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Title 3—The President

EXECUTIVE ORDER 11605

Amendment of Executive Order No. 10450 of April 27, 1953, Relating to Security Requirements for Government Employment

By virtue of the authority vested in me by the Constitution and statutes of the United States including 5 U.S.C. Sections 1101 *et seq.*, 3301, 3571, 7301, 7313, 7501(c), 7512, 7532 and 7533; and as President of the United States, and finding such action necessary in the best interests of national security, it is hereby ordered that Executive Order No. 10450 [1] of April 27, 1953, as amended, is hereby further amended as follows:

1. Paragraph (5) of Section 8(a) shall read: "(5) Knowing membership in, or affiliation or sympathetic association with, any foreign or domestic organization, association, movement, group, or combination of persons (hereinafter referred to as organization) which is totalitarian, fascist, communist, subversive, or which has adopted a policy of unlawfully advocating the commission of acts of force or violence to deny others their rights under the Constitution or laws of the United States or of any State, or which seeks to overthrow the government of the United States or any State or subdivision thereof by unlawful means.

2. Section 12 shall read:

"(a) Executive Order No. 9835 of March 21, 1947, as amended is hereby revoked.

"(b) The head of each department and agency shall be furnished by the Attorney General with the name of each organization which shall be or has been heretofore designated under this order. Except as specifically provided hereafter, nothing contained herein shall be construed in any way to affect previous designations made pursuant to Executive Order No. 10450, as amended.

"(c) The Subversive Activities Control Board shall, upon petition of the Attorney General, conduct appropriate hearings to determine whether any organization is totalitarian, fascist, communist, subversive, or whether it has adopted a policy of unlawfully advocating the commission of acts of force or violence to deny others their rights under the Constitution or laws of the United States or of any State, or which seeks to overthrow the government of the United States or any State or subdivision thereof by unlawful means.

"(d) The Board may determine that an organization has adopted a policy of unlawfully advocating the commission of acts of force or violence to deny others their constitutional or statutory rights or that an organization seeks to overthrow the government of the United States or any State or subdivision thereof by unlawful means if it is found that such group engages in, unlawfully advocates, or has among its purposes or objectives, or adopts as a means of obtaining any of its purposes or objectives.—

(1) The commission of acts of force or violence or other unlawful acts to deny others their rights or benefits guaranteed by the Constitution

[1] 3 CFR 1949–1953 Comp., p. 936; 18 F.R. 2489, 26 F.R. 6967.

or laws of the United States or of the several States or political subdivisions thereof; or

(2) The unlawful damage or destruction of property; or injury to persons; or

(3) The overthrow or destruction of the government of the United States or the government of any State, Territory, district, or possession thereof, or the government of any political subdivision therein, by unlawful means; or

(4) The commission of acts which violate laws pertaining to treason, rebellion or insurrection, riots or civil disorders, seditious conspiracy, sabotage, trading with the enemy, obstruction of the recruiting and enlistment service of the United States, impeding officers of the United States, or related crimes or offenses.

"(e) The Board may determine an organization to be 'totalitarian' if it is found that such organization engages in activities which seek by unlawful means the establishment of a system of government in the United States which is autocratic and in which control is centered in a single individual, group, or political party, allowing no effective representation to opposing individuals, groups, or parties and providing no practical opportunity for dissent.

"(f) The Board may determine an organization to be 'fascist' if it is found that such organization engages in activities which seek by unlawful means the establishment of a system of government in the United States which is characterized by rigid one-party dictatorship, forcible suppression of the opposition, ownership of the means of production under centralized governmental control and which fosters racism.

"(g) The Board may determine an organization to be 'communist' if it is found that such organization engages in activities which seek by unlawful means the establishment of a government in the United States which is based upon the revolutionary principles of Marxism-Leninism, which interprets history as a relentless class war aimed at the destruction of the existing society and the establishment of the dictatorship of the proletariat, the government ownership of the means of production and distribution of property, and the establishment of a single authoritarian party.

"(h) The Board may determine an organization to be 'subversive' if it is found that such organization engages in activities which seek the abolition or destruction by unlawful means of the government of the United States or any State, or subdivision thereof.

"(i) The Board may further determine, after consideration of the evidence, that an organization has ceased to exist. Upon petition of the Attorney General or upon petition of any organization which has been designated pursuant to this section the Board after appropriate hearings may determine that such organization does not currently meet the standards for designation. The Attorney General shall appropriately revise or modify the information furnished to departments and agencies consistent with the determinations of the Board.

"(j) The Board shall issue appropriate regulations for the implementation of this section."

Richard Nixon

THE WHITE HOUSE,
July 2, 1971.

[FR Doc.71-9765 Filed 7-7-71;12:01 p.m.]

Rules and Regulations

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

PART 306—GENERAL REGULATIONS WITH RESPECT TO UNITED STATES SECURITIES

Miscellaneous Amendments

Sections 306.123 through 306.126 of Subpart P, Treasury Department Circular No. 300, Third Revision, dated December 23, 1964, as amended (31 CFR Part 306), are hereby renumbered as §§ 306.125 through 306.128, respectively, and Subpart N is hereby amended and revised, effective as of June 2, 1971, as follows:

Subpart N—Relief for Loss, Theft, Destruction, Mutilation or Defacement of Securities

Sec.

AUTHORITY: The provisions of this Subpart N issued under Public Law 92-19, 85 Stat. 74; 5 U.S.C. 301.

Subpart N—Relief for Loss, Theft, Destruction, Mutilation or Defacement of Securities

§ 306.105 Statutory authority and requirements.

The Secretary of the Treasury is authorized by Public Law 92-19 (85 Stat. 74) to grant relief, under certain conditions, for the loss, theft, destruction, mutilation or defacement of U.S. securities, whether before, at, or after maturity. A bond of indemnity, in such form and with such surety, sureties or security as may be required to protect the interests of the United States, is required as a condition of relief on account of any bearer security or any registered security assigned in blank or so assigned as to become, in effect, payable to bearer, and is ordinarily required in the case of unassigned registered securities.

§ 306.106 Procedure for applying for relief.

Prompt report of the loss, theft, destruction, mutilation or defacement of a security should be made to the Bureau of the Public Debt. The report should include:

(a) The name and present address of the owner and his address at the time the security was issued, and, if the report is made by some other person, the capacity in which he represents the owner.

(b) The identity of the security by title of loan, issue date, interest rate, serial number and denomination, and in the case of a registered security, the exact form of inscription and a full description of any assignment, endorsement or other writing.

(c) A full statement of the circumstances.

All available portions of a mutilated, defaced or partially destroyed security must also be submitted.

§ 306.107 Type of relief granted.

(a) *Prior to call or maturity.* After a claim or account of the loss, theft, destruction, mutilation, or defacement of a security which has not matured or been called has been satisfactorily established and the conditions for granting relief have been met, a security of the same loan, issue date, interest rate and denomination will be issued to replace the original security.

(b) *At or after call or maturity.* Payment will be made on account of the loss, theft, destruction, mutilation, or defacement of a called or matured security after the claim has been satisfactorily established and the conditions for granting relief have been met.

(c) *Interest coupons.* Where relief has been authorized on account of a destroyed, mutilated or defaced coupon security which has not matured or been called, the replacement security will have attached all unmatured interest coupons if it is established to the satisfaction of the Secretary of the Treasury that the coupons were attached to the original security at the time of its destruction, mutilation or defacement. In every other case only those unmatured interest coupons for which the Department has received payment will be attached. The price of the coupons will be their value as determined by the Department at the time relief is authorized using interest rate factors based on then current market yields on Treasury securities of comparable maturities.

§ 306.108 Cases not requiring bonds of indemnity.

A bond of indemnity will not be required as a condition of relief for the loss, theft, destruction, mutilation, or defacement of registered securities in any of the following classes of cases unless the Secretary of the Treasury deems it essential in the public interest:

(a) If the loss, theft, destruction, mutilation, or defacement, as the case may be, occurred while the security was in the custody or control of the United States, or a duly authorized agent thereof (not including the Postal Service when acting solely in its capacity as public carrier of the mails), or while in the course of shipment effected under regulations issued pursuant to the Government Losses in Shipment Act (Parts 260, 261, and 262 of this chapter).

(b) If substantially the entire security is presented and surrendered and the Secretary of the Treasury is satisfied as to the identity of the security and that any missing portions are not sufficient to form the basis of a valid claim against the United States.

(c) If the security is one which by the provisions of law or by the terms of its issue is nontransferable or is transferable only by operation of law.[1]

(d) If the owner or holder is the United States, a Federal Reserve Bank, a Federal Government corporation, a State, the District of Columbia, a Territory or possession of the United States, a municipal corporation, or, if applicable, a political subdivision of any of the foregoing, or a foreign government.

The foregoing revisions and amendments, adopted as of June 2, 1971, were effected under authority of Public Law 92-19 (85 Stat. 74) and 5 U.S.C. 301. Notice and public procedures thereon are unnecessary as public property and contracts are involved.

Dated: July 1, 1971.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.71-9622 Filed 7-7-71;8:49 am]

Title 39—POSTAL SERVICE

Chapter I—United States Postal Service

PART 169—POST OFFICE BOXES

Post Office Box Rental Fees

Section 169.2(c) of Title 39, Code of Federal Regulations, is amended in order to codify therein the existing fee schedules applicable to the renting of post office boxes (35 F.R. 16734).

Accordingly, in § 169.2 *Rental rates,* make the following changes:

1. Amend subparagraph (2) of paragraph (a) to read as follows:

(2) *Schedule.* The quarterly box rent schedule for main post offices is as follows:

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[1] Other than savings bonds and savings notes, which are not subject to these regulations.

Post office groups	Rate per quarter						
	Call boxes		Lockboxes and drawers—Size number				
	1	2	1	2	3	4	5
	Cubic-inch capacity		Cubic-inch capacity				
	To 225	225 to 500	To 265	265 to	500 to	1,000 to	2,000 and over
Offices with city carrier service:							
Group A	$2.70	$3.60	$5.40	$7.20	$9.60	$12.00	$14.40
Group B	1.80	2.70	3.60	5.40	7.20	9.00	10.80
Group C	1.35	1.80	2.70	3.60	5.40	7.20	9.00
Group D	1.00	1.35	2.05	2.70	3.60	5.40	7.20
Group E	.80	1.00	1.45	1.80	2.70	3.60	5.40
Offices without city carrier service:							
Group F	.60	.80	1.10	1.35	1.80	2.70	3.60
Group G	.45	.60	.85	1.10	1.35	1.80	2.70
Group H	.25	.40	.60	.80	1.10	1.35	1.80
Group I	.20	.25	.45	.60	.80	1.10	1.35

2. In paragraph (b)(3) amend the tabular data under subdivision (ii) to read as follows:

	Callboxes		Lockboxes				
	No. 1	No. 2	No. 1	No. 2	No. 3	No. 4	No. 5
Per semester	$0.40	$0.50	$0.60	$0.75	$1.10	$1.80	$2.95
Per quarter	.25	.40	.45	.50	.75	1.20	1.90

NOTE: Section 151.3(c) of former Subchapter A of Title 39 CFR (1970 revision), which was retained in force as uncodified regulations when Subchapter A was superseded (35 F.R. 19399), is hereby revoked.

(39 U.S.C. 401, 404)

DAVID A. NELSON,
General Counsel.

[FR Doc.71-9580 Filed 7-7-71;8:46 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 101-25—GENERAL

Subpart 101-25.3—Use Standards

USE OF UNLEADED AND LOW-LEAD CONTENT GASOLINE IN GOVERNMENT-OPERATED VEHICLES

The revision transmitted by this amendment provides policy on the use of unleaded and low-lead content gasoline in motor vehicles, formerly contained in FPMR Temporary Regulation E-12.

Section 101-25.303 is revised to read as follows:

§ 101-25.303 Gasoline for use in motor vehicles.

Unleaded or low-lead content gasoline (low-lead content gasoline is defined as containing 0.5 gm./gal. lead) shall be used in Government-operated vehicles within the 50 States except when it is clearly impractical or unfeasible to do so.

(a) The cost of gasoline shall not be used as a factor in determining the practicality or feasibility of using unleaded or low-lead content gasolines; however, manufacturers' recommendations on octane requirements shall be generally followed.

(b) Gasoline for use in overseas Government-operated vehicles shall be limited to unleaded or low-lead content gasoline unless (1) such use would be in conflict with country-to-country or multinational logistics agreements and (2) such gasoline is not locally available at competitive prices.

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

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER (7-8-71).

Dated: June 29, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71-9612 Filed 7-7-71;8:49 am]

Chapter 114—Department of the Interior

PART 114-25—GENERAL

PART 114-26—PROCUREMENT SOURCES AND PROGRAM

Miscellaneous Amendments

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 (Supp. V, 1965-1969) and section 205(c), 63 Stat. 390; 40 U.S.C. 486 (c), Chapter 114, Title 41 of the Code of Federal Regulations is amended, as set forth below, to add a new Part 114-25 and a new Subpart to Part 114-26.

This amendment shall become effective on the date of its publication in the FEDERAL REGISTER (7-8-71).

RICHARD R. HITE,
Deputy Assistant Secretary for Administration.

JUNE 28, 1971.

1. A new Part 114-25 is added to read as follows:

Subpart 114-25.1—General Policies

Sec.
114-25.104 Acquisition of office furniture and typewriters.
114-25.104-1 Redistribution, repair, or rehabilitation.
114-25.104-2 Purchase of new filing cabinets.

AUTHORITY: The provisions of this Part 114-25 issued under 5 U.S.C. 301, sec. 205 (c), 63 Stat 390; 40 U.S.C. 486(c).

Subpart 114-25.1—General Policies

§ 114-25.104 Acquisition of office furniture and typewriters.

In making a determination as to whether requirements can be met through the utilization of already owned furniture and typewriters, reasonable efforts shall be made to determine whether such items are available from other bureau offices and other bureaus of the Department within a reasonable transport distance. Such efforts shall include direct inquiries and shall not be limited to a review of available property circularized in accordance with IPMR 114-43.102-52.

§ 114-25.104-1 Redistribution, repair, or rehabilitation.

In furtherance of the intent of FPMR 101-25.104-1, particular consideration shall be given to the advantages of instituting a Bureau-wide program for the repair and rehabilitation of office furniture and typewriters already in bureau inventories in lieu of new procurement.

§ 114-25.104-2 Purchase of new filing cabinets.

Prior to submission of requisitions for new filing cabinets, a determination shall be made as to whether requirements can be met through the utilization of filing cabinets already owned. A large percentage of the Department's future needs for correspondence filing cabinets can be met through the accelerated disposal of records, either by destruction of noncurrent records or by transfer to Federal Records Centers. Reasonable efforts shall be made to determine whether any filing cabinets are available from other bureau offices and other bureaus of the Department within a reasonable transport distance. Such efforts shall include direct inquiries and shall not be limited to a review of available property circularized in accordance with IPMR 114-43.102-52.

2. A new subpart is added to Part 114-26 to read as follows:

Subpart 114-26.3—Procurement of GSA Stock Items

§ 114-26.308 Obtaining filing cabinets.

Requests for approval of new correspondence filing cabinets shall not be submitted until all of the actions prescribed in IPMR 114-25.104-2 and FPMR 101-25.302-2 have been taken and have not produced the needed filing cabinets.

[FR Doc.71-9576 Filed 7-7-71;8:45 am]

Title 7—AGRICULTURE

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

SUBCHAPTER C—SPECIAL PROGRAMS

PART 775—FEED GRAINS

Subpart—Feed Grain Set-Aside Program for Crop Years 1971–73

Sec.

AUTHORITY: The provisions of this subpart issued under sec. 105, 84 Stat. 1368, 7 U.S.C. 1441 note.

§ 775.1 General.

(a) The regulations in this subpart provide terms and conditions for the feed grain set-aside program for the 1971 through 1973 crops of feed grains, respectively, under which payments are made to producers who set aside acreage from the production of any such crop of corn and grain sorghums (herein called "feed grains") to approved conservation uses and, in addition, maintain the acreage of cropland on the farm devoted in preceding years to soil-conserving uses (herein called "conserving base"), except to the extent that they elect to devote the set-aside acreage to approved alternate crops in lieu of conservation uses.

(b) If the operator of the farm elects to participate in the program, payments shall be made available to the producers on such farm only if such producers set aside and devote to approved soil-conserving uses an acreage on the farm equal to the number of acres stated on Form ASCS–477, Intention to Participate and Payment Application (herein called "Form 477").

(c) In accordance with section 101 of the Agricultural Act of 1970 and the regulations in Part 795 of this chapter, the total amount of payments which a person shall be entitled to receive annually under the program shall not exceed $55,000.

(d) The program is applicable throughout the United States except in Hawaii and Alaska.

§ 775.2 Definitions.

In the regulations in this subpart and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meaning assigned to them herein unless the content or subject matter otherwise requires.

(a) The following words or phrases shall have the meanings assigned to them in Part 719 of this chapter, as amended: "Acquired farm," "agency," "base period," "combination," "county," "community committee," "county committee," "county office," "county executive director," "cropland," "Department," "Deputy Administrator," "displaced owner," "division," "farm," "operator," "person," "reconstitution," "representative of the county committee," "representative of the State committee," "Secretary," "State executive director," "State committee," and "subdivision."

(b) "Corn acreage" means:

(1) Any acreage planted to field corn or sterile high-sugar corn, excluding:

(i) Any acreage of corn approved as a conservation use in Part 792 of this chapter, as amended;

(ii) Any acreage of corn destroyed by any means or used for other than grain or silage not later than the disposition date;

(iii) Any acreage of corn destroyed by natural causes after the disposition date if the operator requests reclassification in writing.

(2) Any acreage devoted to a mixture of crops if the county committee determines that the predominant crop is corn and such acreage meets the requirements of subparagraph (1) of the paragraph as being corn acreage.

(c) "Grain sorghum acreage" means:

(1) Any acreage planted to grain sorghums of a feed grain or dual purpose variety (including any cross which at all stages of growth has most of the characteristics of a feed grain or dual purpose variety) and any acreage of sweet sorghums used for silage (haylage is a form of silage), excluding:

(i) Any acreage of grain sorghums approved as a conservation use in Part 792 of this chapter, as amended;

(ii) Any acreage of grain sorghums destroyed by any means or used for other than grain or silage not later than the disposition date;

(iii) Any acreage of grain sorghums destroyed by natural causes after the disposition date if the operator requests reclassification in writing.

(2) Any acreage devoted to a mixture of crops if the county committee determines that the predominant crop is grain sorghums and such acreage meets the requirements of subparagraph (1) of this paragraph.

(d) "Feed grain acreage" means the sum of the corn and grain sorghum acreages on the farm.

(e) "Feed grain planted and considered planted acreage" means the sum of the corn and grain sorghum acreages as defined in paragraphs (b) and (c) of this section and:

(1) Any acreage which the county committee determines was not planted to feed grains or failed because of drought, flood, or other natural disaster or condition beyond the control of the operator;

(2) Any acreage credited as feed grain acreage (except for new farms) under the provisions of Part 719 of this chapter as amended, for producers who do not participate and earn a payment under the program; and

(3) Any acreage planted and considered planted to wheat under Part 728 of this chapter, as amended, in excess of the allotment (except acreage which the county committee determines was not planted to wheat because of drought, flood, or other natural disaster or condition beyond the control of the operator): *Provided*, That wheat in excess of the allotment shall not be considered as planted to feed grains for purposes of § 775.5(d)(4).

(f) "Total feed grain base" means the sum of the feed grain bases established for corn and grain sorghums for the farm, except that each base shall be excluded that is diverted under CAP or CCP.

(g) "Conservation Reserve Program" (herein called CRP) means the program authorized under the Soil Bank Act, as amended, Part 750 of this chapter, as amended.

(h) "Cropland Conversion Program" (herein called CCP) means the program authorized under section 16(e) of the Soil Conservation and Domestic Allotment Act, as amended, Part 751 of this chapter, as amended.

(i) "Cropland Adjustment Program" (herein called CAP) means the program authorized under title VI of the Food and Agriculture Act of 1965, as amended, Part 751 of this chapter, as amended.

(j) "Great Plains Conservation Program" means the program authorized

under section 16(b) of the Soil Conservation and Domestic Allotment Act, as amended, Part 601 of this title, as amended.

(k) "Regional Conservation Programs" (herein called RCP) means the program set forth in Part 755 of this chapter, as amended.

(l) "Wheat Set-Aside Program" means the program authorized under title IV of the Agricultural Act of 1970, Part 728 of this chapter, as amended.

(m) "Upland Cotton Set-Aside Program" means the program authorized under title VI of the Agricultural Act of 1970, Part 722 of this chapter, as amended.

(n) "Alternate crop" means any of the crops of castor beans, crambe, guar, mustard seed, plantago ovata, safflower, sesame, and sunflower which may be produced in lieu of conservation uses on the acreage set aside from production.

(o) "Conserving base" means the acreage of cropland on the farm devoted in preceding years to soil-conserving uses as determined under Part 792 of this chapter, as amended.

(p) "Disposition date" means the disposal date set forth for each commodity in Part 718 of this chapter, as amended.

(q) "Current year" means the calendar year in which the feed grain crop with respect to which payment may be made under this subpart would normally be harvested.

§ 775.3 Administration.

(a) The program will be administered under the general supervision of the Administrator, Agricultural Stabilization and Conservation Service (ASCS), and shall be carried out in the field by Agricultural Stabilization and Conservation State and county committees (herein called State and county committees) and ASCS commodity offices. Notices of base acreages and yields shall be mailed to producers. Applications for payments shall be approved by the county committee or by an authorized representative thereof.

(b) State and county committees, ASCS commodity offices, and representatives and employees thereof do not have authority to modify or waive any of the provisions of the regulations in this subpart, as amended or supplemented.

§ 775.4 Farm conserving base.

The regulations governing the establishment and maintenance of the farm conserving base, Part 792 of this chapter, as amended, shall be applicable to the program.

§ 775.5 Farm feed grain base.

(a) *How obtained.* Except as otherwise provided in this section, the base acreage for each of the commodities—corn and grain sorghums—shall be the average of the 1959 and 1960 acreages of the commodity produced on the farm, based upon information available to the county committee, as adjusted by the county committee to correct for abnormal factors affecting production, and to give due consideration to tillable acreage, crop-rotation practices, types of soil, soil and water conservation measures, and topography. On farms with recognized history of irrigated and nonirrigated feed grain acreage in the base period for establishing yields, the base acreage for each applicable commodity shall be established separately for the irrigated acreage and for the nonirrigated acreage. Separate bases for irrigated acreage and for nonirrigated acreage shall not be established for farms where irrigation is used only in drier years. Commodity base acreage for farms determined as set forth in this paragraph shall be approved by a representative of the State committee.

(b) *Adjustment authorized by Administrator.* The Administrator, ASCS, may, upon request of the State committee, authorize the State committee to adjust any feed grain base for farms within the State to the extent necessary to establish fair and equitable feed grain bases within such State.

(c) *Farms with no 1959 and 1960 history.* A farm shall not qualify for payments under the program if there was no feed grain acreage on the farm in 1959 and 1960 unless (1) cropland on the farm was in the conservation reserve program or the great plains conservation program during one or both of the years 1959 and 1960 and either the conservation reserve program contract or the great plains conservation program contract is no longer in effect for all or part of such land, (2) one or more feed grains were grown in 1957 or 1958 and a feed grain base was established in accordance with § 755.212(c)(2) of the 1963 feed grain program regulations in this chapter, or (3) a new farm base is established in accordance with paragraph (d) of this section.

(d) *New farm base.* (1) The county committee, with the approval of the State committee, shall determine a base (herein called "new farm base") for each eligible farm for which a feed grain base is requested in writing before March 1 of the current year. Each request shall be made by the farm operator or owner on Form MQ–25, Application for New Farm Allotment or Feed Grain Base, which shall contain statements as to location and identification of the farm, name and address of the farm operator, and other data necessary to enable the county committee to determine whether the conditions of eligibility prescribed by subparagraph (2) of this paragraph have been met.

(2) Eligibility for a new farm base shall be conditioned upon the following:

(i) The farm does not otherwise qualify for a feed grain base for any commodity.

(ii) Neither the operator nor the owner of the farm covered by the application owns or operates any other farm in the United States for which a feed grain base is established for the current year.

(iii) The type of soil and topography of the land on the farm for which a base is requested is suitable for the production of the commodity and the production of the commodity on the farm will not result in an undue erosion hazard under continuous production.

(iv) The operator has adequate equipment and other facilities readily available for the successful production of the crop on the farm.

(v) The operator expects to derive during the current year more than 50 percent of his income from the production of agricultural commodities or products from farming. Where the farm operator is a partnership, each partner must expect to derive during the current year more than 50 percent of his income from the production of agricultural commodities or products from farming. Where the farm operator is a corporation, it must have no major corporate purpose other than operation or ownership of such farm, and the officers and general manager of the corporation must expect to derive during the current year more than 50 percent of their income, including dividends and salaries, from the production of agricultural commodities or products from farming. In estimating the income of the farm operator from farming, no value shall be allowed for the estimated return from the production of the requested base. However, credit will be allowed for the estimated value of home gardens, livestock and livestock products, poultry, or other agricultural products produced for home consumption or other use on the farm. The provisions of this subdivision shall not be applicable if the county committee, with the approval of a representative of the State committee, determines that the income of the operator, from both farming and nonfarming sources, will not provide a reasonable standard of living for the operator and his family. In making such determination, the county committee shall consider such factors as size and type of farming operations, estimated net worth, estimated gross family farm income, estimated family off-farm income, number of dependents, and other factors affecting the operator's ability to provide a reasonable standard of living for himself and his family.

(vi) The applicant has at least 2 years' experience in the last 5 years producing the commodity for which a base is requested: *Provided*, That the number of years which may be used in determining whether the applicant has at least 2 years' experience may be increased from 5 years by the number of years in which the applicant could not grow the feed grain commodity because the applicant was in the armed services or the permitted acreage of nonconserving crops was zero on all farms in which the applicant had an interest.

(vii) In the case of a farm which includes land returned to agricultural production after being acquired by an agency having the right of eminent domain for which the total feed grain base was pooled pursuant to Part 719 of this chapter, as amended, at least 3 years have elapsed from the date the former

owner was displaced from the acquired farm to the date the request for a new farm base is considered.

(viii) If a farm with a feed grain base is reconstituted and the division of the base, as designated by the farm owner, leaves a divided part of the farm with a zero base, such part shall not be eligible for a new farm base for 3 years following the year the division became effective.

(3) In establishing a new farm base, the county committee shall take into consideration the tillable acres, crop rotation practices, type of soil, topography, and the farming system to be followed by the operator, including the equipment and other facilities available for the production of feed grain under such system, and shall limit the base to the feed grain acreage planned for the farm for the current year.

(4) Notwithstanding any other provision of this subpart, if the feed grain planted and considered planted acreage for the year a new farm base is established is less than 90 percent of the base, (i) the base for such year shall be reduced to the acreage planted and considered planted to feed grains and payments computed on the basis of such reduced base and (ii) the total feed grain base for the succeeding year shall be limited to the acreage planted and considered planted to feed grains for the prior year. Bases by commodities for the succeeding year shall be established in proportion to the acreage devoted to each feed grain in the prior year.

(5) The total new farm bases approved in a State in the current year shall not exceed 1 percent of the total feed grain base acreage for all farms in the State. No part of that 1 percent shall be allocated to a farm to reflect new cropland brought into production after November 30, 1971.

(e) *Restrictive lease adjustment.* A feed grain base determined for any commodity under the preceding provisions of this section shall, for the current year only, be adjusted downward to the acreage permitted under a restrictive lease on land owned by the Federal Government.

(f) *Reduced bases.* (1) The feed grain base shall be reduced (i) to the extent requested in writing by the farm owner not later than the closing date for filing Form 477 and (ii) to zero for farms permanently removed from agricultural production as determined by the county committee.

(2) If the current year's feed grain planted and considered planted acreage is less than 45 percent of the total feed grain base, the feed grain base for the succeeding year shall be reduced by the percentage by which the planted and considered planted acreage is less than one-half the total feed grain base for the current year, but such reduction shall not exceed 20 percent of the total feed grain base. In making any such reduction, commodity bases shall be reduced proportionately. If the feed grain planted and considered planted acreage is zero for three consecutive years beginning in 1971, the total feed grain base shall be reduced to zero. However, no feed grain base shall be reduced or lost through failure to plant if all producers elect to limit the acres for payment to the feed grain planted and considered planted acreage as provided in § 775.14(i).

(g) *National pool.* Base acreage eliminated from farms under the provisions of paragraph (f) of this section and acreage removed from the eminent domain pool pursuant to Part 719 of this chapter, as amended, shall be placed in a national pool for distribution and adjustments in accordance with instructions issued by the Deputy Administrator.

§ 775.6 Farm yields and payment rates.

(a) *Farm yields.* The per acre farm yield for corn and grain sorghums shall be the county yield for the commodity, adjusted to reflect the farm productivity for the commodity and established in accordance with instructions issued by the Deputy Administrator.

(b) *Payment rates.* (1) The payment rates for corn and grain sorghums shall be such as, together with the national average market prices received by farmers during the first 5 months of the marketing year for those commodities, the Secretary determines will not be less than (i) $1.35 and $1.24 per bushel, respectively, or (ii) 70 per centum of the parity price for each commodity as of the beginning of the marketing year, whichever is the greater. The "marketing year" means the 12-month period beginning October 1 of the current year and ending September 30 of the succeeding year.

(2) The per acre farm payment rate for corn and grain sorghums shall be determined by multiplying the farm yield established for the commodity as provided in paragraph (a) of this section by the payment rate established in accordance with subparagraph (1) of this paragraph.

(3) The preliminary per acre farm payment rate for corn and grain sorghums shall be determined by multiplying the farm yield established for the commodity as provided in paragraph (a) of this section by 32 cents for corn and 29 cents for grain sorghums.

§ 775.7 County yields.

County yields will be issued as an amendment to this subpart.

§ 775.8 Notice of base acreages, yields, and payment rates.

Each operator interested in the feed grain crop on a farm for which a feed grain base is established shall be notified in writing of the commodity base acreage, the established yield per acre for corn and grain sorghums, as applicable, the preliminary per acre payment rates, and the conserving base for the farm: *Provided*, That the notice shall not be mailed to any producer who has filed a written request that he not be furnished the notice but it shall be filed with the producer's request in the county office. The producer may withdraw his request at any time; however, during the period a request is in effect, the producer shall be considered as having been timely and correctly notified of the contents of the notice. Such notice will be on Form ASCS–477–1, Notice of Allotment, Base Acreages, Yields, and Rates (herein called Form 477–1).

§ 775.9 Reconstitution of farms.

Farms shall be reconstituted and feed grain bases established therefor in accordance with Part 719 of this chapter, as amended. Yields for farms which are reconstituted after yields are originally established shall be determined as follows:

(a) Combination: Multiply the commodity base by the yield for each parent farm, and divide the sum of the results for all parent farms by the sum of bases for the commodity on the parent farms.

(b) Division: Determine a yield in accordance with § 775.6. The weighted average yields for all the farms resulting from the division are limited to the yield for the parent farm, except for rounding.

(c) Any Form 477 filed for a farm before it is reconstituted shall be canceled and the farm operator notified of the cancellation. A corrected Form(s) 477 may be prepared for the farm(s) as properly constituted even though this action is necessary after the final date for filing Form 477 as specified in § 775.11(c).

§ 775.10 Requirements for eligibility.

(a) *General.* A person is eligible for the program if he is a producer on a farm which meets the requirements of paragraph (b) of this section and he fulfills the requirements of paragraph (c) of this section.

(b) *Farm requirements.* (1) a Form 477 must be filed for the farm by the operator in accordance with § 775.11.

(2) An acreage equal to 20 percent of the total feed grain base must be set aside from production and devoted to approved conservation uses: *Provided*, That a producer whose payments under the program are reduced because of the $55,000 payment limitation may request a downward adjustment in the set-aside requirement pursuant to the provisions in Part 795 of this chapter: *Provided further*, That if at least 55 per centum of the cropland acreage on an established summer fallow farm is devoted to a summer fallow use, no further acreage shall be required to be set aside on the farm.

(3) The acreage set aside from production as stated on Form 477 must be devoted to one or more approved conservation uses specified in Part 792 of this chapter, as amended, or to alternate crops and the operator must comply with the limitations on the use of such acreage also specified in such part.

(4) In addition to the acreage referred to in subparagraph (3) of this paragraph, an acreage equal to the conserving base established for the farm under Part 792 of this chapter, as

amended, must be devoted to one or more of the conservation uses specified in such part. Acreage designated as diverted or set aside under any other Federal acreage reduction program shall not be counted toward maintaining the conserving base unless authorized in the regulations governing such program or Part 792 of this chapter, as amended.

(5) In the case of any farm participating in the CRP, CCP, CAP, or RCP, the acreage of feed grains and other nonconserving crops other than approved alternate crops on acreage set aside under this program, the wheat set-aside program, and the upland cotton set-aside program, plus the acreages set aside under such programs, shall not exceed the smallest number of acres of nonconserving crops permitted under the CRP, CCP, CAP, and RCP.

(6) Land owned by the Federal Government which has been leased subject to restrictions prohibiting the production of feed grains, or requiring the use of land for other purposes, or prohibiting the receipt of Federal payments for diversion or set aside of such acreage will not be eligible for participation in the program. Any other land owned by the Federal Government which is being occupied without a lease, permit, or other right of possession or land in a national wildlife refuge shall not be eligible for participation in the program.

(7) Producers on a farm shall not be eligible for participation in the program if the county committee determines that (i) the farm would not normally be operated as a grain producing farm or (ii) the farm is located in an area considered by the county committee as predominantly nonagricultural.

(c) *Producer eligibility requirements.* (1) The producer must be a person who as landowner, landlord, tenant, or sharecropper shares in the corn or grain sorghums produced in the current year or the proceeds therefrom) on a farm meeting the requirements of paragraph (b) of this section or would have shared in one or both of these commodities if feed grains had been produced on such farm in the current year.

(2) A minor will be eligible to participate in the program only if (i) the right of majority has been conferred on him by court proceedings; or (ii) a guardian has been appointed to manage his property and the applicable documents are signed by the guardian; or (iii) a bond is furnished under which a surety guarantees to protect the Commodity Credit Corporation from any loss incurred for which the minor would be liable had he been an adult. Notwithstanding the foregoing, payment may be made to a minor after December 31 of the current year upon a determination by the county committee that the minor has met the requirements of the program.

§ 775.11 Intention to participate in the program.

(a) *Who may file.* A Form 477 must be filed by the operator of an eligible farm if he wishes to participate in the program.

(b) *Where to file.* Form 477 shall be filed with the office of the county committee having jurisdiction over the county where the farm is located.

(c) *When to file.* Form 477 shall be filed within the period authorized by the Deputy Administrator. Notwithstanding the foregoing, the closing date may be extended by the county committee if the producers on the farm establish to the satisfaction of the county committee that they intended to participate in the program and the failure to file by such date was not due to the fault or negligence of the producers.

(d) *Withdrawal and revision.* The operator may, upon approval of the county committee, withdraw Form 477 by filing a written notice of withdrawal of the form with the county committee, except that the form may not be withdrawn after the operator certifies to program acreage on the farm which is found by measurement to be erroneous by an amount exceeding the tolerance, if any, authorized under provisions of Part 718 and Part 791 of this chapter, as amended. If Form 477 is withdrawn, the producers on the farm may, not later than the closing date, file a new Form 477. If the farm is reconstituted or if a revised feed grain base notice is issued for any reason, the operator shall have 15 days after the mailing date of such notice of reconstitution or revised feed grain base to file a new Form 477.

§ 775.12 Designation, use, and care of set-aside acreage.

The regulations governing the designation, use, and care of land set aside from production under this program and approved conservation uses thereon are set forth in Part 792 of this chapter, as amended.

§ 775.13 Determinations of compliance.

(a) Determination of the acreage devoted to feed grains and of the acreage designated as set-aside acreage shall be made in accordance with Part 718 of this chapter, as amended.

(b) A representative of the county committee or the State committee or any authorized representative of the Secretary shall have the right at any reasonable time to enter a farm, concerning which representations have been made on any forms filed under the program, in order to measure the acreage planted to feed grains and the acreage which the operator designated as being devoted to approved conservation uses on the farm, to examine any records pertaining thereto, and otherwise to determine the accuracy of a producer's representation and the performance of his obligations under the program.

§ 775.14 Payments.

(a) Payments of any amounts due the producers on a farm shall be made after they sign Form 477, the farm operator certifies that the farm is in compliance with the requirements of the program, and the county committee determines that the producers and the farm are in compliance with such requirements. The certification of compliance after May 1 of the year following the current year shall not be accepted by the county committee unless prior approval of the State committee is obtained.

(b) Except as otherwise provided herein and in Part 791 of this chapter, as amended, payment shall not be made for a farm or to a producer when there is failure to comply fully with the regulations in this subpart.

(c) Except as provided in paragraph (i) of this section, the payments with respect to a farm shall be determined by multiplying 50 per centum of the feed grain base for each commodity by the applicable per acre farm payment rate as determined in accordance with § 775.6(b)(2).

(d) A preliminary payment will be made to producers as soon as practicable after July 1 of the year in which the crop is harvested. The preliminary payment shall be determined by multiplying 50 per centum of the feed grain base for each commodity by the applicable preliminary per acre farm payment rate as determined in accordance with § 775.6(b)(3). The payment so made shall not be reduced if the rate as finally determined in § 775.6(b)(2) is less than the rate of the preliminary payment.

(e) Subject to the provisions of the payment limitation regulations in Part 795 of this chapter, the total earned payment due each eligible producer under the program shall be determined by multiplying the total earned payment for the farm by the producer's share of such payment.

(f) If a producer elects to devote the set-aside acreage to approved alternate crops in accordance with §§ 775.1(a) and 775.2(n), a reduction shall be made in the payments otherwise computed for the farm. The per acre reduction for set-aside acreage devoted to approved alternate crops is $10.

(g) If a producer declines, for personal reasons, to accept all or any part of his share of the payment computed for a farm in accordance with the provisions of this section, such payment or portion thereof shall not become available for any other producer on the farm.

(h) Payments to any producer which exceed the total payment he earns under the program with respect to any farm shall be refunded to the Commodity Credit Corporation, and if for any reason such earned payment is zero, he shall pay interest at the rate of 6 percent per annum on the amount of the refund from the issue dates of the sight drafts to the date the payments are refunded. The provisions of the foregoing sentence requiring the payment of interest when no payment is earned shall not apply if the producer earns any wheat marketing certificates for the farm.

(i) Producers otherwise eligible for payment may elect to limit the acres for payment to the feed grain planted and considered planted acreage in order to

protect the feed grain base from reduction due to failure to plant. The acres for payment shall be proportionate to each commodity of the base.

§ 775.15 Division of payments and additional provisions relating to tenants and sharecroppers.

The regulations relating to the division of payments and additional provisions relating to tenants and sharecroppers are set forth in Part 794 of this chapter, as amended.

§ 775.16 Successors-in-interest.

(a) In the case of death, incompetency, or disappearance of any producer whose name appears on Form 477, the payment due him shall be made to his successor as determined in accordance with the regulations in Part 707 of this chapter, as amended.

(b) When any person who had an interest as a producer of feed grains or would have had an interest as a producer if feed grains had been produced (herein called "predecessor") is succeeded on the farm by another producer (herein called "successor") after Form 477 has been filed, the payment to the predecessor and successor shall be divided between them on such basis as they agree is fair and equitable. If such persons are unable to agree to a division of the payment, the payment shall be issued to the producer who has the interest in the crop at the time of harvest, and if the crop is completely destroyed prior to harvest, the payment shall be issued to the producer who had the interest at the time of destruction of the crop.

(c) In any case where any payment due any successor producer has previously been paid to the producer who filed Form 477, such payment shall not be paid to the successor producer unless it is recovered from the producer to whom it has been paid or payment is authorized by the Deputy Administrator.

§ 775.17 Scheme or device and fraudulent representation.

(a) A producer who is determined by the State committee, or the county committee with the approval of the State committee, to have adopted any scheme or device which tends to defeat the purpose of the feed grain set-aside program shall not be entitled to receive payments under the program for the year with respect to which the scheme or device was adopted and shall refund to the Commodity Credit Corporation any payments received by him.

(b) The making of a fraudulent representation by a person in the program documents or otherwise for the purpose of obtaining payments shall render the person liable for a refund to the Commodity Credit Corporation of the payments received by him with respect to which the fraudulent representation was made.

(c) A producer who is determined by the State committee, or the county committee with the approval of the State committee, to have knowingly (1) made a false report of the feed grain, wheat, or upland cotton acreage on a farm participating in the programs for such commodities, (2) falsely certified compliance with other provisions of the feed grain, wheat, or upland cotton set-aside program, or (3) obstructed the county committee's efforts to determine compliance with the feed grain, wheat, or upland cotton set-aside program, shall not be entitled to receive program benefits under the feed grain set-aside program, the upland cotton set-aside program, and the wheat set-aside program for the year in which such action occurred and shall refund any payment and return any wheat marketing certificates received by him, or in the case of certificates, pay the value thereof, to the Commodity Credit Corporation.

(d) The provisions of this section shall be applicable in addition to any liability under criminal and civil fraud statutes.

§ 775.18 Setoffs and assignments.

(a) *Producer indebtedness.* The regulations issued by the Secretary governing setoffs and withholdings, Part 13 of this title, as amended, shall be applicable to this program.

(b) *Assignments.* Payments may be assigned only to the Farmers Home Administration in accordance with instructions issued by the Deputy Administrator.

§ 775.19 Appeals.

A producer may obtain reconsideration and review of determinations made under this subpart in accordance with the Appeal Regulations, Part 780 of this chapter, as amended.

§ 775.20 Performance based upon advice or action of county or State committee.

The provisions of Part 790 of this chapter relating to performance based upon action or advice of an authorized representative of the Secretary shall be applicable to this subpart.

§ 775.21 Supervisory authority of State committee.

The State committee may take any action required by these regulations which has not been taken by the county committee. The State committee may also (a) correct, or require a county committee to correct, any action taken by such county committee which is not in accordance with the regulations of this subpart, or (b) require a county committee to withhold taking any action which is not in accordance with the regulations of this subpart.

§ 775.22 Delegation of authority.

No delegation herein to a State or county committee shall preclude the Administrator, ASCS, or his designee, from determining any question arising under the program or from reversing or modifying any determination made by a State or county committee.

Effective date: Upon publication in the FEDERAL REGISTER (7-8-71).

Signed at Washington, D.C., on June 30, 1971.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71-9609 Filed 7-7-71;8:48 am]

SUBCHAPTER D—PROVISIONS COMMON TO MORE THAN ONE PROGRAM

PART 794—DIVISION OF PAYMENTS AND CERTIFICATES

The regulations governing Division of Payments and Certificates, 32 F.R. 19155, as amended, are revised, effective with the 1971 program year. The material previously appearing in these sections remains in full force and effect as to the programs to which it was applicable.

Sec.
794.1 Applicability.
794.2 Division of program payments and wheat marketing certificates.
794.3 Additional provisions relating to tenants and sharecroppers.

AUTHORITY: The provisions of this Part 794 issued under sec. 105, 84 Stat. 1368; sec. 379b, 84 Stat. 1362; sec. 103, 84 Stat. 1374; 7 U.S.C. 1441 note, 7 U.S.C. 1379b, 7 U.S.C. 1444.

§ 794.1 Applicability.

This part is applicable to the 1971, 1972, and 1973 Feed Grain Set-Aside Program, Part 775 of this chapter, as amended; the 1971, 1972, and 1973 Wheat Set-Aside Program, Part 728 of this chapter, as amended; the 1971, 1972, and 1973 Upland Cotton Set-Aside Program, Part 722 of this chapter, as amended; and all other programs to which this part is made applicable by individual program regulations.

§ 794.2 Division of program payments and wheat marketing certificates.

(a) *General.* Each person on a participating farm shall be given the opportunity to participate in the program in proportion to his interest in the crops covered by the Intention to Participate and Payment Application, hereinafter called "intention form", or the interest he would have had if the crops had been produced. His name shall be listed on the intention form together with the share of any program payment and wheat marketing certificates which he is to receive. If he refuses or fails to sign the intention form, the share of the payment or certificates to which he would otherwise be entitled shall nevertheless be shown on the form. Federal agencies can earn no program payments or certificates but any shares to which they would otherwise be entitled shall also be shown on the form as though they were earning them. The sum of the percentage shares of the program payment shall equal 100 percent and the sum of the percentage shares of wheat marketing certificates shall equal 100 percent.

(b) *Division of program payment or wheat marketing certificates.* Each producer's share of the farm program payment or wheat marketing certificates for a crop shall be based on (1) his share of the crop on the farm, or the proceeds thereof, or (2) if no crop is produced, the share which he would have received had the crop been produced. Notwithstanding the foregoing sentence, except in the case of a small farm payment under the upland cotton program, a different division which is fair and equitable may be approved by the county committee if all producers who would otherwise share in the payment or certificates agree to the division in writing. Where such different division involves a question of fair treatment for tenants and sharecroppers or persons subject to the $55,000 payment limitation in Part 795 of this chapter, the county committee may approve the division only with the concurrence of the State committee. A different division of the payments and certificates may also be approved by the county committee when required by the provisions pertaining to successors-in-interest in the applicable program regulations.

(c) *Refund payments and wheat marketing certificates not properly divided.* Payments and wheat marketing certificates which producers receive with respect to which they are determined not to be entitled shall, in the case of payments, be refunded and, in the case of certificates, returned, or the value thereof paid, to the Commodity Credit Corporation. In the event of fraud, the producer shall be subject to the provisions pertaining to fraudulent representation in the applicable program regulations.

§ 794.3 Additional provisions relating to tenants and sharecroppers.

(a) An intention form shall not be approved for the current year if the county committee determines that any of the conditions specified below exist:

(1) The landlord or operator has not given his tenants and sharecroppers an opportunity to participate in the program;

(2) The number of tenants and sharecroppers on the farm is reduced by the landlord or operator below the number on the farm in the year prior to the current year in anticipation of or because of participating in the program. This provision shall not apply to:

(i) A tenant or sharecropper who leaves the farm voluntarily or for some reason other than being forced off the farm by the landlord or operator in anticipation of or because of participating in the program; or

(ii) A cash tenant, standing-rent tenant, or fixed-rent tenant unless such tenant was living on the farm in the year immediately preceding the current year or received 50 percent or more of his income in such year from farming.

(3) There exists between the operator or landlord and any tenant or sharecropper, any lease, contract, agreement, or understanding unfairly exacted or required by the operator or landlord which was entered into in anticipation of participating in the program, the effect of which is:

(i) To cause the tenant or sharecropper to pay over to the landlord or operator any payments or wheat marketing certificates earned by him under the program;

(ii) To change the status of any tenant or sharecropper so as to deprive him of any payments, wheat marketing certificates, or other right which he would otherwise have had under the program;

(iii) To reduce the size of the tenant's or sharecropper's producer unit; or

(iv) To increase the rent to be paid by the tenant or decrease the share of the crop or its proceeds to be received by the sharecropper.

(4) The landlord or operator has adopted any other scheme or device for the purpose of depriving any tenant or sharecropper of the payments or wheat marketing certificates to which he would otherwise be entitled under the program.

If any of such conditions occur or are discovered after approval of the intention form, all or such part as the State committee may determine of the payments or wheat marketing certificates which have been received by the producers shall, in the case of payments, be refunded and, in the case of certificates, returned, or the value thereof paid, to the Commodity Credit Corporation.

(b) Notwithstanding any other provision of this section, a landlord or operator who in the past had tenants or sharecroppers on his land for purposes of producing the crop covered by the intention form and such individuals are now classified as employees subject to the minimum wage provisions under the Fair Labor Standards Act, may pay these individuals on a wage basis and this action will not be considered as reducing the number of tenants or sharecroppers.

Effective date: Upon publication in the FEDERAL REGISTER (7-8-71).

Signed at Washington, D.C., on June 30, 1971.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71-9610 Filed 7-7-71;8:48 am]

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

[Valencia Orange Reg. 356]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.656 Valencia Orange Regulation 356.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 35 F.R. 16625), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 6, 1971.

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

(i) District 1: 104,000 Cartons;

(ii) District 2: 346,000 Cartons;

(iii) District 3: Unlimited.

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

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

Dated: July 6, 1971.

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

[FR Doc.71-9763 Filed 7-7-71;11:48 am]

[Lemon Reg. 486, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 36 F.R. 9061), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(b) *Order, as amended.* The provisions in paragraph (b)(1)(ii) of § 910.786 (Lemon Reg. 486; 36 F.R. 12163) during the period June 27, 1971, through July 3, 1971, are hereby amended to read as follows:

§ 910.786 Lemon Regulation 486.

* * * * *

(b) *Order.* (1) * * *

(ii) District 2: 325,000 cartons.

* * * * *

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

Dated: July 2, 1971.

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

[FR Doc.71-9608 Filed 7-7-71;8:49 am]

[Pear Reg. 1]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Limitation of Shipments

Findings. (1) Pursuant to the amended marketing agreement and Order No. 917 (7 CFR Part 917; 36 F.R. 7510), regulating the handling of fresh pears, plums, and peaches grown in California, 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 Pear Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of pears, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendations by the Pear Commodity Committee reflect its appraisal of the 1971 California pear crop and the prospective marketing factors affecting the supply of and demand for pears by grades and sizes thereof. The volume of the developing California pear crop and the size and quality of the fruit are such that the minimum size and grade requirements, hereinafter specified, are necessary to (1) establish and maintain returns to producers consistent with the declared policy of the act by preventing the shipment of less desirable pears to fresh market outlets and (2) provide consumers with pears of the most desirable size and quality. The effective date of July 9, 1971, is necessary to prevent the shipment of immature fruit. The container marking requirements, included herein, are necessary to assure that containers are properly marked as to variety for inspection identification.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; 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 July 9, 1971. A reasonable determination as to the supply of, and the demand for, such pears must await the development of the crop thereof, and adequate information thereon was not available to the Pear Commodity Committee until June 25, 1971, on which date an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such pears. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such pears are expected to begin on or about the effective date hereof; this regulation should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this regulation are identical with the aforesaid recommendation of the committee; information concerning such provisions and effective time has been disseminated among handlers of such pears; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 917.425 Pear Regulation 1.

(a) *Order.* During the period July 9, 1971, through August 8, 1971, no handler shall ship:

(1) Any box or container of Bartlett, Max Red (Max-Red Bartlett, Red Bartlett), or Rosired (Rosired Bartlett) varieties of pears unless at least 85 percent, by count, of the pears contained in such box or container grade at least U.S. No. 1 with the remainder thereof grading not less than U.S. No. 2;

(2) Any box or container of Bartlett, Max-Red (Max-Red Bartlett, Red Bartlett), or Rosired (Rosired Bartlett) varieties of pears unless such pears are of a size not smaller than the size known commercially as size 165.

(3) Any box or container of pears of any variety unless such box or container is stamped or otherwise marked, in plain sight and in plain letters, on one outside end with the name of the variety, if known, or when the variety is not known, the words "unknown variety."

(b) *Definitions.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(2) "Size known commercially as size 165" means a size of pear that will pack in standard pear box, packed in accordance with the specifications of a standard pack, with 165 pears and with the 22 smallest pears weighing not less than 5¾ pounds.

(3) "Standard pear box" means the container so designated in Section 43599 of the Agricultural Code of California.

(4) "U.S. No. 1," "U.S. No. 2," and "standard pack" shall have the same meaning as when used in the U.S. Standards for Pears (Summer and Fall), 7 CFR 51.1260–51.1280.

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

Dated: July 2, 1971.

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

[FR Doc.71-9692 Filed 7-7-71;8:51 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt. 2]

PART 1434—HONEY

Subpart—Honey Price Support Regulations for 1970 and Subsequent Crops

MISCELLANEOUS AMENDMENTS

The regulations issued by the Commodity Credit Corporation, published in 35 F.R. 11773 and 13077, and setting forth the requirements with respect to price support for the 1970 and each subsequent crop of extracted honey for which a price support program is authorized, are hereby amended as follows:

1. Paragraph (b) of § 1434.4 is amended to provide that a producer remains eligible for price support if he enters into a contract to sell his honey if the producer retains control of the honey and its production, risk of loss of, and title to the honey. The amendment reads as follows:

§ 1434.4 Eligibility requirements.

* * * * *

(b) *Beneficial interest.* To be eligible for price support, the beneficial interest in the honey must be in the producer tendering it as security for a loan or for purchase and must have always been in him or in him and a former producer whom he succeeded as owner of the bees before the honey was extracted, except that heirs who (1) succeed to the beneficial interest of a deceased producer, (2) assume the decedent's obligation under a loan if a loan has already been obtained, and (3) assure continued safe storage of the honey if under farm storage loan, shall be eligible for price support as producers whether such succession occurs before or after extraction of the honey. A producer shall not be considered to have divested himself of the beneficial interest in the honey if he enters into a contract to sell, or gives an option to sell, his commodity if, under the contract or option, he retains control, risk of loss, and title to the honey subject to such agreements, and retains control of its production. If price support is made available through an approved cooperative marketing association, the beneficial interest in the honey must always have been in the producer members who delivered the honey to the approved cooperative or its member cooperatives or must always have been in them and former producers whom they succeeded before the honey was extracted, except as provided in the case of heirs of a deceased producer. Honey acquired by a cooperative marketing association shall not be eligible for price support if the producer members who delivered the honey to the cooperative or its member cooperatives do not retain the right to share in the proceeds from the marketing of the honey as provided in Part 1425 of this chapter.

* * * * *

2. Paragraph (d) is added to § 1434.8 to provide that when eligible and ineligible honey is commingled in the same bulk storage tank, the entire contents of the tank is ineligible for loan.

§ 1434.8 Ineligible honey.

* * * * *

(d) *Commingled eligible and ineligible honey in bulk storage.* Except for honey for which a commingled warehouse receipt drawn on an approved warehouse is issued, if a quantity of eligible honey is commingled with a quantity of honey which is ineligible for price support, the entire quantity of honey will be ineligible for loan.

Effective date: Upon publication in the FEDERAL REGISTER (7-8-71).

Signed at Washington, D.C., on June 30, 1971.

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

[FR Doc.71-9638 Filed 7-7-71;8:50 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 71-CE-6-AD; Amdt. 39-1241]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models B90 and 65-A90 Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an Airworthiness Directive applicable to Beech Model 65-A90 airplanes which have been altered to incorporate Beech Model B90 elevators and to all Beech Model B90 airplanes, was published in the FEDERAL REGISTER on May 11, 1971 (35 F.R. 8695, 8696). The proposed AD would require within 100 hours' time in service after the effective date of the AD a visual inspection of the elevator spar web adjacent to the outboard hinge bracket on both elevators of the above-mentioned model airplanes with 500 or more total hours time in service, and thereafter at 200-hour intervals. In order to conduct the initial inspection, an inspection port must be provided per Beechcraft Service Instruction 0423-133. The proposed AD further would require a one time hinge alignment check in accordance with said Service Instruction. If cracks are found as a result of the inspections required by this AD, the elevator must be repaired or replaced with a serviceable part before further flight. When Part No. 50-610000-349 (left) and 50-610000-350 (right) elevators have been installed on these model airplanes, the AD will no longer apply.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No written comments were received.

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

BEECH. Applies to the following airplanes with 500 or more hours' time in service, except those airplanes on which Part No. 50-610000-349 (left) and 50-610000-350 (right) elevators have been installed:

All Beech Model B90 and those 65-A90 airplanes which have had elevators installed per Beech Kits No. 90-4031 M, 90-4031-1 M or 90-4035 M.

Compliance: Required as indicated.

To prevent loss of elevator control, accomplish the following:

(A) Within 100 hours' time in service after the effective date of this AD, and thereafter at intervals not to exceed 200 hours' time in service from the date of the previous inspection, visually inspect the aft face of the elevator spar web adjacent to the outboard hinge bracket on both elevators. If cracks are found as a result of the visual inspection, the elevator must be repaired or replaced with a servicable part prior to further flight except that the airplane may be flown in accordance with Federal Aviation Regulation 21.197 to a base where the repair or replacement can be performed.

(B) During the initial inspection required herein, incorporate an inspection port and check the alignment of the hinge points on the stabilizer in accordance with Beech Service Instructions 0423-133 or an equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective July 8, 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 Kansas City, Mo., on June 28, 1971.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc. 71-9581 Filed 7-7-71;8:46 am]

[Airworthiness Docket No. 71-WE-14-AD; Amdt. 39-1242]

PART 39—AIRWORTHINESS DIRECTIVES

Certain DeHavilland Model DHC-6 Series Airplanes

Pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), an airworthiness directive was adopted on June 23, 1971, and made effective upon receipt of the AD by letter dated June 24, 1971, from the FAA Aeronautical Center, as to all known U.S. operators of DeHavilland Model DHC-6 series airplanes with JB Systems Airconditioner installed in accordance with STC SA1837WE. The directive requires the airconditioner to be deactivated until the F.S. 281 Bulkhead and other areas are sealed in accordance with JB Systems Service Bulletin No. 011, dated June 8, 1971.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making

the airworthiness directive effective as to all known U.S. operators of DeHavilland Model DHC-6 series airplanes upon receipt of individual letters dated June 24, 1971. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

DEHAVILLAND AIRCRAFT OF CANADA, LTD. Applies to DeHavilland Model DHC-6 Series airplanes modified in accordance with JB Systems, Inc., STC SA1837WE.

Compliance required within the next 10 hours' time in service after the effective date of this AD.

To prevent possible explosion in bays 9 and 10 due to the operation of electrical components, accomplish the following, unless already accomplished:

Deactivate the JB Systems air conditioner by disconnecting the source of power at the distribution bus, until the F.S. 281 bulkhead and other areas are sealed, per JB Systems, Inc., Service Bulletin No. 011, dated June 8, 1971, or later FAA-approved revisions, or an equivalent sealing process is performed upon approval by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment is effective upon publication in the FEDERAL REGISTER, except for all operators in receipt of this AD, by letter dated June 24, 1971, from FAA Aeronautical Center, Oklahoma City, Okla. As to these operators, this AD is effective upon receipt of said letter.

This amendment is effective upon publication in the FEDERAL REGISTER (7-8-71) except for those recipients of letters dated June 24, 1971, which contained this amendment.

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

Issued in Los Angeles, Calif., on June 28, 1971.

ARVIN O. BASNIGHT,
Director, FAA Western Region.

[FR Doc.71-9582 Filed 7-7-71;8:46 am]

[Airspace Docket No. 71-SO-81]

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

Alteration of Control Zone and Transition Area

On May 19, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 9075), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Hopkinsville, Ky., control zone and transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 16, 1971, as hereinafter set forth.

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

HOPKINSVILLE, KY.

Within a 5-mile radius of Campbell AAF (lat. 36°40'23" N., long 87°29'27" W.); within 1.5 miles each side of Campbell TACAN 053° radial, extending from the 5-mile-radius zone to 5.5 miles northeast of the TACAN; within 1.5 miles each side of the 224° bearing from Campbell RBN, extending from the 5-mile-radius zone to 0.5 mile southwest of the RBN; within a 5-mile radius of Outlaw Field, Clarksville, Tenn. (lat. 36°37'15" N., long. 87°24'52" W.); within 3 miles each side of Clarksville VOR 171° radial, extending from the 5-mile-radius zone to 8.5 miles south of the VOR.

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

HOPKINSVILLE, KY.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Campbell AAF (lat. 36°40'23" N., long. 87°29'27" W.); within 3 miles each side of the 044° bearing from Campbell RBN, extending from the 8.5-mile-radius area to 8.5 miles northeast of the RBN; within an 8.5-mile radius of Outlaw Field, Clarksville, Tenn. (lat. 36°37'15" N., long. 87°24'52" W.).

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

Issued in East Point, Ga., on June 29, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-9583 Filed 7-7-71;8:46 am]

[Airspace Docket No. 71-SO-82]

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

Alteration of Transition Area

On May 19, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 9076), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Raleigh, N.C., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 16, 1971, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the Raleigh, N.C., transition area is amended as follows: "* * * 18.5 miles southwest of the VORTAC * * *." is deleted and "* * * 18.5 miles southwest of the VORTAC; within a 5-mile radius of Raleigh Municipal Airport (lat. 35°44'05" N., long. 78°39'23" W.) * * *." is substituted therefor.

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

Issued in East Point, Ga., on June 29, 1971.

W. B. RUCKER,
Acting Director, Southern Region.

[FR Doc.71-9584 Filed 7-7-71;8:46 am]

[Airspace Docket No. 71-WE-37]

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

Alteration of Transition Area

The military TACAN navigation facility at Siskiyou County Airport was decommissioned in April 1971 and associated instrument approach procedures were cancelled. The requirement for the control zone no longer existed and action was taken to cancel the control zone effective August 19, 1971.

Further review of the airspace requirements for Siskiyou County Airport, Montague, Calif., revealed that the current Montague, Calif., transition area could be altered releasing additional designated controlled airspace to general aviation VFR pilots. Action is taken herein to reflect this change.

Since this amendment would be less restrictive in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing in § 71.181 (36 F.R. 2140) the Montague, Calif., transition area is amended to read as follows:

MONTAGUE, CALIF.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Siskiyou County Airport (latitude 40°-46'55" N., longitude 122°28'00" W.); that airspace extending upward from 1,200 feet above the surface within 9.5 miles east and 6 miles west of the 180° and 360° bearings from the Montague RBN, extending from 8 miles north to 19 miles south of the RBN.

Effective date. This amendment shall be effective 0901 G.m.t., August 19, 1971.

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

Issued in Los Angeles, Calif., on June 28, 1971.

LEE E. WARREN,
Acting Director, Western Region.

[FR Doc.71-9585 Filed 7-7-71;8:46 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1934]

PART 13—PROHIBITED TRADE PRACTICES

Art-Max Fabrics, Inc., et al.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45 1191) [Cease and desist order, Art-Max Fabrics, Inc., et al., New York, N.Y., Docket No. C-1934, June 2, 1971]

In the Matter of Art-Max Fabrics, Inc., a Corporation, and Arthur Kahn and Nathan Farbstein, Individually and as Officers of Said Corporation

Consent order requiring a New York City retailer and wholesaler of fabrics to cease violating the Flammable Fabrics Act by importing and selling any fabric which fails to conform to the standards of said Act.

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

It is ordered, That respondents Art-Max Fabrics, Inc., a corporation, and its officers, and Arthur Kahn and Nathan Farbstein, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from selling or offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric or related material; or selling or offering for sale, any product made of fabric or related material which has been shipped or received in commerce as the terms "commerce," "product," "fabric," and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric or related material fails to conform to an applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That respondents notify all of their customers who have purchased or to whom have been delivered the fabrics which gave rise to this complaint of the flammable nature of said fabrics, and effect recall of said fabrics from such customers.

It is further ordered, That the respondents herein either process the fabrics which gave rise to the complaint so as to bring them into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said fabrics.

It is further ordered, That the respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission a special report in writing setting forth the respondents' intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the fabrics which gave rise to the complaint, (2) the amount of said fabrics in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said fabrics and effect the recall of said fabrics from customers, and of the results thereof, (4) any disposition of said fabrics since April 13, 1970, and (5) any action taken or proposed to be taken to bring said fabrics into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said fabrics, and the results of such action. Such report shall further inform the Commission as to whether or not respondents have in inventory any product, fabric, or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton or any other material or combinations thereof in a weight of 2 ounces or less per square yard, or any product, fabric or related material having a raised fiber surface. Respondents shall submit samples of not less than 1 square yard in size of any such product, fabric, or related material with this report.

It is further ordered, That the respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance.

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

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

Issued: June 2, 1971.

By the Commission.

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

[FR Doc.17-9594 Filed 7-7-71;8:47 am]

[Docket No. C-1921]

PART 13—PROHIBITED TRADE PRACTICES

Cascade Hat & Cap Co. and Hyman Stein

Subpart—Importing, selling or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Cascade Hat & Cap Co., Portland, Oreg., Docket No. C-1921, May 18, 1971]

In the Matter of Cascade Hat & Cap Co., a Corporation, and Hyman Stein, Individually and as an Officer of said Corporation

Consent order requiring a Portland, Oreg., marketer of textile fiber products, including scarves, to cease violating the Flammable Fabrics Act by importing and selling any fabric which fails to conform to the standards of said Act.

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

It is ordered, That respondents Cascade Hat & Cap Co., a corporation, and its officers, and Hyman Stein, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from manufacturing for sale, selling, or offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported, in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric, or related material; or manufacturing for sale, selling or offering for sale any product made of fabric or related material which has been shipped or received in commerce, as "commerce," "product," "fabric," or "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric, or related material fails to conform to an applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That respondents notify all of their customers who have purchaser or to whom have been delivered the products which gave rise to this complaint of the flammable nature of said products, and effect recall of said products from such customers.

It is further ordered, That the respondents herein either process the products which gave rise to the complaint so as to bring them into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That the respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission a special report in writing setting forth the respondents' intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the products which gave rise to the complaint, (2) the number of said products in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect the recall of said products from customers, and of the results thereof, (4) any disposition of said products since February 27, 1970, and (5) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products, and the results of such action. Such report shall further inform the Commission as to whether or not respondents have in inventory any product, fabric, or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton or any other material or combinations thereof in a weight of 2 ounces or less per square yard, or any product, fabric or related material having a raised fiber surface. Upon request of the Commission respondents shall submit samples of not

less than 1 square yard in size of any such product, fabric, or related material with this report.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

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

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

Issued: May 18, 1971.

By the Commission.

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

[FR Doc.71-9595 Filed 7-7-71;8:47 am]

[Docket No. C-1937]

PART 13—PROHIBITED TRADE PRACTICES

Chateau Et Cie, Ltd., and Cyril Marcus

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Chateau Et Cie, Ltd., et al., New York, N.Y., Docket No. C-1937, June 2, 1971]

In the Matter of Chateau Et Cie, Ltd., a Corporation, and Cyril Marcus, Individually and as an Officer of Said Corporation

Consent order requiring a New York City seller and distributor of textile fiber products, including women's scarves, to cease violating the Flammable Fabrics Act by importing and selling fabric which fails to conform to the standards of said Act.

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

It is ordered, That the respondents Chateau Et Cie, Ltd., a corporation, and its officers, and Cyril Marcus, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric or related material; or manufacturing for sale, selling or offering for sale, any product made of fabric or related material which has been shipped or received in commerce as "commerce," "product," "fabric," and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric, or related material fails to conform to an applicable standard or regulation issued, amended or continued in effect, under the provisions of the aforesaid Act.

It is further ordered, That respondents notify all of their customers who have purchased or to whom have been delivered the women's scarves which gave rise to the complaint, of the flammable nature of said products and effect the recall of said products from such customers.

It is further ordered, That the respondents herein either process the products which gave rise to the complaint so as to bring them into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That the respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission an interim special report in writing setting forth the respondents' intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the products which gave rise to the complaint, (2) the number of said products in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect the recall of said products from customers, and of the results thereof, (4) any disposition of said products since September 29, 1970 and (5) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products and the results of such action. Such report shall further inform the Commission as to whether or not respondents have in inventory any product, fabric, or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton or any other material or combinations thereof in a weight of two ounces or less per square yard, or any product, fabric, or related material having a raised fiber surface. Respondents shall submit samples of not less than 1 square yard in size of any such product, fabric, or related material with this report.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the repondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

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

Issued: June 2, 1971.

By the Commission.

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

[FR Doc.71-9596 Filed 7-7-71;8:47 am]

[Docket No. C-1933]

PART 13—PROHIBITED TRADE PRACTICES

Commercial Paper Box Co. et al.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Commercial Paper Box Co. et al., Los Angeles, Calif., Docket No. C-1933, June 2, 1971]

In the Matter of Commercial Paper Box Co., a Partnership, and Max Minsky and David H. Minsky, Individually and as Copartners trading as Commercial Paper Box Co.

Consent order requiring a Los Angeles, Calif., manufacturer of wearing apparel, including disposable face masks, to cease violating the Flammable Fabrics Act by importing and selling any fabric which fails to conform to the standards of said Act.

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

It is ordered, That respondents Commercial Paper Box Co., a partnership, and Max Minsky and David H. Minsky, individually and as copartners trading as Commercial Paper Box Co., and respondents' representatives, agents, and employees, directly or through any company or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric or related material; or manufacturing for sale, selling, or offering for sale any product made of fabric or related material which has been shipped and received in commerce as "commerce," "product," "fabric," or "related material" are defined in the Flammable Fabrics Act, as amended, which product,

fabric or related material fails to conform to any applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That the respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission an interim special report in writing, setting forth the respondents' intentions as to compliance with this Order. This interim special report shall also advise the Commission fully and specifically concerning the identity of the product which gave rise to the complaint, (1) the amount of such product in inventory, (2) any action taken to notify customers of the flammability of such product and the results thereof and (3) any disposition of such product since February 24, 1970. Such report shall further inform the Commission whether respondents have in inventory any fabric, product or related material having a plain surface and made of paper, silk, rayon, cotton, acetate and nylon, acetate and rayon or combinations thereof in a weight of 2 ounces or less per square yard or fabric with a raised fiber surface made of cotton or rayon or combinations thereof. Respondents will submit samples of any such fabric, product or related material with this report. Samples of the fabric, product or related material shall be of not less than 1 square yard of material.

It is further ordered, That the respondents herein either process the products which gave rise to the complaint so as to bring them within the applicable flammability standards of the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That the respondents shall maintain complete and adequate records concerning all products subject to the Flammable Fabrics Act, as amended, which are sold or distributed by them.

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

Issued: June 2, 1971.

By the Commission.

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

[FR Doc.71-9597 Filed 7-7-71;8:47 am]

[Docket No. C-1930]

PART 13—PROHIBITED TRADE PRACTICES

Dan Brechner & Co., Inc., et al.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191)

[Cease and desist order, Dan Brechner & Co., Inc., et al., New York, N.Y., Docket No. C-1930, June 2, 1971]

In the Matter of Dan Brechner & Co., Inc., a Corporation, and Daniel Brechner, Milton Brechner, and George Mann, Individually and as Officers of said Corporation

Consent order requiring a New York City importer and seller of party items, including wood chip leis, to cease violating the Flammable Fabrics Act by selling any fabric which fails to conform to the standards of said Act.

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

It is ordered, That respondents Dan Brechner & Co., Inc., a corporation, and its officers, and Daniel Brechner, Milton Brechner and George Mann, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce any product, fabric or related material; or manufacturing for sale, selling or offering for sale any product made of fabric or related material which has been shipped or received in commerce, as "commerce," "product," "fabric," and "related material" are defined in the Flammable Fabrics Act, as amended, which product fabric or related material fails to conform to an applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That the respondents notify all of their customers who have purchased or to whom have been delivered the products which gave rise to the complaint, of the flammable nature of said products and effect the recall of said products from such customers.

It is further ordered, That the respondents herein either process the products that gave rise to the complaint so as to bring them into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That the respondents herein shall within ten (10) days after service upon them of this order, file with the Commission a special report in writing setting forth the respondents' intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the products which gave rise to the complaint, (2) the number of said products in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect the recall of said products from customers, and of the results thereof, (4) any disposition of said products since October 2, 1969, and (5) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products and the results of such action. Such report shall further inform the Commission as to whether or not respondents have, in inventory any product, fabric, or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton or any other material or combinations thereof in a weight of 2 ounces or less per square yard, or any product, fabric or related material having a raised fiber surface. Respondents shall submit samples of not less than 1 square yard in size of any such product, fabric, or related material with this report.

It is further ordered, That respondents Dan Brechner & Co., Inc., a corporation, and its officers, and Daniel Brechner, Milton Brechner and George Mann, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from the advertising, offering for sale, sale or distribution of leis in commerce, as "commerce" is defined in the Federal Trade Commission Act, unless and until said leis are flame proofed to such an extent that they will not ignite, burn or glow.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

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

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

Issued: June 2, 1971.

By the Commission.

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

[FR Doc.71-9598 Filed 7-7-71;8:47 am]

[Docket No. C-1938]

PART 13—PROHIBITED TRADE PRACTICES

June Douglas and June's Apparel

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Mrs. June Douglas et al., Bellingham, Wash., Docket No. C-1938, June 2, 1971]

In the Matter of Mrs. June Douglas, an Individual Trading as June's Apparel

Consent order requiring a Bellingham, Wash., individual selling various consumer goods, including scarves, to cease violating the Flammable Fabrics Act by importing and selling any fabric which fails to conform to the standards of said Act.

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

It is ordered, That respondent Mrs. June Douglas, individually and trading as June's Apparel, or under any other name, and respondent's representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from manufacturing for sale, selling, or offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric, or related material; or manufacturing for sale, selling or offering for sale any product made of fabric or related material which has been shipped or received in commerce, as "commerce," "product," "fabric," or "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric, or related material fails to conform to any applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That respondent notify all of her customers who have purchased or to whom have been delivered the products which gave rise to this complaint of the flammable nature of said products, and effect recall of said products from such customers.

It is further ordered, That the respondent herein either process the products which gave rise to the complaint so as to bring them into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That the respondent herein shall, within ten (10) days after service upon her of this order, file with the Commission a special report in writing setting forth the respondent's intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the products which gave rise to the complaint, (2) the number of said products in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect the recall of said products from customers, and of the results thereof, (4) any disposition of said products since September 30, 1970, and (5) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products, and the results of such action. Such report shall further inform the Commission as to whether or not respondent has in inventory any product, fabric, or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton, or any other material or combinations thereof in a weight of two ounces or less per square yard, or any product, fabric, or related material having a raised fiber surface. Respondent shall submit samples of not less than 1 square yard in size of any such product, fabric, or related material with this report.

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

Issued: June 2, 1971.

By the Commission.

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

[FR Doc.71-9599 Filed 7-7-71;8:47 am]

[Docket No. C-1936]

PART 13—PROHIBITED TRADE PRACTICES

Jack Frank and Jack Frank & Co.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Jack Frank et al., New York, N.Y., Docket No. C-1936, June 2, 1971]

In the Matter of Jack Frank, individually and Trading as Jack Frank & Co.

Consent order requiring a New York City individual selling and distributing clothing products, including ladies' scarves, to cease violating the Flammable Fabrics Act by importing and selling any fabric which fails to conform to the standards of said Act.

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

It is ordered, That the respondent Jack Frank, individually and trading as Jack Frank & Co., or under any other name or names, and respondent's representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting, or causing to be transported in commerce, selling or delivering after sale or shipment in commerce, any product, fabric, or related material; or manufacturing for sale, selling or offering for sale, any product made of fabric or related material which has been shipped or received in commerce as "commerce," "product," "fabric," and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric, or related material fails to conform to an applicable standard or regulation issued, amended or continued in effect, under the provisions of the aforesaid Act.

It is further ordered, That the respondent notify all of his customers who have purchased or to whom have been delivered the products which gave rise to this complaint, of the flammable nature of said products and effect the recall of said products from such customers.

It is further ordered, That the respondent herein either process the products which gave rise to the complaint so as to bring them into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That the respondent herein shall, within ten (10) days after service upon him of this order, file with the Commission an interim special report in writing setting forth the respondent's intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the products which gave rise to the complaint, (2) the number of said products in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect the recall of said products from customers, and of the results thereof, (4) any disposition of said products since September 3, 1970, and (5) any action taken or proposed to be taken to bring said products into conformance with the applicable standard or flammability under the Flammable Fabrics Act, as amended, or destroy said products and the results of such action. Such report shall further inform the Commission as to whether or not respondent has in inventory any product, fabric, or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton or any other material or combinations thereof in a weight of 2 ounces or less per square yard or any product, fabric, or related material having a raised fiber surface. Respondent shall submit samples of not less than 1 square yard in size of any such product, fabric, or related material with this report.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in

writing setting forth in detail the manner and form in which he has complied with this order.

Issued: June 2, 1971.

By the Commission.

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

[FR Doc.71-9600 Filed 7-7-71;8:48 am]

[Docket No. C-1923]

PART 13—PROHIBITED TRADE PRACTICES

Osage Handkerchief Co., Inc., and Edward Debowsky

Subpart—Importing, selling or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Osage Handkerchief Co., Inc., et al. New York, N.Y., Docket No. C-1923, May 18, 1971]

In the Matter of Osage Handkerchief Co., Inc., a Corporation, and Edward Debowsky, Individually and as an Officer of Said Corporation

Consent order requiring a New York City importer and distributor of textile fiber products, including ladies' scarves, to cease violating the Flammable Fabrics Act by importing and selling any fabric which fails to conform to the standards of said Act.

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

It is ordered, That the respondents Osage Handkerchief Co., Inc., a corporation, and its officers, and Edward Debowsky, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric, or related material; or manufacturing for sale, selling or offering for sale, any product made of fabric or related material which has been shipped or received in commerce as "commerce," "product," "fabric," and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric, or related material fails to conform to an applicable standard or regulation issued, amended or continued in effect, under the provisions of the aforesaid Act.

It is further ordered, That respondents notify all of their customers who have purchased or to whom have been delivered the ladies' scarves which gave rise to the complaint, of the flammable nature of said scarves and effect the recall of said scarves from such customers.

It is further ordered, That the respondents herein either process the scarves which gave rise to the complaint so as to bring them into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said scarves.

It is further ordered, That the respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission an interim special report in writing setting forth the respondents' intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the scarves which gave rise to the complaint, (2) the number of said scarves in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said scarves and effect the recall of said scarves from customers, and of the results thereof, (4) any disposition of said scarves since September 2, 1970 and (5) any action taken or proposed to be taken to bring said scarves into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said scarves and the results of such action. Such report shall further inform the Commission as to whether or not respondents have in inventory any product, fabric, or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton or any other material or combinations thereof in a weight of 2 ounces or less per square yard, or any product, fabric, or related material having a raised fiber surface. Respondents shall submit samples of not less than 1 square yard in size of any such product, fabric, or related material with this report.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

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

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

Issued: May 18, 1971.

By the Commission.

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

[FR Doc.71-9601 Filed 7-7-71;8:48 am]

[Docket No. C-1932]

PART 13—PROHIBITED TRADE PRACTICES

Paul Shuman Mfg. Co., Inc., and Paul Shuman

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Paul Shuman Mfg. Co., Inc., et al., Los Angeles, Calif., Docket No. C-1932, June 2, 1971]

In the Matter of Paul Shuman Mfg. Co., Inc., a Corporation, and Paul Shuman, Individually and as an Officer of Said Corporation

Consent order requiring a Los Angeles, Calif., manufacturer of women's and misses' apparel, including aprons, to cease violating the Flammable Fabrics Act by importing and selling any fabric which fails to conform to the standards of said Act.

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

It is ordered, That the respondents Paul Shuman Mfg. Co., Inc., a corporation, and its officers and Paul Shuman individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric, or related material; or manufacturing for sale, selling or offering for sale, any product made of fabric or related material which has been shipped or received in commerce as "commerce," "product," "fabric," and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric, or related material fails to conform to an applicable standard or regulation issued, amended or continued in effect, under the provisions of the aforesaid Act.

It is further ordered, That respondents notify all of their customers who have purchased or to whom have been delivered the products, which gave rise to the complaint, of the flammable nature of said products, and effect the recall of said products from such customers.

It is further ordered, That the respondents herein either process the products, which gave rise to the complaint so as to bring them into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That the respondents herein, shall, within ten (10) days after service upon them of this order, file

with the Commission a special report in writing setting forth the respondents' intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the products, which gave rise to the complaint, (2) the number of said products, in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products, and effect the recall of said products from customers, and of the results thereof, (4) any disposition of said products since December 12, 1969, and (5) any action taken or proposed to be taken to bring said products, into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products, and the results of such action. Such report shall further inform the Commission as to whether or not respondents have, in inventory any product, fabric, or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton or any other material or combinations thereof in a weight of 2 ounces or less per square yard, or any product, fabric or related material having a raised fiber surface. Respondents shall submit samples of not less than 1 square yard in size of any such product, fabric, or related material with this report.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

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

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

Issued: June 2, 1971.

By the Commission.

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

[FR Doc.71-9602 Filed 7-7-71;8:48 am]

[Docket No. C-1931]

PART 13—PROHIBITED TRADE PRACTICES

Rosenblum Bros., Inc., et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179, 15 U.S.C. 45, 69f) [Cease and desist order, Rosenblum Bros., Inc., et al., New York, N.Y., Docket No. C-1931, June 2, 1971]

In the Matter of Rosenblum Bros., Inc., a Corporation, and Samuel Rosenblum, Solomon Rosenblum, and Ralph Rosenblum, Individually and as Officers of Said Corporation

Consent order requiring a New York City manufacturer of fur products to cease misbranding and deceptively invoicing its furs.

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

It is ordered, That respondents Rosenblum Bros., Inc., a corporation, and its officers, and Samuel Roseblum, Solomon Rosenblum, and Ralph Rosenblum, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce; as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Representing directly or by implication on a label that the fur contained in such fur product is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artifically colored.

2. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Falsely or deceptively invoicing any fur product by failing to set forth on an invoice the item number or mark assigned to such fur product.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

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

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

Issued: June 2, 1971.

By the Commission.

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

[FR Doc.71-9603 Filed 7-7-71;8:48 am]

[Docket No. C-1935]

PART 13—PROHIBITED TRADE PRACTICES

Schwerzler & Sons, Inc., et al.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Schwerzler & Sons, Inc., et al., Union City, N.J., Docket No. C-1935, June 2, 1971]

In the Matter of Schwerzler & Sons, Inc., a Corporation, and Allie Feldman and George L. Violick, Individually and as Officers of Said Corporation

Consent order requiring a Union City, N.J., importer and seller of fabrics, including a lightweight white cotton organdy fabric, to cease violating the Flammable Fabrics Act by importing and selling any fabric which fails to conform to the standards of said Act.

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

It is ordered, That the respondents Schwerzler & Sons, Inc., a corporation, and its officers, and Allie Feldman and George L. Violick, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric or related material; or manufacturing for sale, selling or offering for sale, any product made of fabric or related material which has been shipped or received in commerce as "commerce," "product," "fabric" and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric or related material, fails to conform to an applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That respondents notify all of their customers who have purchased or to whom has been delivered the fabric which gave rise to this complaint, of the flammable nature of said fabric, and effect the recall of said fabric from such customers.

It is further ordered, That the respondents herein either process the fabric which gave rise to the complaint so as to bring it into conformance with the applicable flammability standards of the Flammable Fabrics Act, as amended, or destroy said fabric.

It is further ordered, That the respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission an interim special report in writing setting forth the respondents' intentions as to compliance with this order. This interim report shall also advise the Commission fully and specifically concerning (1) the identity of the fabric which gave rise to the complaint, (2) the amount of such fabric in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of such fabric and effect the recall of such fabric from customers, and of the results of such actions, (4) any disposition of such fabric since July 31, 1970, and (5) any action taken or proposed to be taken to flameproof or destroy such fabric and the results of such action. Such report shall further inform the Commission whether respondents have in inventory any fabric, product, or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton, or combinations thereof in a weight of 2 ounces or less per square yard, or having a raised fiber surface made of cotton or rayon or combinations thereof. Respondents will submit samples of any such fabric, product, or related material with this report. Samples of the fabric, product, or related material shall be of no less than 1 square yard of material.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

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

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

Issued: June 2, 1971.

By the Commission.

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

[FR Doc.71-9604 Filed 7-7-71;8:48 am]

[Docket No. C-1929]

PART 13—PROHIBITED TRADE PRACTICES

Sidney Gilbert & Co., Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–80 Textile Fiber Products Identification Act: § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Sidney Gilbert & Co., Inc., et al., Charlotte, N.C., Docket No. C-1929, June 2, 1971]

In the Matter of Sidney Gilbert & Co., Inc., a Corporation, and Sidney H. Goldberg and David D. Berson, Individually and as Officers of Said Corporation

Consent order requiring Charlotte, N.C., dealers in wholesale yarn and fabrics to cease misbranding their textile fiber products.

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

It is ordered, That respondents Sidney Gilbert & Co., Inc., a corporation, and its officers, and Sidney H. Goldberg and David D. Berson, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising, or offering for sale in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, of any textile fiber product, which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising or otherwise identifying such products as to the name or amount of the constituent fibers contained therein.

2. Failing to affix a stamp, tag, label or other means of identification to each such product showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

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

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

Issued: June 2, 1971.

By the Commission.

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

[FR Doc.71-9605 Filed 7-7-71;8:48 am]

[Docket No. 1924]

PART 13—PROHIBITED TRADE PRACTICES

Warren-Reed, Inc., and Armistead C. Warren

Subpart—Importing, selling or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Warren-Reed, Inc., et al., Birmingham, Ala., Docket No. C-1924, May 18, 1971]

In the Matter of Warren-Reed, Inc., a Corporation, and Armistead C. Warren, Individually and as an Officer of Said Corporation

Consent order requiring a Birmingham, Ala., millinery shop which sells and distributes millinery, handbags, and accessories, including scarves, to cease violating the Flammable Fabrics Act by importing and selling any fabric which fails to conform to the standards of said Act.

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

It is ordered, That respondent Warren-Reed, Inc., a corporation, and its officers and Armistead C. Warren, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from selling, offering for sale, in commerce or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric, or related

material, as "commerce," "product," "fabric," or "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric or related material fails to conform to any applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That respondents notify all of their customers who have purchased or to whom have been delivered the products which gave rise to the complaint, of the flammable nature of said products, and effect recall of said products from such customers.

It is further ordered, That the respondents herein either process the products which gave rise to the complaint so as to bring them into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That the respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission a special report in writing setting forth respondents' intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the product which gave rise to the complaint, (2) the number of said products in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect the recall of said products and of the results thereof, (4) any disposition of said products since August 25, 1970, and (5) any action taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products, and the results of such action. Such report shall further inform the Commission as to whether or not respondents have in inventory any product, fabric or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton or any other material or combinations thereof in a weight to 2 ounces or less per square yard, or any product, fabric or related material having a raised fiber surface. Upon request of the Commission respondents shall submit samples of not less than 1 square yard in size of any such product, fabric, or related material with this report.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

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

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

Issued: May 18, 1971.

By the Commission.

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

[FR Doc.71-9606 Filed 7-7-71;8:48 am]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-394, etc.]

PART 154—RATE SCHEDULES AND TARIFFS

Southern Louisiana Area

JUNE 29, 1971.

Termination of moratorium provisions in southern Louisiana, Docket No. R-394; area rate proceeding (southern Louisiana), Docket No. AR61-2 etc., Docket No. AR69-1.

In Order No. 413 issued October 27, 1970 in Docket No. R-394 (44 FPC ——) the Commission terminated the moratorium on above ceiling increased rate filings prescribed in Opinion Nos. 546 (40 FPC 530) and 546-A (41 FPC 301). Thereafter, on rehearing the Commission modified Order No. 413 by order issued December 24, 1970 in the above-entitled proceedings (44 FPC ——) to prohibit any increased rate filing in excess of the rate levels prescribed in ordering paragraph (A) of the December 24 order. Pursuant to ordering paragraph (B) in the December 24 order, the rate filing prohibition is to remain in effect until July 1, 1971.

By order issued March 15, 1971 in Dockets Nos. AR61-2 and AR69-1 the intermediate decision procedure was omitted. Since then, the parties in these proceedings have filed initial and reply briefs in accordance with the time limitations set forth in the March 15 order. These proceedings are therefore now pending before the Commission for the determination of just and reasonable rates for sales in the southern Louisiana area.

In these circumstances, we believe it appropriate for the same reasons set forth in the December 24 order to modify that order so as to extend the prohibition against increased rate filings above the rate levels prescribed in ordering paragraph (A) thereof until September 30, 1971, or until the time the Commission issues an opinion and order establishing just and reasonable rates for jurisdictional sales from southern Louisiana, whichever is the earlier date.

The Commission finds: It is necessary and appropriate in the public interest and for carrying out the provisions of the Natural Gas Act that Order No. 413 be modified as hereinafter ordered.

The Commission orders:

(A) The limitations on increased rate filings set forth in Ordering Paragraph (A) of the Commission's order issued December 24, 1970, in the above-entitled proceedings shall remain in effect until September 30, 1971, or until such time as the Commission issues an opinion and order establishing just and reasonable rates for jurisdictional sales of natural gas from southern Louisiana, whichever occurs at the earlier date.

(B) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

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

[FR Doc.71-9593 Filed 7-7-71;8:47 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO AND OTHER EXCISE TAXES

[T.D. 7130]

LIQUOR DEALERS, STILLS, DISTILLED SPIRITS, AND BEER

On March 3, 1971, a notice of proposed rule making to amend 26 CFR Parts 194, 196, 197, 201, and 245, was published in the FEDERAL REGISTER (36 F.R. 4048). In accordance with the notice, interested persons were afforded an opportunity to submit written comments or suggestions pertaining thereto. No comments or suggestions were received within the 30-day period prescribed in the notice. However, in recognition of changes in regulations made by T.D. 7110 (36 F.R. 8033), T.D. 7112 (36 F.R. 8568), and T.D. 7113 (36 F.R. 8798), and further consideration of the proposed changes, the amendments as published in the FEDERAL REGISTER are hereby adopted, subject to the changes set forth below:

PARAGRAPH 1. Paragraph C1 is changed to include § 197.109 in the listing of sections amended.

PAR. 2. Paragraph C3 is deleted.

PAR. 3. Paragraph C4 is amended by deleting, in the last sentence of § 197.41, the cross-reference to § 197.40 and inserting instead a cross-reference to § 197.47a.

PAR. 4. A new paragraph, paragraph C4a, is added immediately following paragraph C4 to prescribe a new section, § 197.47a, relating to retention of special tax stamps. As added, paragraph C4a reads as follows:

4a. A new section, § 197.47a, is added immediately following § 197.47 to provide for retention of special tax stamps.

PAR. 5. Paragraph D1 is changed by deleting the amendment to § 201.31 and adding in lieu thereof a new section, § 201.35a.

PAR. 6. Paragraph D6 is changed by amending § 201.527.

PAR. 7. Paragraph D8 is changed by amending § 201.563.

PAR. 8. Paragraph E1 is changed by deleting §§ 245.253 and 245.257 from the listing of sections amended.

This Treasury decision shall become effective on the first day of the first month which begins not less than 30 days after the date of its publication in the FEDERAL REGISTER.

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

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

Approved: July 1, 1971.

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

In order to: (1) Implement the provisions of Public Law 87–863 which amended the Internal Revenue Code by providing that only one special tax as a retail dealer in liquors need be paid by a State, a political subdivision of a State, or the District of Columbia, regardless of the number of locations at which such business is conducted; (2) implement the provisions of Public Law 90–615 which amended the Internal Revenue Code by extending the period in which a nonbeverage drawback claim may be filed from 3 to 6 months following the quarter in which the distilled spirits are used; (3) implement the provisions of Public Law 90–618 which amended the Internal Revenue Code by repealing the requirement that district directors maintain a list of special taxpayers for public inspection and by exempting persons who pay special tax pursuant to Subtitle E of the Code from posting occupational tax stamps; (4) conform to the change in name of the Alcohol and Tobacco Tax Function; and (5) make miscellaneous and clarifying and editorial changes, the regulations in 26 CFR Parts 194, 196, 197, 201, and 245 are amended as follows:

PART 194—LIQUOR DEALERS

Paragraph A. 26 CFR Part 194 is amended as follows:

1. Section 194.4 is amended to change the words "this part" to "Chapter 51, I.R.C." and to restrict application of § 194.4 to certain taxes by inserting a reference to § 194.1. As amended, § 194.4 reads as follows:

§ 194.4 Relation to State and municipal law.

The payment of any tax imposed by Chapter 51, I.R.C., for carrying on any trade or business specified in § 194.1 shall not be held to exempt any person from any penalty or punishment provided by the laws of any State for carrying on such trade or business within such State, or in any manner to authorize the commencement or continuance of such trade or business contrary to the laws of such State or in places prohibited by municipal law; nor shall the payment of any such tax be held to prohibit any State from placing a duty or tax on the same trade or business, for State or other purposes.

(72 Stat. 1348; 26 U.S.C. 5145)

§ 194.11 [Amended]

2. Section 194.11 is amended by changing "alcohol and tobacco tax" to read "alcohol, tobacco and firearms" in the definition of assistant regional commissioner and by changing "Alcohol and Tobacco Tax Division" to read "Alcohol, Tobacco and Firearms Division" in the definition of Director.

3. Section 194.31 is amended to provide that States, political subdivision thereof, or the District of Columbia need pay only one special tax as a retail dealer in liquors regardless of the number of retail liquor stores operated. As amended, § 194.31 reads as follows:

§ 194.31 States, political subdivisions thereof, or the District of Columbia.

A State, a political subdivision thereof, or the District of Columbia which engages in the business of selling, or offering for sale, distilled spirits, wines, or beer is not exempt from special tax. However, no such governmental entity shall be required to pay more than one special tax as a retail dealer in liquors regardless of the number of locations at which such entity carries on business as a retail dealer in liquors. Any such governmental entity which has paid the applicable wholesale dealer special tax at its principal office, and has paid the applicable special tax as a retail dealer, shall not be required to pay additional wholesale dealer special tax at its retail stores by reason of the sale thereat of distilled spirits, wines, or beer, to dealers qualified to do business as such within the jurisdiction of such entity.

(72 Stat. 1340, 1343, 1344, as amended; 26 U.S.C. 5111, 5113, 5121, 5123)

4. Section 194.51 is amended by inserting a reference to § 194.31 and by deleting the reference to Subpart L and inserting in lieu thereof reference to §§ 194.181–194.193. As amended, § 194.51 reads as follows:

§ 194.51 Special tax liability incurred at each place of business.

Except as provided in §§ 194.31 and 194.181–194.193, liability to special tax is incurred at each and every place where distilled spirits, wines, or beer are sold or offered for sale: *Provided*, That the term "place" as used in this section means the entire office, plant or area of the business in any one location under the same proprietorship; and passageways, streets, highways, rail crossings, waterways, or partitions dividing the premises shall not be deemed sufficient separation to require the payment of additional special tax, if the various divisions are otherwise contiguous.

(72 Stat. 1347; 26 U.S.C. 5143)

5. The center heading preceding § 194.131 and § 194.131 are amended by deleting the reference to posting of a special tax stamp and providing instead that the stamp be available for examination by any internal revenue officer. As amended, the center heading and § 194.131 read as follows:

STAMP TO BE AVAILABLE FOR EXAMINATION

§ 194.131 General.

A dealer shall keep his special tax stamp available in his place of business for inspection by any internal revenue officer during business hours. A dealer holding a special tax stamp as a retail dealer in liquors or a retail dealer in beer "At Large" or "In the United States" shall keep the stamp available for inspection where he is conducting such business.

(72 Stat. 1348; 26 U.S.C. 5146)

6. The center heading "Missing Stamps" immediately preceding §194.132 is deleted.

7. Section 194.132 is amended to provide that a "Certificate in Lieu of Lost or Destroyed Special Tax Stamp" shall be kept available for examination by any internal revenue officer. As amended, § 194.132 reads as follows:

§ 194.132 Lost or destroyed.

If a special tax stamp has been lost or destroyed, the dealer shall immediately notify the director of the service center who issued the stamp. A "Certificate in Lieu of Lost or Destroyed Special Tax Stamp" will be issued to the dealer who submits an affidavit showing to the satisfaction of the director of the service center that the stamp was lost or destroyed. The certificate shall be kept available for inspection in the same manner as prescribed for a special tax stamp in § 194.131.

§§ 194.140–194.142 [Revoked]

8. The center heading "Record 10" immediately preceding § 194.140 and §§ 194.140, 194.141, and 194.142 are revoked.

9. Sections 194.230, 194.234, 194.239 (a), and 194.241 are amended to provide that the application referred to in each section is to be submitted in duplicate. As amended, §§ 194.230, 194.234, 194.239(a), and 194.241 read as follows:

§ 194.230 Recapitulation records.

Every wholesale dealer in liquors shall, daily, prepare a recapitulation record showing the total quantities of distilled spirits received and disposed of during the day: *Provided*, That, upon receipt of an application, in duplicate, and on his finding that preparation of the recapitulation daily is not necessary to law enforcement or protection of the revenue, the assistant regional commissioner may authorize a dealer to prepare such record less frequently until otherwise notified. The assistant regional commissioner's authorization shall specify the intervals at which the recapitulation

shall be prepared and shall provide that the authorization may be withdrawn if, in the opinion of the assistant regional commissioner, preparation of a daily recapitulation by the dealer is necessary to law enforcement or to protection of the revenue.

§ 194.234 Daily reports, Forms 52A and 52B.

Except as provided in §§ 194.223 and 194.224, every wholesale dealer in liquors shall prepare and submit, daily, a report on Form 52A of all distilled spirits received by him, and on Form 52B of all distilled spirits disposed of by him. The reports shall be filed with the assistant regional commissioner or other officer designated by him. Each report shall bear the following declaration signed by the dealer or his authorized agent:

I declare under the penalties of perjury that this report, consisting of _____ pages, has been examined by me and to the best of my knowledge and belief is a true, correct, and complete report of all the transactions which occurred during the period covered thereby, and each entry therein is correct.

If in any case the assistant regional commissioner shall so authorize, the reports, in lieu of being filed daily, may be filed for such periods and at such times as he may deem necessary in the interest of the Government, or, upon receipt of an application, in duplicate, and a finding by the assistant regional commissioner that such reporting is not necessary to law enforcement or protection of the revenue, he may relieve a dealer from the requirement of preparing and submitting such daily or periodic reports on Forms 52A and 52B until otherwise notified.

(68A Stat. 749, 72 Stat. 1342; 26 U.S.C. 5055, 5114)

§ 194.239 Requirements for retail dealers.

(a) *Records of receipts.* Each retail dealer in liquors and each retail dealer in beer shall keep at his place of business complete records of all distilled spirits, wines, or beer received, showing (1) the quantities thereof, (2) from whom received, and (3) the receiving dates: *Provided*, That in cases where wines and beer are retailed only for off-premises consumption, the assistant regional commissioner may, pursuant to an application in duplicate, authorize the records to be maintained at other premises under control of the same dealer if he finds that such maintenance will not cause undue inconvenience to internal revenue officers desiring to examine such records. Records of receipts shall consist of all purchase invoices or bills covering distilled spirits, wines, and beer received, or, at the option of the dealer, a book record containing all of the required information.

* * * * *

§ 194.241 Place of filing.

Prescribed records of receipt and disposition and file copies of Forms 52A, 52B, 338, and the recapitulation records required by § 194.230, shall be maintained in chronological order in separate files at the premises where the distilled spirits are received and sent out: *Provided*, That the assistant regional commissioner may, pursuant to an application, in duplicate, submitted by the wholesale dealer, authorize the files, or any individual file, to be maintained at other premises under control of the same dealer, if he finds that such maintenance will not delay the timely filing of any document, or cause undue inconvenience to internal revenue officers desiring to examine such files.

(72 Stat. 1342; 26 U.S.C. 5144)

10. Section 194.247 is amended by deleting the reference to the posting of special tax stamps. As amended § 194.247 reads as follows:

§ 194.247 Other dealers; no sign required.

Internal revenue laws do not require the posting of signs by retail dealers in liquors, retail dealers in beer, or wholesale dealers in beer.

PART 196—STILLS

PAR. B. 26 CFR Part 196 is amended as follows:

§§ 196.2, 196.8, 196.32 [Amended]

1. Sections 196.2, 196.8, and 196.32 are amended by changing "Alcohol and Tobacco Tax Division", wherever such term appears, to read "Alcohol, Tobacco and Firearms Division".

§ 196.6 [Amended]

2. Section 196.6 is amended by changing "Assistant Regional Commissioner, Alcohol and Tobacco Tax," to "assistant regional commissioner, alcohol, tobacco and firearms,".

3. Section 196.31 is amended to provide that the notice referred to is to be submitted in duplicate and to delete "of the region." As amended, § 196.31 reads as follows:

§ 196.31 Manufacturer to notify assistant regional commissioner.

Any person making such changes, repairs, or alterations of a still or condenser will immediately give notice, in duplicate, to the assistant regional commissioner of the extent of such repairs or alterations, advising him of the quantity and cost of new materials and parts and the precise nature of the changes. If the changes, repairs, or alterations are involved or complicated, a sketch of the apparatus showing the changes or alterations should also be furnished the assistant regional commissioner for determination of tax liability. If such is available, information as to the initial cost of the construction of the apparatus should likewise be furnished the assistant regional commissioner.

(72 Stat. 1339; 26 U.S.C. 5102)

4. Section 196.37 is amended to provide that the special tax stamp shall be available for inspection by any internal revenue officer. As amended, § 196.37 reads as follows:

§ 196.37 Examination of special tax stamp.

The stamp issued as a receipt for the payment of the special (occupational) tax shall be kept at the still manufacturer's place of business, available for inspection by any internal revenue officer during business hours.

(72 Stat. 1348; 26 U.S.C. 5146)

5. Section 196.80 is amended to delete the reference to "the territory of Hawaii" and to provide that the application referred to is to be submitted in duplicate. As amended, § 196.80 reads as follows:

§ 196.80 Removal for domestic use.

Distilling apparatus which is to be used within the United States and the District of Columbia for purposes other than for distilling, as defined in § 196.10, is exempted from the procedure and requirements set forth in §§ 196.42 to 196.47. Manufacturers and vendors of distilling apparatus for purposes other than for distilling shall maintain at their premises a record showing all stills manufactured, received, and removed or otherwise disposed of. Such record shall show the name and address of the purchaser and the purpose for which each still is to be used. Such records will be kept available for a period of 2 years for inspection by internal revenue officers. At the close of each month, and not later than 10 days thereafter, the manufacturer or vendor shall submit a report to the assistant regional commissioner of the region in which his premises are located showing the number of stills on hand at the beginning of the month, the number received, the number disposed of, the number on hand at the end of the month, and as to each such still removed, the name and address of the purchaser and the type, capacity, and kind. Each report shall be signed by the manufacturer or vendor or his authorized agent and immediately above the signature there shall appear the following statement, "I declare under the penalties of perjury that this report has been examined by me and to the best of my knowledge and belief is a true and correct report." Upon application, in duplicate, by the manufacturer or vendor, the assistant regional commissioner may waive the requirement for the submission of such report when he finds that such waiver will not jeopardize the revenue. Such waiver shall terminate upon notification by the assistant regional commissioner to the manufacturer or vendor.

§ 196.81 [Amended]

6. Section 196.81 is amended to provide a correct cross-reference by changing "§ 196.63" to read "§ 196.61".

PART 197—DRAWBACK ON DISTILLED SPIRITS USED IN MANUFACTURING NONBEVERAGE PRODUCTS

PAR. C. 26 CFR Part 197 is amended as follows:

§§ 197.2, 197.8, 197.98, 197.109 [Amended]

1. Sections 197.2, 197.8, 197.98, and 197.109 are amended by changing "Alcohol and Tobacco Tax Division", wherever the term appears, to read "Alcohol, Tobacco and Firearms Division."

§ 197.6 [Amended]

2. Section 197.6 is amended by changing "Alcohol and Tobacco Tax" to "alcohol, tobacco and firearms".

4. Section 197.41 is amended to provide that a "Certificate in Lieu of Lost or Destroyed Special Tax Stamp" shall be kept available for inspection by any internal revenue officer. As amended, § 197.41 reads as follows:

§ 197.41 Lost or destroyed stamps.

If a special tax stamp is lost or accidentally destroyed, the taxpayer should immediately notify the director of the service center who issued the stamp, who will issue to the taxpayer a "Certificate in Lieu of Lost or Destroyed Special Tax Stamp." The certificate shall be kept available for inspection in the same manner as prescribed for a special tax stamp in § 197.47a.

4a. A new section, § 197.47a, is added immediately following § 197.47 to provide for retention of special tax stamps. As added, new § 197.47a reads as follows:

§ 197.47a Retention of special tax stamps.

Special tax stamps shall be kept available for inspection by any internal revenue officer during business hours.

(72 Stat. 1348; 26 U.S.C. 5146)

5. Section 197.95 is amended by changing "Alcohol and Tobacco Tax Division", wherever the term appears, to "Alcohol, Tobacco and Firearms Division", and by deleting "Washington 25, D.C." inasmuch as the address appears on Form 1678. As amended, § 197.95 reads as follows:

§ 197.95 Products requiring formulas.

Manufacturers intending to file drawback claims are required to file quantitative formulas for all preparations except those covered by § 197.96. Such formulas should be sent direct to the Director, Alcohol, Tobacco and Firearms Division, on Form 1678, in quadruplicate, before or at the time of manufacture of the products. Upon receipt by the Director, Alcohol, Tobacco and Firearms Division, the formulas will be examined and if found to be medicines, medicinal preparations, food products, flavors, or flavoring extracts which are unfit for beverage purposes they will be approved. If the formulas do not meet the requirements of the law for drawback products, they will be disapproved. No drawback will be allowed on distilled spirits used in a disapproved product, unless such product is later used in the manufacture of an approved nonbeverage product. The formulas should be serially numbered, commencing with number one and continuing thereafter in numerical sequence. Amended or revised formulas will be considered as new formulas and serially numbered accordingly. One copy of each formula will be retained by the Director, Alcohol, Tobacco and Firearms Division, one copy returned to the manufacturer, and the original and one copy will be sent to the assistant regional commissioner for filing. The formulas returned to manufacturers shall be filed in serial order by the manufacturer and made available for examination by internal revenue officers in the investigation of drawback claims. In the case of food products, such as preserved fruits, cakes, soups, etc., it will be sufficient if the formulas therefor show the quantity of proof gallons of distilled spirits used in the production of a given quantity of finished product.

6. Section 197.96 is amended to specify that only current revisions and editions of the United States Pharmacopoeia, National Formulary, or Homeopathic Pharmacopoeia of the United States are acceptable. As amended, § 197.96 reads as follows:

§ 197.96 Products not requiring formulas.

Quantitative formulas need not be submitted if the products are medicinal preparations, tinctures, or fluid extracts produced under formulas prescribed by current revisions or editions of the United States Pharmacopoeia, the National Formulary, or the Homeopathic Pharmacopoeia of the United States, and such products are identified in the supporting data by name and followed by the letters "U.S.P.," "N.F.," or "H.P.U.S.," as the case may be.

7. Section 197.106 is amended to incorporate the provisions of Revenue Ruling 63-67 which held that a manufacturer who is qualified to file claims on a monthly basis may file one, two, or three claims covering alcohol used during a quarter. As amended, § 197.106 reads as follows:

§ 197.106 Claims.

The claim for drawback shall be filed on Form 843 (original only) with the assistant regional commissioner, for the region in which the place of manufacture is located, and shall pertain only to distilled spirits used in the manufacture or production of nonbeverage products during any one quarter of the year, and only one claim may be filed for each quarter: *Provided*, That where the manufacturer has notified the assistant regional commissioner, in writing, of his intention to file claims on a monthly basis, in lieu of a quarterly basis, and has filed a bond in compliance with the provisions of § 197.107, claims may be filed monthly in lieu of quarterly. The election to file claims on a monthly basis will not preclude a manufacturer from filing a single claim covering alcohol used during a quarter, or a single claim for two months of a quarter, or two claims, one for 1 month and one for 2 months. The month or months covered by the claim should be specifically identified, and the claimant may be required to separate the necessary data into the individual months covered by the claim. An election for the filing of monthly claims may be revoked upon filing of notice thereof, in writing, with the assistant regional commissioner.

8. Section 197.108 is amended to extend the filing period for claims from three to six months to conform to the amendment of section 5134(b), I.R.C., made by Public Law 90-615. As amended, § 197.108 reads as follows:

§ 197.108 Date of filing claim.

Quarterly claims for drawback shall be filed with the assistant regional commissioner within the 6 months next succeeding the quarter in which the distilled spirits covered by the claim were used in the manufacture of nonbeverage products. Monthly claims for drawback may be filed at any time after the end of the month in which the distilled spirits covered by the claim were used in the manufacture of nonbeverage products, but must be filed not later than the close of the sixth month succeeding the quarter in which such spirits were used.

(72 Stat. 1346, as amended, 26 U.S.C. 5134)

9. Section 197.113 is amended by deleting the reference to Form 2630 and by inserting in lieu thereof a reference to Form 179 and to the commercial invoice provided for in § 197.130b. As amended, § 197.113 reads as follows:

§ 197.113 Distilled spirits received in barrels, drums, or other portable containers.

Each claim covering distilled spirits received in barrels, drums, or other portable containers bearing distilled spirits stamps shall be accompanied by a statement showing: the date of receipt; the name and address of the vendor; the kind and serial number of the stamp affixed to the container and the date the stamp was issued or affixed as stated on the stamp; the serial number, if any, of the container; the name of the producer, blender, or warehouseman as shown on Form 179 or on the commercial invoice provided for in § 197.130b; and the kind, quantity, and proof of the spirits. (When the container is emptied, the stamp shall be completely destroyed.)

10. Section 197.114 is amended by deleting the requirement that the statement accompanying a claim covering distilled spirits received in bottles show the serial number of the strip stamp affixed to the bottle. As amended, § 197.114 reads as follows:

§ 197.114 Distilled spirits received in bottles.

Each claim covering distilled spirits received in bottles will be accompanied by a statement showing: the date of receipt; the name and address of the vendor; the name of the bottler; and the kind, quantity, and proof of the spirits.

11. A new section, § 197.130a, which incorporates the provisions of Revenue Ruling 68-259, is inserted immediately following § 197.130, to provide that the quantity of distilled spirits received shall

be determined accurately. The new section, § 197.130a, reads as follows:

§ 197.130a Distilled spirits received and used.

(a) *Receipts.* Each manufacturer shall, at the time of receipt, determine, preferably by weight, and record in his permanent records, the exact quantity of distilled spirits received: *Provided*, That if the spirits are received in a tank car or tank truck and the result of the manufacturer's gauge of the spirits is within 0.2 percent of the quantity reported on the Form 179 covering the tax-determination of such spirits, the quantity reported on the Form 179 may be recorded in the manufacturer's permanent records as the quantity received. However, the receiving gauge shall be noted on Form 179. Losses in transit, other than those attributable to variations in gauge not exceeding the 0.2 percent limitation as provided in this paragraph, must be determined but shall not be recorded in the manufacturer's permanent records as distilled spirits received.

(b) *Use.* Each manufacturer shall accurately determine, by weight or volume, the quantity of all distilled spirits used and enter such quantity in his permanent records. Where the quantity used is determined by volume, adjustments shall be made if the temperature of the spirits is above or below 60 degrees Fahrenheit. A correction table, Table No. 7, is available in 26 CFR Part 186, Gauging Manual. Losses after receipt, due to leakage, spillage, evaporation, or other causes shall be accurately recorded in the manufacturer's permanent records at the time such losses are determined.

12. A new section, § 197.130b, is inserted immediately following new § 197.130a, to provide that where shipments of spirits are made from a taxpaid room, a commercial invoice may be utilized as evidence of taxpayment in lieu of Form 179. The new section, § 197.130b, reads as follows:

§ 197.130b Evidence of taxpayment of distilled spirits.

Forms 179, required to be furnished by the supplier with each shipment of distilled spirits, shall be retained by the manufacturer as evidence of taxpayment of the spirits and to support information required to be furnished in supporting data filed with a claim: *Provided*, That where shipments are made from a taxpaid room operated in connection with a distilled spirits plant, the vendor's commercial invoice may be utilized in lieu of Form 179 if the invoice bears a certification as to taxpayment by the person who paid the tax, and includes the following information:

(a) The name and address of vendor;

(b) The registry number of the distilled spirits plant from which the spirits were withdrawn on determination of tax;

(c) The release number of the applicable Form 179;

(d) The name of the producer, blender, or warehouseman of the spirits;

(e) The serial number of the container;

(f) The serial number and date of the distilled spirits stamp; and

(g) The kind of spirits, proof, and proof gallons in the container.

Form 179 shall be secured and retained by the manufacturer for each shipment received from the bonded premises of a distilled spirits plant.

13. Section 197.133 is amended by inserting a reference to the commercial invoice provided for in § 197.130b. As amended, § 197.133 reads as follows.

§ 197.133 Retention of records.

Each manufacturer shall retain for a period of not less than 2 years all records required by this part, all Forms 179 received by him evidencing tax determination of the spirits, or commercial invoices as provided in § 197.130b, and all bills of lading received by him in respect of shipment of the spirits. In addition, a copy of each approved formula returned to the manufacturer shall be retained by him for not less than 2 years from the date he files his last claim for drawback under such formula. Such records, forms, and formulas shall be readily available during the manufacturer's regular business hours for examination and taking abstracts therefrom by internal revenue officers.

PART 201—DISTILLED SPIRITS PLANTS

PAR. D. 26 CFR Part 201 is amended as follows:

1. A new section, § 201.35a, is added immediately following § 201.35 to provide for retention of special tax stamps. As added, new § 201.35a reads as follows:

§ 201.35a Retention of special tax stamps.

A stamp issued as a receipt for the payment of the special tax shall be kept at the rectifier's place of business, available for inspection by any internal revenue officer during business hours.

(72 Stat. 1348; 26 U.S.C. 5146)

2. Sections 201.307 and 201.308 are amended to change Form 1685 from an application to a notice. As amended, §§ 201.307 and 201.308 read as follows:

§ 201.307 Permissible blending.

Fruit brandies distilled from the same kind of fruit at not more than 170° of proof may, for the sole purpose of perfecting such brandies according to commercial standards, be mixed or blended with each other, or with any mixture or blend of such fruit brandies on bonded premises. Rums may, for the sole purpose of perfecting them according to commercial standards, be mixed or blended with each other, or with any mixture or blend of rums on bonded premises. Before blending such rums or brandies, the proprietor shall give notice on Form 1685, in triplicate, in accordance with the instructions on the form and deliver one copy to the assigned officer. When spirits in packages are to be dumped, the proprietor shall also deliver to the assigned officer a list (one copy) of the serial numbers of the packages. Brandies or rums mixed or blended in accordance with this subpart may be packaged, stored, transported, transferred in bond, withdrawn free of tax, withdrawn without payment of tax, withdrawn on payment or determination of tax, or be otherwise disposed of, in the same manner as brandies or rums not mixed or blended. If brandy or rum, mixed or blended in accordance with this subpart is transferred in bond, Form 236 and Form 2630 (if any) shall show such fact and whether the brandy or rum is subject to tax imposed by section 5023, I.R.C.

(72 Stat. 1367; 26 U.S.C. 5234)

§ 201.308 Blending procedure.

The proprietor shall dump the brandy or rum to be blended, gauge the contents of the blending tank, gauge the packages (if the spirits are repackaged), and complete Form 1685. The proprietor shall record the gauge of packages (if any) on Form 2630 and the tank gauge on Form 1685, deliver the original of each form to the assigned officer, and retain a copy of each form for his files.

(72 Stat. 1367; 26 U.S.C. 5234)

3. Section 201.322 is amended to clarify the language. As amended, § 201.322 reads as follows:

§ 201.322 Entry and gauge.

Proprietors shall make entry for the bottling of distilled spirits in bond on Form 1515. A separate Form 1515 shall be executed for each lot of spirits to be so bottled. Before dumping packages of spirits, the proprietor shall notify the assigned officer and shall give him a suitable list (one copy) of the serial numbers of the packages to be dumped. Each package shall be carefully examined by the proprietor, and if any package bears evidence of loss due to theft or unauthorized voluntary destruction, or loss in excess of normal storage losses, such package shall not be dumped until released by the assigned officer; Form 1515 will be amended when necessary. The proprietor shall dump packages promptly after the assigned officer has given his approval therefor on Form 1515; however, no more spirits shall be dumped at any time than can be bottled expeditiously. After dumping the packages, the proprietor shall gauge the spirits and make a report of such gauge on Form 1515. Such gauge shall be made by weight and proof unless the assistant regional commissioner approves another method of gauging. The spirits shall be gauged either in the storage portion of the bonded warehouse or in the bottling-in-bond facilities; spirits may be transferred to such facilities by pipeline. The Form 1515 will then be resubmitted to the assigned officer for the release of the spirits.

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

4. Two sections, §§ 201.331a and 201.467a, are inserted immediately following §§ 201.331 and 201.467, respectively, to make it clear that shipments of spirits without payment of tax to Puerto Rico are subject to the provisions of 27 CFR Part 5 with respect to standards of fill and labeling requirements. Also, shipments of wines and spirits with benefit of drawback to Puerto Rico are subject to the provisions of 27 CFR Parts 4 and 5, respectively, with respect to standards of fill and labeling requirements. The new sections, §§ 201.331a and 201.467a, read as follows:

§ 201.331a Spirits withdrawn for shipment to Puerto Rico.

Spirits withdrawn without payment of tax for shipment to Puerto Rico under the provisions of Part 252 of this chapter are subject to the provisions of 27 CFR Part 5 in respect of labeling requirements and standards of fill for bottles.

§ 201.467a Spirits and wines removed for shipment to Puerto Rico.

Taxpaid wines and spirits removed for shipment to Puerto Rico with benefit of drawback under the provisions of Part 252 of this chapter are subject to the provisions of 27 CFR Parts 4 and 5, respectively, in respect of labeling requirements and standards of fill for bottles.

5. Section 201.524 is amended to remove the requirement that certain additional marks be placed on portable containers when withdrawn from bonded premises (1) on determination of tax, (2) for use in wine production, and (3) for transfer in bond. As amended, § 201.524 reads as follows:

§ 201.524 Additional marks on portable containers.

In addition to the other marks required by this part, portable containers (other than bottles enclosed in cases) of spirits (including denatured spirits, as applicable) to be withdrawn from the bonded premises—

(a) Without payment of tax, for export, transfer to customs manufacturing bonded warehouses, transfer to foreign-trade zones or supplies for certain vessels and aircraft shall be marked as provided in Part 252 of this chapter;

(b) On determination of tax shall be marked, if wooden packages, with the words "Rinsed" or "Not Rinsed"; if rinsed, the temperature of the water used shall be shown as provided in § 201.377; or

(c) Tax-free shall be marked to show the number of the permit of the tax-free user, the date of withdrawal, and the purpose of withdrawal, as, for example, "Hospital Use", "Scientific Purposes", "Use of U.S."

The proprietor may show the brand or trade name and may place caution notices and other material required by Federal, State, or local law and regulations on the Government head or side if such names and attachments do not interfere with or detract from the markings required by this subpart. Also the proprietor may show wine gallons or proof gallons. No other marks may be placed on the Government head or side except as authorized by the Director.

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

6. Sections 201.527 and 201.529 are amended to remove the requirement that certain additional marks be placed on cases of bottled-in-bond spirits and on cases of bottled alcohol on the date tax is determined or when cases are otherwise withdrawn or removed. As amended, §§ 201.527 and 201.529 reads as follows:

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

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

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

Cases withdrawn for export, transfer to customs bonded warehouses or customs manufacturing bonded warehouses, transfer to foreign-trade zones, or for use as supplies on certain vessels and aircraft, shall bear the additional marks required by Part 252 of this chapter. Cases withdrawn tax-free shall be marked to show the number of the permit of the tax-free user and the purpose of the withdrawal as provided in § 201.524(c).

(b) *Other marks.* The proprietor may also show the real name and/or the trade name of the producer of the spirits, and may place other material required by Federal, State, or local law and regulations on the Government side, if such names and attachments do not interfere with or detract from the markings required by this subpart. No other marks may be placed on the Government side except as authorized by the Director as provided in § 201.530.

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

§ 201.529 Cases of bottled alcohol.

(a) *Mandatory marks.* The Government side of each case of alcohol bottled in accordance with the provisions of Subpart K of this part shall be marked with the word "Alcohol", shall be serially numbered, and shall be marked to show the plant number, proof, and proof gallons. Cases withdrawn for export, transfer to customs manufacturing bonded warehouses, transfer to foreign-trade zones, or supplies for certain vessels and aircraft shall bear the additional marks required by Part 252 of this chapter. Cases withdrawn tax-free shall be marked to show the number of the permit of the tax-free user and the purpose of the withdrawal as provided in § 201.524(c).

(b) *Other marks.* The proprietor may also show the brand or trade name, and may place other material required by Federal, State, or local law and regulations on the Government side, if such names and attachments do not interfere with or detract from the marks required by this subpart. No other marks may be placed on the Government side except as authorized by the Director as provided in § 201.530.

(72 Stat. 1360, 1369; 26 U.S.C. 5206, 5235)

§ 201.548 [Deleted]

7. Section 201.548 is deleted.

8. Section 201.563 is amended to conform to the language in section 5008, I.R.C. As amended, § 201.563 reads as follows:

§ 201.563 Claims.

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

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

§ 201.601 [Amended]

9. The last sentence of § 201.601 is amended to read "When the assistant regional commissioner finds that any samples withdrawn were in excess of the size and number necessary for the conduct of the proprietor's business, or that any samples were used or disposed of in any manner not authorized by this part, he shall proceed to collect the tax thereon."

§ 201.635 [Deleted]

10. Section 201.635 is deleted.

PART 245—BEER

PAR. E. 26 CFR Part 245 is amended as follows:

§§ 245.2, 245.57, 245.66, 245.105, 245.111a, 245.126, 245.221, 245.222, 245.225, 245.233, 245.236–245.239 [Amended]

1. Section 245.2, 245.57, 245.66, 245.105, 245.111a, 245.126, 245.221, 245.222, 245.225, 245.233, 245.236, 245.237, 245.238, and 245.239, are amended by changing "Alcohol and Tobacco Tax Division", wherever the term appears, to "Alcohol, Tobacco and Firearms Division."

§ 245.5 [Amended]

2. Section 245.5 is amended by changing "alcohol and tobacco tax" to read "alcohol, tobacco and firearms" in the definition of "Assistant regional commissioner" and by changing "Alcohol and

Tobacco Tax Division" to read "Alcohol, Tobacco and Firearms Division" in the definitioin of "Director, Alcohol and Tobacco Tax Division."

3. Section 245.82 is amended by changing the heading from "Posting special tax stamp" to "Examination of special tax stamps" and by changing the requirement in the text that a special tax stamp be posted to a requirement that the stamp be available for inspection. As amended, § 245.82 reads as follows:

§ 245.82 Examination of special tax stamps.

All stamps denoting payment of special tax shall be kept available for inspection by any internal revenue officer during business hours.

(72 Stat. 1348; 26 U.S.C. 5146)

4. Section 245.125 is amended by changing "Alcohol and Tobacco Tax Division" to "Alcohol, Tobacco and Firearms Division" and by adding a definition of "Breweries of the same ownership." As amended, § 245.125 reads as follows:

§ 245.125 Barrels and kegs.

(a) *General.* The brewer's name or trade name and the place of production (city and, where necessary for identification, State) shall be embossed on, idented or branded in, or (subject to the approval of the Director, Alcohol, Tobacco and Firearms Division) otherwise durably marked on each barrel and keg of beer: *Provided*, That where the place of production is clearly shown on the bung or on the tap cover or on a label securely affixed to each barrel or keg, the place of production need not be embossed on, idented or branded in, or otherwise durably marked on the barrel or keg. No statement as to payment of internal revenue taxes shall be shown.

(b) *Breweries of same ownership.* Where two or more breweries are owned and operated by the same person, firm, or corporation, the place of production may be shown as provided in paragraph (a) of this section, or the locations of more than one such brewery may be so shown. Where such marking includes a location or locations other than that at which the beer currently in the container was produced, the location of the brewery at which the beer was produced must be shown on the bung or on the tap cover or on a label securely affixed to each barrel or keg: *Provided*, That the brewer may employ on the label a system of coding or marking, satisfactory to the assistant regional commissioner, which will permit internal revenue officers to readily identify the particular brewery at which the beer was produced. If more than one commonly owned brewery is located in the same city, the location by street number will also be shown on the label (printed or indicated by code as provided in this section). For the purposes of this subpart, the conditions and requirements of § 245.140 regarding breweries belonging to the same brewer shall be applicable in establishing that breweries are of the same ownership.

(72 Stat. 1389; 26 U.S.C. 5412)

§ 245.208 [Amended]

5. Section 245.208 is amended by changing "Alcohol and Tobacco Tax" to "Alcohol, Tobacco and Firearms."

§ 245.227 [Amended]

6. Section 245.227 is amended by changing the reference to "district director" to "director of the service center."

§ 245.241 [Amended]

7. Section 245.241 is amended by changing "alcohol and tobacco tax" to "alcohol, tobacco and firearms."

[FR Doc.71-9623 Filed 7-7-71;8:49 am]

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER B—MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC-26; Notice No. 71-14]

PART 391—QUALIFICATIONS OF DRIVERS

PART 392—DRIVING OF MOTOR VEHICLES

Hearing Aids and Hearing Standards

On April 7, 1971, the Director of the Bureau of Motor Carrier Safety issued a notice of proposed rule making, inviting interested persons to comment on a proposal to permit persons who must wear hearing aids to meet minimum physical qualifications to drive commercial motor vehicles in interstate or foreign commerce (36 F.R. 7144).

No objections were received. The available evidence indicates that, because of improvements in hearing aids technology in recent years, persons who must wear hearing aids can drive commercial vehicles without appreciably higher risk of accidents than the general population. Accordingly, new rules with respect to the use of a hearing aid to meet minimum physical qualifications and while driving a motor vehicle are being adopted. Since this amendment relieves a restriction, it is effective on the date of issuance set forth below.

The Director is also taking this opportunity to modify the standards for determining whether a prospective driver can hear well enough to pass a medical examination. The maximum permissible hearing loss is being increased from 25–30 decibels in the better ear to a loss of an average of 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz in an audiometric test. This change has been made because medical advisors have informed the Bureau that the new standard is more realistic in permitting persons to drive who have moderate hearing losses. Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure on it are unnecessary, and it is effective on the date of issuance set forth below.

In consideration of the foregoing, §§ 391.41 and 391.43 of Part 391 in Chapter III of Title 49 CFR are amended as set forth below, and a new § 392.9b is added to Part 392 in Chapter III of Title 49 CFR, reading as set forth below.

These amendments are issued under the authority of section 204 of the Interstate Commerce Act, 49 U.S.C. 304, section 6 of the Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority in 49 CFR 1.48 and 49 CFR 389.4.

Issued on July 1, 1971.

ROBERT A. KAYE,
Director,
Bureau of Motor Carrier Safety.

I. Section 391.41(b)(11) of the Motor Carrier Safety Regulations is revised to read as follows:

§ 391.41 Physical qualifications for drivers.

* * * * *

(b) A person is physically qualified to drive a motor vehicle if he—

* * * * *

(11) First perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5—1951.

* * * * *

II. Section 391.43(e) of the Motor Carrier Safety Regulations is amended by adding the following sentences after the form of medical examiner's certificate in the paragraph:

§ 391.43 Medical examination; certificate of physical examination.

* * * * *

(e) * * *

If the driver is qualified only when wearing a hearing aid, the following statement must appear on the medical examiner's certificate: "qualified only when wearing a hearing aid."

III. Part 392 of the Motor Carrier Safety Regulations is amended by adding the following new § 392.9b:

§ 392.9b Hearing aid to be worn.

A driver whose hearing meets the minimum requirements of § 391.41(b)(11) of this subchapter only when he wears a hearing aid shall wear a hearing aid and have it in operation at all times while he is driving. The driver must also have in his possession a spare power source for use in the hearing aid.

IV. The table of contents of Part 392 of the Motor Carrier Safety Regulations is amended by adding the following item after "392.9a Spectacles to be worn.":

Sec.
392.9b Hearing aid to be worn.

[FR Doc.71-9589 Filed 7-7-71;8:46 am]

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

[Docket No. 69-7; Notice 10]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Occupant Crash Protection; Reconsideration and Amendment

The purpose of this notice is to respond to petitions for reconsideration of Motor Vehicle Safety Standard No. 208, Occupant Crash Protection, in § 571.21 of Title 49, Code of Federal Regulations. The petitions addressed herein are those dealing with seat belts and seat belt warning systems. A notice responding to petitions concerning the passive protection aspects of the standard will be issued shortly and the standard republished in its entirely at that time.

The standard as issued March 3, 1971 (36 F.R. 4600), established January 1, 1972, as the first date in the progressive stages of the Occupant Crash Protection requirements. Two petitioners, Mercedes-Benz and American Motors, requested a delay in the introduction of the interim protection systems. American Motors requested a delay until April 1, 1972, to allow for adequate compliance testing, and Mercedes requested a date of July 1, 1972, to avoid disruption of the 1972 model production which begins on July 1, 1971. Upon review of all available information, the NHTSA has concluded that the date is not unreasonably demanding, and the requests are denied.

The improved seat belt systems required in passenger cars that do not provide full passive protection were the subject of several petitions. Primary attention was directed to the belt warning system and the conditions under which it must operate. As issued on March 3, the standard provides that the system shall operate when and only when the ignition is on, the transmission is in any forward or reverse position, and either the driver's lap belt is not extended at least to the degree necessary to fit a 5th-percentile adult female or a person of at least the weight of a 50th-percentile 6-year old is seated in the right front position and the belt is not extended to the length necessary to fit him.

The intent of the transmission position requirement was to require operation of the warning system when the vehicle was likely to be in motion, and the effect of the "when and only when" phrase was to require deactivation in all other positions. Some petitioners argued that rearward motion was not likely to be fast enough to present a hazard. Others stated, on the other hand, that vehicles with automatic transmissions should deactivate the system only in "Park", to encourage drivers to use that position when leaving the vehicle with the engine running. Similarly, it was requested that alternative means of warning system deactivation be permitted on cars with manual transmissions, with one alternative being application of the parking brake. The NHTSA has found these arguments to have merit, and therefore amends S7.3 of the standard in several respects. The amended section requires, as the first condition necessary to activate the warning, that the ignition be "on" and that the transmission be in a forward gear. Actuation is permitted in reverse, but is no longer required. The section is further amended to require that the system on a car with automatic transmission shall not activate when the transmission is in "park" and that the system on a car with manual transmission shall not activate when the parking brake is on or, alternatively, when the transmission is in neutral.

Several petitions stated that although the length necessary to fit a 50th-percentile 6-year-old or a 5th-percentile adult female may be objectively determinable, the sensor in a system may not exactly measure this length due to unavoidable variances in production. To allow for this variance, a manufacturer must calibrate the retractors so that the range of this variance will be beyond the minimum length, and as a result it is likely that the warning will continue to operate in some situations where a small occupant has properly fastened the belt. A similar objection was raised by Mercedes-Benz and illustrated by the case of a small child whose bouncing could cause the belt to retract far enough to trigger the warning intermittently. These objections are considered to have merit, and the NHTSA has therefore decided to specify a range of extensions below which the system must activate and above which it must not activate. The lower end of the range is an extension of 4 inches from the normally stowed position, and the upper end is the extension necessary to fit a 50th-percentile 6-year-old child when the seat is in the rearmost and lowest position. This range will allow manufacturers a tolerance of several inches in most cases and will enable them to avoid the problems of inadvertent activation.

Mercedes-Benz requested that the warning be deactivated by closing the buckle and stated that this would be simpler and more effective than deactivation by belt extension. Although Mercedes' objections are partially met by the amendments made by this notice to the warning system requirements, a related consequence of the amendments is that the extension needed to close the buckle would fall within the range of discretionary deactivation. There does not appear to be good reason to prohibit deactivation by means of the buckle, and the standard is therefore amended to permit buckle deactivation as an alternative to deactivation by measurement of the belt extension.

General Motors requested a minimum duration for the warning signal beyond which it would not be required to operate. On review, this request appears to satisfy the need for warning and to reduce the annoyance of the signal in situations where unfastening of the belt is necessary. A minimum activation period of 1 minute is therefore provided.

One other request for amendment of the warning system requirements has been found meritorious. American Motors requested that the words "Fasten Belts" be permitted as an alternative to "Fasten Seat Belts." The change would not affect the sense of the message, and the request is granted. Requests in other petitions for the use of symbols in place of words, and for a two-stage warning sequence, have been evaluated and rejected.

In its petition, Chrysler requested the adoption of size specifications for the buttocks of a dummy representing a 6-year-old child, on the grounds that currently available dummies do not correspond to human shape and do not activate the Chrysler warning system as a child would. The problem is not considered serious enough to warrant amendment of the standard in the absence of satisfactory data on the shape of 6-year-old children, and the request is denied.

A number of petitions dealt with other aspects of the seat belt options. The requirement for retractors at all outboard seating positions, including the third seats in station wagons, was objected to by Ford and Chrysler because of installation difficulties and the low frequency of seat occupancy. The similarity of these seating positions to the center positions, which are exempt from the retractor requirements, has been found persuasive and retractors are therefore required only for outboard positions on the first and second seats.

Another petition requested that the shoulder belt of Type 2 assemblies should not adjust to fit 50th-percentile 6-year-olds, as presently required for passenger seats by S7.1.1. As pointed out in the petition, the previous rule had specified the 5th-percentile adult female as the lower end of the range for shoulder belts. The change effected by the March 3 rule was inadvertent, and the range of occupants is therefore specified as being from the 5th-percentile adult female to the 95th-percentile male.

Correspondence from Toyo Kogyo requesting an interpretation of S7.1.2 has pointed out a need to clarify the requirement that the intersection of an upper torso belt with a lap belt must be 6 inches from the occupant's centerline. The phrase "adjusted in accordance with the manufacturer's instructions" is intended to refer to adjustment of the upper torso belt, and not to the lap belt which must adjust automatically. The section is amended to clarify this intent.

The second options under the 1972 and 1973 requirements (S4.1.1.2, S4.1.2.2) are amended to expressly permit a Type 2 seat belt assembly with a detachable upper torso restraint at any seating position. A choice of belt systems is permitted under the third option in 1972, and there was no intent under the second options to limit all positions to Type 1 belts.

Several requests and questions were raised regarding the status of "passive" seat belt systems under the standard as issued March 3. Some belt-based concepts have been advanced that appear to be capable of meeting the complete passive protection options and further regulation of their performance does not appear necessary. With respect to the options other than the complete passive protection options, a question has been raised as to whether a passive belt must be used in conjunction with active belt systems or conform to the adjustment, latching, and warning system requirements applicable to active belts. Upon review, the NHTSA has concluded that the passive belt system that is not capable of full protection in all crash modes is in some respects appropriately regulated by seat belt requirements, and is in other respects entitled to treatment as a passive system.

To deal expressly with passive belts, a new general requirements section is added to state the applicability of various requirements to passive belts and to make it clear that redundant active belts need not be employed if passive belts are used to meet any option requiring Type 1 or Type 2 belts.

Many of the requirements applicable to belts have been adopted because of properties that exist regardless of whether the system is active or passive. The range of the belt's adjustment, the elasticity and width of its webbing, and the integrity of its attachment hardware are all known to affect the protection given. As amended, the standard therefore requires a passive belt to conform to the adjustment requirements of S7.1 and to the webbing, attachment hardware, and assembly performance requirements of Standard No. 209. The petitioners' objections as to the application of the latching requirements to a system that does not require latching and of the warning system requirements to a system that would be functional unless willfully defeated have been found to have merit. A passive belt system is therefore not required to conform to S7.2 and S7.3.

In order to assure that a passive belt or other passive system will not hinder an occupant from leaving the vehicle after a crash, the NHTSA proposes in a separate notice in today's issue of the FEDERAL REGISTER (36 F.R. 12866) to require a release for the occupant that either operates automatically in the event of a crash, or operates manually at a single point that is accessible to the seated occupant.

In consideration of the foregoing, Motor Vehicle Safety Standard No. 208, Occupant Crash Protection, in § 571.21 of Title 49, Code of Federal Regulations, is amended to read as follows:

1. S4.1.1.2 is amended to read as follows:

S4.1.1.2 *Second option—lap belt protection system with belt warning.*

(a) At each designated seating position have a Type 1 seat belt assembly or a Type 2 seat belt assembly with a detachable upper torso portion that conforms to Standard No. 209 and to S7.1 and S7.2 of this standard.

2. S4.1.2.2 is amended to read as follows:

S4.1.2.2 *Second option—head-on passive protection system.* The vehicle shall—

(a) At each designated seating position, have a Type 1 seat belt assembly or a Type 2 seat belt assembly with a detachable upper torso portion that conforms to Standard No. 209 and to S7.1 and S7.2 of this standard.

3. A new section S4.5.3 is added to read as follows:

S4.5.3 *Passive seat belt assemblies.* A Type 1 or Type 2 seat belt assembly that requires no action by vehicle occupants may be used under S4 to meet the crash protection requirements of any option that requires a seat belt assembly, and in place of a seat belt assembly required to conform to S7.2 and S7.3 of this standard, if:

(a) The seat belt assembly conforms to S7.1 of this standard; and

(b) The seat belt assembly conforms to the webbing, attachment hardware, and assembly performance requirements of Standard No. 209.

4. S7.1 is amended to read as follows:

S7.1 *Adjustment.*

S7.1.1 Except as specified in S7.1.1.1 and S7.1.1.2, the lap belt of any seat belt assembly furnished in accordance with S4.1.1 and S4.1.2 shall adjust by means of an emergency-locking or automatic-locking retractor that conforms to Standard No. 209 to fit persons whose dimensions range from those of a 50th-percentile 6-year-old child to those of a 95th-percentile adult male and the upper torso restraint shall adjust by means of an emergency-locking retractor or a manual adjusting device that conforms to Standard No. 209 to fit persons whose dimensions range from those of a 5th-percentile adult female to those of a 95th-percentile adult male, with the seat in any position and the seat back in the manufacturer's nominal design riding position.

S7.1.1.1 A seat belt assembly installed at the driver's seating position shall adjust to fit persons whose dimensions range from those of a 5th-percentile adult female to those of a 95th-percentile adult male.

S7.1.1.2 A seat belt assembly installed at any designated seating position other than the outboard positions of the front and second seats shall adjust either by a retractor as specified in S7.1.1 or by a manual adjusting device that conforms to Standard No. 209.

S7.1.2 The intersection of the upper torso belt with the lap belt in any Type 2 seat belt assembly furnished in accordance with S4.1.1 or S4.1.2, with the upper torso manual adjusting device, if provided, adjusted in accordance with the manufacturer's instructions, shall be at least 6 inches from the front vertical centerline of 50th-percentile adult male occupant, measured along the centerline of the lap belt, with the seat in its rearmost and lowest adjustable position and with the seat back in the manufacturer's nominal design riding position.

5. S7.3 is amended to read as follows:

S7.3 *Seat belt warning system.*

S7.3.1 Seat belt assemblies provided at the front outboard seating positions in accordance with S4.1.1 or S4.1.2 shall have a warning system that activates, for at least 1 minute, a continuous or intermittent audible signal and continuous or flashing warning light, visible to the driver, displaying the words "Fasten Seat Belts" or "Fasten Belts" when condition (a) exists simultaneously with either of conditions (b) or (c).

(a) The vehicle ignition switch is in the "on" position and the transmission gear selector is in any forward position.

(b) The driver's lap belt is not extended at least 4 inches from its normally stowed position.

(c) A person of at least the weight of a 50th-percentile 6-year-old child is seated in the right front designated seating position and the lap belt for that position is not extended at least 4 inches from its normally stowed position.

S7.3.2 The warning system shall either—

(a) Not activate when the lap belt at each occupied front outboard seating position is extended to any length greater than the length necessary to fit a 50th-percentile 6-year-old child when the seat is in the rearmost and lowest adjustment position; or

(b) Not activate when the lap belt at each occupied front outboard position is buckled.

S7.3.3 The warning system shall not activate if the vehicle has an automatic transmission and the gear selector is in the "Park" position.

S7.3.4 Notwithstanding the provisions of S7.3.1, the warning system on a vehicle that has a manual transmission shall either—

(a) Not activate when the transmission is in neutral; or

(b) Not activate when the parking brake is engaged.

Effective date: January 1, 1972.

(Secs. 103, 108, 112, 114, 119, National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1392, 1397, 1401, 1403, 1407; delegation of authority at 49 CFR 1.51)

Issued: July 2, 1971.

DOUGLAS W. TOMS,
Acting Administrator.

[FR Doc.71-9618 Filed 7-2-71;2:42 pm]

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 1033—CAR SERVICE

[S.O. 1076]

Chicago, Rock Island and Pacific Railroad Co. Authorized To Operate Over Certain Trackage of Union Pacific Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service

Board, held at its office in Washington, D.C., on the 2d day of July 1971.

It appearing, that because track deterioration of a portion of its Ruskin Branch in the vicinity of Fairbury, Nebr., has resulted in an unsafe operating condition, the Chicago, Rock Island and Pacific Railroad Co. is unable to continue service to patrons located at various stations on its Ruskin Branch; that the Union Pacific Railroad Co. has consented to use by the Chicago, Rock Island and Pacific Railroad Co. of a portion of its main line between Union Pacific mileposts 152.807 and 154.242, at Fairbury, Nebr., a distance of approximately 1.435 miles; that the Commission is of the opinion that operation by the Chicago, Rock Island and Pacific Railroad Co. over this trackage of the Union Pacific Railroad Co. is necessary in the interest of the public and the commerce of the people, pending final disposition of the application of the Chicago, Rock Island and Pacific Railroad Co. for permanent authority to operate over this trackage; that notice and public procedure herein are impractical and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1076 Service Order No. 1076.

(a) *Chicago, Rock Island and Pacific Railroad Co. authorized to operate over certain trackage of Union Pacific Railroad Co.*

The Chicago, Rock Island and Pacific Railroad Co. be, and it is hereby, authorized to operate over trackage of the Union Pacific Railroad Co. between Union Pacific mileposts 152.807 and 154.242, at Fairbury, Nebr., a distance of approximately 1.435 miles.

(b) *Application.* The provisions of this section shall apply to intrastate and foreign traffic, as well as to interstate traffic.

(c) *Rules and regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this section, is hereby suspended.

(d) *Effective date.* This section shall become effective at 12:01 a.m., July 5, 1971.

(e) *Expiration date.* The provisions of this section shall expire at 11:59 p.m., December 31, 1971, unless otherwise modified, changed or suspended by order of this Commission.

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

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

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-9647 Filed 7-7-71;8:51 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Parts 1, 13]

INCOME TAXES

Deductions for Amounts Paid or Permanently Set Aside by an Estate or Trust for a Charitable Purpose

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 August 9, 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 August 9, 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] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) to section 642(c) (other than section 642(c)(5)) of the Internal Revenue Code of 1954, as amended by section 201(b) of the Tax Reform Act of 1969 (83 Stat. 558), relating to charitable contributions by estates and trusts, and to section 201(c) of such Act (83 Stat. 560), relating to two-year charitable trusts, such regulations are hereby amended as set forth below. Section 1.642(c)-1(b) of the regulations hereby adopted supersedes those provisions of § 13.0 of this chapter relating to section 642(c)(1) of the Code which were prescribed by T.D. 7032, approved March 9, 1970 (35 F.R. 4330).

PARAGRAPH 1. There is inserted immediately after § 1.642(c) the following new section:

§ 1.642(c)-0 Effective dates.

The provisions of section 642(c) (other than section 642(c)(5)) and of §§ 1.642(c)-1 through 1.642(c)-4 apply to amounts paid, permanently set aside, or to be used for a charitable purpose in taxable years beginning after December 31, 1969. The provisions of section 642(c)(5) and of §§ 1.642(c)-5 through 1.642(c)-7 apply to transfers in trust made after July 31, 1969. For provisions relating to amounts paid, permanently set aside, or to be used for a charitable purpose in taxable years beginning before January 1, 1970, see 26 CFR 1.642(c) through 1.642(c)-4 (Rev. as of Jan. 1, 1971).

PAR. 2. Section 1.642(c)-1 is revised to read as follows:

§ 1.642(c)-1 Unlimited deduction for amounts paid for a charitable purpose.

(a) *In general.* Any part of the gross income of an estate, or of a trust which for the taxable year is a complex trust, as defined in § 1.661(a)-1, that by the terms of the governing instrument is paid (or treated under paragraph (b) of this section as paid) during the taxable year for a purpose specified in section 170(c) shall be allowed as a deduction to such estate or trust in lieu of the limited charitable contributions deduction authorized by section 170(a). In determining whether an amount is paid for a purpose specified in section 170(c)(2) the provisions of section 170(c)(2)(A) shall not be taken into account. Thus, an amount paid to a corporation, trust, or community chest, fund, or foundation otherwise described in section 170(c)(2) shall be considered paid for a purpose specified in section 170(c) even though the corporation, trust, or community chest, fund, or foundation is not created or organized in the United States, any State, the District of Columbia, or any possession of the United States. See section 642(c)(6) and § 1.642(c)-4 for disallowance of a deduction under this section to a trust which is a private foundation (as defined in section 509(a) and the regulations thereunder) and not exempt from taxation under section 501(a).

(b) *Election to treat contributions as paid in preceding taxable year*—(1) *Time for making election.* For purposes of determining the deduction allowed under paragraph (a) of this section, the fiduciary (as defined in section 7701(a)(6)) of an estate or trust may elect under section 642(c)(1) to treat as paid during the taxable year (whether or not such year begins before January 1, 1970) any amount otherwise deductible under such paragraph which is paid after the close of such taxable year but on or before the last day of the next succeeding taxable year of the estate or trust which is a taxable year beginning after December 31, 1969. The election must be made not later than (i) the time, including extensions thereof, prescribed by law for filing the income tax return for such succeeding taxable year or (ii) June 8, 1970, whichever is later.

(2) *Manner of making election.* The election shall be made by a statement attached to the return (or an amended return) for the taxable year in which the contribution is treated as paid under subparagraph (1) of this paragraph and shall—

(i) State the name and address of the fiduciary and identify the estate or trust for which he acts,

(ii) Clearly indicate that the fiduciary is making an election under section 642(c)(1) for the taxable year.

(iii) State the name of each organization to which a contribution was paid in respect of which the election applies, and the amount and date of the actual payment of each such contribution, and

(iv) In the case of a contribution of property other than money, state the kind of property contributed and the method used to determine its fair market value at the time of the contribution.

(3) *Revocation of election with consent.* The election for any taxable year shall be binding unless consent to revoke it is obtained from the Commissioner. An application for consent to revoke an election for any taxable year must be in writing and must—

(i) Be addressed to the Commissioner of Internal Revenue, Washington, D.C. 20224,

(ii) Set forth the name and address of the fiduciary and identify the estate or trust for which he acts,

(iii) State the taxable year for which the election was made,

(iv) State the reason for revoking the election,

(v) Be filed not later than the time, including extensions thereof, prescribed by law for filing the income tax return for the taxable year next succeeding the taxable year for which the election was made, and

(vi) Be signed by the fiduciary. If permission is granted to revoke the election, the fiduciary must attach a copy of the consent to an amended income tax return for the taxable year for which the election was made.

PAR. 3. Section 1.642(c)-2 is revised to read as follows:

§ 1.642(c)-2 Unlimited deduction for amounts permanently set aside for a charitable purpose.

(a) *Estates.* Any part of the gross income of an estate which, by the terms of the will—

(1) Is permanently set aside during the taxable year for a purpose specified in section 170(c), or

(2) Is to be used exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, or

for the establishment, acquisition, maintenance, or operation of a public cemetery not operated for profit,

shall be allowed as a deduction to the estate in lieu of the limited charitable contributions deduction authorized by section 170(a).

(b) *Certain trusts*—(1) *In general.* Any part of the gross income of a trust, which for the taxable year is a complex trust, as defined in § 1.661(a)-1, to which either subparagraph (2) or (3) of this paragraph applies, that by the terms of the governing instrument—

(i) Is permanently set aside during the taxable year for a purpose specified in section 170(c), or

(ii) Is to be used exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, or for the establishment, acquisition, maintenance, or operation of a public cemetery not operated for profit,

shall be allowed as a deduction to the trust in lieu of the limited charitable contributions deduction authorized by section 170(a). This paragraph applies only to the gross income earned by a trust with respect to amounts transferred to the trust on or before October 9, 1969, or transferred under a will executed on or before October 9, 1969, and satisfying the requirements of subparagraph (3) of this paragraph. See section 642 (c)(6) and § 1.642(c)-4 for disallowance of a deduction under this section to a trust which is a private foundation (as defined in section 509(a) and the regulations thereunder) and not exempt from taxation under section 501(a).

(2) *Trusts created on or before October 9, 1969.* A trust to which this subparagraph applies is a trust, testamentary or otherwise, which was created on or before October 9, 1969, and which qualifies under either subdivision (i) or (ii) of this subparagraph.

(i) *Transfer of irrevocable remainder interest to charity.* To qualify under this subdivision the trust must have been created under the terms of an instrument granting an irrevocable remainder interest in such trust to or for the use of an organization described in section 170 (c). If the instrument granted a revocable remainder interest but the power to revoke such interest terminated on or before October 9, 1969, without the remainder interest having been revoked, the remainder interest will be treated as irrevocable for purposes of the preceding sentence.

(ii) *Grantor under a mental disability to change terms of trust.* To qualify under this subdivision the trust must have been created by a grantor who was at all times after October 9, 1969, under a mental disability to change the terms of the trust. The term "mental disability" for this purpose means mental incompetence to change the terms of the trust, whether or not there has been an adjudication of mental incompetence and whether or not there has been an appointment of a committee, guardian, fiduciary, or other person charged with the care of the person or property of the grantor. If a grantor has not been adjudged mentally incompetent, a certificate from a qualified physician stating that such grantor has at all times after October 9, 1969, been mentally incompetent must be attached to the return on which a deduction is claimed by reason of this subdivision and subparagraph (1) of this paragraph. If a grantor has been adjudged mentally incompetent, a certified copy of the judgment or decree, and any modification thereof, must be attached to the return. This subdivision applies even though a person charged with the care of the person or property of the grantor has the power to change the terms of the trust.

(3) *Testamentary trust established by will executed on or before October 9, 1969.* A trust to which this subparagraph applies is a trust which was established by will executed on or before October 9, 1969, and which qualifies under either subdivision (i), (ii), or (iii) of this subparagraph.

(i) *Testator dying within 3 years without republishing his will.* To qualify under this subdivision the trust must have been established by the will of a testator who died after October 9, 1969, but before October 9, 1972, without having republished the will after October 9, 1969, by codicil or otherwise.

(ii) *Testator having no right to change his will.* To qualify under this subdivision the trust must have been established by the will of a testator who died after October 9, 1969, and who at no time after that date had the right to change any portion of such will pertaining to such trust. This subdivision could apply, for example, where a contract has been entered into for the execution of wills containing reciprocal provisions as well as provisions for the benefit of an organization described in section 170(c) and under applicable local law the surviving testator is prohibited from revoking his will because he has accepted the benefit of the provisions of the will of the other contracting party.

(iii) *Testator under a mental disability to republish his will.* To qualify under this subdivision the trust must have been established by the will of a testator who died after October 8, 1972, without having republished such will before October 9, 1972, by codicil or otherwise, and who is under a mental disability at all times after October 8, 1972, to republish such will, by codicil or otherwise. The provisions of subparagraph (2)(ii) of this paragraph with respect to mental incompetence apply for purposes of this subdivision.

(c) *Pooled income funds.* Any part of the gross income of a pooled income fund to which § 1.642(c)-5 applies for the taxable year that is attributable to net long-term capital gain (as defined in section 1222(7)) which, pursuant to the terms of the governing instrument, is permanently set aside during such taxable year for a purpose specified in section 170(c) shall be allowed as a deduction to the fund in lieu of the limited charitable contributions deduction authorized by section 170(a). No deduction shall be allowed under this paragraph for any portion of the gross income of such fund which is attributable to income other than net long-term capital gain. However, see paragraph (b) of this section for special provisions applicable to a pooled income fund which meets the requirements of that paragraph.

(d) *Disallowance of deduction for certain amounts not deemed to be permanently set aside for charitable purposes.* No amount will be considered to be permanently set aside for a purpose or use described in paragraph (a) or (b)(1) of this section unless under the terms of the governing instrument and the circumstances of the particular case the possibility that the amount set aside will not be devoted to such purpose or use is so remote as to be negligible.

PAR. 4. Section 1.642(c)-3 is revised to read as follows:

§ 1.642(c)-3 Adjustments and other special rules for determining unlimited charitable contributions deduction.

(a) *Income in respect of a decedent.* For purposes of §§ 1.642(c)-1 and 1.642 (c)-2, an amount received by an estate or trust which is includible in its gross income under section 691(a)(1) as income in respect of a decedent shall be included in the gross income of the estate or trust.

(b) *Reduction of charitable contributions deduction by amounts not included in gross income.* (1) If an estate or trust pays, permanently sets aside, or uses any amount of its income for a purpose specified in section 642(c) (1) or (2) and that amount includes any items of estate or trust income not entering into the gross income of the estate or trust, the deduction allowable under § 1.642(c)-1 or § 1.642(c)-2 is limited to the gross income so paid, permanently set aside, or used.

(2) In determining whether such amounts include particular items of income of an estate or trust, if the governing instrument specifically provides as to the source out of which amounts are to be paid, permanently set aside, or used for such a purpose, the specific provision controls. In the absence of specific provisions in the governing instrument, an amount to which section 642(c) (1) or (2) applies is deemed to consist of the same proportion of each class of the items of income of the estate or trust as the total of each class bears to the total of all classes. See paragraph (b) of § 1.642(a)-5 for the method of determining the allocable portion of exempt income and foreign income.

(3) For the purpose of this paragraph, the provisions of section 116 are not to be taken into account.

(4) For examples showing the determination of the character of an amount deductible under § 1.642(c)-1 or § 1.642 (c)-2, see examples (1) and (2) in § 1.662 (b)-2 and paragraph (e) of the example in § 1.662(c)-4.

(c) *Capital gains included in charitable contribution.* Where any amount of the income paid or permanently set aside for a purpose specified in section 170(c), or used for a purpose specified in section 642(c)(2), is attributable to net long-term capital gain (as defined in section 1222(7)), the amount of the deduction otherwise allowable under § 1.642(c)-1 or § 1.642(c)-2, must be adjusted for any deduction provided in section 1202 of 50 percent of the excess, if any, of the net long-term capital gain over the net short-term capital loss. For determination of the extent to which the contribution to which § 1.642(c)-1 or § 1.642(c)-2 applies is deemed to consist of net long-term capital gains, see paragraph (b) of this section. The application of this paragraph may be illustrated by the following example.

Example. Under the terms of the trust instrument, the income of a trust to which paragraph (b)(2)(i) of § 1.642(c)-2 applies is currently distributable to A during his life and capital gains are allocable to corpus. No provision is made in the trust instrument for the invasion of corpus for the benefit of A. Upon A's death the corpus of the trust is to be distributed to M University, an organization described in section 501(c)(3) which is exempt from taxation under section 501(a). During the taxable year ending December 31, 1970, the trust has net long-term capital gains of $100,000 from property transferred to it before October 9, 1969, which, although allocable to corpus, are permanently set aside for charitable purposes. The trust includes $100,000 in gross income but is allowed a deduction of $50,000 under section 1202 for the long-term capital gains and a charitable contributions deduction of $50,000 under section 642(c)(2) ($100,000 permanently set aside for charitable purposes less $50,000 allowed as a deduction under section 1202 with respect to such $100,000).

(d) *Disallowance of deduction for amounts allocable to unrelated business income.* In the case of a trust, the deduction otherwise allowable under § 1.642(c)-1 or § 1.642(c)-2 is disallowed to the extent of amounts allocable to the trust's unrelated business income. See section 681(a) and the regulations thereunder.

(e) *Disallowance of deduction in certain cases.* For disallowance of certain deductions otherwise allowable under section 642(c)(1), (2), or (3), see sections 508(d) and 4948(c)(4).

(f) *Information returns.* For rules applicable to the annual information return that must be filed by trusts claiming a deduction under section 642(c) for the taxable year, see section 6034 and the regulations thereunder.

PAR. 5. Section 1.642(c)-4 is revised to read as follows:

§ 1.642(c)-4 Nonexempt private foundations.

(a) In the case of a private foundation (as defined in section 509(a) and the regulations thereunder) which is a trust and which is not exempt from taxation under section 501(a) for the taxable year, a deduction for amounts paid or permanently set aside for a purpose specified in section 170(c), or used for a purpose specified in section 642(c)(2), shall not be allowed under § 1.642(c)-1 or § 1.642(c)-2, but such foundation shall, subject to the provisions applicable to individuals, be allowed a deduction under section 170 for charitable contributions paid during the taxable year.

(b) This section does not apply to a trust described in section 4947(a)(1) or (2) unless such trust fails to meet the requirements of section 508(e). However, this section will apply to a trust if—

(1) The status of such trust as an organization exempt from taxation under section 501(a) which is described in section 501(c)(3) is recognized on October 9, 1969, or at any time thereafter.

(2) Such trust is a private foundation at such time, and

(3) Such trust is thereafter determined not to be exempt from taxation under section 501(a) as an organization described in section 501(c)(3).

§ 1.642(c)-5 [Amended]

PAR. 6. Section 1.642(c)-5 is amended by deleting paragraph (d).

PAR. 7. Section 1.643(a)-3 is amended by revising paragraph (c) to read as follows:

§ 1.643(a)-3 Capital gains and losses.

* * * * *

(c) The deduction under section 1202 (relating to capital gains) is taken into account in computing distributable net income to the extent that it is allocable to capital gains which are paid, permanently set aside, or to be used for the purposes specified in section 642(c). See the regulations under section 642(c) to determine the extent to which the amount so paid, permanently set aside, or to be used consists of capital gains. The deduction for capital gains provided in section 1202 insofar as it is allocable to the remainder of the capital gains is not taken into account.

* * * * *

PAR. 8. Section 1.643(a)-7 is amended to read as follows:

§ 1.643(a)-7 Dividends.

Dividends excluded from gross income under section 116 (relating to partial exclusion of dividends received) are included in distributable net income. For this purpose, adjustments similar to those required by § 1.643(a)-5 with respect to expenses allocable to tax-exempt income and to income included in amounts paid or set aside for charitable purposes are not made. See the regulations under section 642(c).

PAR. 9. Section 1.673(a)-1 is amended by revising paragraph (a)(2) to read as follows:

§ 1.673(a)-1 Reversionary interests; income payable to beneficiaries other than certain charitable organizations; general rule.

(a) * * *

(2) Except in the case of transfers in trust made after April 22, 1969, a reversionary interest in a charitable trust meeting the requirements of section 673(b) (see § 1.673(b)-1).

* * * * *

PAR. 10. Section 1.673(b) is amended by adding the following historical note:

§ 1.673(b) Statutory provisions; estates and trusts; grantors and others treated as substantial owners; charitable beneficiaries.

* * * * *

[Sec. 673(b) before repeal by sec. 201(c), Tax Reform Act 1969 (83 Stat. 560)]

PAR. 11. Section 1.673(b)-1 is amended by revising the heading and adding the following new paragraph:

§ 1.673(b)-1 Income payable to charitable beneficiaries (before amendment by Tax Reform Act of 1969).

* * * * *

(d) This section does not apply to transfers in trust made after April 22, 1969.

[FR Doc.71-9651 Filed 7-7-71;8:51 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 922]

APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Approval of Expenses and Fixing of Rate of Assessment for 1971-72 Fiscal Period

Consideration is being given to the following proposals submitted by the Washington Apricot Marketing Committee, established under the marketing agreement, as amended, and Order No. 922, as amended (7 CFR Part 922), regulating the handling of apricots grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(1) That the expenses that are reasonable and likely to be incurred by the Washington Apricot Marketing Committee during the period April 1, 1971, through March 31, 1972, will amount to $3,774.

(2) That there be fixed, at $1.50 per ton of apricots, the rate of assessment payable by each handler in accordance with § 922.41 of the aforesaid marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: July 2, 1971.

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

[FR Doc.71-9639 Filed 7-7-71;8:50 am]

[7 CFR Part 923]

SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Approval of Expenses and Fixing of Rate of Assessment for 1971–72 Fiscal Period and Carryover of Unexpended Funds

Consideration is being given to the following proposals submitted by the Washington Cherry Marketing Committee, established under the marketing agreement and Order No. 923 (7 CFR Part 923) regulating the handling of sweet cherries grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That expenses that are reasonable and likely to be incurred by said committee, during the period April 1, 1971, through March 31, 1972 will amount to $14,013.

(2) That there be fixed, at $0.50 per ton of sweet cherries, the rate of assessment payable by each handler in accordance with § 923.41 of the aforesaid marketing agreement and order.

(3) That unexpended assessment funds, in excess of expenses incurred during the fiscal period ended March 31, 1971, shall be carried over as a reserve in accordance with the applicable provisions of § 923.42 of said marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: July 2, 1971.

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

[FR Doc.71-9640 Filed 7-7-71;8:50 am]

[7 CFR Part 924]

FRESH PRUNES GROWN IN WASHINGTON AND OREGON

Approval of Expenses and Fixing of Rate of Assessment for 1971–72 Fiscal Period

Consideration is being given to the following proposals submitted by the Washington-Oregon Fresh Prune Marketing Committee, established under the marketing agreement and Order No. 924 (7 CFR Part 924) regulating the handling of fresh prunes grown in designated counties in Washington and in Umatilla County, Oreg., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) Expenses that are reasonable and likely to be incurred by said committee, during the period April 1, 1971, through March 31, 1972, will amount to $15,054.

(2) That there be fixed, at $0.50 per ton of fresh prunes, the rate of assessment payable by each handler in accordance with § 924.41 of the aforesaid marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: July 2, 1971.

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

[FR Doc.71-9641 Filed 7-7-71;8:50 am]

[7 CFR Part 932]

OLIVES GROWN IN CALIFORNIA

Notice of Proposed Rule Making

Notice is hereby given that the Department is considering a proposed amendment, as hereinafter set forth, to the rules and regulations (Subpart—Rules and Regulations; 7 CFR 932.108–932.161) currently effective pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932), regulating the handling of olives grown in California, hereinafter referred to collectively as the "order." This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The amendment to the said rules and regulations was proposed by the Olive Administrative Committee, established under the said marketing agreement and order as the agency to administer the terms and provisions thereof.

The provisions of § 932.109 contain a definition of "canned ripe olives of the tree-ripened type" and a termination date of August 31, 1971. The proposed amendment would extend the provisions of the section through August 31, 1972. Inclusion of the provisions in the rules and regulations arises from the fact that lots of natural condition olives for use in canned ripe olives of the tree-ripened type and packaged olives of such type are exempt from incoming and outgoing regulation under the order if such olives are handled in accordance with the procedures specified by the order. However, the U.S. Standards for Grades of Canned Ripe Olives currently contain no specifications for canned ripe olives of the tree-ripened type, and the order does not contain a definition for olives of such type. The committee has reviewed order operations under the existing definition and has concluded that without continuation of the definition as a basis for application of order provisions it would be possible for handlers to market, as canned ripe olives of the tree-ripened type, olives of the regulated canned ripe type which fail to meet the applicable regulatory requirements.

The proposed amendment is as follows:

§ 932.109 **Canned ripe olives of the tree-ripened type.**

* * * * *

(b) The provisions of this section shall be applicable only during the crop year ending August 31, 1972.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposal may file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after publication of the notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: July 2, 1971.

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

[FR Doc.71-9607 Filed 7-7-71;8:49 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-SO-44]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Florida transition area.

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, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box

20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. An informal docket 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 pertains 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 efficency 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.

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.

The FAA proposes the following airspace action:

1. Alter the Florida transition area to include the airspace south of Pensacola, Fla., extending upward from 2,000 feet MSL, bounded by a line beginning at the intersection of long. 88°01'30'' W. and a line 3 NM from and parallel to the shoreline, thence east along a line 3 NM from and parallel to the shoreline to long. 86°48'00'' W., thence south along long. 86°48'00'' W. to lat. 29°25'20'' N. thence west to lat. 29°36'00'' N., long. 88°01'30'' W., thence north along long. 88°01'30'' W. to point of beginning; excluding the portion that coincides with the 1,200-foot transition area.

This proposed action will provide controlled airspace south of Pensacola wherein the Pensacola Radar Air Traffic Control Center and the Jacksonville Air Traffic Control Center will provide air traffic control services to Navy training activities generated from the many training bases within the Pensacola complex.

This amendment is proposed under the authority of section 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 June 30, 1971.

T. MCCORMACK,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-9586 Filed 7-7-71;8:46 am]

[14 CFR Parts 91, 97]

[Docket No. 11200; Notice No. 71-18]

HELICOPTER PROCEDURES

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Parts 91 and 97 of the Federal Aviation Regulations to revise IFR rules to accommodate helicopter minimums, add appropriate definitions and terminology concerning helicopter procedures, and add a new subpart to Part 97 to reference helicopter procedures that are published from time to time.

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: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, DC 20590. All communications received on or before October 6, 1971, will be considered by the Administrator before taking action on the proposed rule. The proposals 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.

On August 28, 1970, the FAA issued a new Chapter 11 to the U.S. Standard for Terminal Instrument Approach Procedures (TERPS) to prescribe applicable helicopter procedures. In order to properly accommodate these new procedures, the following proposals are made.

It is proposed to add language to § 91.117(c) to state that the "inoperative component tables" prescribed in subparagraphs (c)(1)-(4) do not apply to helicopter procedures. Instead, helicopter procedure minima would be specified on each procedure for inoperative components.

With regard to Part 97, it is proposed to add definitions of "HAL" and "point in space approach" to the definitions and terminology of § 97.3. As proposed, "HAL" means the height above a designated helicopter landing area used for helicopter instrument approach procedures; and "point in space approach" means a helicopter instrument approach procedure to a missed approach point that is more than 2,600 feet from an associated helicopter landing area.

In addition, it is proposed to add to paragraph (b) of § 97.3 a provision indicating that helicopter procedures, identified as "copter procedures" are prescribed in new § 97.34. Helicopters would also be permitted to use other procedures prescribed in Subpart C of Part 97 and the Category A aircraft minimum descent altitude (MDA). The required visibility minimum for helicopters could be reduced to one-half the published visibility minimum for Category A aircraft, but in no case could it be reduced to less than one-quarter mile or RVR 1,200 feet.

Finally, a new § 97.34 would be added to make it possible for the establishment, in the future, of helicopter procedures. Pursuant to § 97.20, instrument approach procedures for helicopters that are developed from time to time would not be published in the FEDERAL REGISTER but would be available for examination as provided in that section.

In consideration of the foregoing, it is proposed to amend Parts 91 and 97 of the Federal Aviation Regulations as follows:

1. By amending paragraph (c) of § 91.117 to add language to the beginning of the sixth sentence and by adding a new subparagraph immediately following subparagraph (c)(4):

§ 91.117 Limitations on use of instrument approach procedures (other than Category II).

* * * * *

(c) *Inoperative or unusable components and visual aids.* * * * Except as provided in subparagraph (c)(5) of this paragraph or unless otherwise specified by the Administrator, * * *

* * * * *

(5) The inoperative component tables in subparagraphs (1) through (4) of this paragraph do not apply to helicopter procedures. Helicopter procedure minimums are specified on each procedure for inoperative components.

2. By amending § 97.3 to add the following definitions:

§ 97.3 Symbols and terms used in procedures.

* * * * *

(d-1) "Copter procedures" means helicopter procedures, with applicable minimums as prescribed in § 97.34 of this

Part. Helicopters may also use other procedures prescribed in Subpart C of this Part and may use the Category A minimum descent altitude (MDA). The required visibility minimum may be reduced to one-half the published visibility minimum for Category A aircraft, but in no case may it be reduced to less than one-quarter mile or 1,200 feet RVR.

* * * * *

(h-1) "HAL" means height above a designated helicopter landing area used for helicopter instrument approach procedures.

* * * * *

(o-1) "Point in space approach" means a helicopter instrument approach procedure to a missed approach point that is more than 2,600 feet from an associated helicopter landing area.

* * * * *

3. By adding a new section immediately following § 97.33 as follows:

§ 97.34 Helicopter procedures.

NOTE: The procedures set forth in § 97.34 are not carried in the Code of Federal Regulations. For FEDERAL REGISTER citations affecting these procedures see List of CFR Sections Affected.

These amendments are proposed under the authority of sections 307, 313(a), and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), and 1421), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

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

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

[FR Doc.71-9587 Filed 7-7-71;8:46 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 69-7; Notice 11]

OCCUPANT CRASH PROTECTION

Proposed Motor Vehicle Safety Standard

The purpose of this notice is to propose an amendment to Motor Vehicle Safety Standard No. 208, Occupant Crash Protection, in § 571.21 of Title 49, Code of Federal Regulations, to establish requirements for the release of passive restraints.

Review of the subject of passive seat belt assemblies and other passive systems that restrain occupants indicates that some method of restraint release must be provided to allow occupants to be freed of the restraint forces after a crash. It is desirable that release should be prompt and involve a minimum of effort. Accordingly, the NHTSA proposes to require a release that must either operate automatically in the event of a crash or, if occupant action is necessary, release manually at a single point. In the case of passive safety belts, it would be required that the release not cause belt separation, and that the system be self-restoring after operation of the release. An example of such a system would be a lever on the belt retractor that releases the locking mechanism, allowing the belt to pay out freely. The self-restoration requirement could be fulfilled, for example, by a lever that frees the belt only while continuous pressure is exerted, or by a time-delay mechanism. In the case of an air bag system, deflation could constitute the "automatic" release.

A new section S4.5.4, Passive restraint release, is therefore proposed to be added to Motor Vehicle Safety Standard No. 208 (§571.21), to read as follows:

S4.5.4 *Passive restraint release.* A passive protection system shall have a means of releasing all restraint forces, that either operates automatically only in the event of a crash or releases manually at a single point accessible to the seated occupant. In the case of belt-type systems, the release shall not result in separation of any load-bearing element, and the system shall be self-restoring after operation of release.

Proposed effective date: January 1, 1972.

Interested persons are invited to submit comments on the revised proposal as set forth below. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street SW., Washington, DC 20591. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on August 9, 1971, will be considered, and will be available for examination in the docket at the above address both before and after the closing date. To the extent possible, comments filed after the above date will also be considered by the Administration. However, the rule making action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rule making. The Administration will continue to file relative material, as it becomes available, in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

This notice of proposed rule making is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1392, 1407), and the delegation of authority at 49 CFR 1.51 and 49 CFR 501.8.

Issued: July 2, 1971.

ROBERT L. CARTER,
Acting Associate Administrator,
Motor Vehicle Programs.

[FR Doc.71-9619 Filed 7-2-71;2:42 pm]

ENVIRONMENTAL PROTECTION AGENCY

[42 CFR Part 415]

PRIOR NOTICE OF CITIZEN SUITS

Proposed Procedures for Giving Notice of Civil Actions

Section 304 of the Clean Air Act as amended by Public Law 91-604 (December 31, 1970) authorizes any person to commence a civil action against (1) any person alleged to be in violation of an emission standard or limitation under the Act or in violation of an order with respect to such limitation issued by the Administrator of the Environmental Protection Agency or a State or, (2) the Administrator, where there is alleged a failure of the Administrator to perform any nondiscretionary act or duty under the Act. Except in certain cases, no action may be commenced against the Administrator pursuant to section 304 prior to 60 days after the plaintiff gives notice of such action to the Administrator. In the case of actions against persons other than the Administrator, section 304 requires that notice of the alleged violation be given the Administrator, the State in which the violation is alleged to have occurred, and the alleged violator, at least 60 days prior to commencement of the action. Section 304 directs the Administrator to prescribe by regulation the manner in which such notices shall be given.

Part 415, as proposed below, prescribes the manner in which such notice shall be given to the Administrator, to States, and to alleged violators.

Interested persons may submit written comments on the proposed regulations, in triplicate, to the Administrator, Environmental Protection Agency, 1626 K Street NW., Washington, DC 20460. All relevant comments received not later than 30 days after publication of this notice will be considered. The regulations, modified as the Administrator deems appropriate after consideration of the comments, will be effective upon the date of their republication in the FEDERAL REGISTER. Pending final promulgation of the regulations, the giving of notice of citizen suits in compliance with the requirements set forth in this proposal shall be deemed to satisfy the notice requirements of section 304 of the Act.

This notice of proposed rule making is issued under the authority of section 304 of the Clean Air Act, as amended (sec. 12, Public Law 91-604; 84 Stat. 1706).

Dated: June 30, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

A new Part 415 would be added to Chapter IV, Title 42, Code of Federal Regulations as follows:

PART 415—PRIOR NOTICE OF CITIZEN SUITS

Sec.
415.1 Purpose.
415.2 Service of notices.
415.3 Contents of notice.

§ 415.1 Purpose.

Section 304 of the Clean Air Act, as amended, authorizes the commencement of civil actions to enforce the Act or to enforce certain requirements promulgated pursuant to the Act. The purpose of this part is to prescribe procedures governing the giving of notices required by subsection 304(b) of the Act (sec. 12, Public Law 91-604; 84 Stat. 1706) as a prerequisite to the commencement of such actions.

§ 415.2 Service of notice.

(a) *Notice to Administrator.* Service of notice given to the Administrator under this part shall be accomplished by certified mail addressed to the Administrator, Environmental Protection Agency, 1626 K Street NW., Washington, DC 20460. Where notice relates to violation of an emission standard or limitation or to violation of an order issued with respect to an emission standard or limitation, a copy of such notice shall be mailed to the Regional Administrator of the Environmental Protection Agency for the Region in which such violation is alleged to have occurred.

(b) *Notice to State.* Service of notice given to a State under this part regarding violation of an emission standard or limitation, or an order issued with respect to an emission standard or limitation shall be accomplished by certified mail addressed to an authorized representative of the State agency charged with responsibility for air pollution control in the State. A copy of such notice shall be mailed to the Governor of the State.

(c) *Notice to alleged violator.* Service of notice given to an alleged violator under this part shall be accomplished by certified mail addressed to, or by personal service upon, the owner or operator of the building, plant, installation, or facility alleged to be in violation of an emission standard or limitation, or an order issued with respect to an emission standard or limitation.

(d) Notice served in accordance with the provisions of this part shall be deemed given on the postmark date, if served by mail, or on the date of receipt, if personally served.

§ 415.3 Contents of notice.

(a) Failure to act: Notice regarding a failure of the Administrator to perform an act or duty which is not discretionary shall identify the provisions of the Act which requires such act or creates such duty, shall describe with reasonable specificity the action taken or not taken by the Administrator which is claimed to constitute a failure to perform such act or duty, and shall state the full name and address of the person giving the notice.

(b) Violation of standard, limitation, or order: Notices to the Administrator, States, and alleged violators regarding violation of an emission standard or limitation or an order issued with respect to an emission standard or limitation, shall include sufficient information to permit the recipient to identify the specific standard, limitation, or order which has allegedly been violated, the person or persons responsible for the alleged violation, the location of the alleged violation, the date or dates of such violation, and the full name and address of the person giving the notice.

(c) If known to the person filing a notice under this section, the notice shall also include the nature of the legal action contemplated, the U.S. District Court in which such action will be brought, and the full names and addresses of all persons who will be parties to the contemplated action.

[FR Doc.71-9591 Filed 7-7-71;8:47 am]

NATIONAL CREDIT UNION ADMINISTRATION

[12 CFR Part 703]

CERTIFICATES OF DEPOSIT

Basic Requirements

Notice is hereby given that the document proposing to revise § 703.1(a) of Chapter VII of Title 12 of the Code of Federal Regulations, published in the FEDERAL REGISTER on Thursday, June 17, 1971 at 36 F.R. 11672 is rescinded.

In addition, notice is hereby given that the Administrator of the National Credit Union Administration, pursuant to the authority conferred by section 120, 73 Stat. 635, 12 U.S.C. 1766, proposes a new revision to paragraphs (a) and (e) of § 703.1 (12 CFR 703.1(a) and 703.1(e)) as set forth below.

Interested persons are invited to submit written comments, suggestions, or objections regarding the new proposed revision to the Administrator, National Credit Union Administration, 1325 K Street NW., Washington, DC 20456, to be received not later than August 8, 1971.

HERMAN NICKERSON, Jr.,
Administrator.

JULY 1, 1971.

§ 703.1 Certificates of deposit.

(a) *Basic requirements.* A deposit evidenced by a time certificate of deposit is within the deposit power of a Federal credit union under section 107(9) of the Federal Credit Union Act: *Provided:* (1) That such credit union itself makes the deposit for which the certificate is issued; (2) that no consideration is received from a third party in connection with the making of the deposit; and (3) that the certificate contains a provision which will authorize the bank to pay a time deposit or a portion thereof before maturity in those instances where the depositor-credit union indicates a need of the money represented by such time deposit. The model wording of this provision is indicated in paragraph (b) of this section.

* * * * *

(e) *Deposits in State financial institutions:* Certificates of deposit in State-chartered financial institutions may be obtained by a Federal credit union only from those State-chartered financial institutions located in the State in which the principal office of the Federal credit union is geographically located. This paragraph does not apply to the investment power authorized in section 107(8) (D) of the Federal Credit Union Act.

[FR Doc.71-9579 Filed 7-7-71;8:45 am]

Notices

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1970 Rev., Supp. No. 16]

TRANSIT CASUALTY COMPANY

Termination of Authority To Qualify as Surety on Federal Bonds

Notice is hereby given that the Certificate of Authority issued by the Secretary of the Treasury to Transit Casualty Company, St. Louis, Missouri, under sections 6 to 13 of Title 6 of the United States Code, to qualify as an acceptable surety on recognizances, stipulations, bonds and undertakings permitted or required by the laws of the United States, is hereby terminated, effective June 30, 1971.

Bond approving officers of the Government should, in instances where such action is necessary, secure new bonds with acceptable sureties in lieu of bonds executed by the Transit Casualty Company.

Dated: June 30, 1971.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.71-9590 Filed 7-7-71;8:47 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. Idaho-4373]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 29, 1971.

The Department of the Interior, Bureau of Reclamation, has filed an application, Serial No. I-4373, for the withdrawal of the lands described below from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for public purposes for a ditchrider residence, Payette Division, Boise Project. The ditchrider residence is being utilized in connection with the operation and maintenance of the Boise Irrigation Project. Use of the land will not be cause for its contamination. Fish and wildlife resources and scenic wilderness and recreation values will not be changed by the withdrawal.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 334 Federal Building, 550 West Fort Street, Boise, ID 83702.

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

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Bureau of Reclamation. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

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

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

T. 7 N., R. 5 W.,
Sec. 34, NW¼NW¼NW¼NW¼ and NW¼SW¼NW¼NW¼NW¼.

The area described aggregates about 3.125 acres in Payette County.

E. D. BARNES,
Acting Chief,
Division of Technical Services.

[FR Doc.71-9613 Filed 7-7-71;8:49 am]

Fish and Wildlife Service

MARTIN NATIONAL WILDLIFE REFUGE

Notice of Public Hearing Regarding Wilderness Study

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (Public Law 88-577; 78 Stat. 890-896; 16 U.S.C. 1131-1136), that a public hearing will be held beginning at 9 a.m. on September 10, 1971, at the Somerset County Courthouse, Princess Anne, Md., to consider the results of a study leading to a recommendation to be made to the President of the United States by the Secretary of the Interior, regarding the desirability of including a portion of the Martin National Wildlife Refuge within the National Wilderness Preservation System. The refuge, which comprises approximately 4,423 acres, is located in Somerset County, State of Maryland.

A brochure containing a map and information about the Martin wilderness study may be obtained from the Refuge Manager, Blackwater National Wildlife Refuge, Route 1, Cambridge, MD 21613, or the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by October 12, 1971.

J. P. LINDUSKA,
Director, Bureau of
Sport Fisheries and Wildlife.

JUNE 30, 1971.

[FR Doc.71-9575 Filed 7-7-71;8:45 am]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Additions, Deletions, or Corrections

By notice in the FEDERAL REGISTER of February 20, 1971, Part II (36 F.R. 3310), there was published a list of the properties included in the National Register of Historic Places. This list has been amended by a notice in the FEDERAL REGISTER of March 2 (pp. 3930-31), April 6 (pp. 6526-28), May 4 (pp. 8333-36), and June 3 (pp. 10811-13). Further notice is hereby given that certain amendments or revisions, in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. 470.

The following property has been removed from the National Register because it has lost its National Historic Landmark designation:

NEW MEXICO

San Juan County

La Plata vicinity, *Holmes Site.*

Properties added to the National Register since June 3:

ALABAMA

Barbour County

Eufaula, *Bray-Barron Home,* North Eufaula Avenue.
Eufaula, *Cato House,* 823 West Barbour Street.

Eufaula, *Sheppard Cottage*, East Barbour Street.

Greene County

Forkland vicinity, *Rosemount*, 1 mile northwest of Forkland.

Mobile County

Mobile, *Horst, Martin, House*, 407 Conti Street.
Mobile, *Oakleigh*, 350 Oakleigh Street.

ARKANSAS

Hempstead County

Washington, *Royston, Grandison D., House*, Alexander Street, 200 feet southwest of Columbus Street (Arkansas 4) and approximately 450 feet southeast of Old Military Road (Arkansas 195).

ARIZONA

Cochise County

Bisbee, *Phelps Dodge General Office Building*, Copper Queen Plaza, intersection of Main Street and Brewery Gulch.

Maricopa County

Phoenix, *Rosson, Dr. Ronald, House*, 139 North Sixth Street.

Pima County

Tucson, *Carillo House (Fremont House)*, 145–153 South Main Street.
Tucson, *The Old Adobe Patio (Charles O. Brown House)*, 40 West Broadway.

Santa Cruz County

Nogales vicinity, *Calabasas*, north of Nogales on the east bank of the Santa Cruz River.

Yuma County

Parker vicinity, *Old Presbyterian Church (Mojave Indian Presbyterian Mission Church)*, southwest of Parker on Second Avenue.

CALIFORNIA

Alameda County

Fremont, *California Nursery Co. Guest House (Jose de Jesus Vallejo Adobe)*, California Nursery Co., Niles Boulevard at Nursery Avenue.

Riverside County

Riverside, *Mission Inn*, 3649 Seventh Street.

Sonoma County

Stewarts Point vicinity, *Salt Point State Park Archeological District*, 15 miles south of Stewarts Point on California 1.

COLORADO

Clear Creek County

Georgetown vicinity, *Ore Processing Mill and Dam*, approximately 1 mile southwest of Georgetown, adjacent to Interstate 70 and Clear Creek.

DELAWARE

Kent County

Dover, *Loockerman Hall*, Delaware State College campus.
Milford, *Parson Thorne Mansion*, 501 Northwest Front Street.

New Castle County

Claymont, *Blockhouse and Robinson House*, Naaman's Corner.
Odessa, *Odessa Historic District*, bounded by Appoquinimink Creek on the southeast; by the rear property lines of properties fronting on High Street on the northeast; on the northwest by Fourth Street; and on the southwest by the rear lines of properties fronting on Main Street.

DISTRICT OF COLUMBIA

Washington, *Bank of Columbia*, 3210 M Street, NW.
Washington, *Corcoran Galley of Art*, 17th Street at New York Avenue NW.
Washington, *Eastern Market*, Seventh and C Streets SE.
Washington, *Georgetown Market*, 3276 M Street NW.
Washington, *Grace Protestant Episcopal Church*, 1041 Wisconsin Avenue NW.
Washington, *Healy Building, Georgetown University*, Georgetown University Campus.
Washington, *The National Archives*, Constitution Avenue between Seventh and Ninth Streets NW.
Washington, *Riggs National Bank (Washington Loan and Trust Co. Branch)*, southwest corner of Ninth and F Streets NW.
Washington, *Vigilant Firehouse*, 1066 Wisconsin Avenue NW.

FLORIDA

Leon County

Tallahassee, *Cascades Park*, bounded roughly by Apalachee Parkway and East Bloxham Street on the north, Suwanee Street on the east, the State property line on the south and South Monroe and Meridian Streets on the west.
Tallahassee vicinity, *Escambé (San Cosmo y San Damias de Escambé)*, 3 miles northwest of Tallahassee, adjacent to and north of Interstate 10, 0.5 mile west of Old Bainbridge Road.
Tallahassee vicinity, *Lake Jackson Mounds*, 4.5 miles north of Tallahassee via U.S. 27, on the south shore of Lake Jackson.

GEORGIA

Bibb County

Macon, *Anderson, Captain R. J., House*, 1730 West End Avenue.
Macon, *Burke, Thomas C., House*, 1085 Georgia Avenue.
Macon, *Cannonball House (Judge Asa Holt House)*, 856 Mulberry Street.
Macon, *Cowles, Jerry, Cottage*, 4569 Rivoli Drive.
Macon, *Cowles House (Stratford Academy)*, 988 Bond Street.
Macon, *Emerson-Holmes Building*, 566 Mulberry Street.
Macon, *Goodall House*, 618 Orange Street.
Macon, *Holt House*, 1129 Georgia Avenue.
Macon, *Johnston-Hay House*, 934 Georgia Avenue.
Macon, *Municipal Auditorium*, 415–435 First Street.
Macon, *Napier, Leroy, Home*, 2215 Napier Avenue.
Macon, *Raines-Carmichael House*, 1183 Georgia Avenue.
Macon, *Small House (Napier-Small House)*, 156 Rogers Avenue.
Macon, *Solomon-Curd House*, 770 Mulberry Street.

Chattahoochee County

Fort Benning, *Riverside (Quarters No. 1)*, 100 Vibbert Avenue.

Fulton County

Roswell, *Bulloch Hall*, Mimosa Boulevard.

Richmond County

Augusta, *The Augusta Canal*, beginning at the Augusta City Lock and Dam and running southeast 9 miles to a point approximately 1 block northwest of the intersection of Walton Way and Georgia Avenue.

ILLINOIS

Cook County

Chicago, *Grand Central Passenger Station*, South Wells at Harrison Street.

KANSAS

Douglas County

Lawrence, *Ludington House*, 1613 Tennessee Street.
Lecompton, *Constitution Hall*, Elmore Street between Woodson and Third Streets.

Ellis County

Victoria, *St. Fidelis Catholic Church*, southeast corner of St. Anthony and Delaware Streets.

Linn County

Trading Post vicinity, *Marais des Cygnes Massacre Site*, 5 miles northeast of Trading Post.

Lyon County

Emporia, *White, William Allen, House*, 927 Exchange Street.

Morris County

Council Grove, *Farmers and Drovers Bank*, 201 West Main Street.
Council Grove, *Last Chance Store*, 500 West Main Street.

Republic County

Republic vicinity, *Pawnee Indian Village Site*, on Kansas 266, 8 miles north of U.S. 36, on the Republican River.

Sedgwick County

Wichita, *Old Sedgwick County Courthouse*, 504 North Main Street.
Wichita, *Wichita City Hall*, 204 South Main Street.

Sumner County

Caldwell vicinity, *Buresh Archeological Site*, northwest of Caldwell on F.A.S. 299.

MICHIGAN

Calhoun County

Albion, *Gardner House*, 509 South Superior Street.

Hillsdale County

Jonesville, *Grace Episcopal Church*, 360 East Chicago Street.

Ionia County

Ionia, *Hall-Fowler Memorial Library (Frederick Hall House)*, 126 East Main Street.

Livingston County

Howell, *Ann Arbor Railway Station*, 126 Wetmore Street.

Mackinac County

Mackinac Island, *Geary, Mathew, House*, Market Street.
St. Ignace, *Lasenen Site*, 690 South State Street.

Shiawassee County

Durand, *Grand Trunk Railway Station*, 200 Railroad Street.

Wayne County

Detroit, *Fort Wayne*, 6053 West Jefferson Avenue.
Detroit, *West Canfield Historic District*, Canfield Avenue between Second and Third Streets.

MISSOURI

Callaway County

Tebbetts vicinity, *Cote Sans Dessein Archeological Site*, 3 miles southwest of Tebbetts.

Cape Girardeau County

Burfordville, *Burfordville Mill*, Missouri 34.

Carroll County

Miami Station vicinity, *Wright II Archeological Site*, 1 mile south of Miami Station.

St. Louis County

Clayton, *Hanley, Martin Franklin, House*, 7600 Westmoreland Avenue.

Shelby County

Bethel vicinity, *Elim. (Dr. William Keil House)*, 1.5 miles east of Bethel.

Washington County

Fertile vicinity, Washington State Park, *Petroglyph Archeological Site*, 1 mile northeast of Fertile.

NEW HAMPSHIRE

Rockingham County

Exeter, *Dudley House (Perry-Dudley House)*, 14 Front Street.

NEW JERSEY

Middlesex County

Cranbury, *Old Cranbury School*, 23 North Main Street.

Piscataway, *Ivy Hall (Cornelius Lowe House)*, 1225 River Road.

NEW YORK

Erie County

Buffalo, *Albright-Knox Art Gallery*, 1285 Elmwood Avenue.

Monroe County

Rochester, *First Universalist Church*, southeast corner of South Clinton Avenue and Court Street.

NORTH CAROLINA

Wayne County

Fremont, *Aycock, Charles B., Birthplace*, 0.6 mile from the junction of Route 1542 and U.S. 117.

OHIO

Franklin County

Columbus, *Campbell Mound*, McKinley Avenue, 0.5 mile south of Trabue Road.

Washington County

Marietta, *W. P. Snyder, Jr.* (steamboat), on the Muskingum River at Sacra Via.

OKLAHOMA

Choctaw County

Swink vicinity, *Chief's House*, 1.5 miles northeast of Swink.

Logan County

Guthrie, *Carnegie Library*, Oklahoma Avenue and Ash Street.

PENNSYLVANIA

Chester County

Chadds Ford vicinity, *Brinton's Mill*, 1.5 miles north of Chadds Ford on U.S. 100.

Chadds Ford vicinity, *Harvey, William, House*, northwest of Chadds Ford on Brinton's Bridge Road just north of U.S. 1.

Chester Springs vicinity, *Good News Buildings (Yellow Springs Spa)*, north of Chester Springs on Art School Road.

Hamorton vicinity, *Barns-Brinton House*, east of Hamorton on U.S. 1.

Marshallton, *Marshall, Humphry, House*, Strasburg Road (Pennsylvania 162) at the intersection of Northbrook Road.

Mendenhall, *Peters, William, House*, Hillendale Road.

West Chester, *Strode's Mill (Etter's Mill)*, intersection of Pennsylvania 100–52 and County Route 15087.

Delaware County

Chadds Ford, *Gilpin Homestead*, Harvey Road.

Chester, *1724 Chester Courthouse*, Market Street below Fifth Street.

Media vicinity, *Old Rose Tree Tavern*, junction of Rose Tree and Providence Roads north of Media.

Philadelphia County

Philadelphia, *Arch Street Meetinghouse*, 302–338 Arch Street.

Philadelphia, *Arch Street Presbyterian Church*, 1726–1732 Arch Street.

Philadelphia, *Drinker's Court*, 236–238 Delancey Street.

Philadelphia, *First Unitarian Church*, 2121 Chestnut Street.

Philadelphia, *Hill-Physick House*, 321 South Fourth Street.

Philadelphia, *Masonic Temple*, 1 North Broad Street.

Philadelphia, *Pennsylvania Academy of the Fine Arts*, southwest corner of Broad and Cherry Streets.

Philadelphia, *Philadelphia College of Art (Asylum for the Deaf and Dumb)*, northwest corner of Broad and Pine Streets.

Philadelphia, *Philadelphia Contributionship*, 212 South Fourth Street.

Philadelphia, *St. George's Methodist Church*, 324 New Street.

RHODE ISLAND

Providence County

Providence, *Congdon Street Baptist Church*, 17 Congdon Street.

Providence, Pawtucket, Central Falls, Lincoln vicinity, *Blackstone Canal*, extends from Front Street Bridge, Lincoln, to Steeple and Promenade Streets, Providence.

SOUTH CAROLINA

Beaufort County

Beaufort, *Tabby Manse (Thomas Fuller House)*, 1211 Bay Street.

Charleston, Edisto Island vicinity, *The Presbyterian Manse*, northwest of Edisto Island via South Carolina 174 and unnumbered road.

Edisto Island vicinity, *Trinity Episcopal Church*, about 1.2 miles north of Edisto Island on South Carolina 174.

Colleton County

Walterboro, *Colleton County Courthouse*, corner of Hampton and Jeffries Streets.

Walterboro, *Old Colleton County Jail*, Jeffries Boulevard.

Edgefield County

Edgefield vicinity, *Blocker House*, about 6 miles northwest of Edgefield on U.S. 25.

Jasper County

Gillisonville, *Gillisonville Baptist Church*, U.S. 278.

TENNESSEE

Maury County

Columbia vicinity, *Beechlawn*, south of Columbia on U.S. 31.

TEXAS

De Witt County

Cuero, *De Witt County Courthouse*, bounded by North Gonzales, East Live Oak, North Clinton, and East Courthouse Streets.

Harris County

Houston, *1884 Houston Cotton Exchange Building*, 202 Travis Street.

Smith County

Teaselville vicinity, *Dewberry, Colonel John, House*, 1 mile North of Teaselville on FM 346.

UTAH

Box Elder County

Corinne, *Corinne Methodist Episcopal Church*, corner of Colorado and South Sixth Street.

Iron County

Cedar City vicinity, *Old Irontown*, about 22 miles west of Cedar City, 3 miles south of Utah 56.

Salt Lake County

Salt Lake City, *Keith-Brown Mansion and Carriage House*, 529 East South Temple Street.

Utah County

Fairfield, *Stagecoach Inn*.

Washington County

St. George, *St. George Tabernacle*, intersection of Tabernacle and Main Streets.

Weber County

Ogden, *Bertha Eccles Community Art Center*, 2580 Jefferson Avenue.

VIRGINIA

Chesterfield County

Midlothian vicinity, *Bellona Arsenal*, 0.1 mile northwest of Route 673, 2 miles northwest of the intersection with Route 147.

Wythe County

Max Meadows vicinity, *Fort Chiswell Mansion*, U.S. 11, 0.6 mile east of the intersection with U.S. 52 and Virginia 121.

WASHINGTON

Jefferson County

Port Townsend, *City Hall*, Water and Madison Streets.

King County

Seattle, *Butterworth Building*, 1921 First Avenue.

Kitsap County

Bremerton, *U.S.S. Missouri*, Puget Sound Naval Shipyard.

WISCONSIN

Dane County

Madison, *Camp Randall*, Camp Randall Memorial Park.

WYOMING

Uinta County

Hilliard vicinity, *Piedmont Charcoal Kilns*, 14 miles northeast of Hilliard, NW¼SW¼ sec. 4, T. 14 N., R. 117 W.

ROBERT M. UTLEY,
Acting Chief, Office of Archeology and Historic Preservation.

[FR Doc.71-9698 Filed 7-7-71; 8:51 am]

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

IMPORT QUOTAS

Submission of Information To Establish Non-historical Eligibility for Licenses

In accordance with Part 3 of the Appendix to the Tariff Schedules of the

United States (19 U.S.C. 1202), hereinafter referred to as TSUS, as amended by Proclamation 4026 of December 31, 1970, the following described cheese subject to the import quota provided for in TSUS item 950.10E may be entered on and after July 1, 1971, only pursuant to licenses issued under the authority of the Secretary of Agriculture.

Cheese, and substitutes for cheese containing 0.5 percent or less by weight of butterfat, as provided for in items 117.75 and 117.85 of subpart C, part 4, schedule 1, except articles within the scope of other import quotas provided for in Part 3 of the Appendix to the Tariff Schedules of the United States; if shipped otherwise than in pursuance to a purchase, or if having a purchase price under 47 cents per pound.

Under § 6.25(b) of Import Regulation 1, Rev. 5, as amended (34 F.R. 9743, 18895; 36 F.R. 12506), a person who is not historically eligible under § 6.25(a) of such Regulation to receive a license for the importation of such cheese is eligible to obtain a new business license to import a quota share of such cheese upon the submission of (1) evidence satisfactory to the Licensing Authority that such person during the preceding quota year was and continues to be actively engaged in the commercial importation in his own name of cheese or cheese products, and (2) a certification that he is not a part of or an affiliate of the business of any other person eligible for a license to import cheese subject to the quota provided for in TSUS 950.10E, and is not an officer, member, partner, associate, or employee of such business.

Since licenses are for the first time required for the importation of such cheese as of July 1, 1971, the provisions of § 6.25(c) of such regulation, requiring submissioin of evidence to establish eligibility no later than 30 days preceding the quota year for which a license to import the commodity is first requested, are hereby determined to be inapplicable with respect to the establishment of nonhistorical eligibility for licenses to import such cheese. Applications and supporting evidence to establish such eligibility, to become effective for the remainder of the quota year 1971, should be sent to the Chief, Import Branch, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250, and be postmarked not later than July 15, 1971.

Issued at Washington, D.C., this 30th day of June 1971.

RAYMOND A. IOANES,
Administrator,
Foreign Agricultural Service.

[FR Doc.71-9636 Filed 7-7-71;8:51 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ARAKAWA FOREST CHEMICAL INDUSTRIES, LTD.

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 1B2696) has been filed by Arakawa Forests Chemical Industries, Ltd., No. 21, 1-chome, Hiranomachi, Higashi-Ku, Osaka, Japan, proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of a hydrogenated petroleum hydrocarbon resin as a component of food packaging.

Dated: June 29, 1971.

ALBERT C. KOLBYE, Jr.,
Acting Director, Bureau of Foods.

[FR Doc.71-9572 Filed 7-7-71;8:45 am]

B. F. GOODRICH CO.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1B2694) has been filed by the B. F. Goodrich Co., 500 South Main Street, Akron, Ohio 44138, proposing that § 121.2520 *Adhesives* (21 CFR 121.2520) be amended to provide for the safe use of 1,3,5 - tris(3,5 - di-*tert*-butyl-4-hydroxybenzyl - *s* - triazine - 2,4,6(1H,3H,5H)-trione as a component of food-packaging adhesives.

Dated: June 29, 1971.

ALBERT C. KOLBYE, Jr.,
Acting Director, Bureau of Foods.

[FR Doc.71-9573 Filed 7-7-71;8:45 am]

ESSO RESEARCH AND ENGINEERING CO.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1B2693) has been filed by Esso Research and Engineering Co., Post Office Box 45, Linden, N.J. 07036, proposing that § 121.2511 *Plasticizers in polymeric substances* (21 CFR 121.2511) be amended to provide for the safe use of diisononyl adipate as a plasticizer in vinyl films for food-packaging application.

Dated: June 29, 1971.

ALBERT C. KOLBYE, Jr.,
Acting Director, Bureau of Foods.

[FR Doc.71-9574 Filed 7-7-71;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

FLIGHT STANDARDS DISTRICT OFFICE, BERKELEY, MO.

Transfer of Responsibility

Notice is hereby given that the general aviation services provided in the Illinois counties of Madison, St. Clair, and Monroe by the General Aviation District Office in Springfield, Ill., will be provided by the Flight Standards District Office at 9275 Genaire Drive, Berkeley, MO 63134. Section 2e of the notice on the establishment and realignment of regional offices, printed in 36 F.R. 5929, dated March 31, 1971, is amended accordingly.

(Sec. 313(a) of the Federal Aviation Act of 1958, as amended; 40 U.S.C. 1354)

Issued in Washington, D.C., on June 29, 1971.

J. H. SHAFFER,
Administrator,
Federal Aviation Administration.

[FR Doc.71-9588 Filed 7-7-71;8:46 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 71-650]

HANDLING OF TRANSITING TRAFFIC BY SATELLITE FACILITIES

Memorandum Opinion and Order Clarify Statement of Policy

In the matter of establishment of regulatory policies relating to the authorization under section 214 of the Communications Act of 1934 of satellite facilities for handling of transiting traffic.

1. The Commission has under consideration a petition filed on June 18, 1970, by the Communications Satellite Corp. (Comsat) for reconsideration and clarification of our Memorandum Opinion and Statement of Policy (23 FCC 2d 9) which was published on May 22, 1970 in 35 F.R. 7908, in the above-captioned matter.

2. Oppositions to Comsat's petition were filed by ITT World Communications, Inc. (ITT); RCA Global Communications, Inc. (RCA); American Telephone and Telegraph Co. (A.T. & T.); and Western Union International, Inc. (WUI).

3. In its petition Comsat requests that the Commission reconsider and clarify its conclusion as set forth in paragraph 16, that, in furnishing the space segment required in connection with U.S. satellite circuits transiting foreign earth stations, Comsat would be performing only ministerial activities for which no meaningful charge could be made. In support thereof, Comsat states that, if its position with respect to transiting circuits is adopted under the future INTELSAT arrangements so that the allotment of units of satellite utilization is made to the end-user countries, Comsat would be entitled to voting rights and an investment share in the global system based on its usage, including such usage representing transiting circuits. Comsat states that it therefore would incur an obligation with respect to the capital required as well as for the operating costs associated with that portion of the system used for transiting circuits credited to the United States, just as it does with respect to circuits originating and terminating

in the United States, with no difference in its corporate activities and costs as between the two uses of space segment capacity. In view of this, it believes it unfair to preclude it from making a meaningful charge for the space segment portion used in transiting circuits, if and when a tariff is filed for such service.[1]

4. The international communications common carriers who filed oppositions take the position that, should the arrangement mentioned in our memorandum opinion and statement of policy actually be realized, no service would be performed for them by Comsat other than the ministerial function of filing applications for units of utilization in the space segment for transiting traffic. They state that Comsat would receive a return on any investment it might make in the satellite based on units of utilization credited for transiting traffic, from its share of INTELSAT revenues, and that any services performed in connection with such units used for transiting traffic would presumably be rendered by Comsat in its role as INTELSAT manager, and be compensated for by INTELSAT.[2]

5. The policy adopted by us states that the terrestrial carriers should be authorized to obtain by lease, or indefeasible right of user, facilities for handling their traffic via satellite directly from the earth station owners at transit points, rather than obtaining them from Comsat. However, we recognize that there may be circumstances under which Comsat would supply the space segment to U.S. carriers. Our policy contemplates that Comsat may file a tariff when and if appropriate, covering costs of service for supplying the space segment to U.S. carriers. At the time such tariff is offered for filing, Comsat may advance such rationale as it deems necessary to justify the items included in the tariff, thereby affording Comsat full due process. We remain of the opinion, however, that there is a substantive difference between the furnishing of space segment capacity for circuits via U.S. earth stations and circuits via foreign earth stations and will expect any tariff filing to reflect such differences, or set forth appropriate reasons why in each particular case these differences are not reflected.

6. *Accordingly, it is ordered*, That the petition for reconsideration and clarification is granted. Our clarification is as set forth above. The Commission is making no prior determination as to the validity of a tariff covering space segment portions used for transiting circuits.

Adopted: June 16, 1971.

Released: June 29, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-9634 Filed 7-7-71;8:50 am]

[FCC 71-698]

RCA GLOBAL COMMUNICATIONS, INC.

COMSAT Rate Reduction

JULY 1, 1971.

RCA Global Communications, Inc. (RCA Globcom), petition to suspend the proposed revisions to Communications Satellite Corp.'s Tariff FCC No. 1 reducing rates in the Atlantic Basin area effective July 1, 1971, was denied by the Commission. Commission statement of reasons will be issued subsequent to this announcement.

Action by the Commission, June 30, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[4]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-9635 Filed 7-7-71;8:50 am]

FEDERAL MARITIME COMMISSION

AUSTRALIA/U.S. ATLANTIC AND GULF CONFERENCE

Notice of Petition Filed

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, DC 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed modification of the contract form and/or the approved contract system 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 petition (as indicated hereinafter), and the statement should indicate that this has been done.

Notice of petition to extend the term of a dual rate contract system filed by:

Elmer C. Maddy, Esq., Kirlin, Campbell & Keating, 120 Broadway, New York, NY 10005.

The Australia/U.S. Atlantic and Gulf Conference has filed a petition (No. 9450-DR-3) with the Commission requesting that the term of its approved form of exclusive patronage dual rate contract be extended for an additional 3 years or until August 31, 1974. The contract applies to cargoes moving from the range of Australian ports Fremantle to Cairns, both included, to U.S. Atlantic and Gulf ports.

Dated: July 2, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-9628 Filed 7-7-71;8:49 am]

SOUTH CAROLINA STATE PORTS AUTHORITY AND SEATRAIN LINES, INC.

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

[1] At present, the INTELSAT space segment charge to Comsat and other consortium members includes a factor of 14 percent return on capital as well as a factor to cover all operating and maintenance expenses, including depreciation.

[2] ITT and WUI contend that the petition for reconsideration and clarification was not timely filed since the release date was May 18, 1970. Where reports are published in the FEDERAL REGISTER, the 30-day time period set as a maximum in section 405 of the Communications Act of 1934, begins to run on the date of publication in the FEDERAL REGISTER.

[3] Commissioners Robert E. Lee and Houser absent.

[4] Commissioners Burch (chairman), Bartley, Johnson, H. Rex Lee and Wells.

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. Marion S. Moore, Jr., General Traffic Manager, South Carolina State Ports Authority, Post Office Box 817, Charleston, SC 29402.

Agreement No. T-2539, between the South Carolina State Ports Authority (Authority) and Seatrain Lines, Inc. (Seatrain), provides for the 2-year lease to Seatrain of certain marine terminal facilities and the preferential use of a berth at the Authority's State Pier 15 at Charleston, S.C., for use as a container facility. As compensation, Seatrain is to pay a monthly rent of $5,575, all dockage, and all wharfage on cargo handled up to 150,000 tons annually, subject to an annual minimum of 100,000 tons, and a percentage of wharfage for amounts handled in excess of 150,000 tons annually.

Dated: July 2, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-9629 Filed 7-7-71;8:50 am]

SPOKANE, PORTLAND AND SEATTLE RAILROAD CO. AND UNITED GRAIN CORP.

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 10 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. Norman E. Sutherland, White, Sutherland, Brownstein & Parks, 1200 Jackson Tower, Portland, OR 97205.

Agreement No. T-497-C, between Spokane, Portland and Seattle Railway Co. (Railway) and United Grain Corp. (UGC), provides for the 15-year sublease of certain grain elevators and other marine terminal facilities at Vancouver, Wash. As compensation, UGC will pay $60,000 annually for the first 10 years, and $340,000 annually for the last 5 years of the term. The agreement also provides that UGC will construct an estimated $2 million worth of improvements during the first 3 years of the lease. The sublease is subject to the terms of the basic lease agreement entered into between the Railway and the Port of Vancouver on April 1, 1953 (FMC Agreement No. T-497-A), which includes a provision that the facility is to be operated solely as a grain elevator facility and is not to enter into competition directly or indirectly with the Port in the handling of general cargo. Agreement No. T-497-C will supersede the present Agreement No. T-497-B.

Dated: July 2, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-9627 Filed 7-7-71;8:49 am]

[Independent Ocean Freight Forwarder License 445]

AVILA SHIPPING CO.

Order of Revocation

By letter dated June 2, 1971, Avila Shipping Co. (M. A. Trujillo d.b.a. 80 Broad Street, New York, NY 10004, was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 445 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before June 24, 1971.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Avila Shipping Co. (M. A. Trujillo d.b.a.) has failed to furnish a surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) section 7.04(g) (dated September 29, 1970):

It is ordered, That the Independent Ocean Freight Forwarder License of Avila Shipping Co. (M. A. Trujillo d.b.a.) be returned to the Commission for cancellation.

It is further ordered, That the Independent Ocean Freight Forwarder License of Avila Shipping Co. (M. A. Trujillo d.b.a.) be and is hereby revoked effective June 24, 1971.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Avila Shipping Co. (M. A. Trujillo d.b.a.)

WM. JARREL SMITH, Jr.,
Deputy Managing Director.

[FR Doc.71-9632 Filed 7-7-71;8:50 am]

[Independent Ocean Freight Forwarder License 817]

PRESTO SHIPPING AGENCY, INC.

Order of Revocation

On June 15, 1971, the Commission received notification from Axel R. W. Hansen, vice president, Presto Shipping Agency, Inc., 52 Broadway, New York, NY 10004, advising that he wished to discontinue the operation of Presto Shipping Agency, Inc., immediately.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised), section 7.04(f) (dated September 29, 1970):

It is ordered, That the Independent Ocean Freight Forwarder License No. 817 of Presto Shipping Agency, Inc., be and is hereby revoked effective June 15, 1971, without prejudice to reapplication for a license at a later date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Presto Shipping Agency, Inc.

WM. JARREL SMITH, Jr.,
Deputy Managing Director.

[FR Doc.71-9633 Filed 7-7-71;8:50 am]

[Agreement No. T-2188]

INTERNATIONAL LONGSHOREMEN'S AND WAREHOUSEMEN'S UNION

Order Extending Expiration Date

Agreement No. T-2188, as amended, was approved by the Commission on August 21, 1968. Pursuant to its terms, the arrangement provided for an allocation among the parties (who are employers of members of the International Longshoremen's and Warehousemen's Union) of the costs of a Workforce Stabilization and Utilization Program (WSUP). The labor agreement provided for the payment, by the employers, from July 1, 1966 to June 30, 1971, of the sum of $3,290,000 to the Union. Agreement No. T-2188 established the formula for allocating cost among the employers and was timed to coincide with the expiration of the labor contract on June 30, 1971.

About June 28, 1971, the employers and the union, faced with the possibility of a strike, negotiated an extension of the labor agreement to September 30, 1971. In order for the employers to meet their obligations under the extended labor contract in accordance with the formula heretofore agreed upon, an extension of Agreement No. T-2188 has been requested.

Because failure to assure continuation of the allocation arrangement could lead to a breakdown of the negotiations now proceeding under the extension of the labor contract and because no change in the competitive impact of Agreement No. T-2188 would be created by extending that agreement, we believe that the public interest requires that the requested extension be granted forthwith.

It is ordered, That Agreement No. T-2188 be and is hereby extended to and including September 30, 1971.

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

By the Commission.

FRANCIS C. HURNEY,
Secretary.

JUNE 30, 1971.

[FR Doc.71-9630 Filed 7-7-71;8:50 am]

[Docket No. 71-37]

MATSON NAVIGATION CO. ET AL.

Purchase of Ships; Supplemental Order

Matson Navigation Company, Sea-Land Service, Inc., and Reynolds Leasing Corp.

In response to our order to show cause served on April 16, 1971, the parties have submitted affidavits of fact and memoranda of law to which Hearing Counsel has filed a reply. All parties concluded that the agreement in question is not a section 15 agreement since it does not control, regulate, prevent, or destroy competition within the meaning of that section. In dealing with the law applicable to the Sea-Land Service, Inc., acquisition of two vessels originally ordered by the Matson Navigation Co., the parties restricted themselves to those Commission and court precedents dealing with that category of section 15 agreements which regulate, prevent, or destroy competition. The parties have in large measure construed the issue in the relative narrowness with which the order extracts portions of section 15.[1] However, we have additional concerns relating to the transaction principally arising from the Supreme Court's decision in Volkswagenwerk v. F.M.C., 390 U.S. 261, 88 S.Ct. 929, where the court rejected limiting section 15's coverage to those agreements which "affect" competition.

Accordingly we are issuing this supplemental order to permit the parties to submit an additional memorandum of law addressed to the question of whether the agreement is a cooperative working arrangement or in any other manner falls within the contemplation of section 15 of the Act.

Now, therefore, it is ordered, That supplemental memoranda of law shall be filed by respondents and served upon all parties no later than the close of business July 15, 1971. Reply memoranda of law shall be filed by the Commission's Bureau of Hearing Counsel and intervenors, if any, no later than the close of business July 29, 1971. The memoranda and replies thereto are to be limited solely to the issue of whether the agreement is a cooperative working arrangement or in any other manner falls within the contemplation of section 15 of the Shipping Act, 1916. Oral argument will be scheduled, if requested by the parties, and/or deemed necessary by the Commission.

It is further ordered, That a notice of this order be published in the FEDERAL REGISTER and that a copy thereof be served upon respondents.

It is further ordered, That persons other than those already party to this proceeding who desire to become parties to this proceeding and to participate therein shall file a petition to intervene pursuant to rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) no later than close of business July 9, 1971.

It is further ordered, That all documents submitted by any party of record in this proceeding shall be directed to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, in an original and 15 copies, as well as being mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-9625 Filed 7-7-71;8:49 am]

[Docket No. 71-36]

PACIFIC COAST AUSTRALASIAN TARIFF BUREAU

Enlargement of Time for Filing

JULY 2, 1971.

Tariff Rule 1(C), Local Tariff No. 15, FMC No. 4; Tariff Rule 1(D), Overland Freight Tariff No. 16.

Upon request of counsel for respondent, to which no party objects, time for respondents' filing of memoranda of law, affidavits of fact, and requests for hearing in this proceeding is enlarged to and including July 9, 1971.

Reply affidavits and memoranda shall be filed by the Commission's Bureau of Hearing Counsel and intervener on or before July 23, 1971.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-9626 Filed 7-7-71;8:49 am]

[Docket No. 71-42; Special Permission No. 5365]

SEA-LAND SERVICE, INC.

General Increases in Rates in the U.S. Atlantic and Gulf/Puerto Rico Trade; Third Supplemental Order

By the original order in this proceeding served April 22, 1971, the Commission placed under investigation a general rate increase of the subject carrier, and suspended to and including August 24, 1971 Supplements No. 9 to Tariffs FMC-F No. 18 and FMC-F No. 21. The Commission's order prohibits changes in tariff matter held in effect by reason of suspension during the period of suspension, unless otherwise ordered by the Commission.

By Special Permission Application No. 304 authority is sought to depart from the terms of Rule 20(c) of Tariff Circular No. 3 and the terms of the original order in this proceeding to permit the filing, upon not less than 30 days' notice of consecutively numbered revised pages 34, 35, 35A, and 35B to FMC-F No. 18 and consecutively numbered revised pages 237 and 237A to FMC-F No. 21, in order to extend certain expiration dates to July 31, 1972, continuing in effect tariff matter resulting in a reduction in rates and charges.

A full investigation of the matters involved in the application having been made, which application is hereby referred to and made a part hereof:

It is ordered, That:

1. Authority to depart from Rule 20(c) of Tariff Circular No. 3 and the terms of the order in Docket No. 71-42 to extend project rates provisions in consecutively numbered Revised Pages 34, 35, 35A, and 35B to FMC-F No. 18 and consecutively numbered revised pages 237 and 237A to FMC-F No. 21, as set forth in its Special Permission Application No. 304, said changes to become effective on not less than 30 days' notice, is hereby granted.

2. The authority granted hereby does not prejudice the right of this Commission to suspend and/or investigate any publications submitted pursuant thereto, either upon receipt of protest or upon the Commission's own motion under section 3 of the Intercoastal Shipping Act, 1933.

3. Publications issued and filed under this authority shall bear the following notation: "Issued under authority of Third Supplemental Order in Docket No. 71-42 and Federal Maritime Commission Special Permission No. 5365."

4. This special permission does not modify any outstanding formal orders of the Commission except insofar as it allows the aforementioned changes, nor

[1] The Order reads:

Section 15 of the Shipping Act, 1916, provides in pertinent part that:

* * * every common carrier by water * * * shall file immediately with the Commission a true copy, or, if oral, a true and complete memorandum, of every agreement with another such carrier * * * to which it may be a party or conform in whole or in part, * * * controlling, regulating, preventing, or destroying competition * * * The term "agreement" in this section includes understandings, conferences, and other arrangements.

* * * * *

Any agreement and any modification or cancellation of any agreement not approved, or disapproved, by the Commission shall be unlawful, and agreements, modifications, and cancellations shall be lawful only when and as long as approved by the Commission; before approval or after disapproval it shall be unlawful to carry out in whole or in part, directly or indirectly, any such agreement, modification, or cancellation.

waive, except as herein authorized, any of the requirements of its rules relative to the construction and filing of Tariff publications.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.71-9631 Filed 7-7-71;8:50 am]

FEDERAL POWER COMMISSION

[Docket No. RI71-1148 etc.]

AMOCO PRODUCTION CO. ET AL.

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

JUNE 25, 1971.

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

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

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

The Commission orders:

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

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

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

By the Commission.

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

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

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rates	Rate in effect subject to refund in dockets Nos.
RI71-1148	Amoco Production Co. et al	204	[2] 16	Transcontinental Gas Pipeline Corp. (Thibodaux Field, La Fourche Parish, Southern Louisiana).	$1,842	6-7-71	.....	7-23-71	22.375	26.0	RI71-638.
	do	312	[2] [3] 22	Transcontinental Gas Pipeline Corp. (Ship Shoal Blocks 28 and 32) (Offshore Louisiana) (Disputed Zone).	95,001	6-7-71	.....	7-23-71	22.375	26.0	RI71-638.
	do	483	[2] 15	do	26,463	6-7-71	.....	7-23-71	22.375	26.0	RI71-638.
RI71-1149	Continental Oil Co	158	[4] 22	Transcontinental Gas Pipeline Corp. (West Cameron Block 110 Field) (Offshore Louisiana).	52,540	6-7-71	.....	7-23-71	21.375	26.0	RI71-833.
RI71-1150	Shell Oil Co., et al	215	[2] 11	Texas Gas Transmission Corp. (Bayou Pigeon Field, Iberia County, Southern Louisiana).	140	6-7-71	.....	7-23-71	23.55	25.55	RI68-38.
RI71-1151	Phillips Petroleum Co	301	[4] 14	Southern Natural Gas Co. (Block 32 Field) (Offshore Louisiana).	11,925	6-7-71	.....	7-23-71	23.675	25.0	G-17267.
RI71-1152	Kerr-McGee Corp	103	[2] 17	Transcontinental Gas Pipe Line Corp. (Ship Shoal Blocks 28 and 32) (Offshore Louisiana) (Disputed Zone).	264,625	6-7-71	.....	7-23-81	22.375	26.0	RI71-834.
	do	69	[2] 25	do	264,625	6-7-71	.....	7-23-71	22.375	26.0	RI71-834.
RI71-1153	Marathon Oil Co	73	5	Transcontinental Gas Pipe Line Corp. (Cooke Field, La Salle County, Tex., R.R. District No. 1).	224	6-7-71	.....	8-16-71	[20] 15.76738		RI68-54. [20] 16.78463
RI71-1154	Atlantic Richfield Co	639	[21] 3	Michigan-Wisconsin Pipe Line Co. (Jeanerette Field, St. Mary Parish, Southern Louisiana).	13,660	6-3-71	.....	7-19-71	20.625	21.625	
	do	185	[2] 4	Tennessee Gas Pipe Line Co., a division of Tenneco Inc. (Cameron Area, Offshore Louisiana).	41,625	6-7-71	.....	7-23-71	21.375	26.0	RI71-657.
RI71-1155	Sun Oil Co	114	[2] 20	United Gas Pipe Line Co. (Belle Isle Field, St. Mary Parish, Southern Louisiana).	[16]	5-28-71	.....	[19] 7-13-71	22.375	[2] 26.0	RI71-639.
RI71-1156	Ocean Drilling & Exploration Co. et al.	5	[2] [11] 13	Transcontinental Gas Pipe Line Corp. (Ship Shoal Block 113 Field, Terrebonne Parish, Offshore Louisiana).	[16]	6-1-71	.....	[19] 7-17-71	21.375	[2] [22] 26.0	RI71-564.
RI71-1157	Getty Oil Co	8	19	Arkansas Louisiana Gas Co. (North Lansing Field, Harrison County, Tex., RR. District No. 6).	5,786	6-8-71	.....	8-9-71	[20] 13.49236	[2] [22] 21.0	

See footnotes at end of table.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rates	Rate in effect subject to refund in dockets Nos.
RI71-1158..	Atlantic Richfield Co.....	591	4	El Paso Natural Gas Co. (Todd San Andres Field, Crockett County, Tex.) (Permian Basin).	65	6-7-71	8-8-71	[26] 15.75	[26] 16.0		
.....do.....		457	5	El Paso Natural Gas Co. (Brown Bassett (Ellenburger) Field, Terrell County, Tex.) (Permian Basin).	6,611	6-7-71	8-8-71	[16 20] 14.1077	[14 22] 18.0675		
RI71-1159..	Amoco Production Co.....	307	34	El Paso Natural Gas Co. (Big Piney Field, Sublette County, Wyo.).	689	6-10-71	8-15-71	[17] 17.1275	[17] 18.1350	RI70-100.
.....do.....		302	[19] 9	El Paso Natural Gas Co. (Huerfano Gallup Field, San Juan County, N. Mex.) (San Juan Basin).	0 1,521	..... 6-9-71	 8-10-71	[18] 18.1350 13.0	[18] 19.1425 14.2678	RI70-100.	

[1] Unless otherwise stated, the pressure base is 15.025 p.s.i.a.
[2] Includes documents required by Opinion No. 567.
[3] Applicable only to sales from reservoirs identified in the documents submitted pursuant to Opinion No. 567.
[4] Submitted as three supplements and consolidated and designated as one supplement.
[5] Applicable only to sales from the 5,400' Sand Reservoir.
[6] Documents required by Opinion No. 567 were previously submitted and reported separately.
[7] Documents required by Opinion No. 567 incorporated by reference to documents submitted under Amoco R/S No. 483.
[8] Documents relating to the discovery of new reservoirs pursuant to Opinion No. 567 construed as Notice of Change in Rate.
[9] Establishes a 3d vintage price for the S-1, F.B.II Reservoir.
[10] This rate applicable to the S-1, F.B.II Reservoir.
[11] 45 days after the date of filing.
[12] Establishes a 3d vintage price for the RE-2 Reservoir.
[13] Applicable only to sales from the RE-2 Reservoir.
[14] Unilateral rate increase. Primary term of contract expired Jan. 10, 1971.
[15] Not stated.
[16] Subject to treating charge not to exceed 4.5 cents per Mcf—current treating charge is 2.982 cents per Mcf.
[17] Includes treating charge of 3.945 cents which may vary up to a maximum of 4.5 cents per Mcf.
[18] For gas delivered to buyer at 860 p.s.i.g. and below.
[19] For gas delivered to buyer above 860 p.s.i.g.
[20] Applicable to acreage added by Supplement No. 9.
[21] The pressure base is 14.65 p.s.i.a.
[22] Includes letter agreement from buyer dated June 17, 1966 stating that the second 5-year pricing period begins Nov. 30, 1969.

The increases pertaining to sales outside southern Louisiana do not exceed the corresponding rate filing limitations imposed in southern Louisiana and therefore they are suspended for 61 days from the date of filing, or 1 day from the contractual effective date, whichever is later, pursuant to Order No. 423. Those increases relating to sales within the southern Louisiana area are suspended for 45 days from the date of filing, or 1 day from the contractual effective date, whichever is later, consistent with previous Commission action on similar filings.

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

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

[FR Doc.71-9438 Filed 7-7-71;8:45 am]

[Docket No. CP 71-68 etc.]

COLUMBIA LNG CORP. ET AL.

Order Denying Motion for Limited Severance and for Consolidation

JUNE 29, 1971.

Columbia LNG Corp., Docket No. CP71-68; Consolidated Gas Supply Corp., Docket No. CP71-153; Southern Energy Co., Dockets Nos. CP71-151, CP71-264; Southern Natural Gas Co., Docket No. CP71-276; Columbia LNG Corp., Consolidated System LNG Co., Docket No. CP71-289; Consolidated System LNG Co., Docket No. CP71-290.

On June 4, 1971, Columbia LNG Corp. (Columbia) and Consolidated System LNG Co. (Consolidated LNG) filed a motion requesting (1) that the Commission sever from the above consolidated proceeding for the purpose of decision the application of Columbia in Docket No. 71-68 and Consolidated Gas Supply Corp. (to which Consolidated LNG is the successor by assignment) in Docket No. CP71-153; and (2) that Dockets Nos. CP71-68 and CP71-153 be consolidated for decision with the section 7 applications of Columbia and Consolidated LNG in Dockets No. CP71-289 and CP71-290.

Atlanta Gas Light Co. filed an answer fully supporting the motion. Superior Oil Co. in its answer supports the motion in part and opposes it in part. Southern Natural Gas Co. and Southern Energy Co., the Public Service Commission of the State of New York and the Commission Staff filed answers opposing the motion.

On June 18, 1971, Columbia filed a motion and request for clarification of the Commission's order of June 10, 1971, which consolidated the application in Dockets Nos. CP71-289 and CP71-290 into the instant proceeding which would establish that the Commission's order of June 10, 1971, was without prejudice to its motion of June 4, 1971. The Commission's order of June 10, 1971, was not directed to Columbia and Consolidated LNG's motion of June 4, 1971, to which we address ourselves herein.

Dockets Nos. CP71-68, CP71-151, and CP71-153 were consolidated for hearing by Commission order of March 11, 1971, and hearings on Phase I thereof with respect to the LNG importation aspects of the interrelated section 3 applications have been concluded. Hearings on the section 7 applications under Phase II of the case are proceeding expeditiously. Under the circumstances, we do not believe that disposition of this case would be advanced by the limited severance and consolidation requested by Columbia and Consolidated LNG.

The Commission finds: It is appropriate and in the public interest that the motion filed by Columbia and Consolidated LNG on June 4, 1971, be denied.

The Commission orders: The motion of Columbia and Consolidated LNG for limited severance and for consolidation filed June 4, 1971, is denied.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-9592 Filed 7-7-71;8:47 am]

[Docket No. RI71-1138 etc.]

DIAMOND SHAMROCK CORP. ET AL.

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

JUNE 25, 1971.

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

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

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

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice

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

and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

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

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

By the Commission.

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

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI71-1138	Diamond Shamrock Corp. et al.	27	4	Transcontinental Gas Pipe Line Corp. (Big Foot Area Frio County, Tex., RR. District No. 1).	$1,780	5-27-71		7-28-71	15.7674	16.7846	RI67-417.
RI71-1139	Phillips Petroleum Co. et al.	209	[1] 10	Southern Natural Gas Co. (Bastian Bay Field, Plaquemines Parish, Southern Louisiana).	41,075	5-28-71		7-13-71	[7] 23.675	[7] 25.0	G-17156.
RI71-1140	Union Oil Co of California	13	[1] [2] 14	Texas Gas Transmission Corp. (Eastern Lake Palourde Fields, St. Martin and Assumption Parishes, Southern Louisiana).	36,937	5-27-71		7-12-71	[7] 22.375	[7] 25.75	RI71-564.
RI71-1141	Phillips Petroleum Co.	39	[3] 11	Tennessee Gas Pipeline Co. (Green Branch Field, McMullen County, Tex., RR. District No. 1).	679	5-27-71		7-28-71	17.0	17.5656	G-20524.
RI71-802	Continental Oil Co.	183	[1] [4] 1-22	Tennessee Gas Pipeline Co., A division of Tenneco Inc. (Grand Isle Block 47 Field) (Offshore Louisiana).	4,196	6-1-71		[5] 3-26-71	[7] 20.67	[7] 23.50	RI70-1446.
RI71-1142	Phillips Petroleum Co.	7	17	El Paso Natural Gas Co. (Goldsmith Plant, Ector County, Tex., Permian Basin).	11,632	5-27-71		8-2-71	16.6821	17.1878	RI71-293.
	do	9	23	El Paso Natural Gas Co. (Crane Plant, Crane County, Tex., Permian Basin).	51,081	5-27-71		8-2-71	16.4292	6.9349	RI71-293.
	do	10	22	El Paso Natural Gas Co. (Keystone Plant, Winkler County, Tex., Permian Basin).	8,265	5-27-71		8-2-71	18.8195	19.3191	RI71-293.
	do	32	37	El Paso Natural Gas Co. (Goldsmith and Fullerton Plants, Ector and Andrews Counties, Tex., and Eunice Plant, Lea County, N. Mex., Permian Basin).	171,955 69,809	5-27-71 5-27-71		8-2-71 8-2-71	[8] 16.6821 [8] 16.7426	[8] 17.1878 [8] 17.2503	RI71-293. RI71-293.
	do	33	21	do	149,990	5-27-71		8-2-71	[8] 16.6821	[8] 17.1878	RI71-293.
	do	64	20	El Paso Natural Gas Co. (Eunice Plant, Lea County, N. Mex., Permian Basin).	(11) 38,585	5-27-71 5-27-71		8-2-71 8-2-71	[8] 16.7426 16.7426	[8] 17.2503 17.2503	RI71-293. RI71-293.
	do	243	27	El Paso Natural Gas Co. (Hobbs and Lee Plants, Lea County, N. Mex.) (Permian Basin).	39,600 25,365 83,757	5-27-71 5-27-71 5-17-71		8-2-71 8-2-71 [10] 8-2-71	[12] 16.7426 [13] 16.2349 [10] 17.2503	[12] 17.2503 [13] 17.2503 [10] 17.7579	RI71-293. RI71-483. RI71-293.
	do	47	15	El Paso Natural Gas Co. (Jack Herbert Field, Upton County, Tex.) (Permian Basin).	625	5-28-71		8-2-71	18.3105	18.8191	RI71-767.
	do	65	19	El Paso Natural Gas Co. (Jal Field, Lea County, N. Mex., Permian Basin).	4,911	5-27-71		8-2-71	18.4138	18.9233	RI71-293.
	do	151	14	do	818	5-27-71		8-2-71	18.4138	18.9233	RI71-293.
	do	256	11	El Paso Natural Gas Co. (Spraberry Field, Reagan County, Tex.) (Permian Basin).	168	5-27-71		8-2-71	19.8364	20.3450	RI71-293.
	do	260	10	El Paso Natural Gas Co. (Noelke Field, Crockett County, Tex.) (Permian Basin).	140	5-27-71		8-2-71	17.2933	17.8019	RI71-293.
	do	300	15	El Paso Natural Gas Co. (Amacker-Tippett Field, Upton County, Tex.) (Permian Basin).	153	5-27-71		8-2-71	16.7846	17.33	RI71-2923.
	do	359	23	El Paso Natural Gas Co. (Winkler Plant, Winkler County, Tex. Permian Basin).	12,409	5-27-71		8-2-71	19.7523	20.2588	RI71-298.
	do	363	19	El Paso Natural Gas Co. (Tunstill Plant, Reeves County, Tex., Permian Basin).	10,682	5-27 71		8-2-71	17.8019	18.3105	RI71-298.
	do	315	8	El Paso Natural Gas Co. (Spraberry Field, Reagan County, Tex., Permian Basin).	56	5-27-71		8-2-71	19.8364	20.3450	RI71-293.
RI71-1143	Midwest Oil Corp.	24	4	Cimarron Transmission Co. (Marietta Area, Love County) (Oklahoma Other Area).	182	[14] 5-24-71		7-25-71	[14] [15] 18.102	[14] [15] 19.233	RI71-1087.

* Unless otherwise stated, the pressure base is 14.65 p.s.i.a.

[1] Applies only to gas sold from reservoirs discovered on or after Oct. 1, 1968 as shown in the documents filed pursuant to Opinion No. 567.

[2] Includes documents required by Opinion No. 567, showing reservoirs discovered after Oct. 1, 1968.

[3] Applicable only to sales from reservoirs identified in the documents submitted pursuant to Opinion No. 567.

[4] Revised filing. Prior filing reflected that the "KD" Sand Reservoir qualifies for third vintage price erroneously.

[5] Accepted for filing as substitute rate filing effective as of Mar. 26, 1971, subject to refund in RI71-802.

[6] Includes letter agreement dated May 26, 1969 which provides for the redetermined rate proposed herein.

[7] The pressure base is 15.025 p.s.i.a.

[8] Goldsmith & Fullerton Plants, Texas.

[9] Eunice Plant, New Mexico.

[10] Lee Plant.

[11] No gas presently being sold at the Eunice Plant under this rate schedule.

[12] Hobbs Plant.

[13] Hobbs Plant-Additional volumes of gas added by Supplement No. 25.

[14] Base rate subject to upward and downward B.t.u. adjustment.

[15] Corrected by filing of June 1, 1971.

[16] Includes upward B.t.u. adjustment.

The southern Louisiana increases, except for Continental's increase, are suspended for a period ending 45 days from the date of filing or 1 day from the contractually due date, whichever is later, consistent with prior Commission action on southern Louisiana increases exceeding the area rates set forth in Opinions Nos. 546 and 546–A. The proposed increased rates in areas outside southern Louisiana do not exceed the corresponding rate limitation for increased rates in southern Louisiana and are therefore suspended for a period ending 61 days from the date of filing or for 1 day from the contractually due date, whichever is later.

Continental had previously filed a proposed increase under its FPC Gas Rate Schedule No. 183 to 23.5 cents per Mcf, applicable to gas produced from newly discovered reservoirs. The proposed increase was suspended by order issued March 5, 1971, and made effective subject to refund as of March 26, 1971 in Docket No. RI71–802. Continental now states that one of the reservoirs, the "KD" reservoir, previously claimed for third vintage status, does not qualify for such status and therefore it is not entitled to the 23.5-cent price for gas sold from such reservoir. No amounts attributable to the increased rate have been paid for gas sold from such reservoir. Continental has submitted a revised filing to be substituted for the prior filing reflecting a price increase only applicable to those reservoirs that qualify for such higher price. We believe it appropriate to accept the revised filing subject to refund in the existing suspension proceeding in Docket No. RI71–802.

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

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61–1, as amended (18 CFR 2.56).

[FR Doc.71-9439 Filed 7-7-71;8:45 am]

[Docket No. CS66–19 etc.]

ARTHUR J. WESSELY ET AL.

Notice of Applications for "Small Producer" Certificates [1]

JUNE 29, 1971.

Take notice that each of the applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before July 23, 1971, file with the the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No.	Date filed	Name of applicant
CS66-19....	5-27-71	Arthur J. Wessely (successor to Yucca Petroleum Co.), Post Office Box 550, Amarillo, TX 79105.
CS68-1.....	10-30-69	Amini Oil Corp. (Operator) et al., (successor to K. K. Amini (Operator) et al.), 400 Wall Towers West, Midland, Tex. 79701.
CS71-1000..	5-26-71	Hudson Ohio Oil Co., 300 Hightower Bldg., Oklahoma City, Okla. 73102.
CS71-1001..	5-26-71	T. K. Hendrick (Operator) et al., 300 Hightower Bldg., Oklahoma City, Okla. 73102.
CS71-1002..	5-26-71	Arapahoe Production Co., Post Office Box 1228, Borger, TX 79007.
CS71-1003..	5-26-71	Willard Pease Drilling Co., Post Office Box 548, Grand Junction, CO 81501.
CS71-1004..	5-27-71	Platte Valley Oil Co., Inc., 214 Hillcrest Center Bldg., Ralston, Nebr. 68127.
CS71-1005..	5-27-71	Frank H. Walsh, Box 30, Sterling, CO 80751.
CS71-1006..	5-27-71	C. F. Braun & Co., Alhambra, Calif. 91802.
CS71-1007..	5-27-71	Ruthe H. Greenewald, c/o Culton, Morgan, Britain & White, Post Office Box 189, Amarillo, TX 79105, Attention: Ray W. Richards.
CS71-1009..	5-28-71	Tascosa Production Co., Post Office Box 9158, Amarillo, TX 79105.
CS71-1010..	5-28-71	Malouf Abraham, Post Office Box 36, Canadian, TX 79014.
CS71-1011..	5-28-71	Herbert L. Dillon, Jr., 3210 One Shell Plaza, Houston, Tex. 77002.
CS71-1012..	5-28-71	Ira S. Snead, 3210 One Shell Plaza, Houston, Tex. 77002.
CS71-1013..	5-11-71	Franks Petroleum Inc., Trustee, Post Office Box 7665, Shreveport, LA 71107.
CS71-1014..	5-11-71	Franks Petroleum Inc., Post Office Box 7665, Shreveport, LA 71107.
CS71-1015..	5-11-71	John Oil & Gas Co., Post Office Box 7665, Shreveport, LA 71107.
CS71-1016..	5-11-71	The Karen Corp., Post Office Box 7665, Shreveport, LA 71107.
CS71-1017..	5-11-71	Brammer Engineering, Inc., Post Office Box 7665, Shreveport, LA 71107.
CS71-1018..	5-11-71	L. R. Brammer, Jr., Post Office Box 7665, Shreveport, LA 71107.
CS71-1019..	5-11-71	Carl R. Corley, Post Office Box 7665, Shreveport, LA 71107.
CS71-1020..	5-11-71	Larry N. Dickerson, Post Office Box 7665, Shreveport, LA 71107.
CS71-1021..	5-11-71	Joe T. Franks, Post Office Box 7665, Shreveport, LA 71107.
CS71-1022..	5-11-71	Gerald E. Huggs, Post Office Box 7665, Shreveport, LA 71107.
CS71-1023..	5-11-71	Duane Cloud, Trustee, Post Office Box 7665, Shreveport, LA 71107.
CS71-1024..	5-11-71	Gene R. Robinson, Post Office Box 7665, Shreveport, LA 71107.
CS71-1025..	5-11-71	Donald W. Webb, Post Office Box 7665, Shreveport, LA 71107.
CS71-1026..	6- 1-71	B. M. Nowery, Jr., 705 Ontario, Shreveport, LA 71106.
CS71-1027..	6- 1-71	J. F. McAdams & B. E. Holladay, dba Holmac Oil Co., Post Office Drawer 1800, Hobbs, NM 88240
CS71-1028..	6- 1-71	Crownwell Oil Co., Inc., Post Office Box 52211, New Orleans, LA 70113.
CS71-1029..	6- 1-71	Big "6" Drilling Co., 1228 Bank of Southwest Bldg., Houston, Tex. 77002.
CS71-1030..	6- 1-71	Dawson Operating Co., Inc., Post Office Box 7381, Amarillo, TX 79109.
CS71-1031..	6- 1-71	Robert G. Shaw, 702 Wedgewood, Longview, TX 75601.
CS71-1032..	6- 1-71	H. M. Crosswell, Jr., 1010 River Oaks Bank & Trust Tower, Houston, Tex. 77019.
CS71-1033..	6- 1-71	Fred L. Sharp, 12 Niles Rd., Austin, TX 78703.
CS71-1034..	6- 1-71	Thomas C. Canan, 620 Oil & Gas Bldg., Wichita Falls, Tex 76301.
CS71-1035..	6- 1-71	Milton S. Gould, 330 Madison Ave., New York, NY 10017.
CS71-1036..	6- 1-71	Mrs. Mae Lusk et al., 1937 West Gray, Suite 22, Houston, Tex 77019.
CS71-1037..	6- 1-71	Glasscock Leaseholds, Inc., 200 Fillmore, Suite 306, Denver, CO 80206.
CS71-1038..	6- 1-71	P. W. Finke, Trustee, 8403 Braesview, Houston, TX 77071.
CS71-1039..	6- 1-71	A. D. Weatherly, 1500 Lamar, Amarillo, Tex. 79102.
CS71-1040..	6- 1-71	Chas. T. McCord, Jr. and Henry Goodrich d.b.a. McCord Oil Co., 1705 Beck Bldg., Shreveport, La. 71101.
CS71-1041..	6- 1-71	Ted Collins, Jr., 606 Vaughn Bldg., Midland, Tex. 79701.
CS71-1042..	6- 1-71	M. L. Posey, Jr., 440 Oil & Gas Bldg., New Orleans, La. 70112.
CS71-1043..	6- 1-71	Raybourne Thompson, 2100 First City National Bank Bldg., Houston, Tex. 77002.
CS71-1044..	6- 1-71	Robert E. Tucker, Jr., 620 Vaughn Bldg., Midland, Tex. 79701.
CS71-1046..	6- 1-71	Tom Brown Drilling Co., Inc., Post Office Box 5706, Midland, TX 79701.
CS71-1047..	6- 3-71	Ada Land Co., Post Office Box 844, Houston, TX 77001.
CS71-1048..	6- 2-71	Van Oil Co., 300 Hightower Bldg., Oklahoma City, Okla. 73102.
CS71-1049..	6- 3-71	Killam & Hurd, Ltd., Post Office Box 499, Laredo, TX 78040.
CS71-1050..	6- 3-71	Duer Wagner, Jr., 2700 Continental National Bank Bldg., Fort Worth, Tex. 76102.
CS71-1051..	6- 4-71	C. E. Starrett, Post Office Box 276, Refugio, TX 78377.
CS71-1052..	6- 4-71	A. O. Phillips, 2507 Mercantile Bank Bldg., Dallas, Tex. 75201.
CS71-1053..	6- 4-71	William G. Darsey, III, Post Office Box 51643, O.C.S., Lafayette, LA 70501.
CS71-1054..	6- 4-71	F. H. Brown, Post Office Box 6606–G, Shreveport, LA 71106.
CS71-1055..	6- 7-71	Stonetex Oil Corp., 1129 DAC Bldg., Dallas, Tex. 75201.
CS71-1056..	6- 7-71	Henry L. Allbritton, 3005 Fairway Dr., Billings, MT 59102.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No.	Date filed	Name of applicant
C871-1057..	6- 7-71	H. L. Brown, Jr., 309 Midland Tower Bldg., Midland, Tex. 79701.
C871-1058..	6- 7-71	Duquesne Natural Gas Co. and Duquesne Kentucky Gas Co., 206 Southwest Tower, Houston, Tex. 77002.
C871-1059..	6- 7-71	Milton Carpenter, Box 185, McLean, TX 79057.
C871-1060..	6- 9-71	T. C. Huddle, Operator, D-406 Petroleum Center, San Antonio, Tex. 78209.
C871-1061..	6- 9-71	Big "6" Drilling Co., 1228 Bank of Southwest Bldg., Houston, Tex. 77002.
C871-1062..	6- 9-71	Newman Brothers Drilling Co., 1432 Milam Bldg., San Antonio, TX 78205.
C871-1063..	6- 9-71	Ed E. & Gladys Hurley Foundation of Louisiana, First National Bank of Shreveport, Trustee, 400 Petroleum Bldg., Shreveport, La. 71101.
C871-1064..	6-10-71	Salmon Corp., 823 South Detroit Ave., Tulsa, OK 74120.
C871-1065..	6-10-71	Howard E. Berry (Operator), Post Office Box 1027, Jackson, MS 39205.
C871-1066..	6-10-71	James W. Harris, Operator, Post Office Box 1027, Jackson, MS 39205.
C871-1067..	6-10-71	N. Hall McCord, Post Office Box 22324, Houston, TX 77027.
C871-1068..	6-10-71	Enterprise Gas Inc., 2021 Chamber of Commerce Bldg., Houston, Tex. 77002.
C871-1069..	6-10-71	Tartan Resources Corp., 517 Petroleum Tower, Corpus Christi, Tex. 78401.
C871-1070..	6-11-71	Russell V. Johnson, Jr. (Operator) et al., 300 Hightower Bldg., Oklahoma City, Okla. 73102.
C871-1071..	5-19-71	The Gaye Anne Glister Trust under the will of Ralph R. Glister, Post Office Box 1315, Shreveport, LA 71102.
C871-1072..	5-10-71	The Michael Brian Glister Trust under the will of Ralph R. Glister, Post Office Box 1315, Shreveport, LA 71102.
C871-1073..	5-19-71	Ralph R. Glister, Jr., Post Office Box 1315, Shreveport, LA 71102.
C871-1074..	6-10-71	Rodney P. Calvin, 555 17th St., Denver, CO 80202.
C871-1075..	5- 3-71	Cleveland Davis, Jr., Trustee of the James Ripley Davis Trust, Post Office Box 458, Angleton, TX 77515.
C871-1076..	5-26-71	W. T. Fail, Box 1394, Shawnee, OK 74801.
C871-1077..	5-27-71	D. H. Byrd (Operator) et al., 1110 Tower Petroleum Bldg., Dallas, Tex. 75201.
C871-1078..	5-25-71	T. W. Eason et al., 5225 North Shartel, Oklahoma City, OK 73118.
C871-1079..	6-14-71	Estate of John V. Rowan, 219 West Elsmere, San Antonio, TX 78212.
C871-1080..	6-14-71	Murchison Bros. & Denius, 2035 First National Bank Bldg., Dallas, Tex. 75202.
C871-1081..	6-14-71	Crown Central Petroleum Corp., 2100 First City National Bank Bldg., Houston, Tex. 77002.
C871-1082..	6-15-71	J. A. LaFortune, 2104 Philtower, Tulsa, Okla. 74103.
C871-1083..	6-15-71	Thomas N. Berry & Co., 510 Oklahoma Natural Bldg., Tulsa, Okla. 74119.
C871-1084..	6-16-71	Sesco Production Co., Post Office Box 6102, Longview, TX 75601.
C871-1085..	6-16-71	Sesco Production Co., Post Office Box 6102, Longview, TX 75601.
C871-1086..	6-16-71	David Fasken and Richard S. Brooks, 608 First National Bank Bldg., Midland, Tex. 79701.
C871-1087..	6-16-71	C. V. Lyman, Post Office Box 1141, Midland, TX 79701.
C871-1088..	6-17-71	W. C. Payne et al., 1376 First National Bldg., Oklahoma City, Okla. 73102.
C871-1089..	6-17-71	P. J. Watrous, Trustee, 630 Fifth Ave., New York, NY 10020.
C871-1090..	6-17-71	Curtis S. Green, 725 Wright Bldg., Tulsa, Okla. 74103.
C871-1091..	6-17-71	William E. Snee, Downtown Station, Post Office Box 2023, Uniontown, PA 15401.
C871-1092..	6-17-71	Orville Eberly, Downtown Station, Post Office Box 2023, Uniontown, PA 15401.
C871-1093..	6-18-71	John C. Oxley et al., 1910 First National Bldg., Tulsa, Okla. 74103.
C871-1094..	6-17-71	G. C. Slater & B. J. Johnson, 814 Twenty Sixteen Main Bldg., Houston, Tex. 77002.
C871-1095..	6- 2-71	Estate of Alfred E. McLane, Deceased and Dixie M. McLane Trust, 2700 Republic National Bank Bldg., Dallas, Tex. 75201.
C871-1096..	6- 7-71	The Herman F. Heep Trust No. 1 and No. 2 et al., Post Office Drawer 279, Austin, TX 78767.
C871-1097..	6-17-71	Petroleum Transmission Corp., E-102 Petroleum Center, San Antonio, Tex. 78209.
C871-1098..	6-17-71	Pomeroy Smith 70 Ltd., 418 Building of the Southwest, Midland, Tex. 79701.
C871-1099..	6-18-71	East-West Gas Co., 516 5th Ave., Suite 507, New York, N.Y. 10036.
C871-1100..	6-18-71	Wilson Exploration Co. (Operator) et al., 2100 First City National Bank Bldg., Houston, Tex. 77002.

[FR Doc.71-9565 Filed 7-7-71;8:45 am]

TARIFF COMMISSION

[TEA-F-26]

JOHNSON, STEPHENS, & SHINKLE SHOE CO.

Petition for Determination of Eligibility To Apply for Adjustment Assistance; Notice of Investigation

Investigation instituted. Upon petition under section 301(a)(2) of the Trade Expansion Act of 1962, filed by Johnson, Stephens, and Shinkle Shoe Co., St. Louis, Mo., the U.S. Tariff Commission, on July 1, 1971, instituted an investigation under section 301(c)(1) of the said act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with women's and misses' cement process shoes of the kind produced by the aforementioned firm, are being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to such firm.

The petitioner has not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigation, provided such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

Inspection of petition. The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC, and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: July 2, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.71-9614 Filed 7-7-71;8:49 am]

[TEA-W-97—TEA-W-99]

STACY ADAMS SHOE CO. ET AL.

Workers' Petitions for Determination of Eligibility To Apply for Adjustment Assistance; Notice of Investigations

On the basis of petitions filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers of—

TEA-W-97 Stacy Adams Shoe Co., Brockton, Mass.

TEA-W-98 Copley Shoe Co., Inc., Wakefield, Mass.

TEA-W-99 Pappagallo, Inc., New York, N.Y.

the U.S. Tariff Commission, on the 1st day of July 1971 instituted investigations under 301(c)(2) of the said act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with products manufactured by the aforementioned firms—men's footwear, women's footwear, and women's and misses' footwear, respectively—are being imported into the United States in such increased quantities as to cause, or to threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firms.

The petitioners have not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigations, provided such request is filed within 10 days after publication of the notice in the FEDERAL REGISTER.

The petitions filed in this case are available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC, and at the New York City office of the Tariff Commission located in room 437 of the Customhouse.

Issued: July 2, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.71-9615 Filed 7-7-71;8:49 am]

DEPARTMENT OF LABOR

Office of the Secretary

WEST VIRGINIA

Notice of Termination of Extended Unemployment Compensation

The Federal-State Extended Unemployment Compensation Act of 1970,

Title II of Public Law 91-373, establishes a program of extended unemployment compensation which provides for payment to unemployed workers who have received all of the regular compensation to which they are entitled, commencing when unemployment is high (according to indicators set forth in the law) and terminating when unemployment ceases to be high (according to indicators set forth in the law).

Notice is hereby given that Clement R. Bassett, Commissioner of the West Virginia Department of Employment Security, who previously determined there was an "on" indication in the week beginning January 17, 1971, and that an extended benefit period began in the week commencing February 7, 1971, has now determined that there was a State "off" indicator in West Virginia for the week ending April 17, 1971, and that an extended benefit period terminated in the State with the week ending May 8, 1971. This notice is published pursuant to section 203(b)(2) of the Act.

Signed at Washington, D.C., this 30th day of June 1971.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.71-9577 Filed 7-7-71;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 17]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 2, 1971.

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

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

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

MOTOR CARRIERS OF PASSENGERS

No. MC-1515 (Deviation No. 587), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed June 22, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Maxville, Fla., over U.S. Highway 301 to interchange Interstate Highway 10, thence over Interstate Highway 10 to Jacksonville, Fla., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: Between Jacksonville, Fla., and Maxville, Fla., over Florida Highway 228.

No. MC-41638 (Deviation No. 3) (Cancels Deviation No. 2), DELUXE TRAILWAYS, INC., 1718 South Clark Street, Chicago, IL 60616, filed June 25, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Chicago, Ill., over city streets to junction Interstate Highway 94 and Interstate Highway 57 (city of Chicago, Ill.), thence over Interstate Highway 57 to Onarga, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Chicago, Ill., over city streets to Hammond, Ind., thence over Sibley Boulevard to junction Alternate U.S. Highway 30, thence over Alternate U.S. Highway 30 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction U.S. Highway 54, thence over U.S. Highway 54 via Kankakee and Onarga, Ill., to Fullerton, Ill., thence over Illinois Highway 48 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction City U.S. Highway 66, thence over City U.S. Highway 66 to East St. Louis, Ill., thence over the Eads Bridge to St. Louis, Mo., and (2) from Decaur, Ill., over U.S. Highway 51 to Pana, Ill., thence over Illinois Highway 16 to Litchfield, Ill., and return over the same routes.

No. MC-107586 (Deviation No. 13), CONTINENTAL BUS SYSTEM, INC., 316 Continental Avenue, Dallas, TX 75207, filed June 22, 1970. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From the Colorado-Utah State line over Interstate Highway 70 to Thompson, Utah, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Salt Lake City, Utah, over Alternate U.S. Highway 50 (formerly U.S. Highway 50) via Springville, Utah, to junction U.S. Highway 50, thence over U.S. Highway 50 to Grand Junction, Colo., and return over the same route.

No. MC-107586 (Deviation No. 14), CONTINENTAL BUS SYSTEM, INC., 316 Continental Avenue, Dallas, TX 75207, filed June 22, 1970. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction Interstate Highway 70 and U.S. Highway 6, west of Denver, Colo., over Interstate Highway 70 to junction U.S. Highway 6, near Dowds, Colo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Denver, Colo., over U.S. Highway 6 via Dillon and Wheeler, Colo., to Dowds, Colo., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-9646 Filed 7-7-71;8:51 am]

[Notice 53]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JULY 2, 1971.

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

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

MOTOR CARRIERS OF PROPERTY

NOTICE OF FILING OF PETITIONS

No. MC 109430 (Republication) (Notice of Filing of Petition to Modify Certificate), filed February 1, 1971, published in the FEDERAL REGISTER issue of February 18, 1971, and republished this issue. Petitioner: EQUIPMENT TRANSPORT, INC., Post Office Box 665, West Columbia, SC 29169. Petitioner's representatives: Henry P. Willimon, Post Office Box 1075, Greenville, SC, and Kim D. Mann, 915 Pennsylvania Building, Washington, D.C. 20004. A report and order of the Commission, Operating Rights Board, dated April 30, 1971, and served June 25, 1971, finds; that the present and future public convenience and necessity require that petitioner's certificate No. MC-109430 be modified by modifying authority contained therein to transport the commodities indicated below between points in Alabama and Georgia within 10 miles of Columbus, Ga., to provide for

the transportation of *general commodities* (except tile, brick, roofing, fertilizer, dry goods, petroleum products, household goods, office furniture, tombstones and monuments) between points in Russell and Lee Counties, Ala., and Muscogee, Chattahoochie, and Harris Counties, Ga.; that petitioner is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that an appropriate amended certificate should be issued limited, to the extent it authorizes the transportation of classes A and B explosives to a period expiring 5 years from its effective date. Because it is possible that other parties who have relied upon the notice in the FEDERAL REGISTER of the application as originally published may have an interest in and would be prejudiced by the lack of proper notice of the grant of authority without the requested limitation in our findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of the certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in the proceeding setting forth in detail the precise manner in which it has been prejudiced.

No. MC 126403 (Sub-No. 1 (Correction) (Notice of Filing of Petition for Declaratory Order for Modification of Permit), filed April 19, 1971, published FEDERAL REGISTER, issue of May 26, 1971, and republished as corrected this issue. Petitioner: PHILADELPHIA MERCHANTS DELIVERY SERVICE, INC., Southwest Corner Swanson and Mifflin Streets, Philadelphia, PA 19148. Petitioner's representative: Robert D. Stair, Sr., 2122 Meeting House Road, Cinnaminson, NJ 08007. NOTE: The purpose of this correction is to show petitioners correct name, as shown above. The name was inadvertently shown as Merchants Delivery Service, Inc. The rest of the notice remains as previously published.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 55889 (Sub-No. 39), filed June 18, 1971. Applicant: COOPER TRANSFER CO., INC., Post Office Box 496, Brewton, AL 36426. Applicant's representative: A. Alvis Layne, 915 Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (1) *Explosives*, over regular routes, between the U.S. Ordnance Depot located at or near Bynum, Ala., and Camp Rucker, Ala., from Bynum over U.S. Highway 78 to Anniston and Oxford, thence to the junction of Alabama Highway 37 to Opelika, thence over U.S. Highway 29 to Banks, thence over U.S. Highway 231 to Ozark, thence over Alabama Highway 85 to Camp Rucker, and return over the same routes, serving no intermediate points; (2) *General commodities* (except commodities in bulk), over regular routes, between Montgomery and Opp, Ala., over U.S. Highway 331, serving no intermediate points; and (3) *General commodities*, over irregular routes, between Birmingham, Ala., and points within 15 miles thereof, on the one hand, and, on the other, Andalusia, Athens, Auburn, Brundidge, Citronelle, Clayton, Cullman, Decatur, Demopolis, Dothan, Elba, Enterprise, Eufaula, Eutaw, Fairhope, Fayette, Flomaton, Florala, Foley, Greensboro, Haleyville, Hartselle, Headland, Huntsville, Jasper, Linden, Luverne, Monroeville, Opp, Ozark, Robertsdale, Russellville, Samson, Stevenson, Troy, Tuscaloosa, Union Springs, and Uniontown, Ala. NOTE: Applicant states it intends to tack with existing authority wherever feasible in order to provide a through service to points in Alabama, Georgia, Florida, and Louisiana. Applicant further states that the authority sought herein corresponds to the authority set forth in certificates of registration applicant is purchasing from Samuel Kaufman, Trustee in Bankruptcy for A–OK Motor Lines, Inc., in a directly related finance proceeding pending before the Commission in MC–F–11134, published in the FEDERAL REGISTER issue of April 14, 1971. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held in Montgomery, Ala.

No. MC 61007 (Sub-No. 7), filed June 16, 1971. Applicant: PACELLI BROS. TRANSPORTATION, INC., 119 Trowel Street, Bridgeport, CT 06606. Applicant's representative: John E. Fay, 342 North Main Street, West Hartford, CT 06117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in Connecticut. NOTE: The instant application is a matter directly related to No. MC–F 11210 published in the FEDERAL REGISTER issue of June 23, 1971. Applicant states that it intends to tack the requested authority with its existing authority at Bridgeport, Conn. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., New York, N.Y., or Washington, D.C.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

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

MOTOR CARRIERS OF PROPERTY

No. MC–F–11215. Authority sought for control by FRISKNEY AND HARDING TRUCKING, INC., Post Office Box 3, Kendallville, IN 46755, of the operating rights of HUDSON TRUCKING CO., INC., Post Office Box 222, Kendallville, IN 46755, and for acquisition by GLEN D. FRISKNEY, RAY L. FRISKNEY, LOIS M. FRISKNEY, AND MYRTLE FRISKNEY all of Kendallville, Ind. 46755, of control through purchase of capital stock of HUDSON TRUCKING CO., INC., and for acquisition by FRISKNEY AND HARDING TRUCKING, INC. Applicants' attorney: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Operating rights sought to be controlled: *Cheese, dairy products, and machinery, materials, and supplies* incidental to, or used in, the operation and maintenance of cheese factories, as a *contract carrier*, over regular routes, between Kendallville, Ind., and Chicago, Ill., serving no intermediate points; *confectionery and machinery, materials and supplies* incidental to or used in the manufacture and sale of confectionery, between Kendallville, Ind., and Chicago, Ill., serving no intermediate points; *foodstuffs* (except in bulk), over irregular routes, from Kendallville, Ind., to Louisville, Ky., Cincinnati and Cleveland, Ohio, Detroit and Grand Rapids, Mich., and Champaign, Ill., from Champaign, Ill., to points in that part of Indiana on and north of U.S. Highway 40, with restriction. FRISKNEY AND HARDING TRUCKING, INC., is authorized to operate as a *contract carrier* in Michigan, Mississippi, New York, New Jersey, Tennessee, Wisconsin, Pennsylvania, Virginia, Maryland, Massachusetts, and Ohio. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11216. Authority sought for purchase by RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Des Moines, Iowa 50309, of a portion of the operating rights of ECOFF TRUCKING, INC., 625 East Broadway, Fortville, IN 46040, and for acquisition by JOHN RUAN also of Des Moines, Iowa 50309, of control of such rights through the purchase. Applicants' attorney, Earl D. Check, Post Office Box 855, Des Moines, IA 50304. Operating rights sought to be transferred: *Sulfuric acid*, in bulk, in tank vehicles, as a *common carrier*, over irregular routes, from the site of the plant of the National Distillers Products Corp., U.S. Industrial Chemicals Co. Division, near Dubuque, Iowa, to points in Minnesota and Wisconsin. Vendee is authorized to operate as a *common carrier* in all of the States in the United States except Alaska and Hawaii. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11217. Authority sought for purchase by LARSEN TRANSFER CO., Post Office Box 368, Pendleton, OR 97801, of a portion of the operating rights and property of RICHLAND TRANSFER AND STORAGE, INC., 11 East Kennewick Avenue, Kennewick, WA 99336, and for acquisition by EVAN L. LARSEN, 102 Southeast Frazer, Penleton, OR 97801, of control of such rights and property through the purchase. Applicants' attorneys: Earle V. White, 2400

Southwest Fourth Avenue, Portland, OR 97201, and Ben D. Browning, 1020 Kearns Building, Salt Lake City, UT 84101. Operating rights sought to be transferred: *Household goods* as defined by the Commission, as a *common carrier*, over regular routes, between Kennewick and Richard, Wash., between Richland and Hanford, Wash.; *household goods*, over irregular routes, between Kennewick and Pasco, Wash., on the one hand, and on the other, points in that part of Idaho north of the southern boundary of Idaho County, and those in Oregon on and north of a line beginning at the Idaho-Oregon State line at Nyssa, Oreg., and extending in a westerly direction through Bend, Eugene, and Florence, Oreg., to the Pacific Ocean. Vendee is authorized to operate as a *common carrier* in Oregon, Washington, and Idaho. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11218. Authority sought for purchase by HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road, SE., Marietta, GA 30060, of a portion of the operating rights of MACHINERY TRANSPORTS, INC., 617 Chicago Street, East Peoria, IL 61611, and for acquisition by JIMMIE H. AYER, also of Marietta, Ga. 30060, of control of such rights through the purchase. Applicants' attorneys: Robert E. Born, Post Office Box 6426, Station A, Marietta, GA 30060 and Max G. Morgan, 450 American National Building, Oklahoma City, OK 73102. Operating rights sought to be transferred: *Commodities*, the transportation of which because of size or weight requires the use of special equipment, and of *related articles and supplies* when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, as a *common carrier*, over irregular routes, between points in Illinois, on the one hand, and, on the other points in Wyoming, from points in Missouri and Oklahoma to points in Arkansas, Colorado, Kansas, and New Mexico, between points in Missouri, Oklahoma, and Texas. Vendee is authorized to operate as a *common carrier* in Georgia, South Carolina, Illinois, Indiana, Iowa, Kansas, Michigan, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Wisconsin, Tennessee, Minnesota, Missouri, North Carolina, Alabama, Mississippi, Florida, Connecticut, Massachusetts, New Hampshire, Vermont, West Virginia, Nebraska, South Dakota, North Dakota, Rhode Island, Texas, Virginia, Arkansas, Delaware, Kentucky, Louisiana, Maine, Maryland, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11219. Authority sought for purchase by MARSH MOTOR HAULAGE, INC., 105 Marsh Street, Port Newark, NJ 07114, of the operating rights of (1) ACTION VAN SERVICE, INC., (2) YOUNGBLOOD VAN & STORAGE CO., INC., and (3) MARTIN VAN & STORAGE CO., INC. (ALEX WILLIAMS, TRUSTEE IN BANKRUPTCY), all of 3908 Hamilton Road, Columbus, GA, and for acquisition by S. DAVID GOLDBERG, 53 Sergeant Road, Freehold, NJ and JAY L. GOLDBERG, 29 Livingston Avenue, Ediston, NJ, of control of such rights through the purchase. Applicants' attorney: Robert J. Gallagher, 1776 Broadway, New York, NY 10019. Operating rights sought to be transferred: (1) *Household goods*, as defined by the Commission, as a *common carrier*, over irregular routes, between points in Ohio, on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, between Dayton, Ohio, and points within 25 miles thereof, on the one hand, and, on the other, points in Minnesota, Nebraska, Wisconsin, Missouri, Arkansas, Illinois, Indiana, Kentucky, North Carolina, West Virginia, Maryland, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia.

(2) *Household goods* as defined by the Commission, as a *common carrier*, over irregular routes, between Columbus, Ga., and points within 50 miles of Columbus, on the one hand, and, on the other, points in that part of Alabama on and south of U.S. Highway 78, between Columbus, Ga., and points within 50 miles of Columbus, on the one hand, and, on the other, points in Mississippi, points in Alabama north of U.S. Highway 78, and points in Florida west of the Apalachicola River; *new, uncrated, store equipment and fixtures*, from Columbus, Ga., and Phenix City, Ala., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee; *damaged or rejected shipments* of the immediately above-described commodities, from points in Tennessee, South Carolina, North Carolina, Mississippi, Georgia, Florida, and Alabama, to Phenix City, Ala., and Columbus, Ga.; *new furniture*, uncrated, and *store and office fixtures*, as described in Appendices II and III to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Phenix City, Ala., to points in Louisiana, Texas, Oklahoma, Arkansas, Kentucky, Missouri, Indiana, Kansas, Virginia, West Virginia, Illinois, Maryland, and the District of Columbia; *used household goods*, between points in 50 counties in Alabama, 45 counties in Georgia and 6 counties in Florida with restriction; and (3) *Used household goods*, as defined by the Commission, as a *common carrier*, over irregular routes, between points in 49 counties in Alabama, 45 counties in Georgia and 4 counties in Florida with restriction. Vendee is authorized to operate as a *common carrier* in New York, Connecticut, New Jersey, Pennsylvania, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, North Carolina, Ohio, Rhode Island, Vermont, Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11220. Authority sought for purchase by COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 10327, Birmingham, AL 35201, of a portion of the operating rights of HENNIS FREIGHT LINES, INC. (E. C. PETERSON, Trustee in Bankruptcy), 3800 Patterson Avenue Extension, Post Office Box 612, Winston-Salem, NC 27102, and for acquisition by C. E. McBRIDE, also of Birmingham, Ala. 35201, of control of such rights through the purchase. Applicants' attorney: E. Stephen Heisely, Suite 705, 666 11th Street NW., Washington, DC 20001. Operating rights sought to be transferred: (a) *Food products* (except commodities in bulk, in tank vehicles, and frozen fruits, frozen berries, and frozen vegetables); and (b) *commodities* otherwise exempt under section 203(b)(6) of the Act when moving in mixed loads with the described commodities in (a) above, in vehicles equipped with mechanical refrigeration, as a *common carrier*, over irregular routes, from the plant and warehouse sites of Ralston Purina Co. at Wellston, Ohio, to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee, with restriction; *meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides and commodities in bulk, from the plantsite and storage facilities utilized by Wilson & Co., Inc., at or near Logansport, Ind., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia; frozen foods, and fresh fruits and fresh vegetables, between Atlanta, Ga., on the one hand, and, on the other, Chattanooga, Tenn., and points in that part of Alabama, on and east of U.S. Highway 31, except Montgomery and those in Florida, North Carolina, and South Carolina. Vendee is authorized to operate as a *common carrier* in all of the States in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

By the Commission.

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

[FR Doc.71-9643 Filed 7-7-71;8:51 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JULY 2, 1971.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits

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

State Docket No. MC 21555 (Sub-No. 3), filed June 9, 1971. Applicant: McCOMAS TRUCK LINES, INC., 107 North Eighth Street, Chickasha, OK. Applicant's representative: William L. Anderson, 4700 North Thompsor., Oklahoma City, OK 73105. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of general commodities as a common carrier in interstate and intrastate commerce, tacking with presently held authority, as follows: From Duncan, Okla., via State Highway 7 to junction State Highway 76; thence south to junction U.S. Highway 70; from Waurika, Okla., via U.S. Highway 70 to Ardmore, Okla.; from Duncan via U.S. Highway 81 to junction State Highway 7 and thence to Lawton, Okla.; from Oklahoma City to Lawton via H. E. Bailey Turnpike; serving in both directions on all routes described, serving all points and places on the above-described routes, and to all points and places on presently held authority, and all off-route points and customers along the routes or near the places named, where the same are within the reasonable delivery limits for said authorized places and routes and/or can be normally served without going through any town to which the carrier does not have authority. Both interstate and intrastate authority sought.

HEARING: August 2, 1971 at 9 a.m. at Oklahoma Corporation Commission, 340 Jim Thorpe Building, Oklahoma City, Okla. Requested for procedural information including the time for filing protests concerning this application should be addressed to the Oklahoma Corporation Commission, 340 Jim Thorpe Building, Oklahoma City, Okla., and should not be directed to the Interstate Commerce Commission.

By the Commission.

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

[FR Doc.71-9642 Filed 7-7-71;8:51 am]

[Notice 325]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 2, 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 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 1641 (Sub-No. 91 TA), filed June 25, 1971. Applicant: PEAKE TRANSPORT SERVICE, INC., Box 366, Chester, NE 68327. Applicant's representative: R. B. Parker (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt, road oil, and residual fuel oil*, in bulk, in tank vehicles, from Tulsa, Okla., to points in Nebraska on and east of U.S. Highway 183, for 180 days. Supporting shipper: R. V. McElhany, President, Saunders Petroleum Co., Post Office Box 129, Greeley, CO 80631. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building and U.S. Courthouse, Lincoln, NE 68508.

No. MC 111401 (Sub-No. 339 TA), filed June 25, 1971. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, OK 73701. Applicant's representative: Victor R. Comstock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing ink*, in bulk, in tank vehicles, from Tulsa, Okla., to Oil City, Pa.; Youngstown, Ohio; Bluefield and Beckley, W. Va.; for 180 days. Supporting shipper: J. Bolzak, Director of Traffic, Sun Chemical Corp., 631 Central Avenue, Carlstadt, NJ 07072. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 112801 (Sub-No. 125 TA), filed June 25, 1971. Applicant: TRANSPORT SERVICE CO., Post Office Box 50272, 5100 West 41st Street, Chicago, IL 60650. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hog mucosa*, in bulk, in tank vehicles, from Harlan, Iowa, to North Chicago, Ill., for 150 days. Supporting shipper: L. D. Hinkley, Corporate Traffic Manager, Abbott Laboratories, North Chicago, Ill. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 113459 (Sub-No. 66 TA), filed June 25, 1971. Applicant: H. J. JEFFRIES TRUCK LINE, INC., Post Office Box 94850, Oklahoma City, OK 73109. Office: 4720 South Shields Boulevard, Oklahoma City, OK 73129. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, structural beams, and panels*, from Bonner, Darby, Missoula, Trout Creek, Thompson Falls, Columbia Falls, Polson, Pablo, Kallispell, Hall, Dillon, and Superior, Mont., to points in Colorado, for 180 days. Supporting shippers: Charles Klebenow, Traffic Supervisor, Anaconda Forest Products, Bonner, Mont. 59823; Don Prentice, President, Prentice Lumber Co., Inc., Missoula Mont. 59801; Michael J. Sullivan, Assistant Sales Manager, The Intermountain Co., Missoula, Mont. 59801. 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 114019 (Sub-No. 217 TA), filed June 25, 1971. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 Pulaski Road, Chicago, IL 60629. Applicant's representative: Philip N. Bratta (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar, liquid invert sugar syrups and blends thereof*, in bulk, in tank vehicles, from Chicago, Ill., to points in the Lower Peninsula of Michigan, for 150 days. Supporting shipper: Mr. Walter C. Brink, District Traffic Manager, Amstar Corp., 460 South Northwest Highway, Park Ridge, IL 60068. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everrett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 116077 (Sub-No. 313 TA), filed June 25, 1971. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, 77001, Houston, TX 770213. Applicant's representative: J. C. Browder (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid caustic soda*, in bulk, in tank vehicles, from the plantsite of Kaiser Chemical Corp., Gramercy, La., to the plantsites of the Clorox Co. located at Atlanta, Ga., Tampa, Fla., and Houston, Tex., for 180 days. Supporting shipper: Kaiser Chemicals, Division of

Kaiser Aluminum & Chemical Corp. (R. L. Weber, Traffic Manager), Kaiser Center, 300 Lakeside Drive, Post Office Box 2099, Oakland, CA 94604. Send protests to: District Supervisor John C. Redus, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, TX 77061.

No. MC 116273 (Sub-No. 143 TA), filed June 25, 1971. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, IL 60650. Applicant's representative: William A. Lavery (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ethylene* (liquefied) in bulk, in shipper-owned tank vehicles, from Bay City, Mich., to Northern Petrochemical Co., Grundy County, Ill., for 180 days. Supporting shipper: Northern Petrochemical Co., 2350 East Devon Avenue, Des Plaines, IL 60018. Send protests to: District Supervisor Raymond E. Mauk, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, Room 1086, 219 South Dearborn Street, Chicago, IL 60604.

No. MC 117574 (Sub-No. 205 TA), filed June 25, 1971. Applicant: DAILY EXPRESS, INC., Post Office Box 39, 1076 Harrisburg Pike, Carlisle, PA 17013. Applicant's representative: E. S. Moore, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass*, packaged or unpackaged, which because of size or weight requires special equipment, and (2) *glass*, packaged or unpackaged, which because of size or weight does not require the use of special equipment, when moving in the same shipment as the article in paragraph (1) between Cumberland, Md., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: PPG Industries, Inc., 1 Gateway Center, Pittsburgh, PA 15222. Send protests to: Robert W. Ritenour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 508 Federal Building, Post Office Box 869, Harrisburg, PA 17108.

No. MC 124078 (Sub-No. 489 TA), filed June 25, 1971. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, from Vassar, Mich., to Milwaukee, Wis., for 180 days. Supporting shipper: Great Lakes Foundry Sand Co., Francis Palms Building, Detroit, Mich. 48201 (Frank J. Komara, Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 128616 (Sub-No. 3 TA), filed June 25, 1971. Applicant: BANKERS DISPATCH CORPORATION, 4970 Archer Avenue, Chicago, IL 60632. Applicant's representative: Stanley Komosa (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, and written instruments* (except coins, currency, and negotiable securities) as are used in the conduct and operation of banks and banking institutions, between Wichita, Kans., on the one hand, and, on the other, points in Kay, Woodward, Tulsa, Alfalfa, Woods Ellis, and Grant Counties, Okla., for 180 days. Supporting shippers: R. D. Duphorne, Vice President, First National Bank in Wichita, Douglas and Maip, Wichita, KS; Mr. Donald L. Ambrose, Vice President, The Fourth National Bank & Trust Co., 200 East Douglas, Wichita, KS; Mr. Claud O. Smith, President, The First National Bank of Medford, Post Office Box 107, Medford, OK. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 129572 (Sub-No. 2 TA), filed June 25, 1971. Applicant: ANDICO, INC., 3367 South 8400 West Street, Magna, UT 84044. Applicant's representative: Irene Warr, 419 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel tube, coiled steel, and materials* used in the fabrication of steel tube; (1) from Los Angeles, and Gardena, Calif., to points in Washington and Oregon; (2) from Geneva, Utah, to Los Angeles, and Gardena, Calif., under a continuing contract with Harris Tube Division, Automation Industries, Inc., for 180 days. Supporting shipper: Harris Tube Division, Automation Industries, Inc., 8720 South San Pedro Street, Los Angeles, CA 90003 (Elmer C. Goodman, General Manager). Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5239 Federal Building, Salt Lake City, Utah 84111.

No. MC 134484 (Sub-No. 2 TA), filed June 25, 1971. Applicant: MORGAN G. EDWARDS AND DAVID G. EDWARDS, a partnership, doing business as EDWARDS BROS., Post Office Box 2481, 1875 North Holmes, Idaho Falls, ID 83401. Applicant's representative: Dennis M. Olsen, 485 E Street, Idaho Falls, ID 83401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen meat and fresh and frozen meat products*, from points in Canyon County, Idaho, to points in Adams, Arapahoe, Jefferson, Denver, Boulder, Douglas, El Paso, Pueblo, Weld, and Clear Creek Counties, Colo., for 180 days. NOTE: Applicant states it does not intend to tack or interline authority herein sought. Supporting shipper: Idaho Meat Packers, Inc., Post Office Box 550, Caldwell, ID 83605. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 455 Federal Building and U.S. Courthouse, Boise, Idaho 83702.

No. MC 134780 (Sub-No. 1 TA), filed June 25, 1971. Applicant: UNITED TRUCK SERVICE, INC., Post Office Box 1276, Seminole, OK 74868. Applicant's representative: Francis J. Tolbert (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay pipe, including connections, fittings and accessories thereof*, from the plantsite of United Clay Pipe Co., at or near Seminole, Okla., to points in Louisiana, for 180 days. Supporting shipper: Evan Cherry Controller, United Clay Pipe Co., Post Office Box 552, Seminole, OK 74868. 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 135621 (Sub-No. 1 TA), filed June 23, 1971. Applicant: MOLERWAY FREIGHT LINES, 1931 Broadwater Avenue, Billings, MT 59102. Applicant's representative: Donald R. Hernson, Post Office Box 20779, Billings, MT 59102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (excluding household goods and articles of unusual value or requiring special equipment), from Billings, Mont., to Roundup, Mont., to Forsyth, Mont., over U.S. Highways 87 and 12, serving all intermediate points, excluding direct service between Billings and Forsyth, Mont., for 180 days. NOTE: Applicant intends to interline with Garrett Freight Lines, MC 263; Salt Creek MC 59856; Northern Pacific Transport, MC 63562; United Buckingham, MC 103435; Consolidated Freight Lines, MC 42487; Arrowhead, MC 116698; Ashland and Harlo Freight Lines, MC 12049. Supporting shippers: Guiberson Oil Tools, Post Office Box 865, Roundup, MT 59074; Big Chief Well Service, Inc., Post Office Box 185, Melstone, MT 59054; Roundup Auto Parts, 320 Main, Roundup, MT 59074; Jake's Garage, Melstone, MT 59054; Melstone Public Schools, District 64–J, Melstone, MT 59054. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 251, U.S. Post Office Building, Billings, MT 59101.

No. MC 135642 (Sub-No. 1 TA), filed June 24, 1971. Applicant: SHREVEPORT PACKING COMPANY, INC., OF KANSAS, 1801 Kings Highway, Shreveport, LA 71103. Applicant's representatives: Rock and Smith, 403 A.C. Office Building, Arkansas City, Kans. 67005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix 1 of the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in refrigerated vehicles, from Shreveport, La., to points in Louisiana; to points in Texas, on and east

of Highway 75; and to points in Arkansas on and south of Highways 270 and 65, under contract with John Morrell & Co. for 180 days. Supporting shipper: John Morrell & Co., 208 South La Salle Street, Chicago, IL 60604, R. L. Lee, Manager of Rates and Services. Send protests to: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room T-4009, Federal Building, 701 Loyola Avenue, New Orleans, LA 70113.

No. MC 135709 TA, filed June 23, 1971. Applicant: JAMES E. TWITTY, doing business as TWITTY TRUCKING COMPANY, Route 8, Box 7-C, Texarkana, AR 75501. Applicant's representative: Travis Mathis, 316 South Sixth Street, Arkadelphia, AR 71923. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rock, sand, gravel, and associated commodities* (a) from Fouke, Ark., to Shreveport, La., and (b) from Pits and Quarries in Texas to Texarkana, Ark., Return: (1) U.S. Highway 71 going and return Fouke, Ark., to Shreveport, La., (2) Interstate 30, U.S. 67, U.S 82, U.S. 59; Texas to Texarkana, Ark. for 180 days. NOTE: Carrier does not intend to tack. Supporting shippers: Roy Cook & Son, Inc., Post Office Box 5495, Bossier City, La. 71010; Razorback Ready Mix, 2724 Preston Street, Texarkana, AR 75501. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 135713 TA, filed June 24, 1971. Applicant: AFRO-URBAN TRANSPORTATION, INC., 103 East 125th Street, New York, NY 10035. Applicant's representative: William Q. Keenan, 233 Broadway, New York, NY 10007. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Water emulsion wax*, from premises of the Do-All Chemical Co. at Brooklyn, N.Y., to GSA Warehouse facilities in Duluth and Savannah, Ga., Chicago, Ill., Middle River (Baltimore), Md., Hingham (Boston), Mass., Belle Meade and Metuchen, N.J., Shelby, Ohio, and Norfolk and Franconia, Va., for 180 days. Supporting shippers: Do-All Chemical Corp., 58 Metropolitan Avenue, Brooklyn, NY 11211 Seymour Brandwein, Office of Research and Development of Labor, Washington, D.C. 20210. Send protests to: Stephen P. Tomany, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 135722 TA, filed June 25, 1971. Applicant: D. & H. CONTRACT CARRIER, INC., 6020 Colfax, Lincoln, NE 68507. Applicant's representative: David R. Parker, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ammunition, ammunition components, shooting goods and accessories and components therefor, lead pellets, and reloading tools*, from Grand Island and Lincoln, Nebr., to Bridgeport and New Haven, Conn., Lewiston, Idaho, Alton, East Alton, and Granite City, Ill., Hammond, Ind., Shawnee Mission, Kans.; Minneapolis and St. Paul, Minn., Kansas City and St. Louis, Mo., New York, N.Y., commercial zone; Ada, Okla., and El Paso, Tex., and (2) *equipment, materials, and supplies* utilized in the manufacture, sale, and distribution of commodities specified in (1) above in the reverse direction, for 150 days. Supporting shippers: Pacific Tool Co., 56th and Colfax, Lincoln, NE 68507; Western Gun & Supply Co., 3730 North 56th Street, Lincoln, NE 68507; 3-D Co., Inc., 6020 Colfax, Lincoln, NE 68507; Hornaday Manufacturing Co., Post Office Box 1848, Grand Island, NE; Frontier Cartridge Co., Inc., Post Office Box 1848, Grand Island, NE 68801. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building and Courthouse, Lincoln, NE 68508.

No. MC 135723 TA, filed June 25, 1971. Applicant: CHARLES SEVERANCE, doing business as SEVERANCE TRUCK LINES, State Road 100, Post Office Box 903, Lake City, FL 32055. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Meat, meat products, meat byproducts and packinghouse products*, from Madison, Fla., to Atlanta, Ga., Raleigh, N.C., Greenville, S.C., New Orleans, La., Montgomery, Ala., and Louisville, Ky.; and (b) *materials and supplies* used in the process or pertaining to meat, meat products, meat byproducts and packinghouse products, from points in Alabama, Georgia, South Carolina, North Carolina, Mississippi, Tennessee, Louisiana, Kentucky, Illinois, Indiana, Iowa, Missouri, Florida, and Virginia, to Madison, Fla., for 180 days. Supporting shipper: Winn-Dixie Stores, Inc., 5050 Edgewood Court, Post Office Box B, Jacksonville, FL 32203. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

By the Commission.

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

[FR Doc.71-9645 Filed 7-7-71;8:51 am]

[Notice 712]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 2, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. 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-72500. By order of June 30, 1971, the Motor Carrier Board approved the transfer to Cape Cod Moving & Storage, Inc., Hyannis, Mass., of the operating rights in certificate No. MC-11714 issued May 4, 1964 to Tuttle's Cape Cod Express, Inc., Chatham, Mass., authorizing the transportation of household goods as defined by the Commission, between Chatham, Mass., and points within 25 miles thereof, on the one hand, and, on the other, points in Connecticut, New York, and Rhode Island, and lumber and forest products from Portsmouth, R.I., to Chatham, Orleans, and Wellfleet, Mass. Francis P. Barrett, 60 Adams Street, Milton, MA 02187, attorney for applicants.

No. MC-FC-72946. By order of June 30, 1971, the Motor Carrier Board approved the transfer to Easton Bus Service, Inc., Rural Route 2, Easton, KS 66020, of the operating rights in certificates Nos. MC-112559 (Sub-No. 1), MC-112559 (Sub-No. 2), and MC-112559 (Sub-No. 3) issued April 5, 1951, and January 28, 1959, respectively, to Kansas City-Leavenworth Bus Lines, Inc., 1320 Ottawa Street, Leavenworth, KS 66048, authorizing the transportation of passengers and their baggage, and express and newspapers in the same vehicle with passengers, between Leavenworth, Kans., and Kansas City, Mo.; between Leavenworth, Kans., and Fort Leavenworth, Kans.; and between junction of Kansas Highway 5 and Wyandotte County Lake Road, Wyandotte County, Kans., and junction Kansas Highway 5 and North 91st Street, Wyandotte County, Kans., over regular routes.

No. MC-FC-72970. By order of June 30, 1971, the Motor Carrier Board approved the transfer to Lester T. Sheely and Dale R. Henry, a partnership, doing business as H & S Towing Service, Camp Hill, Pa., of the operating rights in certificate No. MC-123813 issued February 7, 1962, to E. Ross Deimler, New Cumberland, Pa., authorizing the transportation of wrecked, damaged, disabled, and repossessed motor vehicles, by truckaway method, by use of wrecker equipment only (excluding the transportation of vehicles for the U.S. Government), between points in Dauphin and Cumberland Counties, Pa., on the one hand, and, on the other, points in Ohio, Indiana, Delaware, Maryland, West Virginia, New Jersey, New York, Massachusetts, Connecticut, Illinois, Rhode Island, the District of Columbia, Richmond, Va., and Chattanooga, Tenn. Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101, attorney for applicants.

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

[FR Doc.71-9644 Filed 7-7-71;8:51 am]

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