, Amdt. 4; Revised.
Lancaster, Pa.—Lancaster Airport; ILS Runway 8, Amdt. 1; Revised.
Middletown, Pa.—Olmsted State Airport; ILS Runway 13, Amdt. 3; Revised.
Panama City, Fla.—Panama City-Bay County Airport; ILS Runway 14, Amdt. 3; Revised.
Texarkana, Ark.—Texarkana Municipal/Webb Field; ILS Runway 22, Amdt. 1; Revised.

5. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAPs, effective June 10, 1971:

Fort Wayne, Ind.—Municipal (Baer Field) Airport; Radar-1, Amdt. 7; Revised.
Middletown, Pa.—Olmsted State Airport; Radar-1, Amdt. 1; Revised.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c), 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on May 5, 1971.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 F.R. 5610) May 12, 1969.

[FR Doc.71-6789 Filed 5-17-71;8:45 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

PART 2—NONADJUDICATIVE PROCEDURES

Subpart A—Investigations

CHANGE IN DESIGNATION OF FIELD OFFICES

The Commission announces the following amendments in Part 2 of Chapter I of Title 16 of the Code of Federal Regulations. These amendments shall become effective on the date of their publication in the FEDERAL REGISTER (5-18-71).

§ 2.1 [Amended]

In § 2.1, the second sentence, reading "The Commission has delegated to the Directors and Assistant Directors of the Bureaus of Competition and Consumer Protection, and the Attorneys in Charge and Assistant Attorneys in Charge of the Commission's field offices, without power of redelegation, limited authority to initiate investigations", is amended to read as follows: "The Commission has delegated to the Directors and Assistant Directors of the Bureaus of Competition and Consumer Protection, and the Regional Directors and Assistant Regional Directors of the Commission's regional offices, without power of redelegation, limited authority to initiate investigations."

Section 2.7 (a) and (b) of Subpart A of Part 2 are amended to read as follows:

§ 2.7 Subpoenas in investigations.

(a) The Commission or any member thereof may issue a subpoena, directing the person named therein to appear before a designated representative at a designated time and place to testify or to produce documentary evidence, or both, relating to any matter under investigation by the Commission. The Directors and Assistant Directors of the Bureaus of Competition, Consumer Protection, and Economics, and the Regional Directors and Assistant Regional Directors of the Commission's regional offices, pursuant to delegation of authority by the Commission, without power of redelegation, also may issue investigational subpoenas, and, for good cause shown, may extend the time prescribed for compliance with subpoenas issued during the investigation of any matter. The Director, Assistant Director, Regional Director, or Assistant Regional Director, who issues any subpoena under this section is authorized to negotiate and approve the terms of satisfactory compliance therewith.

(b) Any motion to limit or quash any investigational subpoena shall be filed with the Secretary of the Commission within ten (10) days after service of the subpoena, or, if the return date is less than ten (10) days after service of the subpoena, within such other time as may be allowed. All motions to limit or quash any investigational subpoenas shall be ruled upon by the Commission itself, but the above-designated Directors, Assistant Directors, Regional Directors and Assistant Regional Directors are delegated, without power of redelegation, the authority to rule upon motions for extensions of time within which to file motions to limit or quash any investigational subpoenas.

Section 2.11 (a) and (b) of Subpart A of Part 2 are amended to read as follows:

§ 2.11 Orders requiring access.

(a) The Commission may issue an order requiring any corporation being investigated to grant access to files for the purpose of examination and the right to copy any documentary evidence. The Directors and Assistant Directors of the Bureaus of Competition, Consumer Protection, and Economics and the Regional Directors and Assistant Regional Directors of the Commission's regional offices, pursuant to delegation of authority by the Commission, without power of redelegation, are authorized, for good cause shown, to extend the time prescribed for compliance with orders requiring access issued during the investigation of any matter.

(b) Any motion to limit or quash an order requiring access shall be filed with the Secretary of the Commission within ten (10) days after service of the order, or, if the date for compliance is less than ten (10) days after service of the order, within such other time as may be allowed. All motions to limit or quash orders requiring access shall be ruled upon by the Commission itself, but the above-designated Directors, Assistant Directors, Regional Directors and Assistant Regional Directors are delegated, without power of redelegation, the authority to rule upon motions for extensions of time within which to file motions to limit or quash orders requiring access.

Section 2.12 (a) and (b) of Subpart A of Part 2 are amended to read as follows:

§ 2.12 Reports.

(a) The Commission may issue an order requiring a corporation to file a report or answers in writing to specific questions relating to any matter under investigation. The Directors and Assistant Directors of the Bureaus of Competition, Consumer Protection, and Economics, and the Regional Directors and Assistant Regional Directors of the Commission's regional offices, pursuant to delegation of authority by the Commission, without power of redelegation, are authorized, for good cause shown, to extend the time prescribed for compliance with orders requiring reports or answers to questions issued during the investigation of any matter.

(b) Any motion to limit or quash an order requiring a report or answers to specific questions shall be filed with the Secretary of the Commission within ten (10) days after service of the order, or, if the date for compliance is less than ten (10) days after service of the order, within such other time as may be allowed. All motions to limit or quash orders requiring reports or answers to qustions shall be ruled upon by the Commission itself, but the above-designated Directors, Assistant Directors, Regional Directors and Assistant Regional Directors are delegated, without power of redelegation, the authority to rule upon motions for extensions of time within which to file motions to limit or quash orders requiring reports or answers to questions.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46)

By direction of the Commission dated May 12, 1971.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.71-6861 Filed 5-17-71;8:47 am]

PART 3—RULES OF PRACTICE FOR ADJUDICATIVE PROCEEDINGS

Subpart G—Reports of Compliance

DELEGATION OF AUTHORITY

The Commission announces the following amendments to Chapter I of Title 16 of the Code of Federal Regulations. These amendments are effective on the date of their publication in the FEDERAL REGISTER (5-18-71).

1. In § 3.61, paragraphs numbered (b), (c), (d), and (e) are renumbered as (c), (d), (e), and (f).

2. New paragraph (b) is added to § 3.61, reading as follows:

§ 3.61 Reports of compliance.

* * * * *

(b) The Commission has delegated to the Directors of the Bureaus of Competition and Consumer Protection, without power of redelegation, the authority to approve compliance reports, reject compliance reports, and to close compliance investigations. This delegation does not apply to compliance with orders involving section 7 of the Clayton Act, to any matter which has received previous Commission consideration as to compliance or in which the Commission or any Commissioner has expressed an interest, any matter proposed to be closed by reason of expense of investigation or testing, or any matter involving substantial questions as to the public interest, Commission policy or statutory construction, in each of which type of case a report with recommendation will be made to the Commission. The approvals, rejections, and closings shall not be effective until the file relating to the subject matter has been transmitted to the Secretary and he shall have advised the Commission of the Bureau Director's determination and no one member within five (5) working days thereafter shall have objected to such determination. If upon the expiration of such 5-day period no Commissioner shall have objected, the Secretary shall enter upon the records of the Commission the determination of the matter and take such other action as is required.

* * * * *

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46)

By direction of the Commission dated May 12, 1971.

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

[FR Doc.71-6862 Filed 5-17-71;8:47 am]

PART 4—MISCELLANEOUS RULES

Public Records

The Commission announces the following amendments to Chapter I of Title 16 of the Code of Federal Regulations. These amendments are effective on the date of their publication in the FEDERAL REGISTER (5-18-71).

Section 4.9 (e)(13) and (g) are amended to read as follows:

§ 4.9 Public records.

* * * * *

(e) * * *

(13) Requests for advice concerning proposed mergers and applications for approval of proposed divestitures, acquisitions, or similar transactions subject to Commission review under outstanding orders, together with supporting materials and communications with respect to such proposed transactions received by any member of the Commission and any employee involved in the decisional process, to the extent that such requests, applications, and materials are made public under §§ 1.4(b) and 3.61(f) of this chapter; objections or comments with respect thereto which are filed for the public record; and any advice or response given and made public under §§ 1.4(b) and 3.61(f) of this chapter, together with a statement of supporting reasons.

* * * * *

(g) Reports of compliance and supplemental materials filed in connection with Commission orders requiring divestitures or establishment of business enterprises or facilities, save those otherwise specifically dealt with in § 3.61(f) of this chapter and paragraph (e)(13) of this section, shall be confidential until the last such divestiture or establishment of a business enterprise or facility, as required by a particular order, has been finally approved by the Commission. At the time each such report is submitted the filing party may request continuing confidentiality in whole or in part and submit satisfactory reason therefor, and the Commission with due regard for statutory restrictions, its rules and the public interest will pass upon such request.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46)

By direction of the Commission dated May 12, 1971.

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

[FR Doc.71-6863 Filed 5-17-71;8:47 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 71-130]

PART 153—ANTIDUMPING

Clear Plate and Float Glass From Japan

MAY 7, 1971.

The Secretary of the Treasury makes public a finding of dumping with respect to clear plate and float glass from Japan. Section 153.43, Customs Regulations, amended.

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the Secretary of the Treasury responsibility for determination of sales at less than fair value. Pursuant to such authority the Secretary of the Treasury has determined that clear plate and float glass from Japan is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). (Published in the FEDERAL REGISTER of January 9, 1971 (36 F.R. 332, F.R. Doc. 71-283)).

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the U.S. Tariff Commission responsibility for determination of injury or likelihood of injury. The U.S. Tariff Commission has determined, and on April 7, 1971, it notified the Secretary of the Treasury, that an industry in the United States is being, or is likely to be, injured or prevented from being established by reason of the importation of clear plate and float glass from Japan sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. (Published in the FEDERAL REGISTER of April 17, 1971 (36 F.R. 7330, F.R. Doc. 71-5355)).

On behalf of the Secretary of the Treasury, I hereby make public these determinations, which constitute a finding of dumping with respect to clear plate and float glass from Japan.

Section 153.4 3of the Customs Regulations is amended by adding the following to the list of findings of dumping currently in effect:

Merchandise	Country	T.D.
Clear plate and float glass	Japan	71-130

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173)

[SEAL] EUGENE T. ROSSIDES, *Assistant Secretary of the Treasury.*

[FR Doc.71-6905 Filed 5-17-71;8:51 am]

[T.D. 71-129]

PART 153—ANTIDUMPING

Ceramic Wall Tile From United Kingdom

MAY 6, 1971.

The Secretary of the Treasury makes public a finding of dumping with respect to ceramic wall tile from the United Kingdom. Section 153.43, Customs Regulations, amended.

Section 201(a) of the Antidumping Act 1921, as amended (19 U.S.C. 160(a)), gives the Secretary of the Treasury responsibility for determination of sales at less than fair value. Pursuant to such authority the Secretary of the Treasury has determined that ceramic wall tile from the United Kingdom is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). (Published in the FEDERAL REGISTER of January 9, 1971 (36 F.R. 331, F.R. Doc. 71-282))

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the U.S. Tariff Commission responsibility for determination of injury or likelihood of injury. The U.S. Tariff Commission has determined, and on April 7, 1971, it notified the Secretary of the Treasury that an industry in the United States is being injured by reason of the importation of ceramic wall tile from the United Kingdom sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. (Published in the FEDERAL REGISTER of April 13, 1971 (36 F.R. 736, F.R. Doc. 71-5111))

On behalf of the Secretary of the Treasury, I hereby make public these determinations, which constitute a finding of dumping with respect to ceramic wall tile from the United Kingdom.

Section 153.43 of the Customs Regulations is amended by adding the following to the list of findings of dumping currently in effect:

Merchandise	Country	T.D.
Ceramic wall tile	United Kingdom	71-129

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173)

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-6906 Filed 5-17-71;8:51 am]

[T.D. 71-131]

PART 153—ANTIDUMPING

Clear Sheet Glass From Japan

MAY 7, 1971.

The Secretary of the Treasury makes public a finding of dumping with respect to clear sheet glass from Japan. Section 153.43, Customs Regulations, amended.

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the Secretary of the Treasury responsibility for determination of sales at less than fair value. Pursuant to such authority the Secretary of the Treasury has determined that clear sheet glass from Japan is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). (Published in the FEDERAL REGISTER of January 9, 1971 (36 F.R. 333, F.R. Doc. 71-321)).

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the U.S. Tariff Commission responsibility for determination of injury or likelihood of injury. The U.S. Tariff Commission has determined, and on April 7, 1971, it notified the Secretary of the Treasury that an industry in the United States is being, or is likely to be, injured or prevented from being established by reason of the importation of clear sheet glass from Japan sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. (Published in the FEDERAL REGISTER of April 17, 1971 (36 F.R. 7330, F.R. Doc. 71-5355)).

On behalf of the Secretary of the Treasury, I hereby make public these determinations, which constitute a finding of dumping with respect to clear sheet glass from Japan.

Section 153.43 of the Customs Regulations is amended by adding the following to the list of findings of dumping currently in effect:

Merchandise	Country	T.D.
Clear sheet glass	Japan	71-131

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173)

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-6907 Filed 5-17-71;8:51 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 25—DRESSINGS FOR FOOD

French Dressing Identity Standard; Order Listing Xanthan Gum as Optional Ingredient

In the matter of amending the standard of identity for french dressing (21 CFR 25.2) to permit the use of xanthan gum as an optional emulsifying ingredient:

A notice of proposed rule making in the above-identified matter was published in the FEDERAL REGISTER of January 19, 1971 (36 F.R. 829), based on a petition submitted jointly by Anderson Clayton Foods, 3333 North Central Expressway, Richardson, Tex. 75080; The Kroger Co., 1240 State Avenue, Cincinnati, Ohio 45204; Leslie Foods, Inc., 575 Independent Road, Oakland, Calif. 94566; Thomas J. Lipton, Inc., 800 Sylvan Avenue, Englewood Cliffs, N.J. 07632; and Kelco Co. 1010 Second Avenue, San Diego, Calif. 92101.

The only comment received in response to the proposal favored it.

On the basis of information submitted in the petition, the comment received, and other relevant information, the Commissioner concludes that adopting the proposal will promote honesty and fair dealing in the interest of consumers.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered*, That § 25.2(c)(1) be revised to read as follows:

§ 25.2 French dressing; identity; label statement of optional ingredients.

* * * * *

(c) * * *

(1) Gum acacia (also called gum arabic), carob bean gum (also called locust bean gum), guar gum, gum karaya, gum tragacanth, extract of Irish moss, pectin, propylene glycol ester of alginic acid, xanthan gum complying with the requirements of § 121.1224 of this chapter, sodium carboxymethylcellulose (cellulose gum), methylcellulose U.S.P. (methoxy content not less than 27.5 percent and not more than 31.5 percent on a dry-weight basis), hydroxypropyl methylcellulose, or any mixture of two or more of these, or any of the foregoing with calcium carbonate or sodium hexametaphosphate, or both.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days after its date of publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be given by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: May 6, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-6843 Filed 5-17-71;8:45 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7116]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

PART 13—TEMPORARY INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1969

Amortization of Pollution Control Facilities

On December 29, 1970, there was published in the FEDERAL REGISTER (35 F.R. 19672) a notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) to conform such regulations to section 169 of the Internal Revenue Code of 1954, relating to amortization of pollution control facilities, as added by section 704 of the Tax Reform Act of 1969 (Public Law 91-172, 83 Stat. 667). After consideration of all such relevant matters as were presented by interested persons regarding the rules proposed, the amendment to the regulations as proposed is hereby adopted, subject to the changes set forth below. Section 1.169-4 of the regulations hereby adopted supersedes those provisions of § 13.0 of this chapter relating to section 169(b) of the Code, which were prescribed by T.D. 7032, approved March 9, 1970 (35 F.R. 4330).

PARAGRAPH 1. Section 1.169-1 as set forth in paragraph 2 of the notice of

proposed rule making is changed by revising subparagraph (6) of paragraph (a), by adding subparagraph (7) to paragraph (a), and by revising example (1) of paragraph (b).

PAR. 2. Section 1.169–2, as set forth in paragraph 2 of the notice of proposed rule making, is changed by revising paragraph (a), by revising subparagraph (1) of paragraph (b), by revising subparagraph (2) of paragraph (b) by revising subdivision (ii) thereof, by deleting subdivision (iii) thereof, by redesignating subdivision (iv) thereof as subdivision (iii) and revising so much of such subdivision redesignated as (iii) as precedes (a) thereof, by redesignating subdivision (v) as subdivision (iv) and revising so much of such subdivision redesignated as (iv) as precedes (a) thereof, by revising so much of paragraph (c) (1) as precedes subdivision (i) thereof, by revising subparagraphs (1) (ii) and (2) of paragraph (c), and by revising paragraph (d).

PAR. 3. Section 1.169–3 as set forth in paragraph (2) of the notice of proposed rule making, is changed by revising paragraph (a), by revising subparagraph (1) of paragraph (b), by revising paragraphs (c) and (d), by redesignating the example in paragraph (e) as example (1) and revising it, and by adding example (2) to paragraph (e).

PAR. 4. Section 1.169–4, as set forth in paragraph 2 of the notice of proposed rule making, is changed by revising subparagraphs (1) and (2) of paragraph (a) and by revising subparagraph (1) of paragraph (b).

(Sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

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

Approved: May 13, 1971.

JOHN S. NOLAN,
Acting Assistant Secretary of the Treasury.

PARAGRAPH 1. Section 1.169 is amended by deleting section 169 and adding a new section 169 and a historical note to read as follows:

§ 1.169 Statutory provisions; amortization of pollution control facilities.

Sec. 169. *Amortization of pollution control facilities*—(a) *Allowance of deduction.* Every person, at his election, shall be entitled to a deduction with respect to the amortization of the amortizable basis of any certified pollution control facility (as defined in subsection (d)), based on a period of 60 months. Such amortization deduction shall be an amount, with respect to each month of such period within the taxable year, equal to the amortizable basis of the pollution control facility at the end of such month divided by the number of months (including the month for which the deduction is computed) remaining in the period. Such amortizable basis at the end of the month shall be computed without regard to the amortization deduction for such month. The amortization deduction provided by this section with respect to any month shall be in lieu of the depreciation deduction with respect to such pollution control facility for such month provided by section 167. The 60-month period shall begin, as to any pollution control facility, at the election of the taxpayer, with the month following the month in which such facility was completed or acquired, or with the succeeding taxable year.

(b) *Election of amortization.* The election of the taxpayer to take the amortization deduction and to begin the 60-month period with the month following the month in which the facility is completed or acquired, or with the taxable year succeeding the taxable year in which such facility is completed or acquired, shall be made by filing with the Secretary or his delegate, in such manner, in such form, and within such time, as the Secretary or his delegate may by regulations prescribe, a statement of such election.

(c) *Termination of amortization deduction.* A taxpayer which has elected under subsection (b) to take the amortization deduction provided in subsection (a) may, at any time after making such election, discontinue the amortization deduction with respect to the remainder of the amortization period, such discontinuance to begin as of the beginning of any month specified by the taxpayer in a notice in writing filed with the Secretary or his delegate before the beginning of such month. The depreciation deduction provided under section 167 shall be allowed, beginning with the first month as to which the amortization deduction does not apply, and the taxpayer shall not be entitled to any further amortization deduction under this section with respect to such pollution control facility.

(d) *Definitions.* For purposes of this section—

(1) *Certified pollution control facility.* The term "certified pollution control facility" means a new identifiable treatment facility which is used, in connection with a plant or other property in operation before January 1, 1969, to abate or control water or atmospheric pollution or contamination by removing, altering, disposing, or storing of pollutants, contaminants, wastes, or heat and which—

(A) The State certifying authority having jurisdiction with respect to such facility has certified to the Federal certifying authority as having been constructed, reconstructed, erected, or acquired in conformity with the State program or requirements for abatement or control of water or atmospheric pollution or contamination; and

(B) The Federal certifying authority has certified to the Secretary or his delegate (i) as being in compliance with the applicable regulations of Federal agencies and (ii) as being in furtherance of the general policy of the United States for cooperation with the States in the prevention and abatement of water pollution under the Federal Water Pollution Control Act, as amended (33 U.S.C. 466 et seq.), or in the prevention and abatement of atmospheric pollution and contamination under the Clean Air Act, as amended (42 U.S.C. 1857 et seq.).

(2) *State certifying authority.* The term "State certifying authority" means, in the case of water pollution, the State water pollution control agency as defined in section 13(a) of the Federal Water Pollution Control Act and, in the case of air pollution, the air pollution control agency as defined in section 302(b) of the Clean Air Act. The term "State certifying authority" includes any interstate agency authorized to act in place of a certifying authority of the State.

(3) *Federal certifying authority.* The term "Federal certifying authority" means, in the case of water pollution, the Secretary of the Interior and, in the case of air pollution, the Secretary of Health, Education, and Welfare.

(4) *New identifiable treatment facility.* For purposes of paragraph (1), the term "new identifiable treatment facility" includes only tangible property (not including a building and its structural components, other than a building which is exclusively a treatment facility) which is of a character subject to the allowance for depreciation provided in section 167, which is identifiable as a treatment facility, and which—

(A) Is property—

(i) The construction, reconstruction, or erection of which is completed by the taxpayer after December 31, 1968, or

(ii) Acquired after December 31, 1968, if the original use of the property commences with the taxpayer and commences after such date, and

(B) Is placed in service by the taxpayer before January 1, 1975.

In applying this section in the case of property described in clause (i) of subparagraph (A), there shall be taken into account only that portion of the basis which is properly attributable to construction, reconstruction, or erection after December 31, 1968.

(e) *Profitmaking abatement works, etc.* The Federal certifying authority shall not certify any property under subsection (d) (1) (B) to the extent it appears that by reason of profits derived through the recovery of wastes or otherwise in the operation of such property, its costs will be recovered over its actual useful life.

(f) *Amortizable basis*—(1) *Defined.* For purposes of this section, the term "amortizable basis" means that portion of the adjusted basis (for determining gain) of a certified pollution control facility which may be amortized under this section.

(2) *Special rules.*—

(A) If a certified pollution control facility has a useful life (determined as of the first day of the first month for which a deduction is allowable under this section) in excess of 15 years, the amortizable basis of such facility shall be equal to an amount which bears the same ratio to the portion of the adjusted basis of such facility, which would be eligible for amortization but for the application of this subparagraph, as 15 bears to the number of years of useful life of such facility.

(B) The amortizable basis of a certified pollution control facility with respect to which an election under this section is in effect shall not be increased, for purposes of this section, for additions or improvements after the amortization period has begun.

(g) *Depreciation deduction.* The depreciation deduction provided by section 167 shall, despite the provisions of subsection (a), be allowed with respect to the portion of the adjusted basis which is not the amortizable basis.

(h) *Investment credit not to be allowed.* In the case of any property with respect to which an election has been made under subsection (a), so much of the adjusted basis of the property as (after the application of subsection (f)) constitutes the amortizable basis for purposes of this section shall not be treated as section 38 property within the meaning of section 48(a).

(i) *Life tenant and remainderman.* In the case of property held by one person for life with remainder to another person, the deduction under this section shall be computed as if the life tenant were the absolute owner of the property and shall be allowable to the life tenant.

(j) *Cross reference.* For special rule with respect to certain gain derived from the disposition of property the adjusted basis of which is determined with regard to this section, see section 1245.

[Sec. 169 as added by sec. 704, Tax Reform Act 1969 (83 Stat. 667)]

PAR. 2. Sections 1.169–1 through 1.169–8 are amended by deleting them and adding new §§ 1.169–1, 1.169–2, 1.169–3, and 1.169–4 to read as follows:

§ 1.169–1 Amortization of pollution control facilities.

(a) *Allowance of deduction*—(1) *In general.* Under section 169(a), every person, at his election, shall be entitled to a deduction with respect to the amortization of the amortizable basis (as defined in § 1.169–3) of any certified pollution control facility (as defined in § 1.169–2), based on a period of 60 months. Under section 169(b) and paragraph (a) of § 1.169–4, the taxpayer may further elect to begin such 60-month period either with the month following the month in which the facility is completed or acquired or with the first month of the taxable year succeeding the taxable year in which such facility is completed or acquired. Under section 169(c), a taxpayer who has elected under section 169(b) to take the amortization deduction provided by section 169(a) may, at any time after making such election and prior to the expiration of the 60-month amortization period, elect to discontinue the amortization deduction for the remainder of the 60-month period in the manner prescribed in paragraph (b)(1) of § 1.169–4. In addition, if on or before May 18, 1971, an election under section 169(a) has been made, consent is hereby given to revoke such election without the consent of the Commissioner in the manner prescribed in (b)(2) of § 1.169–4.

(2) *Amount of deduction.* With respect to each month of such 60-month period which falls within the taxable year, the amortization deduction shall be an amount equal to the amortizable basis of the certified pollution control facility at the end of such month divided by the number of months (including the month for which the deduction is computed) remaining in such 60-month period. The amortizable basis at the end of any month shall be computed without regard to the amortization deduction for such month. The total amortization deduction with respect to a certified pollution control facility for a taxable year is the sum of the amortization deductions allowable for each month of the 60-month period which falls within such taxable year. If a certified pollution control facility is sold or exchanged or otherwise disposed of during 1 month, the amortization deduction (if any) allowable to the original holder in respect of such month shall be that portion of the amount to which such person would be entitled for a full month which the number of days in such month during which the facility was held by such person bears to the total number of days in such month.

(3) *Effect on other deductions.* (i) The amortization deduction provided by section 169 with respect to any month shall be in lieu of the depreciation deduction which would otherwise be allowable under section 167 or a deduction in lieu of depreciation which would otherwise be allowable under paragraph (b) of § 1.162–11 for such month.

(ii) If the adjusted basis of such facility as computed under section 1011 for purposes other than the amortization deduction provided by section 169 is in excess of the amortizable basis, as computed under § 1.169–3, such excess shall be recovered through depreciation deductions under the rules of section 167. See section 169(g).

(iii) See section 179 and paragraph (e)(1)(ii) of § 1.179–1 and paragraph (b)(2) of § 1.169–3 for additional first-year depreciation in respect of a certified pollution control facility.

(4) *Investment credit not to be allowed.* In the case of any property with respect to which an election has been made under section 169(a), so much of the adjusted basis of the property as constitutes the amortizable basis, as computed under § 1.169–3, shall not be treated as section 38 property within the meaning of section 48(a). See section 169(h).

(5) *Special rules.* (i) In the case of a certified pollution control facility held by one person for life with the remainder to another person, the amortization deduction under section 169(a) shall be computed as if the life tenant were the absolute owner of the property and shall be allowable to the life tenant during his life.

(ii) If the assets of a corporation which has elected to take the amortization deduction under section 169(a) are acquired by another corporation in a transaction to which section 381 (relating to carryovers in certain corporate acquisitions) applies, the acquiring corporation is to be treated as if it were the distributor or transferor corporation for purposes of this section.

(iii) For the right of estates and trusts to amortize pollution control facilities see section 642(f) and § 1.642(f)–1. For the allowance of the amortization deduction in the case of pollution control facilities of partnerships, see section 703 and § 1.703–1.

(6) *Depreciation subsequent to discontinuance or in the case of revocation of amortization.* A taxpayer which elects in the manner prescribed under paragraph (b)(1) of § 1.169–4 to discontinue amortization deductions or under paragraph (b)(2) of § 1.169–4 to revoke an election under section 169(a) with respect to a certified pollution control facility is entitled, if such facility is of a character subject to the allowance for depreciation provided in section 167, to a deduction for depreciation (to the extent allowable) with respect to such facility. In the case of an election to discontinue an amortization deduction, the deduction for depreciation shall begin with the first month as to which such amortization deduction is not applicable and shall be computed on the adjusted basis of the property as of the beginning of such month (see section 1011 and the regulations thereunder). Such depreciation deduction shall be based upon the remaining portion of the period authorized under section 167 for the facility as determined, as of the first day of the first month as of which the amortization deduction is not applicable. If the taxpayer so elects to discontinue the amortization deduction under section 169(a), such taxpayer shall not be entitled to any further amortization deduction under this section and section 169(a) with respect to such pollution control facility. In the case of a revocation of an election under section 169(a), the deduction for depreciation shall begin as of the time such depreciation deduction would have been taken but for the election under section 169(a). See paragraph (b)(2) of § 1.169–4 for rules as to filing amended returns for years for which amortization deductions have been taken.

(7) *Definitions.* Except as otherwise provided in § 1.169–2, all terms used in section 169 and the regulations thereunder shall have the meaning provided by this section and §§ 1.169–2 through 1.169–4.

(b) *Examples.* This section may be illustrated by the following examples:

Example (1). On September 30, 1970, the X Corporation, which uses the calendar year as its taxable year, completes the installation of a facility all of which qualifies as a certified pollution control facility within the meaning of paragraph (a) of § 1.169–2. The cost of the facility is $120,000 and the period referred to in paragraph (a)(6) of § 1.169–2 is 10 years in accordance with the rules set forth in paragraph (a) of § 1.169–4, on its income tax return filed for 1970, X elects to take amortization deductions under section 169(a) with respect to the facility and to begin the 60-month amortization period with October 1970, the month following the month in which it was completed. The amortizable basis at the end of October 1970 (determined without regard to the amortization deduction under section 169(a) for that month) is $120,000. The allowable authorization deduction with respect to such facility for the taxable year 1970 is $6,000, computed as follows:

Monthly amortization deductions:	
October: $120,000 divided by 60	$2,000
November: $118,000 (that is, $120,000 minus $2,000) divided by 59	2,000
December: $116,000 (that is, $118,000 minus $2,000) divided by 58	2,000
Total amortization deduction for 1970	6,000

Example (2). Assume the same facts as in example (1). Assume further that on May 20, 1972, X properly files notice of its election to discontinue the amortization deductions with the month of June 1972. The adjusted basis of the facility as of June 1, 1972, is $80,000, computed as follows:

Yearly amortization deductions:	
1970 (as computed in example (1))	$6,000
1971 (computed in accordance with example (1))	24,000
1972 (for the first 5 months of 1972 computed in accordance with example (1))	10,000
Total amortization deductions for 20 months	40,000

Adjusted basis as beginning of amortization period	120,000
Less: Amortization deductions	40,000
Adjusted basis as of June 1, 1972	80,000

Beginning as of June 1, 1972, the deduction for depreciation under section 167 is allowable with respect to the property on its adjusted basis of $80,000.

(a) *Certified pollution control facility*—(1) *In general.* Under section 169 (d), the term "certified pollution control facility" means a facility which—

(i) The Federal certifying authority certifies, in accordance with the rules prescribed in paragraph (c) of this section, is a "treatment facility" described in subparagraph (2) of this paragraph, and

(ii) Is "a new identifiable facility" (as defined in paragraph (b) of this section).

For profitmaking abatement works limitation, see paragraph (d) of this section.

(2) *Treatment facility.* For purposes of subparagraph (1)(i) of this paragraph, a "treatment facility" is a facility which (i) is used to abate or control water or atmospheric pollution or contamination by removing, altering, disposing, or storing of pollutants, contaminants, wastes, or heat and (ii) is used in connection with a plant or other property in operation before January 1, 1969. Determinations under subdivision (i) of this subparagraph shall be made solely by the Federal certifying authority. See subparagraph (3) of this paragraph. For meaning of the phrases "plant or other property" and "in operation before January 1, 1969," see subparagraphs (4) and (5), respectively, of this paragraph.

(3) *Facilities performing multiple functions or used in connection with several plants, etc.* (i) If a facility is designed to perform or does perform a function in addition to abating or controlling water or atmospheric pollution or contamination by removing, altering, disposing or storing pollutants, contaminants, wastes, or heat, such facility shall be a treatment facility only with respect to that part of the cost thereof which is certified by the Federal certifying authority as attributable to abating of controlling water or atmospheric pollution or contamination. For example, if a machine which performs a function in addition to abating water pollution is installed at a cost of $100,000 in, and is used only in connection with, a plant which was in operation before January 1, 1969, and if the Federal certifying authority certifies that $30,000 of the cost of such machine is allocable to its function of abating water pollution, such $30,000 will be deemed to be the adjusted basis for purposes of determining gain for purposes of paragraph (a) of § 1.169–3.

(ii) If a facility is used in connection with more than one plant or other property, and at least one such plant or other property was not in operation before January 1, 1969, such facility shall be a treatment facility only to the extent of that part of the cost thereof certified by the Federal certifying authority as attributable to abating or controlling water or atmospheric pollution in connection with plants or other property in operation before January 1, 1969. For example, if a machine is constructed after December 31, 1968, at a cost of $100,000 and is used in connection with a number of plants only some of which were in operation before January 1, 1969, and if the Federal certifying authority certifies that $20,000 of the cost of such machine is allocable to its function of abating or controlling water pollution in connection with the plants or other property in operation before January 1, 1969, such $20,000 will be deemed to be the adjusted basis for purposes of determining gain for purposes of paragraph (a) of § 1.169–3. In a case in which the Federal certifying authority certifies the percentage of a facility which is used in connection with plants or other property in operation before January 1, 1969, the adjusted basis for the purposes of determining gain for purposes of paragraph (a) of § 1.169–3 of the portion of the facility so used shall be the adjusted basis for determining gain of the entire facility multiplied by such percentage.

(4) *Plant or other property.* As used in subparagraph (2) of this paragraph, the phrase "plant or other property" means any tangible property whether or not such property is used in the trade or business or held for the production of income. Such term includes, for example, a papermill, a motor vehicle, or a furnace in an apartment house.

(5) *In operation before January 1, 1969.* (i) For purposes of subparagraph (2) of this paragraph and section 169 (d), a plant or other property will be considered to be in operation before January 1, 1969, if prior to that date such plant or other property was actually performing the function for which it was constructed or acquired. For example, a papermill which is completed in July 1968, but which is not actually used to produce paper until 1969 would not be considered to be in operation before January 1, 1969. The fact that such plant or other property was only operating at partial capacity prior to January 1, 1969, or was being used as a standby facility prior to such date, shall not prevent its being considered to be in operation before such date.

(ii) (*a*) A piece of machinery which replaces one which was in operation prior to January 1, 1969, and which was a part of the manufacturing operation carried on by the plant but which does not substantially increase the capacity of the plant will be considered to be in operation prior to January 1, 1969. However, an additional machine that is added to a plant which was in operation before January 1, 1969, and which represents a substantial increase in the plant's capacity will not be considered to have been in operation before such date. There shall be deemed to be a substantial increase in the capacity of a plant or other property as of the time its capacity exceeds by more than 20 percent its capacity on December 31, 1968.

(*b*) In addition, if the total replacements of equipment in any single taxable year beginning after December 31, 1968, represent the replacement of a substantial portion of a manufacturing plant which had been in operation before such date, such replacement shall be considered to result in a new plant which was not in operation before such date. Thus, if a substantial portion of a plant which was in existence before January 1, 1969, is subsequently destroyed by fire and such substantial portion is replaced in a taxable year beginning after that date, such replacement property shall not be considered to have been in operation before January 1, 1969. The replacement of a substantial portion of a plant or other property shall be deemed to have occurred if, during a single taxable year, the taxpayer replaces manufacturing or production facilities or equipment which comprises such plant or other property and which has an adjusted basis (determined without regard to the adjustments provided in section 1016(a) (2) and (3)) in excess of 20 percent of the adjusted basis (so determined) of such plant or other property determined as of the first day of such taxable year.

(6) *Useful life.* For purposes of section 169 and the regulations thereunder, the terms "useful life" and "actual useful life" shall means the shortest period authorized under section 167 and the regulations thereunder if an election were not made under section 169.

(b) *New identifiable facility*—(1) *In general.* For purposes of paragraph (a)(1)(ii) of this section, the term "new identifiable facility" includes only tangible property (not including a building and its structural components referred to in subparagraph (2)(i) of this paragraph, other than a building and its structural components which under subparagraph (2)(ii) of this paragraph is exclusively a treatment facility) which—

(i) Is of a character subject to the allowance for depreciation provided in section 167.

(ii) (*a*) Is property the construction, reconstruction, or erection (as defined in subparagraph (2)(iii) of this paragraph) of which is completed by the taxpayer after December 31, 1968, or

(*b*) Is property acquired by the taxpayer after December 31, 1968, if the original use of the property commences with the taxpayer and commences after such date (see subparagraph (2)(iii) of this paragraph), and

(iii) Is placed in service (as defined in subparagraph (2)(v) of this paragraph) prior to January 1, 1975.

(2) *Meaning of terms.* (i) For purposes of subparagraph (1) of this paragraph, the terms "building" and "structural component" shall be construed in a manner consistent with the principles set forth in paragraph (e) of § 1.48–1. Thus, for example, the following rules are applicable:

(*a*) The term "building" generally means any structure or edifice enclosing a space within its walls, and usually covered by a roof, the purpose of which

is, for example, to provide shelter or housing, or to provide working, office, parking, display, or sales space. The term includes, for example, structures such as apartment houses, factory and office buildings, warehouses, barns, garages, railway or bus stations, and stores. Such term includes any such structure constructed by, or for, a lessee even if such structure must be removed, or ownership of such structure reverts to the lessor, at the termination of the lease. Such term does not include (*1*) a structure which is essentially an item of machinery or equipment, or (*2*) an enclosure which is so closely combined with the machinery or equipment which it supports, houses, or serves that it must be replaced, retired, or abandoned contemporaneously with such machinery or equipment, and which is depreciated over the life of such machinery or equipment. Thus, the term "building" does not include such structures as oil and gas storage tanks, grain storage bins, silos, fractioning towers, blast furnaces, coke ovens, brick kilns, and coal tipples.

(*b*) The term "structural components" includes, for example, chimneys, and other components relating to the operating or maintenance of a building. However, the term "structural components" does not include machinery or a device which serves no function other than the abatement or control of water or atmospheric pollution.

(ii) For purposes of subparagraph (1) of this paragraph, a building and its structural components will be considered to be exclusively a treatment facility if its only function is the abatement or control of air or water pollution. However, the incidental recovery of profits from wastes or otherwise shall not be deemed to be a function other than the abatement or control of air or water pollution. A building and its structural components which serve no function other than the treatment of wastes will be considered to be exclusively a treatment facility even if it contains areas for employees to operate the treatment facility, rest rooms for such workers, and an office for the management of such treatment facility. However, for example, if a portion of a building is used for the treatment of sewage and another portion of the building is used for the manufacture of machinery, the building is not exclusively a treatment facility. The Federal certifying authority will not certify as to what is a building and its structural components within the meaning of subdivsion (i) of this subparagraph.

(iii) For purposes of subparagraph (1) (ii) (*a*) and (*b*) of this paragraph (relating to construction, reconstruction, or erection after December 31, 1968, and original use after December 31, 1968) and paragraph (b)(1) of § 1.169–3 (relating to definition of amortizable basis), the principles set forth in paragraph (a) (1) and (2) of § 1.167(c)–1 and in paragraphs (b) and (c) of § 148–2 shall be applied. Thus, for example, the following rules are applicable:

(*a*) Property is considered as constructed, reconstructed, or erected by the taxpayer if the work is done for him in accordance with his specifications.

(*b*) The portion of the basis of property attributable to construction, reconstruction, or erection after December 31, 1968, consists of all costs of construction, reconstruction, or erection allocable to the period after December 31, 1968, including the cost or other basis of materials entering into such work (but not including, in the case of reconstruction of property, the adjusted basis of the property as of the time such reconstruction is commenced).

(*c*) It is not necessary that materials entering into construction, reconstruction or erection be acquired after December 31, 1968, or that they be new in use.

(*d*) If construction or erection by the taxpayer began after December 31, 1968, the entire cost or other basis of such construction or erection may be taken into account for purposes of determining the amortizable basis under section 169.

(*e*) Construction, reconstruction, or erection by the taxpayer begins when physical work is started on such construction, reconstruction, or erection.

(*f*) Property shall be deemed to be acquired when reduced to physical possession or control.

(*g*) The term "original use" means the first use to which the property is put, whether or not such use corresponds to the use of such property by the taxpayer. For example, a reconditioned or rebuilt machine acquired by the taxpayer after December 31, 1968, for pollution control purposes will not be treated as being put to original use by the taxpayer regardless of whether it was used for purposes other than pollution control by its previous owner. Whether property is reconditioned or rebuilt property is a question of fact. Property will not be treated as reconditioned or rebuilt merely because it contains some used parts.

(iv) For purposes of subparagraph (1) (iii) of this paragraph (relating to property placed in service prior to January 1, 1975), the principles set forth in paragraph (d) of § 1.46–3 are applicable. Thus, property shall be considered placed in service in the earlier of the following taxable years:

(*a*) The taxable year in which, under the taxpayer's depreciation practice, the period for depreciation with respect to such property begins or would have begun; or

(*b*) The taxable year in which the property is placed in a condition or state of readiness and availability for the abatement or control of water or atmospheric pollution.

Thus, if property meets the conditions of (*b*) of this subdivision in a taxable year, it shall be considered placed in service in such year notwithstanding that the period for depreciation with respect to such property begins or would have begun in a succeeding taxable year because, for example, under the taxpayer's depreciation practice such property is or would have been accounted for in a multiple asset account and depreciation is or would have been computed under an "averaging convention" (sec. § 1.167(a)–10), or depreciation with respect to such property would have been computed under the completed contract method, the unit of production method, or the retirement method. In the case of property acquired by a taxpayer for use in his trade or business (or in the production of income), property shall be considered in a condition or state of readiness and availability for the abatement or control of water or atmospheric pollution if, for example, equipment is acquired for the abatement or control of water or atmospheric pollution and is operational but is undergoing testing to eliminate any defects. However, materials and parts acquired to be used in the construction of an item of equipment shall not be considered in a condition or state of readiness and availability for the abatement or control of water or atmospheric pollution.

(c) *Certification*—(1) *In general.* For purposes of paragraph (a)(1) of this section, a facility is certified in accordance with the rules prescribed in this paragraph if—

(i) The State certifying authority (as defined in subparagraph (2) of this paragraph) having jurisdiction with respect to such facility has certified to the Federal certifying authority (as defined in subparagraph (3) of this paragraph) that the facility was constructed, reconstructed, erected, or acquired in conformity with the State program or requirements for the abatement or control of water or atmospheric pollution or contamination applicable at the time of such certification, and

(ii) The Federal certifying authority has certified such facility to the Secretary or his delegate as (*a*) being in compliance with the applicable regulations of Federal agencies (such as, for example, the Atomic Energy Commission's regulations pertaining to radiological discharge (10 CFR Part 20)) and (*b*) being in furtherance of the general policy of the United States for cooperation with the States in the prevention and abatement of water pollution under the Federal Water Pollution Control Act, as amended (33 U.S.C. 1151–1175) or in the prevention and abatement of atmospheric pollution and contamination under the Clean Air Act, as amended (42 U.S.C. 1857 et seq.).

(2) *State certifying authority.* The term "state certifying authority" means—

(i) In the case of water pollution, the State water pollution control agency as defined in section 23(a) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1173(a)),

(ii) In the case of air pollution, the air pollution control agency designated pursuant to section 302(b)(1) of the Clean Air Act, as amended (42 U.S.C. 1857h(b)), and

(iii) Any interstate agency authorized to act in place of a certifying authority of a State. See section 23(a) of the Federal Water Pollution Control Act,

as amended (33 U.S.C. 1173(b)) and section 302(c) of the Clean Air Act, as amended (42 U.S.C. 1857h(c)).

(3) *Federal certifying authority.* The term "Federal certifying authority" means the Administrator of the Environmental Protection Agency (see Reorganization Plan No. 3 of 1970, 35 F.R. 15623).

(d) *Profitmaking abatement works, etc.*—(1) *In general.* Section 169(e) provides that the Federal certifying authority shall not certify any property to the extent it appears that by reason of estimated profits to be derived through the recovery of wastes or otherwise in the operation of such property its costs will be recovered over the period referred to in paragraph (a)(6) of this section for such property. The Federal certifying authority need not certify the amount of estimated profits to be derived from such recovery of wastes or otherwise with respect to such facility. Such estimated profits shall be determined pursuant to subparagraph (2) of this paragraph. However, the Federal certifying authority shall certify—

(i) Whether, in connection with any treatment facility so certified, there is potential cost recovery through the recovery of wastes or otherwise, and

(ii) A specific description of the wastes which will be recovered, or the nature of such cost recovery if otherwise than through the recovery of wastes.

For effect on computation of amortizable basis, see paragraph (c) of § 1.169–3.

(2) *Estimated profits.* For purpose of this paragraph, the term "estimated profits" means the estimated gross receipts from the sale of recovered wastes reduced by the sum of the (i) estimated average annual maintenance and operating expenses, including utilities and labor, allocable to that portion of the facility which is certified as a treatment facility pursuant to paragraph (a)(1)(i) of this section which produces the recovered waste from which the gross receipts are derived and (ii) estimated selling expenses. However, in determining expenses to be subtracted neither depreciation nor amortization of the facility is to be taken into account. Estimated profits shall not include any estimated savings to the taxpayer by reason of the taxpayer's reuse or recycling of wastes or other items recovered in connection with the operation of the plant or other property served by the treatment facility.

(3) *Special rules.* The estimates of cost recovery required by subparagraph (2) of this paragraph shall be based on the period referred to in paragraph (a)(6) of this section. Such estimates shall be made at the time the election provided for by section 169 is made and shall also be set out in the application for certification made to the Federal certifying authority. There shall be no redetermination of estimated profits due to unanticipated fluctuations in the market price for wastes or other items, to an unanticipated increase or decrease in the costs of extracting them from the gas or liquid released, or to other unanticipated factors or events occurring after certification.

§ 1.169–3 Amortizable basis.

(a) *In general.* The amortizable basis of a certified pollution control facility for the purpose of computing the amortization deduction under section 169 is the adjusted basis of such facility for purposes of determining gain (see part II (section 1011 and following) subchapter O, chapter 1 of the Code), as modified by paragraphs (b), (c), and (d) of this section. For the adjusted basis for purposes of determining gain (computed without regard to such modifications) of a facility which performs a function in addition to pollution control, or which is used in connection with more than one plant or other property, or both, see paragraph (a)(3) of § 1.169–2. For rules as to additions and improvements to such a facility, see paragraph (f) of this section.

(b) *Limitation to post-1968 construction, reconstruction, or erection.* (1) If the construction, reconstruction, or erection was begun before January 1, 1969, there shall be included in the amortizable basis only so much of the adjusted basis of such facility for purposes of determining gain (referred to in paragraph (a) of this section) as is properly attributable under the rules set forth in paragraph (b)(2)(iii) of § 1.169–2 to construction, reconstruction, or erection after December 31, 1968. See section 169(d)(4). For example, assume a certified pollution control facility for which the shortest period authorized under section 167 is 10 years has a cost of $500,000, of which $450,000 is attributable to construction after December 31, 1968. Further, assume such facility does not perform a function in addition to pollution control and is used only in connection with a plant in operation before January 1, 1969. The facility would have an amortizable basis of $450,000 (computed without regard to paragraphs (c) and (d) of this section). For depreciation of the remaining portion ($50,000) of the cost, see section 169(g) and paragraph (a)(3)(ii) of § 1.169–1. For the definition of the term "certified pollution control facility" see paragraph (a) of § 1.169–2.

(2) If the taxpayer elects to begin the 60-month amortization period with the first month of the taxable year succeeding the taxable year in which such facility is completed or acquired and a depreciation deduction is allowable under section 167 (including an additional first-year depreciation allowance under section 179) with respect to the facility for the taxable year in which it is completed or acquired, the amount determined under subparagraph (1) of this paragraph shall be reduced by an amount equal to (i) the amount of such allowable depreciation multiplied by (ii) a fraction the numerator of which is the amount determined under subparagraph (1) of this paragraph, and the denominator of which is its total cost. The additional first-year allowance for depreciation under section 179 will be allowable only for the year in which the facility is completed or acquired and only if the taxpayer elects to begin the amortization deduction under section 169 with the taxable year succeeding the taxable year in which such facility is completed or acquired. See paragraph (e)(1)(ii) of § 1.179–1.

(c) *Modification for profitmaking abatement works, etc.* If it appears that by reason of estimated profits to be derived through the recovery of wastes, or otherwise (as determined by applying the rules prescribed in paragraph (d) of § 1.169–2) a portion or all of the total costs of the certified pollution control facility will be recovered over the period referred to in paragraph (a)(b) of § 1.169–2, its amortizable basis (computed without regard to this paragraph and paragraph (d) of this section) shall be reduced by an amount equal to (1) its amortizable basis (so computed) multiplied by (2) a fraction the numerator of which is such estimated profits and the denominator of which is its adjusted basis for purposes of determining gain. See section 169(e).

(d) *Cases in which the period referred to in paragraph (a)(6) of § 1.169–2 exceeds 15 years.* If as to a certified pollution control facility the period referred to in paragraph (a)(6) of § 1.169–2 exceeds 15 years (determined as of the first day of the first month for which a deduction is allowable under the election made under the section 169(b) and paragraph (a) of § 1.169–4), the amortizable basis of such facility shall be an amount equal to (1) its amortizable basis (computed without regard to this paragraph) multiplied by (2) a fraction the numerator of which is 15 years and the denominator of which is the number of years of such period. See section 169(f)(2)(A).

(e) *Examples.* This section may be illustrated by the following example:

Example (1). The X Corporation, which uses the calendar year as its taxable year, began the installation of a facility on November 1, 1968, and completed the installation on June 30, 1970, at a cost of $400,000. All of the facility qualifies as a certified pollution control facility within the meaning of paragraph (a) of § 1.169–2. $40,000 of such cost is attributable to construction prior to January 1, 1969. The X Corporation elects to take amortization deductions under section 169 (a) with respect to the facility and to begin the 60-month amortization period with January 1, 1971. The corporation takes a depreciation deduction under sections 167 and 179 of $10,000 (the amount allowable, of which $2,000 is for additional first year depreciation under section 179) for the last 6 months of 1970. It is estimated that over the period referred to in paragraph (a)(6) of §1.169–2 (20 years) as to such facility, $80,000 in profits will be realized from the sale of wastes recovered in its operation. The amortizable basis of the facility for purposes of computing the amortization deduction as of January 1, 1971, is $210,600, computed as follows:

(1) Portion of $400,000 cost attributable to post-1968 construction, reconstruction, or erection	$360,000

(2) Reduction for portion of depreciation deduction taken for the taxable year in which the facility was completed:		
(a) $10,000 depreciation deduction taken for last 6 months of 1970 including $2,000 for additional first year depreciation under section 179	$10,000	
(b) Multiplied by the amount in line (1) and divided by the total cost of the facility ($360,000/$400,000)	0.9	$9,000
(3) Subtotal		$351,000
(4) Modification for profit making abatement works: Multiply line (3) by estimated profits through waste recovery ($80,000) and divide by the adjusted basis for determining gain of the facility ($400,000)		
(5) Reduction		$70,200
(6) Subtotal		$280,800
(7) Modification for period referred to in paragraph (a)(6) of § 1.169-2 exceeding 15 years: Multiply by 15 years and divide by such period (determined in accordance with paragraph (d) of this section) (20 years)		0.75
(8) Amortizable basis		$210,600

Example (2). Assume the same facts as in example (1) except that the facility is used in connection with a number of separate plants some of which were in operation before January 1, 1969, that the Federal certifying authority certifies that 80 percent of the capacity of the facility is allocable to the plants which were in operation before such date, and that all of the waste recovery is allocable to the portion of the facility used in connection with the plants in operation before January 1, 1969. The amortizable basis of such facility, for purposes of computing the amortization deduction as of January 1, 1971, is $157,950 computed as follows:

(1) Adjusted basis for purposes of determining gain: Multiply percent certified as allocable to plants in operation before January 1, 1969 (80 percent) by cost of entire facility ($400,000)		$320,000
(2) Portion of adjusted basis for determining gain attributable to post-1968 construction, reconstruction, or erection: Multiply line (1) by portion of total cost of facility attributable to post-1968 construction, reconstruction, or erection ($360,000) and divide by the total cost of the facility ($400,000)		$280,000
(3) Reduction for portion of depreciation deduction taken for the taxable year in which the facility was completed:		
(a) $10,000 depreciation deduction taken for last 6 months of 1970 including $2,000 for additional first year depreciation under section 170	$10,000	
(b) Multiplied by the the amount in line (2) and divided by the total cost of the facility ($288,000/$400,000)	0.72	$7,200
(4) Subtotal		$280,800
(5) Modification for profit making abatement works; Multiply line (4) by estimated profits through waste recovery ($80,000) and divide by the amount in line (1) ($320,000):		
(6) Reduction		$70,200
(7) Subtotal		$210,600
(8) Modification for period referred to in paragraph (a)(6) of § 1.169-2 exceeding 15 years: Multiply by 15 years and divide by such period (determined in accordance with paragraph (d) of this section) (20 years)		0.75
(9) Amortizable basis		$157,950

(f) *Additions or improvements.* (1) If after the completion or acquisition of a certified pollution control facility further expenditures are made for additional construction, reconstruction, or improvements, the cost of such additions or improvements made prior to the beginning of the amortization period shall increase the amortizable basis of such facility, but the cost of additions or improvements made after the amortization period has begun, shall not increase the amortizable basis. See section 169(f)(2)(B).

(2) If expenditures for such additional construction, reconstruction, or improvements result in a facility which is new and is separately certified as a certified pollution control facility as defined in section 169(d)(1) and paragraph (a) of § 1.169-2, and, if proper election is made, such expenditures shall be taken into account in computing under paragraph (a) of this section the amortizable basis of such new and separately certified pollution control facility.

§ 1.169-4 Time and manner of making elections.

(a) *Election of amortization*—(1) *In general.* Under section 169(b), an election by the taxpayer to take an amortization deduction with respect to a certified pollution control facility and to begin the 60-month amortization period (either with the month following the month in which the facility is completed or acquired, or with the first month of the taxable year succeeding the taxable year in which such facility is completed or acquired) shall be made by a statement to that effect attached to its return for the taxable year in which falls the first month of the 60-month amortization period so elected. Such statement shall include the following information (if not otherwise included in the documents referred to in subdivision (ix) of this subparagraph):

(i) A description clearly identifying each certified pollution control facility for which an amortization deduction is claimed;

(ii) The date on which such facility was completed or acquired (see paragraph (b)(2)(iii) of § 1.169-2);

(iii) The period referred to in paragraph (a)(6) of § 1.169-2 for the facility as of the date the property is placed in service;

(iv) The date as of which the amortization period is to begin;

(v) The date the plant or other property to which the facility is connected began operating (see paragraph (a)(5) of § 1.169-2);

(vi) The total costs and expenditures paid or incurred in the acquisition, construction, and installation of such facility;

(vii) A description of any wastes which the facility will recover during the course of its operation, and a reasonable estimate of the profits which will be realized by the sale of such wastes whether pollutants or otherwise, over the period referred to in paragraph (a)(6) of § 1.169-2 as to the facility. Such estimate shall include a schedule setting forth a detailed computation illustrating how the estimate was arrived at including every element prescribed in the definition of estimated profits in paragraph (d)(2) of § 1.169-2;

(viii) A computation showing the amortizable basis (as defined in § 1.169-3) of the facility as of the first month for which the amortization deduction provided for by section 169(a) is elected; and

(ix) (*a*) A statement that the facility has been certified by the Federal certifying authority, together with a copy of such certification, and a copy of the application for certification which was filed with and approved by the Federal certifying authority or (*b*), if the facility has not been certified by the Federal certifying authority, a statement that application has been made to the proper State certifying authority (see paragraph (c)(2) of § 1.169-2) together with a copy of such application and a copy of the application filed or to be filed with the Federal certifying authority.

If subdivision (ix)(*b*) of this subparagraph applies, within 90 days after receipt by the taxpayer, the certification from the Federal certifying authority shall be filed by the taxpayer with the district director, or with the director of the internal revenue service center, with whom the return referred to in this subparagraph was filed.

(2) *Special rule.* If the return for the taxable year in which falls the first month of the 60-month amortization period to be elected was filed before May 18, 1971, or is filed within 60 days after such date, then on or before the 90th day after such date (or if there is no State certifying authority in existence on such date, on or before the 90th day after such authority is established) the election may be made by a statement in an amended income tax return for the taxable year in which falls

the first month of the 60-month amortization period so elected. Amended income tax returns or claims for credit or refund must also be filed at this time for other taxable years which are within the amortization period and which are subsequent to the taxable year for which the election is made. Nothing in this paragraph should be construed as extending the time specified in section 6511 within which a claim for credit or refund may be filed.

(3) *Other requirements and considerations.* No method of making the election provided for in section 169(a) other than that prescribed in this section shall be permitted on or after May 18, 1971. A taxpayer which does not elect in the manner prescribed in this section to take amortization deductions with respect to a certified pollution control facility shall not be entitled to such deductions. In the case of a taxpayer which elects prior to [such date], the statement required by subparagraph (1) of this paragraph shall be attached to its income tax return for its taxable year in which [such date] occurs.

(b) *Election to discontinue or revoke amortization*—(1) *Election to discontinue.* An election to discontinue the amortization deduction provided by section 169(c) and paragraph (a)(1) of § 1.169–1 shall be made by a statement in writing filed with the district director, or with the director of the internal revenue service center, with whom the return of the taxpayer is required to be filed for its taxable year in which falls the first month for which the election terminates. Such statement shall specify the month as of the beginning of which the taxpayer elects to discontinue such deductions. Unless the election to discontinue amortization is one to which subparagraph (2) of this paragraph applies, such statement shall be filed before the beginning of the month specified therein. In addition, such statement shall contain a description clearly identifying the certified pollution control facility with respect to which the taxpayer elects to discontinue the amortization deduction, and, if a certification has previously been issued, a copy of the certification by the Federal certifying authority. If at the time of such election a certification has not been issued (or if one has been issued it has not been filed as provided in paragraph (a)(1) of this section), the taxpayer shall file, with respect to any taxable year or years for which a deduction under section 169 has been taken, a copy of such certification within 90 days after receipt thereof. For purposes of this paragraph, notification to the Secretary or his delegate from the Federal certifying authority that the facility no longer meets the requirements under which certification was originally granted by the State or Federal certifying authority shall have the same effect as a notice from the taxpayer electing to terminate amortization as of the month following the month such facility ceased functioning in accordance with such requirements.

(2) *Revocation of elections made prior to May 18, 1971.* If on or before May 18, 1971, an election under section 169(a) has been made, such election may be revoked (see paragraph (a)(1) of § 1.169–1) by filing on or before August 16, 1971, a statement of revocation of an election under section 169(a) in accordance with the requirements in subparagraph (1) of this paragraph for filing a notice to discontinue an election. If such election to revoke is for a period which falls within one or more taxable years for which an income tax return has been filed, amended income tax returns shall be filed for any such taxable years in which deductions were taken under section 169 on or before August 16, 1971.

PAR. 3. Paragraph (e)(1) of §1.179–1 is amended to read as follows:

§ 1.179–1 Additional first-year depreciation allowance.

* * * * *

(e) *When allowance is available.* (1) * * *

(ii) In the case of property which the taxpayer elects to amortize under any provision listed in subdivision (iii) of this subparagraph and which property also qualifies as section 179 property, the additional first-year depreciation allowance is not available (except as provided in this subdivision) unless the taxpayer elects under the applicable provision to begin the amortization deductions under such provision with the succeeding taxable year. If the taxpayer elects to begin the amortization deductions with the month following the month in which the property was completed or acquired or was placed in service (as the case may be), and the property qualifies as section 179 property, the additional first-year allowance is available only with respect to that portion of the property which is not amortizable under the applicable provision. If 100 percent of the property is amortizable under the applicable provision, and if the taxpayer elects under the applicable provision to begin the amortization deductions under such provision with such following month, no additional first-year allowance is available with respect to any portion of the property.

(iii) The provisions of subdivision (ii) of this subparagraph shall apply in the case of the following:

(*a*) An emergency facility which the taxpayer elects to amortize under the provisions of section 168.

(*b*) A certified pollution control facility which the taxpayer elects to amortize under the provisions of section 169.

* * * * *

PAR. 4. Section 1.642(f) is amended by revising section 642(f), and by adding a historical note. These amended and added provisions read as follows:

§ 1.642(f) Statutory provisions; estates and trusts; special rules for credits and deductions; amortization deductions.

Sec. 642. *Special rules for credits and deductions.* * * *

(f) *Amortization deductions.* The benefit of the deduction for amortization provided by sections 168, 169, 184, and 187 shall be allowed to estates and trusts in the same manner as in the case of an individual. The allowable deduction shall be apportioned between the income beneficiaries and the fiduciary under regulations prescribed by the Secretary or his delegate.

[Sec. 642(f) as amended by sec. 704(b)(2), Tax Reform Act 1969 (83 Stat. 669)]

PAR. 5. Section 1.642(f)–1 is amended to read as follows:

§ 1.642(f)–1 Amortization deductions.

An estate or trust is allowed amortization deductions with respect to an emergency facility as defined in section 168(d), with respect to a certified pollution control facility as defined in section 169(d), with respect to qualified railroad rolling stock as defined in section 184(d), and with respect to certified coal mine safety equipment as defined in section 187(d), in the same manner and to the same extent as in the case of an individual. However, the principles governing the apportionment of the deductions for depreciation and depletion between fiduciaries and the beneficiaries of an estate or trust (see sections 167(h) and 611(b) and the regulations thereunder) shall be applicable with respect to such amortization deductions.

PAR. 6. Section 1.1082 is amended by revising subparagraph (B) of section 1082(a)(2) and by adding a historical note. These revised and added provisions read as follows:

§ 1.1082 Statutory provisions; basis of property acquired in exchanges and distributions made in obedience to orders of the Securities and Exchange Commission.

Sec. 1082. *Basis for determining gain or loss*—(a) *Exchanges generally.* * * *

(2) *Exchanges subject to the provisions of section 1081(b).* * * *

(B) Property (not described in subparagraph (A)) with respect to which a deduction for amortization is allowable under sections 168, 169, 184, 185, or 187;

* * * * *

[Sec. 1082 as amended by sec. 704(b)(3), Tax Reform Act, 1969 (83 Stat. 669)]

[FR Doc.71–6918 Filed 5–17–71;8:52 am]

[T.D. 7114]

INCREASE IN AMOUNT OF DEDUCTION ALLOWED FOR PERSONAL EXEMPTIONS

On December 17, 1970, notice of proposed rule making, relating to the amendment of the Income Tax Regulations (26 CFR Part 1), the Employment Tax Regulations (26 CFR Part 31), and the Regulations on Procedure and Administration (26 CFR Part 301) to conform them to the amendments to the Internal Revenue Code of 1954 made by sections 801 and 941(b) of the Tax Reform Act of 1969 (83 Stat. 675, 726), was published in the FEDERAL REGISTER (35 F.R. 19112). After consideration of all such relevant matter as was presented

by interested persons regarding the rules proposed, the amendment of regulations as proposed, except for the amendment made by paragraph 1 of the notice, is hereby adopted.

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

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

Approved: May 13, 1971.
JOHN S. NOLAN,
Assistant Secretary of the Treasury.

In order to conform the Income Tax Regulations (26 CFR Part 1), the Employment Tax Regulations (26 CFR Part 31), and the Regulations on Procedure and Administration (26 CFR Part 301) to the amendments to sections 151 and 6013(b)(3)(A) of the Internal Revenue Code of 1954 by sections 801 and 941(b) of the Tax Reform Act of 1969 (83 Stat. 675, 726), such regulations are amended as follows:

SUBCHAPTER A—INCOME TAX

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

PARAGRAPH 1. Paragraph (a) of § 1.4–1 is revised to read as follows:

§ 1.4–1 Number of exemptions.

(a) For the purpose of determining the optional tax imposed under section 3, the taxpayer shall use the number of exemptions allowable to him as deductions under section 151. See sections 151, 152, and 153, and the regulations thereunder. In general, one exemption is allowed for the taxpayer; one exemption for his spouse if a joint return is made, or if a separate return is made by the taxpayer and his spouse has no gross income for the calendar year in which the taxable year of the taxpayer begins and is not the dependent of another taxpayer for such calendar year; and one exemption for each dependent whose gross income for the calendar year in which the taxable year of the taxpayer begins is less than the applicable amount determined pursuant to § 1.151–2. No exemption is allowed for any dependent who has made a joint return with his spouse for the taxable year beginning in the calendar year in which the taxable year of the taxpayer begins. The taxpayer may, in certain cases, be allowed an exemption for a dependent child of the taxpayer notwithstanding the fact that such child has gross income equal to or in excess of the amount determined pursuant to § 1.151–2 applicable to the calendar year in which the taxable year of the taxpayer begins. The requirements for the allowance of such an exemption are set forth in paragraph (c) of § 1.152–1. See paragraphs (c) and (d) of § 1.151–1 with respect to additional exemptions for a taxpayer or spouse who has attained the age 65 years and for a blind taxpayer or blind spouse.

* * * * *

PAR. 2. The example contained in paragraph (e)(4) of § 1.72–17 is revised to read as follows:

§ 1.72–17 Special rules applicable to owner-employees.

* * * * *

(e) *Penalties applicable to certain amounts received by owner-employees.* * * *

(4) * * *

Example. B, a sole proprietor and a calendar-year basis taxpayer, established a qualified pension trust to which he made annual contributions for 10 years of 10 percent of his earned income. B withdrew his entire interest in the trust during 1973 when he was 55 years old and not disabled and for which, without regard to the distribution, he had a net operating loss and for which he is allowed under section 151 a deduction for one personal exemption. The portion of the distribution includible in B's gross income is $25,750. In addition, B had a net operating loss for 1972. The other 3 taxable years involved in the computation under subparagraph (2)(i) of this paragraph were years of substantial income. For purposes of determining B's increase in tax attributable to the receipt of the $25,750 (before the application of the provisions of subparagraph (2)(i)(b) of this paragraph), B's taxable income for the year he received the $25,750 is treated, under subparagraph (3)(ii) of this paragraph, as being $25,000 ($25,750 minus $750, the amount of the deduction allowed for each personal exemption under section 151 for 1973). For purposes of determining whether 110 percent of the aggregate increase in taxes which would have resulted if 20 percent of the amount of the withdrawal had been included in B's gross income for the year of receipt and for each of the 4 preceding taxable years is greater (and thus is the amount of his increase in tax attributable to the receipt of the $25,750), B's taxable income for the taxable year of receipt, and for the immediately preceding taxable year, is treated, under subparagraph (3)(i) of this paragraph, as being $5,150 ($25,750 divided by 5).

* * * * *

PAR. 3. The example contained in paragraph (d)(2) of § 1.72–18 is revised to read as follows:

§ 1.72–18 Treatment of certain total distributions with respect to self-employed individuals.

* * * * *

(d) *Computation of tax.* * * *

(2) * * *

Example. B, a sole proprietor and a calendar-year basis taxpayer, established a qualified pension trust to which he made annual contributions for 10 years of 10 percent of his earned income. B withdrew his entire interest in the trust during 1973, for which year, without regard to the distribution, he had a net operating loss and is allowed under section 151 a deduction for one personal exemption. At the time of the withdrawal, B was 64 years old. The amount of the distribution that is includible in his gross income is $25,750. Because of B's net operating loss, the tax attributable to the distribution is determined under the rule of subparagraph (1)(ii) of this paragraph. For purposes of determining the tax attributable to the $25,750, B's taxable income for 1973 is treated, under subparagraph (1)(ii) of this paragraph, as being 20 percent of $25,000 ($25,750 minus $750, the amount of the deduction allowed for each personal exemption under section 151 for 1973). Thus, under subparagraph (1) of this paragraph, the tax attributable to the $25,750 would be 5 times the increase which would result if the taxable income of B for the taxable year he received such amount equaled $5,000. B has had no amounts withheld from wages and thus is not entitled to reduce the increase in taxes by the credit against tax provided in section 31 and may not reduce the increase in taxes by any other credits against tax.

PAR. 4. Section 1.151 is amended by revising section 151 (b), (c), (d) (1) and (2), and so much of section 151(e)(1) as precedes subparagraph (B), and by adding a historical note. These amended and added provisions read as follows:

§ 1.151 Statutory provisions; allowance of deductions for personal exemptions.

SEC. 151. *Allowance of deductions for personal exemptions.* * * *

(b) *Taxpayer and spouse.* An exemption of [$750 for taxable years beginning after Dec. 31, 1972; $700 for taxable years beginning after Dec. 31, 1971, and before Jan. 1, 1973; $650 for taxable years beginning after Dec. 31, 1970, and before Jan. 1, 1972; $625 for taxable years beginning after Dec. 31, 1969, and before Jan. 1, 1971] for the taxpayer; and an additional exemption of [$750 for taxable years beginning after Dec. 31, 1972; $700 for taxable years beginning after Dec. 31, 1971, and before Jan. 1, 1973; $650 for taxable years beginning after Dec. 31, 1970, and before Jan. 1, 1972; $625 for taxable years beginning after Dec. 31, 1969, and before Jan. 1, 1971] for the spouse of the taxpayer if a joint return is not made by the taxpayer and his spouse, and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer.

(c) *Additional exemption for taxpayer or spouse aged 65 or more*—(1) *For taxpayer.* An additional exemption of [$750 for taxable years beginning after Dec. 31, 1972; $700 for taxable years beginning after Dec. 31, 1971, and before Jan. 1, 1973; $650 for taxable years beginning after Dec. 31, 1970, and before Jan. 1, 1972; $625 for taxable years beginning after Dec. 31, 1969, and before Jan. 1, 1971] for the taxpayer if he has attained the age of 65 before the close of his taxable year.

(2) *For spouse.* An additional exemption of [$750 for taxable years beginning after Dec. 31, 1972; $700 for taxable years beginning after Dec. 31, 1971, and before Jan. 1, 1973; $650 for taxable years beginning after Dec. 31, 1970, and before Jan. 1, 1972; $625 for taxable years beginning after Dec. 31, 1969, and before Jan. 1, 1971] for the spouse of the taxpayer if a joint return is not made by the taxpayer and his spouse, and if the spouse has attained the age of 65 before the close of such taxable year, and, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer.

(d) *Additional exemption for blindness of taxpayer or spouse*—(1) *For taxpayer.* An additional exemption of [$750 for taxable years beginning after Dec. 31, 1972; $700 for taxable years beginning after Dec. 31, 1971, and before Jan. 1, 1973; $650 for taxable years beginning after Dec. 31, 1970, and before Jan. 1, 1972; $625 for taxable years beginning after Dec. 31, 1969, and before Jan. 1, 1971] for the taxpayer if he is blind at the close of his taxable year.

(2) *For spouse.* An additional exemption of [$750 for taxable years beginning after

Dec. 31, 1972; $700 for taxable years beginning after Dec. 31, 1971, and before Jan. 1, 1973; $650 for taxable years beginning after Dec. 31, 1970, and before Jan. 1, 1972; $625 for taxable years beginning after Dec. 31, 1969, and before Jan. 1, 1971] for the spouse of the taxpayer if a separate return is made by the taxpayer, and if the spouse is blind and, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer. For purposes of this paragraph, the determination of whether the spouse is blind shall be made as of the close of the taxable year of the taxpayer; except that if the spouse dies during such taxable year such determination shall be made as of the time of such death.

* * * * *

(e) *Additional exemption for dependents*—(1) *In general.* An exemption of [$750 for taxable years beginning after Dec. 31, 1972; $700 for taxable years beginning after Dec. 31, 1971, and before Jan. 1, 1973; $650 for taxable years beginning after Dec. 31, 1970, and before Jan. 1, 1972; $625 for taxable years beginning after Dec. 31, 1969, and before Jan. 1, 1971] for each dependent (as defined in section 152)—

(A) Whose gross income for the calendar year in which the taxable year of the taxpayer begins is less than [$750 for taxable years beginning after Dec. 31, 1972; $700 for taxable years beginning after Dec. 31, 1971, and before Jan. 1, 1973; $650 for taxable years beginning after Dec. 31, 1970, and before Jan. 1, 1972; $625 for taxable years beginning after Dec. 31, 1969, and before Jan. 1, 1971], or

* * * * *

[Sec. 151 as amended by secs. 801 and 941(b), Tax Reform Act 1969 (83 Stat. 675, 726)]

PAR. 5. Paragraphs (b), (c)(1), and (d) (1) and (2) of § 1.151–1 are revised to read as follows:

§ 1.151–1 Deductions for personal exemptions.

* * * * *

(b) *Exemptions for individual taxpayer and spouse (so-called personal exemptions).* Section 151(b) allows an exemption for the taxpayer and an additional exemption for the spouse of the taxpayer if a joint return is not made by the taxpayer and his spouse, and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer. Thus, a husband is not entitled to an exemption for his wife on his separate return for the taxable year beginning in a calendar year during which she has any gross income (though insufficient to require her to file a return). Since, in the case of a joint return, there are two taxpayers (although under section 6013 there is only one income for the two taxpayers on such return, i.e., their aggregate income), two exemptions are allowed on such return, one for each taxpayer spouse. If in any case a joint return is made by the taxpayer and his spouse, no other person is allowed an exemption for such spouse even though such other person would have been entitled to claim an exemption for such spouse as a dependent if such joint return had not been made.

(c) *Exemptions for taxpayer attaining the age of 65 and spouse attaining the age of 65 (so-called old-age exemptions).* (1) Section 151(c) provides an additional exemption for the taxpayer if he has attained the age of 65 before the close of his taxable year. An additional exemption is also allowed to the taxpayer for his spouse if a joint return is not made by the taxpayer and his spouse and if the spouse has attained the age of 65 before the close of the taxable year of the taxpayer and, for the calendar year in which the taxable year of the taxpayer begins, the spouse has no gross income and is not the dependent of another taxpayer. If a husband and wife make a joint return, an old-age exemption will be allowed as to each taxpayer spouse who has attained the age of 65 before the close of the taxable year for which the joint return is made. The exemptions under section 151(c) are in addition to the exemptions for the taxpayer and spouse under section 151(b).

* * * * *

(d) *Exemptions for the blind.* (1) Section 151(d) provides an additional exemption for the taxpayer if he is blind at the close of his taxable year. An additional exemption is also allowed to the taxpayer for his spouse if the spouse is blind and, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer. The determination of whether the spouse is blind shall be made as of the close of the taxable year of the taxpayer, unless the spouse dies during such taxable year, in which case such determination shall be made as of the time of such death.

(2) The exemptions for the blind are in addition to the exemptions for the taxpayer and spouse under section 151 (b) and are also in addition to the exemptions under section 151(c) for taxpayers and spouses attaining the age of 65 years. Thus, a single individual who has attained the age of 65 before the close of his taxable year and who is blind at the close of his taxable year is entitled, in addition to the so-called personal exemption, to two further exemptions, one by reason of his age and the other by reason of his blindness. If a husband and wife make a joint return, an exemption for the blind will be allowed as to each taxpayer spouse who is blind at the close of the taxable year for which the joint return is made.

* * * * *

PAR. 6. Section 1.151–2 is revised to read as follows:

§ 1.151–2 Additional exemptions for dependents.

(a) Section 151(e) allows to a taxpayer an exemption for each dependent (as defined in section 152) whose gross income (as defined in section 61) for the calendar year in which the taxable year of the taxpayer begins is less than the amount provided in section 151(e)(1)(A) applicable to the taxable year of the taxpayer, or who is a child of the taxpayer and who—

(1) Has not attained the age of 19 at the close of the calendar year in which the taxable year of the taxpayer begins, or

(2) Is a student, as defined in paragraph (b) of § 1.151–3.

No exemption shall be allowed under section 151(e) for any dependent who has made a joint return with his spouse under section 6013 for the taxable year beginning in the calendar year in which the taxable year of the taxpayer begins. The amount provided in section 151(e)(1)(A) is $750 in the case of a taxable year beginning after December 31, 1972; $700 in the case of a taxable year beginning after December 31, 1971, and before January 1, 1973; $650 in the case of a taxable year beginning after December 31, 1970, and before January 1, 1972; $625 in the case of a taxable year beginning after December 31, 1969, and before January 1, 1971; and $600 in the case of a taxable year beginning before January 1, 1970. For special rules in the case of a taxpayer whose taxable year is a fiscal year ending after December 31, 1969, and beginning before January 1, 1973, see section 21(d) and the regulations thereunder.

(b) The only exemption allowed for a dependent of the taxpayer is that provided by section 151(e). The exemptions provided by section 151(c) (old-age exemptions) and section 151(d) (exemptions for the blind) are allowed only for the taxpayer or his spouse. For example, where a taxpayer provides the entire support for his father who meets all the requirements of a dependent, he is entitled to only one exemption for his father (section 151(e)), even though his father is over the age of 65.

PAR. 7. Immediately after § 1.151–3 the following new section is added:

§ 1.151–4 Amount of deduction for each exemption under section 151.

The amount allowed as a deduction for each exemption under section 151 is (a) $750 in the case of a taxable year beginning after December 31, 1972; (b) $700 in the case of a taxable year beginning after December 31, 1971, and before January 1, 1973; (c) $650 in the case of a taxable year beginning after December 31, 1970, and before January 1, 1972; (d) $625 in the case of a taxable year beginning after December 31, 1969, and before January 1, 1971; and (e) $600 in the case of a taxable year beginning before January 1, 1970. For special rules in the case of a fiscal year ending after December 31, 1969, and beginning before January 1, 1973, see section 21(d) and the regulations thereunder.

PAR. 8. Paragraph (c) of § 1.152–1 is revised to read as follows:

§ 1.152–1 General definition of a dependent.

* * * * *

(c) In the case of a child of the taxpayer who is under 19 or who is a student, the taxpayer may claim the dependency exemption for such child provided he has furnished more than one-half of the support of such child for the

calendar year in which the taxable year of the taxpayer begins, even though the income of the child for such calendar year may be equal to or in excess of the amount determined pursuant to § 1.151–2 applicable to such calendar year. In such a case, there may be two exemptions claimed for the child: One on the parent's (or stepparent's) return, and one on the child's return. In determining whether the taxpayer does in fact furnish more than one-half of the support of an individual who is a child, as defined in paragraph (a) of § 1.151–3, of the taxpayer and who is a student, as defined in paragraph (b) of § 1.151–3, a special rule regarding scholarships applies. Amounts received as scholarships, as defined in paragraph (a) of § 1.117–3, for study at an educational institution shall not be considered in determining whether the taxpayer furnishes more than one-half the support of such individual. For example, A has a child who receives a $1,000 scholarship to the X college for 1 year. A contributes $500, which constitutes the balance of the child's support for that year. A may claim the child as a dependent, as the $1,000 scholarship is not counted in determining the support of the child. For purposes of this paragraph, amounts received for tuition payments and allowances by a veteran under the provisions of the Servicemen's Readjustment Act of 1944 (58 Stat. 284) or the Veterans' Readjustment Assistance Act of 1952 (38 U.S.C. ch. 38) are not amounts received as scholarships. See also § 1.117–4. For definetion of the terms "child", "student", and "educational institution", as used in this paragraph, see § 1.151–3.

PAR. 9. Paragraph (a)(3)(i) of § 1.213–1 is revised to read as follows:

§ 1.213–1 Medical, dental, etc., expenses.

(a) *Allowance of deduction.* * * *

(3) (i) For medical expenses paid (including expenses paid for medicine and drugs) to be deductible, they must be for medical care of the taxpayer, his spouse, or a dependent of the taxpayer and not be compensated for by insurance or otherwise. Expenses paid for the medical care of a dependent, as defined in section 152 and the regulations thereunder, are deductible under this section even though the dependent has gross income equal to or in excess of the amount determined pursuant to § 1.151–2 applicable to the calendar year in which the taxable year of the taxpayer begins. Where such expenses are paid by two or more persons and the conditions of section 152(c) and the regulations thereunder are met, the medical expenses are deductible only by the person designated in the multiple support agreement filed by such persons and such deduction is limited to the amount of medical expenses paid by such person.

* * * * *

PAR. 10. Paragraph (d)(2)(iii) of § 1.214–1 is revised to read as follows:

§ 1.214–1 Expenses for the care of certain dependents.

* * * * *

(d) *Dependents.* * * *

(2) *Special rules.* * * *

(iii) The rules provided in sections 151 and 152, with respect to the definition and qualification of an individual as a dependent, govern for the purpose of section 214. Thus, expenses for the care of a child or stepchild under the age of 13 years (for taxable years beginning before Jan. 1, 1964, under the age of 12 years) whom the taxpayer supports are deductible even though the child or stepchild has gross income equal to or in excess of the amount determined pursuant to § 1.151–2 applicable to the calendar year in which the taxable year of the taxpayer begins. On the other hand, expenses for the care of an aged parent would not be deductible if the gross income condition of § 1.151–2 is not met.

* * * * *

PAR. 11. Section 1.6013 is amended by revising subsection (b)(3)(A) (ii) and (iii) of section 6013 and the historical note to read as follows:

§ 1.6013 Statutory provisions; joint returns of income tax by husband and wife.

SEC. 6013. *Joint returns of income tax by husband and wife.* * * *

(b) *Joint return after filing separate return.* * * *

(3) *When return deemed filed—*(A) *Assessment and collection.* * * *

(ii) Where only one spouse filed a separate return prior to the making of the joint return, and the other spouse had less than [$750 for taxable years beginning after Dec. 31, 1972; $700 for taxable years beginning after Dec. 31, 1971, and before Jan. 1, 1973; $650 for taxable years beginning after Dec. 31, 1970, and before Jan. 1, 1972; $625 for taxable years beginning after Dec. 31, 1969, and before Jan. 1, 1971] of gross income ([$1,500 for taxable years beginning after Dec. 31, 1972; $1,400 for taxable years beginning after Dec. 31, 1971, and before Jan. 1, 1973; $1,300 for taxable years beginning after Dec. 31, 1970, and before Jan. 1, 1972; $1,250 for taxable years beginning after Dec. 31, 1969, and before Jan. 1, 1971] in case such spouse was 65 or over) for such taxable year—on the date of the filing of such separate return (but not earlier than the last date prescribed by law for the filing of such separate return); or

(iii) Where only one spouse filed a separate return prior to the making of the joint return, and the other spouse had gross income of [$750 for taxable years beginning after Dec. 31, 1972; $700 for taxable years beginning after Dec. 31, 1971, and before Jan. 1, 1973; $650 for taxable years beginning after Dec. 31, 1970, and before Jan. 1, 1972; $625 for taxable years beginning after Dec. 31, 1969, and before Jan. 1, 1971] or more ([$1,500 for taxable years beginning after Dec. 31, 1972; $1,400 for taxable years beginning after Dec. 31, 1971, and before Jan. 1, 1973; $1,300 for taxable years beginning after Dec. 31, 1970, and before Jan. 1, 1972; $1,250 for taxable years beginning after Dec. 31, 1969, and before Jan. 1, 1971] in case such spouse was 65 or over) for such taxable year—on the date of the filing of such joint return.

* * * * *

[Sec. 6013 as amended by sec. 73, Technical Amendments Act 1958 (72 Stat. 1660); sec. 801, Tax Reform Act 1969 (83 Stat. 675)]

SUBCHAPTER C—EMPLOYMENT TAXES

PART 31—EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

PAR. 12. Paragraph (d)(3)(iii) of § 31.3402(f)(1)–1 is revised to read as follows:

§ 31.3402(f)(1)–1 Withholding exemptions.

* * * * *

(d) *Withholding exemptions to which an employee is entitled in respect of dependents.* * * *

(3) * * *

(iii) Either (*a*) reasonably be expected to have gross income of less than the amount determined pursuant to § 1.151–2 of this chapter (Income Tax Regulations) applicable to the calendar year in which the taxable year of the taxpayer begins, or (*b*) be a child (son, stepson, daughter, stepdaughter, adopted son, or adopted daughter) of the employee who (*1*) will not have attained the age of 19 at the close of the calendar year or (2) is a student as defined in section 151.

* * * * *

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

PART 301—PROCEDURE AND ADMINISTRATION

PAR. 13. Section 301.6013 is amended by revising subsection (b)(3)(A)(ii) and (iii) of section 6013 and the historical note to read as follows:

§ 301.6013 Statutory provisions; joint returns of income tax by husband and wife.

SEC. 6013. *Joint returns of income tax by husband and wife.* * * *

(b) *Joint return after filing separate return.* * * *

(3) *When return deemed filed—*(A) *Assessment and collection.* * * *

(ii) Where only one spouse filed a separate return prior to the making of the joint return, and the other spouse had less than [$750 for taxable years beginning after Dec. 31, 1972; $700 for taxable years beginning after Dec. 31, 1971, and before Jan. 1, 1973; $650 for taxable years beginning after Dec. 31, 1970, and before Jan. 1, 1972; $625 for taxable years beginning after Dec. 31, 1969, and before Jan. 1, 1971] of gross income ([$1,500 for taxable years beginning after Dec. 31, 1972; $1,400 for taxable years beginning after Dec. 31, 1971, and before Jan. 1, 1973; $1,300 for taxable years beginning after Dec. 31, 1970, and before Jan. 1, 1972; $1,250 for taxable years beginning after Dec. 31, 1969, and before Jan. 1, 1971] in case such spouse was 65 or over) for such taxable year—on the date of the filing of such separate return (but not earlier than the last date prescribed by law for the filing of such separate return); or

(iii) Where only one spouse filed a separate return prior to the making of the joint return, and the other spouse had gross income of [$750 for taxable years beginning after Dec. 31, 1972; $700 for taxable years beginning after Dec. 31, 1971, and before Jan. 1, 1973; $650 for taxable years beginning after Dec. 31, 1970, and before Jan. 1, 1972; $625 for taxable years beginning after Dec. 31, 1969, and before Jan. 1, 1971] or more ([$1,500 for taxable years beginning after Dec. 31, 1972; $1,400 for taxable years beginning after Dec. 31, 1971, and before Jan. 1, 1973; $1,300 for taxable years beginning after Dec. 31, 1970, and before Jan. 1, 1972; $1,250 for taxable years beginning after Dec. 31, 1969, and before Jan. 1, 1971] in case such spouse was 65 or over) for such taxable year—on the date of the filing of such joint return.

* * * * *

[Sec. 6013 as amended by sec. 73, Technical Amendments Act, 1958 (72 Stat. 1660); sec. 801, Tax Reform Act 1969 (83 Stat. 675)]

[FR Doc.71-6916 Filed 5-17-71;8:52 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER C—AIDS TO NAVIGATION

[CGFR 71-8]

PART 62—U.S. AIDS TO NAVIGATION SYSTEM

PART 74—CHARGES FOR COAST GUARD AIDS TO NAVIGATION WORK

Charges to Federal Agencies Other Than the Armed Forces

This amendment revises the regulations regarding charges to Federal agencies other than the Armed Forces for the establishment and maintenance of aids to navigation to allow the Commandant to waive or reduce charges to Federal agencies. This amendment makes possible a more efficient use of the Coast Guard Aids to Navigation capabilities.

Since this amendment relates to internal management, procedure, and practice of the Coast Guard, notice and public procedure thereon are not required by 5 U.S.C. 553 and it may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

Accordingly, Subchapter C of Chapter I of Title 33 of the Code of Federal Regulations is amended as follows:

1. By revising § 62.01-10 of Part 62 as follows:

§ 62.01-10 Federal Agencies other than the Armed Forces.

* * * * *

(b) The Coast Guard may establish and maintain aids to navigation for the primary benefit of a Federal agency other than the Armed Forces on a reimbursable basis. The charges for establishing and maintaining such aids shall be in accordance with Subpart 74.15 of this subchapter.

* * * * *

2. By revising Subpart 74.15 of Part 74 to read as follows:

Subpart 74.15—Charges to Federal Agencies Other Than the Armed Forces

§ 74.15-1 Charges.

(a) The charges for establishing and maintaining an aid to navigation that is for the primary benefit of a Federal agency other than the Armed Forces under the provisions of § 62.01-10(b) of this subchapter are as follows:

(1) For establishing a permanent aid, the actual cost of construction;

(2) For maintaining a permanent aid, including servicing time, the charges determined under Subpart 74.20 of this part; and

(3) For both establishing and maintaining temporary aids, the charges determined under Subpart 74.20 of this part.

(b) The Commandant may waive or reduce any of the charges in paragraph (a) of this section.

(80 Stat. 383, sec. 1, 63 Stat. 500, 501, 503, 504, 545, as amended, sec. 1, 38 Stat. 1084, as amended, sec. 6(b), 80 Stat. 937; 5 U.S.C. 553, 14 U.S.C. 81, 83, 86, 92, 93, 633, 31 U.S.C. 686, 49 U.S.C. 1655(b); 49 CFR 1.46(b) (35 F.R. 4959))

Effective date. This amendment becomes effective upon June 15, 1971.

Dated: May 7, 1971.

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

[FR Doc.71-6859 Filed 5-17-71;8:47 am]

Title 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

SUBCHAPTER E—EMPLOYMENT AND COMPENSATION IN THE CANAL ZONE

PART 253—REGULATIONS OF THE SECRETARY OF THE ARMY

Subpart A—General Provisions

EXCLUSIONS

Effective upon publication in the FEDERAL REGISTER (5-18-71), paragraph (c) of § 253.8 is amended by adding a new subparagraph (12), reading as follows:

§ 253.8 Exclusions.

* * * * *

(c) * * *

(12) Positions of mess attendant which are designated by the commander of the employing military command for occupancy of San Blas (Cuna) Indians pursuant to agreements with the San Blas Tribal Chieftain.

* * * * *

(2 CZC 142, 155, 76A Stat. 16, 19; 35 CFR 251.2)

Dated: May 6, 1971.

STANLEY R. RESOR,
Secretary of the Army.

[FR Doc.71-6840 Filed 5-17-71;8:45 am]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart D—Administration of Educational Benefits; 38 U.S.C. Chapters 34, 35 and 36

NONDUPLICATION; FEDERAL PROGRAMS

Section 21.4025 is revised to read as follows:

§ 21.4025 Nonduplication; Federal programs.

(a) *Chapter 35.* Payment of educational assistance allowance and special training allowance are prohibited to an otherwise eligible person:

(1) For a program of education pursued while on active duty; or

(2) For a unit course or courses which are paid for in whole or in part by the United States under the Government Employees' Training Act during any period that full salary is being paid him as an employee of the United States.

(b) *Chapter 34.* Payment of educational assistance allowance is prohibited to an otherwise eligible veteran:

(1) For a unit course or courses which are being paid for in whole or in part by the Armed Forces during any period he is on active duty; or

(2) For a unit course or courses which are being paid for in whole or in part by the Department of Health, Education, and Welfare during any period that he is on active duty in the Public Health Service; or

(3) For a unit course or courses which are being paid for in whole or in part by the United States under the Government Employees' Training Act during any period that full salary is being paid him as an employee of the United States. (38 U.S.C. 1701(d), 1781; Public Law 91-219, 84 Stat. 76)

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

This VA Regulation is effective March 26, 1970.

Approved: May 12, 1971.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.71-6871 Filed 5-17-71;8:48 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER H—UTILIZATION AND DISPOSAL

PART 101-47—UTILIZATION AND DISPOSAL OF REAL PROPERTY

Subpart 101-47.49—Illustrations

STANDARD FORMS 118, 118a, 118b, and 118c

Sections 101-47.4902-4 (a), (g), (j), and (l) are revised to require that the

original and first four copies, rather than the original and first two copies, of Standard Forms 118, 118a, 118b, and 118c, shall be filed with the regional office of the General Services Administration for the region in which the excess property is located.

Sections 101–47.4902–4 (a), (g), (j), and (l) are revised to provide updated instructions.

NOTE: The instructions in §§ 101–47.4902–4 (a), (g), (j), and (l) are filed as part of the original document.

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

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER (5–18–71).

Dated: May 11, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71–6904 Filed 5–17–71;8:51 am]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5058]

[Arizona 329]

ARIZONA

Withdrawal for National Forest Roadside and Streamside Zones

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

PRESCOTT NATIONAL FOREST

GILA AND SALT RIVER MERIDIAN

Walker Road, Roadside Zone

A strip of land 300 feet on each side of the centerline of Walker Road through the following legal subdivisions:

T. 13 N., R. 1 W.,
Sec. 5, W½;
Sec. 6, NE¼;
Sec. 8, N½N½NW¼.

Lynx Creek, Streamside Zone

T. 12½ N., R. 1 W.,
Sec. 20, lots 1, 2, 3, and 4, that part of unpatented Mineral Survey 4532 lying outside patented land;
Sec. 21, that part of unpatented Mineral Survey 4532 lying outside patented land.
T. 13 N., R. 1 W.,
Sec. 5, lots 9, 12, 13, W½SE¼, SE¼SE¼;
Sec. 8, N½NE¼;
Sec. 16, lot 1 (except west 10 chains), lot 4, the NE¼ of lot 5, and E½SE¼ SW¼;
Sec. 21, lots 2, 3, and lot 4 (except west 10 chains), E½NW¼SW¼NE¼, E½SW¼-NE¼, SW¼SE¼NE¼, E½W½SE¼, W½E½SE¼;
Sec. 28, E½W½NE¼, W½E½NE¼, NE¼NW¼SE¼, NW¼NE¼SE¼, S½ NW¼SE¼, SW¼SE¼;
Sec. 32, lot 15;
Sec. 33, lots 8, 9, 11, 12, 15, 16, and SE¼SW¼, excluding patented mining claims.

The areas described aggregate approximately 1,025.43 acres in Yavapai County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Secretary of the Interior.

MAY 12, 1971.

[FR Doc.71–6874 Filed 5–17–71;8:48 am]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. MC–78]

PART 1047—EXEMPTIONS

Vehicles Employed Solely in Transporting Schoolchildren and Teachers

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 4th day of May 1971.

It appearing, that this proceeding was instituted by a notice of proposed rulemaking, an order entered in this proceeding on October 1, 1969, under authority of 5 U.S.C. 553 and 559 (the Administrative Procedure Act), and sections 203(b)(1), 204(a)(1), 204(a)(6), and 206 of the Interstate Commerce Act to inquire into the operational practices and the manner of operation of common carriers of passengers by motor vehicle operating pursuant to the exemption in section 203(b)(1) of the Interstate Commerce Act, with a view toward determining whether there should be adopted a rule or rules interpreting the phrase "motor vehicles employed solely" appearing in that section, and to take such other and further action as the facts may justify or require.

It further appearing, that the said notice of proposed rulemaking invited carriers or any other interested persons to participate by submitting for consideration written statements of facts, views, and arguments with the Commission at its office in Washington; and that notice to all interested persons was given through publication of the said notice in the FEDERAL REGISTER of October 16, 1969 (34 F.R. 16559); and

It further appearing, that various parties submitted their views and suggestions regarding a proposed rule, and the Commission has considered such representations and, on the date hereof, has made and filed its report setting forth its conclusions and findings and its reasons therefor, which report is hereby referred to and made a part hereof:

It is ordered, That the motion to strike filed on behalf of the Chartered Bus Service, Inc., be, and it is hereby, granted, for the reasons given in said report;

It is further ordered, That Part 1047 of Chapter X, of Title 49 of the Code of Federal Regulations be, and it is hereby, amended by adding thereto § 1047.2 reading as follows:

§ 1047.2 Motor vehicles employed solely in transporting school children and teachers to or from school.

The exemption set forth in section 203(b)(1) of the act shall not be construed as being inapplicable to motor vehicles being used at the time of operation in the transportation of schoolchildren and teachers to or from school, even though such motor vehicles are employed at other times in transportation beyond the scope of the exemption.

It is further ordered, That this order shall become effective on July 2, 1971, and shall continue in effect until further order of the Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

(Secs. 203, 204, and 206, 49 Stat. 544, 546, and 551, all as amended; 49 U.S.C. 303, 304, and 306; 5 U.S.C. 553 and 559)

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–6878 Filed 5–17–71;8:48 am]

[Ex Parte No. MC–82]

PART 1104—PROCEDURES TO BE FOLLOWED IN MOTOR CARRIER REVENUE PROCEEDINGS

Denial of Petitions for Extension of Time

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 11th day of May 1971.

Upon consideration of the record herein including our decision served on April 9, 1971, 339 I.C.C. 324, prescribing new procedures to be followed in motor carrier general rate increase proceedings, effective 30 days after publication thereof in the FEDERAL REGISTER, which publication occurred on April 15, 1971 (36 F.R. 7134, and therefore the effective date would be May 15, 1971); of a petition filed on April 23, 1971, by the Rocky Mountain Motor Tariff Bureau, Inc., for postponement of the effective date of those procedures (1) because they are unable to comply with respect to general increases expected to be filed with an

effective date of July 1, 1971, and (2) to allow additional time to comment thereon; of a joint petition filed on April 28, 1971, by eight tariff publishing bureaus, namely, the Central and Southern Motor Freight Tariff Association, The Eastern Central Motor Carriers Association, Inc., Middle Atlantic Conference, Middlewest Motor Freight Bureau, Inc., The New England Motor Rate Bureau, Inc., Pacific Inland Tariff Bureau, Inc., Southern Motor Carriers Rate Conference, and Southwestern Motor Freight Bureau, Inc. (including a supplemental petition of the Middle Atlantic Conference for stay of the effective date, filed May 3, 1971), for postponement of the effective date (1) because they are unable to comply as indicated by Rocky Mountain, and (2) to allow time for disposition of petitions for reconsideration and modification of the prescribed procedures; and of a petition filed on April 28, 1971, by Central States Motor Freight Bureau, Inc., seeking the same relief and for the same reasons as the said joint petition; and of replies thereto filed by various shipper interests; and

It appearing, that the petitioner, Rocky Mountain, while indicating that it desires to comment on other matters also, urges that the requirement that the frame of traffic study carriers shall include all Instruction 27 carriers participating in one of the motor carrier industry's Continuing Traffic Studies and which derive 5 percent or more of their system annual operating revenues from the traffic affected by the proposed increase, would exclude certain large carriers in its region which earn among the highest revenues from the traffic;

It further appearing, that the eight joint petitioners, and Central States, urge that they cannot possibly file statements of justification by May 15, 1971, for general rate increases now anticipated to be sought to become effective on or about July 1, 1971, in accordance with the requirement that the evidentiary support must be filed at the same time as the schedules and 45 days prior to the published effective date, because they cannot comply with the procedures in the following particular respects:

(1) To determine the Instruction 27 carriers which derive 5 perecnt or more of their total system revenues from the issue traffic;

(2) To derive operating ratios and revenue-to-cost comparisons directly from sample data without adjustment to annual report data; present computer programs are not designed to produce data in the form required;

(3) To credit certain kinds of accessorial revenue to the traffic which produced it, and other kinds as reductions in terminal expense; the present computer program treats all such revenue in the latter manner;

(4) To update cost levels for individual carriers which formerly had been on a group basis; and

(5) To disclose sampling errors for derived characteristics of the traffic;

It further appearing, that the petitioners allege that some additional time may be needed to comply with some of the required changes in methods and procedures of producing and validating traffic and cost studies;

It further appearing, that the eight joint petitioners state that, to the extent possible, they will submit evidence in conformity with the new procedures, and that we may expect the others to do likewise;

And it further appearing, that, considering the objectives of this proceeding as set forth in the said report, particularly the improvement of the quality of the evidence to be presented in revenue proceedings, the petitions herein have not shown adequate justification for extension of the compliance date;

It is ordered, That the petitions be, and they are hereby, denied, without prejudice, however, to the presentation of data and information in support of the carriers' announced general rate increase to be published to be effective on or about July 1, 1971, in conformity with the new procedures to the extent possible, and to the extent that it may be impossible, that adequate explanation thereof is submitted.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-6879 Filed 5-17-71;8:49 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INTEGRATION OF QUALIFIED PLANS WITH SOCIAL SECURITY ACT

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by June 18, 1971. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601 (b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by June 18, 1971. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

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

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 401 of the Internal Revenue Code of 1954 to reflect the Social Security Amendments of 1969 (title X, Public Law 91–172, 83 Stat. 737) and the Social Security Amendments of 1971 (title II, Public Law 92–5, 85 Stat. 6), such regulations are amended as follows:

Paragraph (e) of § 1.401–3 is amended by revising subparagraph (1), by revising subdivisions (i), (ii), (iv), and (v) of subparagraph (2), and by adding a new subdivision (c) at the end of subdivision (iii) of subparagraph (2). These revised and added provisions read as follows:

§ 1.401–3 Requirements as to coverage.

* * * * *

(e)(1) Section 401(a)(5) contains a provision to the effect that a classification shall not be considered discriminatory within the meaning of section 401 (a)(3)(B) merely because all employees whose entire annual remuneration constitutes "wages" under section 3121(a)(1) (for purposes of the Federal Insurance Contributions Act, chapter 21 of the Code) are excluded from the plan. A reference to section 3121(a)(1) for years after 1954 shall be deemed a reference to section 1426(a)(1) of the Internal Revenue Code of 1939 for years before 1955. This provision, in conjunction with section 401(a)(3)(B), is intended to permit the qualification of plans which supplement the old-age, survivors, and disability insurance benefits under the Social Security Act (42 U.S.C. ch. 7). Thus, a classification which excludes all employees whose entire remuneration constitutes "wages" under section 3121(a)(1), will not be considered discriminatory merely because of such exclusion. Similarly, a plan which includes all employees will not be considered discriminatory solely because the contributions or benefits based on that part of their remuneration which is excluded from wages under section 3121(a)(1) differ from the contributions or benefits based on that part of their remuneration which is not so excluded. However, in making his determination with respect to discrimination in classification under section 401(a)(3)(B), the Commissioner will consider whether the total benefits resulting to each employee under the plan and under the Social Security Act, or under the Social Security Act only, establish an integrated and correlated retirement system satisfying the tests of section 401(a). If, therefore, a classification of employees under a plan results in relatively or proportionately greater benefits for employees earning above any specified salary amount or rate than for those below any such salary amount or rate, it may be found to be discriminatory within the meaning of section 401 (a)(3)(B). If, however, the relative or proportionate differences in benefits which result from such classification are approximately offset by the old-age, survivors, and disability insurance benefits which are provided by the Social Security Act and which are not attributable to employee contributions under the Federal Insurance Contributions Act, the plan will be considered to be properly integrated with the Social Security Act and will, therefore, not be considered discriminatory.

(2)(i) For purposes of determining whether a plan is properly integrated with the Social Security Act, the amount of old-age, survivors, and disability insurance benefits which may be considered as attributable to employer contributions under the Federal Insurance Contributions Act is computed on the basis of the following:

(*a*) The rate at which the maximum monthly old-age insurance benefit is provided under the Social Security Act is considered to be the average of (*1*) the rate at which the maximum benefit currently payable under the Act (i.e., in 1971) is provided to an employee retiring at age 65, and (*2*) the rate at which the maximum benefit ultimately payable under the Act (i.e., in 2010) is provided to an employee retiring at age 65. The resulting figure is 43 percent of the average monthly wage on which such benefit is computed.

(*b*) The total old-age, survivors, and disability insurance benefits with respect to an employee is considered to be 162 percent of the employee's old-age insurance benefits. The resulting figure is 70 percent of the average monthly wage on which it is computed.

(*c*) In view of the fact that social security benefits are funded through equal contributions by the employer and employee, 50 percent of such benefits is considered attributable to employer contributions. The resulting figure is 35 percent of the average monthly wage on which the benefit is computed.

Under these assumptions, the maximum old-age, survivors, and disability insurance benefits which may be attributed to employer contributions under the Federal Insurance Contributions Act is an amount equal to 35 percent of the earnings on which they are computed. These computations take into account all amendments to the Society Security Act through the Social Security Amendments of 1971 (85 Stat. 6). It is recognized, however, that subsequent amendments to this Act may increase the percentages described in (*a*) or (*b*) of this subdivision (i), or both. If this occurs, the method used in this subparagraph for determining the integration formula may result in a figure under (*c*) of this subdivision (i) which is greater than 35 percent and a plan could be amended to adopt such greater figure in its benefit formula. In order to minimize future plan amendments of this nature, an employer may anticipate future changes in the Social Security Act by immediately utilizing such a higher figure, but not in excess of 37½ percent, in developing its benefit formula.

(ii) Under the rules provided in this subparagraph, a classification of employees under a noncontributory pension or annuity plan which limits coverage to employees whose compensation exceeds the applicable integration level under the plan will not be considered discriminatory within the meaning of section 401 (a)(3)(B), where:

(*a*) The integration level applicable to an employee is his covered compensation, or is (*1*) in the case of an active employee, a stated dollar amount uniformly applicable to all active employees which is not greater than the covered compensation of any active employee, and (*2*) in the case of a retired employee, an amount which is not greater than his

covered compensation. (For rules relating to determination of an employee's covered compensation, see subdivision (iv) of this subparagraph.)

(b) The rate at which normal annual retirement benefits are provided for any employee with respect to his average annual compensation in excess of the plan's integration level applicable to him does not exceed 37½ percent.

(c) Average annual compensation is defined to mean the average annual compensation over the highest 5 consecutive years.

(d) There are no benefits payable in case of death before retirement.

(e) The normal form of retirement benefits is a straight life annuity, and if there are optional forms, the benefit payments under each optional form are actuarially equivalent to benefit payments under the normal form.

(f) In the case of any employee who reaches normal retirement age before completion of 15 years of service with the employer, the rate at which normal annual retirement benefits are provided for him with respect to his average annual compensation in excess of the plan's integration level applicable to him does not exceed 2½ percent for each year of service.

(g) Normal retirement age is not lower than age 65.

(h) Benefits payable in case of retirement or any other severance of employment before normal retirement age cannot exceed the actuarial equivalent of the maximum normal retirement benefits, which might be provided in accordance with (a) through (g) of this subdivision (ii), multiplied by a fraction, the numerator of which is the actual number of years of service of the employee at retirement or severance, and the denominator of which is the total number of years of service he would have had if he had remained in service until normal retirement age. A special disabled life morality table shall not be used in determining the actuarial equivalent in the case of severance due to disability.

(iii) * * *

(c) If a plan was properly integrated with old-age and survivors insurance benefits on [the day before the date of publication of this notice of proposed rule making], notwithstanding the fact that such plan does not satisfy the requirements of subdivision (ii) of this subparagraph, it will continue to be considered properly integrated with such benefits until January 1, 1972.

(iv) For purposes of this subparagraph, an employee's covered compensation is the amount of compensation with respect to which old-age insurance benefits would be provided for him under the Social Security Act (as in effect at any uniformly applicable date occurring before the employee's separation from the service) if for each year until he attains age 65 his annual compensation is at least equal to the maximum amount of earnings subject to tax in each such year under the Federal Insurance Contributions Act. A plan may provide that an employee's covered compensation is the amount determined under the preceding sentence rounded to the nearest whole multiple of a stated dollar amount which does not exceed $600.

(v) In the case of an integrated plan providing benefits different from those described in subdivision (ii) or (iii) (whichever is applicable of this subparagraph, or providing benefits related to years of service, or providing benefits purchasable by stated employer contributions, or under the terms of which the employees contribute, or providing a combination of any of the foregoing variations, the plan will be considered to be properly integrated only if, as determined by the Commissioner, the benefits provided thereunder by employer contributions cannot exceed in value the benefits described in subdivision (ii) or (iii) (whichever is applicable) of this subparagraph. Similar principles will govern in determining whether a plan is properly integrated if participation therein is limited to employees earning in excess of amounts other than those specified in subdivision (iv) of this subparagraph, or if it bases benefits or contributions on compensation in excess of such amounts, or if it provides for an offset of benefits otherwise payable under the plan on account of old-age, survivors, and disability insurance benefits. Similar principles will govern in determining whether a profit-sharing or stock bonus plan is properly integrated with the Social Security Act.

[FR Doc.71-6987 Filed 5-17-71;8:51 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1030]

[Docket No. AO-361-A2-RO2]

MILK IN CHICAGO REGIONAL MARKETING AREA

Notice of Extension of Time for Filing Exceptions to the Revised Partial Recommended Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Chicago Regional Marketing area which was issued April 27, 1971 (36 F.R. 8155) is hereby extended to June 5, 1971.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

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

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.71-6868 Filed 5-17-71;8:47 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

DIOCTYL SODIUM SULFOSUCCINATE

Notice of Proposed Rule Making

A notice was published in the FEDERAL REGISTER of November 6, 1970 (35 F.R. 17137), proposing that § 121.1137 *Dioctyl sodium sulfosuccinate* (21 CFR 121.1137) be amended:

1. By inserting the abbreviated name of the additive, "DSS," immediately after "dioctyl sodium sulfosuccinate" in the heading and introductory sentence to permit exposure over a period of time and ultimate acceptance of the abbreviation as the common or usual name of the additive.

2. By deleting the requirement in the introductory sentence that the additive met the specifications in "The National Formularly," which is no longer applicable since specifications for the additive have been dropped from "The National Formulary."

In recognition of the recent admittance of this additive to the "United States Pharmacopeia," the petitioner also proposed that the additive meet specifications in such drug compendium as well as the "Food Chemicals Codex."

The Commissioner of Food and Drugs, having considered the data in the petition, and other relevant material, concludes that § 121.1137 should be amended as proposed except that specifications in a drug compendium need not apply since the "Food Chemicals Codex" adequately defines the purity requirements for food grade dioctyl sodium sulfosuccinate.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (c), (d), 72 Stat. 1786-87; 21 U.S.C. 348(c), (d)) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that the heading and introductory sentence to § 121.1137 be revised to read as follows:

§ 121.1137 Dioctyl sodium sulfosuccinate (DSS).

The food additive dioctyl sodium sulfosuccinate (DSS) which meets the specifications of the "Food Chemicals Codex" may be safely used in food in accordance with the following prescribed conditions:

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: May 7, 1971.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.71-6844 Filed 5-17-71;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 71-CE-10-AD]

MARVEL SCHEBLER CARBURETORS

Proposed Airworthiness Directive

The Federal Aviation Administration is considering rule making action with respect to Marvel Schebler MA-3, MA-4, MA-4-5, and HA-6 series carburetors used on various Teledyne Continental, Franklin and Lycoming model engines. This action would involve amending Part 39 of the Federal Aviation Regulations by issuing an Airworthiness Directive which would deal with a problem involving looseness or separation of the throttle arm from the throttle stop on these model carburetors.

This advance notice of proposed rule making is being issued in accordance with the FAA's policy for the early institution of public rule making proceedings. An "advance" notice is issued when it is found that the resources of the FAA and reasonable inquiry outside of the FAA do not yield a sufficient basis to identify and select a tentative course or alternate courses of action, or where it would be helpful to invite public participation in the identification and selection of a course or alternative courses of action with respect to a particular rule making problem. The subject matter of this notice involves a situation contemplated by that policy.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the Regional Counsel, 1548 Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received on or before July 17, 1971, will be considered by the Administrator before taking action upon the proposed rule. All comments will be available, both before and after the closing date for comments, in the Regional Office for examination by interested persons. If it is determined to be in the public interest to proceed further, after consideration of the available data and comments received in response to this notice, a notice of proposed rule making will be issued.

There are approximately 65,000 Marvel Schebler MA-3, MA-4, MA-4-5, and HA-6 series carburetors installed on various Teledyne Continental, Franklin, and Lycoming model engines. Since 1967 the FAA has received approximately 36 reports of looseness or separation of the throttle arms on these carburetors resulting in loss of engine power control. Seven of these reports involved accidents. While data surrounding these reports was sometimes incomplete a review thereof indicated that in a number of cases some maintenance had been recently accomplished on the airplane or engine in which these carburetors were installed which may have involved loosening or moving the carburetor throttle arm and/or readjusting the throttle control linkage. There was a marked increase of reports involving this problem with respect to Piper PA-28 series airplanes during 1970. On the other hand, there was a noticeable lack of reports on the Cessna 150 series airplane and some models of the Cessna 172 series airplanes having these carburetors installed. Analysis of the information received suggests several possible causative factors contributing to the problem which are as follows: (1) Personnel error in installation of the throttle arm and the throttle stop and/or rigging of the throttle control system; (2) Design of the aircraft throttle control system; (3) Ability of the existing design throttle arm to resist rotation on the throttle stop; and (4) Effectiveness of the existing clamping screw locking means.

In view of the potential safety hazard created by separation of the throttle arm and the throttle stop, the FAA is interested in opinions from owners, operators, maintenance personnel and other interested parties as to the desirability of regulatory action by the issuance of an AD to deal with this problem. In that regard the agency is especially interested in the following information:

(1) What procedures are used to inspect the throttle arm attachment for indications of separation or looseness, proper torquing of the clamping screw, and the presence and effectiveness of the clamping screw safety wiring?

(2) Are the airframe manufacturer's throttle control system rigging instructions correct and adequate, and if so, does the throttle control rigging comply with these instructions? If inadequate, what revisions are suggested?

(3) Is sufficient clamping force applied by a properly torqued screw to assure security of the throttle arm on the throttle stop during normal operation of the throttle control system?

(4) Does the design of the throttle control system allow application of unnecessary and excessive force tending to rotate the throttle arm on the throttle shaft?

(5) Do any specific aircraft installations impose more severe operating conditions or difficulty in maintenance than do other installations?

(6) In view of the foregoing, do you feel we need airworthiness action against the carburetor or its throttle arm, the engines on which it is installed, or on specific aircraft makes and models using these engines, or is other action necessary?

Since the purpose of an advance notice is to obtain public participation in the identification or selection of a course or courses of action, the agency asks that comments contain sufficient supporting statements and data to justify all recommendations and conclusions. When documenting cases or instances to support your answers, please give details on all incidents including, when available, aircraft registration number, serial number, carburetor model, engine and aircraft make and model, total times, time since overhaul, and time since last inspection.

This advance notice of proposed rule making was authorized under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on May 6, 1971.

DANIEL E. BARROW,
Acting Director, Central Region.

[FR Doc.71-6896 Filed 5-17-71;8:50 am]

[14 CFR Part 71]

[Airspace Docket No. 71-WA-7]

LOS ANGELES, CALIF., TERMINAL CONTROL AREA

Notice of Proposed Rule Making

The Federal Aviation Administration (FAA) is considering the adoption of a Group I terminal control area for Los Angeles, Calif., rules for the control and segregation of all aircraft operated within terminal control areas are contained in Part 91, §§ 91.70 and 91.90 of the Federal Aviation Regulations.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Worldway Postal Center, Post Office Box 92007, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

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

As parts of this proposal relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the

safe, orderly and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft. Also, the proposed rule places no requirements on foreign aircraft operating in international airspace.

Since these actions involve, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

In determining the original airspace configuration, the FAA held a public meeting in Los Angeles to discuss the TCA concept. Following this, an additional meeting was held with user representatives in the local area to consider the problems associated specifically with the Los Angeles TCA configuration. Appropriate suggestions were adopted and the original airspace configuration was the result of working directly with the Los Angeles aviation community. However, since some segments of the aviation community have been highly critical of the complexity of TCA airspace configurations, the FAA attempted to simplify the original TCA plan for Los Angeles; however, only minor changes were feasible and these changes are reflected in this proposal.

In consideration of the foregoing and for reasons stated in Docket No. 9880 (35 F.R. 7782) it is proposed to amend Part 71 of the Federal Aviation Regulations by adding the following to § 71.401(a) Group 1 terminal control areas.

LOS ANGELES, CALIF., TERMINAL CONTROL AREA
BOUNDARIES

Area A. That airspace extending upward from the surface to 2,500 feet MSL and from 5,000 feet MSL to and including 7,000 feet MSL bounded on the north by Bolona Creek, on the east by the San Diego Freeway, on the south by Imperial Boulevard, and on the west by the Pacific Ocean shoreline.

Area B. That airspace extending upward from the surface to and including 7,000 feet MSL east of Los Angeles Airport bounded on the east by the Los Angeles, Calif., VORTAC 10-mile-radius arc, on the south by the Los Angeles VORTAC 091° T (076° M) radial, on the west by the San Diego Freeway and on the north by the Los Angeles VORTAC 061° T (046° M) radial; and that airspace west of Los Angeles Airport bounded on the east by the Pacific Ocean shoreline, on the southeast by the Los Angeles VORTAC 207° T (192° M) radial, on the west by the Los Angeles VORTAC 11-mile-radius arc, and on the north by the Santa Monica VOR 270° T (255° M) radial and the Ventura, Calif., VORTAC 107° T (092° M) radial.

Area C. That airspace extending upward from 2,000 feet MSL to and including 7,000 feet MSL east of Los Angeles between the 10- and 15-mile radii of the Los Angeles VORTAC bounded on the north by the Los Angeles VORTAC 061° T (046° M) radial and on the south by the Santa Monica VOR 112° T (097° M) radial; and that airspace west of Los Angeles bounded on the east by the Los Angeles VORTAC 11-mile-radius arc and the Los Angeles VORTAC 207° T (192° M) radial, on the south by the Seal Beach, Calif., VORTAC 266° T (251° M) radial, on the west by the Los Angeles VORTAC 20-mile-radius arc, and on the north by the Santa Monica VOR 270° T (255° M) radial.

Area D. That airspace extending upward from 2,500 feet MSL to and including 7,000 feet MSL east and northeast of Los Angeles Airport bounded by a line beginning at the intersection of the Los Angeles VORTAC 061° T (046° M) radial and the San Diego Freeway, thence northwest along the San Diego Freeway to and northeast along the Los Angeles VORTAC 024° T (009° M) and the Santa Monica VOR 057° T (042° M) radials to and east along the Ontario, Calif., VORTAC 288° T (273° M) and the Pomona VORTAC 266° T (251° M) radials to and south along the Los Angeles VORTAC 20-mile-radius arc to and west along the Ontario VORTAC 268° T (253° M) radial to and north along the Los Angeles VORTAC 15-mile-radius arc to and southwest along the Los Angeles VORTAC 061° T (046° M) radial to the point of beginning.

Area E. That airspace extending upward from 4,000 feet MSL to and including 7,000 feet MSL east of Los Angeles bounded on the east by the Los Angeles VORTAC 25-mile-radius arc, on the south by the Ontario VORTAC 268° T (253° M) radial, on the west by the Los Angeles VORTAC 20-mile-radius arc, and on the north by the Pomona VORTAC 266° T (251° M) radial; that airspace bounded on the east by the Los Angeles VORTAC 180° T (165° M) radial, on the south by the Seal Beach VORTAC 266° T (251° M) radial, and on the northwest by the Los Angeles VORTAC 207° T (192° M) radial; and that airspace northwest of Los Angeles bounded on the northeast by the Los Angeles VORTAC 320° T (305° M) radial, on the south by the Santa Monica VOR 270° T (255° M) radial and the Ventura VORTAC 107° T (092° M) radial, on the west by the Los Angeles VORTAC 20-mile-radius arc, and on the north by the Ventura VORTAC 090° T (075° M) radial.

Area F. That airspace extending upward from 5,000 feet MSL to and including 7,000 feet MSL north of Los Angeles bounded by a line beginning at the intersection of the Ventura VORTAC 090° T (075° M) radial and the Santa Monica VOR 057° T (042° M) radial, thence southwest along the Santa Monica VOR 057° T (042° M) radial to the Los Angeles VORTAC 024° T (009° M) radial, thence southwest along the Los Angeles VORTAC 024° T (009° M) radial to Bolona Creek, thence southwest along Bolona Creek to the Pacific Ocean shoreline, thence northwest along the Los Angeles VORTAC 320° T (305° M) radial to the Ventura 090° T (075° M) radial, thence east along the Ventura 090° T (075° M) radial to the point of beginning; and that airspace southeast of Los Angeles bounded on the southeast by the Los Angeles VORTAC 12-mile-radius arc, on the south by the Seal Beach VORTAC 266° T (251° M) radial, on the west by the Los Angeles VORTAC 180° T (165° M) radial and on the north by areas A, B, and C.

Area G. That airspace extending upward from 6,000 feet MSL to and including 7,000 feet MSL southeast of Los Angeles bounded on the southeast by the Los Angeles VORTAC 25-mile-radius arc, on the southwest by the Seal Beach VORTAC 330° T/150° T (315° M/135° M) radials, and on the north by the Ontario 268° (253° M) radial.

This amendment is proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510); Executive Order 10854 (24 F.R. 9565); and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on May 12, 1971.

WILLIAM M. FLENER,
Director, Air Traffic Service.

[FR Doc.71-6946 Filed 5-17-71;8:52 am]

[14 CFR Part 71]

[Airspace Docket No. 71-WA-6]

NEW YORK, N.Y., TERMINAL CONTROL AREA

Notice of Proposed Rule Making

The Federal Aviation Administration (FAA) is considering the adoption of a Group I terminal control area for New York, N.Y. Rules for the control and segregation of all aircraft operated within terminal control areas are contained in Part 91, §§ 91.70 and 91.90 of the Federal Aviation Regulations.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY 11430. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

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

As parts of this proposal relate to the navigable airspace outside the United

States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft. Also, the proposed rule places no requirements on foreign aircraft operating in international airspace.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

In determining the original airspace configuration for the New York TCA, the FAA held a public meeting in New York on June 4, 1970 to discuss the TCA concept. Following this, an additional meeting was held with user representatives in the local area to consider the problems associated specifically with the New York TCA configuration. Appropriate suggestions were adopted and the original airspace configuration was the result of working directly with the New York aviation community. Since Newark was a Group II TCA candidate, it was not included in the original plan.

The recent mid-air collision near Newark Airport focused attention on the need for early implementation of the TCA concept for the three major airports in the New York metropolitan area. In addition, some segments of the aviation community were highly critical of the original TCA airspace configuration, stating that it was extremely complicated, and difficult to understand and chart. Therefore, the FAA developed a simplified TCA airspace configuration to include Kennedy, La Guardia, and Newark airports.

This simplified configuration, basically three circles around each of the three airports, was discussed at another local user meeting in New York on April 9, 1971. Again, considerable opposition was expressed because it was felt the configuration seriously affected the interests of many general aviation users, police, fire, and Coast Guard rescue activities, helicopter operators, and seaplane operators. There was also general disagreement with the terminal control area concept and a fear that even properly equipped general aviation aircraft would not be able to obtain ATC clearance to transit the TCA.

To explore these definite problem areas, 25 to 30 local user representatives were invited to participate in a working group session to discuss how the various operations could best be accommodated in the TCA airspace under consideration. This meeting was held during the week of April 19, 1971. While some groups still basically oppose terminal control areas, or had certain reservations, the representatives mutually agreed to a compromise TCA airspace plan that they all felt to be a workable solution at this time.

The changes recommended by the working group included: (a) A secondary circle around Newark Airport which would exclude the airspace below 500 feet MSL generally between the 4- and 6.5-nautical-mile radii of Newark Airport. The purpose of this exclusion is to allow for operation free of TCA airspace to and from the eight helipads in that area; (b) a broader exclusion at 800 feet MSL and below to allow for easier egress and ingress to Linden Airport; (c) raising of the TCA floor from 3,000 to 4,000 feet MSL over a portion of Long Island in the area of Grumman-Bethpage, Republic and Zahns Airports; (d) raising of the TCA floor from 1,500 to 1,800 feet MSL northwest, north, and northeast of Newark Airport to provide easier transit and better access in the area over and near the Teterboro and Morristown Airports; (e) providing an area below 500 feet MSL for entry and exit from the Evers Seaplane base northeast of La Guardia Airport; (f) raising of a part of the areas around Newark Airport and La Guardia Airport to 1,100 feet MSL in the Hudson River and East River areas to provide some free access; and, (g) redescribing some of the circular areas so that the airspace will coincide with and closely follow prominent terrain and landmarks. All of these suggested changes are included in the airspace proposed hereinafter.

As stated before, one of the important questions of general aviation users, particularly those on Long Island, was whether properly equipped and operated aircraft would be accommodated through the TCA airspace. We consider it appropriate to reiterate agency policy stated in previous notices, advisory circulars, meetings, etc., that clearances to fly through the area will be issued on a traffic-permitting basis if the aircraft meet the equipment requirements of the rule.

In consideration of the foregoing and for reasons stated in Docket No. 9880 (35 F.R. 7782) it is proposed to amend Part 71 of the Federal Aviation Regulations by adding the following to § 71.401(a) Group I terminal control areas.

NEW YORK, N.Y., TERMINAL CONTROL AREA

PRIMARY AIRPORTS

Kennedy International Airport (lat. 40°38' 20'' N., long. 73°47'10'' W.).
La Guardia Airport (lat. 40°46'30'' N., long. 73°52'20'' W.).
Newark Airport (lat. 40°41'34'' N., long. 74° 10'24'' W.).

BOUNDARIES

That airspace up to and including 7,000 feet MSL.

Area A. That airspace extending upward from the surface to and including 7,000 feet MSL within an 8-mile-radius circle of Kennedy (JFK) VORTAC; within a 4-mile-radius circle centered at lat. 40°31'30'' N., long. 74°10'00'' W.; and within a 6-mile-radius circle of La Guardia (LGA) VORTAC; excluding the airspace within and below Areas B, C, D, and E hereinafter described.

Area B. That airspace extending upward from 500 feet MSL to and including 7,000 feet MSL within an 8-mile-radius circle of JFK VORTAC south of a line beginning at the intersection of the JFK VORTAC 248° M radial and the Atlantic Ocean shoreline, thence east along the shoreline to its intersection with the JFK VORTAC 5-mile DME fix, thence north along the 5-mile DME arc to and east along the JFK VORTAC 105° M radial to the 8-mile-radius circle of JFK VORTAC; that airspace within a 6-mile-radius circle of LGA VORTAC bounded by a line beginning at the intersection of the 6-mile-radius circle and the LGA VORTAC 065° M radial, thence counterclockwise via the 6-mile arc to and southwest along the LGA VORTAC 050° M radial to the LGA VORTAC 4-mile DME fix, thence direct to the intersection of the 4-mile DME fix and the LGA VORTAC 065° M radial, thence northeast along the LGA VORTAC 065° M radial to the point of beginning; and that airspace between the 4-mile and the 6.5-mile radii of a circle centered at lat. 40°41'30'' N., long. 74°10'00'' W.; excluding the airspace within and below Areas C and D hereinafter described.

Area C. That airspace extending upward from above 800 feet MSL to and including 7,000 feet MSL within a 6.5-mile-radius circle centered at lat. 40°41'30'' N., long. 74°10'00'' W., southwest of a line 4 miles southwest of the approach end of Newark Airport Runway 4R and perpendicular to the Runway 4R ILS localizer course.

Area D. That airspace extending upward from above 1,100 feet MSL to and including 7,000 feet MSL within the 6-mile-radius circle of LGA VORTAC west of the east bank of the Hudson River; that airspace between the east and west banks of the East River southwest of the JFK VORTAC 325° M radial; and that airspace within the 6.5-mile-radius circle centered at lat. 40°41'30'' N., long. 74°10'00'' W., east of the Colts Neck VORTAC 025° M radial.

Area E. That airspace extending upward from 1,500 feet MSL to and including 7,000

feet MSL within the area bounded by a line beginning at the intersection of the 20-mile-radius circle of JFK VORTAC and the JFK VORTAC 219° M radial, thence counterclockwise along the 20-mile arc to its intersection with the Long Island shoreline, thence southwest along the Long Island shoreline to and counterclockwise along the 13-mile-radius circle of JFK VORTAC to and counterclockwise along the 10-mile-radius circle of LGA VORTAC to the LGA VORTAC 002° M radial, thence direct to the LGA VORTAC 295° M radial at the LGA VORTAC 17-mile DME fix, thence counterclockwise along a 10-mile-radius circle centered at lat. 40°41'30" N., long. 74°10'00" W., to its intersection with the Colts Neck VORTAC 016° M radial, thence direct to the intersection of the Colts Neck VORTAC 045° M radial and the New Jersey shoreline at Sandy Hook, thence south along the New Jersey shoreline to the point of beginning; and that airspace within a 6-mile-radius circle of LGA VORTAC east of a line bounded by the LGA VORTAC 082° M radial, the JFK VORTAC 351° M radial, and the LGA VORTAC 115° M radial; excluding the airspace within Areas A, B, C, and D previously described; and excluding the airspace within and below Area F hereinafter described.

Area F. That airspace extending upward from 1,800 feet MSL to and including 7,000 feet MSL within an area bounded by a line beginning at the intersection of the LGA VORTAC 331° M radial and the Hackensack River, thence south along the Hackensack River to the LGA VORTAC 310° M radial, thence direct to the intersection of the 6-mile radius circle of LGA VORTAC and the LGA VORTAC 275° M radial, thence south along the west bank of the Hudson River to its intersection with, then counterclockwise along the 6.5-mile-radius circle centered at lat. 40°41'30" N., long. 74°10'00" W., to and southwest along New Jersey Highway Route No. 22 to and clockwise along a 10-mile-radius circle centered at lat. 40°41'30" N., long. 74°10'00" W., to LGA VORTAC 295° M radial, thence direct to the point of beginning.

Area G. That airspace extending upward from 3,000 feet MSL to and including 7,000 feet MSL within a 20-mile-radius circle centered at lat. 40°41'30" N., long. 74°10'00" W., within a 20-mile-radius circle of JFK VOR TAC; and within a 20-mile-radius circle of LGA VORTAC, excluding the airspace within Areas A, B, C, D, E, and F previously described and excluding the airspace within and below Area H hereinafter described.

Area H. That airspace extending upward from 4,000 feet MSL to and including 7,000 feet MSL between the 13- and 20-mile radii circles of JFK VORTAC bounded on the north by the JFK VORTAC 061° M radial and on the south by the Long Island shoreline.

This amendment is proposed under the authority of Sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510); Executive Order 10854 (24 F.R. 9565); and Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on May 12, 1971.

WILLIAM M. FLENER,
Director, Air Traffic Service.

[FR Doc.71-6947 Filed 5-17-71;8:52 am]

[14 CFR Part 93]

[Docket No. 9974; Notice No. 71-15]

HIGH DENSITY TRAFFIC AIRPORTS

Notice of Proposed Rule Making

The FAA is considering amending Part 93 of the Federal Aviation Regulations to extend for 1 year the special air traffic rule for High Density Traffic Airports which would otherwise expire on October 25, 1971, and to suspend the allocation and reservation requirements for operation into and out of Kennedy International Airport, New York, N.Y., and O'Hare International Airport, Chicago, Ill., in addition to the present suspension of those requirements at the Newark Airport, Newark, N.J.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel: Attention Rules Docket GC-24, 800 Independenec Avenue SW., Washington, DC 20590. All communications received on or before June 15, 1971, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Initially, the High Density Traffic Airports Rule was adopted in order to provide immediate relief from the major air congestion that existed at five airports designated as High Density Traffic Airports under that rule. The five airports designated as High Density Traffic Airports were the John F. Kennedy, La Guardia, Newark, O'Hare, and Washington National Airports. Since the adoption of the original rule (Amdt. 93-13; 33 F.R. 17896) the rule has been extended with minor amendments so that it now will expire on October 25, 1971. The most recent amendment (Amdt. 93-21; 35 F.R. 16591) which was adopted on October 23, 1970, not only extended the expiration date of the rule to October 25, 1971, but it also suspended the allocation and reservation requirement at the Newark Airport, Newark, N.J. In that amendment the FAA took the position that despite the continued improvement in the traffic picture at all five High Density Traffic Airports it was still necessary to extend the rule for an additional year, because of the many variables that could occur which could have an immediate effect upon the efficient use of the airspace. However, because the traffic demand at the Newark Airport was well below the capacity of that airport the Administrator determined that the efficient use of the airspace would not be affected if the requirements for allocations and reservations at the Newark Airport were suspended. In the preamble to that rule, the aviation public was also reminded that the FAA would continue to evaluate the situation at those remaining airports looking toward the suspension of the allocation and reservation requirements of the rule at the other airports subject to the rule.

At this time the FAA does not have complete assurance that if the rule were permitted to expire on October 25, 1971, that the presently existing traffic picture at all of the five airports will remain at an acceptable level. Accordingly, it is proposed herein to extend this rule for an additional year from the expiration date of October 25, 1971. However, as proposed herein § 93.133 would except the Newark, Kennedy, and O'Hare Airports from the allocation and reservation requirements of the rule.

The proposed suspension of the allocation and reservation requirements at Newark, Kennedy, and O'Hare Airports is based upon a continuous study and analysis of the amount of traffic and delay factors at these airports. It is still the judgment of the FAA that the allocation and reservation requirements should remain suspended at the Newark Airport. It also appears that the traffic loads at both Kennedy and O'Hare have levelled off to more manageable proportions. This element of manageability has been the result of a lesser demand by the operators of general aviation aircraft, and a most significant reduction in air carrier and air taxi operations. More specifically in a recent sampling of IFR hourly operations, the traffic volume as related to quota use at both Kennedy and O'Hare Airports indicated that the peak period percentage of quotas used by air carriers (scheduled and supplemental) was only 75 percent at Kennedy and 88 percent at O'Hare. The percentage of quota use by air taxis during the peak period was only 45 percent at Kennedy and approximately 90 percent at O'Hare. In the case of General Aviation, the use of IFR reservations was down to 35 percent at Kennedy and 70 percent at O'Hare.

The combined effect of these factors has resulted in decreases in both operations and delays. Because of this continuous improved air traffic picture, the FAA believes that the airspace at those airports may be used without the quota and reservation requirements.

Even though there may be some summer buildup in the volume of air carrier operations, the FAA does not anticipate that it will result in a significant increase in air carrier schedules at these airports. Moreover, while suspension of the quota rule does necessarily involve some risk of future delays, the FAA believes that because of its ability to control delays through flow control procedures, that any risk is minimal. Finally, it should be noted that in the event the suspension of the allocation and reservation requirements does result in significant traffic buildup and that buildup again causes

unnecessary and unacceptable traffic delays, the Administrator will, as stated in § 93.130, reinstate the allocations and reservation requirements of that rule at these airports. To provide for such action, it appears desirable that the various scheduling committees continue to maintain published schedules to meet the requirements of the rule, even though the rule would, if adopted, suspend the allocation and reservation requirements at 3 of the airports involved.

The FAA proposes to retain all quota and reservation requirements at the Washington National and the La Guardia Airports. In the case of the Washington National Airport, while there has been some reduction in the traffic during the past winter, it is anticipated that traffic will increase during the summer months. It is, therefore, deemed advisable to wait and observe what effect if any the expected traffic buildup will have upon the efficiency of airspace before relaxing the rule at the Washington National Airport.

At the La Guardia Airport there has been a slight increase in traffic volume during the winter months. Since there exists no certain standard to measure whether this trend will continue, and, if so, the effect this traffic growth may have on the overall traffic situation in the New York complex, the FAA proposes to maintain the allocation and reservation restrictions to the La Guardia Airport until some future time.

In consideration of the foregoing, it is proposed that Part 93 of the Federal Aviation Regulations be amended as follows:

1. By amending § 93.131 to read as follows:

§ 93.131 Termination date.

The provisions of §§ 93.121–93.131 and 93.133 of this subpart terminate October 25, 1972.

2. By amending § 93.133 to read as follows:

§ 93.133 Exceptions.

Except as provided in § 93.130, the provisions of § 93.123, § 93.125 (a) and (b) do not apply to the following airports:

(a) Newark Airport, Newark, N.J.

(b) Kennedy International Airport, New York, N.Y.

(c) O'Hare International Airport, Chicago, Ill.

This amendment is proposed under the authority of sections 103, 307 (a), (b), and (c), 313, and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1303, 1348, 1354, and 1421); section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and § 1.4(b) of the regulations of the Office of the Secretary (49 U.S.C. 14(b)).

Issued in Washington, D.C., on May 14, 1971.

WILLIAM M. FLENER,
Director, Air Traffic Service.

[FR Doc.71-6963 Filed 5-17-71;8:52 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

[Docket No. 23307; EDR-199A]

UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Supplemental Notice of Proposed Rule Making

MAY 14, 1971.

Realignment of lease accounting and reporting and provision for quarterly statements related to funds and financial commitments.

The Board, by circulation of notice of proposed rule making EDR-199 dated April 22, 1971, and publication at 36 F.R. 8052, gave notice that it had under consideration proposed amendments to Part 241 of its economic regulations (14 CFR Part 241) which would realign the carrier rent account and the treatment of long-term leases for accounting and reporting, and would provide for quarterly statements of sources and applications of funds and impending financial commitments. 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 June 1, 1971.

Subsequent to the issuance of the proposed rule, two certificated combination air carriers requested an extension of time for 90 days for the filing of comments. It is asserted, inter alia, that a scheduled meeting of the Corporate Account Committee of the Air Transport Association will take place on May 27-28 at which the proposed rule will be considered in detail preparatory to the contemplated submission of industry comments to the Board. It is also maintained that additional time is required to review the implications which may ensue from the proposed rule's requirement for forecasted expenditures as well as additional actual data.

The undersigned finds that good cause has been shown for an extension of time for filing comments to July 15, 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 July 15, 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.71-6880 Filed 5-17-71;8:49 am]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

WOOL AND POLYESTER/WOOL WORSTED FABRICS FROM JAPAN

Antidumping Proceeding Notice

MAY 14, 1971.

On March 31, 1971, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs regulations (19 CFR 153.26, 153.27), indicating a possibility that wool and polyester/wool worsted fabrics from Japan are being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs regulations (19 CFR 153.30).

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

[FR Doc.71-6962 Filed 5-17-71;8:52 am]

Office of the Secretary

HIGH VOLTAGE PORCELAIN INSULATORS FROM JAPAN

Notice of Intent To Discontinue Antidumping Investigation

MAY 13, 1971.

Information was received on June 21, 1968, that high voltage porcelain insulators manufactured by NGK Insulators, Ltd., Nagoya, Japan, were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as the "Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of September 27, 1968, on page 14550.

I hereby announce an intent to discontinue the antidumping investigation of high voltage porcelain insulators manufactured by NGK Insulators, Ltd., Nagoya, Japan.

Statement of reasons on which this notice of intent to discontinue antidumping investigation is based. Sales to United States purchasers were made to related parties within the meaning of section 207 of the Act (19 U.S.C. 166).

Such or similar merchandise was found to be sold in sufficient quantities in the home market to furnish a basis of comparison.

Accordingly, exporter's sales price was compared with the adjusted home market price of similar merchandise.

Exporter's sales price was computed by deducting from the resale price to the U.S. purchasers by a related firm ocean freight and insurance, U.S. duty, clearance charges, the applicable U.S. selling expenses, commission charges, warehouse charges and the inland shipping charges incurred both in Japan and the United States.

Adjusted home market price of similar merchandise was computed on the basis of the weighted average delivered prices. From such prices were deducted, as applicable, inland freight charges, differences in credit terms and advertising costs, technical services, and selling expenses. Adjustments were made for a production cost differential, and for any differences in packing costs.

The comparisons made revealed some instances where exporter's sales price was lower than adjusted home market price of similar merchandise. However, these were determined to be minimal in terms of the volume of sales involved.

Subsequently, formal assurances were received from the manufacturer that he would make no future sales at less than fair value within the meaning of the Act.

The facts recited above constitute evidence warranting the discontinuance of the investigation.

Interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views. Any such written views, arguments, or requests should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20226, in time to be received by his office not later than 10 calendar days from the date of publication of this notice in the FEDERAL REGISTER.

Unless persuasive evidence or argument to the contrary is presented pursuant to the preceding paragraph, a final notice will be published discontinuing the investigation.

This notice of intent to discontinue an antidumping investigation is published pursuant to § 153.15(b) of the Customs regulations (19 CFR 153.15(b)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-6992 Filed 5-17-71;9:27 am]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

WILLIAM ANGUS DAVIS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of May 4, 1971.

Dated: May 4, 1971.

WILLIAM ANGUS DAVIS.

[FR Doc.71-6848 Filed 5-17-71;8:46 am]

FRANK DRAKE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of April 30, 1971.

Dated: May 5, 1971.

FRANK DRAKE.

[FR. Doc.71-6849 Filed 5-17-71;8:46 am]

EDWARD GLASS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of April 29, 1971.

Dated: April 29, 1971.

E. C. GLASS.

[FR Doc.71-6850 Filed 5-17-71;8:46 am]

DONALD B. GREGG

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of April 14, 1971.

Dated: April 30, 1971.

DONALD B. GREGG.

[FR Doc.71-6851 Filed 5-17-71;8:46 am]

ERNEST H. HILL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of April 28, 1971.

Dated: April 28, 1971.

ERNEST H. HILL.

[FR Doc.71-6852 Filed 5-17-71;8:46 am]

EVAN W. JAMES

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) Title now—Senior Vice President, Power Generation and Engineering, Wisconsin Public Service Corp.
(2) Obtain ownership of—Wisconsin Electric Power Co. preferred stock; Lord Abbott Bond Debenture Fund stock.
(3) No change.
(4) No change.

This statement is made as of April 30, 1971.

Dated: April 30, 1971.

E. W. JAMES.

[FR Doc.71-6853 Filed 5-17-71;8:46 am]

JACK P. LEWIS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) Add: Marine Midland Banks.
(3) No change.
(4) No change.

This statement is made as of April 28, 1971.

Dated: April 28, 1971.

JACK P. LEWIS.

[FR Doc.71-6854 Filed 5-17-71;8:46 am]

WILLIAM K. PENCE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) Delete Computer Sciences Corp.
(3) No change.
(4) No change.

This statement is made as of May 4, 1971.

Dated: May 4, 1971.

WILLIAM K. PENCE.

[FR Doc.71-6855 Filed 5-17-71;8:46 am]

NICHOLAS A. RICCI

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) Delete: Master Lock Corp. Add: American Brands, Data Packaging, Hughes Supply, Aldrich Chemical, CAMCO, Premier Industrial, Standard Oil of California, and Texaco.
(3) No change.
(4) No change.

This statement is made as of May 5, 1971.

Dated: May 4, 1971.

NICHOLAS A. RICCI.

[FR Doc.71-6856 Filed 5-17-71;8:46 am]

JOHN A. ROLFING

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of April 30, 1971.

Dated: April 30, 1971.

JOHN A. ROLFING, Jr.

[FR Doc.71-6857 Filed 5-17-71;8:46 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

OKLAHOMA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) and section 232 of the Disaster Relief Act of 1970 (Public Law 91-606), it has been determined that in the following counties in the State of Oklahoma natural disasters have caused a general need for agricultural credit:

OKLAHOMA

Alfalfa.	Jackson.
Beaver.	Jefferson.
Beckham.	Johnson.
Blaine.	Kingfisher.
Bryan.	Kiowa.
Caddo.	Logan.
Canadian.	Love.
Carter.	Major.
Cimarron.	Marshall.
Cleveland.	McClain.
Comanche.	Murray.
Cotton.	Noble.
Custer.	Pawnee.
Dewey.	Pontotoc.
Ellis.	Pottawatomie.
Garfield.	Roger Mills.
Garvin.	Seminole.
Grady.	Stephens.
Grant.	Texas.
Greer.	Tillman.
Harmon.	Washita.
Harper.	Woods.
Hughes.	Woodward.

Emergency loans will not be made in the above-named counties under this designation after June 30, 1972, except subsequent loans to qualified borrowers who

receive initial loans under this designation on or before that date.

Done at Washington, D.C., this 12th day of May 1971.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[FR Doc.71-6909 Filed 5-17-71;8:51 am]

TEXAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) and section 232 of the Disaster Relief Act of 1970 (Public Law 91-606), it has been determined that in the following counties in the State of Texas natural disasters have caused a general need for agricultural credit:

TEXAS

Anderson.
Andrews.
Angelina.
Aransas.
Archer.
Armstrong.
Atascosa.
Austin.
Bailey.
Bandera.
Bastrop.
Baylor.
Bee.
Bell.
Bexar.
Blanco.
Borden.
Bosque.
Bowie.
Brazoria.
Brazos.
Brewster.
Briscoe.
Brooks.
Brown.
Burleson.
Burnet.
Caldwell.
Calhoun.
Callahan.
Cameron.
Carson.
Castro.
Chambers.
Childress.
Clay.
Cochran.
Coke.
Coleman.
Collin.
Collingsworth.
Colorado.
Comal.
Comanche.
Concho.
Cooke.
Coryell.
Cottle.
Crane.
Crockett.
Crosby.
Culberson.
Dallam.
Dawson.
Deaf Smith.
Delta.
Denton.
DeWitt.
Dickens.
Dimmit.
Donley.
Duval.
Eastland.
Ector.
Edwards.
Ellis.
El Paso.
Erath.
Falls.
Fannin.
Fayette.
Fisher.
Floyd.
Foard.
Fort Bend.
Freestone.
Frio.
Gaines.
Galveston.
Garza.
Gillespie.
Glasscock.
Goliad.
Gonzales.
Gray.
Grimes.
Grayson.
Guadalupe.
Hale.
Hall.
Hamilton.
Hansford.
Hardeman.
Hardin.
Harris.
Hartley.
Haskell.
Hays.
Hemphill.
Hidalgo.
Hill.
Hockley.
Hood.
Hopkins.
Houston.
Howard.
Hudspeth.
Hunt.
Hutchinson.
Irion.
Jack.
Jackson.
Jasper.
Jeff Davis.
Jefferson.
Jim Hogg.
Jim Wells.
Johnson.

TEXAS

Jones.
Karnes.
Kaufman.
Kendall.
Kenedy.
Kent.
Kerr.
Kimble.
King.
Kinney.
Kleberg.
Knox.
LaMar.
Lamb.
Lampasas.
LaSalle.
Lavaca.
Lee.
Leon.
Liberty.
Limestone.
Lipscomb.
Live Oak.
Llano.
Loving.
Lubbock.
Lynn.
McCulloch.
McLennan.
McMullen.
Madison.
Martin.
Mason.
Matagorda.
Maverick.
Medina.
Menard.
Midland.
Milam.
Mills.
Mitchell.
Montague.
Montgomery.
Moore.
Motley
Nacogdoches.
Navarro.
Newton.
Nolan.
Nueces.
Ochiltree.
Oldham.
Orange.
Palo Pinto.
Parker.
Parmer.
Pecos.
Polk.
Potter.
Presidio.
Rains.
Randall.
Reagan.
Real.
Reeves.
Refugio.
Roberts.
Robertson.
Runnels.
Sabine.
San Augustine.
San Jacinto.
San Patricio.
San Saba.
Schleicher.
Scurry.
Shackleford.
Shelby.
Sherman.
Somervell.
Starr.
Stephens.
Sterling.
Stonewall.
Sutton.
Swisher.
Tarrant.
Taylor.
Terrell.
Terry.
Throckmorton.
Tom Green.
Travis.
Trinity.
Tyler.
Upton.
Uvalde.
Val Verde.
Victoria.
Walker.
Waller.
Ward.
Washington.
Webb.
Wharton.
Wheeler.
Wichita.
Wilbarger.
Willacy.
Williamson.
Wilson.
Winkler.
Wise.
Yoakum.
Young.
Zapata.
Zavala

Emergency loans will not be made in the above-named counties under this designation after June 30, 1972, except subsequent loans to qualified borrowers who receive initial loans under this designation on or before that date.

Done at Washington, D.C. this 12th day of May, 1971.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[FR Doc.71-6910 Filed 5-17-71;8:51 am]

Packers and Stockyards Administration

WEDDLES SALE BARN ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below, it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyards as required by said section 302.

Name, location of stockyard, and date of posting

MISSOURI

Weddles Sale Barn, Bethany, Apr. 4, 1971.

NEVADA

Stardust Horseman's Park Horse Auction, Las Vegas, Mar. 16, 1971.

NORTH DAKOTA

Edgeley Livestock Sales, Inc., Edgeley, Mar. 22, 1971.

OHIO

Producers Livestock Association, Marysville, Mar. 22, 1971.

WISCONSIN

Midwest Livestock Producers Cooperative, Ettrick, Apr. 14, 1971.
Midwest Livestock Producers Cooperative, Shullsburg, Apr. 15, 1971.

Done at Washington, D.C., this 12th day of May 1971.

JOHN R. BRANNIGAN,
Acting Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.71-6869 Filed 5-17-71;8:48 am]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Organization Order 25-1, Amdt. 1]

U.S. TRAVEL SERVICE

Organization and Functions

The following amendment to the order was issued by the Acting Secretary of Commerce on May 5, 1971. This material amends the material appearing at 35 F.R. 18887 of December 11, 1970.

Department Organization Order 25-1 of November 12, 1970 is hereby amended as follows: In sec. 4 Staff Offices, paragraph .02 is revised to read:

.02 The Office of Research and Analysis shall assist in planning long-range travel promotion programs and servicing private business with travel data useful in marketing international travel by improved qualitative analysis of travel statistics and development of information on travel markets. Specifically, the Office shall study the patterns of international travel and the economic effects of tourism; *develop statistical data to measure and project foreign tourism in the States and political subdivisions of the United States;* conduct and interpret market research to measure results of the promotional program; evaluate the effect of legislation and regulator decisions on international travel; prepare and coordinate position papers for inter-governmental and international travel meetings; and develop measures

for evaluating programs of the Service. The Office shall also assist the Visitor Services Division in the administration of the matching grant program by reviewing and analyzing grant applications.

Effective date: May 5, 1971.

LARRY A. JOBE,
Assistant Secretary for Administration.

[FR Doc.71-6839 Filed 5-17-71;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

DIAMOND FRUIT GROWERS, INC.

Canned Light Sweet and Dark Sweet Cherries, Blueberries, Red Raspberries, and Strawberries Deviating From Identity Standards; Temporary Permit for Market Testing

Pursuant to § 10.5 (21 CFR 10.5) concerning temporary permits to facilitate market testing of foods deviating from the requirements of standards of identity promulgated pursuant to section 401 (21 U.S.C. 341) of the Federal Food, Drug, and Cosmetic Act, notice is given that a temporary permit has been issued to Diamond Fruit Growers, Inc., Hood River, Oreg. 97031. This permit covers limited interstate marketing tests of canned light sweet and dark sweet cherries, blueberries, red raspberries, and strawberries that deviate from their respective standards of identity (21 CFR 27.30 and 27.35) in that each will be packed in a medium of single strength pear juice.

The principal display panel of the label on each container will bear the statement "packed in pear juice."

This permit expires July 1, 1973.

Dated: May 7, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-6845 Filed 5-17-71;8:45 am]

ENRG INTERNATIONAL CORP.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1A2644) has been filed by ENRG International Corp., 4570 West 77th Street, Minneapolis, Minn. 55435, proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use as a protein supplement of partially delactosed whey prepared by passing through a molecular sieve resin consisting of purified dextrans cross-linked with epichlorohydrin.

Dated: May 11, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.71-6846 Filed 5-17-71;8:45 am]

[DESI 8548]

CERTAIN MYDRIATIC-CYCLOPLEGIC DRUGS

Drugs for Human Use; Drug Efficacy Study Implementation

In a notice (DESI 8548) published in the FEDERAL REGISTER of May 13, 1970 (35 F.R. 7462), the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the drugs cyclopentolate hydrochloride and tropicamide. The announcement stated that these drugs were regarded as effective for mydriasis and cycloplegia for diagnostic purposes; and possibly effective for use in iritis, iridocyclitis, and keratitis (to inhibit inflammatory spasm), choroiditis, and lenticular adhesions (to prevent formation of or to remove synechiae).

The indications for which the drugs were regarded as possibly effective were allowed to be used for 6 months following the publication date (May 13, 1970) of the announcement to allow additional time for the submission of data supporting the efficacy of the drugs for those indications.

The time for submission of additional evidence has expired, and no additional evidence has been submitted in support of the possibly effective indications. Schieffelin and Co., the holder of NDA 8-548 (cyclopentolate hydrochloride), and Alcon Laboratories, Inc., holder of NDA 12-111 (tropicamide), have supplemented their respective new drug applications to delete all indications other than the effective indications.

Accordingly, the Commissioner of Food and Drugs finds that there is a lack of substantial evidence that cyclopentolate hydrochloride or tropicamide is effective for use in iritis, iridocyclitis, and keratitis (to inhibit inflammatory spasm), choroiditis, and lenticular adhesions (to prevent formation of or to remove synechiae). Therefore, these indications are no longer acceptable in labeling.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: May 4, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-6847 Filed 5-17-71;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR EQUAL OPPORTUNITY, REGION X (SEATTLE)

Designation

The officials appointed to the following listed positions in Region X (Seattle) are hereby designated to serve as Acting Assistant Regional Administrator for Equal Opportunity, Region X during the absence of the Assistant Regional Administrator for Equal Opportunity with all the powers, functions, and duties delegated or assigned to the Assistant Regional Administrator for Equal Opportunity: *Provided*, That no official is authorized to serve as Acting Assistant Regional Administrator unless all other officials whose titles precede his in this designation are unable to act by reason of absence:

1. Title VI Complaint and Compliance Review Officer;
2. Equal Housing Opportunity Officer.

This designation supersedes all previous designations.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d); delegation and redelegation of authority to take final action with respect to certain positions and employees effective as of May 4, 1969))

Effective date: November 8, 1970.

OSCAR PEDERSON,
Regional Administrator.

[FR Doc.71-6888 Filed 5-17-71;8:49 am]

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR HOUSING MANAGEMENT AND COMMUNITY SERVICES, REGION IX (SAN FRANCISCO)

Designation

The official named below in Region IX (San Francisco) is hereby designated to serve as Acting Assistant Regional Administrator for Housing Management and Community Services, Region IX (San Francisco) during the absence of the Assistant Regional Administrator for Housing Management and Community Services, with all the powers, functions, and duties redelegated or assigned to the Assistant Regional Administrator for Housing Management and Community Services:

Arthur L. Chladek.

This designation supersedes the designation effective February 1, 1969 (34 F.R. 6709, Apr. 19, 1969).

(Delegation and redelegation of authority to take final action with respect to certain positions and employees effective as of May 4, 1969)

Effective date: September 21, 1970.

ANDREW J. BELL III,
Acting Regional Administrator, Region IX.

[FR Doc.71-6889 Filed 5-17-71;8:49 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23315]

DELTA AIR LINES, INC., AND NORTHEAST AIRLINES, INC.; 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 28, 1971, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Arthur S. Present.

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 21, 1971, and by the applicants and other interested parties on or before May 26, 1971.

Dated at Washington, D.C., May 12, 1971.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[FR Doc.71-6881 Filed 5-17-71;8:49 am]

[Docket No. 23394; Order 71-5-56]

AMERICAN AIRLINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of May 1971.

By tariff revision[1] marked to become effective May 16, 1971, American Airlines, Inc. (American), proposes to eliminate assessment of ferry charges on single entity charters, while retaining such charges for other types of charters. The carrier submitted no justification with its filing beyond a statement describing its proposal.

No complaints have been filed.

Upon consideration of the tariff proposal and other relevant matters, the Board finds that the proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential or unduly prejudicial or otherwise unlawful and should be investigated. The Board further concludes that the tariff in question should be suspended pending investigation.

As indicated, American provided no justification in support of its proposal to distinguish between different types of charters for ferry mileage purposes, and we are not aware of any reasons which would justify the distinction. To the extent ferry mileages are involved, some compensation to cover the ensuing costs to the carrier would appear warranted, whatever the nature of the charter.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the provision "(Not applicable to single entity charters.)" in paragraph B.2. on 23d Revised Page 5 of American Airlines, Inc.'s CAB No. 65, and rules, regulations, or practices affecting such provision 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 provision and rules, regulations, and practices affecting such provision;

2. Pending hearing and decision by the Board, the provision "(Not applicable to single entity charters.)" in paragraph B.2. on 23d Revised Page 5 of American Airlines, Inc.'s CAB No. 65, is suspended and its use deferred to and including August 13, 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. This investigation be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated; and

4. A copy of this order be filed with the above-named tariff and served upon American Airlines, Inc., which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-6882 Filed 5-17-71;8:49 am]

[Docket No. 23393; Order 71-5-53]

AIRLIFT INTERNATIONAL, INC., AND UNIVERSAL AIRLINES, INC.

Order of Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of May 1971.

By tariff revision[1] filed April 13, and marked to become effective May 13, 1971, Universal Airlines, Inc. (Universal), a supplemental air carrier, proposes to establish a one-way cargo charter charge of $7,500 from Los Angeles or San Francisco to New York. This charge is applicable only to transportation commencing between 9:01 a.m. and 6 p.m., Monday through Friday on DC-8-61F aircraft. In addition, intermediate stops will be made at Oakland/San Francisco or Los Angeles, California, and/or Chicago, Ill., at the request of the charterer at no additional charge.

Complaints were submitted by American Airlines, Inc. (American), The Flying Tiger Line Inc. (Tiger), and United Air Lines, Inc. (United). The complaints filed by American and Tiger were untimely as requests for suspension and will be considered as requests for investigation only. Tiger first filed a timely telegraphic complaint, but this did not indicate that an emergency has prevented the timely filing of a formal complaint. 14 CFR 302.505.

The complaints variously assert, inter alia, that Universal's proposed charge was filed without adequate justification, is below costs submitted by Universal in Docket 22098, is below that determined by using the standard mileage-based charter rates, will cause further erosion of scheduled service, and may be preferential or prejudicial as regards the permissive character of the additional stop provision.

In support of its proposal, Universal states that it was filed to meet the current charge of $6,500 in the same markets in effect for Airlift International, Inc. (Airlift). Universal also declares that the application of its charge to the hours between 9:01 a.m. and 6 p.m. will significantly reduce its attractiveness; that the cost data advanced by complainants are misleading or otherwise overstate the actual costs; that the charter service to which the proposal applies is a backhaul and should be properly costed on an added-cost basis, which would indicate that the charge would be economic; that no complainants had even made a prima facie showing of diversion; that there is no legal requirement for additional charges for extra stops; and that charter services should not be subject to the same restraints as scheduled services.

The charter charge proposed by Universal would produce a yield ranging between $2.56 and $3.03 per aircraft mile, depending upon the routing. This is significantly less than the carrier's general charter rate of $4 per aircraft mile for general application. Furthermore, the proposal does not give any consideration to any ferry mileage that might be required, for which Universal's rate is $3.50 per mile, neither does it provide for additional charges for extra stops on route.

Based upon Universal's submission in Docket 22098, Universal Airlines, Inc. Cargo Charter Charges involving such charges between Detroit and the West Coast, its average operating expenses for the period April–November 1970, both eastbound and westbound, were $3.25 per total aircraft mile, and operating expenses plus return on investment $3.32 per aircraft mile. These figures exceed the yields to be earned by Universal's proposed charges.

Universal did not submit any cost support with its transmittal. In its answer to the complaints, the carrier claims that the proposal may properly be costed on an added-cost basis, which it contends would make the proposal economic. Universal does not, however, show that the proposed charter would be a backhaul.

The low level of the proposed charge, and the issues presented as to the appropriate costs to be considered, raise serious questions as to the lawfulness of the proposal. In consideration of the foregoing, the complaints, and answer, and all other relevant factors, the Board

[1] Revision to American Airlines, Inc., Tariff CAB No. 65, filed Apr. 16, 1971.

[1] Universal Airlines, Inc., Tariff, CAB No. 3.

finds that Universal's proposed charter charge may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board, however, has concluded not to suspend the proposal pending investigation. The Board notes Universal's assertion that the proposal filed exceeds the charge of $6,500 currently in effect in the same markets for similar type aircraft by Airlift. In addition, Universal also has in effect $6,900 weekend charter charge from Los Angeles/Ontario or Oakland/San Francisco to New York or Newark. We will not, without investigation, preclude the use of the proposed charter rates in consideration of all of the circumstances.

These currently effective charter charges with yields ranging as low as $2.51 per mile present questions of lawfulness similar to those raised by the instant proposal. Accordingly, the Board finds that Universal's $6,990 weekend charter charge and Airlift's $6,500 charter charge may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be investigated.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the charges in Table II from San Francisco, Calif., or Los Angeles, Calif., to New York, N.Y., on Fourth Revised Page 7–G of Airlift International, Inc.'s CAB No. 2 (Riddle Airlines, Inc. series), including subsequent revisions and reissues thereof; charges in section 9 on Fourth Revised Page 10 of Universal Airlines, Inc.'s CAB No. 3, and charges in section 10 on Fourth Revised Page 10 of Universal Airlines, Inc.'s CAB No. 3, including subsequent revisions and reissues thereof; and rules, regulations, or practices affecting such charges, are or will be, unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful charges, and rules, regulations, or practices affecting such charges;

2. The complaints of American Airlines, Inc., in Docket 23322, The Flying Tiger Line Inc., in Docket 22324, and United Air Lines, Inc., in Docket 23319, are hereby dismissed except to the extent granted herein;

3. The proceeding herein designated as Docket 23393, be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

4. A copy of this order shall be served upon Airlift International, Inc., American Airlines, Inc., The Flying Tiger Line Inc., United Air Lines, Inc., and Universal Airlines, Inc., which are hereby made parties to Docket 23393.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-6883 Filed 5-17-71;8:49 am]

[Docket No. 20993; Order 71-5-31]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority May 7, 1971.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA). The agreement, which has been assigned the above-designated CAB agreement number, was adopted by the 28th Meeting of the TC1 Specific Commodity Rates Board held in New York on March 16, 1971.

The agreement would amend the specific commodity rate structure currently applicable within the Western Hemisphere. As applicable in air transportation, and as reflected in Attachment A,[1] these revisions include (1) reduced rates under new commodity descriptions and (2) the cancellation, amendment, or naming of new rates between additional points under existing commodity descriptions. Also, the agreement would make certain changes in commodity descriptions, and these are set forth in Attachment B.[1]

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement CAB 22390 be and hereby is deferred with a view toward eventual approval: *Provided,* That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication: *Provided further,* That tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulation 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-6884 Filed 5-17-71;8:49 am]

[1] Filed as part of the original document.

[Docket No. 23327; Order 71-5-23]

KEYSTONE AERONAUTICS CORP.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority May 6, 1971.

The Postmaster General filed a notice of intent April 27, 1971, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 92 cents per great circle aircraft mile for the transportation of mail by aircraft between Pittsburgh and Philadelphia, Pa., based on five round trips per week.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft 99 aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefore, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusion:

The fair and reasonable final service mail rate to be paid to Keystone Aeronautics Corp. in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 92 cents per great circle aircraft mile between Pittsburgh and Philadelphia, Pa., based on five round trips per week flown with Beechcraft 99 aircraft.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f),

It is ordered, That:

1. Keystone Aeronautics Corp., the Postmaster General, Allegheny 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 final rate specified above for the transportation of mail by aircraft, the facilities used and

[1] 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).

useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Keystone Aeronautics Corp.;

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

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

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

5. This order shall be served on Keystone Aeronautics Corp., the Postmaster General, Allegheny 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.

[FR Doc.71-6885 Filed 5-17-71;8:49 am]

[Docket No. 23329; Order 71-5-22]

SEDALIA, MARSHALL, BOONVILLE STAGE LINE, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority, May 6, 1971.

The Postmaster General filed a notice of intent April 27, 1971, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 65.5 cents per great circle aircraft mile for the transportation of mail by aircraft between Dickinson and Fargo, via Bismarck and Jamestown, N. Dak., based on five round trips per week.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft 18 aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Sedalia, Marshall, Boonville Stage Line, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 65.5 cents per great circle aircraft mile between Dickinson and Fargo, via Bismarck and Jamestown, N. Dak., based on five round trips per week flown with Beechcraft 18 aircraft.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f),

It is ordered, That:

1. Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, North Central Airlines, Inc., Northwest Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Sedalia, Marshall, Boonville Stage Line, Inc.;

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

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

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

5. This order shall be served on Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, North Central Airlines, Inc., and Northwest Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-6886 Filed 5-17-71;8:49 am]

[Docket No. 23330; Order 71-5-25]

SEDALIA, MARSHALL, BOONVILLE STAGE LINE, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority May 7, 1971.

The Postmaster General filed a notice of intent April 27, 1971, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 65.5 cents per great circle aircraft mile for the transportation of mail by aircraft between Williston and Fargo, via Minot and Devil's Lake, N. Dak., based on five round trips per week.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft 18 aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Sedalia, Marshall, Boonville Stage Line, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 65.5 cents per great circle aircraft mile between Williston and Fargo, via Minot and Devil's Lake, N. Dak., based on five round

[1] 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).

[1] 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).

trips per week flown with Beechcraft 18 aircraft.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f),

It is ordered, That:

1. Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Frontier Airlines, Inc., North Central Airlines, Inc., Northwest Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Sedalia, Marshall, Boonville Stage Line, Inc.;

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

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

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

5. This order shall be served on Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Frontier Airlines, Inc., North Central Airlines, Inc., and Northwest Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-6887 Filed 5-17-71;8:49 am]

ENVIRONMENTAL PROTECTION AGENCY

DEPUTY ASSISTANT ADMINISTRATOR FOR PESTICIDES PROGRAMS

Delegation of Authority for Establishment of Pesticide Tolerances

Section 2(a)(4) of Reorganization Plan No. 3 of 1970 (35 F.R. 15623) transferred from the Secretary of Health, Education, and Welfare to the Administrator of the Environmental Protection Agency the functions under 21 U.S.C. 346, 346a, and 348 for establishing tolerances for pesticides chemicals.

Pursuant to the authority vested in the Administrator of the Environmental Protection Agency by section 3 of Reorganization Plan No. 3 of 1970, the Deputy Assistant Administrator for Pesticides Programs, or, in his absence, the official authorized to act in his behalf, is hereby authorized to exercise the authority of the Administrator of the Environmental Protection Agency under the provisions of section 406, 408, and 409 of the Federal Food, Drug and Cosmetic Act, as amended (21 U.S.C. 346, 346a, and 348) for establishing tolerances for pesticide chemicals.

Effective date. This delegation of authority shall become effective on the date of its publication in the FEDERAL REGISTER (5-18-71), and shall supersede the delegation appearing in 36 F.R. 1228.

Dated: May 13, 1971.

THOMAS E. CARROLL,
Acting Administrator.

[FR Doc.71-6870 Filed 5-17-71;8:48 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*
01125---	N. V. Ubem S.A. (Union Belge D'Enterprises Maritimes):
	Charleroi.
01170---	Fratelli D'Amico-Armatori:
	Mare Placido.
	Mare Tranquillo.
	Mare Adrigum.
01172---	H. Clarkson & Co., Ltd.:
	Avon Bridge.
01278---	Leonhardt & Blumberg:
	Luise Leonhardt.
01279---	Compania Thessalia de Navegacion S.A.:
	Katina.
01294---	Elvapores Inc.:
	Marilyn L.
01317---	Sociedad Tropica de Carga S.A.:
	Triton.
01331---	Poling Transportation Corp.:
	Captain Sam.
01424---	Ellerman's Wilson Line, Ltd.:
	Rapallo.
01498---	Vessel Operations, Inc.:
	Marilyn M II.
	Harriet M.
	Lea Mae.
	B&M 902.
	B&M 903.
	B&M 904.
	B&M 905.
	B&M 906.
	B&M 907.
	B&M 907.
	B&M 908.
	Albert M.
	B&M 1051 DS.
	B&M 1052 DS.
	B&M 1201.
	B&M 1202.
	B&M 901 DS.
	B&M 1303.
	B&M 1401.
	B&M 1402.
	B&M 1001 DS.
	B&M 1002 DS.
	B&M 1303 DS.
	B&M 1301 DS.
	B&M 1901.
	B&M 2101.
	B&M 2102.
	B&M 2103.
	B&M 2402.
	B&M 2201.
01506---	Maritima Mexicana S.A.:
	M/V Saltillo.
	M/V Son Lorenzo.
01720---	Marship Corp.:
	Nicolas Maris.
01728---	Occidental Maritima S.A. Panama:
	Messiniali Areti.
01729---	Essar Shipping Corporation of Monrovia:
	Ivo Logger.
01730---	Rosador Compania Naviera S.A. Panama:
	Ioanna.
01731---	Maridola Navegacion S.A. Panama:
	Aristillos.
01733---	Lucero Compania Naviera S.A. Panama:
	Ken Trikon.
01734---	Castletown Compania Naviera S.A. Panama:
	Aristaios.
01735---	Laurence Compania Naviera S.A. Panama:
	Aristokleidis.
01736---	Medomia Compania Naviera S.A. Panama:
	Aristanax.
01738---	Aguila Galante Navegacion S.A. Panama:
	Messiniaki Andreia.
01739---	Varloza Compania Naviera S.A. Panama:
	Messiniaki Anagennisis.
01741---	Marnuestro Compania Naviera S.A. Panama:
	Aristogenis.
01742---	Beaconsfield Compania Naviera S.A. Panama:
	Roula.
01743---	Polestar Compania Naviera S.A. Panama:
	Maritsa.
01744---	Valida Compania Naviera S.A. Panama:
	Taxiarchis.
01745---	Eversley Compania Naviera S.A. Panama:
	Ketty.
01746---	Ikanmel Compania Naviera S.A. Panama:
	Erato.
01747---	Marirtud Navegacion S.A. Panama:
	Gordian.
10749---	Iludoscot Compania Naviera S.A. Panama:
	Michail A. Kragerorgis.
01750---	Astro Marion Navegacion S.A. Panama:
	Numerian.
01751---	Simbolo Maritimo Navegacion S.A. Panama:
	Aristonikos.

Certificate No.	Owner/operator and vessels
01752---	Fomento Maritimo Navegacion S.A. Panama:
	Messiniaki Armonia.
01753---	Oceanica Central Navegacion S.A. Panama:
	M/V Aristofilos.
01773---	Glara Steamship Co., S.A.:
	Kymo.
01774---	Mara Steamship Co., S.A.:
	Crinis.
01787---	Lisa Maritime Corp.:
	S/S Suerte.
01788---	Naxos Shipping Corp.:
	Corfu Island.
01909---	Gulf Didision—Lone Star Cement Corp.:
	Dredge No. 9.
01910---	Deutsche Dampfschifffahrts - Gesellschaft "Hansa":
	M/V Stolzenfels.
01947---	Transportes Armadora S.A.:
	Historic Colocotronis.
01948---	Leyena Atlantica Navegacion S.A. of Panama:
	Intrepid Colocotronis.
01949---	Marquerido Cia., Nav. S.A. of Panama:
	John Colocotronis.
01950---	E. M. J. Colocotronis C/O J. Colocotronis & Others:
	Katingo.
01951---	Astromandato Cia. Nav. S.A. of Panama:
	Leader Colocotronis.
01952---	Akmis Cia. Nav., S.A. of Panama:
	Mitera Vassiliki.
01953---	Estrella Manna Nav. S.A. of Panama:
	Majestic Colocotronis.
01986---	Aktiebolaget Transmarin:
	Tenos.
01995---	Rederi Ab Disa:
	Nordic Wasa.
02151---	Anchor Line, Ltd.:
	Kirriemoor.
	Star Acadia.
	Eucadia.
	Glenmoor.
	Hazelmoor.
02174---	Chandris America Lines S.A.:
	Atlantis.
02195---	Welsh Ore Carriers, Ltd.:
	Welsh Minstrel.
	Welsh Herakd.
02327---	Weser - Schifffahrts - Agentur G.m.b.H.:
	Weser-Carrier.
02330---	Oriental Shipping Corp.:
	Eurymedon.
	Euryalus.
	Zenlin Glory.
	Midas Arrow.
	Oriental Shy.
	Oriental Light.
02428---	The Kinsman Marine Transit Co.:
	S/S Peter Robertson.
	Harry L. Allen.
02437---	(a) Alexander Shipping Co., Ltd.:
	(b) Houlder Brothers & Co., Ltd.:
	Tenbury.
02439---	Bereederungs-Alliance Flensburg G.m.b.H.:
	Ulsnis.
	Lindaunis.
	Kekenis.
	Ekenis.
	Gisela Vennmann.
	Grimsnis.
	Cap Delgado.
	Cap Castillo.
	Birk.
	Bockholm.
	Arnis.
	Rinkenis.
	Habernis.
	Holnis.
	Gerda Schnell.
	Hans Christophersen.
02461---	Puget Sound Freight Lines:
	Indian.
	F. E. Lovejoy.
	Dungeness.
	Skagit.
	Swinomish.
02477---	American Dredging Co.:
	American.
	Pennsylvania.
	Philadelphia.
	Herrick.
	Delaware Valley.
	State of Maryland.
	No. 137.
	No. 138.
	No. 139.
	No. 151.
	No. 153.
	No. 155.
	No. 134.
	No. 135.
	No. 136.
	President.
	No. 156.
	No. 157.
	No. 158.
	No. 159.
	Ranger.
	Titan.
	Camden.
	Gulfport.
	Convoy.
	Commodore.
	Hudson River.
	Maryland.
	Baltic.
	Delaware No. 2.
	New York.
	Oil Barge No. 29.
	Scow Loading Barge No. 1
	Tacony.
	Drill Boat No. 1.
	Ozark.
	Arkansas.
02479---	Greenville Towing Co., Inc.:
	GTC 2900.
	GTC 1950.
02492---	Interstate Oil Transport Co.:
	Diana H. Graham.
	R.T.C. No. 51.
	Argoil 105.
	Interstate No. 1.
	Interstate No. 8.
	M/V Chesapeake.
	Chem Ten.
	Argoil 130.
	Argoil 160.
	Argoil 150.
	Interstate No. 17.
	Interstate No. 12
	Interstate No. 19.
	Argoil 185.
	Interstate 18.
	M/V Yorktown.
	CBC 795.
	Offshore 2401.
	Interstate No. 30.
	Interstate No. 32.
	Interstate No. 34.
	Interstate No. 40.
	Interstate No. 48.
	Interstate No. 42.
	Interstate No. 50.
	Interstate No. 53.
	Interstate No. 52.
	Ocean 80.
	Ocean 90.
	Ocean 96.
	Ocean 115.
	Ocean 135.
	Ocean 250.
02543---	Societe Anonyme de Gerance et D'Armement:
	Cap D'Antibes.
	Cap Martin.
02649---	Schiffahrtsgesellschaft Friesecke K.G.:
	Helga Friesecke.
02681---	Partenreederei MS "Emssuipper":
	Emssuipper.
02715---	Allied Towing Corp.:
	New Bucket.
	Kelly.
	ACS–L.
	Hot Oil No. 17.
	Michael.
	AC No. 1.
	AC No. 2.
	Bruce.
	Gregory.
	Gregory.
	ATC 133.
	SC 206.
	SC 207.
	Brazos.
	SC 90.
	DZ 55.
	DZ 56.
	D 70.
	RT No. 1
	SC 3.
	Salt 103.
	Salt 104.
02831---	Ednasa Co. Ltd.:
	Lisana.
	Lindana.
	Lamaria.
	Louisiana.
	Lorina.
02894---	Mavim Shipping Co. S.A., Panama:
	M/V Elleros.
02917---	Scherkate Sahami Keschtfrani Melli Arya:
	Arya Naz.
	Arya Dad.
	Arya Gam.
	Arya Pey.
02931---	Diapool Compania Nav. S.A.:
	Athen.
02949---	Valley Towing Service Inc.:
	TS–87.
	TS–86.
	TS–85.
	V–885.
	V–884.
	V–883.
	V–882.
	V–881.
	V–880.
	Mama Lere.
	City of Greenville.
	Ole Miss.
02950---	Tony Barge Co., Inc.:
	TBC–1.
02954---	Maritime & Commercial Corp., Inc.:
	Aubade.
02976---	Arthur-Smith Corp.:
	AS 50.
	AS 1301.
	AS 1302.
	AS 3012.
	AS 3011.
	AS 3030.
	PS 101.
02982---	The Shipping Corporation of India, Ltd.:
	Vishva Kaushal.
	Vishva Tilak.
	S/O Tamilnafu.
	Desh Sewak.
	Desh Alok.
	Desh Deep.
02983---	Avemaria Compania Naveria S.A. Panama:
	Georgios A. Georgilis.

Certificate No.	Owner/operator and vessels
02984---	Maremar Compania Naviera S.A. Panama R.P.: Maria G. Georgilis.
03112---	Astro Exito Navegacion S.A. Panama: Messiniari.
03113---	Marnuestro Transportes S.A. Panama: Aristogeiton.
03114---	Soberano Delmar Navegacion S.A. Panama: Aristagelos.
03116---	Madita Compania Naviera S.A. Panama: Stakara.
03117---	Marfianza Compania Naviera S.A. Panama: Stawanda.
03123---	Marvuelo Compania Naviera S.A. Panama: Stamenis.
03255---	Port Line, Ltd.: Port Victor.
03314---	Gulf Oil Corporation: Gulf Chem II. Gulf Chem I.
03322---	Daiichi Chuo Kisen Kabushiki Kaisha: Niihama Maru.
03324---	Compania De Navegacion Penelope S.A.: Michael E.
03328---	Mid-Ohio Towing, Inc.: M/V Alton Zephyr.
03374---	Adelphotis Compania Naviera, S.A.: Sea Rider.
03413---	Baba-Daiko Shosen K.K.: Taio Maru.
03518---	Tokoyo Senpaku K.K.: Zen Koren Maru No. 7.
03534---	Nederlandse Norness Scheepvaart Maatschappij N.V.: Anco Norness.
03597---	Felicitas Riskmers-Linie Kommanditgesellschaft & C.: Etha.
03657---	Overseas Bulktank Corp. N.Y.: Overseas Arctic. Overseas Audrey.
03964---	Regent Lotus Shipping, Inc.: Pams 1201.
03740---	Lake Charles Dredging Towing Co., Inc.: H. A. Sawyer.
03964---	Regent Lotus Shipping, Iic.: Regent Lotus.
03967---	Compagnie Maritime des Chargeurs Reunis: Delfin.
03986---	Caribbean Barge Corp.: Caribbean.
04006---	National Steel Corp.—Steamship Division: George R. Fink. Paul H. Carnahan. Leon Falk, Jr. Thomas E. Millsop.
04014---	Del Monte Corp.: Arctic Maid.
04015---	Sultana Fishing Co., Inc.: Caribbean.
04016---	Mayaguez Fishing Co., Inc.: Hornet. Lexington.
04033---	The Oceanic Freighters Corp. Monrovia: Padus.
04039---	Parker Brothers & Co., Inc.: WB 425. PB I. Trinity II. John P. Dearasaugh. Trinity I.
04115---	Washington Barge Co.:
04126---	Jugoslavenska Linijska Plovidba, Griffson. Rijeka: Pula. Kraljevica. Kastav. Zvir. Goran Kovacic. Tuhobic. Klek. Visevica. Zadar.
04134---	Peruana de Navegacion S.A.: Chimu. Chavin.
04148---	Ariana Shipping Co. Kalliopi Antonatos.
04152---	Seamaster Corp.: Bertie Michaels.
04168---	Dillingham Line, Inc.: Makahani.
04180---	Rose Barge Line, Inc. M/V Memphis Zephyr. M/V American Beauty. M/V Crimson Glory.
04184---	M/G Transport Services, Inc.: Barge W-2. Harewood. Foremost. Polo II. Barge Wisconsin. J. Page Hayden. Midland. Barge M/G-11. Barge W-1. Barge Intercity No. 21. Barge Intercity No. 24. Barge SB-30. Barge-40. Barge BA-2020. Barge BA-2016. Barge UM-562. Barge ABL-501. Barge OBL-4. Barge AT-705. Barge OBL-5. Barge UM-551. Barge ABL-89. Barge Chippewa. Barge Eau Claire. Mark Eastin.
04253---	Marine Tankers, Inc.: Nepco Energy.
04254---	Transoceanic Tankers, Inc.: Nepco Advance.
04255---	Nepco Dauntless Corp.: Nepco Dauntless.
04275---	Intercountry Construction Corp.: Steel Deck Barge. Steel Deck Barge. Steel Hull Deck Scow. Steel Hull Deck Scow.
04289---	Dixie Carriers, Inc.: Barge Z-122.
04356---	Pacific Far East Line, Inc.: Pacific Bear. Golden Bear. Thomas E. Cuffe.
04357---	Koninklijke Nedlloyd N.V. "M.V.": Nedlloyd Kingston.
04364---	Jamaica Banana Producers' Steamship Co., Ltd.: Jamaica Producer. Jamaica Planter.
04366---	Pentas Shipping Co. S.A.: Giannis N.
04368---	Seaswift Maritime Co., Ltd.: Toula N.
04369---	Platsani Limitada S.A.: Maria N.
04370---	Seabird Navigation Co. S.A.: Teti N.
04371---	Firgounes S.A.: Dimitris N.
04374---	Rio Pardo Compania Naviera S.A.: Aghios Nicolaos.
04378---	Maritimos Universal de Vapores Ltda.: Marpessa.
04379---	Airbil Motorship Corp.: Machitis.
04380---	Motonaves de Panama S.A.: Mimina.
04381---	Phopan S.A.: Matrozos.
04382---	Motores Maritimos CIA. Ltda.: Master Daskalos.
04383---	Motornaves Ltda.: Manes.
04401---	Todd Shipyard Corp.: Be-Lo-Ha. Popeye.
04412---	Carsten Rehder: John M. Rehder. Anna Rehder.
04437---	Lebeouf Bros. Towing Co., Inc.: BB 7. LBTCO 22. W. P. Lebeouf. TM-113. Burton 20. Burton 18. Husky 853. Husky 852. BB 8. Husky 854. BBL 103. BB 6. NBC 541. MS 4. LBTCO 9. LBTCO 6. LBTCO 5. LBTCO 4. NBC 536. NBC 535. OC 604. OC 603. OC 602. LBTCO 12. LBTCO 8. LBTCO 7. Charles Milby. Peggy Coyle. Supertest No. 2. IOC 6. LBTCO 15. BBL 106. LTC 61. LTC 60. LBTCO 10. LBTCO 14. REB 2402. LBTCO 16. B 217. NMS 1502. LBTCO 18. LBTCO 17. LBTCO 11. ZMS-C-12-0. ZMS-B-20-1. ZMS-B-20-0. F 15. E 15. D 15. C 15. B 15. A 15. Z 2501. Z 2500. B 102. B 101. LBTCO 13. LBTCO 76. ZMA-B-20-3. ZMS-B-20-2. G 15. B 100

Cert. No.	Owner/operator and vessels
04468---	Lotoshiromaru Gyogyo Kabushiki Kaisha: Kotoshirimaru No. 7.
04488---	Fukuju Kigyo Kabushiki Kaisha: Fukujumaru No. 7.
04504---	Sumiyoshi Gyogyo Kabushiki Kaisha: Sumiyoshi Maru No. 73.
04556---	Nihon Hogei Kabushiki Kaisha: Nanyo Maru.
04560---	Constants, Ltd.: Lyminge. Lottinge. Susan Constant.
04600---	Stauffer Chemical Co., Inc.: CCI-75. SCC-95. SCC-101. SCC-102. SCC-90. SCC-100. SCC-803. SCC-804. SCC-804. SCC-806. SCC-800. SCC-70. SCC-801. SCC-802. SCC-1351. SCC-65. SCC-103. SCC-55. SCC-60. SCC-50. SCC-80.
04636---	Naviera Salvadorena, S.A.: San Salvador.
04637---	McAllister Brothers, Inc.: Russell 100. Westco I. Triton. Placco 2. McAllister 105. McAllister 103. McAllister 100. McAllister 107. Russell 24. McAllister 106. McAllister 56. Nepco 60.
04638---	McAllister Brothers, Inc.: McAllister 21. Marine 12.
04639---	New London Freight Lines, Inc.: Orient. Gay Head. Plum Island.
04640---	McAllister Lighterage Line, Inc.: Lighter No. 3. Pioneer. Popsie. Ira. Andrew F. Bradley. Frank E. Guy. Nana. Silas. Sheridan. Lincoln. Steel Weld. Warrior. Manhattan No. 59. McAllister No. 5. McAllister No. 4. McAllister No. 3. McAllister No. 2. McAllister No. 1. War Chief. Stanwood B. Venus. Sculptor. Saturn. Planet. Pictor. Mars. Spartan. YC702-McAllister 135. McAllister No. 131. McAllister Bros. No. 90. McAllister Bros. No. 89. McAllister 381. McAllister 171. McAllister 170. Daniel A. Cobb. McAllister 156. McAllister 155. McAllister 154. McAllister 153. McAllister 152. McAllister 151. McAllister 150.
04659---	Big Star Barge & Boat Co., Inc.: Star J-DI.
04679---	Ratnakar Shipping Co., Ltd.: Ratna Jyoti.
04771---	Texaco, Inc.: Texaco Chief. Texaco Brave.
04782---	Karfas Shipping Corporation, Monrovia: Belloria.
04802---	Logan Charter Service, Inc.: Hilman Logan.
04878---	Leland Bowman: BZ-58.
04895---	Efkrisia Compania Naviera S.A.: Efploia.
04896---	Eternity Shipping Corp.: Hellas in Eternity.
04897---	Fraternity Shipping Corp.: Fraternity.
04894---	Seguridad Compania Naviera S.A.: Mparmpa Christos.
04956---	Partenreederei MV. "Lienersand": M/V Lienersand.
0495E---	Partenreederei MV. "Glozwardersand": M/V Golzwardersand.
05002---	Alderminster Shipping Co., Ltd.: Alderminster.
05006---	Petrolaro Shipping Co., Ltd.: Oroutsa. Orosol. Brigitte. Queen Solica. Orico.
05046---	Magnolia Marine Transport: Waring. Quin. Levi. MM II. MM I.
05053---	Wakefield Fisheries: Akutan.
05088---	Deepsea Miner, Inc.: Deepsea Miner.
05104---	Teh Hu Steamships Co., Ltd.: S/S New Teh Hu.
05105---	Alvin Maritime S.A.: S/S Alvin.
05106---	Compania de Sevenseas S.A.: M/V Sevenseas.
05107---	Righteous Navigation, Inc.: M/V Righteous.
05108---	Compania Naviera Pearl, S.A.: S/S Amelia. M/V Amos. M/V Billy. S/S Suying.
05109---	Compania de Navegacion Victoria Neptuno, S.A.: S/S Amita.
05116---	Marinero Venturoso Navegacion S.A.: Amalia Colocotroni.
05117---	Otter Shipping Co., Ltd.: Nestor.
05118---	Dart Shipping Co., Ltd., of Liberia: Neptun D.
05154---	Duquesne Sand Co.: Admiral.
05177---	Keva Corp.: Keva Ideal.
05195---	"Pacific"-Reederei Hans Beilken KG: Pacific.
05230---	Transoil and Navigation Co., Inc.: Sirocco.
05232---	Diamond M Drilling Co.: S-25.
05247---	Beneficial Shipping, S.A.: T/S Benefina.
05249---	Superb Mariners, S.A.: T/S Superina.
05266---	St. Louis-San Francisco Railway Co.: Pinto. Blakeley.
05331---	Northland Shipping (1962) Co., Ltd.: Northern Prince II.
05373---	Trans-Sea Shipping Corp.: Grangefield. Apolo II.
05275---	N.V. Rederij H. Boon: Mitropa.
05426---	Owens-Illinois, Inc.: Parris Island. Linden. Pulpwood No. 2. Pulpwood No. 1.
05449---	General Cargo Corp.: Spitfire.
05450---	Maimonides Transportation Corp.: Rambam.
05451---	Sudatlantica Navegacion S.A.: Aegis Destiny.
05452---	Krete Compania Naviera S.A.: Aegis Era.
05453---	Destino Naegacion S.A.: Aegis Glory.
05479---	Union-Partenreederei MS "Elsfleth": M/S Elsfleth.
05480---	Union-Partenreederei MS "Nienburg": M/S Nienburg.
05481---	Union-Partenreederei MS "Vegesack": M/S Vegesack.
05482---	Union-Partenreederei MS "Minden": M/S Minden.
05483---	Union-Partenreederei MS "Wesermunde": M/S Wesermunde.
05484---	Union-Partenreederei MS Bremérhaven": M/S Bremerhaven.
05485---	Union-Partenreederei MS "Nordenham": M/S Nordenham.
05491---	Bingo Kyodo Kisen K.K.: Harima Maru.
05496---	Heron Navigation Co., Ltd.: Atsuta. Izumo.
05517---	Nacional Navegacion S.A.: Torero.
05524---	Carena Fuerte Shipping Co. S.A., Panama: Acni.
05525---	Franks Dredging Co.: Seattle.
05532---	Silver Star Shipping Co., S.A., Panama: Silver Star.
05546---	Silver Crest Shipping Co. S.A., Panama: Silver Crest.
05552---	Dutra & Son, Inc.: California.
05556---	Norfolk & Western Railway Co.: Windsor. Manitowoc. Roanoke. Detroit. R. C. Cassidy.

Cert. No.	Owner/operator and vessels
05560	Gann Enterprises, Inc.: M/V Captain Vincent Gann. M/V Anna Maria. M/V City of Panama. M/V Bold Venture. M/V Cape San Vincent. M/V Pacific Queen. M/V Polaris. M/V San Juan. M/V City of San Diego. M/V Cape Cod.
05569	Tropic Shipping Enterprises, Ltd.: Tainaron.
05570	Oy Keppo AB: M/S Keppo.
05572	Lafarge Concrete, Ltd.: L'Etoile. Plymouth.
05573	Companhia de Navegacao Carrigadores Acoreanos: Acores.
05576	Aeas Compania Naviera S.A.: Aeas.
05583	Scheepvaartbedrijf Vlieland: Oost-Vlieland. West-Vlieland.
05584	Oficina Naviera Comercial-Ministerio de Marina: B.A.P. Pimentel. B.A.P. Zorritos. B.A.P. Parinas. B.A.P. Mollendo. B.A.P. Lobitos.
05600	Compania de Navigacion Leonamar S.A.: Captain Ottavic.
05604	Geraldine Transport Corp.: Nicoline.
05608	Th. F. Fekete & Co.: A. C. Christensen. Tommy Wiborg. F. Wiborg Fekete.
05614	Herlof Andersens Rederi A/S: M/S Herland.
05633	Empagadora Del Norte S.A.: M/V San Expedito.
05634	Ventura Shipping Corp.: M/S Venturer. M/V Buena Ventura.
05636	Takashiromaru Kaiun Kabushiki Kaisha: M/S Takashiro Maru No. 15.
05638	Productos Marinos Central Corp.: Seiho-Maru No. 2.
05639	Goshi Gaisha Uehara Suisan: Nanryu Maru No. 7.
05653	Halcyon Steamship Co., Inc.: Halcyon Panther.
05662	Rio Fuel & Supply, Inc.: T.G. 201.
05668	Brady-Hamilton Stevedore Co.: Titan. Zeus. Samson. Goliath. SS 7.
05677	Wood River Towing Co., Inc.: Dan C.
05679	South Texas Shipping & Towing, Inc.: LRL-111. T-700.
05680	Seal Boat, Inc.: Hawaii.
05689	Gelesia S.P.A.: Gelesiae.
05693	Korea Exchange Bank: Anyung No. 3.
05694	Loei Gyogyo Kabushiki Kaisha: Koei Maru No. 7.
05698	Dorica Compania Naviera S.A.: Artemidi II.
05699	South Atlantic Transport Corp.: Kavodoro.
05700	The Trans Oceanic Steamship Co., Ltd.: M/V Ocean Endeavour.
05701	Liberian Hawk Transports, Inc.: Asia Hawk.
05702	Loyd W. Richardson Construction Corp.: B-19. LWR 19. Burton 17. Patgo II.
05703	Mardestino Compania Naviera S.A.: Kavo Akritas.
05708	Peterson & Alpers: Hamburg.
05709	Naviera Vicente Suarez S.A.: Valfragroso. Valrosal.
05710	Shinmei Suisan Kabushiki Kaisha: Shinmei Maru No. 20.
05711	Kamekichi Tada: Takatori Maru No. 12.
05713	W. B. Enterprises, Inc.: W-7.
05714	Adelfoi Companmia Naviera S.A.: Adelfoi.
05719	Hong Long Pacific Shipping Co., Ltd.: Aplichau.
05720	United International Shipping Co., Ltd.: Dona Anita.
05722	Obo Shipping Corp.: Hexagram.
05723	K/S A/S Bas & Co.: M/T Bruce Ruthi.
05724	Marcos Shipping Co., Ltd.: Marco.
05725	Efmariners Co., Ltd.: Kaptastamati.
05726	Irene Compania Naviera S.A.: Antonis P. Lemos.
05730	Trade Tankers, Inc.: Trade Endeavor.
05735	Solstad Rederi A/S Skips A/S Solhav & Co., Skips A/S Saltun & Co., Skips A/S Solnes & Co., Skips A/S Solborg & Co.: Solek. Sol Tulla. Scandia Falcon. Solsyn. Solmich. Sol Pemko. Sol Laila. Soldrott.
05747	Point Adams Packing Co.: Northgate.
05758	Sunrise Shipping Co.: Olaga.
05776	Erich Hanisch: Flut.
05777	Aeakos Compania Naviera S.A.: Aegis Loyal.
05778	Sun Schiffahrtsgesellschaft M.B.H. & Co. KG, C. E. Morris: S/S Southern Sun.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-6808 Filed 5-17-71;8:45 am]

FARRELL LINES, INC., AND BLACK STAR LINE, LTD.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Hans Unterwiener, Manager, Freight Documentation and Inward Freight, Farrell Lines Inc., One Whitehall Street, New York, NY 10004.

Agreement No. 9947, between Farrell Lines Inc. and Black Star Line Ltd., covers a through billing arrangement in the trade between the Liberian ports of Harbel, Buchanan, Sinoe, and Cape Palmas, and U.S. Great Lakes ports, with transshipment at Monrovia, Liberia, under which the applicable rates shall be those in the tariffs of the U.S. Great Lakes and St. Lawrence River Ports/West Africa Agreement, in accordance with the terms and conditions set forth in the agreement. Agreement No. 9947 will supersede and cancel Transshipment Agreement No. 9458.

Dated: May 13, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-6893 Filed 5-17-71;8:50 am]

[Docket No. 71-55]

IDESCO FORWARDING CO.

Independent Ocean Freight Forwarder License Application; Order of Investigation and Hearing

Idesco Forwarding Co. (Idesco), Post Office Box 1345, Newark, NJ 07101, filed an application for a license as an independent ocean freight forwarder on August 12, 1970.

The Commission has information indicating that Manuel C. Reis, materially misrepresented the extent of his experience both on the application and in the course of interviews with the Commission investigator. Our investigation also reveals that Mr. Reis may lack the financial responsibility to properly discharge the duties and responsibilities of an independent ocean freight forwarder. Moreover, his past employment with other independent ocean freight forwarders does not demonstrate the degree of fitness to conform to the provisions of the Shipping Act, 1916, as required by section 44(b) of said Act.

In a certified letter dated March 18, 1971, the Commission advised Idesco that it intended to deny its application for an independent ocean freight forwarder license on the grounds set forth above.

Manuel C. Reis has requested a hearing to show that the denial of the application is unwarranted. He has further requested that his hearing be held in New York so that he may be able to present witnesses on his behalf.

Therefore, it is ordered, Pursuant to sections 22 and 44 of the Shipping Act, 1916 (46 U.S.C. 821 and 841(b) that a proceeding is hereby instituted to determine whether in view of the information disclosed above, Manuel and Dulce F. L. Reis, doing business as Idesco Forwarding Co. is fit, willing, and able to carry on the business of forwarding and conform to the Shipping Act, 1916 and whether the application should be granted or denied.

It is further ordered, That Manuel and Dulce F. L. Reis, doing business as Idesco Forwarding Co. be made respondent in this hearing and that the matter be assigned for a hearing before an Examiner of the Commission's Office of Hearing Examiners on a date and at a place to be announced.

It is further ordered, That a notice of this order be published in the FEDERAL REGISTER and that a notice of hearing be served on the respondent.

It is furthered ordered, That any person other than the respondent who desires to become a party to this proceeding and participate therein shall file a petition to intervene with the Secretary of the Federal Maritime Commission, Washington, D.C. 20573 with a copy to the respondent.

It is further ordered, That all future notices issued by or on behalf of this Commission in this proceeding, including the time and place of hearing or prehearing conference shall be mailed directly to all parties of record.

By the Federal Maritime Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-6892 Filed 5-17-71;8:50 am]

[Docket No. 71-36]

PACIFIC COAST AUSTRALASIAN TARIFF BUREAU

Postponement of Filing Dates

MAY 12, 1971.

Tariff Rule 1(c), Local Tariff No. 15—FMC No. 4; Tariff Rule 1(d), Overland Freight Tariff No. 16.

Respondents, Pacific Coast Australasian Tariff Bureau and its member lines have moved to hold proceedings in this matter in abeyance pending the outcome of proceedings in Dockets 70-11, Pacific Coast European Conference—Rules 10 and 12, Tariff No. FMC 14, and 70-19, Intermodal Service To Portland, Oreg.

Filing dates in this proceeding are postponed until further notice to enable the Commission to timely dispose of respondents motion to hold in abeyance.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-6891 Filed 5-17-71;8:50 am]

SHOWA SHIPPING CO., LTD., AND HEUNG-A SHIPPING CO., LTD.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. M. Kishi, Manager, Container Operations Section, Liner Department, Showa Shipping Co., Ltd., Muromachi Building, 1, 4-Chome, Nihonbashi-Muromachi, Chuo-ku, Tokyo, Japan.

Agreement No. 9946 is a transshipment arrangement between the two carriers listed above relating to the transportation of cargo between Heung-A Shipping's ports of call in Korea to Showa Shipping's ports of call along the Pacific Coast of the United States with transshipment at Japan.

Dated: May 13, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-6894 Filed 5-17-71;8:50 am]

FEDERAL RESERVE SYSTEM

T G BANCSHARES CO.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by T G Bancshares Co., which is a bank holding company located in St. Louis, Mo., for prior approval by the Board of Governors of the acquisition by Applicant of an additional 46,861 shares (53.6 percent) or more of the voting shares of Bank of House Springs, House Springs, Mo.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks

concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of St. Louis.

By order of the Board of Governors, May 12, 1971.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary.

[FR Doc.71-6841 Filed 5-17-71;8:45 am]

PHMFG CORP.

Order Granting Modifications of Order Exempting Certain Loans by Banks From Securities Credit Regulations

In the matter of the application of PHMFG Corp., Washington, D.C., for an exemption from Securities Credit Regulations in connection with certain bank loans for the purpose of acquiring all the assets of F. I. duPont, Glore Forgan & Co.

There has come before the Board of Governors, pursuant to section 7(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78g(d)) and §§ 207.1(f)(3) of the Federal Reserve Regulation G (12 CFR 207.1(f)(3)) and 221.2(l) of Federal Reserve Regulation U (12 CFR 221.2(l)), the application of PHMFG Corp., Washington, D.C. (Applicant), a corporation organized and existing under the laws of the District of Columbia, for modifications of the Board's order dated April 2, 1971, exempting from securities credit regulations certain bank loans for the purpose of providing capital to the corporate successor to the business of F. I. duPont, Glore Forgan & Co., a registered broker/dealer and member firm of the New York Stock Exchange. Such successor is referred to herein as "duPont".

On the basis of the information set forth in the application, or otherwise available, the Board finds that:

(1) Applicant's proposed investment in duPont may consist of up to $65 million rather than $30 million as provided for in the original order;

(2) Applicant is in the process of concluding a loan agreement with a group of banks pursuant to which it will either borrow or guarantee in the aggregate amount of up to $50 million and in addition certain of the banks will commit to issue a $15 million letter of credit for the ultimate benefit of duPont;

(3) Applicant and the banks have agreed that, although Applicant will be the borrower, a limited partnership to be organized under the laws of the State of Texas, in which Messrs. H. Ross Perot, Morton H. Meyerson, and Milledge A. Hart, III will be general partners owning approximately 80 percent of the partnership interests, may succeed to the position of Applicant, in which event Applicant will become wholly owned by such partnership.

(4) A substantial portion of the loan or loans will be drawn down immediately and additional monies will be drawn down as needed following the completion of an audit of duPont as of April 30, 1971.

Upon consideration of all the circumstances, the Board concludes that the Order dated April 2, 1971, shall be modified as follows:

(1) The maximum amount of the loan or loans described in such order shall not exceed $65 million in the aggregate and when any transaction or transactions occur that result in a net withdrawal of capital from duPont by Applicant or by such limited partnership the proceeds of such withdrawal less the net amount of Federal, State, and local income tax directly attributable to such transaction or transactions shall be used to reduce or retire said loan or loans;

(2) Applicant or such limited partnership described hereinabove or a successor controlled by Mr. H. Ross Perot or his estate shall become and remain a controlling person of duPont as long as all or any portion of the said loan or loans other than any portion attributable to such income tax is outstanding;

(3) This order shall expire upon repayment of all the said loan or loans to the banks, including any portion or portions thereof, but in no event later than May 11, 1979.

(4) The agreement with the banks relating to said loan or loans shall be consummated and a substantial portion thereof drawn down within 90 calendar days following the date of the Board's order dated April 2, 1971, and the remaining portions of such loan or loans shall be drawn down as needed following completion of the audit of duPont described hereinabove but in no event later than 6 months prior to May 11, 1979;

(5) All of the provisions of the order of April 2, 1971, not modified herein shall remain unaffected.

Dated at Washington, D.C., this 11th day of May 1971.

By order of the Board of Governors.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary.

[FR Doc.71-6842 Filed 5-17-71;8:45 am]

FEDERAL TRADE COMMISSION

CERTAIN OFFICIALS

Delegation of Authority

The Federal Trade Commission on April 8, 1971, redesignated its field offices as Regional Offices and Attorneys-in-Charge and Assistant Attorneys-in-Charge thereof as Regional Directors and Assistant Regional Directors.

The following delegations made under authority of Reorganization Plan No. 4 of 1961 (26 F.R. 6191) and appearing at 35 F.R. 10627 are amended to accord with the above redesignations:

1. *In regard: Initiation of investigations.* The Commission delegates to the Directors and Assistant Directors of the Bureaus of Competition and Consumer Protection, and the Regional Directors and Assistant Regional Directors of the Commission's regional offices, severally and without power of redelegation, the authority to initiate investigations of alleged or suspected violations of any law, or provision thereof, which the Commission is empowered or directed to enforce; or the manner and form of compliance with final orders issued by the Commission.

2. *In regard: The issuance of investigational subpoenas and extensions of time prescribed (a) for compliance with demands for access, subpoenas, or orders issued during the investigation of any matter, and (b) for the filing of motions to limit or quash such subpoenas, demands for access, or orders.* The Commission delegates to the Directors and Assistant Directors of the Bureaus of Competition, Consumer Protection, and Economics, and the Regional Directors and Assistant Regional Directors of the Commission's regional offices, severally and without power of redelegation, the authority to issue investigational subpoenas; the authority, for good cause shown, to extend the time prescribed for compliance with any investigational subpoenas, demands for access, or orders issued during the investigation of any matter; and the authority to rule upon motions for extensions of time within which to file motions to limit or quash any such investigational subpoenas, demands for access, or orders.

Effective upon publication in the FEDERAL REGISTER.

By direction of the Commission dated May 12, 1971.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.71-6864 Filed 5-17-71;8:47 am]

STATEMENT OF ORGANIZATION

Change in Designation of Field Offices

Notice is hereby given that (1) section 9 of the Statement of Organization, published June 30, 1970 (35 F.R. 10627) as amended July 23, 1970 (35 F.R. 11827); (2) paragraphs (a) and (b) of section 10 of the Statement of Organization, published March 13, 1971 (36 F.R. 4918); and (3) section 18 of the Statement of Organization, published June 30, 1970 (35 F.R. 10627) as amended July 23, 1970 (35 F.R. 11827), are amended: to redesignate the field offices of the Commission as Regional Offices; to redesignate the Attorneys-in-Charge thereof as Regional Directors; and to issue a current listing of the Regional Offices and Field Stations.

Section 9 is amended to read as follows:

SEC. 9. *Organization structure.* The Federal Trade Commission is comprised of the following principal units:

Office of the Executive Director,
Office of the General Counsel,
Office of the Secretary,
Office of Policy Planning and Evaluation,
Office of Hearing Examiners,
Bureau of Competition,
Bureau of Consumer Protection,
Bureau of Economics,
The Regional Offices.

In section 10, paragraphs (a) and (b) are amended to read as follows:

SEC. 10. *Office of the Executive Director.* * * *

(a) The Assistant Executive Director for Legal Coordination functions as advisor and principal assistant to the Executive Director on all substantive legal matters pertaining to Commission programs; assists the Executive Director in planning, coordinating, and reviewing the full range of antitrust and consumer protection functions performed by the operating bureaus and regional offices; and acts for the Executive Director in coordinating the legal case work of the Bureau of Consumer Protection, Bureau of Competition, Bureau of Economics and FTC regional offices.

(b) The Assistant Executive Director for Field Management functions as staff advisor to the Executive Director in the effective and efficient management of the Commission's regional offices; functions as principal assistant to the Executive Director in all matters concerning supervision and line management of the eleven regional offices, guides and directs the activities of the regional offices in the fields of antitrust law, consumer protection and consumer education, including investigations, trial of cases and industry and consumer counseling.

* * * * *

Section 18 is amended to read as follows:

SEC. 18. *The Regional Offices.* (a) These offices are investigatory arms of the Commission, and, with respect to matters of a regional nature, have responsibility for investigational, trial, compliance, and consumer educational activities as delegated by the Commission. Each regional office has general responsibility for its own activities and for the smaller offices, designated as field stations, located in its area of responsibility. They are under the general supervision of the Office of the Executive Director, and clear their activities through the appropriate operating bureaus.

(b) The addresses of the respective regional offices, and of the field stations located in the area of each are as follows:

(1) Atlanta Regional Office: Federal Trade Commission, Room 720, 730 Peachtree Street NE., Atlanta, GA 30308. Field stations: Federal Trade Commission, Room 206, 623 East Trade Street, Charlotte, NC 28202; Federal Trade Commission, Room 931, New Federal Building, 51 Southwest First Avenue, Miami, FL 33130; Federal Trade Commission, Room G-209, Federal Office Building, Post Office Box 568, Oak Ridge, TN 37830.

(2) Boston Regional Office: Federal Trade Commission, John Fitzgerald Kennedy Federal Building, Government Center, Boston, MA 02203.

(3) Chicago Regional Office: Federal Trade Commission, Room 486, Everette M. Dirksen Office Building, 219 South Dearborn Street, Chicago, IL 60604.

(4) Cleveland Regional Office: Federal Trade Commission, Room 1339, Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199. Field stations: Federal Trade Commission, 121 Ellicott Street, Buffalo, NY 14205; Federal Trade Commission, 333 Mount Elliott Avenue, Detroit, MI 48207; Federal Trade Commission, Post Office Box 996, 107 High Street, Morgantown, WV 26505.

(5) Kansas City Regional Office: Federal Trade Commission, Room 2806, Federal Office Building, 911 Walnut Street, Kansas City, MO 64106. Field station: Federal Trade Commission, 18013 Federal Office Building, 1961 Stout Street, Denver, CO 80202; Federal Trade Commission, Room 1302, 210 North Broadway, St. Louis, MO 63102.

(6) Los Angeles Regional Office: Federal Trade Commission, Room 13209, 11000 Wilshire Boulevard, Los Angeles, CA 90024.

(7) New Orleans Regional Office: Federal Trade Commission, 1000 Masonic Temple Building, 333 St. Charles Street, New Orleans, LA 70130. Field stations: Federal Trade Commission, Room 13-B-2, 1100 Commerce Street, Dallas, TX 75202; Federal Trade Commission, 417 U.S. Post Office and Courthouse, 615 Houston Street, San Antonio, TX 78206.

(8) New York Regional Office: Federal Trade Commission, 22d Floor, Federal Building, 26 Federal Plaza, New York, NY 10007.

(9) San Francisco Regional Office: Federal Trade Commission, 450 Golden Gate Avenue, Box 36005, San Francisco, CA 94102. Field station: Federal Trade Commission, Room 508, First Federal Savings and Loan Building, 843 Fort Street Mall, Honolulu, HI 96813.

(10) Seattle Regional Office: Federal Trade Commission, Suite 908, Republic Building, 1511 Third Avenue, Seattle, WA 98101. Field station: Federal Trade Commission, 231 U.S. Courthouse, Portland, OR 97205.

(11) Washington Regional Office: Federal Trade Commission, Sixth Floor, 2120 L Street NW., Washington, DC 20037. Field stations: Federal Trade Commission, 633 Indiana Avenue NW., Washington, DC 20004; Federal Trade Commission, 53 Long Lane, Upper Darby, PA 19082.

(c) Each of the regional offices is supervised by a Regional Director, who is available for conferences with attorneys, consumers, and other members of the public on matter relating to the Commission's activities.

Effective upon publication in the FEDERAL REGISTER (5-18-71).

By direction of the Commission dated May 12, 1971.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.71-6865 Filed 5-17-71;8:47 am]

OFFICE OF EMERGENCY PREPAREDNESS

KENTUCKY

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744); notice is hereby given that on May 10, 1971, the President declared a major disaster as follows:

I have determined that the damages in those areas of the State of Kentucky, adversely affected by tornadoes beginning on or about April 27, 1971, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of Kentucky. Areas eligible for Federal assistance will be determined by the Director of the Office of Emergency Preparedness.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575 to administer the Disaster Relief Act of 1970 (Public Law 91-606) I hereby appoint Mr. William H. Hollaway, Regional Director, OEP Region 3 to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of Kentucky to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 10, 1971:

The counties of:

Adair.	Ohio.
Butler.	Pulaski.
Green.	Russell.
Muhlenberg.	Warren.

Dated: May 13, 1971.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.71-6872 Filed 5-17-71;8:48 am]

PANAMA CANAL

CANAL ZONE POSTAL SERVICE POSTAGE RATES AND FEES

Temporary Changes

The Canal Zone Government hereby gives notice of increased postage rates and fees for postal services as set out in the schedule below. These rates and fees will govern during the period that the temporary postage rates and fees which have been prescribed by the U.S. Post Office Department, to become effective May 16, 1971, continue in effect (36 F.R. 8331-8333, May 4, 1971).

A. DOMESTIC POSTAGE RATES

To Canal Zone, United States, its territories and possessions and Commonwealth of Puerto Rico.

FIRST CLASS (12 OUNCES OR LESS)

Letters—8 cents per ounce.
Cards—6 cents each.

AIRMAIL (8 OUNCES OR LESS) (NO SERVICE IN CANAL ZONE)

Letters—11 cents per ounce.
Cards—9 cents each.

PRIORITY MAIL (FIRST CLASS OVER 12 OUNCES AND AIRMAIL OVER 8 OUNCES)

Postage rate unit pounds	Zones: Local, 1, 2 and 3 [1]	Zone 8 [2]
1	$1.00	$1.00
1½	1.20	1.50
2	1.40	1.77
2½	1.60	2.16
3	1.80	2.54
3½	2.00	2.93
4	2.20	3.31
4½	2.40	3.70
5	2.60	4.08
Each additional pound	0.48	0.80

[1] Zones 1, 2, and 3 rates are applicable to priority mail destined to the Canal Zone or the Republic of Panama.
[2] Zone 8 rates are applicable for United States, its territories and possessions and Commonwealth of Puerto Rico delivery.

Exception. **Parcels weighing less than 10 pounds, measuring over 84 inches but not exceeding 100 inches in length and girth combined, are chargeable with a minimum rate equal to that for a pound parcel for the zone to which addressed.**

In-county:		Cents
SECOND CLASS		
In-county:		Cents
Pound-rate matter	Per pound	1.5
	Minimum per piece	0.2
	Per piece charge	0.06
Per copy-rate matter	Per copy	1.1 or 2.1

Outside county:		Zones 1 and 2 [3]	Zone 8 [4]
Non profit publications:		Cents	Cents
Editorial	Per pound	2.4	2.4
Advertising	do	4.4	9.7
	Minimum per piece.	0.2	0.2
	Per piece charge	0.04	0.04
Classroom publications:			
Editorial	Per pound	2.3	2.3
Advertising	do	3.6	11.1
	Minimum per piece.	0.8	0.8
	Per piece charge	0.1	0.1
Regular publications:			
Editorial	Per pound	4.0	4.0
Advertising	do	6.0	17.8
	Minimum per piece.	1.3	1.3
	(5,000 copy minimum) Per piece charge (In addition to foregoing).	0.2	0.2
Transient	First 2 ounces	6.0	6.0
	Each additional ounce.	1.0	1.0

CONTROLLED CIRCULATION		Cents
	Per pound	15.0
	Minimum per piece	4.0

THIRD CLASS		
Single piece	First 2 ounces	8.0
	Each additional ounce	2.0
Keys and identification devices.	First 2 ounces	14.0
	Each additional 2 ounces.	8.0
Bulk rate:		
Regular		
Circulars, etc	Per pound	23.0
	Minimum per piece	4.0
Books, catalogs, etc	Per pound	17.0
	Minimum per piece	4.0
Nonprofit		
Circulars, etc	Per pound	11.0
	Minimum per piece	1.7
Books, catalogs, etc	Per pound	8.0
	Minimum per piece	1.7

FOURTH CLASS		
Special rate (educational)	First pound	14.0
	Each additional pound.	7.0
Library rate	First pound	6.0
	Each additional pound.	2.0

[3] Zones 1 and 2 rates are applicable to second class mail destined to the Canal Zone.
[4] Zone 8 rates are applicable for United States, its territories and possessions and Commonwealth of Puerto Rico delivery.

b. Special Mail Fees

REGISTERED MAIL

Registry Fees **(in addition to postage). (1) To Canal Zone and United States, its territories and possessions, and Commonwealth of Puerto Rico.**

Declared value	Fees	Postal liability
$0.00 to $100.00	$0.95	Without other insurance-declared value according to fee paid, $1,000 maximum. With other insurance-declared value according to fee paid or prorated, $1,000 maximum.
$100.01 to $200.00	1.25	
$200.01 to $400.00	1.55	
$400.01 to $600.00	1.85	
$600.01 to $800.00	2.15	
$800.01 to $1000.00	2.45	
$1000.01 to $1,000,000.	$2.45 plus handling charge of 20 cents per $1,000 or fraction over first $1,000.	$1,000 maximum.
$1,000,000.01 to $15,000,000.	$202.25 plus handling charge of 13 cents per $1,000 or fraction over first $1,000,000.	$1,000 maximum.
Over $15,000,000	Additional charges may be applied based on consideration of weight, space and value.	

For shipments valued in excess of $1,000,000 refer to Director of Posts before acceptance.

(2) To foreign countries. Canada only.

Declared value	Fees	Postal liability
$0.00 to $100.00	$0.95	Declared value according to fee paid, $200 maximum.
$100.00 to $200.00	1.25	
All other countries actual value.	.95	$8.17 (Postal Union articles).

SPECIAL DELIVERY

Special Delivery Fees **(in addition to postage). (1) To United States, its territories and possessions and Commonwealth of Puerto Rico.**

Class of mail	Weight	Fees
First class, airmail, and priority mail.	Up to 2 pounds	$0.60
	Over 2 up to 10 pounds.	0.75
	Over 10 pounds	0.90
All other classes	Up to 2 pounds	0.80
	Over 2 up to 10 pounds.	0.90
	Over 10 pounds	1.05

(2) To foreign countries.

Class of mail	Weight	Fees
Letters, letter packages, post cards, and airmail, other articles.	Up to 2 pounds	$0.60
	Over 2 up to 10 pounds.	0.75
	Over 10 pounds	0.90
Surface, other articles	Up to 2 pounds	0.80
	Over 2 up to 10 pounds.	0.90
	Over 10 pounds	1.05

c. International Postage Rates

Mail class	Postage rate unit	Postage rate
Airmail:		
To Panama:		Cents
Letters, letter packages, and Postal Union "Other Articles."	Per ½ oz	11.0
Cards	Each	9.0
Aerograms	Each	11.0
Surface:		
To all foreign countries:		
Printed matter regular.	First 2 ounces	8.0
	Each additional 2 ounces.	4.0
Books and sheet music:		
PUAS [5] countries	First 12 ounces	18.0
	Each additional 2 ounces.	1.0
Other countries	First 12 ounces	18.0
	Each additional 2 ounces.	1.5
Samples of merchandise.	First 2 ounces	8.0
	Each additional 2 ounces.	4.0
	Minimum charge	13.0

[5] Postal Union of the Americas and Spain.

d. International Reply Coupons

International reply coupons of the Universal Postal Union, which are printed in blue ink and bear the caption "Coupon—Response International" issued in the United States and Panama are exchangeable for Canal Zone postage stamps at the rate of 8 cents each.

Effective date: The changes in postal rates and fees provided in this order shall become effective on May 16, 1971.

(2 C.Z.C. 1131–1133, 76A Stat. 38–39)

Date signed: May 11, 1971.

[SEAL] DAVID S. PARKER,
Governor.

[FR Doc.71-6895 Filed 5-17-71;8:50 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF-3470]

TABBY'S INTERNATIONAL, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

MAY 12, 1971.

I. Tabby's International, Inc. (Tabby's), 1551 Northeast 167 Street North Miami Beach, FL, was incorporated under the laws of Florida on January 24, 1969. On June 25, 1969, Tabby's filed with the Commission's San Francisco Regional Office a notification and offering circular pursuant to Regulation A, for the sale of 150,000 shares of its common stock at $2 per share. Tabby's is a Florida-based corporation. It represented it would open various enterprises in the San Francisco Region. The offering circular for Tabby's became effective on October 15, 1969, and the issuer's Form 2–A, filed April 6, 1970, reported the issue was completed on November 19, 1969.

II. The Commission has reasonable cause to believe from information reported to it by the staff that:

A. The offering circular contains untrue statements of material facts and

omits to state material facts necessary to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

(1) The failure to disclose that prior to completion of the offering, J. M. Kelsey & Co., Inc., underwriter, repurchased shares of Tabby's which had been sold pursuant to the Regulation A at prices higher than the Regulation A offering price.

(2) The failure to disclose financial inducements offered to brokers and dealers to promote Tabby's stock.

(3) The failure to disclose that the underwriter of this offering would attempt to give the impression that the offering was closed by transferring shares of Tabby's to nonexistent nominees.

(4) The failure to disclose the correct aggregate offering price of the Tabby's Regulation A offering.

B. The terms and conditions of Regulation A have not been complied with in that:

(1) The Notification failed to disclose all other present or proposed offerings of securities as is required by Item 10.

(2) The aggregate public offering price of the securities and the aggregate gross proceeds actually received from their sale to the public exceeded $300,000 (the maximum amount then available under Regulation A).

(3) The offering circular failed to disclose the correct underwriting discounts or commissions as required by sections 3 and 4 of Schedule I.

(4) The offering circular failed to disclose the method by which the shares of Tabby's were to be offered as required by section 5 of Schedule I.

(5) Issuer's Form 2–A filed on April 6, 1970 contains false and misleading information relating to the completion date of the offering, the gross proceeds received from the sale to the public, the underwriter's discount, and the ultimate public offering price.

C. The offering was made in violation of section 17(a) of the Securities Act of 1933, as amended, by reason of the activities described above.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended.

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of Tabby's International, Inc., under Regulation A be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice that the issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that, if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71–6858 Filed 5–17–71;8:46 am]

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. MC–64; General Temporary Order 6]

TRANSPORTATION OF PASSENGERS OR PROPERTY BY MOTOR VEHICLE

Order Granting Temporary Authority

At a Session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D.C., on the 17th day of May 1971.

The Interstate Commerce Commission having under consideration the urgent need for motor carrier services due to the cessation of normal railroad transportation occasioned by work stoppages, the national transportation policy, the public interest, and, among others, sections 202(a), 204(a)(6), and 210a(a) of the Interstate Commerce Act, and

It appearing, that due to a labor dispute, the common carriers by railroad are unable to transport passengers and property tendered to them; and that an emergency exists in all sections of the United States requiring immediate action on the part of the Commission to make provision for adequate transportation service in the interest of the public and the national defense;

It further appearing, that there exists an immediate and urgent need for additional motor carrier service to supplement temporarily the transportation facilities of the Nation for the movement of military and other freight, and passengers;

And it further appearing, that the present transportation emergency and immediate need for maximum utilization of motor carrier facilities, equipment, and service have made it necessary for the Commission to provide and authorize a more flexible method whereby motor carriers, and other persons, may obtain temporary authorizations to render the required motor service necessary in the public interest and to the national defense;

It is ordered, That pursuant to section 210a(a) of the Interstate Commerce Act (49 U.S.C. 310a(a)), all persons who shall apply to any regional director, assistant regional director, or district supervisor of the Commission's Bureau of Operations are hereby granted temporary authority to transport passengers or property by motor vehicle for a period of not more than 30 days to the extent and scope that such regional director or district supervisor shall certify that due to the existing transportation emergency, there is an immediate and urgent need for the service applied for, and there is no available carrier service capable of meeting such need;

It is further ordered, That the grant of such temporary authority be, and it is hereby, conditioned upon satisfying the said regional director, assistant regional director, or district supervisor of full compliance by the grantee with all applicable statutory and Commission requirements concerning tariff publications, evidence of security for the protection of the public, and designation of agents for service of process, and further conditioned upon such tariff publications quoting rates, fares, and charges no lower than those of existing rail, water, or motor carriers in the territory in which the operations are to be authorized;

It is further ordered, That temporary authority granted pursuant to this order shall expire as of the first midnight after rail carrier service shall have been reinstituted, except as to passengers or property, the transportation of which was begun prior to that time;

It is further ordered, That this order shall become effective on the 17th day of May 1971;

And it is further ordered, That notice of this order shall be given to motor carriers, other parties of interest, and to the general public by depositing a copy thereof in the Office of the Secretary of the Commission, Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Division 1.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–7003 Filed 5–17–71;10:07 am]

[Notice 295]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 12, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide

that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 69901 (Sub-No. 24 TA), filed May 5, 1971. Applicant: COURIER-NEWSOM EXPRESS, INC., Post Office Box 270, 2830 National Road, Columbus, IN 47201. Applicant's representative: Carl Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular 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; (1) between Madison and Columbus, Ind., over Indiana Highway 7; and (2) between Louisville, Ky., and Madison, Ind., from Louisville over I–65 to junction Indiana Highway 62, thence over Indiana Highway 62 to Madison and return over the same route, for 150 days. NOTE: Applicant proposes to tack said authority with its existing authority at both Louisville, Ky., and Columbus, Ind. Applicant also proposes service to the commercial zone of Madison, Ind. Supporting shippers: McCubbin Ford, Inc., 319–321 East Main Street, Madison, IN 47250; The Grote Manufacturing Co., State Route No. 7, Post Office Box 766, Madison, IN. 47250; and Rex Chainbelt, Inc., U.S. Highway 421, North of Highway 107, Madison, IN 47250. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 802 Century Building, 3 South Pennsylvania Street, Indianapolis, IN 46204.

No. MC 95920 (Sub-No. 22 TA), filed May 5, 1971. Applicant: SANTRY TRUCKING COMPANY, 11552 Southwest Pacific Highway, Portland, OR 97223. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle WA 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Soda ash and soda bicarbonate, talc, bentonite*, from Three Forks, Mont., Green River, Westvaco, Upton, and Alchem, Wyo., to points in Idaho and Washington, for 180 days. Supporting shipper: Van Waters & Rogers, 4000 First Avenue South, Seattle WA 98134. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, Portland, OR 97204.

No. MC 101474 (Sub-No. 16 TA), filed May 5, 1971. Applicant: RED TOP TRUCKING COMPANY INCORPORATION, 7020 Cline Avenue, Hammond, IN 46323. Applicant's representative: Harris De Young (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt mix storage tanks and asphalt mix conveyors and parts thereof*, from Glasgow, Mo., and Leavenworth, Kans., to points in the United States except Alaska and Hawaii, for 180 days. Supporting shipper: Standard Havens Systems, Inc., Glasgow, Mo. 65254. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, IN 46802.

No. MC 113784 (Sub-No. 41 TA), filed May 5, 1971. Applicant: LAIDLAW TRANSPORT LIMITED, 65 Guise Street, Hamilton 21, ON Canada. Applicant's representative: William J. Hirsch, 43 Niagara Street, Buffalo, NY 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank vehicles, from those ports of entry on the international boundary line between the United States and Canada on the Niagara River, to the facilities of Concrete Delivery Co., Inc., at Lackawanna, N.Y., for interline, for 150 days. NOTE: Applicant proposes to interline with Concrete Delivery Co., Inc., in connection with that carrier's Certificate No. MC–124069. Supporting shipper: Northeast Cement Co., State Tower Building, Syracuse, N.Y. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Office Building, 121 Ellicott Street, Buffalo, NY 14203.

No. MC 116492 (Sub-No. 1 TA), filed May 5, 1971. Applicant: JOHN T. HARRIGER AND RUTH B. HARRIGER, a partnership, doing business as T. C. HARRIGER TRUCKING, 66 Main Street, Falls Creek, PA 15840. Applicant's representative: William J. Lavelle, 23 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, in containers, and *related advertising material* moving therewith, from Columbus, Ohio, and Detroit, Mich., to Mill Hall, Ridgway, Bradford, Warren, Oil City, Curwensville, Meadville, and Falls Creek, Pa.; and (2) *empty malt beverage containers*, from Mill Hall, Ridgway, Bradford, Warren, Oil City, Curwensville, Meadville, and Falls Creek, Pa., to Columbus, Ohio, and Detroit, Mich., for 150 days. Supporting shippers: C & C Beverage, 125 Hogan Boulevard, Mill Hall, PA; John J. Errigo, Jr., doing business as Errigo Distributing Co., 408 North Third Street, Curwensville, PA; Francis P. Conway, doing business as Crescent Distributors, Warren, Pa.; Chas E. Stubler, T/A Peter C. Stubler Dist., Oil City, Pa.; Bonini Tobacco Co., Inc., Ridgway, Pa.; Meadville Bottling, Inc., Meadville, Pa.; and Bradford City Beers, Inc., Bradford, Pa. Send protests to: Frank L. Calvary, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 116821 (Sub-No. 7 TA), filed May 5, 1971. Applicant: FURNITURE DELIVERY, INC., 10 Prospect Street, Post Office Box 374, Columbiana, OH 44408. Applicant's representative: Richard H. Brandon, 810 Hartman Building, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Salem, Ohio, to points in Connecticut, Massachusetts, Maine, Rhode Island, New Hampshire, and Vermont, for the account of Ort Furniture Manufacturing Co., Salem, Ohio, for 180 days. Supporting shipper: Ort Furniture Manufacturing Co., 275 Elm Avenue, Salem, OH 44460. Send protests to: Joseph A. Niggemyer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 416 Old Post Office Building, Wheeling, WV 26003.

No. MC 118263 (Sub-No. 47 TA), filed May 5, 1971. Applicant: COLDWAY CARRIERS, INC., Post Office Box 38, State Highway No. 131, 47131, Clarksville, IN 47130. Applicant's representative: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and articles distributed by meat packinghouses* as described in sections A and C, appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and warehouse facility of Swift & Co., located at Marshalltown, Iowa, to points in Boone, Cook, De Kalb, Du Page, Kane, Kankakee, Kendall, Lake, McHenry, and Will Counties, Ill., and points in Lake and Porter Counties, Ind., restricted to traffic originating at and destined to the points named, for 180 days. Supporting shipper: Swift Fresh Meats Co., 115 West Jackson Boulevard, Chicago, IL 60604. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, IN 46204.

No. MC 120673 (Sub-No. 3 TA), filed May 5, 1971. Applicant: ACME TRANSPORT COMPANY, City Park Road, Post Office Box 605, Oelwein, IA 50662. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solutions and anhydrous ammonia*, in bulk, in tank vehicles, from the plantsite of Hawkeye Chemical Co., at or near Clinton, Iowa, to points in Illinois, Minnesota, Wisconsin, and Missouri, for 180 days. Supporting shipper: Hawkeye

Chemical Co., Post Office Box 899, Clinton, IA. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, IA 52801.

No. MC 125168 (Sub-No. 17 TA), filed May 5, 1971. Applicant: OIL TANK LINES, INC., Box 190, Darby, PA 19023. Applicant's representative: James Stiverson, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum oils*, in bulk, in tank vehicles: (a) from Pettys Island, N.J., to Rouseville, Pa.; (b) from Paulsboro, N.J., to Rouseville and Reno, Pa., and Falling Rock, W. Va.; (c) from Reno, Pa., to Jersey City, N.J.; (d) from Falling Rock, W. Va., to Clifton, Jersey City, Newark, and Sewaren, N.J.; and (e) from Rouseville, Pa., to North Bergen, Paterson, Pennsauken, Pettys Island, Piscataway, and Sewaren, N.J.; Falling Rock, W. Va.; Baltimore, and Beltsville, Md.; and (2) *Petroleum wax*, in bulk, in tank vehicles from Rouseville, Pa., to Bayonne, Brainards, Harrison, Kenvil, and Parlin, N.J., and Falling Rock, W. Va. The operations authorized herein are limited to a transportation service to be performed under a continuing contract with Pennzoil United, Inc., for 180 days. Supporting shipper: Pennzoil United, Inc., Drake Building, Oil City, PA 16301. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 125168 (Sub-No. 18 TA), filed May 5, 1971. Applicant: OIL TANK LINES, INC., Box 190, Darby, PA 19023. Applicant's representative: James Stiverson, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum oils*, in bulk, in tank vehicles; (1) from Bradford and Karns City, Pa., to the Pennsylvania Refining Co., plant at or near North Bergen, N.J.; and (2) from Paulsboro and Pettys Island, N.J., to Karns City, Pa. The operations, authorized herein are limited to a transportation service to be performed under a continuing contract with the Pennsylvania Refining Co., for 180 days. Supporting shipper: Pennsylvania Refining Co., Union National Bank Building, Butler, PA 16001. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 129732 (Sub-No. 2 TA), filed May 5, 1971. Applicant: EMPIRE FUEL & TRANSFER CO., 920 Newmark, Coos Bay, OR 97420. Applicant's representative: David C. White, 2400 Southwest Fourth Avenue, Portland, OR 97201. Authority sought to operate as a *common carrier*, by motor vericle, over irregular routes, transporting: *Linerboard*, from points within the commercial zone terminal area of Gardiner, Oreg., to Coos Bay and North Bend, Oreg., for 180 days. Supporting shipper: Kanematsu-Gosho (U.S.A.) Inc., 707 Southwest Washington Street, Portland, OR 97205. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, Portland, OR 97204.

No. MC 129972 (Sub-No. 2 TA), filed May 5, 1971. Applicant: GERALD D. WRIGHT, 1303 10th Street SE., Jamestown, ND 58401. Applicant's representative: Thomas J. Van Osdel, 502 First National Bank Building, Fargo, ND 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages and alcoholic liquids* (except beer or malt beverages and commodities in bulk), from Chicago and Pekin, Ill., Lawrenceburg, Ind., Allen Park, Mich., and Louisville and Clermont, Ky., to Bismarck and Fargo, N. Dak., for 180 days. Supporting shipper: Congress, Inc., 601 North 15th Street, Fargo, ND 58102. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 2340, Fargo, ND 58102.

No. MC 133072 (Sub-No. 4 TA), filed May 5, 1971. Applicant: VITO PALUMBO, doing business as WILLIAM PALUMBO TRUCKING, 67 Greenwich Street, New York, NY 10006. Applicant's representative: William D. Traub, 10 East 40th Street, New York, NY 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Business forms*, from warehouse of Duplex Products, Inc., Fairfield, N.J., to New York, N.Y., for 150 days. Supporting shipper: Duplex Products, Inc., Post Office Box No. 236, Wayne, NJ 07470. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, Room 1807. New York. NY 10007.

No. MC 135448 (Sub-No. 1 TA), filed May 5, 1971. Applicant: JERRY SIDEBOTTOM AND LOUIS WAIDELICH, doing business as FAMCO, 4111 156th Street NE., Redmond, WA 98052. Applicant's representative: Joseph O. Earp, 411 Lyon Building, Seattle, WA 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cartons, paper, pulpboard or strawboard, and labels*, printed, from Redmond, Wash., to points in California, under a continuing contract with Ridgway Lithograph Co., Redmond, Wash.; and (2) *materials, supplies, and equipment* used by medical laboratories and hospitals, from points in California to Redmond, Wash., under a continuing contract with American Hospital Supply, Division of American Hospital Supply Corp., Redmond, Wash., for 180 days. Supporting shippers: Ridgway Lithograph Co., 4111 156th Avenue NE., Redmond, WA 98052, and American Hospital Supply, Division of American Hospital Supply Corp., Redmond, Wash. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, WA 98101.

No. MC 135562 TA, filed May 5, 1971. Applicant: O.C.C., Inc., 2201 Sixth Avenue South, Seattle, WA 98134. Applicant's representative: Joseph O. Earp, 411 Lyon Building, Seattle, WA 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Spring brakes*, from Compton, Calif., to points in Texas, Kansas, Oklahoma, Colorado, Nebraska, Missouri, Louisiana, Mississippi, Alabama, Georgia, Tennessee, North Carolina, South Carolina, Virginia, West Virginia, Maryland, District of Columbia, Pennsylvania, New York, New Jersey, Ohio, Michigan, Indiana, Kentucky, Illinois, and Iowa, under a continuing contract with Royal Industries, Anchorlok Division, for 180 days. Supporting shipper: Royal Industries, Anchorlok Division, 2910 East Ana, Compton, CA 90221. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, WA 98101.

No. MC 135563 TA, filed May 5, 1971. Applicant: HOLLOWAY TRANSPORT, INC., 12213 Ledges Drive, Post Office Box 43177, Middletown, KY 40243. Applicant's representative: James S. Holloway (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum crude oil*, from points in Scott County, Tenn., to the pipeline terminal at Greensburg, Ky., for 180 days. Supporting shipper: Chester C. Loving, Traffic Manager, Ashland Oil, Inc., Post Office Box 391 Ashland, KY 41101. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, KY 40202.

No. MC 135565 TA, filed, May 5, 1971. Applicant: VITO J. RODINO, doing business as RODINO TRUCKING, Box 217, Haddock, Hazleton, PA 18201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Slag*, from Allentown, Pa., to South Plainfield, N.J., for 180 days. Supporting shipper: Fer-Bee Slag Co., Inc., Canal Road, Allentown, Pa. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 309 U.S. Post Office Building, Scranton, PA 18503.

MOTOR CARRIER OF PASSENGERS

No. MC 135564 TA, filed May 5, 1971. Applicant: EDWARD TAYLOR, doing business as KAMPER KARAVANS, Bellefonte Apartments, Scranton, PA 18505. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in vehicles equipped with camping facilities, from Albany, N.Y., and Scranton, Pa., to all points in continental United States and return, for 180 days.

Supporting shippers: Irving Weissberger, 912 Olive Street, Scranton, PA 18510; H. Thomas, 324 Chestnut Street, Peckville, PA 18452; Arthur L. Weiner, Bellefonte Apartments, Scranton, PA 18505. Send protests to: Paul J. Kenworthy; District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, PA 18503.

By the Commission.

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

[FR Doc.71-6876 Filed 5-17-71;8:48 am]

[Notice 296]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 13, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 647 (Sub-No. 5 TA), filed May 5, 1971. Applicant: EXHIBITORS SERVICE COMPANY, 85 Helen Street, McKees Rocks, PA 15136. Applicant's representative: Stephen T. Wardzinski, 2310 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meat and frozen fish, frozen poultry*, in mixed shipments with frozen meat, from the facility of Allegheny Cold Storage Co., Inc., Pittsburgh, Allegheny County, Pa., to Westernport, Oakland, and Cumberland, Md., and Kingwood, W. Va., for 180 days. Supporting shipper: Fox Grocery Co., Box 29, Rehoboth Valley, Belle Vernon, PA 15012. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 89940 (Sub-No. 2 TA), filed May 5, 1971. Applicant: WALL CARTAGE CO., INC., 1191 South Little Creek Road, Dover, DE 19901. Applicant's representative: Lawrence J. Anzalone (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crated household goods and personal effects*, between Dover Del., on the one hand, and, on the other, Baltimore and Laurel, Md., and Washington, D.C., for 180 days. NOTE: Applicant intends to tack with Docket No. MC 89940 at Baltimore, Md., Washington, D.C., and Laurel, Md. Supporting shippers: Baltimore Shipping Co., Inc., 1010 American Building, Baltimore, MD 21202; Columbia Export Packers, Inc., 19032 South Vermont Avenue, Torrance, CA 90502; Imperial Household Shipping Co., Inc., 9675 Fourth Street, North, Post Office Box 20124, St. Petersburg, FL 33702; Roadway Express, Inc., 1077 Gorge Boulevard, Post Office Box 471, Akron, OH 44309. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 227 Old Post Office Building, Salisbury, MD 21801.

No. MC 116967 (Sub-No. 14 TA), filed May 5, 1971. Applicant: WONDAAL TRUCKING CO., INC., 2857 Ridge Road, Lansing, IL 60438. Applicant's representative: Samuel Ruff, Jr., 2109 Broadway, East Chicago, IN 46312. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick* in dump vehicle or flat-bed trailers, between Chicago, Ill., and Brazil, Martinsville, and Cayuga, Ind., and return transportation from said destinations of brick for compensation, limited to a restricted contract with American Brick Co., Inc., of Munster, Ind., for 150 days. Supporting shipper: American Brick Co., Inc., 9401 Calumet Avenue, Munster, IN 46321. Send protests to: District Supervisor Robert G. Anderson, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 117765 (Sub-No. 124 TA), filed May 5, 1971. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, Post Office Box 75267, Oklahoma City, OK 73107. Applicant's representative: R. E. Hagan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, from Military, Kans., to points in Arkansas, Iowa, Missouri, Nebraska, Oklahoma, and the portion of Texas east of Interstate Highway 35 and U.S. Highway 281, for 150 days. Supporting shipper: J. J. Stefanec, Transportation Manager, Gulf Oil Chemicals Co., Dwight Building, Kansas City, MO 64105. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 117565 (Sub-No. 37 TA), filed May 5, 1971. Applicant: MOTOR SERVICE COMPANY, INC., 237 South Fifth Street, Post Office Box 417, Coshocton, OH 43812. Applicant's representative: John R. Hafner (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections, and *materials and special devices* used in the unloading of building sections, from Madisonville, Ky.; (1) to points in Indiana, Illinois, Missouri, Ohio, Pennsylvania, Tennessee, and West Virginia; (2) *materials special devices and special purpose carriers*, used in the transportation and unloading of the commodity described above, from the States in (1) above to Madisonville, Ky., for 180 days. Supporting shipper: Munday Homes, Inc., Post Office Box 26, Madisonville, KY 42431. Send protests to: A. M. Culver, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 255 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

No. MC 121303 (Sub-No. 2 TA), filed May 5, 1971. Applicant: O. K. WAREHOUSE CO., INC., 2829 Bryan Avenue, Fort Worth, TX 76104. Applicant's representative: C. J. Stinson, Sr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Texas; restricted to transportation of shipments of household goods contained in specially designed containers having a prior or subsequent movement in interstate or foreign commerce, for 180 days. NOTE: Applicant does intend to tack the authority in MC 121303. Supporting shippers: Columbia Export Packers, Inc., 19032 South Vermont Avenue, Torrance, CA 90502; Express Forwarding & Storage Co., Inc., 17 Battery Place, New York, NY 10004; Jet Forwarding Inc., 200 West Central Avenue, Santa Ana, CA 92707. Send protests to: H. C. Morrison, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

No. MC 127539 (Sub-No. 20 TA) (Correction), filed April 1, 1971, and published FEDERAL REGISTER issue April 14, 1971, and republished in part as corrected this issue. Applicant: PARKER REFRIGERATED SERVICE, INC., 3533 East 11th Street, Tacoma, WA 98421. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, WA 98101. NOTE: The purpose of this partial republication is to include Seattle, Wash, as a destination point, which was inadvertently omitted in previous publication. The rest of the application remains as previously published on April 14, 1971.

No. MC 129576 (Sub-No. 3 TA), filed May 5, 1971. Applicant: HORNER TRUCK INCORPORATED, 301 Lewis Street, Post Office Box 45, Canton, MO 63435. Applicant's representative: Ernest

A. Brooks II, 1301 Ambassador Building, St. Louis, MO 63101. Authority sought to operates as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer and phosphatic fertilizer solutions*, in bulk, from the plantsite of Occidental Chemical Co. at Helton, Mo., to points in Illinois, Iowa, and Missouri, for 120 days. Supporting shipper: Occidental Chemical Co., 4671 Southwest Freeway, Post Office Box 1185, Houston, TX 77001. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 133755 (Sub-No. 12 TA), filed May 5, 1971. Applicant: MILLIS BROS. TRANSFER, INC., Post Office Box 112, Black River Falls, WI 54615. Applicant's representative: Eric F. Stutz, 104 Main Street, Black River Falls, WI 54615. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from La Crosse, Wis., to Chanhassen, Minn., for 180 days. NOTE: Applicant does intend to tack the authority in MC 133755 Sub-No. 6 from Sheboygan and Milwaukee, Wis., to Chanhassen, Minn., supporting shipper: Leding Distributing Co., Inc., Post Office Box 428, Chanhassen, MN 55317. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 206, Madison, WI 53703.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-6877 Filed 5-17-71;8:48 am]

[Notice 690]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 13, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72601. By order of May 10, 1971, the Motor Carrier Board approved the transfer to Gene P. Watson, doing business as Orchards Truck and Auto Towing, 10412 Northeast Fourth Plain Road, Vancouver, WA 98662, of the operating rights in certificate No. MC-94899, issued January 21, 1969, to William Morrison and Larry Miller, a partnership, doing business as Emergency Towing, 1009 Columbia Street, Vancouver, WA 98662, authorizing the transportation of disabled motor vehicles between points in Oregon and Washington.

No. MC-FC-72717. By order of May 10, 1971, the Motor Carrier Board approved the transfer to Donald L. Droste, doing business as Don Droste Trucking, Portage, Wis., of a portion of the operating rights in permit No. MC-81349 and all of the operating rights in permit No. MC-81349 (Sub-No. 5), issued April 6, 1956, and July 7, 1966, respectively, to W. C. Fullmer Transfer, Inc., Baraboo, Wis., authorizing the transportation of metal water control gates, metal sheets and piling, metal cattle passes, metal guardrails, corrugated metal pipe and fittings, and commodities used in the installation of such commodities, from the plantsite of Armco Drainage and Metal Products, Inc., near Portage, Wis., to points in the Upper Peninsula of Michigan, those in Illinois on and north of U.S. Highway 6, including those in the Chicago, Ill., commercial zone as defined by the Commission and points in Iowa on and east of U.S. Highway 63; and between the plantsites of Armco Steel Corp. at South Bend, Ind., Minneapolis, Minn, and near Portage, Wis. Nancy J. Johnson, 111 South Fairchild Street, Madison, WI 53703, attorney for applicants.

No. MC-FC-72781. By order of May 10, 1971, the Motor Carrier Board approved the transfer to James Livesay, doing business as Golden Bay Freight Lines, South San Francisco, Calif., of certificate of registration No. MC-120708 (Sub-No. 1), issued March 6, 1964, to Portola Drayage Co., a corporation, San Francisco, Calif., evidencing a right to engage in transportation in interstate commerce as described in Certificate No. 60839 dated October 4, 1960, issued by the Public Utilities Commission of California. Raymond A. Greene, Jr., 405 Montgomery Street, San Francisco, CA 94104, attorney for applicants.

No. MC-FC-72808. By order of May 10, 1971, the Motor Carrier Board approved the transfer to Olsen Transfer Co., Inc., Bellwood, Ill., of certificate of registration No. MC-99968 (Sub-No. 1) issued November 5, 1963, to Warren A. Olsen, doing business as W. Olsen Transfer, Bellwood, Ill., evidencing a right to engage in transportation in interstate commerce as described in certificate No. 12211MC dated December 22, 1954, issued by the Illinois Commerce Commission. Harold E. Marks, 208 South La Salle Street, Chicago, IL 60604, attorney for applicants.

No. MC-FC-72811. By order of May 10, 1971, the Motor Carrier Board approved the transfer to M & M Freight Lines, Inc., Muskogee, Okla., of the certificate of registration in No. MC-99602 (Sub-No. 1) issued February 6, 1964, to Leo H. Grace, doing business as M & M Freight Line, Muskogee, Okla., evidencing a right to engage in transportation in interstate or foreign commerce corresponding to the grant of authority in certificate No. A-810 dated December 20, 1955, issued and amended by the Corporation Commission of Oklahoma. A. Camp Bonds, 444 Court Street, Muskogee, OK 74401, attorney for applicants.

No. MC-FC-72826. By order of May 10, 1971, the Motor Carrier Board approved the transfer to Tri-State Dump Truck Service, Inc., Wheeling, W. Va. of the operating rights in certificate No. MC-41700, issued December 18, 1957, to Steel City Truck Service, Inc., Triadelphia, W. Va., authorizing the transportation of building materials and such commodities as are transported in dump vehicles between specified points in West Virginia and Pennsylvania. D. L. Bennett, 129 Edington Lane, Wheeling, WV 26003, representative of applicants.

No. MC-FC-72844. By order of May 10, 1971, the Motor Carrier Board approved the transfer to Anding Transit, Inc., Arena, Wis., of the operating rights in certificates Nos. MC-55709 (Sub-No. 1) and MC-55709 (Sub-No. 3) issued May 20, 1960, and April 22, 1963, respectively, to Alfred E. Anding, Arena, Wis., authorizing the transportation of butter, empty containers, agricultural insecticides, farm machinery and implements, agricultural commodities, feed, seed, fertilizer, fencing materials, corrugated culverts, coal, livestock, and carbonated beverages, from and to, and between, specified points in Iowa, Illinois, Michigan, Minnesota, Missouri, North Dakota, South Dakota, Ohio, and Wisconsin. Edward Solie, 100 Executive Building, 4513 Vernon Boulevard, Madison, WI 53705, attorney for applicants.

No. MC-FC-72851. By order of May 10, 1971, the Motor Carrier Board approved the transfer to Kimbel Trucking Co., a corporation, Seminole, Okla., of the operating rights in certificate No. MC-14454 issued August 1, 1951, to Earl Edward Kimbel, Seminole, Okla., authorizing the transportation of machinery, equipment, materials, and supplies, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, between points in Oklahoma, Kansas, and Texas. Rufus H. Lawson, Post Office Box 75124, Oklahoma City, OK 73107, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-6875 Filed 5-17-71;8:48 am]

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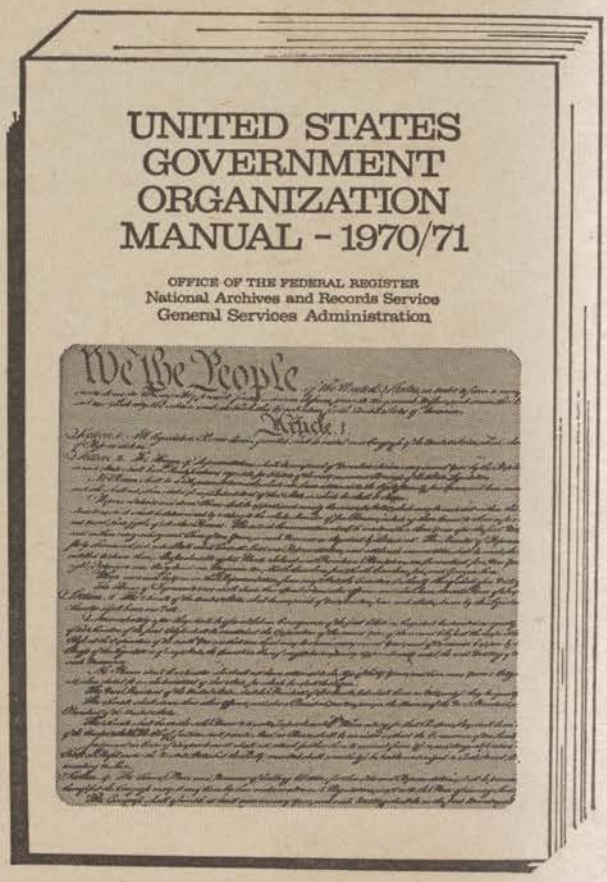

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