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Title 3—The President

EXECUTIVE ORDER 11609

Delegating Certain Functions Vested in the President to Other Officers of the Government

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. *General Services Administration.* The Administrator of General Services is hereby designated and empowered to exercise, without the approval, ratification, or other action of the President, the following:

(1) The authority of the President under 5 U.S.C. 4111(b) to prescribe regulations with respect to reductions to be made from payments by the Government to employees for travel, subsistence, or other expenses incident to training in a non-Government facility or to attendance at a meeting.

(2) The authority of the President under the last sentence of 5 U.S.C. 5702(a) to establish maximum rates of per diem allowances to the extent that such authority pertains to travel status of employees (as defined in 5 U.S.C. 5701) while enroute to, from, or between localities situated outside the 48 contiguous States of the United States and the District of Columbia.

(3) The authority of the President under 5 U.S.C. 5707 to prescribe regulations necessary for the administration of subchapter I of chapter 57 of title 5 of the United States Code (relating to travel and subsistence expenses and mileage allowances).

(4) The authority of the President under 5 U.S.C. 5722(a) to prescribe regulations with respect to the payment of travel expenses and transportation expenses of household goods and personal effects.

(5) The authority of the President under 5 U.S.C. 5723(a) to prescribe regulations with respect to the payment of travel expenses and transportation expenses.

(6) The authority of the President under 5 U.S.C. 5724 to prescribe the regulations provided for therein (relating to travel and transportation expenses and other matters).

(7) The authority of the President under 5 U.S.C. 5724a to prescribe the regulations provided for therein, relating to (i) the availability of appropriations or other funds of agencies for the reimbursement of described expenses of employees for whom the Government pays expenses of travel and transportation under 5 U.S.C. 5724(a), (ii) the entitlement

of employees to amounts related to their basic pay, and (iii) the allowance, payment, and receipt of expenses and benefits to former employees who are reemployed by nontemporary appointments.

(8) The authority of the President under 5 U.S.C. 5726 to prescribe the regulations provided for therein, relating to (i) the definition of "household goods and personal effects", (ii) allowable storage expenses and related transportation, and (iii) the allowance of nontemporary storage expenses or storage at Government expense in Government-owned facilities (including related transportation and other expenses).

(9) The authority of the President under 5 U.S.C. 5727 to prescribe the regulations provided for therein, relating to the transportation at Government expense of privately owned motor vehicles.

(10) The authority of the President under 5 U.S.C. 5728(a) and (b) to prescribe the regulations provided for therein, relating to the payment by an agency from its appropriations of the expenses of round trip travel of an employee, and the transportation of his immediate family, in described circumstances.

(11) The authority of the President under 5 U.S.C. 5729(a) and (b) to prescribe the regulations provided for therein, relating to (i) the payment by an agency from its appropriations of the expenses of transporting the immediate family of an employee and of shipping his household goods and personal effects, and (ii) the reimbursement from its appropriations by an agency of an employee for the proper transportation expense of returning his immediate family and household goods and personal effects, both in described circumstances.

(12) The authority of the President under 5 U.S.C. 5731(a) to prescribe the regulations provided for therein, relating to certifications respecting transportation accommodations.

(13) The authority of the President under 5 U.S.C. 5742(b) to prescribe regulations with respect to the payment of expenses when an employee dies.

(14) The authority of the President under the last sentence of paragraph (c) of section 32 of title III of the Act of July 22, 1937, c. 517, 50 Stat. 525 (7 U.S.C. 1011(c)), to transfer to Federal, State, or Territorial agencies lands acquired by the Secretary of Agriculture under section 32(a) of that Act.

(15) The authority of the President under section 340 of the Consolidated Farmers Home Administration Act of 1961, 75 Stat. 318 (7 U.S.C. 1990), in his discretion to transfer to the Secretary of Agriculture any right, interest or title held by the United States in any lands acquired in the program of national defense and no longer needed for that program, and to determine the suitability of the lands to be transferred, for the purposes referred to in that section: *Provided*, That the exercise by the Administrator of the authority delegated to him by this paragraph (15) shall require the concurrence of the Secretary of Defense as to the absence of further need of the lands for the national defense program.

(16) The authority of the President under section 4(k) of the Tennessee Valley Authority Act, 55 Stat. 599 (16 U.S.C. 831c(k)), to

approve transfers under paragraphs (a) and (c) of that section, other than leases for terms of less than 20 years and conveyances of property having a value not in excess of $500.

(17) The authority of the President under section 7(b) of the Tennessee Valley Authority Act of May 18, 1933, 48 Stat. 63 (16 U.S.C. 831f(b)), to provide for the transfer to the Tennessee Valley Authority of the use, possession, and control of real or personal property of the United States deemed by the Administrator of General Services to be necessary and proper for the purposes of that Authority as stated in that Act.

(18) The authority of the President under section 1 of the Act of March 4, 1927, c. 505, 44 Stat. 1422 (20 U.S.C. 191), to transfer to the jurisdiction of the Secretary of Agriculture for the purposes of that Act any land belonging to the United States within or adjacent to the District of Columbia located along the Anacostia River North of Benning Bridge.

(19) That part of the authority of the President under section 7(a) of the Act of July 17, 1959, P.L. 86–91, 73 Stat. 216, as amended (20 U.S.C. 905(a)), which consists of authority to prescribe regulations relating to storage (including packing, drayage, unpacking, and transportation to and from storage) of household effects and personal possessions.

(20) The authority of the Administrator of General Services under section 210(i) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(i)) to prescribe regulations relating to the installation, repair, and replacement of sidewalks.

(21) The authority of the President under section 108 of the Housing Act of July 15, 1949, c. 338, 63 Stat. 419, as amended (42 U.S.C. 1458), to transfer, or cause to be transferred, to the Secretary of Housing and Urban Development any right, title or interest held by the Federal Government or any department or agency thereof in any land (including buildings thereon) which is surplus to the needs of the Government and which a local public agency certifies will be within the area of a project being planned by it.

SEC. 2. *Department of the Treasury.* The Secretary of the Treasury is hereby designated and empowered to exercise, without the approval, ratification, or other action of the President, the following:

(1) The authority under 5 U.S.C. 5943(a) to make recommendations to the President concerning the meeting of losses sustained by employees and members of the uniformed services while serving in a foreign country due to appreciation of foreign currency in its relation to the American dollar.

(2) The authority under 5 U.S.C. 5943(d) to report annually to the Congress on expenditures made under 5 U.S.C. 5943(d).

SEC. 3. *Department of Health, Education, and Welfare.* The Secretary of Health, Education, and Welfare is hereby designated and empowered to exercise, without the approval, ratification, or other action of the President, the following:

(1) The authority of the President under the first section of the Act entitled "An Act to authorize the operation of stands in Federal buildings by blind persons, to enlarge the economic opportunities of the blind, and for other purposes," approved June 20, 1936, 49 Stat. 1559, as amended (20 U.S.C. 107), to approve regulations prescribed by the heads of the respective departments and agencies thereunder.

(2) The authority of the Secretary of Health, Education, and Welfare under section 2 of the Act of August 4, 1947, c. 478, 61 Stat. 751, as amended (24 U.S.C. 168a) to fix per diem rates for care of patients in Saint Elizabeths Hospital.

SEC. 4. *Department of State.* The Secretary of State is hereby designated and empowered to exercise his authority under section 12 of the Act of August 1, 1956, 70 Stat. 892 (22 U.S.C. 2679) (being authority to prescribe certain maximum rates of per diem in lieu of subsistence (or of similar allowances therefor)), without the approval, ratification, or other action of the President.

SEC. 5. *Department of Defense.* The Secretary of Defense is hereby designated and empowered to exercise the authority of the President under the last sentence of section 4 of the Act of May 10, 1943, c. 95, 57 Stat. 81 (24 U.S.C. 34) to prescribe from time to time uniform rates of charges for hospitalization and dispensary services: *Provided,* That the authority hereby delegated may not be redelegated to any officer in the Department of the Navy, Department of the Air Force, or Department of the Army.

SEC. 6. *Department of Health, Education, and Welfare; Department of Defense.* The following are hereby designated and empowered to exercise, without the approval, ratification, or other action of the President, the authority of the President under 10 U.S.C. 1085 to establish uniform rates of reimbursement for inpatient medical or dental care:

(1) The Secretary of Health, Education, and Welfare in respect of such care in a facility under his jurisdiction.

(2) The Secretary of Defense in respect of such care in a facility of an armed force under the jurisdiction of a military department.

SEC. 7. *Veterans Administration.* (a) The Administrator of Veterans Affairs is hereby designated and empowered to exercise the authority of the President under 10 U.S.C. 1074(b) to approve uniform rates of reimbursement for care provided in facilities operated by the Administrator.

(b) Section 2 of Executive Order No. 11302 of September 6, 1966, as amended by Executive Order No. 11429 of September 9, 1968, is hereby further amended by substituting for the words "allowance of not more than six cents a mile" the following: "allowance, in such amount per mile as the Administrator shall from time to time fix pursuant to 38 U.S.C. 111 as affected by this order,".

SEC. 8. *Civil Service Commission.* The United States Civil Service Commission is hereby designated and empowered to exercise, without

the approval, ratification, or other action of the President, the following:

(1) The authority of the President under 5 U.S.C. 5514(b) to approve regulations prescribed by the head of each agency to carry out 5 U.S.C. 5514 and section 3(a) of the Act of July 15, 1954, c. 509, 68 Stat. 483, 31 U.S.C. 581d (relating to installment deductions from pay for indebtedness because of erroneous payment).

(2) The authority of the President under 5 U.S.C. 5903 to prescribe regulations necessary for the uniform administration of subchapter I of chapter 59 of title 5 of the United States Code (relating to uniform allowances).

(3) The authority of the President under 5 U.S.C. 5942 to prescribe regulations establishing rates at which an allowance based on duty (except temporary duty) at remote work sites will be paid and defining and designating the sites, areas and groups of positions to which the rates apply.

SEC. 9. *Office of Management and Budget.* The Director of the Office of Management and Budget is hereby designated and empowered to exercise, without the approval, ratification, or other action of the President, the following:

(1) The authority of the President under 5 U.S.C. 5911(f) to issue the regulations provided for therein (relating to the provision, occupancy, and availability of quarters and facilities, the determination of rates and charges therefor, and other related matters, as are necessary and appropriate to carry out the provision of section 5911).

(2) The authority of the President under 10 U.S.C. 126(a) to approve the transfers of balances of appropriations provided for therein.

(3) The authority of the President under section 202 of the Budget and Accounting Procedures Act of September 12, 1950, 64 Stat. 833 (31 U.S.C. 581c) to approve the transfers of balances of appropriations provided for in subsections (a) and (b) of that section.

(4) The authority of the President under the last sentence of section 11 of the Act of June 6, 1924, c. 270, 43 Stat. 463 (40 U.S.C. 72), to approve (i) the designation of lands to be acquired by condemnation, (ii) contracts for purchase of lands, and (iii) agreements between the National Capital Planning Commission and officials of the States of Maryland and Virginia.

(5) The authority of the President under section 1 of the Act of December 22, 1928, c. 48, 45 Stat. 1070 (40 U.S.C. 72a), to approve contracts for acquisition of land subject to limited rights reserved to the grantor and for the acquisition of limited permanent rights in land adjoining park property.

(6) The authority of the President under section 407(b) of the Act of August 30, 1957, 71 Stat. 556 (42 U.S.C. 1594j(b)), to approve regulations (relating to the rental of substandard housing for members of the uniformed services) prescribed pursuant to that section. The Secretaries referred to in section 407(c) of that Act shall furnish the Director

of the Office of Management and Budget such reports with respect to matters within the scope of the regulations so approved as he may require and at such times as he may specify.

(7) The authority of the President under 44 U.S.C. 1108 to approve the use, from the appropriations available for printing and binding, of such sums as are necessary for the printing of journals, magazines, periodicals, and similar publications.

(8) The authority of the President under the paragraph appearing under the heading "Expenses of Management Improvement" in title III of the Treasury, Post Office, and Executive Office Appropriation Act, 1971, P.L. 91–422, 84 Stat. 877, or by any reenactment of the provisions of that paragraph in the same or in a different amount of funds, to allocate to any agency or office of the executive branch (including the Office of Management and Budget) funds appropriated by that paragraph or by any such reenactment of it. The Director of the Office of Management and Budget shall from time to time report to the President concerning activities carried on by executive agencies and offices with funds allocated under this paragraph and shall, consonant with law, exercise such direction and control with respect to those activities as he shall deem appropriate.

SEC. 10. *General Provisions.* (a) Unless inappropriate, any reference in this order to any provision of law shall be deemed to include reference thereto as amended from time to time and as affected by Reorganization Plan No. 2 of 1970 (35 F.R. 7959).

(b) Unless inappropriate, any reference in any Executive order to any Executive order which is superseded by this order, or to any Executive order provision so superseded, shall hereafter be deemed to refer to this order or to the provision of the preceding sections of this order, if any, which corresponds to the superseded provision.

(c) All actions heretofore taken by the President, the Director of the Bureau of the Budget, or the Director of the Office of Management and Budget in respect of the matters affected by the provisions of the preceding sections of this order and in force at the time of the issuance of this order, including any regulations prescribed or approved by any of them in respect of such matters, shall, except as may be inconsistent with the provisions of this order, remain in effect until amended, modified, or revoked pursuant to the authority conferred by this order unless sooner terminated by operation of law.

SEC. 11. *Orders superseded.* The following are hereby superseded:

(1) Executive Order No. 10604 of April 22, 1955.

(2) Executive Order No. 11230 of June 28, 1965.

(3) Executive Order No. 11275 of March 31, 1966.

(4) Executive Order No. 11290 of July 21, 1966.

(5) Section 3 of Executive Order No. 11294 of August 4, 1966.

(6) To the extent that it is inconsistent with this order, Executive Order No. 11541 of July 1, 1970.

SEC. 12. *Taking effect.* This order shall be effective immediately except that paragraphs (1) to (13), inclusive, and paragraph (19), of section 1 hereof shall become effective ninety days after the date of this order.

Richard Nixon

THE WHITE HOUSE,
July 22, 1971.

[FR Doc.71-10641 Filed 7-22-71;2:37 pm]

EXECUTIVE ORDER 11610

Further Amending Executive Order 10789 Authorizing Agencies of the Government to Exercise Certain Contracting Authority in Connection with National Defense Functions and Prescribing Regulations Governing the Exercise of Such Authority

By virtue of the authority vested in me by the Act of August 28, 1958, 72 Stat. 972, and as President of the United States, it is ordered that Executive Order No. 10789 [1] of November 14, 1958, as amended by Executive Order 11051 of September 27, 1962, and Executive Order 11382 of November 28, 1967, be further amended as follows:

1. By adding, following Part I, paragraph 1, a new paragraph 1A, as follows:

"1A. (a) The limitation in paragraph 1 to amounts appropriated and the contract authorization provided therefor shall not apply to contractual provisions which provide that the United States will hold harmless and indemnify the contractor against any of the claims or losses set forth in subparagraph (b), whether resulting from the negligence or wrongful act or omission of the contractor or otherwise (except as provided in subparagraph (b)(2)). This exception from the limitations of paragraph 1 shall apply only to claims or losses arising out of or resulting from risks that the contract defines as unusually hazardous or nuclear in nature. Such a contractual provision shall be approved in advance by an official at a level not below that of the Secretary of a military department and may require each contractor so indemnified to provide and maintain financial protection of such type and in such amounts as is determined by the approving official to be appropriate under the circumstances. In deciding whether to approve the use of an indemnification provision and in determining the amount of financial protection to be provided and maintained by the indemnified contractor, the appropriate official shall take into account such factors as the availability, cost and terms of private insurance, self-insurance, other proof of financial responsibility and workmen's compensation insurance. Such approval and determination, as required by the preceding two sentences, shall be final.

"(b)(1) Subparagraph (a) shall apply to claims (including reasonable expenses of litigation and settlement) or losses, not compensated by insurance or otherwise, of the following types:

"(A) Claims by third persons, including employees of the contractor, for death, personal injury, or loss of, damage to, or loss of use of property;

"(B) Loss of, damage to, or loss of use of property of the contractor;

"(C) Loss of, damage to, or loss of use of property of the Government;

"(D) Claims arising (i) from indemnification agreements between the contractor and a subcontractor or subcontractors, or (ii) from such arrangements and further indemnification arrangements between subcontractors at any tier; provided that all such arrangements were entered

[1] 3 CFR 1954–1958 Comp., p. 426; 23 F.R. 8897.

into pursuant to regulations prescribed or approved by the Secretaries of Defense, the Army, the Navy, or the Air Force.

"(2) Indemnification and hold harmless agreements entered into pursuant to this subsection, whether between the United States and a contractor, or between a contractor and a subcontractor, or between two subcontractors, shall not cover claims or losses caused by the willful misconduct or lack of good faith on the part of any of the contractor's or subcontractor's directors or officers or principal officials which are (i) claims by the United States (other than those arising through subrogation) against the contractor or subcontractor, or (ii) losses affecting the property of such contractor or subcontractor. Regulations to be prescribed or approved by the Secretaries of Defense, the Army, the Navy or the Air Force shall define the scope of the term 'principal officials'.

"(3) The United States may discharge its obligation under a provision authorized by subparagraph (a) by making payments directly to subcontractors or to third persons to whom a contractor or subcontractor may be liable.

"(c) A contractual provision made under subparagraph (a) that provides for indemnification must also provide for——

"(1) notice to the United States of any claim or action against, or of any loss by, the contractor or subcontractor which is covered by such contractual provision; and

"(2) control or assistance by the United States, at its election, in the settlement or defense of any such claim or action".

2. By deleting at the beginning of paragraph 11, Part I, the word "All" and inserting in lieu thereof the words "Except as provided in the Act of September 27, 1966, 80 Stat. 850" and by adding at the end of that paragraph the following sentence:

"Before exercising the authority provided in the Act of September 27, 1966, 80 Stat. 850, the Secretaries of Defense, the Army, the Navy, or the Air Force, or their designees, shall first determine that all reasonable efforts have been made to include the clause prescribed above and that alternate sources of supply are not reasonably available".

Richard Nixon

THE WHITE HOUSE,
July 22, 1971.

[F.R. Doc.71-10640 Filed 7-22-71;2:37 pm]

Rules and Regulations

Title 49—TRANSPORTATION

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

[Docket No. 70-12; Notice 11]

PART 574—TIRE IDENTIFICATION AND RECORD KEEPING

Size Codes

The purpose of this notice is to amend the Tire Identification and Recordkeeping regulation to list the size code for additional tire sizes not previously contained in the table.

On January 26, 1971, the National Highway Traffic Safety Administration published a revision of the Tire Identification and Recordkeeping regulation (Notice 5; 36 F.R. 1196), including a table listing the size codes for tires to which the regulation is applicable. Other tire sizes were added by notice of March 12, 1971 (Notice 7; 36 F.R. 4783). The National Highway Traffic Safety Administration has subsequently received requests that additional tire sizes be included in the table, and Table I is accordingly republished below to include the code symbols for the requested additional sizes.

In addition, several tire sizes appeared twice in the previous Table I with two different codes. Therefore, size 3.25–8 is assigned code AP and the other code (AL) assigned to 3.25–8 is reassigned to H60–14; size 5.00–18 is assigned code AY and the other code (A7) assigned to 5.00–8 is reassigned to CR70–14; size 4.50–17 is assigned code XT and the other code (YT) assigned to 4.50–17 is reassigned to 205/70R15.

Several tire size designations were erroneously listed as special trailer (ST) tires. Therefore, the "ST" designation is removed from the 16.5 x 6.5(a), 18.5 x 8.5–8(A6), 20.5 x 8.0–10(BU) and 23.5 x 8.5–12(CV) sizes.

Finally, a footnote is being added to Table I to indicate that the letters "H", "S", or "V" may be included in any specified tire size designation, adjacent to or in place of a dash or the letter "R" without affecting the size code for the designation.

(Secs. 103, 119, 201 and 206, National Highway Traffic Safety Act of 1966, as amended, 15 U.S.C. 1392, 1407, 1421 and 1426; delegation of authority at 49 CFR 1.51)

Effective date: July 24, 1971.

Because this amendment does not impose any additional burden on any person it is found that notice and public procedure thereon are unnecessary and impracticable, and that, for good cause shown, an effective date earlier than 180 days is in the public interest.

Issued on July 20, 1971.

DOUGLAS W. TOMS,
Acting Administrator.

TABLE I—SIZE CODE FOR MOTOR VEHICLE TIRES

Tire size code:	*Tire Size Designation* [1]
AA	4.00–4.
AB	3.50–4.
AC	3.00–5.
AD	4.00–5.
AE	3.50–5.
AF	6.90–6.
AH	3.00–8.
AJ	3.50–6.
AK	4.10–6.
AL	4.50–6.
AM	5.30–6.
AN	6.00–6.
AP	3.25–8.
AT	3.50–8.
AU	3.00–7.
AV	4.00–7.
AW	4.80–7.
AX	5.30–7.
AY	5.00–8.
A1	H60–14.
A2	4.00–8.
A3	4.80–8.
A4	5.70–8.
A5	16.5 x 6.5–8.
A7	CR70–14.
A8	2.75–9.
A9	4.80–9.
BA	6.00–9.
BB	6.90–9.
BC	3.50–9.
BD	4.00–10.
BE	3.00–10.
BF	3.50–10.
BH	5.20–10.
BJ	5.20 R 10.
BK	5.9–10.
BL	5.90–10.
BM	6.50–10.
BN	7.00–10.
BP	7.50–10.
BT	9.00–10.
BU	20.5 x 8.0–10.
BV	145–10.
BW	145 R 10.
BX	145–10/5.95–10.
BY	4.50–10 L.T.[2]
B1	5.00–10 L.T.
B2	3.00–12.
B4	4.50–12.
B5	4.80–12.
B6	5.00–12.
B7	5.00 R 12.
B8	5.20–12.
B9	5.20–12 L.T.
CA	5.20 R 12.
CB	5.30–12.
CC	5.50–12.
CD	5.50–12 L.T.
CE	5.50 R 12.
CF	5.60–12.
CH	5.60–12 L.T.
CJ	5.60 R 12.
CK	5.9–12.
CL	5.90–12.
CM	6.00–12.
CN	6.00–12 L.T.
CP	6.2–12.
CT	6.20–12.
CU	6.90–12.
CV	23.5 x 8.5–12.
CW	125–12.
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DB	3.25–12.
DC	3.50–12.
DD	4.50–12 L.T.
DE	5.00–12 L.T.
DF	7.00–12.
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DT	5.50 R 13.
DU	5.60–13.
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D1	5.90 R 13.
D2	6.00–13.
D3	6.00–13 L.T.
D4	6.00 R 13.
D5	6.2–13.
D6	6.20–13.
D7	6.40–13.
D8	6.40–13 L.T.
D9	6.40 R 13.
EA	6.50–13.
EB	6.50–13 L.T.
EC	6.50–13 S.T.
ED	6.50 R 13.
EE	6.70–13.
EF	6.70–13 L.T.
EH	6.70 R 13.
EJ	6.9–13.
EK	6.90–13.
EL	7.00–13.
EM	7.00–13 L.T.
EN	7.00 R 13.
EP	7.25–13.
ET	7.25 R 13.
EU	7.50–13.
EV	135–13.
EW	135 R 13.
EX	135–13/5.65–13.

[1] The letters "H", "S", and "V" may be included in the tire size designation adjacent to or in place of a dash or the letter "R" without affecting the size code for the designation.

[2] As used in this table the letters at the end of the tire size indicate the following: L.T.—Light Truck, M.L.—Mining and Logging, M.H.—Mobile Home, S.T.—Special Trailer.

Tire size code:	Tire Size Designation [1]
EY	145–13.
E1	145 R 13.
E2	145–13/5.95–13.
E3	150 R 13.
E4	155–13.
E5	155 R 13.
E6	155–13/6.15–13.
E7	160 R 13.
E8	165–13.
E9	165 R 13.
FA	165–13/6.45–13.
FB	165/70 R 13.
FC	170 R 13.
FD	175–13.
FE	175 R 13.
FF	175–13/6.95–13.
FH	175/70 R 13.
FJ	185–13.
FK	185 R 13.
FL	185–13/7.35–13.
FM	185/70 R 13.
FN	195–13.
FP	195 R 13.
FT	195/70 R 13.
FU	D70–13.
FV	B78–13.
FW	BR78–13.
FX	C78–13.
FY	7.50–12.
F1	140 R 12.
F2	6.5–13.
F3	185/60 R 13.
F4	A70–13.
F5	A78–13.
F6	CR78–13.
F7	2.25–14.
F8	2.75–14.
F9	3.00–14.
HA	6.70–14 L.T.
HB	165–14 L.T.
HC	2.50–14.
HD	5.00–14 L.T.
HE	5.20–14.
HF	5.20 R 14.
HH	5.50–14 L.T.
HJ	5.60–14.
HK	5.90–14.
HL	5.90–14 L.T.
HM	5.90 R 14.
HN	6.00–14.
HP	6.00–14 L.T.
HT	6.40–14.
HU	6.40–14 L.T.
HV	6.45–14.
HW	6.50–14.
HX	6.50–14 L.T.
HY	6.70–14.
H1	6.95–14.
H2	7.00–14.
H3	7.00–14 L.T.
H4	7.00 R 14.
H5	7.35–14.
H6	7.50–14.
H7	7.50–14 L.T.
H8	7.50 R 14.
H9	7.75–14.
JA	7.75–14 S.T.
JB	8.00–14.
JC	8.25–14.
JD	8.50–14.
JE	8.55–14.
JF	8.85–14.
JH	9.00–14.
JJ	9.50–14.
JK	135–14.
JL	135 R 14.
JM	135–14/5.65–14.
JN	145–14.
JP	145 R 14.
JT	145–14/5.95–14.
JU	155–14.
JV	155 R 14.
JW	155–14/6.15–14.
JX	155/70 R 14.
JY	165–14.
J1	165 R 14.
J2	175–14.
J3	175 R 14.
J4	185–14.
J5	185 R 14.
J6	185/70 R 14.
J7	195–14.
J8	195 R 14.
J9	195/70 R 14.
KA	205–14.
KB	205 R 14.
KC	215–14.
KD	215 R 14.
KE	225–14.
KF	225 R 14.
KH	620 R 14.
KJ	690 R 14.
KK	AR78–13.
KL	195–14 L.T.
KM	185–14 L.T.
KN	A80–22.5.
KP	B80–22.5.
KT	C80–22.5.
KU	D80–22.5.
KV	E80–22.5.
KW	F60–14.
KX	G60–14.
KY	J60–14.
K1	F80–22.5.
K2	G80–22.5.
K3	H80–22.5.
K4	J80–22.5.
K5	A80–24.5.
K6	B80–24.5.
K7	BR78–14.
K8	D70–14.
K9	DR70–14.
LA	E70–14.
LB	ER70–14.
LC	F70–14.
LD	FR70–14.
LE	G70–14.
LH	GR70–14.
LJ	H70–14.
LK	HR70–14.
LL	J70–14.
LM	JR70–14.
LN	L70–14.
LP	LR70–14.
LT	C80–24.5.
LU	D80–24.5.
LV	E80–24.5.
LW	F80–24.5.
LX	G77–14.
LY	B78–14.
L1	C78–14.
L2	CR78–14.
L3	D78–14.
L4	DR78–14.
L5	E78–14.
L6	ER78–14.
L7	F78–14.
L8	FR78–14.
L9	G78–14.
MA	GR78–14.
MB	H78–14.
MC	HR78–14.
MD	J78–14.
ME	JR78–14.
MF	205–14 L.T.
MH	G80–24.5.
MJ	H80–24.5.
MK	7–14.5.
ML	8–14.5.
MM	9–14.5.
MN	6.60 R 15.
MP	2.00–15.
MT	2.25–15.
MU	2.50–15.
MV	3.00–15.
MW	3.25–15.
MX	5.0–15.
MY	5.20–15.
M1	5.5–15.
M2	5.50–15 L.
M3	5.50–15 L.T.
M4	5.60–15.
M5	5.60 R 15.
M6	5.90–15.
M7	5.90–15 L.T.
M8	6.00–15.
M9	6.00–15 L.
NA	6.00–15 L.T.
NB	6.2–15.
NC	6.40–15.
ND	6.40–15 L.T.
NE	6.40 R 15.
NF	6.50–15.
NH	6.50–15 L.
NJ	6.50–15 L.T.
NK	6.70–15.
NL	6.70–15 L.T.
NM	6.70 R 15.
NN	6.85–15.
NP	6.9–15.
NT	7.00–15.
NU	7.00–15 L.
NV	7.00–15 L.T.
NW	7.10–15.
NX	7.10–15 L.T.
NY	7.35–15.
N1	7.50–15.
N2	7.60–15.
N3	7.60 R 15.
N4	7.75–15.
N5	7.75–15 S.T.
N6	8.00–15.
N7	8.15–15.
N8	8.20–15.
N9	8.25–15.
PA	8.25–15 L.T.
PB	8.45–15.
PC	8.55–15.
PD	8.85–15.
PE	8.90–15.
PF	9.00–15.
PH	9.00–15 L.T.
PJ	9.15–15.
PK	10–15.
PL	10.00–15.
PM	7.50–15 L.T.
PN	7.00–15 T.R.
PP	8.25–15 T.R.
PT	9.00–15 T.R.
PU	7.50–15 T.R.
PV	125–15.
PW	125 R 15.
PX	125–15/5.35–15.
PY	135–15.
P1	135 R 15.
P2	135–15/5.65–15.
P3	145–15.
P4	145 R 15.
P5	145–15/5.95–15.
P6	155–15.
P7	155 R 15.
P8	155–15/6.35–15.
P9	165–15.
TA	165–15 L.T.
TB	165 R 15.
TC	175–15.
TD	175 R 15.
TE	175–15/7.15–15.
TF	175/70 R 15.
TH	180–15.
TJ	185–15.
TK	185 R 15.
TL	185/70 R 15.
TM	195–15.
TN	195 R 15.
TP	205–15.
TT	205 R 15.
TU	215–15.
TV	215 R 15.
TW	225–15.
TX	225 R 15.
TY	235–15.
T1	235 R 15.
T2	J80–24.5.
T3	ER60–15.
T4	D78–13.
T5	A78–15.
T6	DR70–13.
T7	HR60–15.
T8	E60–14.
T9	205/70 R 14.

Tire size code:	Tire Size Designation [1]
UA	215/70 R 14.
UB	H60–15.
UC	E60–15.
UD	F60–15.
UE	FR60–15.
UF	G60–15.
UH	GR60–15.
UJ	J60–15.
UK	L60–15.
UL	4.60–15.
UM	2.75–15.
UN	2.50–9.
UP	2.50–10.
UT	5.00–9
UU	6.7–10.
UV	C70–15.
UW	D70–15.
UX	DR70–15.
UY	E70–15.
U1	ER70–15.
U2	F70–15.
U3	FR70–15.
U4	G70–15.
U5	GR70–15.
U6	H70–15.
U7	HR70–15.
U8	J70–15.
U9	JR70–15.
VA	K70–15.
VB	KR70–15.
VC	L70–15.
VD	LR70–15.
VE	17–400 T.R.
VF	185–300 T.R.
VH	185–300 L.T.
VJ	AR78–15.
VK	BR78–15.
VL	C78–15.
VM	D78–15.
VN	E78–15.
VP	ER78–15.
VT	F78–15.
VU	FR78–15.
VV	G78–15.
VW	GR78–15.
VX	H78–15.
VY	HR78–15.
V1	J78–15.
V2	JR78–15.
V3	L78–15.
V4	LR78–15.
V5	N78–15.
V6	17–15(17–380 L.T.).
V7	17–400 L.T.
V8	11–15.
V9	11–16.
WA	L84–15.
WB	11.00–15.
WC	2.25–16.
WD	2.50–16.
WE	3.00–16.
WF	3.25–16.
WH	3.50–16.
WJ	5.00–16.
WK	5.10–16.
WL	5.50–16 L.T.
WM	6.00–16.
WN	6.00–16 L.T.
WP	6.50–16.
WT	6.50–16 L.T.
WU	6.70–16.
WV	7.00–16.
WW	7.00–16 L.T.
WX	7.50–16.
WY	7.50–16 L.T.
W1	8.25–16.
W2	9.00–16.
W3	10–16.
W4	8.25–16 L.T.
W5	9.00–16 L.T.
W6	11.00–16.
W7	19–400 C.
W8	165–400.
W9	235–16.
XA	185–16.
XB	19–400 L.T.
XC	G45C–16.
XD	E50C–16.
XE	F50C–16.
XF	7.00–16 T.R.
XH	7.50–16 T.R.
XJ	8.00–16.5.
XK	8.75–16.5.
XL	9.50–16.5.
XM	10–16.5.
XN	12.16.5.
XP	185 R. 6.
XT	4.50–17.
XU	2.00–17.
XV	2.25–17.
XW	2.50–17.
XX	2.75–17.
XY	3.00–17.
X1	3.25–17.
X2	3.50–17.
X3	6.50–17.
X4	6.50–17 L.T.
X5	7.00–17.
X6	7.50–17.
X7	8.25–17.
X8	7.50–17 L.T.
X9	225/70 R. 14.
YA	G50C–17.
YB	H50C–17.
YC	195/70 R 15.
YD	4.20–18.
YE	8–17.5 L.T.
YF	11–17.5.
YH	7–17.5.
YJ	8–17.5.
YK	8.5–17.5.
YL	9.5–17.5.
YM	10–17.5.
YN	14–17.5.
YP	9–17.5.
YT	205/70 R 15.
YU	2.25–18.
YV	2.50–18.
YW	2.75–18.
YX	3.00–18.
YY	3.25–18.
Y1	3.50–18.
Y2	4.00–18.
Y3	4.50–18.
Y4	6.00–18.
Y5	7.00–18.
Y6	7.50–18.
Y7	8.25–18.
Y8	9.00–18.
Y9	10.00–18.
1A	11.00–18.
1B	6.00–18 L.T.
1C	6.00–20 L.T.
1D	L50C–18.
1E	7.00–18 L.T.
1F	12–19.5.
1H	2.00–19.
1J	2.25–19.
1K	2.50–19.
1L	2.75–19.
1M	3.00–19.
1N	3.25–19.
1P	3.50–19.
1T	4.00–19.
1U	11.00–19.
1V	9.5–19.5.
1W	10–19.5.
1X	11–19.5.
1Y	7–19.5.
11	7.5–19.5.
12	8–19.5.
13	9–19.5.
14	14–19.5.
15	15–19.5.
16	16.5–19.5.
17	18–19.5.
18	19.5–19.5.
19	6.00–20.
2A	6.50–20.
2B	7.00–20.
2C	7.50–20.
2D	8.25–20.
2E	8.5–20.
2F	9.00–20.
2H	9.4–20.
2J	10.00–20.
2K	10.3–20.
2L	11.00–20.
2M	11.1–20.
2N	11.50–20.
2P	11.9–20.
2T	12.00–20.
2U	12.5–20.
2V	13.00–20.
2W	14.00–20.
2X	6.50–20 L.T.
2Y	7.00–20 L.T.
21	13/80–20.
22	14/80–20.
23	2.75–21.
24	3.00–21.
25	2.50–21.
26	2.75–20.
27	10.00–22.
28	11.00–22.
29	11.1–22.
3A	11.9–22.
3B	12.00–22.
3C	14.00–22.
3D	11.50–22.
3E	4.10–18.
3F	4.10–19.
3H	7–22.5.
3J	8–22.5.
3K	8.5–22.5.
3L	9–22.5.
3M	9.4–22.5.
3N	10–22.5.
3P	10.3–22.5.
3T	11–22.5.
3U	11.1–22.5.
3V	11.5–22.5.
3W	11.9–22.5.
3X	12–22.5.
3Y	12.5–22.5.
31	15–22.5.
32	16.5–22.5.
33	18–22.5.
34	215/70 R 15.
35	225/70 R 15.
36	L70–18.
37	9.00–24.
38	10.00–24.
39	11.00–24.
4A	12.00–24.
4B	14.00–24.
4C	3.50–7.
4D	Not assigned.
4E	12.5–24.5.
4F	11–24.5.
4H	12–24.5.
4J	13.5–24.5.
4K	7.00–20 M.L.
4L	7.50–20 M.L.
4M	8.25–20 M.L.
4N	9.00–20 M.L.
4P	10.00–20 M.L.
4T	10.00–22 M.L.
4U	10.00–24 M.L.
4V	11.00–20 M.L.
4W	11.00–22 M.L.
4X	11.00–24 M.L.
4Y	11.00–25 M.L.
41	12.00–20 M.L.
42	12.00–21 M.L.
43	12.00–24 M.L.
44	12.00–25 M.L.
45	13.00–20 M.L.
46	13.00–24 M.L.
47	13.00–25 M.L.
48	14.00–20 M.L.
49	14.00–21 M.L.
5A	14.00–24 M.L.
5B	14.00–25 M.L.
5C	10.3–20 M.L.
5D	11.1–20 M.L.
5E	12.5–20 M.L.
5F	9–22.5 M.L.
5H	9.4–22.5 M.L.
5J	10–22.5 M.L.

Tire size code:	Tire Size Designation [1]
5K	10.3–22.5 M.L.
5L	11–22.5 M.L.
5M	11–24.5 M.L.
5N	14–17.5 M.L.
5P	15–19.5 M.L.
5T	15–22.5 M.L.
5U	16.5–19.5 M.L.
5V	16.5–22.5 M.L.
5W	18–19.5 M.L.
5X	18–22.5 M.L.
5Y	19.5–19.5 M.L.
51	23–23.5 M.L.
52	18–21 M.L.
53	19.5–21 M.L.
54	23–21 M.L.
55	6.00–13 S.T.
56	7.35–14 S.T.
57	8.25–14 S.T.
58	7.35–15 S.T.
59	8.25–15 S.T.
6A	12.00–22 M.L.
6B	4.30–18.
6C	3.60–19.
6D	3.00–20.
6E	4.25–18.
6F	MP90–18.
6H	3.75–19.
6J	MM90–19.
6K	3.25–7.
6L	2.75–16.
6M	4.00–16.
6N	Not assigned.
6P	25 x 7.50–15.
6T	27 x 8.50–15.
6U	27 x 9.50–15.
6V	29 x 12.00–15.
6W	31 x 13.50–15.
6X	31 x 15.50–15.
6Y	38 x 20.00–16.1.
61	44 x 41.00–16.1.
62	44 x 41.00–20.
63	48 x 20.00–20.
64	48 x 25.00–20.
65	48 x 31.00–20.
66	3.40–5.
67	4.10–4.
68	4.10–5.
69	175–14 L.T.
7A	11–14.
7B	E78–14 L.T.
7C	G78–15 L.T.
7D	H78–15 L.T.
7E	T80 R 15.
7F	185–16 L.T.
7H	205–16 L.T.
7J	215–16 L.T.
7K	F78–16 L.T.
7L	H78–16 L.T.
7M	L78–16 L.T.
7N	135 R 10.
7P	6.95–14 L.T.
7T	7–14.5 M.H.
7U	8–14.5 M.H.
7V	9–14.5 M.H.
7W	4.25/85–18.
7X	A78–14.
7Y	7.50–18 M.P.T.
71	10.5–18 M.P.T.
72	12.5–18 M.P.T.
73	12.5–20 M.P.T.
74	14.5–20 M.P.T.
75	10.5–20 M.P.T.
76	10.5–20.
77	Not assigned.
78	150 R 12.
79	150 R 14.
8A	1¾–19.
8B	1¾–19¾.
8C	2–12.
8D	2–16.
8E	2–17.
8F	2–17 R.
8H	2–18.
8J	2–19.
8K	2–19 R.
8L	2–19¾.
8M	2–22.
8N	2–22½.
8P	2¼–15.
8T	2¼–16.
8U	2¼–17.
8V	2¼–18.
8W	2¼–19.
8X	2¼–19 R.
8Y	2¼–20.
81	2½–8.
82	2½–9.
83	2½–16.
84	2½–17.
85	2½–18.
86	2½–19.
87	2½–19 R.
88	2¾–9.
89	2¾–16.
9A	2¾–17.
9B	2¾–17 R.
9C	3–10.
9D	3–12.
9E	Not assigned.
9F	Do.
9H	15.50–20.
9J	18.50–20.
9K	19.50–20.
9L	2¼–14.
9M	2½–20.
9N	2¾–16 R.
9P	2¾–18.
9T	Not assigned.
9U	Do.
9V	Do.
9W	Do.
9X	Do.
9Y	Do.
91	Do.
92	Do.
93	Do.
94	Do.
95	Do.
96	Do.
97	Do.
98	Do.
99	Do.

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Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[2d Rev. S.O. 1063; Amdt. 1]

PART 1033—CAR SERVICE

Railroad Operating Regulations for Freight Car Movement

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 19th day of July 1971.

Upon further consideration of Second Revised Service Order No. 1063 and good cause appearing therefor:

It appearing, that, because of a work stoppage of operating employees interfering with railroad operations, various railroads are unable to conduct normal operations.

It is ordered, That:

§ 1033.1063 *Service Order No. 1063* (Railroad operating regulations for freight car movement). Second Revised Service Order No. 1063 be, and it is hereby, suspended until further order of the Commission reinstating the provisions thereof.

Effective date. This amendment shall become effective at 6 a.m., July 19, 1971.

(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 a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all 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 amendment 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.17 10594 Filed 7-23-71;8:52 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER E—RULES, REGULATIONS, STATEMENTS OF GENERAL POLICY OR INTERPRETATION AND EXEMPTION UNDER THE FAIR PACKAGING AND LABELING ACT

PART 500—REGULATIONS UNDER SECTION 4 OF THE FAIR PACKAGING AND LABELING ACT

Measurement of Commodities; Confirmation of Effective Date

In the matter of amending Subchapter E by the amendment of §§ 500.11 and 500.12 to permit additional expressions of length and width in terms of inches:

Pursuant to the provisions of the Fair Packaging and Labeling Act (sections 5, 6, 80 Stat. 1298, 1299, 1300; 15 U.S.C. 1454, 1455), notice is given that no objections were filed in the above-identified matter published in the FEDERAL REGISTER of May 27, 1971 (36 F.R. 9625). Accordingly, the June 27, 1971, effective date of the amended §§ 500.11 and 500.12 is confirmed.

Issue: July 16, 1971.

By direction of the Commission.

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

[FR Doc.71-10528 Filed 7-23-71;8:47 am]

Title 50—WILDLIFE AND FISHERIES

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

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 10—MIGRATORY BIRDS

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds

The Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755; 16 U.S.C. 703 et seq.), as amended, authorizes and directs the Secretary of the Interior, having due regard for the zones of temperature and for the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds to determine when, to what extent, and by what means, such birds or any part, nest, or egg thereof may be taken, captured, killed possessed, sold, purchased, shipped, carried, or transported.

By notice of proposed rule making published in the FEDERAL REGISTER of May 11, 1971 (36 F.R. 8677), notification was given that the Secretary of the Interior proposed to amend Part 10, Title 50, Code of Federal Regulations. These amendments would specify open seasons, shooting hours, and bag and possession limits for migratory game birds for the 1971–72 hunting seasons.

Interested persons were invited to submit their views, data, or arguments regarding such matters in writing to the Director, Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, Washington, D.C. 20240, within 30 days following the date of publication of the notice.

After analysis of the migratory game bird survey data obtained through investigations conducted by the Bureau of Sport Fisheries and Wildlife, by State game departments, and by other sources, the several State game departments were informed of the shooting hours, season lengths, and daily bag and possession limits proposed to be prescribed for the 1971–72 seasons on mourning doves, white-winged doves, band-tailed pigeons, rails, woodcock, snipe, and gallinules; on sea ducks in certain areas of the Atlantic Flyway; and on waterfowl, coots, snipe, and cranes in Alaska. The State game departments were invited to submit recommendations for hunting seasons which complied with the shooting hours, daily bag and possession limits, and season lengths specified in the frameworks of opening and closing dates published by this Department.

Accordingly, each State game department having had an opportunity to participate in selecting the hunting seasons desired for its State on those species of migratory birds for which open seasons are now to be prescribed, and consideration having been given to all other relevant matters presented, it is determined that certain sections of Part 10 shall be amended as set forth below.

The taking of the designated species of migratory game birds is presently prohibited. The amendments to be made to §§ 10.41, 10.46, 10.51, and 10.53 will permit taking of the designated species within specified periods of time beginning as early as September 1, as has been the case in past years. Therefore, since these amendments benefit the public by relieving existing restrictions, they shall become effective upon publication in the FEDERAL REGISTER (7–24–71).

Section 10.41 is amended to read as follows:

§ 10.41 Seasons and limits on doves and wild pigeons.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows:

(a) *Mourning doves—Eastern Management Unit.*

Daily bag limit	12
Possession limit	24

Shooting hours: 12 noon until sunset.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS.

Seasons in:

Alabama [1]	Sept. 25–Nov. 13. Dec. 20–Jan. 8.
Connecticut	Closed season.
Delaware	Sept. 15–Oct. 16. Dec. 9–Jan. 15.
Florida	Oct. 2–Oct. 31. Nov. 13–Nov. 28. Dec. 18–Jan. 10.
Georgia	Sept. 4–Sept. 25. Oct. 23–Nov. 10. Dec. 18–Jan. 15.
Illinois	Sept. 1–Nov. 9.
Indiana	Closed season.
Kentucky	Sept. 1–Oct. 31. Dec. 1–Dec. 9.
Louisiana	Sept. 4–Sept. 19. Oct. 16–Nov. 14. Dec. 18–Jan. 10.
Maine	Closed season.
Maryland	Sept. 11–Nov. 6. Dec. 18–Dec. 30.
Massachusetts	Closed season.
Michigan	Closed season.
Mississippi	Sept. 4–Oct. 3. Nov. 20–Nov. 28. Dec. 16–Jan. 15.
New Hampshire	Closed season.
New Jersey	Closed season.
New York	Closed season.
North Carolina	Sept. 4–Oct. 9. Dec. 13–Jan. 15.
Ohio	Closed season.
Pennsylvania	Sept. 1–Nov. 9.
Rhode Island	Sept. 20–Oct. 15. Oct. 23–Dec. 5.
South Carolina	Sept. 4–Oct. 2. Nov. 20–Dec. 4. Dec. 21–Jan. 15.
Tennessee	Sept. 1–Oct. 3. Oct. 16–Oct. 30. Dec. 18–Jan. 8.
Vermont	Closed season.
Virginia	Sept. 4–Oct. 30. Dec. 22–Jan. 3.
West Virginia	Sept. 1–Oct. 8. Oct. 16–Oct. 30. Dec. 30–Jan. 15.
Wisconsin	Closed season.

[1] In Alabama, the daily bag and possession limit is 12.

(b) *Mourning doves—Central Management Unit.*

Daily bag limit	10
Possession limit	20

Shooting hours: One-half hour before sunrise until sunset.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS.

Seasons in:

Arkansas	Sept. 1–Oct. 5. Dec. 1–Dec. 25.
Colorado	Sept. 1–Oct. 30.
Iowa	Closed season.
Kansas	Sept. 1–Oct. 30.
Minnesota	Closed season.
Missouri	Sept. 1–Oct. 30.
Montana	Closed season.
Nebraska	Closed season.
New Mexico [1]	Sept. 1–Sept. 30. Nov. 27–Dec. 26.
North Dakota	Closed season.
Oklahoma	Sept. 1–Oct. 30.
South Dakota	Sept. 1–Sept. 14.
Texas: [2]	
Northern area [3]	Sept. 1–Oct. 30.
Southern area [4]	Sept. 25–Nov. 23.
Wyoming	Closed season.

[1] In New Mexico, the daily bag limit is 10 and the possession limit is 20 white-winged and mourning doves, singly or in the aggregate of these species.

[2] In Texas, shooting hours are 12 noon until sunset on all days in all counties.

[3] Counties of Kinney, Uvalde, Medina, Bexar, Comal, Hays, Travis, Williamson, Milam, Robertson, Leon, Houston, Cherokee, Nacogdoches, and Shelby and all counties north and west thereof.

[4] All counties south and east of Northern Area. However, in the counties of Cameron, Hidalgo, Starr, Zapata, Webb, Maverick, Dimmit, La Salle, Jim Hogg, Brooks, Kenedy, and Willacy season ends Nov. 19; mourning doves may also be hunted in these 12 counties Sept. 4–5 and Sept. 11–12.

(c) *Mourning doves—Western Management Unit.*

Daily bag limit	10
Possession limit	20

Shooting hours: One-half hour before sunrise until sunset.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS.

Seasons in:

Arizona	Sept. 1–Sept. 12. Dec. 3–Jan. 9.
California [1]	Sept. 1–Sept. 30. Nov. 27–Dec. 12.
Idaho	Sept. 1–Sept. 19.
Nevada [1]	Sept. 1–Oct. 20.
Oregon	Sept. 1–Sept. 30.
Utah	Sept. 1–Sept. 30.
Washington	Sept. 1–Sept. 30.

[1] In those counties of California and Nevada having an open season on white-winged doves, the daily bag limit is 10 and the possession limit is 20 mourning and white-winged doves, singly or in the aggregate of these species.

NOTICE: Hawaii: Subject to the applicable provisions of the preceding sections of this part, mourning doves may be taken in accordance with State regulations.

(d) *White-winged doves.*

Daily bag and possession limits	See footnote 1.

Shooting hours: One-half hour before sunrise until sunset.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS.

Seasons in:	
Arizona	Sept. 1–Sept. 12.
California:	
Counties of Imperial, Riverside, and San Bernardino.	Sept. 1–Sept. 30. Nov. 27–Dec. 12.
Remainder of State	Closed season.
Nevada:	
Counties of Clark and Nye.	Sept. 1–Oct. 20.
Remainder of State	Closed season.
New Mexico	Sept. 1–Sept. 30. Nov. 27–Dec. 26.
Texas: [2]	
Counties of Brewster, Brooks, Cameron, Culberson, Dimmit, El Paso, Hidalgo, Hudspeth, Jeff Davis, Jim Hogg, Kenedy, Kinney, La Salle, Maverick, Presidio, Starr, Terrell, Val Verde, Webb, Willacy, and Zapata.	Sept. 4 and 5. Sept. 11 and 12.
Remainder of State	Closed season.

[1] In Arizona, the daily bag and possession limit is 10 white-winged doves. In California, Nevada, and New Mexico, the daily bag limit is 10 and the possession limit is 20 white-winged and mourning doves, singly or in the aggregate of both species. In Texas, the daily bag limit is 10 and the possession limit is 20 white-winged doves.

[2] In Texas, shooting hours are 12 noon until sunset.

(e) *Band-tailed pigeons.*

Daily bag limit	5
Possession limit	10

Shooting hours: One-half hour before sunrise until sunset.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS.

Seasons in:	
Arizona [1]	Oct. 16–Oct. 24.
California: [2]	
Counties of Butte, Del Norte, Glen, Humboldt, Lassen, Mendocino, Modoc, Plumas, Shasta, Sierra, Siskiyou, Tehama, and Trinity.	Oct. 2–Oct. 31.
Remainder of State	Dec. 11–Jan. 9.
Colorado [1]	Sept. 4–Sept. 26.
New Mexico [1]	Sept. 11–Oct. 3.
Oregon [2]	Sept. 1–Sept. 30.
Utah [1]	Sept. 4–Sept. 26.
Washington [2]	Sept. 1–Sept. 30.

[1] Every hunter must have been issued and carry on his person while hunting band-tailed pigeons a properly validated special band-tailed pigeon hunting permit issued by the game department of each respective State for the open season in that State. The hunting permit will be issued upon application to the game department of the State in which hunting is to be done. Permits issued by any State will be valid in that State only. This season shall be open only in the area described, delineated, and designated as such by the States of Arizona, Colorado, New Mexico, and Utah in their respective hunting regulations.

[2] In California, Oregon, and Washington the daily bag and possession limit is 8.

Section 10.46 is amended to read as follows:

§ 10.46 Seasons and limits on rails, woodcock, and common snipe (Wilson's).

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows:

Atlantic, Mississippi, and Central Flyways.

	Rails (Sora and Virginia)	Woodcock	Common snipe (Wilson's)
Daily bag limit	[1] 25	5	8
Possession limit	[1] 25	10	16

Shooting hours: One-half hour before sunrise until sunset on all species.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS.

Seasons in:			
Alabama [2]	Nov. 6-Jan. 14	Dec. 24-Feb. 26	Dec. 24-Feb. 26.
Arkansas	Sept. 1-Nov. 9	Dec. 1-Feb. 3	Dec. 1-Feb. 3.
Colorado [3]	Sept. 1-Nov. 9	Closed season	Sept. 1-Nov. 4.
Connecticut [4]	Sept. 1-Nov. 9	Oct. 16-Dec. 18	Oct. 16-Dec. 18.
Delaware [4]	Sept. 1-Nov. 9	Nov. 19-Jan. 22	Nov. 19-Jan. 22.
Florida [5]	Sept. 4-Nov. 12	Nov. 20-Jan. 23	See footnote 6.
Georgia [5]	Sept. 4-Nov. 12	Nov. 20-Jan. 23	Dec. 11-Feb. 13.
Illinois	Closed season	Oct. 15-Dec. 15	Oct. 15-Dec. 15.
Indiana	Sept. 1-Nov. 9	Sept. 25-Nov. 28	Sept. 25-Nov. 28.
Iowa	Closed season	Closed season	See footnote 6.
Kansas	Sept. 1-Nov. 9	Oct. 16-Dec. 19	Sept. 18-Nov. 21.
Kentucky	Nov. 18-Jan. 15	Nov. 18-Jan. 21	Nov. 18-Jan. 21.
Louisiana [3]	Oct. 30-Jan. 7	Nov. 25-Jan. 28	Dec. 18-Feb. 20.
Maine	Sept. 1-Nov. 9	Sept. 24-Nov. 15	Sept. 24-Nov. 15.
Maryland [4]	Sept. 1-Nov. 9	Oct. 5-Dec. 8	Oct. 5-Dec. 8.
Massachusetts	Sept. 12-Nov. 20	Oct. 10-Nov. 30	Sept. 12-Nov. 15.
Michigan	See footnote 7		See footnote 8.
Zones 1 and 2		Sept. 15-Nov. 14	
Zone 3		Oct. 20-Nov. 14	
Minnesota	Sept. 4-Nov. 12	Sept. 4-Nov. 7	Sept. 4-Nov. 7.
Mississippi [3]	Oct. 30-Jan. 7	Dec. 18-Feb. 20	See footnote 6.
Missouri	Sept. 1-Nov. 9	Oct. 1-Dec. 4	Oct. 1-Dec. 4
Montana [2]	Closed season	Closed season	Closed season.
Nebraska	Sept. 1-Nov. 9	Closed season	Sept. 15-Nov. 18.
New Hampshire	Closed season	Oct. 1-Dec. 1	Oct. 1-Dec. 1.
New Jersey [4] [10]	Sept. 1-Nov. 9	Oct. 2-Dec. 4	See footnote 6.
New Mexico [3]	Closed season	Closed season	Closed season.
New York [4] [10] [11]	Sept. 1-Nov. 9	Sept. 20-Nov. 23	Sept. 20-Nov. 23.
North Carolina [5]	Sept. 1-Nov. 9	Dec. 11-Feb. 12	Nov. 20-Jan. 22.
North Dakota	Closed season	Closed season	Sept. 11-Nov. 14.
Ohio	Sept. 1-Nov. 9	Sept. 17-Nov. 20	Sept. 17-Nov. 20.
Oklahoma	Sept. 1-Nov. 9	Nov. 20-Jan. 13	Oct. 23-Dec. 26.
Pennsylvania	Sept. 1-Nov. 9	Oct. 16-Dec. 18	Oct. 11-Dec. 14.
Rhode Island [4]	Sept. 2-Nov. 28	Oct. 23-Dec. 17; Dec. 20-Dec. 28	Oct. 23-Dec. 17. Dec. 20-Dec. 28.
South Carolina [5]	Oct. 2-Dec. 10	Dec. 24-Feb. 26	Dec. 24-Feb. 26.
South Dakota	Closed season	Closed season	Sept. 1-Oct. 31.
Tennessee	See footnote 12	Nov. 6-Jan. 9	Dec. 26-Feb. 28.
Texas [3]	Sept. 1-Nov. 9	Nov. 20-Jan. 23	Nov. 20-Jan. 23.
Vermont	Sept. 25-Dec. 3	Sept. 25-Nov. 28	Sept. 25-Nov. 28.
Virginia [4]	Sept. 1-Nov. 9	Nov. 15-Jan. 18	Nov. 15-Jan. 18.
West Virginia	Oct. 16-Dec. 24	Oct. 16-Dec. 19	Oct. 16-Dec. 19.
Wisconsin	See footnote 12	Sept. 11-Nov. 14	See footnote 6.
Wyoming [2]	Oct. 2-Dec. 10	Closed season	See footnote 6.

[1] Applies singly or in the aggregate of these two species.

[2] In the State of Alabama:

a. In addition to the limits on Sora and Virginia rails, there is a daily bag and possession limit of 15 king and clapper rails, singly or in the aggregate of these latter two species.

b. The daily bag and possession limit for woodcock is 5.

c. The daily bag and possession limit for snipe is 8.

[3] Central Flyway portion of State only.

[4] In addition to the limits on Sora and Virginia rails, there is a daily bag limit of 7 and a possession limit of 14 king and clapper rails, singly or in the aggregate of these latter two species.

[5] In addition to the limits on Sora and Virginia rails, there is a daily bag limit of 15 and a possession limit of 30 king and clapper rails, singly or in the aggregate of these latter two species.

[6] The season for snipe will open and run concurrently with the open season for ducks; *Provided*, That the season shall not extend beyond the last day of the duck season or 65 days, whichever is the shorter period.

[7] The season for rails will open and run concurrently with the open season for ducks; *Provided*, That the season shall not extend beyond the last day of the duck season or Nov. 23, whichever is the shorter period.

In five special areas designated by the State, there is an additional open season from Sept. 15-30.

[8] The season for snipe will open and run concurrently with the open season for ducks; *Provided*, That the season shall not extend beyond the last day of the duck season or 49 days, whichever is the shorter period.

In five special areas designated by the State, there is an additional open season from Sept. 15-30.

[9] The season for woodcock is closed on Nov. 12 and reopens on Nov. 13 at 9 a.m.

[10] In the States of New Jersey and New York, shooting hours for woodcock are sunrise to sunset.

[11] In the State of New York:

a. The season for rails in the Long Island area (Long Island and that part of Westchester County lying south of the Hutchinson River Parkway) is Sept. 13-Nov. 9.

b. The season for woodcock and for snipe in the Southern Zone is Oct. 1-Nov. 23.

[12] The season for rails will open and run concurrently with the open season for ducks; *Provided*, That the season shall not extend beyond the last day of the duck season or 70 days, whichever is the shorter period.

Section 10.51 is amended to read as follows:

§ 10.51 Migratory game bird hunting seasons in Alaska.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows:

	Ducks	Geese	Coots	Brant	Common Snipe (Wilson's)	Little Brown Cranes
Daily bag limit	[1] 6	[2] 6	15	4	8	2
Possession limit	[1] 18	[2] 12	15	8	16	4

Shooting hours: One-half hour before sunrise until sunset.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS.

Season dates in:			
Pribilof, Kodiak (Game Management Unit 8), and Aleutian Islands except Unimak Island.	Oct. 14-Jan. 26	Sept. 1-Nov. 4	Sept. 1-Oct. 15.
Remainder of Alaska and Unimak Island.	Sept. 1-Dec. 14	Sept. 1-Nov. 4	Sept. 1-Oct. 15.

[1] In addition to the basic daily bag and possession limits, a daily bag limit of 15 and a possession limit of 30 is permitted singly or in the aggregate of the following species: Scoter, eider, old-squaw, harlequin, and American and red-breasted mergansers.

[2] The daily bag and possession limits may not include more than 4 daily and 8 in possession of white-fronted and Canada geese, singly or in the aggregate. In addition to the daily bag and possession limits on other geese, the daily bag limit is 6 and the possession limit is 12 on Emperor geese.

Section 10.53 is amended to read as follows:

§ 10.53 Seasons and limits on waterfowl, coots, gallinule, and common snipe (Wilson's).

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows:

(a) *Sea ducks.* (1) An open season for taking scoter, eider, and old-squaw ducks is prescribed during the period between September 25, 1971, and January 9, 1972, in all coastal waters and all waters of rivers and streams seaward from the first upstream bridge in the States of Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut; in those coastal waters of the State of New York lying in Long Island and Block Island Sounds and associated bays eastward from a line running between Miamogue Point in the town of Riverhead to Red Cedar Point in the town of Southampton, including any ocean waters of New York lying south of Long Island; in any waters of the Atlantic Ocean and/or in any tidal waters of any bay which are separated by at least one (1) mile of open water from any shore, island, and emergent vegetation in the States of New Jersey, Delaware, North Carolina, South Carolina, and Georgia; and in any waters of the Atlantic Ocean and/or in any tidal waters of any bay which are separated by at least 800 yards of open water from any shore, island, and emergent vegetation in the States of Maryland and Virginia: *Provided*, That any such areas have been described, delineated, and designated as special sea duck hunting areas under the hunting regulations adopted by the respective States. In all other areas of these States and in all other States in the Atlantic Flyway, sea ducks may be taken only during the regular open season for ducks. The daily bag limit is 7 and the possession limit is 14 sea ducks, singly or in the aggregate of these species.

(2) During the regular duck season in the Atlantic Flyway, States may set, in addition to the regular limits, a bonus daily bag limit of seven and a possession limit of 14 scoter, eider, and old-squaw ducks, singly or in the aggregate of these species.

(3) Shooting hours are one-half hour before sunrise until sunset daily.

(4) Notwithstanding the provisions of 50 CFR 10.3, the shooting of *crippled* waterfowl from a motorboat under power will be permitted in the States of Maine, Massachusetts, New Hampshire, Rhode Island, Connecticut, New York, and Maryland in those areas described, delineated, and designated in their respective hunting regulations as being open to sea duck hunting.

(b) *Teal*—(1) *September season.* An open season for teal ducks (blue-winged, green-winged, and cinnamon) is prescribed according to the following table in those areas which are described, delineated, and designated in the hunting regulations of the following States:

Daily bag limit	4
Possession limit	8

Shooting hours: Sunrise until sunset

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS.

Seasons in:	
Alabama	Sept. 22–30.
Arkansas	Sept. 22–30.
Colorado [1]	Sept. 11–19.
Illinois	Sept. 18–26.
Indiana [2]	Sept. 11–19.
Kansas [2]	Sept. 4–12.
Louisiana	Sept. 18–26.
Maine [4]	Sept. 10–18.
Mississippi	Sept. 18–26.
Missouri	Sept. 11–19.
New Mexico	Sept. 18–26.
Ohio	Sept. 10–18.
Oklahoma	Sept. 11–19.
Tennessee	Sept. 18–26.
Texas	Sept. 11–19.

[1] Only in Lake and Chaffee Counties and that portion of the State lying east of State Highway 71, U.S. Highway 350, and Interstate Highway 25.

[2] Shooting hours are 7 a.m. to 5 p.m. The Kankakee and La Salle Fish and Wildlife Areas are closed to hunting by State regulations during this teal season.

[3] The entire State except the Marais des Cygnes Waterfowl Management Area in Linn County and the Neosho Waterfowl Management Area in Neosho County.

[4] The season is restricted to the tidal waters of Merrymeeting Bay as defined in State Fish and Game Laws. Each person must have been issued, and carry on his person while hunting, a properly validated teal hunting permit issued by the State.

(c) *Gallinule.*

Daily bag limit	15
Possession limit	30

Shooting hours: One-half hour before sunrise until sunset.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS.

Seasons in:	
Alabama	Nov. 6–Jan. 14.
Arkansas	Nov. 7–Jan. 15.
Colorado [1]	Closed season.
Connecticut	Sept. 1–Nov. 9.
Delaware	Sept. 1–Nov. 9.
Florida	Sept. 4–Nov. 12.
Georgia	See footnote 2.
Illinois	Closed season.
Indiana	Sept. 1–Nov. 9.
Iowa	Closed season.
Kansas	Sept. 1–Nov. 9.
Kentucky	Nov. 18–Jan. 15.
Louisiana	Sept. 4–Nov. 12.
Maine	Sept. 1–Nov. 9.
Maryland	Sept. 1–Nov. 9.
Massachusetts	See footnote 2.
Michigan	See footnote 2.
Minnesota	See footnote 2.
Mississippi	See footnote 2.
Missouri	Sept. 1–Nov. 9.
Montana [1]	Closed season.
Nebraska	See footnote 2.
New Hampshire	Closed season.
New Jersey	Sept. 1–Nov. 9.
New Mexico [1]	See footnote 2.
New York [3]	Sept. 1–Nov. 9.
North Carolina	Sept. 1–Nov. 9.
North Dakota	Closed season.
Ohio	Sept. 1–Nov. 9.
Oklahoma	Sept. 1–Nov. 9.
Pennsylvania	Sept. 1–Nov. 9.
Rhode Island	Sept. 20–Nov. 28.
South Carolina	Oct. 2–Dec. 10.
South Dakota	Closed season.
Tennessee	See footnote 2.
Texas	Sept. 1–Nov. 9.
Vermont	Sept. 25–Dec. 3.
Virginia	See footnote 2.
West Virginia	Oct. 16–Dec. 24.
Wisconsin	See footnote 2.
Wyoming [3]	Closed season.
PACIFIC FLYWAY	
STATES	See footnote 2.

[1] Central Flyway portion of State only.

[2] States may establish their gallinule seasons at the time they select their duck seasons in August. Consult Regulatory Announcement 88 and State regulations for information concerning gallinule seasons if the dates are not published in this table.

[3] In the Long Island area (Long Island and that part of Westchester County lying south of the Hutchinson River Parkway), the season on gallinule is Sept. 13–Nov. 9.

ROGERS C. B. MORTON,
Secretary,
Department of the Interior.

JULY 16, 1971.

[FR Doc.71-10348 Filed 7-23-71;8:45 am]

PART 32—HUNTING

Crescent Lake National Wildlife Refuge, Nebr.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (7–24–71).

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

NEBRASKA

CRESCENT LAKE NATIONAL WILDLIFE REFUGE

Public hunting of sharp-tailed grouse and ring-necked pheasants on the Crescent Lake National Wildlife Refuge, Nebr., is permitted only on the area designated by signs as open to hunting. This open area, comprising 40,900 acres, is delineated on maps available at refuge headquarters, Ellsworth, Nebr. 69340, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting of sharp-tailed grouse and ring-necked pheasants is permitted during the established State seasons. Hunting shall be in accordance with all applicable State regulations covering the hunting of sharp-tailed grouse and ring-necked pheasants subject to the following special conditions:

(1) Vehicle entrance and travel will be permitted only on designated, well-defined trails. No vehicle travel is permitted beyond posted points, or off the designated trails in the hills or meadows.

(2) No overnight camping is permitted.

(3) No open fires are permitted.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1972.

RONALD L. PERRY,
Refuge Manager, Crescent Lake National Wildlife Refuge, Ellsworth, Nebr.

JULY 1, 1971.

[FR Doc.71–10542 Filed 7–23–71;8:48 am]

PART 32—HUNTING

Crescent Lake National Wildlife Refuge, Nebr.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (7–24–71).

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NEBRASKA

CRESCENT LAKE NATIONAL WILDLIFE REFUGE

Public hunting of antelope and deer on the Crescent Lake National Wildlife Refuge, Nebr., is permitted only on the area designated by signs as open to hunting. This open area, comprising 40,900 acres, is delineated on maps available at refuge headquarters, Ellsworth, Nebr., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting of antelope and deer shall be in accordance with all applicable State regulations covering the hunting of antelope and deer subject to the following special conditions:

(1) Vehicle entrance and travel will be permitted only on designated well-defined trails. No vehicle travel is permitted beyond posted points, or off the designated trails in the hills or meadows.

(2) No overnight camping is permitted.

(3) No open fires are permitted.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas, generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1971.

RONALD L. PERRY,
Refuge Manager, Crescent Lake National Wildlife Refuge, Ellsworth, Nebr.

JULY 1, 1971.

[FR Doc.71–9717 Filed 7–23–71;8:45 am]

PART 32—HUNTING

Valentine National Wildlife Refuge, Nebr.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (7–24–71).

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

NEBRASKA

VALENTINE NATIONAL WILDLIFE REFUGE

The public hunting of prairie grouse and pheasants on the Valentine National Wildlife Refuge, Nebr., shall be permitted only on areas designated by signs as open to hunting. The open areas are delineated on maps available at refuge headquarters, Valentine, Nebr. 69201, and from the office of the Regional Director, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

Hunting shall be in accordance with all applicable State regulations governing the hunting of prairie grouse and pheasants subject to the following special conditions:

(1) The open season for hunting prairie grouse on the refuge extends from September 18, 1971, through the closing date of the regular State prairie grouse season. The open area shall include 40,765 acres or 57 percent of the refuge.

(2) The open season for hunting pheasants on the refuge extends from November 6, 1971, to the close of the regular State pheasant hunting season. The open areas shall include 70,085 acres or 98 percent of the refuge.

(3) In the event the regular State prairie grouse hunting season continues past the opening date of the regular State pheasant hunting season (Nov. 6, 1971) all portions of the Refuge east of U.S. Highway 83 will be closed to the hunting of pheasant from November 6, 1971 until the close of the regular State prairie grouse hunting season.

(4) The refuge will be open to prairie grouse and pheasant hunting during the regular State duck hunting season.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through the close of the regular State 1971–72 pheasant and prairie grouse hunting seasons.

NED I. PEABODY,
Refuge Manager, Valentine National Wildlife Refuge, Valentine, Nebr.

JULY 14, 1971.

[FR Doc.71–10574 Filed 7–23–71;8:51 am]

PART 33—SPORT FISHING

Valentine National Wildlife Refuge, Nebr.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (7–24–71).

§ 33.5 Special regulations; sport fishing; for individual refuge areas.

NEBRASKA

VALENTINE NATIONAL WILDLIFE REFUGE

Sport fishing on the Valentine National Wildlife Refuge, Nebr., is permitted only on the areas designated by signs as open to fishing. These open areas comprising 2,880 acres of water on the refuge, are delineated on maps available at the refuge headquarters and from the Office of the Regional Director, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge during daylight hours only, from January 1, 1972 through December 31, 1972, in those waters posted as open, except that all fishing is prohibited from the opening day of the regular State duck hunting season to December 15, 1972.

(2) Hook and line, bow and arrow, and hand spearing fishing only are permitted.

(3) Boats are permitted on lakes opened to sport fishing, but boats with motors are prohibited.

(4) The use or possession of minnows, fish, or parts thereof, for bait, or the possession of any seine or net for capturing minnows is prohibited.

The provisions of this special regulation supplement the regulations which govern sport fishing on wildlife refuge

areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1972.

NED I. PEABODY,
Refuge Manager, Valentine National Wildlife Refuge, Valentine, Nebr.

JULY 14, 1971.

[FR Doc.71-10576 Filed 7-23-71;8:51 am]

Title 7—AGRICULTURE

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

[Valencia Orange Reg. 357, Amdt. 1]

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

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 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 Agriculture Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation 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 amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i) and (ii) of § 908.657 (Valencia Orange Reg. 357, 36 F.R. 13131) during the period July 16, through July 22, 1971, are hereby amended to read as follows:

§ 908.657 Valencia Orange Regulation 357.

* * * * *

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

(i) District 1: 139,000 cartons;

(ii) District 2: 461,000 cartons;

* * * * *

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

Dated: July 21, 1971.

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

[FR Doc.71-10589 Filed 7-23-71;8:52 am]

[Lemon Reg. 490]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.790 Lemon Regulation 490.

(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 section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 20, 1971.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period July 25, through July 31, 1971, are hereby fixed as follows:

(i) District 1: Unlimited;

(ii) District 2: 200,000 cartons;

(iii) District 3: Unlimited.

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

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

Dated: July 22, 1971.

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

[FR Doc.71-10699 Filed 7-23-71;11:17 am]

[Pear Reg. 1, Amdt. 1]

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

Grades and Sizes

Notice was published in the FEDERAL REGISTER, issue of July 9, 1971 (36 F.R. 12908), that the Department was giving consideration to a proposal to amend § 917.425 (Pear Reg. 1; 36 F.R. 12841) pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 917, as amended (7 CFR 917; 36 F.R. 7510), regulating the handling of fresh pears, plums, and peaches grown in California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). Interested persons were afforded opportunity to file written data, views, or arguments thereon. None were filed.

The proposal was submitted by the Pear Commodity Committee, established pursuant to said amended marketing agreement and order. Such recommendation by said committee reflects its appraisal of the 1971 California pear crop and the current and prospective market conditions. Said amendment would extend the effective period of said regulation to December 31, 1971.

The amendment reflects the prevailing supply and market situation and is

consistent with the objectives of the Act in that it will tend to assure desirable pears to consumers and fair returns to producers.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Pear Commodity 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 pears, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) Shipments of the specified varieties of such pears are expected to continue on and after the expiration date of the existing regulation and this amendment should be applicable to all such shipments in order to effectuate the declared policy of the act; (2) notice of proposed rule making concerning this amendment, with an effective date as hereinafter specified, was published in the FEDERAL REGISTER (36 F.R. 12908), and no objection to this amendment or such effective date was received; and (3) compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

Order. Section 917.425 (Pear Reg. 1; 36 F.R. 12841) is hereby amended to read as follows:

§ 917.425 Pear Regulation 1.

(a) *Order.* During the period July 9, 1971, through December 31, 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), §§ 51.1260–51.1280 of this title.

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

Dated, July 2, 1971, to become effective July 28, 1971.

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

[FR Doc.71-10534 Filed 7-23-71;8:48 am]

Chapter XVIII—Farmers Home Administration, Department of Agriculture

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FHA Instruction 444.12]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Unsatisfactory Performance or Improper Action by Persons Dealing With Farmers Home Administration Rural Housing (RH) Applicants, Borrowers, and Grantees

Part 1822, Title 7, Code of Federal Regulations is amended by adding a new Subpart J, reading as follows:

Subpart J—Unsatisfactory Performance or Improper Action by Persons Dealing With Farmers Home Administration Rural Housing (RH) Applicants, Borrowers, and Grantees

Sec.
1822.351 General.
1822.352 Types of administrative action.
1822.353 Actions to be taken.

AUTHORITY: The provisions of this Subpart J issued under sec. 510, 63 Stat. 437, 42 U.S.C. 1480; Orders of Secretary of Agriculture, 29 F.R. 16210, 32 F.R. 6650.

Subpart J—Unsatisfactory Performance or Improper Action by Persons Dealing With Farmers Home Administration Rural Housing (RH) Applicants, Borrowers, and Grantees

§ 1822.351 General.

(a) Purpose. This subpart prescribes the action to be taken by the Farmers Home Administration (FHA) when there is need for administrative action against any builder, contractor, dealer, realtor, packager, salesman, or sales agent, or any representative or affiliate of any of the above in connection with any rural housing program administered by FHA under Title V of the Housing Act of 1949 (the Act). Any action taken against a person under this subpart will apply to all affiliates of that person. Any action to be taken under this subpart is to be corrective or for the protection of the public interest; it is not to be used for punitive purposes.

(b) Definitions:

(1) "Person": An individual, unincorporated association, trust, corporation, partnership, or other entity, acting as a purchaser, builder, contractor, dealer, realtor, packager, salesman, or sales agent, or any representative or affiliate thereof.

(2) "Affiliates": Persons are affiliates of each other when directly or indirectly one person controls or has the power to controls or has the power to control both. There is a rebuttable presumption that when one person has a 10 percent interest in another person the two persons are affiliates of each other and that the person with a 10 percent interest in the other person controls that other person.

(3) "Placement in an ineligible status": A disqualification from participation in FHA programs pending the correction of the conditions which constitute the basis for imposition of the disqualification or the performance of other appropriate remedial action as may be required in accordance with § 1822.353 (a)(2)(i).

(4) "Suspension": A disqualification from participation in FHA programs for a temporary period of time pending investigation, because a person is suspected upon substantial evidence of engaging in criminal, fraudulent, or seriously improper conduct.

(5) "Debarment": An exclusion from participation in FHA programs for a reasonable, specified period of time commensurate with the seriousness of the person's offense or failure, or the inadequacy of his performance. As a general rule periods of debarment in excess of 3 years will not be imposed. However, such policy shall not preclude the imposition of longer periods of debarment in flagrant cases. In such cases a debarment for a reasonable specified period of time may include a debarment for the life of the person, if such is warranted by the facts.

(6) "Assistant Administrator": The Assistant Administrator for the RH program.

(7) "OGC": The representative of the Office of the General Counsel performing legal services for the FHA official referring the matter.

(8) "List Officer": The Assistant Administrator for Management or any other person designated by the Administrator to be the List Officer.

(c) All notices to be sent to a person in accordance with this subpart will be sent by certified mail, return receipt requested.

§ 1822.352 Types of administrative action.

(a) *Ineligible status.* A person will be placed in an ineligible status by the State Director when there is substantial evidence that he has failed to carry out

properly contractual obligations with respect to construction, repairs, or improvement work financed under the Act. Types of problems to be dealt with in this manner include, but are not limited to, failure to complete work in accordance with the entire contract and all applicable FHA requirements including, for example: Nonpayment of bills which results in a lien on the property, failure to correct faulty construction or latent defects, or false representation by the person that he is an agent of the FHA, or false or improper advertising.

(b) *Suspension/debarment.* The State Director will refer to the National Office for suspension/debarment action under § 1822.353(b) those cases in which a person has been in an ineligible status for 12 months and those cases where there is substantial evidence that any person has:

(1) Violated any provision of the Act, any regulation issued thereunder, or section 1001 of title 18 of the United States Code which provides criminal penalties for material false misrepresentation—an example of the type of problem to be dealt with under this paragraph would be the misrepresentation of material information about the applicant's family, house, or contract; or

(2) Violated any law where the violation is relevant to his ability to properly supply services or material to the Federal Government or a borrower or grantee under the Act; or

(3) Deliberately falsified information to obtain direct or indirect benefits in connection with the supply of services or materials to the Federal Government or a borrower, or grantee under the Act or in connection with any loan or grant under the Act; or

(4) Acted in a manner which would obstruct the proper administration of any program administered by FHA under the Act.

§ 1822.353 Actions to be taken.

(a) *Placement in ineligible status.* A person will be placed in an ineligible status in order to obtain a correction of the types of conditions described in § 1822.352(a) and to prevent their recurrence.

(1) *Action by a County Supervisor.* When a matter subject to action under this paragraph (a) arises, the County Supervisor will obtain as much relevant, factual information about the specific problem as is feasible and will forward such information to the State Director with a copy to the District Supervisor.

(2) *Action by State Director.* (i) The State Director will, if he determines that such action is appropriate, promptly notify in writing any person involved that a meeting with the District Supervisor concerning the possible violation would be appropriate and that such person, if he desires a meeting, should request such with the District Supervisor. This notification will include the reasons for the action and will inform the person that the evidence is such that he will be placed in an ineligible status if he does not present his evidence to rebut the allegations. Said notice also shall inform the person that he will be placed in an ineligible status if he does not contact the District Supervisor within 2 weeks of his receipt of this notification. At this meeting, at which the person may be represented by counsel, the District Supervisor will attempt to reach an agreement with the person requiring him to make the correction or take other appropriate remedial action. If an agreement is reached, the person will sign a letter containing the conditions of that agreement. The letter will be sent to the State Director by the District Supervisor. All such letters shall be kept in a special file.

(ii) The person will be notified that if he does not wish to meet with the District Supervisor he may instead send any relevant evidence or other pertinent information or material, in writing, to the District Supervisor by a specified date. Such evidence or other material will be considered by the District Supervisor who will then attempt to reach an agreement with the person through written communication.

(iii) If no agreement is reached with the person, the District Supervisor will report the facts to the State Director. The person will be notified in writing by the State Director that pending agreement or corrective action, he is being placed in an ineligible status and, therefore, no new loan applications with which he is in any way connected will be approved. However, the person may complete those contracts on which construction has started or which he is contractually obligated to complete for an approved FHA borrower.

(iv) Copies of the notice provided for in subdivision (iii) of this subparagraph will be sent by the State Director to the Assistant Administrator and the List Officer who shall place the person on a list of those ineligible for participation in FHA financed programs. The State Director will also send a notice of hearing to the person. Such notice will be sent out within 2 weeks after the District Supervisor's meeting with the person or within 2 weeks after receipt of written material submitted in accordance with subdivision (ii) of this subparagraph or within 2 weeks of the date stipulated for the submission of such material, whichever is earlier. Such notice should inform the person that if he desires a hearing on the matter he may have one within 30 days of the receipt by the State Director of his request for such a hearing. The notice will also inform the person that if he so desires, he may submit any evidence or other pertinent material in writing to the State Director.

(v) The hearing will be conducted by the State Director or by someone designated by the State Director with the prior approval of the Assistant Administrator. At the hearing, the person may be represented by counsel. After the hearing and consideration of evidence submitted, the State Director may remove, modify, or continue the ineligible status of the person with the concurrence of the Assistant Administrator. If the status is continued or modified, it shall remain in effect until the person corrects the conditions which led to his being placed in an ineligible status or takes other appropriate remedial action. A copy of the State Director's decision will be sent to the person, the Assistant Administrator, and the List Officer. If the person remains in an ineligible status for 12 months, at the end of that period, the matter will be referred to the Assistant Administrator by the State Director for Suspension/Debarment action. The Assistant Administrator will proceed in accordance with paragraph (b) of this section, exclusive of subparagraphs (1) and (2) thereof.

(b) *Suspension/debarment proceedings.* (1) When information of the possible existence of any of the situations described in § 1822.352(b) reaches the State Director, whether by an audit or investigation conducted by the Office of the Inspector General (OIG) or by a complaint or information from any source, the State Director will request an appropriate report from the County Supervisor or the OIG unless he determines that he has facts providing adequate evidence of an improper action.

(2) If the State Director concludes that he has adequate evidence of improper action, he will obtain a legal opinion from OGC as to whether the facts show a reasonable basis for Suspension/Debarment action in accordance with the provisions of § 1822.352(b) above. The State Director will promptly report by telephone all the pertinent facts to the Assistant Administrator. This telephone report will be confirmed in writing; the written confirmation will include a copy of the opinion of the OGC.

(3) The Assistant Administrator will authorize the State Director to take one or more of the following actions:

(i) Order a further investigation;

(ii) Suspend the suspected person pending investigation by issuing a notice of suspension;

(iii) Try to resolve the difficulty by proceeding in accordance with paragraph (a)(2) of this section;

(iv) If the infraction, if any, does not warrant administrative action, lift any suspension or terminate any ineligible status existing and to so notify the person.

(4) If a notice of suspension is issued by the State Director, such notice will inform the person that he is suspended from participation in all or some specified part of FHA programs pending investigation and hearing. The person will be placed on a list of suspended persons by the List Officer, to whom the State Director will send a copy of the notice of suspension.

(i) If after investigation OGC refers the matter to the Department of Justice, FHA will take no further administrative action on the matter without authorization or consent of the Department of Justice obtained through OGC. However,

if prosecutive action has not been initiated, the suspension will not last longer than 12 months unless otherwise requested by an Assistant Attorney General through OGC, in which case it may be extended for another 6 months by the Assistant Administrator. Notice of the pending lapse of the suspension shall be given to the Department of Justice by OGC at the request of the Assistant Administrator, at least 30 days prior to the expiration of the 12-month period.

(ii) The following action is to be taken after investigation and if the matter is not to be referred to the Department of Justice by OGC.

(*a*) If an OIG report has been received, and the case is not referred to the Department of Justice by OGC, the case will be referred by OGC to the Assistant Administrator for appropriate disposition.

(*b*) If an IOG report has been received and the case has not yet been referred to the Department of Justice by OGC and if it has been determined by the Assistant Administrator that no supplemental investigation report is to be made, the suspension will lapse at the end of 90 days after FHA's receipt of the IOG report. If a supplemental investigation report is made, it is to be treated as a new OIG report for the purposes of beginning or continuing a suspension for 90 days, if so warranted by the evidence contained in said supplemental report.

(*c*) If no OIG report is received the Assistant Administrator may act without the referral from OGC referred to in this subdivision (ii).

(*d*) When any of the conditions in subdivision (ii) of this subparagraph have been met, the Assistant Administrator will decide that reinstatement of the person is appropriate as a result of the investigation; or a hearing on the charges as provided in subparagraph (5) of this paragraph should be held. This hearing should be held not later than 2 weeks after the end of the 90-day period unless a later hearing is requested by the person charged. The suspension may continue in effect under conditions imposed by the Assistant Administrator until after the hearing is held and the question of whether debarment action should be taken is resolved.

(5) *Procedural requirements for imposition of debarment*—(i) Notice: When FHA seeks to debar a person he shall be served with written notice by certified mail, return receipt requested, from the Assistant Administrator, except when court action or another Agency's debarment list is involved as provided for in subdivision (ii) of this subparagraph. This notice shall:

(*a*) State that the debarment is being considered;

(*b*) Set forth the reasons for the proposed debarment;

(*c*) Indicate that the person will be accorded an opportunity for a hearing, if he so requests in writing within 15 days of his receipt of the notice; that he may be represented by counsel; and that he may submit evidence and other materials in writing to the Assistant Administrator, except as provided for in subdivision (ii) of this subparagraph.

(ii) Hearing:

(*a*) *Request for hearing.* Any person that has been notified of a proposed debarment action is entitled to an opportunity to be heard, to be represented by counsel, and to present any evidence or other relevant materials in writing. A hearing request shall be made in writing to the Assistant Administrator. If after 30 days after the mailing of the notice described in subdivision (i) of this subparagraph no request has been received, the Assistant Administrator may proceed to make a final determination based on the evidence he has.

(*b*) *Time and place.* Upon receipt of a written request for an opportunity to be heard the Assistant Administrator shall arrange a timely hearing. The hearing shall be held in the office of the State Director of the State in which the alleged violation occurred. Notice of the time and place of such hearing shall be transmitted in writing by certified mail, return receipt requested, and shall include a statement indicating the informal nature of the proceedings and their purpose.

(*c*) *Coordination with court action in lieu of hearing.* If a person has been a party to an action in a court involving any issue or issues involved in the debarment procedure under this subparagraph (5), the Assistant Administrator may accept the decision of the court as to the issue or issues decided by it and in that event no debarment hearing provided for in this subpart shall be required on the issue or issues so accepted.

(*d*) *Coordination with debarment lists of other agencies in lieu of hearing.* If a person has been debarred by another Federal agency and such debarment involves any issue or issues involved in the debarment procedure in this subparagraph (5), the Assistant Administrator may accept the decision of the other Federal agency as to the issue or issues decided by it and in that event, no debarment hearing provided for in this subpart shall be required on the issue or issues so accepted.

(iii) Determination: Hearings shall be conducted by a presiding officer who will be designated by the Administrator of FHA in each individual case and who shall be responsible for the fair and expeditious conduct of the proceedings. A record shall be made of the proceedings and shall be available to the parties involved upon request. After the person against whom debarment action is proposed has been afforded an opportunity to be heard; submit any written evidence he desires, and present witnesses; and to challenge evidence presented against him; the presiding officer, on the evidence presented, shall make an initial written determination which shall become a part of the record.

(iv) The decision of the Assistant Administrator to accept the findings of the court or other Federal agency as described in subdivision (ii) of this subparagraph or the presiding officer's determination as described in subdivision (iii) of this subparagraph shall be reviewed and confirmed, reversed, or modified by the Administrator. The determination of the Administrator shall be final. It may require debarment or any lesser action which the Administrator deems proper. Notice of the final determination shall be given in writing, signed by the Administrator, and transmitted by certified mail, return receipt requested. A copy of the notice shall be sent to the List Officer.

(v) Recission and reinstatement: Any person debarred under this subpart may in writing request reinstatement any time after 6 months of the date of the debarment determination. The Assistant Administrator will review the request. His determination to reinstate prior to the termination of the period of debarment shall be subject to the approval of the Administrator. In reaching his determination regarding reinstatement, the Assistant Administrator must be satisfied that the original wrongful act has been righted, and also persuaded by the assurance of the person in writing that the person understands the requirements of all applicable statutes and regulations, and that he will comply with them in the future.

(6) *List Officer.* (i) When a person is placed in an ineligible status, suspended or debarred, the official instituting such action shall so notify the List Officer by sending him a copy of the notification which is sent to the person.

(ii) The List Officer will keep three lists: All persons in an ineligible status; all suspended persons; and all debarred persons. He will keep these lists up to date with such additions and deletions as are appropriate and will distribute copies of the lists to all FHA State Directors and to the Assistant Administrator.

(iii) The List Officer will notify a person by certified mail, return receipt requested, at such time as that person is removed from any of the lists through the passage of time.

(iv) The List Officer will coordinate the lists with similar lists compiled by other Federal agencies by informing such agencies of additions and deletions on the lists and obtaining information as to persons on the lists of the other agencies and transmitting such information to the Assistant Administrator.

Dated: July 22, 1971.

JOSEPH HASPRAY,
Deputy Administrator,
Farmers Home Administration.

[FR Doc.71-10648 Filed 7-23-71;8:53 am]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 71-710]

PART 527—HOUSING OPPORTUNITY ALLOWANCE PROGRAM

JULY 15, 1971.

Resolved that the Federal Home Loan Bank Board considers it advisable to

amend Part 527 of the Regulations for the Federal Home Loan Bank System (12 CFR Part 527) for the purpose of making certain changes in the administration of the Housing Opportunity Allowance Program. The principal changes concern the following matters:

1. Determination of maximum income limits for eligible borrower;
2. Computation of "adjusted annual income" of borrower;
3. Purchase price of property financed by qualifying loan;
4. Determination of maximum permissible effective rate of interest on qualifying loan;
5. Granting of commitments for allowance funds by Federal Home Loan Banks;
6. Allocation and disbursement of allowance funds by Board to Federal Home Loan Banks; and
7. Required certifications by seller and borrower.

Since miscellaneous minor changes and corrections are made throughout the text, the Board considers it desirable, for purposes of clarity and ease of reference, to publish said Part 527, as amended, in its entirety. Accordingly, on the basis of such consideration and for such purposes, the Federal Home Loan Bank Board hereby amends said Part 527 by revising it to read as follows, effective August 2, 1971:

Sec.
527.1 General.
527.2 Definitions.
527.3 Housing opportunity allowance.
527.4 Credits to member institutions.
527.5 Allocation and disbursement of funds to banks.
527.6 Closing documents.

AUTHORITY: The provisions of this Part 527 issued under Title I, Public Law 91-351, 84 Stat. 450; sec. 17, 47 Stat. 736, is amended; 12 U.S.C. 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071).

§ 527.1 General.

Title I of the Emergency Home Finance Act of 1970, Public Law 91-351, provides for the Board to make disbursement of appropriated funds to the banks for the purpose of adjusting the effective interest rate charged by such banks on advances. Said title authorizes the Board to prescribe terms and conditions to assure that the sums disbursed are used to assist in the provision of housing for low- and middle-income families and that such families share fully in the benefits resulting from such disbursements. This part applies to loans for the purchase of single-family dwellings by such families.

§ 527.2 Definitions.

As used in this part:

(a) *Allowance.* The term "allowance" means a Housing Opportunity Allowance to be credited against interest due on loans and bank advances as provided in §§ 527.3 and 527.4.

(b) *Borrower.* The term "borrower" means the person or persons who are to be obligated to repay a qualifying loan.

(c) *Effective rate of interest.* The term "effective rate of interest" means the annual percentage rate of finance charge on a loan or advance determined in accordance with the provisions of § 226.5 of this title relating to extensions of credit other than open end credit.

(d) *Eligible borrower.* The term "eligible borrower" means a borrower who, at the time of making application for an allowance—

(1) Is one of the following:

(i) Either spouse of a married couple living together, or both such spouses; or

(ii) A head of household with one or more dependent children;

(2) Has a current adjusted annual income (including income of both spouses) not in excess of the applicable maximum limits prescribed by the Board from time to time; and

(3) Has need of a Housing Opportunity Allowance to warrant the making of a qualifying loan by a member institution.

(e) *Adjusted annual income.* The term "adjusted annual income" means the total of—

(1) Adjusted gross income as defined in § 62 of the Internal Revenue Code; and

(2) "Tax-free" interest on State, municipal, and other governmental obligations.

(f) *Guaranteed loan.* The term "guaranteed loan" means a loan that is guaranteed, or as to which a commitment to guarantee has been made, under the provisions of the Servicemen's Readjustment Act of 1944, or chapter 37 of title 38, United States Code, as now or hereafter amended.

(g) *Insured loan.* The term "insured loan" means a loan that is insured, or as to which the mortgagee is insured, or as to which a commitment for any such insurance has been made, under the provisions of either the National Housing Act or the Servicemen's Readjustment Act of 1944, or chapter 37 of title 38, United States Code, as now or hereafter amended.

(h) *Member institution.* The term "member institution" means (1) an institution which is a member of a Bank and whose accounts or deposits are insured by the Federal Savings and Loan Insurance Corporation or the Federal Deposit Insurance Corporation and (2) any other member which enters into an agreement with the Board to permit and pay the cost of such examination as the Board may from time to time deem necessary to insure compliance with the provisions of this part.

(i) *Monthly installment loan.* The term "monthly installment loan" means a loan repayable in equal, or substantially equal, monthly payments of principal and interest sufficient to amortize the principal amount of the loan in full within the term of the loan.

(j) *Qualified appraiser.* The term "qualified appraiser" means (1) a professional real estate appraiser whose regular occupation includes the valuation of residential real estate, and (2) any appraiser who is employed by a lender on a regular basis.

(k) *Qualifying loan.* The term "qualifying loan" means a loan which—

(1) Is for the purpose of financing the purchase of a single-family dwelling to be owned and occupied by an eligible borrower as a primary residence;

(2) Is secured or is to be secured by a first lien on such single-family dwelling;

(3) Is not an insured loan or a guaranteed loan;

(4) Is in a principal amount—

(i) Not less than 70 percent of the lesser of—

(*a*) An amount equal to the value of the security property; or

(*b*) The purchase price of the security property.

(ii) Not more than the lesser of—

(*a*) An amount equal to 100 percent of the value of the security property;

(*b*) The purchase price of the security property; or

(*c*) $25,000; or, in the case of a loan secured by property located in either Alaska or Hawaii, such higher amount as the Board may approve.

(5) Bears an effective rate of interest which does not (and will not, for a period of 5 years from the date the loan is made) exceed the effective rate of interest on long-term, fixed-rate advances offered by the member institution's Bank, at the time the qualifying loan is approved, by more than such percentile amount (not in excess of 150 basis points) as the Board has determined to be appropriate, at the time of such approval, for member institutions of such Bank;

(6) Is a monthly installment loan repayable over a period of not less than 25 years nor more than 30 years;

(7) Requires the borrower to pay, monthly, in advance, to the member institution, the equivalent of one-twelfth of the estimated annual taxes, assessments, and insurance premiums on the security property; and

(8) Permits the borrower to prepay the loan in full or in part at any time with no prepayment privilege fee in excess of 6 months' advance interest on that part of the aggregate amount of all prepayments made on such loan in any 12-month period which exceeds 20 percent of the original principal amount of the loan.

(l) *Single-family dwelling.* The term "single-family dwelling" means a structure designed for residential use by one family; or a unit designed for residential use by one family, the owner of which unit owns an undivided interest in the underlying real estate. The term also includes property, owned in common with others, which is necessary or contributes to the use and enjoyment of such a structure or unit.

(m) *Value.* The term "value" means the value of a property as determined by a qualified appraiser using comparable properties (when available) for such determination.

§ 527.3 Housing Opportunity Allowance.

(a) *General.* Subject to the provisions of this part, any eligible borrower who has obtained a qualifying loan from a member institution and a commitment for an allowance from such member institution, as provided in paragraph (c) of this section, will receive from such member institution an allowance of $20 to be credited against the interest to be charged on each of the first 60 monthly installments paid on such qualifying loan, as provided in such commitment.

(b) *Application*—(1) *Form.* The application for an allowance shall be on a form prescribed by the Board, copies of which form shall be furnished upon request by the banks. Such application shall be made in triplicate: one copy is to be furnished to the borrower, one copy is to be retained by the member institution, and one copy to be submitted to the member institution's bank as provided in paragraph (b) of § 527.6. Such application, together with the loan application, shall provide the information necessary to enable the member institution to determine whether the applicant is an eligible borrower and whether the loan applied for will be a qualifying loan. Each copy of such application shall be signed by each applicant who is to be a borrower.

(2) *Statement of intention.* In making such application, each applicant shall sign a statement of intention that, if the qualifying loan is made, the borrower:

(i) Will be the title owner of the real estate securing the loan;

(ii) Will occupy the single-family dwelling comprising such real estate as a primary residence; and

(iii) Will not give or execute any secondary lien or charge upon such real estate in connection with the purchase thereof.

(c) *Commitment to be furnished to borrower.* At the time of closing of the qualifying loan, the member institution shall furnish to the borrower, and the borrower shall acknowledge receipt of, a commitment, signed by an officer of the member institution, stating the terms and conditions under which the borrower shall be entitled to receive an allowance from the member institution. Such commitment, which shall be printed on or attached to the reverse side of the application prescribed pursuant to paragraph (b) of this section, shall be in the following form:

HOUSING OPPORTUNITY ALLOWANCE COMMITMENT

To: (Name of each person who is obligated on the loan.)

Pursuant to regulations of the Federal Home Loan Bank Board, the undersigned institution will make Housing Opportunity Allowance credits to you in connection with your loan for the purchase of the property described on the reverse side of this commitment, subject to the following terms and conditions:

1. *Allowance of Credit.* $20 will be credited at the time each of the first 60 monthly installments required under the loan contract is accepted from you, except when any such $20 credit is required to be withheld as stated in item 2 below.

(NOTE: Each of your first 60 monthly installment payments should be in the amount required by your loan contract less the $20 credit herein provided for. However, the monthly installment payment should be in the full amount required by your loan contract if any of the exceptions in item 2 below are applicable.)

2. *Exceptions to Allowance of Credit.* No credit will be made—

(a) As to any monthly installment which is accepted more than 6 months before or more than 6 months after the date such installment is due;

(b) After a sale or transfer of the property except a transfer by reason of death to a surviving tenant by the entirety or joint tenant or to your heirs or devisees;

(c) As to any monthly installment which is accepted at a time when the property is rented;

(d) If you have knowingly made a false statement in order to obtain your loan.

(3) *Charge for Disallowable Credit.* Your loan account will be charged for any credit previously made but which should have been withheld under an exception set forth in item 2 above.

(4) *Dispute as to Allowable Credit.* In the event of any dispute as to allowance of any credit under this commitment, the undersigned institution will rely on a determination by an Agent of the Federal Home Loan Bank Board as to whether the credit should be allowed or disallowed, and such determination will be final as to you and the undersigned institution.

Date:_____

_____
(Name of member institution)

Member, Federal Home Loan Bank of_____

_____

By: _____
(Signature and title of officers)

(I) (We) acknowledge receipt of a copy of this commitment:

_____
(Borrower)

_____
(Borrower)

(d) *Crediting of allowance to borrower.* The Board hereby prescribes the terms and conditions contained in the commitment set forth in paragraph (c) of this section as terms and conditions applicable to the crediting of allowances on qualifying loans.

§ 527.4 Credits to member institutions.

(a) *General.* Each member institution having a commitment for allowance funds as provided in paragraph (b) of this section will, to the extent of such commitment, receive from the bank of which it is a member a credit against interest due on advances in an amount equal to the total amount of allowances which the member institution has properly credited on qualifying loans as provided in § 527.3.

(b) *Commitments for allowance funds.* Any member institution may request a commitment for allowance funds from the bank of which it is a member. Written commitments for such funds will be granted by each bank, on such terms and conditions and for such time periods as the bank may deem advisable, subject to such guidelines as may from time to time be prescribed by the Board.

(c) *Procedure.* Each member institution which has credited one or more allowances during a month shall, by the 20th day of the succeeding month, submit a report to the bank of which it is a member, pursuant to paragraph (d) of this section. Such member shall deduct, from any subsequent bill for interest due on outstanding advances from the bank, an amount equal to the allowances so reported, remitting only the net amount to the bank.

(d) *Form of report.* The report required by paragraph (c) of this section shall be made on a form prescribed by the Board, copies of which form shall be furnished upon request by the banks. Such report, to be signed by an officer of the member institution, shall state:

(1) The total number of allowances credited during the preceding month and the total dollar amount of allowances so credited; and

(2) Such other information as the Board may from time to time require.

§ 527.5 Allocation and disbursement of funds to banks.

(a) *Allocation of funds*—(1) *Initial allocation.* Subject to the limitation contained in subparagraph (4) of this paragraph, the Board will initially allocate allowance funds to each bank in an amount proportionate to the ratio of (i) the amount of outstanding mortgages on single-family dwellings held by all members in that bank's district on June 30, 1970, to (ii) outstanding mortgages on single-family dwellings held by all members in all bank districts as of such date, as determined by the Board.

(2) *Subsequent allocations.* Subsequent allocations of allowance funds to the banks will be made by the Board on such bases and at such times as it may deem desirable, subject to the limitation contained in subparagraph (4) of this paragraph.

(3) *Reallocation.* Any allowance funds allocated to a bank but not committed by the bank to member institutions within a reasonable time may be subsequently reallocated by the Board on such bases and at such times as it may deem desirable, subject to the limitation contained in subparagraph (4) of this paragraph.

(4) *Limitation.* No bank will receive an allocation of allowance funds in an amount exceeding 20 percent of the total amount of sums appropriated pursuant to subsection (a) of section 101 of the Emergency Home Finance Act of 1970.

(b) *Disbursement of funds.* Each bank shall from time to time submit to the Board vouchers certifying the amount of credits made by the bank against interest due on advances, pursuant to § 527.4, during a certain time period. The Board shall process such vouchers and shall cause a disbursement to be made to each bank in an amount equal to the total amount of such credits properly made by the bank during the time period covered by the voucher.

§ 527.6 **Closing documents.**

(a) *Required certifications.* At the time of closing of a qualifying loan with respect to which an allowance will be credited, the following written certifications, each of which shall contain a reference to the penal provisions of section 1014 of title 18 of the United States Code, shall be required as closing documents:

(1) *By seller and borrower.* (i) A certification jointly executed by the borrower and seller or sellers of the security property stating the purchase price thereof and the items comprising such price;

(ii) A certification executed by the seller or sellers of the security property stating that no lien or charge upon such property, other than the lien of the association or liens or charges which will be discharged from the proceeds of the loan, has been given or executed by the borrower to the seller or sellers or has been contracted or agreed to be so given or executed; and

(iii) A certification executed by the borrower stating that no lien or charge upon such property, other than the lien of the association or liens or charges which will be discharged from the proceeds of the loan, has been given or executed by the borrower or has been contracted or agreed to be so given or executed.

(2) *By appraiser.* A certification by a qualified appraiser that (i) in the case of an existing structure, he has personally inspected both the interior and exterior of such structure; or (ii) in the case of new construction, he has examined the plans and specifications for such structure; and that he has determined the value thereof in accordance with paragraph (m) of § 527.2.

(3) *By member institution.* A certification by the member institution, that—

(i) At the time the borrower's application was approved, such borrower was, in the determination of the member institution based upon the information furnished by the borrower, an eligible borrower and did have need of a Housing Opportunity Allowance to warrant the making of a qualifying loan to such borrower;

(ii) The loan is, in the determination of the member institution, a qualifying loan; and

(iii) All certifications required by this paragraph have been obtained and are in the possession of the member institution.

(b) *Required submission to bank.* Promptly after the closing of such qualifying loan, the member institution shall transmit to the bank of which it is a member the bank's copy of the borrower's application, containing the certification required to be made by the member institution pursuant to subparagraph (3) of paragraph (a) of this section, signed by an officer of the member institution, and containing the borrower's acknowledgement of receipt of the commitment respecting his allowance as required by paragraph (c) of § 527.3.

(c) *Retention of documents.* The member institution shall retain its copy of the borrower's application and the original copies of all other closing documents required by paragraph (a) of this section and shall include such documents with its records as required by applicable law or regulation.

Resolved further that, since affording notice and public procedure on the above amendment would delay it from becoming effective for a period of time and since the amendment effects certain modifications in the administration of the Housing Opportunity Allowance Program which in the determination of the Board should be made without delay, the Board hereby finds that notice and public procedure thereon are contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and, for the same reason, the Board hereby finds that the requirement regarding the publication of such amendment for the minimum 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date thereof shall not apply to the above amendment; and the Board hereby provides that such amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[FR Doc.71-10598 Filed 7-23-71;8:53 am]

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 71-733]

PART 545—OPERATIONS

Mobile Homes

JULY 20, 1971.

Whereas, by Federal Home Loan Bank Board Resolution No. 71-459, dated May 18, 1971, and duly published in the FEDERAL REGISTER on May 22, 1971 (36 F.R. 9333), this Board proposed to amend Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545), the substance of which proposal was set out in said publication; and

Whereas, all relevant material presented or available has been considered by it;

Now, therefore, be it resolved, that this Board hereby determines to adopt the amendments, as proposed, without change, effective August 23, 1971.

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

1. Amend Part 545 by revising the portion of paragraph (a) of § 545.7-1 thereof which precedes subparagraph (1) of said paragraph (a) to read as follows:

§ 545.7-1 **Mobile home financing.**

(a) *Definitions.* As used in this part—

* * * * *

2. Amend Part 545 by adding new §§ 545.7-2 and 545.7-3 to read as follows:

§ 545.7-2 **Purchase of participation interests in mobile home chattel paper.**

(a) *General.* A Federal association which as a charter in the form of Charter K (rev.) or Charter N may purchase, within the 5-percent-of-assets limitation in paragraph (c) of § 545.7-1, a participation interest in retail mobile home chattel paper which meets all the requirements of paragraph (e) of § 545.7-1 except the lending area requirement in subparagraph (2) thereof if:

(1) The seller of such participation interest is an institution whose accounts or deposits are insured by the Federal Savings and Loan Insurance Corporation or the Federal Deposit Insurance Corporation and such institution remains responsible for the servicing of such chattel paper;

(2) The seller of such chattel paper maintains at least a 50 percent interest in such chattel paper; and

(3) Such chattel paper is secured by a mobile home which is located at the time of such purchase, or is to be located within 90 days thereafter, at a mobile home park or other semi-permanent site within 100 miles of the home or a branch office of the seller of such chattel paper.

(b) *Failure to meet requirements.* In the event that any of the requirements of subparagraphs (1) and (2) of paragraph (a) of this section cease to be met, such association shall dispose of such participation interest within 90 days from the date that such association obtains knowledge that any such requirement ceased to be met, unless it has, prior to the expiration of such 90-day period, obtained the written approval of the Board to maintain such investment for such longer period as the Board may provide.

§ 545.7-3 **Sale of mobile home chattel paper.**

All mobile home chattel paper, and participation interests therein, sold by a Federal association shall be sold without recourse (as defined with reference to a loan in § 561.8 of this chapter).

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

[FR Doc.71-10599 Filed 7-23-71;8:53 am]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter III—Economic Development Administration, Department of Commerce

PART 308—RELOCATION ASSISTANCE AND LAND ACQUISITION POLICIES

The Economic Development Administration is amending Chapter III, Title 13 of the Code of Federal Regulations by adding Part 308. These regulations implement the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 with regard to EDA funded projects and programs.

Subpart A—Introduction

Sec.
308.1 Purpose.
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308.10 Scope of subpart.
308.11 Determination.

Subpart C—Moving and Related Expenses

308.20 Scope of subpart.
308.21 Actual reasonable expenses in moving.
308.22 Actual direct losses by business or farm operation.
308.23 Exclusions on moving expenses and losses.
308.24 Expenses in searching for replacement business or farm.

Subpart D—Payments in Lieu of Moving and Related Expenses

308.30 Scope of subpart.
308.31 Dwellings—schedules.
308.32 Businesses.
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Subpart E—Replacement Housing Payments for Homeowners

308.40 Scope of subpart.
308.41 Eligibility.
308.42 Comparable replacement of dwelling.
308.43 Computation of replacement housing payment.

Subpart F—Replacement Housing for Tenants and Certain Others

308.50 Scope of subpart.
308.51 Eligibility.
308.52 Computation of replacement housing payment for displaced tenants.
308.53 Computation of replacement housing payment for certain others.

Subpart G—Relocation Assistance Advisory Services

308.60 Coordination of relocation assistance advisory services.

Subpart H—Federally Assisted Programs

308.70 Assurances.
308.71 Administration—relocation assistance programs.
308.72 Notification procedures.

Subpart I—Uniform Real Property Acquisition Policy

308.80 Scope of subpart.
308.81 Acquisition practices.

AUTHORITY: The provisions of this Part 308 issued under sec. 213(b) and (c), 84 Stat. 190, P.L. 91-646.

Subpart A—Introduction

§ 308.1 Purpose.

The purpose of the regulations in this part and procedures is to provide for the application of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to undertakings by State agencies with financial assistance by EDA.

§ 308.2 Definitions.

(a) "State agency" means any department, agency, or instrumentality of a State or of a political subdivision of a State, or any department, agency, or instrumentality of two or more States or of two or more political subdivisions of a State or States.

(b) "Act", as used in this part, means the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970.

(c) "Person" means any individual, partnership, corporation, or association.

(d) "Displaced person" means any person who, on or after January 2, 1971, moves from real property or moves his personal property from real property as a result of the acquisition of such real property in whole or in part, or as a result of the written order of the acquiring State agency to vacate real property for a program or project undertaken with EDA financial assistance; and solely for the purposes of sections 202 (a) and (b), and 205 of the Act, as a result of the acquisition of or as a result of the written order of the acquiring agency to vacate other real property, on which such person conducts a business or farm operation for such program or project.

(e) "Regional Directors" means those officials of EDA appointed by the Assistant Secretary for Economic Development pursuant to the authority delegated to him by the Secretary of Commerce as provided by the Public Works and Economic Development Act of 1965, as amended, Public Law 89-136, to further the aims and objectives of said Act.

(f) "Business" means any lawful activity, excepting a farm operation conducted primarily—

(1) For the purchase, sale, lease, and rental of personal and real property, and for the manufacture, processing, or marketing of products, commodities, or any other personal property;

(2) For the sale of services to the public;

(3) By a nonprofit organization; or

(4) Solely for the purpose of implementing section 202(a) of the Act, for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display or displays, whether or not such display or displays are located on the premises on which any of the above activities are conducted.

(g) "Farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

Subpart B—Assurance of Adequate Replacement Housing Prior to Displacement

§ 308.10 Scope of subpart.

The provisions set forth in this subpart are to guide State agencies and Regional Directors in implementing sections 205 (c) (3) and 206(b) of the Act.

§ 308.11 Determination.

(a) *Availability.* No State agency shall proceed with the phase of any project which phase will cause the displacement of any person until it has provided satisfactory assurance to the EDA Regional Director that within a reasonable period of time prior to displacement, there will be available on a basis consistent with the requirements of title VIII of the Civil Rights Act of 1968, Public Law 90-284, in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means (including supplements provided by law) of the families and individuals displaced, decent, safe, and sanitary dwellings, as described in paragraph (d) of this section, equal in number to the number of, and available to, such displaced persons who require such dwellings and reasonably accessible to their places of employment.

(b) *Support.* This determination or assurance shall be based on a current survey and analysis of available replacement housing, by the displacing State agency. Such survey and analysis must take into account the competing demands on available housing.

(c) *Waiver.* The Regional Director may in unusual situations waive the determination required by § 308.10. These should be limited only to emergency or other extraordinary situations where immediate possession of real property is of crucial importance. Each waiver of assurance of replacement housing shall be supported by appropriate findings and a determination of the necessity for the waiver. Determinations so made shall be included in the annual report required by section 214 of the Act.

(d) *Decent, safe, and sanitary housing.* A decent, safe, and sanitary dwelling is one which is found to be in sound, clean and weather-tight condition, and which meets local housing codes. The State agency and the Regional Director shall consider the following criteria in determining if a dwelling unit is decent, safe, and sanitary. Adjustments may only be made in the cases of unusual or unique geographical areas or circumstances.

(1) *Housekeeping unit.* A housekeeping unit must include a kitchen with fully usable sink; a stove, or connections for same; a separate complete bathroom; hot and cold running water in both the bath and the kitchen; an adequate and safe wiring system for lighting and other electrical services; and heating as required by climatic conditions and local codes.

(2) *Nonhousekeeping unit.* A nonhousekeeping unit is one which meets local code standards for boarding houses, hotels, or other congregate living. If local codes do not include requirements relating to space and sanitary facilities, standards will be subject to the approval of the head of the State agency causing the displacement, with the concurrence of the Regional Director.

(3) *Occupancy standards.* Occupancy standards for replacement housing shall comply with agency approved occupancy requirements or comply with local codes.

(4) *Facilities.* A dwelling unit meeting the physical and occupancy standards stated above, shall only be considered as suitable replacement housing when it is reasonably convenient to such community facilities as schools, stores, and public transportation.

(e) *Absence of local standards.* In those instances where there is no local housing code or a local housing code does not contain certain minimum standards or the standards are inadequate, the head of the State agency, with the concurrence of the Regional Director, may establish the standards.

Subpart C—Moving and Related Expenses

§ 308.20 Scope of subpart.

The provisions set forth in this subpart are to guide State agencies and Regional Directors in implementing section 202(a) of the Act.

§ 308.21 Actual reasonable expenses in moving.

(a) *To be allowed.* (1) Transportation of individuals, families, and property from acquired site, including storage, to the replacement site, not to exceed a distance of 50 miles, except where the displacing agency determines that relocation beyond the 50-mile area is justified.

(2) Packing and crating of personal property.

(3) Advertising for packing, crating, and transportation when the displacing agency determines that is desirable.

(4) Storage of personal property for a period generally not to exceed 6 months when the displacing agency determines that storage is necessary in connection with relocation.

(5) Insurance premiums covering loss and damage of personal property while in storage or transit.

(6) Removal, reinstallation, and reestablishment of machinery, equipment, appliances, and other items, not acquired as real property, including reconnection of utilities, which do not constitute an improvement (except when required by law) to the replacement site, and which were not acquired by the displacing agency. Prior to payment of any expenses for removal and reinstallation of such property, the displaced person shall be required to agree in writing that the property is personal property and that the displacing agency is released from any payment for the property.

(7) Property lost, stolen, or damaged (not caused by the fault or negligence of the displaced person, his agent or employees), in the process of moving, where insurance to cover such loss or damage is not available.

(8) Such other reasonable expenses determined to be eligible under regulations issued by the head of the State agency with the concurrence of the Regional Director.

(b) *Limitations.* (1) When the displaced person accomplishes the move himself, the amount of payment shall not exceed the estimated cost of moving commercially.

(2) When an item of personal property which is used in connection with any business or farm operation is not moved but sold and promptly replaced with a comparable item, reimbursement shall not exceed the replacement cost, minus the proceeds received from the sale, or the cost of moving, which ever is less.

(3) When personal property which is used in connection with any business or farm operation to be moved is of low value and high bulk, and the cost of moving would be disproportionate in relation to the value in the judgment of the head of the State agency responsible for the program or project causing the displacement and with the concurrence of the Regional Director, the allowable reimbursement for the expense of moving the personal property shall not exceed the difference between the amount which would have been received for such item on liquidation and the cost of replacing the same with a comparable item available on the market. The provision will be applicable in the case of moving of junk yards, stockpiled sand, gravel, minerals, metals, and similar type items of personal property.

§ 308.22 Actual direct losses by business or farm operations.

When the displaced person does not move personal property he shall be required to make a bona fide effort to sell it.

(a) When personal property is sold and the business or farm operation reestablished, the displaced person is entitled to payment provided in § 308.21(b)(2).

(b) When the business or farm operation is discontinued, the displaced person is entitled to the differences between the in-place value of the personal property and the sale proceeds, or the cost of moving, whichever is less.

(c) When the personal property is abandoned, the displaced person is entitled to payment for the difference between the in-place value and the amount which would have been received from the sale of the item, or the cost of moving, whichever is less.

§ 308.23 Exclusions on moving expenses and losses.

(a) Additional expenses incurred because of living in a new location.

(b) Cost of moving structures, improvements, or other real property in which the displaced person reserved ownership.

(c) Improvements to the replacement site, except when required by law.

(d) Interest on loans to cover moving expenses.

(e) Loss of goodwill.

(f) Loss of profits.

(g) Loss of trained employees.

(h) Personal injury.

(i) Cost of preparing the application for moving and related expenses.

(j) Modification of personal property to adapt it to replacement site, except when required by law.

(k) Such other items as the head of the State agency with the concurrence of the Regional Director determines should be excluded.

§ 308.24 Expenses in searching for replacement business or farm.

(a) *To be allowed.* (1) Travel costs.

(2) Extra costs for meals and lodging.

(3) Time spent in searching at the rate of the displaced person's salary or earnings, but not to exceed $10 per hour.

(4) Broker or realtor fees to locate a replacement business or farm operation under circumstances prescribed in Federal agency regulations.

(b) *Limitation.* The total amount which a displaced person may be paid for searching expenses shall not exceed $500, unless the State agency, with the concurrence of the Regional Director, determines and records that a greater amount is justified based on the circumstances involved.

Subpart D—Payments in Lieu of Moving and Related Expenses

§ 308.30 Scope of subpart.

The provisions set forth in this subpart are to guide State agencies and Regional Directors in implementing section 202 (b) and (c) of the Act.

§ 308.31 Dwellings—schedules.

State agencies with the concurrence of the Regional Director may pay a moving expense allowance based on established schedules. These schedules shall be based on moving allowance schedules maintained by the respective State highway department, shall be current and provide for adequacy of reimbursement in every locality.

§ 308.32 Businesses.

(a) *Eligibility.* In order to be eligible for this payment, the business must contribute materially to the income of the displaced owner. This standard eliminates those part-time family occupations which do not contribute materially to a displaced person's income.

(b) *Loss of existing patronage.* A State agency may make a fixed payment to a business if it determines (1) that the business is not part of a commercial enterprise having another establishment not being acquired, engaged in a similar business, and (2) that the business cannot be relocated without a substantial loss of existing patronage. The determination of loss of existing patronage shall be made by the displacing agency with the concurrence of the Regional Director only after consideration of all pertinent circumstances, including the following factors:

(i) The type of business conducted by the displaced concern.

(ii) The nature of the clientele of the displaced concern.

(iii) The relative importance of the present and proposed location to the displaced business.

§ 308.33 Farms—partial taking.

In the case where an entire farm operation is not acquired, the payment provided by section 202(c) of the Act shall be made only if the displacing agency with the concurrence of the Regional Director, determines that the farm met the definition of a farm operation prior to the acquisition and that the property remaining after the acquisition is no longer an economic unit.

Subpart E—Replacement Housing Payments for Homeowners

§ 308.40 Scope of subpart.

The provisions set forth in this subpart are to guide State agencies and Regional Directors in implementing section 203(a) of the Act.

§ 308.41 Eligibility.

(a) A displaced owner-occupant is eligible for a replacement housing payment if he meets both of the following:

(1) Actually owned and occupied the acquired dwelling for not less than 180 days prior to the initiation of negotiations for the property. The term "initiation of negotiations" for a property means the date the acquiring State agency makes the first personal contact with the owner or his representatives where price of the real property to be acquired is discussed.

(2) The other eligibility requirements of section 203 of the Act.

(b) A displaced owner-occupant of a dwelling who is determined to be ineligible under this paragraph may be eligible for a replacement housing payment under Subpart F of this part.

§ 308.42 Comparable replacement dwelling.

A comparable replacement dwelling is one which is:

(a) Decent, safe, and sanitary.

(b) Functionally equivalent and substantially the same as the acquired dwelling with respect to:

(1) Number of rooms.

(2) Area of living space.

(3) Age.

(4) State of repair.

(c) Open to all persons regardless of race, color, religion, sex or national origin and consistent with the requirements of title VIII of the Civil Rights Act of 1968.

(d) In areas not generally less desirable than the dwelling to be acquired in regard to:

(1) Public utilities.

(2) Public and commercial facilities.

(e) Reasonably accessible to the relocatee's place of employment.

(f) Available on the market to the displaced person.

(g) Within the financial means of the displaced family or individual.

§ 308.43 Computation of replacement housing payment.

(a) *Differential payment for replacement housing.* The State agency with the concurrence of the Regional Director may determine the amount necessary to purchase a comparable replacement dwelling by either establishing a schedule or by using a comparative method.

(1) *Schedule method.* A schedule of reasonable acquisition cost for comparable replacement dwellings in the various types of dwellings to be acquired and available on the private market may be established. The schedule should be based on a current analysis of the market to determine an amount for each type of dwelling to be acquired. When more than one State agency is causing the displacement in a community or an area, the respective heads of the agencies shall cooperate on the method for computing the replacement housing payment and may use the uniform schedules of sale housing in the community or areas.

(2) *Comparative method.* The price of a comparable replacement dwelling by selecting a dwelling or dwellings most representative of the dwelling unit acquired, available to the displaced person and which meets the definition of comparable replacement dwelling may be determined. Asking prices are to be adjusted to reflect the market sale experience. A single dwelling shall only be used when additional comparable dwellings are not available.

(3) *Alternate to subparagraphs (1) and (2) of this paragraph.* When neither method is feasible, the State agency with the concurrence of the Regional Director may develop criteria for computing the payment.

(4) *Limitations.* The amount established as the differential payment for the replacement housing sets the upper limit of this payment. To qualify for the full amount the displaced person must purchase and occupy a decent, safe, and sanitary dwelling equal to or higher in price than the acquisition price of the acquired dwelling.

(i) If the displaced person on his own, voluntarily purchases and occupies a decent, safe, and sanitary dwelling at a price less than the above, the comparable replacement housing payment will be reduced to that amount required to pay the difference between the acquisition price of the acquired dwelling and the actual purchase price of the replacement dwelling.

(ii) If the displaced person on his own, voluntarily purchases and occupies a decent, safe, and sanitary dwelling at a price less than the acquisition price of the acquired dwelling, no differential payment shall be made.

(b) *Interest payment.* The interest payment shall be based on the present value of the reasonable cost of the interest differential including points paid by the purchaser on the amount refinanced not to exceed the amount of the unpaid debt for its remaining term at the time of acquisition of the real property.

(c) *Incidental expenses.* (1) The incidental expense payment is the amount necessary to reimburse the homeowner for actual costs incurred by him incident to the purchase of the replacement dwelling such as:

(i) Legal, closing, and related costs including title, search, preparing conveyance contracts, notary fees, surveys, preparing drawings of plats, and charges incident to recordation.

(ii) Lenders', FHA, or VA, appraisal fees.

(iii) FHA application fee.

(iv) Certification of structural soundness when required by lender, FHA, or VA.

(v) Credit report.

(vi) Title policies or abstracts of title.

(vii) Escrow agent's fee.

(viii) State revenue stamps or sale or transfer taxes.

(2) No fee, cost, charge, or expense is reimbursable which is determined to be a part of the finance charge under the Truth in Lending Act, title I, Public Law 90-321, and Regulation "Z" issued pursuant thereto by the Board of Governors of the Federal Reserve System.

Subpart F—Replacement Housing for Tenants and Certain Others

§ 308.50 Scope of subpart.

The provisions set forth in this subpart are to guide State agencies and Regional Directors in implementing section 204 of the Act.

§ 308.51 Eligibility.

(a) A displaced tenant or owner-occupant of less than 180 days is eligible for a replacement housing payment if he meets both of the following requirements:

(1) Actually occupied the dwelling for not less than 90 days prior to the initiation of negotiations for acquisition of the property. The term "initiation of negotiation" for a property means the date the acquiring agency makes the first personal contact with the owner or his representative where price of the real property to be acquired is discussed. Tenants and other persons occupying the property shall be advised when negotiations for the property are initiated with the owner thereof.

(2) The other eligibility requirements of section 204 of the Act.

(b) An owner-occupant otherwise eligible for a payment under Subpart E of this part who rents instead of purchasing a replacement dwelling is eligible for replacement housing as a tenant.

§ 308.52 Computation of replacement housing payment for displaced tenants.

A displaced tenant is eligible for a rental replacement housing payment; or, if he purchases replacement housing, he is eligible for a downpayment including closing costs.

(a) *Rental replacement housing payment.* The State agency with the concurrence of the Regional Director may determine the amount necessary to rent a comparable replacement dwelling by either establishing a schedule or by using a comparative method.

(1) *Schedule method.* A rental schedule for renting comparable replacement dwellings as described in § 308.42 in the various types of dwellings to be acquired and available on the private market may be established. The payment should be computed by determining the amount necessary to rent a comparable replacement dwelling for 4 years (the average monthly cost from the schedule) and subtracting from such amount 48 times the average month's rent paid by the displaced tenant in the last 3 months prior to initiation of negotiation if such rent was reasonable. The State agency with the concurrence of the Regional Director may prescribe circumstances which may dictate the use of economic rather than actual rent paid by the displaced tenant. For purposes of the regulations in this part, economic rent is defined as the amount of rent the displaced tenant would have had to pay for a similar dwelling unit in areas not generally less desirable than the dwelling unit to be acquired. The schedule should be based on current analyses of the market to determine an amount for each type of dwelling required. When more than one agency is causing the displacement in a community or an area, the respective heads of the agencies shall cooperate on the method for computing the replacement housing payment and may use uniform schedules of average rental housing in the community or area.

(2) *Comparative method.* The average month's rent by selecting one or more dwellings most representative of the dwelling unit acquired, which is available to the displaced person and meets the definition of a comparable replacement dwelling as described in § 308.42 may be determined. The payment should be computed by determining the amount necessary to rent a comparable replacement dwelling for 4 years and subtracting from such amount 48 times the average month's rent paid by the displaced tenant in the last 3 months prior to initiation of negotiations, if such rent was reasonable. The State agency with the concurrence of the Regional Director may prescribe circumstances which may dictate the use of economic rather than actual rent paid by the displaced tenant.

(3) *Exceptions.* The State agency with the concurrence of the Regional Director may establish the average month's rent by using more than 3 months, if it deems it advisable. If rent is being paid to the displacing agency, economic rent shall be used in determining the amount of the payment to which the displaced tenant is entitled.

(4) *Alternate to subparagraphs (1) and (2) of this paragraph.* When neither method is feasible, the State agency with the concurrence of the Regional Director shall develop criteria for computing the payment.

(5) *Disbursement of rental replacement housing payment.* All rental replacement housing payments in excess of $500 will be made in four equal annual installments. Before making each installment payment, the displacing agency must verify that the tenant is in decent, safe, and sanitary housing.

(b) *Purchases—replacement housing payment.* If the tenant elects to purchase instead of renting the payment shall be computed by determining the amount necessary to enable him to make a downpayment and to cover incidental expenses on the purchase of replacement housing.

(1) The downpayment shall be the amount necessary to make a downpayment on a comparable replacement dwelling. Determination of the amount necessary for such downpayment shall be based on the amount of downpayment that would be required for a conventional loan.

(2) Incidental expenses of closing the transaction are those as described in § 308.43(c).

(3) The full amount of the downpayment must be applied to the purchase price and such downpayment and incidental costs shown on the closing statement.

(c) If the displaced person cannot be paid or payment computed under paragraph (b) of this section, payment should be computed as provided under § 308.53.

§ 308.53 Computation of replacement housing payments for certain others.

(a) A displaced owners-occupant not eligible under Subpart E of this part because he elects not to purchase a replacement dwelling, but wishes to rent, may receive a rental replacement housing payment not to exceed $4,000. The payment shall be computed in the same manner as shown in § 308.52(a) with the following additional criteria:

(1) The present rental rate for the acquired dwelling shall be economic rent as determined by market data, and

(2) The payment may not exceed the amount which he would have received had he elected to receive a replacement housing payment under Subpart E of this part.

(b) A displaced owner-occupant who does not qualify for a replacement housing payment under Subpart E of this part because of the 180 day occupancy requirement and elects to rent is eligible for a rental replacement housing payment not to exceed $4,000. The payment will be computed in the same manner as shown in § 308.52, except that the present rental rate for the acquired dwelling shall be economic rent as determined by market data.

(c) A displaced owner-occupant who does not qualify, for a replacement housing payment under Subpart E of this part because of the 180 occupancy requirement and elects to purchase a replacement dwelling is eligible for a replacement housing downpayment and closing costs not to exceed $4,000. The payment will be computed in the same manner as shown in § 308.52(b).

Subpart G—Relocation Assistance Advisory Services

§ 308.60 Coordination of relocation assistance advisory services.

The head of the State agency shall provide a relocation assistance advisory program acceptable to the Regional Director, for persons displaced as a result of EDA assisted programs or projects. In the implementation of this section, when more than one State agency is causing displacement in a community or an area, the heads of the agencies shall take positive action to assure the maximum coordination of relocation activities. To assure simplification and coordination in administering relocation activities, State agencies should consider contracting with a single agency to assume full responsibility for providing relocation services and assistance in a given community or area. The head of the State agency with the concurrence of the Regional Director shall issue regulations and procedures requiring officials responsible for programs displacing persons, businesses and farms to contact State and local government agencies in the community to determine the availability of housing resources and to assure coordination of all relocation activities in the community.

Subpart H—Federally-Assisted Programs

§ 308.70 Assurances.

(a) *Information.* The State agency shall provide EDA with statement assuring EDA that the affected persons will be adequately informed of the benefits, policies and procedures described in this part.

(b) *Inability to provide assurances.* The State agency shall provide an assurance to EDA that will comply with the provisions of this part as required by sections 210 and 305 of the Act. In the event a State agency maintains that it is legally unable to provide all or any part of the required assurances, its statement shall be supported by an opinion of the chief legal official of the State agency. The opinion shall contain a full discussion of the issues involved, and shall cite legal authority in support of the conclusion of legal inability to provide any part of the required assurances. Except that after July 1, 1972, the assurances shall be completely applicable to all States.

(c) *Compliance.* The State agency shall provide an assurance that it will comply with the provisions of sections 301 and 302 of the Act, as required by section 305 of the Act. If unable to comply with any of these policies, the statement shall be supported by an opinion of the chief legal officer of the State agency. Such opinion shall contain a full discussion of the issues involved and shall cite legal authority in support of

any conclusion of legal inability to comply with any of the provisions set forth in sections 301 and 302 of the Act.

(d) *Monitoring assurances.* The Regional Directors shall take continuing action to insure that State agencies are acting in accordance with the assurances they have provided.

§ 308.71 Administration—relocation assistance programs.

(a) *Approval.* If a State agency elects to contract for services pursuant to section 212 of the Act, it shall enter into a written contract consistent with EDA regulations and subject to the concurrence of the Regional Director.

§ 308.72 Notification procedures.

Written notice of displacement must be given to each individual, family, business, or farm to be displaced. Such notice shall be served personally or by first class mail.

Subpart I—Uniform Real Property Acquisition Policy

§ 308.80 Scope of subpart.

The provisions set forth in this subpart are to guide State agencies and Regional Directors in implementing sections 301 and 302 of the Act.

§ 308.81 Acquisition practices.

Before initiation of negotiations for acquisition of real property, the head of the State agency with the concurrence of the Regional Director, shall establish an amount which he believes to be just compensation therefor. When negotiations are initiated, the owner of such real property shall be provided with a written statement of, and summary of the basis for, the amount estimated as the just compensation. The summary statement of the basis for the agency's determination of just compensation should include, as a minimum, the following:

(a) Identification of the real property and the estate or interest therein to be acquired including the buildings, structures, and other improvements on the land as well as the fixtures considered to be a part of the real property.

(b) The amount of the estimated just compensation as determined by the acquiring agency and a statement of the basis therefor.

(c) If only a portion of the property is to be acquired, a separate statement of the estimated just compensation for the real property interest to be acquired and, where appropriate, damages and benefits to the remaining real property.

This part shall become effective upon publication in the FEDERAL REGISTER (7-24-71).

Dated: July 6, 1971.

ROBERT A. PODESTA,
Assistant Secretary for Economic Development.

[FR Doc.71-10557 Filed 7-23-71;8:50 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 10896; Amdt. 39-1249]

PART 39—AIRWORTHINESS DIRECTIVES

British Aircraft Corp. Model BAC 1-11 200 and 400 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring replacement of the existing transistor T.1 in the Rotax Voltage sensing unit with a new transistor on British Aircraft Corp. Model BAC 1-11 200 and 400 Airplanes was published in the FEDERAL REGISTER, 36 F.R. 4707.

Interested persons have been afforded an opportunity to participate in the making of the amendment. The only comment received requested an extension of the compliance time in the AD from 500 hours to 800 hours' time in service from the effective date of the AD due to hardship imposed upon that operator by the proposed compliance time. Upon further review, the FAA has determined that increasing the compliance time to 800 hours will not adversely affect safety, and the proposal is changed accordingly.

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

BRITISH AIRCRAFT CORP. Applies to Model BAC 1-11 200 and 400 series airplanes.

To prevent a hazardous drift in the Voltage Sensing Unit, within the next 800 hours' time in service after the effective date of this AD, incorporate Rotax Modification SP 7174 by replacing the transistor T.1 in the Rotax Voltage Sensing Unit Type U.3619 or U.3619/1 with a new transistor, P/N.197235/1, in accordance with Rotax Service Bulletin No. 24-368 dated May 4, 1970, or later ARB-approved issue or an FAA-approved equivalent.

(British Aircraft Corp. Model BAC 1-11 Service Bulletin 24-PM 4641, Revision 2, dated June 15, 1970, refers to this subject.)

This amendment becomes effective July 29, 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 Washington, D.C., on July 19, 1971.

WILLIAM G. SHREVE, Jr.,
Acting Director, Flight Standards Service.

[FR Doc.71-10515 Filed 7-23-71;8:46 am]

[Docket No. 10982; Amdt. 39-1251]

PART 39—AIRWORTHINESS DIRECTIVES

Hawker Siddeley Model DH-125 Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring replacement of the transistor T.1 in the Rotax voltage sensing unit with a new transistor on Hawker Siddeley Model DH-125 airplanes was published in 36 F.R. 6836.

Interested persons have been afforded an opportunity to participate in the making of the amendment. The only comment received objected to the AD on the ground that service experience with the unit on the DH-125 airplanes does not justify the AD. Notwithstanding this service experience, the FAA has determined that a hazardous drift may occur in the units on these airplanes, and that the AD is necessary to correct this unsafe condition.

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

HAWKER SIDDELEY AVIATION, LTD. Applies to Hawker Siddeley Model DH-125 airplanes.

To prevent a hazardous drift in the Rotax voltage sensing unit, within the next 200 hours' time in service after the effective date of this AD, unless already accomplished, incorporate Rotax Modification No. SP.7172 by replacing the transistor T.1 in the Rotax Voltage Sensing Unit Type U.3624 or U.3624/1 with a new transistor in accordance with Hawker Siddeley Aviation, Ltd., 125 Series Aircraft Service Bulletin 24-124 (7355), dated July 9, 1970, or later ARB-approved issue or FAA-approved equivalent.

This amendment becomes effective August 23, 1971.

Issued in Washington, D.C., on July 20, 1971.

WILLIAM G. SHREVE, Jr.,
Acting Director, Flight Standards Service.

[FR Doc.71-10516 Filed 7-23-71;8:46 am]

[Docket No. 11244; Amdt. 39-1252]

PART 39—AIRWORTHINESS DIRECTIVES

Morane Saulnier Model MS.894A Airplanes

There have been failures of the electrovalve outlet and inlet fuel lines in the engine compartment on Morane Saulnier Model MS.894A airplanes. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being

issued to require replacement of the copper outlet fuel line, P/N 894.52.0.013, with a stainless steel outlet fuel line, P/N 894.52.0.047, and replacement of the copper inlet fuel line and union assembly, P/N 804.52.0.011, with an inlet hose and adapter union, P/N 894.52.0.045, in accordance with SOCATA-Service Bulletin No. 81 (Gr. 28.11), or an FAA-approved equivalent.

In view of the possible seriousness of failure of a fuel line, a situation exists that requires immediate adoption of this regulation, and it is found that notice and public procedure hereon are impracticable and contrary to the public interest and good cause exists for making this amendment effective in less than 30 days.

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

MORANE SAULNIER. Applies to Morane Saulnier Model MS.894A airplanes.

Compliance is required within the next 50 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent failure of the electrovalve outlet and inlet fuel lines in the engine compartment, replace the electrovalve outlet fuel line, P/N 894.52.0.013, with a new outlet fuel line, P/N 894.52.0.047, and replace the electrovalve inlet fuel line and union assembly, P/N 804.52.0.011, with a new inlet fuel hose and adapter union, P/N 894.52.0.045, in accordance with SOCATA-Service Bulletin No. 81 (Gr. 28.11), dated October 1970, or an FAA-approved equivalent.

This amendment becomes effective July 29, 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 Washington, D.C., on July 20, 1971.

WILLIAM G. SHREVE, Jr.,
Acting Director,
Flight Standards Service.

[FR Doc.71-10517 Filed 7-23-71;8:46 am]

[Airspace Docket No. 71-EA-29]

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

Alteration and Revocation of Control Zone and Transition Area

On page 9143 of the FEDERAL REGISTER for May 20, 1971, the Federal Aviation Administration published a proposed rule which would alter the Youngstown, Ohio, transition area (36 F.R. 2140) and control zone (36 F.R. 2055), and revoke the Youngstown, Ohio (Lansdowne Airport) (36 F.R. 2140), and Youngstown, Ohio (Youngstown Executive Airport) (36 F.R. 2140), transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted, effective 0901 G.m.t., September 16, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on July 12, 1971.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Youngstown, Ohio, control zone and insert the following in lieu thereof:

Within a 5-mile radius of the center, 41°15'28" N., 80°40'34" W. of Youngstown Municipal Airport, Youngstown, Ohio; within 2 miles each side of the extended centerline of Runway 5, extended from the 5-mile radius zone to 6 miles northeast of the center of the airport; within 2 miles each side of the extended centerline of Runway 14, extended from the 5-mile radius zone to 5.5 miles southeast of the center of the airport; within 2 miles each side of the extended centerline of Runway 23, extended from the 5-mile radius zone to 5.5 miles southwest of the center of the airport and within 1 mile each side of the Youngstown Municipal Airport localizer northwest course, extended from the 5-mile radius zone to 5.5 miles northwest of the center of the airport.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to:

(a) Delete the description of the Youngstown, Ohio, transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, 41°15'28" N., 80°40'34" W. of Youngstown Municipal Airport, Youngstown, Ohio; within a 7-mile radius of the center, 41°03'33" N., 80°49'55" W. of Youngstown Executive Airport, Youngstown, Ohio; within a 5.5 mile radius of the center, 41°07'45" N., 80°37'15" W. of Lansdowne Airport, Youngstown, Ohio; within 3.5 miles each side of the Youngstown VORTAC 358° radial, extending from the Youngstown Municipal Airport 9-mile radius area to 11.5 miles north of the Youngstown VORTAC; within 3.5 miles each side Youngstown Municipal Airport ILS localizer southeast course, extending from the OM to 11.5 miles southeast of the OM; within 4.5 miles each side of the Youngstown VORTAC 203° radial, extending from 9 miles southwest of the VORTAC to 15.5 miles southwest of the VORTAC; within 5 miles each side of the 023° radial of the Youngstown VORTAC extending from the Youngstown Municipal Airport 9-mile radius area to 11.5 miles north of the VORTAC.

(b) Revoke the Youngstown, Ohio (Lansdowne Airport) transition area.

(c) Revoke the Youngstown, Ohio (Youngstown Executive Airport) transition area.

[FR Doc.71-10518 Filed 7-23-71;8:46 am]

[Airspace Docket No. 71-EA-38]

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

Alteration of Transition Area

On page 9665 of the FEDERAL REGISTER for May 27, 1971, the Federal Aviation Administration published a proposed rule which would alter the Cumberland, Md., transition area (36 F.R. 2173).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t., September 16, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on July 12, 1971.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Cumberland, Md., 700-foot-floor transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface with an 8.5-mile radius of the center (39°37'02" N., 78°45'45" W.) of Cumberland Municipal Airport, Cumberland, Md.; and within 3.5 miles each side of the 022° bearing from the Cumberland RBN (39°39'00" N., 78°44'48" W.) extending from the 8.5-mile-radius area to 11.5 miles north of the RBN.

[FR Doc.71-10519 Filed 7-23-71;8:46 am]

[Airspace Docket No. 71-EA-83]

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

Alteration of Control Zone and Transition Area

The Federal Aviation Administration is amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Islip, N.Y., control zone (36 F.R. 2092) and transition area (36 F.R. 2208).

The Long Island-MacArthur Airport, Islip, N.Y., was recently renamed Islip-MacArthur Airport. An editorial change will therefore be required in the descriptions of the control zone and transition area. There is also a need for a minor change in the geographic coordinates of the airport location.

Since the foregoing is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the rule may be made effective in less than 30 days.

In view of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER (7-24-71), as follows:

1. Amend § 71.171 of the Federal Aviation Regulations so as to amend the description of the Islip, N.Y., control zone by deleting, "73°06'00" W.," and substituting, "73°06'01" W.," therefor; delete, "Long Island-MacArthur Airport" and substitute, "Islip-MacArthur

Airport", wherever it appears in the description.

2. Amend § 71.181 of the Federal Aviation Regulations so as to amend the description of the Islip, N.Y., 700-foot-floor transition area by deleting, "73° 06'00" W." and substituting, "73°06'01" W." therefor; delete "Long Island-MacArthur Airport" and substitute "Islip-MacArthur Airport" wherever it appears in the description.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on July 12, 1971.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.71-10520 Filed 7-23-71;8:46 am]

[Airspace Docket No. 71-SW-29]

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

Alteration of Federal Highway Segment

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Segment of VOR Federal Airway No. 74 between Fort Smith, Ark., and Little Rock, Ark.

The southern boundary of V-74 between Fort Smith and Little Rock overlies a portion of Restricted Area R-2401. Action is taken herein to reduce the width of V-74 on the south to 3 miles from the centerline to eliminate this overlap with R-2401. This airway width reduction will permit utilization of V-74 segment while the restricted area is being used for its designated purpose.

Since this amendment restores airspace to the public use and relieves a restriction, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

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 § 71.123 (36 F.R. 2010) V-74, is amended by deleting "Little Rock, Ark.," and substituting "6 miles, 7 miles wide (4 miles north and 3 miles south of centerline) Little Rock, Ark.," therefor.

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

Issued in Washington, D.C., on July 19, 1971.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-10522 Filed 7-23-71;8:47 am]

[Airspace Docket No. 71-SW-9]

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

PART 73—SPECIAL USE AIRSPACE

Alteration of Continental Control Area and Restricted 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 amendments to Parts 71 and 73 of the Federal Aviation Regulations that would revoke R-2403, Little Rock, Ark., and establish R-2403A and R-2403B, Little Rock, Ark.

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

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., September 16, 1971, as hereinafter set forth.

1. In § 73.24 (36 F.R. 2327) R-2403, Little Rock, Ark., is revoked and R-2403A and R-2403B Little Rock, Ark., are added as follows:

R-2403A LITTLE ROCK, ARK.

Boundaries: Beginning at lat. 34°57'00" N., long. 92°15'00" W.; to lat. 34°54'52" N., long. 92°15'00" W.; to lat. 34°54'08" N., long. 92°19'30" W.; to lat. 34°57'00" N., long. 92°19'30" W.; to point of beginning.

Designated altitudes: Surface to 16,000 feet MSL.

Time of designation: 0700 Saturday to 1700 Sunday, c.s.t.

Controlling agency: Federal Aviation Administration, Memphis ARTC Center.

Using agency: Arkansas Army National Guard.

R-2403B LITTLE ROCK, ARK.

Boundaries: Beginning at lat. 34°54'52" N., long. 92°15'00" W.; to lat. 34°51'45" N., long. 92°15'00" W.; to lat. 34°51'45" N., long. 92°-19'30" W.; to lat. 34°54'08" N., long. 92°19'-30" W.; to point of beginning.

Designated altitudes: Surface to 16,000 feet MSL.

Time of designation: 0700 Saturday to 1700 Sunday, c.s.t. Activated only by NOTAM 24 hours in advance.

Controlling agency: Federal Aviation Administration, Memphis ARTC Center.

Using agency: Arkansas Army National Guard.

2. Section 71.151 (36 F.R. 2045) is amended by adding:

a. R-2403A Little Rock, Ark.
b. R-2403B Little Rock, Ark.

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

Issued in Washington, D.C., on July 19, 1971.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-10521 Filed 7-23-71;8:46 am]

[Airspace Docket No. 71-WA-11]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Area High Routes; Correction

On June 23, 1971, F.R. Doc. 71-8765 was published in the FEDERAL REGISTER (36 F.R. 11907) which amends Part 75 of the Federal Aviation Regulations, effective 0901 G.m.t., August 19, 1971, by adding two area high routes in the south central United States. In one of these routes, J950R Houston, Tex., to Oklahoma City, Okla., the last waypoint name was incorrectly listed as Cole, Okla., rather than Dibble, Okla. Therefore, action is taken herein to correct this waypoint name.

Since this amendment is editorial in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, effective upon publication in the FEDERAL REGISTER (7-24-71), F.R. Doc. 71-8765 (36 F.R. 11907) is amended as hereinafter set forth.

In J950R Houston, Tex., to Oklahoma City, Okla., the last waypoint name "Cole, Okla." is deleted and "Dibble, Okla." is substituted therefor.

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

Issued in Washington, D.C., on July 20, 1971.

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

[FR Doc.71-10524 Filed 7-23-71;8:47 am]

[Airspace Docket No. 71-WA-11]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Area High Routes

On April 9, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 6837) stating that the Federal Aviation Administration was considering an amendment to Part 75 of the Federal Aviation Regulations that would designate three area high routes in the south and southwestern United States.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

On June 23, 1971, a rule was published in the FEDERAL REGISTER (36 F.R. 11907) stating that two of the area high routes (J950R and J949R) would be effective August 19, 1971, and that the remaining route would be issued in a final rule as soon as a successful flight inspection could be performed. This flight inspection has been successfully accomplished.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 16, 1971, as hereinafter set forth.

In § 75.400 (36 F.R. 2370) the following area high route is added:

Waypoint name	Latitude/ Longitude	Reference facility
J93R New Orleans, La., to Oklahoma City, Okla.		
Kenner, La.	29°59'05"/90°15'04"	New Orleans, La.
Montpelier, La.	30°30'42"/90°47'09"	New Orleans, La.
Dixie, La.	32°43'53"/93°50'55"	Shreveport, La.
Dibble, Okla.	35°10'02"/97°31'55"	Oklahoma City, Okla.

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

Issued in Washington, D.C., on July 20, 1971.

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

[FR Doc.71-10523 Filed 7-23-71;8:47 am]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-690; Amdt. 34]

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Elements for Scheduled Departures, Miles Completed, Nonrevenue Passenger Enplanements

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of July 1971.

In a notice of proposed rule making, EDR-192 (Docket 22719), dated November 5, 1970, the Board proposed to amend Part 241 of the Economic Regulations to provide data elements for reporting scheduled aircraft departures and miles completed; to achieve uniformity among the carriers in reporting these data; and to delete the data element for reporting nonrevenue passengers enplaned. Additionally, the Board therein denied a petition, filed May 27, 1970 by the Airline Finance and Accounting Conference (AFAC) of the Air Transport Association of America [1] to amend the definition of scheduled aircraft miles completed.

The only comment in response to the proposed rule was filed by AFAC on behalf of the 20 carriers who had petitioned for rule making. Upon consideration of the comment filed by AFAC, we have determined to adopt the rule as proposed.

In its comment, AFAC requests that the Board reconsider its rejection of AFAC's proposal to amend the definition of scheduled miles completed. However, AFAC has presented no additional arguments [2] to support the position it takes in its comment, and, for the reasons stated in the notice, we have determined to adopt the definition as proposed.[3]

Since no comment was made regarding the proposal to delete the data element for reporting nonrevenue passengers enplaned, that data element is being deleted.

In consideration of the foregoing, the Board hereby amends Part 241 of the Economic Regulations (14 CFR Part 241), effective August 24, 1971, as follows:

1. Amend Section 19-1, Chart of Operating Statistical Elements, to delete data element "120 Nonrevenue passengers enplaned A, C, E, G, L, N, P, R" and to add data elements "431 Scheduled aircraft miles completed" and "521 Scheduled aircraft departures completed" so that the chart in pertinent part for data elements added reads:

	Air transport traffic and capacity elements	*Service classes*
	* * *	* * *
430	Revenue aircraft miles scheduled	A, C, E, G.
431	Scheduled aircraft miles completed	A, C, E, G.
510	Revenue aircraft departures performed	A, C, E, G, L, N, P, R.
511	Scheduled service	A, C, E, G.
512	Extra section	A, C, E, G.
520	Revenue aircraft departures scheduled	A, C, E, G.
521	Scheduled aircraft departures completed	A, C, E, G.
	* * *	* * *

2. Amend Section 19-5(e) so as to:

a. Delete data element "X120 Nonrevenue passengers enplaned."

b. Add a data element immediately following data element "X430 Revenue aircraft miles scheduled" to read:

X431 *Scheduled aircraft miles completed.* The aircraft miles performed on scheduled flights computed between only those scheduled points actually served. Service to nonscheduled points should not be considered in determining scheduled aircraft miles completed.

c. Add a data element immediately following data element "X520 Revenue aircraft departures scheduled" to read:

X521 *Scheduled aircraft departures completed.* The number of takeoffs performed at each airport pursuant to published schedules, exclusive of extra sections to schedule departures. This element should include only those scheduled departures included in element X520 which are actually performed.

3. Amend the list of data elements in paragraph (d) of Section 25, Schedule T-1—Traffic and Capacity Statistics by Class of Service, so that the list in pertinent part reads:

Code	*Element*
* * *	* * *
X280	Available ton-miles.
X410	Revenue aircraft miles flown.
X430	Revenue aircraft miles scheduled.
X431	Scheduled aircraft miles completed.
X510	Revenue aircraft departures performed.
* * *	* * *

4. Amend the list of data elements in paragraph (d) of Section 25, Schedule T-3—Airport Activity Statistics, so that the list in pertinent part reads:

Item	Scheduled service	Nonscheduled service
* * *	* * *	* * *
Revenue aircraft departures scheduled	K-520	
Scheduled aircraft departures completed	K-521	
Revenue aircraft departures performed in nonscheduled services		V-510
* * *	* * *	* * *

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

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-10479 Filed 7-23-71;8:45 am]

[1] The petition was originally filed on behalf of Alaska Airlines, Inc., Aloha Airlines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., the Flying Tiger Line Inc., Hawaiian Airlines, Inc., Mohawk Airlines, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., Piedmont Aviation, Inc., Southern Airways, Inc., Texas International Airlines, Inc., and United Air Lines, Inc. Subsequent to the date of the filing of the petition, the following carriers joined in the petition: American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Frontier Airlines, Inc., Los Angeles Airways, Inc., National Airlines, Inc., and Trans World Airlines, Inc.

[2] AFAC does call attention to the Board's assertion at page 6 of the notice that "it is difficult to imagine how a passenger intending to board a flight at point A is served at all when the flight in fact originates at point B instead of point A." AFAC says that, in such a case, the airline would provide the passenger with surface transportation between the two points. It appears to us, however, that such supplemental service, though in many cases salutary, will not eliminate the inconvenience which might be suffered to a greater or lessor degree by passengers in particular circumstances.

[3] AFAC refers also to the last sentence on page 6 of the notice, which says that the "data * * * should not include departures * * * that arise from service to nonscheduled points as a result of deviations from the scheduled service pattern." AFAC says that departures, when made as scheduled, should be included in completion data even if the flights proceed to nonscheduled points. Such treatment, says AFAC, would be consistent with a letter, dated March 5, 1970, by the Director of the Bureau of Accounts and Statistics. We believe that AFAC's point is well taken. The final rule, like the proposed rule, is drafted so as to provide that departures completed be the number of scheduled takeoffs performed pursuant to published schedules at each point.

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 71-191]

PART 153—ANTIDUMPING

Fair Value Determination

On April 27, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 7866) announcing an intent to delete paragraph (b) of § 153.4 of the Customs regulations, which provides that in making fair value comparisons under the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.), the quantity of merchandise sold for consumption in the country of exportation will generally be considered to be an inadequate basis for comparison if it is less than 25 percent of the quantity sold other than for exportation to the United States.

The notice stated that the 25 percent rule was adopted by the Treasury Department for purposes of administrative convenience and that the Department has concluded that continued rigid adherence to the rule is inappropriate because it is Treasury's experience that frequently the quantity of such or similar merchandise sold in the country of exportation, although less than 25 percent of the quantity sold other than for exportation to the United States, is more than adequate for purposes of making fair value comparisons.

Interested persons were given until May 27, 1971, to submit written data, views, or arguments in connection with the proposed deletion of the 25 percent rule from the regulations. Representations submitted pursuant to the notice of proposed rule making have been carefully considered.

It has been determined to adopt the proposed amendment without change. Accordingly, § 153.4 of the Customs regulations is amended by deleting paragraph (b) and redesignating paragraph (c) as paragraph (b), so that § 153.4, as amended, will read as follows:

§ 153.4 Fair value based on sales for exportation to countries other than the United States.

(a) *General.* If it is demonstrated that during a representative period the quantity of such or similar merchandise sold for consumption in the country of exportation is so small, in relation to the quantity sold for exportation to countries other than the United States, as to be an inadequate basis for comparison, then merchandise imported into the United States will ordinarily be deemed to have been sold, or to be likely to be sold, at less than fair value if the purchase price or the exporter's sales price (as defined in sections 203 and 204, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162, 163)), as the case may be, is, or is likely to be, less than the price (as defined in section 205, after adjustment as provided for in section 202 of the Antidumping Act, 1921, as amended (19 U.S.C. 164, 161)), at which such or similar merchandise (as defined in section 212(3) of the Antidumping Act, 1921, as amended (19 U.S.C. 170a(3))) is sold for exportation to countries other than the United States on or about the date of purchase or of agreement to purchase the merchandise imported into the United States if purchase price applies, or on or about the date of exportation thereof if exporter's sales price applies.

(b) *Restricted sales.* When third country sales form the appropriate basis of comparison, they will be used for this purpose whether or not they are restricted. If there should be restrictions which affect the value of the merchandise, appropriate adjustment of the third country price will be made.

(Secs. 205, 407, 42 Stat. 13, as amended, 18; 19 U.S.C. 164, 173)

This amendment shall apply to all antidumping proceedings with respect to which neither a decision, final or tentative, for a notice of withholding of appraisement has been published as of the date the amendment becomes effective.

Effective date. Because this amendment relates to an interpretative rule, good cause is found for dispensing with the delayed effective date requirement of 5 U.S.C. 553(d), and it shall become effective on the date of its publication in the FEDERAL REGISTER (7-24-71).

[SEAL] ROBERT V. MCINTYRE,
Acting Commissioner of Customs.

Approved: July 16, 1971.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-10577 Filed 7-23-71;8:51 am]

[T.D. 71-192]

PART 153—ANTIDUMPING

Pig Iron From West Germany

JULY 16, 1971.

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the Secretary of the Treasury responsibility for determination of sales at less than fair value. Pursuant to such authority the Secretary of the Treasury has determined that pig iron from West Germany is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). (Published in the FEDERAL REGISTER of March 17, 1971 (36 F.R. 5144, F.R. Doc. 71-3764).)

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the U.S. Tariff Commission responsibility for determination of injury or likelihood or injury. The U.S. Tariff Commission has determined, and on June 15, 1971, it notified the Secretary of the Treasury that an industry in the United States is being and is likely to be injured by reason of the importation of pig iron from West Germany sold, or likely to be sold, at less than fair value within the meaning of the Antidumping Act, 1921, as amended. (Published in the FEDERAL REGISTER of June 19, 1971 (36 F.R. 11835, F.R. Doc. 71-8645).)

On behalf of the Secretary of the Treasury, I hereby make public these determinations, which constitute a finding of dumping with respect to pig iron from West Germany.

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

Merchandise	Country	T.D.
Pig iron	West Germany	71-192

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

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

[FR Doc.71-10578 Filed 7-23-71;8:51 am]

[T.D. 71-193]

PART 153—ANTIDUMPING

Pig Iron From Canada

JULY 16, 1971.

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the Secretary of the Treasury responsibility for determination of sales at less than fair value. Pursuant to such authority the Secretary of the Treasury has determined that pig iron from Canada is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). (Published in the FEDERAL REGISTER of March 17, 1971 (36 F.R. 5145, F.R. Doc. 71-3765).)

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the U.S. Tariff Commission responsibility for determination of injury or likelihood of injury. The U.S. Tariff Commission has determined, and on June 15, 1971, it notified the Secretary of the Treasury that an industry in the United States is being and is likely to be injured by reason of the importation of pig iron from Canada sold, or likely to be sold, at less than fair value within the meaning of the Antidumping Act, 1921, as amended. (Published in the FEDERAL REGISTER of June 19, 1971 (36 F.R. 11835, F.R. Doc. 71-8645).)

On behalf of the Secretary of the Treasury, I hereby make public these determinations, which constitute a finding of dumping with respect to pig iron from Canada.

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

Merchandise	Country	T.D.
Pig iron	Canada	71-193

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

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

[FR Doc.71-10579 Filed 7-23-71;8:51 am]

[T.D. 71-194]

PART 153—ANTIDUMPING

Pig Iron From Finland

JULY 16, 1971.

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the Secretary of the Treasury responsibility for determination of sales at less than fair value. Pursuant to such authority the Secretary of the Treasury has determined that pig iron from Finland is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). (Published in the FEDERAL REGISTER of March 17, 1971 (36 F.R. 5145, F.R. Doc. 71-3767).)

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the U.S. Tariff Commission responsibility for determination of injury or likelihood of injury. The U.S. Tariff Commission has determined, and on June 15, 1971, it notified the Secretary of the Treasury that an industry in the United States is being and is likely to be injured by reason of the importation of pig iron from Finland sold, or likely to be sold, at less than fair value within the meaning of the Antidumping Act, 1921, as amended. (Published in the FEDERAL REGISTER of June 19, 1971 (36 F.R. 11835, F.R. Doc. 71-8645).)

On behalf of the Secretary of the Treasury, I hereby make public these determinations, which constitute a finding of dumping with respect to pig iron from Finland.

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

Merchandise	Country	T.D.
Pig iron	Finland	71-194

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

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

[FR Doc.17-10580 Filed 7-23-71;8:51 am]

Title 21—FOOD AND DRUGS

Chapter III—Environmental Protection Agency

PART 420—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Succinic Acid 2,2-Dimethylhydrazide

A petition (PP 1F1056) was filed by Uniroyal Chemical Div., Uniroyal, Inc., Bethany, Conn. 06525, proposing establishment of a tolerance for residues of the plant regulator succinic acid 2,2-dimethylhydrazide in or on the raw agricultural commodity nectarines at 30 parts per million.

Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424).

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. The compound is useful for the purpose for which a tolerance is being established.

2. The tolerance will not be objectionable from the standpoint of effects on fish and wildlife.

3. The tolerance established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs of the Environmental Protection Agency (36 F.R. 9038), § 420.246 is amended by revising the paragraph "30 parts per million * * *" to read as follows:

§ 420.246 Succinic acid 2,2-dimethylhydrazide; tolerances for residues.

* * * * *

30 parts per million in or on apples, nectarines, peaches, peanuts, and sweet cherries.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, 1626 K Street NW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (7-24-71).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: June 30, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.71-10532 Filed 7-23-71;8:47 am]

Title 24—HOUSING AND HOUSING CREDIT

Subtitle A—Office of the Secretary, Department of Housing and Urban Development

[Docket No. R-71-130]

PART 17—ADMINISTRATIVE CLAIMS

Implementation of Federal Claims Collection Act of 1966

The Federal Claims Collection Act of 1966 requires the Secretary of Housing and Urban Development or his designee to attempt collection of all claims of the United States for money or property arising out of the activities of the Department, and authorizes the Secretary or his designee to compromise or to terminate or suspend collection of claims not exceeding $20,000 in conformity with claims collection standards jointly prescribed by the Attorney General and the Comptroller General in 4 CFR Parts 101 to 105. This regulation implements the Federal Claims Collection Act and supplements the joint standards by prescribing procedures for administrative collection of Department claims.

Since this regulation relates to Department practice and procedure, notice and public procedure hereon are not required. The regulation shall be effective 30 days after publication in the FEDERAL REGISTER.

Accordingly, 24 CFR Part 17 is amended by adding a new Subpart B, as follows:

Subpart B—Collection of Claims by the Government Under the Federal Claims Collection Act of 1966

Sec.
17.20 Scope; definitions.
17.21 Incorporation of joint standards by reference.
17.22 Subdivision and joining of claims.
17.23 Authority of offices to attempt collection of claims.
17.24 Authority of offices to compromise claims or suspend or terminate collection action.
17.25 Referral of claims to the General Counsel.
17.26 Department Claims Officer.
17.27 Claims files.
17.28 Monthly report of collection action.
17.29 Accounting control.
17.30 Record retention.
17.31 Suspension or revocation of eligibility.
17.32 Standards for collection of claims.
17.33 Standards for compromise of claims.
17.34 Standards for suspension or termination of collection action.
17.35 Referral to GAO or Justice Department.

AUTHORITY: The provisions of this Subpart B issued under sec. 3, 80 Stat. 309, 31 U.S.C. 952; 4 CFR Parts 101-105.

Subpart B—Collection of Claims by the Government Under the Federal Claims Collection Act of 1966

§ 17.20 Scope; definitions.

(a) *Scope.* This subpart sets forth the regulations of the Secretary of Housing and Urban Development implementing the Federal Claims Collection Act of 1966

(the Act), in conformity with the standards jointly promulgated by the Attorney General and the Comptroller General in 4 CFR Parts 101 through 105. The Act (1) requires the Secretary or his designee to attempt collection of all claims of the United States for money or property arising out of the activities of the Department; and (2) authorizes the Secretary or his designee to compromise such claims that do not exceed $20,000 exclusive of interest, or to suspend or terminate collection action where it appears that no person liable on such claim has the present or prospective financial ability to pay any significant sum thereon or that the cost of collecting such claim is likely to exceed the amount of recovery.

(b) *Definitions.* For purposes of this subpart, "office" means the organization of each Assistant Secretary, the Federal Insurance Administrator, the Government National Mortgage Association, the Community Development Corporation, and each Regional Office, Area Office and Insuring Office.

§ 17.21 Incorporation of joint standards by reference.

All administrative actions to collect claims arising out of the activities of the Department shall be performed in accordance with the applicable standards prescribed in 4 CFR Parts 101 through 105, which are incorporated by reference and supplemented in this subpart.

§ 17.22 Subdivision and joining of claims.

(a) A debtor's liability arising from a particular transaction or contract shall be considered as a single claim in determining whether the claim is one not exceeding $20,000 exclusive of interest for the purpose of compromise or termination of collection action. Such a claim may not be subdivided to avoid the monetary ceiling established by the Act.

(b) Joining of two or more single claims in a demand upon a particular debtor for payment totaling more than $20,000 does not preclude compromise or termination of collection action with respect to any one of such claims that does not exceed $20,000 exclusive of interest.

§ 17.23 Authority of offices to attempt collection of claims.

Each office of the Department shall attempt to collect in full all claims of the Department for money or property arising out of the activities of the office. Each office shall designate a claims collection officer, who shall assemble complete information concerning each claim at the time it accrues and currently maintain the file.

§ 17.24 Referral of claims to the General Counsel.

(a) *Authority of the General Counsel.* The General Counsel shall exercise the powers and perform the duties of the Secretary to compromise, or to suspend or terminate, collection action on all Department claims not exceeding $20,000 exclusive of interest, except as provided in § 17.25 and paragraph (b) of this section. When initial attempts at collection by the office having responsibility for such claims have not been fully successful, the claim file shall be forwarded to the General Counsel for further administrative collection procedures. Claims shall be referred to the General Counsel well within the applicable statute of limitations (28 U.S.C. 2415 and 2416), but in no event more than 2 years after the claims accrued.

(b) *Exclusions.* There shall be no compromised or terminated collection action with respect to any claim: (1) As to which there is an indication of fraud, the presentation of a false claim, or misrepresentation on the part of the debtor or any other party having an interest in the claim; (2) based in whole or in part on conduct in violation of the antitrust laws; (3) based on tax statutes; or (4) arising from an exception made by the General Accounting Office in the account of an accountable officer. Such claims shall be promptly referred to the Justice Department or GAO, as appropriate.

§ 17.25 Authority of offices to compromise claims or suspend or terminate collection action.

(a) *Small claims.* Where it appears that the cost of collecting a claim of less than $400 will exceed the amount of recovery, the claims collection officer is authorized to compromise the claim or to terminate collection action.

(b) *Claims arising under certain programs.* The office primarily responsible for the following programs of the Department is authorized, in those cases where initial collection attempts are not wholly successful, to compromise or to suspend or terminate collection action on claims not exceeding $20,000 with respect to:

(1) A claim on a property improvement loan account under title I of the National Housing Act;

(2) A claim on a rehabilitation loan account under section 312 of the Housing Act of 1964;

(3) A claim against tenants or former tenants of properties acquired by, or under the custody of, the Secretary or held by him as mortgagee in possession; or

(4) A claim arising out of the operational (nonadministrative) activities of the Government National Mortgage Association (GNMA).

However, no office shall undertake to compromise or terminate any collection action excluded under § 17.24(b).

§ 17.26 Department Claims Officer.

The General Counsel shall designate an employee of the Office of General Counsel as Department Claims Officer, who shall be responsible for establishing an efficient, modern claims collection system in the Department. The Department Claims Officer will supervise and train employees of a collection unit in the General Counsel's Office and coordinate collection activities of the Department offices.

§ 17.27 Claims files.

Each claims collection officer is responsible for obtaining current credit data about each person against whom a claim is pending in his office. The file shall be kept reasonably up to date by the Department Claims Officer for claims referred to the General Counsel for collection. Such credit data may take the form of (a) a commercial credit report, (b) an agency investigative report showing the debtor's assets and liabilities and his income and expenses, (c) the individual debtor's own financial statement executed under penalty of perjury reflecting his assets and liabilities and his income and expenses, or (d) an audited balance sheet of a corporate debtor. The file should also contain a checklist or brief summary of actions taken to collect or compromise a claim.

§ 17.28 Monthly report of collection action.

The Department Claims Officer shall make a monthly report to the General Counsel and all offices that have referred claims for collection. The report should contain the following information as a minimum:

(a) All outstanding claims referred to the General Counsel for administrative collection, including the name and address of the debtor, the amount of the claim, the date the claim accrued, the basis of the claim, the office referring the claim, and the current progress of collection activities.

(b) All claims compromised or on which collection has been suspended or terminated or referred to GAO or Justice for further collection action during the month. The collection action taken and the basis for the action should be indicated.

(c) All claims referred to the Department of Justice under § 17.24(a).

(d) Claims returned to this Department by the Justice Department for further collection action because Justice's handling was not warranted.

§ 17.29 Accounting control.

Each office and the Department Claims Officer shall process all claims collections through the appropriate accounting office and report the collection, compromise, suspension and termination of all claims to the appropriate accounting office for recording.

§ 17.30 Record retention.

The file of each claim on which administrative collection action has been completed shall be retained by the appropriate office or the General Counsel not less than 1 year after the applicable statute of limitations has run.

§ 17.31 Suspension or revocation of eligibility.

(a) Where a contractor, grantee, or other participant in programs sponsored by the Department fails to pay his debts

to the Department within a reasonable time after demand, the fact shall be reported by the General Counsel to the Director, Office of Investigation, who shall place such defaulting participant's name on the Department's list of debarred, suspended and ineligible contractors and grantees and the participant will be so advised.

(b) The failure of any surety to honor its obligations in accordance with 6 U.S.C. 11 is to be reported at once to the General Counsel who shall so advise the Treasury Department. The Treasury Department will notify this Department when a surety's certificate of authority to do business with the Government has been revoked or forfeited.

§ 17.32 Standards for collection of claims.

(a) *Demand for payment.* Appropriate written demands shall be made upon the debtor which shall include information relating to the consequences of his failure to cooperate.

(b) *Collection by offset.* Collection by offset will be administratively undertaken on claims which are liquidated or certain in amount in every instance where this is feasible.

(c) *Liquidation of collateral.* Where the Department holds security or collateral that may be liquidated and the proceeds applied on debts due it through the exercise of a power of sale in the security instrument or a nonjudicial foreclosure, such procedures should be followed if the debtor fails to pay his debt within a reasonable time after demand, unless the cost of disposing of the collateral will be disproportionate to its value or special circumstances require judicial foreclosure.

(d) *Collection in installments.* Claims with accrued interest should be collected in full in one lump sum whenever this is possible. However, if the debtor is financially unable to pay the indebtedness in one lump sum, payment may be accepted in regular installments.

(e) *Interest.* Where prejudgment interest is not mandated by statute, contract or regulation, the interest shall be assessed at 7 percent. Prejudgment interest may be waived as an inducement to voluntary payment. In such cases demand letters should inform the debtor that prejudgment interest will be collected if suit becomes necessary. When a debt is paid in installments and interest is collected, installment payments will first be applied to the payment of accrued interest and then to principal in accordance with the so-called "U.S. Rule" unless a different rule is prescribed by statute, contract or regulation. Prejudgment interest shall not be demanded or collected on civil penalty and forfeiture claims unless the statute under which the claim arises authorizes the collection of such interest.

(f) *Omission not a defense.* Failure to comply with any standard prescribed in 4 CFR Chapter II or in this subpart shall not be available as a defense to any debtor.

§ 17.33 Standards for compromise of claim.

(a) *Comprise offer.* An offer to compromise may be accepted (1) if there is real doubt concerning the Department's ability to prove its case in court for the full amount claimed; (2) if the cost of collecting the claim does not justify the enforced collection of the full amount; (3) if in connection with statutory penalties or forfeitures established as an aid to enforcement and to compel compliance, the Department's enforcement policy will be adequately served by acceptance of the sum to be agreed upon, or (4) for other reasons deemed valid by the General Counsel (or other designee) and made a part of the claim record.

(b) *Documentary evidence of compromise.* No compromise of a claim shall be final or binding on the Department unless it is in writing and signed by the appropriate officer who has authority to compromise the claim pursuant to this subpart.

§ 17.34 Standards for suspension or termination of collection action.

(a) *Suspension of collection action.* Collection action shall be suspended temporarily on a claim when the debtor cannot be located after diligent effort but there is reason to believe that future collection action may be sufficiently productive to justify periodic review and action on the claim, having consideration for its size and the amount which may be realized. Collection action may be suspended temporarily on a claim when the debtor owns no substantial equity in realty and is presently unable to make payment on the Department's claim or effect a compromise, but his future prospects justify retention of the claim for periodic review and action and (1) the applicable statute of limitations has been tolled or started anew or (2) future collection can be effected by offset notwithstanding the statue of limitations. Suspension as to a particular debtor should not defer the early liquidation of security for the debt.

(b) *Termination of collection action.* Collection action may be terminated and the Department file closed for the following reasons: (1) No substantial amount can be collected; (2) the debtor cannot be located; (3) the cost will exceed recovery; (4) the claim is legally without merit; or (5) the claim cannot be substantiated by evidence.

§ 17.35 Referral to GAO or Justice Department.

(a) *Claims referred.* Claims which cannot be collected, compromised, or terminated in accordance with 4 CFR Parts 101 to 105 will be referred to the General Accounting Office in accordance with 31 U.S.C. 71 or to the Department of Justice if this Department has been granted an exception from referrals to the General Accounting Office. Also, if there is doubt as to whether collection action should be suspended or terminated on a claim, the claim may be referred to the General Accounting Office for advice. When recovery of a judgment is prerequisite to imposition of administrative sanctions, the claim may be referred to the Justice Department for litigation even though termination of collection activity might otherwise be considered.

(b) *Prompt referral.* Such referrals shall be made as early as possible consistent with aggressive collection action, and in any event, well within the statute of limitations for bringing suit against the debtor.

Effective date. This regulation is effective August 28, 1971.

RICHARD C. VAN DUSEN,
Acting Secretary of Housing and Urban Development.

[FR Doc.71-10529 Filed 7-23-71;8:47 am]

[Docket No. R-71-129]

PART 17—ADMINISTRATIVE CLAIMS

Implementation of Military Personnel and Civilian Employees' Claims Act of 1964

The Military Personnel and Civilian Employees' Claims Act of 1964 (78 Stat. 767, 31 U.S.C. 241) allows recovery for loss of or damage to property of employees of Government agencies incident to Government service, and provides for prescription of regulations pursuant to it by the head of an agency. A maximum award of $6,500 is set for claims against nonmilitary departments and certain limitations and restrictions described. This regulation implements the Act and prescribes procedures with respect to HUD employees.

Since this regulation relates to Department practice and procedures, notice and public procedure hereon are not required. The regulation shall be effective 30 days after publication in the FEDERAL REGISTER.

Accordingly, 24 CFR Part 17 is amended by adding a new Subpart C, as follows:

Subpart C—Claims Under the Military Personnel and Civilian Employees' Claims Act of 1964

Sec.
17.40 Scope and purpose.
17.41 Claimants.
17.42 Time limitations.
17.43 Allowable claims.
17.44 Restrictions on certain claims.
17.45 Unallowable claims.
17.46 Claims involving carriers or insurers.
17.47 Settlement of claims.
17.48 Computation of amount of award.
17.49 Attorney's fees.
17.50 Claims procedures.

AUTHORITY: The provisions of this Subpart C issued under sec. 3, 78 Stat. 767, 31 U.S.C. 241; sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d).

Subpart C—Claims Under the Military Personnel and Civilian Employees' Claims Act of 1964

§ 17.40 Scope and purpose.

(a) This subpart applies to all claims filed by or on behalf of employees of the

Department of Housing and Urban Development for loss of or damage to personal property which occurs incident to their service with HUD under the Military Personnel and Civilian Employees' Claims Act of 1964. A claim must be substantiated and the possession of the property determined to be reasonable, useful, or proper. The maximum amount that can be paid under any claim under the Act is $6,500 and property may be replaced in kind at the option of the Government. Nothing in this subpart shall be construed to bar claims payable under statutory authority.

(b) HUD is not an insurer and does not underwrite all personal property losses that an employee may sustain. Employees are encouraged to carry private insurance to the maximum extent practicable to avoid large losses or losses which may not be recoverable from HUD. The procedures set forth in this section are designed to enable the claimant to obtain the maximum amount of compensation for his loss or damage. Failure of the claimant to comply with these procedures may reduce or preclude payment of his claim under this subpart.

§ 17.41 Claimants.

(a) A claim pursuant to this subpart may only be made by:

(1) An employee of HUD.

(2) A former employee of HUD whose claim arises out of an incident occuring before his separation from HUD.

(3) Survivors of a person named in subparagraph (1) or (2) of this paragraph, in the following order of precedence:

(i) Spouse.

(ii) Children.

(iii) Father or mother, or both.

(iv) Brothers or sisters, or both.

(4) The authorized agent or legal representative of a person named in subparagraphs (1), (2), and (3) of this paragraph.

(b) A claim may not be presented by or for the benefit of a subrogee, assignee, conditional vendor, or other third party.

§ 17.42 Time limitations.

A claim under this part may be allowed only if:

(a) Except as provided in paragraph (b) of this section, it is filed in writing within 2 years after accrual. For purposes of this part, a claim accrues at the time of the accident or incident causing the loss or damage, or at such time as the loss or damage should have been discovered by the claimant by the exercise of due diligence.

(b) It cannot be filed within the time limits of paragraph (a) of this section, because it accrues in time of war or in time of armed conflict in which any armed force of the United States is engaged or if such a war or armed conflict intervenes within 2 years after it accrues, and if good cause is shown, and if it is filed not later than 2 years after that cause ceases to exist, or 2 years after the war or armed conflict is terminated, whichever is earlier.

§ 17.43 Allowable claims.

(a) A claim may be allowed only if:

(1) The damage or loss was not caused wholly or partly by the negligent or wrongful act of the claimant, his agent, the members of his family, or his private employee (the standard to be applied is that of reasonable care under the circumstances); and

(2) The possession of the property lost or damaged and the quantity possessed is determined to have been reasonable, useful, or proper under the circumstances; and

(3) The claim is substantiated by proper and convincing evidence.

(b) Claims which are otherwise allowable under this part shall not be disallowed solely because the property was not in the possession of the claimant at the time of the damage or loss, or solely because the claimant was not the legal owner of the property for which the claim is made. For example, borrowed property may be the subject of a claim.

(c) Subject to the conditions in paragraph (a) of this section, and the other provisions of this subpart, any claim for damage to, or loss of, personal property incident to service with HUD may be considered and allowed. The following are examples of the principal types of claims which may be allowed, but these examples are not exclusive and other types of claims may be allowed, unless excluded by §§ 17.44 and 17.45:

(1) *Property loss or damage in quarters or other authorized places.* Claims may be allowed for damage to, or loss of, property arising from fire, flood, hurricane, other natural disaster, theft, or other unusual occurrence, while such property is located at:

(i) Quarters within the 50 States or the District of Columbia that were assigned to the claimant or otherwise provided in kind by the United States;

(ii) Quarters outside the 50 States and the District of Columbia that were occupied by the claimant, whether or not they were assigned or otherwise provided in kind by the United States, except when the claimant is a civilian employee who is a local inhabitant; or

(iii) Any warehouse, office, working area, or other place (except quarters) authorized or apparently authorized for the reception or storage of property.

(2) *Transportation or travel losses.* Claims may be allowed for damage to, or loss of, property incident to transportation or storage pursuant to orders, or in connection with travel under orders, including property in the custody of a carrier, an agent or agency of the Government, or the claimant.

(3) *Mobile homes.* Claims may be allowed for damage to, or loss of, mobile homes and their contents under the provisions of subparagraph (2) of this paragraph (c). Claims for structural damage to mobile homes, other than that caused by collision, and damage to contents of mobile homes resulting from such structural damage, must contain conclusive evidence that the damage was not caused by structural deficiency of the mobile home and that it was not overloaded. Claims for damage to, or loss of, tires mounted on mobile homes will not be allowed, except in cases of collision, theft, or vandalism.

(4) *Enemy action or public service.* Claims may be allowed for damage to, or loss of, property as a direct consequence of:

(i) Enemy action or threat thereof, or combat, guerilla, brigandage, or other belligerent activity, or unjust confiscation by a foreign power or its nationals;

(ii) Action by the claimant to quiet a civil disturbance or to alleviate a public disaster; or

(iii) Efforts by the claimant to save human life or Government property.

(5) *Property used for benefit of the Government.* Claims may be allowed for damage to, or loss of, property when used for the benefit of the Government at the request of, or with the knowledge and consent of, superior authority.

(6) *Clothing and accessories.* Claims may be allowed for damage to, or loss of, clothing or accessories customarily worn on the person, such as eyeglasses, hearing aids, or dentures.

§ 17.44 Restrictions on certain claims.

Claims of the type described in this section are only allowable subject to the restrictions noted:

(a) *Money or currency.* Claims may be allowed for loss of money or currency only when lost incident to fire, flood, hurricane, other natural disaster, or by theft from quarters (as limited by paragraph (a) of § 17.45). In instances of theft from quarters, it must be conclusively shown that the quarters were locked at the time of the theft. Reimbursement for loss of money or currency is limited to an amount which is determined to have been reasonable for the claimant to have had in his possession at the time of the loss.

(b) *Government property.* Claims may only be allowed for property owned by the United States for which the claimant is financially responsible to any agency of the Government other than HUD.

(c) *Estimate fees.* Claims may include fees paid to obtain estimates of repair only when it is clear that an estimate could not have been obtained without paying a fee. In that case, the fee may be allowed only in an amount determined to be reasonable in relation to the value of the property or the cost of the repairs.

(d) *Automobiles and other motor vehicles.* Claims may only be allowed for damage to, or loss of, automobiles and other motor vehicles if:

(1) Such motor vehicles were required to be used for official Government business (official Government business, as used here, does not include travel, or parking incident thereto, between quarters and office, or use of vehicles for the convenience of the owner. However, it does include travel, and parking incident thereto, between quarters and assigned place of duty specifically authorized by

the employee's supervisor as being more advantageous to the Government); or

(2) Shipment of such motor vehicles was being furnished or provided by the Government, subject to the provisions of § 17.46.

§ 17.45 Unallowable claims.

Claims are not allowable for the following:

(a) *Unassigned quarters in United States.* Property loss or damage in quarters occupied by the claimant within the 50 States or the District of Columbia that were not assigned to him or otherwise provided in kind by the United States.

(b) *Business property.* Property used for business or profit.

(c) *Unserviceable property.* Wornout or unserviceable property.

(d) *Illegal possession.* Property acquired, possessed, or transported in violation of law or in violation of applicable regulations or directives.

(e) *Articles of extraordinary value.* Valuable articles, such as cameras, watches, jewelry, furs, or other articles of extraordinary value, when shipped with household goods or as unaccompanied baggage (shipment includes storage). This prohibition does not apply to articles in the personal custody of the claimant or articles properly checked, provided that reasonable protection or security measures have been taken by claimant.

(f) *Minimum amount.* Loss or damage amounting to less than $10.

§ 17.46 Claims involving carriers or insurers.

In the event the property which is the subject of a claim was lost or damaged while in the possession of a carrier or was insured, the following procedures will apply:

(a) Whenever property is damaged, lost, or destroyed while being shipped pursuant to authorized travel orders, the owner must file a written claim for reimbursement with the last commercial carrier known or believed to have handled the goods, or the carrier known to be in possession of the property when the damage or loss occurred, according to the terms of its bill of lading or contract, before submitting a claim against the Government under this subpart.

(1) If more than one bill of lading or contract was issued, a separate demand should be made against the last carrier on each such document.

(2) The demand should be made within 9 months of the date that delivery was made, or within 9 months of the date that delivery should ordinarily have been made.

(3) If it is apparent that the damage or loss is attributable to packing, storage, or unpacking while in the custody of the Government, no demand need be made against the carrier.

(b) Whenever property which is damaged, lost, or destroyed incident to the claimant's service is insured in whole or in part, the claimant must make demand in writing against the insurer for reimbursement under the terms and conditions of the insurance coverage, prior to the filing of the concurrent claim against the Government.

(c) Failure to make a demand on a carrier or insurer or to make all reasonable efforts to protect and prosecute rights available against a carrier or insurer and to collect the amount recoverable from the carrier or insurer may result in reducing the amount recoverable from the Government by the maximum amount which would have been recoverable from the carrier or insurer, had the claim been timely or diligently prosecuted. However, no deduction will be made where the circumstances of the claimant's service preclude reasonable filing of such a claim or diligent prosecution, or the evidence indicates a demand was impracticable or would have been unavailing.

(d) Following the submission of the claim against the carrier or insurer, the claimant may immediately submit his claim against the Government in accordance with the provisions of this subpart, without waiting until either final approval or denial of his claim is made by the carrier or insurer.

(1) Upon submitting his claim, he will certify in his claim that he has or has not gained any recovery from a carrier or insurer, and enclose all correspondence pertinent thereto.

(2) If final action has not been taken by the carrier or insurer on his claim, he will immediately notify them to address all correspondence in regard to his claim to him, in care of the General Counsel of HUD.

(3) The claimant shall advise the General Counsel of any action taken by the carrier or insurer on his claim and upon request shall furnish all correspondence documents, and other evidence pertinent to the matter.

(e) The claimant will assign to the United States to the extent of any payment on his claim accepted by him, all his right, title and interest in any claim he may have against any carrier, insurer, or other party arising out of the incident on which the claim against the United States is based. After payment of his claim by the United States, the claimant will, upon receipt of any payment from a carrier or insurer, pay the proceeds to the United States to the extent of the payment received by him from the United States.

(f) Where a claimant recovers for the loss from the carrier or insurer before his claim under this subpart is settled, the amount or recovery shall be applied to his claim as follows:

(1) When the amount recovered from a carrier, insurer, or other third party is greater than or equal to the claimant's total loss as determined under this part, no compensation is allowable under this part.

(2) When the amount recovered is less than such total loss, the allowable amount is determined by deducting the recovery from the amount of such total loss.

(3) For the purpose of this paragraph (f) the claimant's total loss is to be determined without regard to the $6,500 maximum set forth above. However, if the resulting amount, after making this deduction, exceeds $6,500, the claimant will be allowed only $6,500.

§ 17.47 Settlement of claims.

(a) The General Counsel, HUD, is authorized to settle (consider, ascertain, adjust, determine, and dispose of, whether by full or partial allowance or disallowance) any claim under this subpart.

(b) The General Counsel may formulate such procedures and make such redelegations as may be required to fulfill the objectives of this subpart.

(c) The General Counsel shall conduct such investigation as may be appropriate in order to determine the validity of a claim.

(d) The General Counsel shall notify a claimant in writing of action taken on his claim, and if partial or full disallowance is made, the reasons therefor.

(e) In the event a claim submitted against a carrier under § 17.46 has not been settled before settlement of the claim against the Government pursuant to this subpart, the General Counsel shall notify such carrier or insurer to pay the proceeds of the claim to HUD to the extent HUD has paid such to claimant in settlement.

§ 17.48 Computation of amount of award.

(a) The amount allowed for damage to or loss of any item of property may not exceed the cost of the item (either the price paid in cash or property, or the value at the time of acquisition if not acquired by purchase or exchange); and there will be no allowance for replacement cost or for appreciation in the value of the property. Subject to these limitations, the amount allowable is either:

(1) The depreciated value, immediately prior to the loss or damage, of property lost or damaged beyond economical repair, less any salvage value; or

(2) The reasonable cost of repairs, when property is economically repairable, provided that the cost of repairs does not exceed the amount allowable under subparagraph (1) of this paragraph.

(b) Depreciation in value is determined by considering the type of article involved, its cost, its condition when damaged or lost, and the time elapsed between the date of acquisition and the date of damage or loss.

(c) Replacement of lost or damaged property may be made in kind whenever appropriate.

§ 17.49 Attorney's fees.

No more than 10 per centum of the amount paid in settlement of each individual claim submitted and settled under this subpart shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with that claim.

§ 17.50 Claims procedures.

(a) Applicants shall file claims in writing with the General Counsel, Department of Housing and Urban Development, Washington, D.C. 20410.

(b) Each written claim shall contain, as a minimum—

(1) Name, address, place of employment of claimant.

(2) Place and date of loss or damage.

(3) A brief statement of the facts and circumstances surrounding loss or damage.

(4) Cost, date, and place of acquisition of each piece of property lost or damaged.

(5) Two itemized repair estimates, or value estimates, whichever is applicable.

(6) Copies of police reports, if applicable.

(7) With respect to claims involving thefts or losses in quarters or other places where the property was reasonably kept, a statement as to what security precautions were taken to protect the property involved.

(8) With respect to claims involving property being used for the benefit of the Government, a statement by the employee's supervisor evidencing that the claimant was required to provide such property or that his providing it was in the interest of the Government.

(9) Other evidence as may be required by the General Counsel.

Effective date. This regulation is effective August 23, 1971.

RICHARD C. VAN DUSEN,
Acting Secretary of Housing and Urban Development.

[FR Doc.71-10530 Filed 7-23-71;8:47 am]

Title 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 54—GOLD REGULATIONS

Clarification of Restrictions on Holding or Dealing in Rare or Unusual Coins

Under the Treasury Department's Gold Regulations, there is a general prohibition on holding or dealing in gold without a license. An exception to this prohibition is made for gold coins of recognized special value to collectors of rare and unusual coins. Such coins, if minted before 1934, may be acquired because of this recognized special value to collectors of rare and unusual coin, but not for the purpose of acquiring the gold bullion contained therein. Farber v. United States, 114 F. 2d 5 (9th Cir. 1940). Thus collectors of rare and unusual gold coins and coin dealers are enabled to buy and sell these gold coins for numismatic purposes without obtaining individual licenses for specific transactions. This exception was not intended to permit nor does it permit the acquisition of gold coins for speculative rather than numismatic purposes.

In order to state explicitly the intent of the Regulations, amendments are being made under which: (1) The acquisition, holding, importation, and transportation of gold coin is limited to transactions for numismatic purposes; and (2) the trading of gold in any form on any commodity exchange within the United States is prohibited. In addition the overall intent of the Gold Regulations is made explicit by providing that trading in gold for speculative purposes is prohibited. These amendments will not limit in any way the types of transactions currently engaged in by coin collectors or licensees under present authority.

Notice and public procedure are not required because there is involved a foreign affairs function of the United States in that these amendments are important to the proper functioning of the international monetary system. Moreover, because there are involved interpretative rules rather than substantive changes, and because of the relationship of speculative trading by Americans in gold to the proper functioning of the international monetary system, it is found that notice and public procedure are impracticable, unnecessary, and contrary to the public interest.

Subpart B of Part 54 of Title 31 of the Code of Federal Regulations is hereby amended as follows:

1. Section 54.12 is amended by adding at the end thereof the following:

§ 54.12 Conditions under which gold may be acquired, held, melted, etc.

* * * Nothing contained in the regulations in this part nor in licenses issued thereunder authorizes the acquisition, sale, holding, importation, or exportation of any present or future interest, direct or indirect, in gold in any form for speculative purposes, and such actions are prohibited.

§ 54.13 [Amended]

2. Existing § 54.15 is redesignated as paragraph (a) of § 54.13.

3. Existing paragraphs (a) and (b) of § 54.13 are redesignated as paragraphs (b) and (c) of § 54.13, respectively.

4. A new § 54.15 is added to Subpart B to read as follows:

§ 54.15 Trading in gold on exchanges.

No interest, direct or indirect, legal or equitable, in gold in any form, for present or for future delivery, shall be acquired under a contract made on or subject to the rules of any exchange within the United States. The term "exchange" means any organization, association, or group of persons, whether incorporated or unincorporated, which constitutes, maintains, or provides a market place or facilities for bringing together purchasers and sellers of gold in any form and performs with respect to gold in any form the functions commonly performed by a commodity exchange as that term is generally understood.

5. Section 54.20 (a) and (d) are amended to read as follows:

§ 54.20 Rare coin.

(a) Gold coin of recognized special value to collectors of rare and unusual coin may be acquired, held and transported within the United States for numismatic purposes without the necessity of holding a license therefor. Such coin may not be acquired for the purpose of acquiring the gold bullion contained therein. Such coin may be imported only as permitted by this section or §§ 54.28 to 54.30, 54.34 or licenses issued thereunder, and may be exported only in accordance with the provisions of § 54.25.

* * * * *

(d) Gold coin made prior to 1934 may be imported for numismatic purposes without the necessity of obtaining a license therefor.

* * * * *

(Sec. 5(b), 40 Stat. 415, as amended; secs. 3, 8, 9, 11, 48 Stat. 340, 341, 342; 12 U.S.C. 95a, 31 U.S.C. 442, 733, 734, 822b; E.O. 6260, Aug. 28, 1933, as amended by E.O. 10896, E.O. 10905, E.D. 11037, 3 CFR, 1959–1963 Comp.; and E.O. 6359, Oct. 25, 1933; E.O. 9193, as amended, 3 CFR, 1938–1943 Comp.; E.O. 10289, 3 CFR, 1949–1953 Comp.)

Effective date. These amendments shall become effective on filing with the FEDERAL REGISTER.

Dated: July 22, 1971.

[SEAL] PAUL A. VOLCKER,
Under Secretary for Monetary Affairs, Treasury Department.

[FR Doc.71-10662 Filed 7-22-71;4:46 pm]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 51]

FRESH CRANBERRIES

Proposed Standards for Grades

Correction

In F.R. Doc. 71-10344 appearing at page 13396 in the issue of Wednesday, July 21, 1971, the last sentence under the column headed "From present wording" at the bottom of the third column of page 13396 should read as follows: "Cranberries which are moist from condensation such as that caused by removing cranberries from a refrigerator car or cold storage to a warmer location, shall not be considered as damaged by moisture."

[7 CFR Part 948]

[Area 3]

IRISH POTATOES GROWN IN COLORADO

Proposed Expenses and Rate of Assessment

Consideration is being given to the approval of the expenses and rate of assessment, hereinafter set forth, which were recommended by the Area Committee for Area No. 3 established pursuant to Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR Part 948).

This marketing order program regulates the handling of Irish potatoes grown in the State of Colorado and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals may file the same in quadruplicate with the Hearing Clerk, Room 112-A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 15th day after 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)).

The proposals are as follows:

§ 948.265 **Expenses and rate of assessment.**

(a) The reasonable expenses that are likely to be incurred by the Area Committee for Area No. 3 to enable such committee to perform its functions, pursuant to the provisions of Marketing Agreement No. 97, as amended, and this part, during the fiscal period ending June 30, 1972, will amount to $4,230.

(b) The rate of assessment to be paid by each handler pursuant to Marketing Agreement No. 97, as amended, and this part, shall be $0.0075 per hundredweight of potatoes grown in Area No. 3 handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending June 30, 1972, may be carried over as a reserve.

(d) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

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

Dated: July 20, 1971.

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

[FR Doc.71-10535 Filed 7-23-71;8:48 am]

[7 CFR Part 993]

DRIED PRUNES PRODUCED IN CALIFORNIA

Notice of Proposed Rule Making

Notice is hereby given of a proposal to amend § 993.162 of the administrative rules and regulations (Subpart—Administrative Rules and Regulations; 7 CFR 993.101-993.174). The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California (hereinafter collectively referred to as the "order"). The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposal was recommended by the Prune Administrative Committee.

Section 993.162 is pursuant to § 993.62 of the order and prescribes rules and procedures governing the voluntary diversion of prune plums by producers. The proposal is to amend § 993.162 so as to: Prescribe dryaway ratios—used in computing the dried prune equivalents of prune plums diverted—by varieties and by prune producing districts, instead of the current single dryaway ratio applicable to the entire area and all varieties; change the method for computation of the deposit fee which accompanies a producer's application for diversion; permit producers to modify their diversion application following approval thereof by the Prune Administrative Committee; redesignate the "nontransferable certificate of diversion" as a "report of diversion"; and provide for refund to diverters of unused diversion funds. Other changes were proposed to simplify the procedures prescribed in § 993.162.

Consideration will be given to any taining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than 7 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

1. Paragraph (a) of § 993.162 is revised to read as follows:

(a) *Quantity to be diverted.* The Committee shall indicate the quantity of prune plums that producers may divert pursuant to § 993.62 whenever it recommends to the Secretary that diversion operations for a crop year be permitted. The Committee shall compute the dried weight equivalent of prune plums so diverted on a dryaway basis in accordance with the following schedule:

(1) For prune plums of French varieties produced in the counties of Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, Siskiyou, Solano, Sonoma and Trinity, 1 pound of dried prunes for each 2.6 pounds of prune plums diverted;

(2) For prune plums of French varieties produced in the counties of Alameda, Monterey, San Benito, Santa Clara, Santa Cruz, San Francisco, and San Mateo, 1 pound of dried prunes for each 2.75 pounds of prune plums diverted;

(3) For prune plums of French varieties produced in the counties of Amador, Butte, Colusa, Contra Costa, Glenn, Sacramento, Shasta, Sutter, Tehama, Yolo, and Yuba, 1 pound of dried prunes for each 3 pounds of prune plums diverted;

(4) For prune plums of French varieties produced in the counties of Fresno, Merced, San Joaquin, San Luis Obispo, Stanislaus, Tulare, and all of the counties in the area not included in subparagraphs (1), (2), and (3) of this paragraph, 1 pound of dried prunes for each 3.25 pounds of prune plums diverted; and

(5) For prune plums of non-French varieties produced in any county in the area, 1 pound of dried prunes for each 3.50 pounds of prune plums diverted.

Whenever diversion operations for a crop year have been authorized by the Secretary, the Committee shall notify producers, dehydrators, and handlers, known to it of such authorization.

2. Paragraph (c) of § 993.162 is amended by revising subparagraphs (1) and (2) to read as follows:

(c) *Applications for diversion.*—(1) *By producers.* Each producer desiring to divert prune plums of his own production shall, prior to diversion, file with the

Committee a certified application on Form PAC 10.1 "Application for Prune Plum Diversion" containing at least the following information: (i) The name and address of the producer; whether the producer is an owner-operator, share-landlord, share-tenant, or cash tenant; and the name and address of any other person or persons sharing a proprietary interest in such prune plums; (ii) the proposed method of diversion and the location where diversion is to take place; (iii) the quantity and variety of prune plums proposed to be diverted; and (iv) the approximate period of diversion. A deposit fee shall be the greater of either $100 or the amount obtained by multiplying the quantity, in tons, of prune plums proposed to be diverted by $3.50.

(2) *By dehydrator as agent.* Any producer, or group of producers, may authorize any dehydrator to act as agent to divert harvested prune plums. Prior to diversion such dehydrator shall submit to the Committee with respect to each producer the certified application on Form PAC 10.1 "Application for Prune Plum Diversion" required by subparagraph (1) of this paragraph. A deposit fee shall accompany each application and shall be the greater of either $100 per producer who authorized the dehydrator to act as agent or the amount obtained by multiplying the quantity in tons of prune plums proposed to be diverted by $3.50: *Provided*, That with respect to any group of four or more producers that authorized the dehydrator to act as agent for the group and the dehydrator so informs the Committee, the deposit fee shall be the greater of either $200 or the amount obtained by multiplying the aggregate quantity in tons of prune plums proposed to be diverted by the group by $3.50.

3. Paragraph (d) of § 993.162 is amended by redesignating subparagraph (3) thereof as subparagraph (4) and inserting a new subparagraph (3) reading as follows:

(3) The Committee shall establish, and give prompt notice of a final date by which a producer may modify his approved application including changing the proposed method of diversion and the quantity of prune plums proposed to be diverted: *Provided*, That any change in the proposed method of diversion shall include information on the location where such diversion is to take place and shall be accompanied by a payment of $50 as a service charge, and any increase in the quantity of prune plums proposed to be diverted shall be accompanied by a payment of $4.50 per ton for such increase, of which $3.50 shall be the deposit fee and $1 shall be a service charge.

4. Paragraph (e) of § 993.162 is amended to read as follows:

(e) *Report of diversion.* (1) When diversion of prune plums has been completed, the diverter (whether producer or dehydrator as agent of a producer) shall submit the required proof of such diversion to the Committee. When the Committee concludes that diversion has been completed pursuant to the requirements of this section, it shall furnish the producer whose prune plums were diverted with a listing of the total quantity of prune plums concluded to be so diverted: *Provided*, That a producer shall be given credit for any quantity of his prune plums diverted in excess of the quantity approved by the Committee pursuant to paragraph (d) of this section but not in excess of 120 percent of such approved quantity and then only to the extent that such creditable excess is already covered by his applicable deposit fee or such fee is increased by an additional deposit to cover such excess.

(2) Upon completion of the computation of dryaway pursuant to paragraph (a) of this section applicable to the diverter's diversion of prune plums, the Committee shall issue a report of diversion to the producer whose prune plums were diverted for the total quantity, dried weight equivalent, credited for diversion setting forth the computations by which such total quantity was derived.

5. Paragraph (f) of § 993.162 is amended as follows:

a. The last sentence in subparagraph (1) thereof is revised to read: "If the Committee determines that effective administration of diversion operations requires establishment of a final date for submission of transferable certificates of diversion by producers to handlers, or a final date for return of such certificates by handlers to the Committee for crediting against their reserve obligations, or both, it shall establish such dates."

b. In subparagraph (2) and (3) thereof, references to "nontransferable certificate of diversion" are revised to "report of diversion".

c. In the second sentence of subparagraph (3) thereof, "or annexed to" is inserted immediately after "shall be entered on".

6. Paragraph (g) of § 993.162 is revised to read as follows:

(g) *Costs.* Pursuant to § 993.62(g), the costs pertaining to diversion are to be defrayed by payment of fees by the producer or cooperative marketing association to whom a diversion certificate is issued. After authorized diversion operations for a crop year are completed, the Committee shall ascertain its cost of division operations during such crop year. If the total amount represented by the deposit fees which accompanied the applications for diversion exceeds such costs, each producer, and each cooperative marketing association, entitled thereto shall receive a proportionate refund of the net amount. Such refund shall be calculated in the same proportion as the quantity of prune plums diverted by each such producer, and each such cooperative marketing association, is to the total quantity of prune plums diverted: *Provided*, That the Committee may prescribe a minimum charge to cover costs of processing each application for diversion submitted to it.

Dated: July 21, 1971.

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

[FR Doc.71-10587 Filed 7-23-71;8:52 am]

[7 CFR Part 993]

DRIED PRUNES PRODUCED IN CALIFORNIA

Salable and Reserve Percentages, Handler Reserve Obligation, and Voluntary Diversion Operations for 1971–72 Crop Year

Notice is hereby given of proposals recommended by the Prune Administrative Committee to (1) establish for the 1971–72 crop year, salable and reserve percentages for California dried prunes of 60 and 40 percent, respectively, and, in connection therewith, the required composition of each handler's reserve obligation, and (2) that diversion operations for prune plums be authorized pursuant to § 993.62 for the 1971–72 crop year. The proposals are in accordance with provisions of the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The Committee has determined that the requirement in § 993.56 as to set-aside reflecting average marketable content of receipts is not essential to achieve program objectives for the crop of the 1971–72 season, and proposed elimination of that requirement for such season. On the basis of its proposed set-aside procedures, as hereinafter described, for the 1971–72 season, the Committee found that such procedures would assure that the trade demand for manufacturing prunes, as well as prunes for consumption as prunes, will be met. Under such procedures, any handler receiving prunes from a producer or dehydrator during the 1971–72 crop year would be required to meet, but not to exceed, the reserve obligation referable to the total receipts from such producer or dehydrator with undersized prunes contained therein.

If the total quantity of undersized prunes so delivered is insufficient to meet the handler's reserve obligation, the remainder of the reserve obligation would be based on field pricing size categories other than undersized prunes comprising such receipts. If, however, such total receipts contain no undersized prunes, the handler's reserve obligation referable to such receipts would be based on the field pricing size categories comprising the receipts. With respect to all such total receipts of prunes, those prunes

which pass freely through a round opening twenty-five thirty-seconds of an inch in diameter would be designated as undersized prunes.

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 6 days after 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 official hours of business (7 CFR 1.27(b)).

The proposed percentages are based on the following estimates:

Item	Tons of dried prunes: Natural condition	Tons of dried prunes: Processed
1. Domestic trade demand		110,000
2. Foreign trade demand		35,000
3. Desirable carryover, July 31, 1972		25,000
4. Total trade requirements		170,000
(a) Less estimated other natural		1,000
5. Adjusted trade requirements		169,000
6. Carryover, July 31, 1971		56,500
7. Trade demand for 1971 crop (Item 5 minus Item 6)	109,223	112,500
8. 1971 production	185,000	
9. Total apparent reserve (Item 8 minus Item 7)	75,777	
(a) Desirable reserve	20,000	
(b) Undersized prunes (reserve)	20,000	
(c) Prune plums diversion objective	35,800	

Item	Percent
10. Salable percentage (Item 7 divided by Item 8)	59
11. Reserve percentage (100 percent minus Item 10)	41
12. Adjustment:	
(a) Salable percentage (59 percent plus 1 percent)	60
(b) Reserve percentage (41 percent minus 1 percent)	40

The proposed percentages and handler reserve obligation are as follows:

§ 993.207 Salable and reserve percentages for prunes and handler reserve obligation for the 1971–72 crop year.

(a) *Percentage.* The salable and reserve percentages for the 1971–72 crop year shall be 60 percent and 40 percent, respectively.

(b) *Reserve obligation.* The reserve obligation of each handler shall, in accordance with § 993.56, be a weight of natural condition prunes equal to the sum of the results of applying the reserve percentage to the natural condition weight of each lot of prunes received by him from producers and dehydrators, excluding the weight obligation of § 993.49 (c), plus that diverted tonnage on diversion certificates credited to or held by the handler that were issued by the Committee in accordance with § 993.162. With respect to the reserve obligation incurred by the handler in connection with such receipt of prunes from a producer or dehydrator the handler shall hold the quantity of undersized prunes received from such producer or dehydrator necessary to meet the applicable reserve obligation referable to the total receipts from such producer or dehydrator. In the event the quantity of undersized prunes is insufficient to meet the applicable reserve obligation, or the handler has not received any undersized prunes from a producer or dehydrator, the remainder of the reserve obligation applicable to any such receipts of prunes which do not contain sufficient undersized prunes, and the reserve obligation applicable to any such receipts of prunes which do not contain any undersized prunes, shall be comprised of natural condition prunes, by variety and standard or substandard grade, and shall be consistent with the receipt by field pricing size categories other than undersized prunes: *Provided*, That a handler's reserve obligation with respect to all prunes received from producers and dehydrators shall be the weighted average size count of prunes exclusive of undersized prunes in all such lots within each such category, as computed from inspection analysis.

(c) *Field pricing size categories.* Undersized prunes, and other field pricing size categories by variety and grade expressed in minimum and maximum numbers of prunes per pound for each, are as follows:

Undersized prunes—Prunes which pass freely through a round opening twenty-five thirty-seconds of an inch in diameter;

Standard French prunes—33 or less, 34/50, 51/60, 61/70, 71/81, 82/101, 102/111, 112/121, and 122 or more;

Substandard French prunes—70 or less, 71/101, and 102 or more;

Standard non-French prunes (except Robe de Sargent)—24 or less, 25/29, 30/33, 34/50, and 51 or more;

Substandard non-French prunes (except Robe de Sargent)—51 or less, and 52 or more;

Standard Robe de Sargent—33 or less, 34/50, 51/60, and 61 or more; and

Substandard Robe de Sargent—61 or less, and 62 or more.

Dated: July 21, 1971.

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

[FR Doc.71-10588 Filed 7-23-71;8:52 am]

DEPARTMENT OF LABOR

Office of the Secretary

[41 CFR Part 50–250]

MANDATORY LISTING OF JOB VACANCIES WITH FEDERAL-STATE EMPLOYMENT SERVICE SYSTEM

Notice of Proposed Rule Making

Executive Order No. 11598 (36 F.R. 11711), promulgated by the President on June 16, 1971, stated that:

Large numbers of veterans are now leaving the Nation's armed forces, and many of them have been encountering severe difficulties in making the transition to civilian life—in particular, many have found it difficult to locate and secure a job.

The Nation owes these veterans not only its deepest thanks for their sacrifice and their service, but also its assistance in their efforts to resume normal civilian activities.

In order to provide such assistance, the Federal Government has established a policy of helping veterans obtain employment, including the provision of special programs of job counseling and placement. It also is the policy of the Federal Government to require that veterans be given a preference in job referrals through the employment service system.

It would facilitate the employing of returning veterans—and thereby further the Federal policy of aiding their transition to civilian life—to require that Federal agencies and Federal contractors and their subcontractors list certain employment openings with the employment service system.

The Order directed, among other things, that certain Government contracts contain assurances that the contractor's suitable employment openings be listed with the appropriate offices of the State employment service system, directed the Secretary of Labor to issue rules and regulations, and directed that necessary implementing amendments or additions to procurement rules and regulations be issued by appropriate departments and agencies in consultation with the Secretary of Labor.

Pursuant to the aforementioned authority, it is proposed that a new Part 50–250 be added to Title 41 of the Code of Federal Regulations.

Interested persons may submit written statements, data, views, or argument in regard to any or all of the policies or procedures contained in this proposal by mailing them to the Secretary of Labor, U.S. Department of Labor, 14th and Constitution Avenue NW., Washington, DC 20210, within 30 days after this notice is published in the FEDERAL REGISTER.

The proposed 41 CFR Part 50–250 reads as follows:

PART 50–250—MANDATORY LISTING OF JOB VACANCIES WITH THE FEDERAL-STATE EMPLOYMENT SERVICE SYSTEM

Sec.

AUTHORITY: The provisions of this Part 50–250 are issued under Executive Order No. 11598, 36 F.R. 11711.

§ 50–250.1 Purpose and scope.

This part contains the Department of Labor's rules and regulations relating to the implementation of Executive Order No. 11598.

§ 50–250.2 Federal departments and agencies.

Federal executive departments and agencies, in order to implement the policy of assistance to veterans in obtaining employment shall list all of their suitable employment openings with the appropriate office of the Federal-State Employment Service. They shall also furnish to the Secretary of Labor such reports and information as he may require in carrying out his responsibilities under Executive Order No. 11598.

§ 50.250.3 Required clause in Federal contracts and subcontracts.

(a) Except as hereinafter provided, in every contract made and entered into by an executive department, independent establishment, or other agency or instrumentality of the United States, or by any corporation all the stock of which is beneficially owned by the United States, the contracting officer shall cause to be inserted in the invitation or the specifications and in such contract, the following clause:

CONTRACTOR AND SUBCONTRACTOR LISTING REQUIREMENT

(1) The contractor agrees that all employment openings of the contractor which exist at the time of the execution of this contract and those which occur during the performance of this contract, including those not generated by the contract and including those occurring at an establishment of the contractor other than the one wherein the contract is being performed but excluding those of independently operated corporate affiliates, shall, to the maximum extent feasible, be offered for a listing at an appropriate local office of the State employment service system wherein the opening occurs and to provide such periodic reports to such local office regarding employment openings and hires as may be required: *Provided*, That this provision shall not apply to openings which the contractor fills from within the contractor's organization and that the listing of employment openings shall involve only the normal obligations which attach to the placing of job orders.

(2) The contractor agrees further to place the above provision in any subcontract directly under this contract.

(b) Federal executive departments and agencies may, with the prior approval of the Secretary of Labor, where necessary or appropriate, substitute a contract clause different from that prescribed in paragraph (a) of this section so long as such substitute clause is found by the Secretary of Labor to comply with section 2 of Executive Order No. 11598.

§ 50–250.4 Definitions.

As used in this part:

(a) "All employment openings" includes, but is not limited to, openings which occur in the following job categories: production and nonproduction; plant and office; laborers and mechanics; supervisory and nonsupervisory; professional and technical; and executive except those executives (1) who are compensated on a salary basis of not less than $500 per week and (2) whose sole duty consists of the management of the enterprise or recognized subdivision thereof including the direction of the work of other employees, the authority to hire and fire other employees, and the exercise of discretionary powers.

(b) "Appropriate office of the State employment service system" means any local office of the Federal-State national system of public employment offices operated by the State wherein the employment opening occurs, including the District of Columbia, Guam, Puerto Rico, and the Virgin Islands.

(c) "Openings which a contractor or subcontractor proposes to fill from within his own organization" means an employment opening for which no consideration will be given to persons outside of the contractor's organization (including any affiliates, subsidiaries, and parent companies) and includes any openings which the contractor or subcontractor proposes to fill from a regularly established "recall" or "rehire" list.

§ 50–250.5 Exclusions.

(a) The provisions of this part shall not apply to openings which a contractor or subcontractor proposes to fill from within his own organization.

(b) The contract clause required by § 50–250.3 is not required in any contract or subcontract which is for an amount less than $10,000 or which will generate less than 400 man-days of employment within the contractor's or subcontractor's organization, each man-day consisting of any day during which an employee performs more than 1 hour of work.

(c) Under the most compelling circumstances, such as situations where the needs of the Government cannot reasonably be otherwise supplied, a deviation from the provisions of this part may be made, subject to the approval of the Secretary of Labor. Requests for any such deviations shall be addressed to the Secretary of Labor, U.S. Department of Labor, 14th and Constitution Avenue NW., Washington, DC 20210, and shall set forth the reasons for the request and any alternative course which the contracting agency proposes to follow.

(d) These provisions do not apply to the listing of employment openings which occur outside of the 50 States, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands.

(e) Nothing in these provisions shall be construed in any way so as to impair bona fide Collective-Bargaining agreements.

§ 50–250.6 Infeasibility of listing.

Executive Order No. 11598 requires Government contractors and subcontractors to list all of their suitable employment openings to the maximum extent feasible. Feasibility, in this regard, shall be taken to mean that it is reasonably possible for the listings to be made. An example of an infeasible listing is where the listing of the employment opening would be contrary to national security.

§ 50–250.7 Obligations attached to listings.

Listing of employment openings with the Employment Service system pursuant to the provisions of this part shall involve only the normal obligations which attach to the placing of job order and does not require the hiring of any job applicant referred by the Employment Service system.

§ 50–250.8 Records and reports.

(a) Contractors and subcontractors shall file periodic reports, at least monthly, with the appropriate office of the State employment service system which shall indicate the number of employment openings which existed during the reporting period, the number that were filled, and the number of veterans which were hired.

(b) Contractors and subcontractors shall maintain copies of such reports for one year.

§ 50–250.9 Obligations of executive departments and agencies.

(e) Executive departments and agencies shall issue amendments or additions to their procurement rules and regulations as may be necessary to conform those rules and regulations to the requirements of Executive Order No. 11598 and these regulations. Such amendments or additions shall be issued in consultation with the Secretary of Labor. Requests for consultation may be made to the Assistant Secretary for Manpower, U.S. Department of Labor, Washington, D.C. 20210.

(b) Executive departments and agencies shall treat as a breach of contract any refusal by a contractor or subcontractor to comply with the requirements of this part.

§ 50–250.10 Effective date.

The provisions for contractor and subcontractor listings of suitable employment openings shall be effective as to solicitation for bids issued and to unsolicited proposals received after the effective date of this part, contracts and subcontracts entered into pursuant to such bids and proposals and such modifications, amendments, and supplemental agreements to existing contracts which are in the nature of new procurements and entered into subsequent to the effective date of this part.

Signed in Washington, D.C., this 22d of July 1971.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.71–10682 Filed 7–23–71;9:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

SAFE USE OF GLYCINE IN FOOD FOR HUMAN CONSUMPTION

Proposed Provisional Food Additive Regulation

By promulgating § 121.12 *Glycine in food for human consumption; statement*

of policy (21 CFR 121.12) in the FEDERAL REGISTER of May 13, 1970 (35 F.R. 7414), the Food and Drug Administration rescinded all trade correspondence it had issued expressing the opinion that glycine is generally recognized as safe for certain technical effects in food for humans and provided 180 days for manufacturers to reformulate such food products either to eliminate added glycine and its salts or to bring the products into compliance with an authorizing food additive regulation. Section 121.12 (b) was revised December 4, 1970 (35 F.R. 18458), to extend such time to May 8, 1971.

In response to § 121.12, a number of firms have filed food additive petitions proposing issuance of regulations to provide for the safe use of glycine in food.

The Commissioner of Food and Drugs, having evaluated the data submitted in said petitions and other relevant material, concludes that a provisional food additive regulation should be proposed that would provide for the safe use of glycine in food pending development of additional data on its use. The Commissioner also concludes that the provisional tolerances proposed below would protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that a new section be added to Part 121, Subpart H, as follows:

§ 121.4002 Glycine.

The food additive glycine may be safely used in food in accordance with the following prescribed conditions:

(a) The additive complies with the specifications prescribed in the "Food Chemicals Codex."

(b) The additive is used or intended for use as follows:

Uses	*Limitations*
As a masking agent for the bitter aftertaste of saccharin in carbonated, artificially sweetened beverages.	Not to exceed 0.2 percent of the finished product.
As a flavor agent in butterscotch and toffee flavorings employed in the manufacture of frosting mixes.	Not to exceed 0.9 percent of the flavorings.
As a stabilizer in mono- and diglycerides prepared by the glycerolysis of edible fats or oils.	Not to exceed 0.02 percent of the mono- and diglycerides.

(c) This provisional regulation and the uses and tolerances it authorizes shall be effective only for 180 days after its date of promulgation in the FEDERAL REGISTER, unless revised to indicate otherwise.

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

Dated: July 19, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-10540 Filed 7-23-71;8:48 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-WA-25]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Abbotsford, British Columbia, Canada, control zone.

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

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

The airspace proposal contained in this docket would alter the Abbotsford control zone to read as follows:

That airspace bounded on the north by lat. 49°05'15" N., on the east by long. 122°15'40" W., on the south by lat. 48°57'30" N., and on the west by long. 122°33'45" W., excluding the portion outside the United States.

The Ministry of Transport of Canada recently reorganized the airspace in the Fraser River Valley. Abbotsford is in the airspace involved. The proposed control zone alteration would provide controlled airspace for aircraft making approaches to the Abbotsford Airport and making procedure turns to the Bellingham, Wash., Airport.

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

Issued in Washington, D.C., on July 19, 1971.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-10526 Filed 7-23-71;8:47 am]

[14 CFR Part 73]

[Airspace Docket No. 71-SO-14]

RESTRICTED AREA

Proposed Alteration

The Federal Aviation Administration (FAA) is considering amendments to Part 73 of the Federal Aviation Regulations that would alter the designated altitudes of Subareas A, B, C, D, E, F, G, H, and J of Restricted Area R-5314, Dare County, N.C.

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 amendments. The proposals 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.

Restricted Area R-5314 at Dare County, N.C., is subdivided into nine subareas; each subarea is identified by a letter; the designated altitude of each area was established to accommodate the type of activity conducted in that portion of the restricted area. Because of changes in tactics and weapons systems, the altitudes are required to be modified.

If the proposals contained in this proposal are adopted, the designated altitudes of R-5314 of the following subareas would be amended as follows:

1. Subarea A—Surface to FL-205.
2. Subarea B—500 feet above the surface to FL-205.
3. Subarea C—500 feet above the surface to FL-205.
4. Subarea D—Surface to FL-205.
5. Subarea E—Surface to FL-205.
6. Subarea F—500 feet above the surface to FL-205.

7. Subarea G—200 feet above the surface to 15,000 feet MSL.

8. Subarea H—500 feet above the surface to 10,000 feet MSL.

9. Subarea J—1,000 feet above the surface to 6,000 feet MSL.

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

Issued in Washington, D.C., on July 19, 1971.

T. McCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-10525 Filed 7-23-71;8:47 am]

Hazardous Materials Regulations Board

[49 CFR Parts 170–189]

[Docket No. HM-70]

TRANSPORTATION OF HAZARDOUS MATERIALS

Hydrogen Sulfide Gas in Cargo Tank Trucks and Tank Cars; Notice of Board Action

On December 12, 1970, the Hazardous Materials Regulations Board published a notice of proposed action, Docket No. HM-70 (35 F.R. 18919), with respect to the transportation of hydrogen sulfide gas in cargo tank trucks and tank cars.

In that notice, the Board expressed its view that the tank trucks and tank cars authorized by DOT special permits for bulk shipment of hydrogen sulfide did not provide a margin of transportation safety equivalent to the container which is prescribed by the regulations for that commodity, viz, the DOT Specification 106A800X tank. Based upon this view, the Board proposed rescission of those special permits and requested public comment on the proposal, including a specific request for alternative methods by which to ship bulk quantities of hydrogen sulfide.

Many comments were received on the proposal and two meetings were held with the permit holders and other interested persons. All comments and a summary of the meetings are available for inspection and copying in the public files of the Secretary of the Hazardous Materials Regulations Board.

The Board has concluded, on the basis of the comments received and technical reevaluation of the containers in question, that the permits for shipment of hydrogen sulfide in the DOT Specification 105A600W tank car should be continued as originally written, and that the permits for shipment of the gas in DOT Specification MC 331 tank trucks may be continued with significant revision of the provisions of those permits. The authorization for use of MC 330 tank trucks will be terminated October 1, 1971. The bases for the Board's conclusions follow:

The 105A600W tank car actually in use under permit, while basically conforming to the DOT specifications for that car, exceeds the requirements of that specification in several respects. It is constructed to an Association of American Railroads' standard especially designed for hydrogen sulfide. In addition, the car actually in use has a minimum tank shell thickness of 1⅛ inches, which is thicker than the AAR specification. Other factors required by the AAR hydrogen sulfide car specification and considered by the Board to be particularly significant are the insulation of the car, the controlled hardness of the steel used in the tank, the two semiannual and then annual visual inspections of the inside of the tank, the good low-temperature impact properties of the tank material, and the quality control exercised during construction of the tank.

To elaborate, the Board believes that insulation of the tank shell provides a safeguard against heat transfer to the tank in an accident situation. This aids in keeping the commodity at a temperature low enough to preclude or significantly delay undesired relief valve venting or possible tank rupture due to increased vapor pressure, as could occur in an unprotected, uninsulated tank exposed to intense heat. The hardness of the steel of the shell is carefully controlled in construction of the tank in order to provide ductility and to avoid the phenomenon of hydrogen embrittlement, more frequently encountered in harder steels. All tank steel is normalized, and the tank is subjected to postweld heat treating to assure evenness of the stresses present in the steel. More frequent inspections of the interior of the completed tank are required in order to detect any impairment of the integrity of the tank. Quality control during construction of the tank requires that all specimens tested meet the standard of the specification and not just the average of those tested, as is usually the case. The puncture resistance of the tank is enhanced by the insulation, the increased tank shell thickness, and the excellent impact-resistance properties of the tank material. The Department is unaware of any instance of puncture of the DOT Specification 105A600W tank car, and no failure of these specially built cars has occurred, despite exposure to an accident environment.

The DOT Specification MC 331 tank trucks presently used in hydrogen sulfide service also have a greater tank thickness than required by the specification and consequently have a higher design pressure, 500 p.s.i. versus 460 p.s.i. required by the specification. This gives a test pressure comparable to that of the DOT Specification 106A800X tank. Like the tank car, only normalized steel is used in the cargo tank and the tank is subjected to postweld heat treatment. A hydrogen probe is installed to detect conditions that would lead to hydrogen embrittlement of the tank steel.

The MC 331 cargo tanks already authorized are being continued in use, but must be retrofitted with insulation comparable to the tank car by January 1, 1973. In addition, the permits have been revised to include the following new immediate requirements:

1. Insulation on all new tanks.
2. Two drivers on each trip.
3. Vehicles must be equipped with a self-contained breathing apparatus for each driver.
4. Compliance with revised Part 397 of the Motor Carrier Safety Regulations (36 F.R. 4874 and 9780), as that part pertains to the transportation of Class A explosives. This includes requirements relating, among other things, to attendance and surveillance of motor vehicles, parking locations, selection of routes, periodic tire inspection, and the documents and instructions to be given to the drivers.
5. A speed limit of 55 m.p.h. or that posted, whichever is lower.

The Board is of the opinion that these additional requirements will serve to provide the public with a margin of safety comparable to that of the tank car and the Specification 106A800X tank.

The tank wall thickness of the two Specification MC 330 cargo tanks authorized under special permits is the minimum prescribed by that tank specification for the pressure involved. In addition, new construction of cargo tanks under this specification is no longer authorized. It is the Board's position that these tanks would present an unacceptable hazard potential over a long period of time. Therefore, these MC 330 cargo tanks will be taken out of hydrogen sulfide service after October 1, 1971.

One commenter supported the proposed rescission of the special permits, noting as did the Board that hydrogen sulfide is a commodity of extreme hazard, and that great danger would be involved in the unintentional release of a bulk quantity of the gas. After weighing this aspect of the proposal with particular care, giving full consideration to the actual hazard potential, the Board has concluded, in this instance, that the greater number of smaller containers that would be necessary to move the same volume of hydrogen sulfide would provide a greater hazard to the public than a lesser number of carefully controlled bulk shipments in these specially designed cargo tank trucks and tank cars. With bulk shipments, the number of containers exposed to the environment and to the public is less, the number of loading-unloading operations which are so frequently dangerous is less, the number of valves which could leak is less, and the likelihood of accident of abuse leading to a failure of the container is less because there are fewer individual containers involved. Thus, given the need to move hydrogen sulfide in interstate commerce, the Board is continuing authorization to ship it under the controlled conditions of special permits.

This action is taken under the authority of 18 U.S.C. 831–835 and section 9 of

the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C., on July 20, 1971.

MAC E. ROGERS,
Board Member, for the Federal Railroad Administration.

ROBERT A. KAYE,
Board Member, for the Federal Highway Administration.

[FR Doc.71-10583 Filed 7-23-71;8:52 am]

[49 CFR Parts 171, 172, 173]

[Docket No. HM-8; Notice 71-13]

TRANSPORTATION OF HAZARDOUS MATERIALS

Classification and Labeling of Hazardous Materials; Notice of Extension of Time To File Comments

On May 25, 1971, the Hazardous Materials Regulations Board published Docket No. HM-8; Notice No. 71-13 (36 F.R. 9449), Classification and Labeling of Hazardous Materials. In response to a petition filed in accordance with 49 CFR 170.25, the Board has extended the period for comments on this notice of proposed rule making from August 31, 1971 to November 1, 1971.

This extension is made under the authority of sections 831-835 of title 18, United States Code, and section 9 of the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C., on July 21, 1971.

ALAN I. ROBERTS,
Secretary, Hazardous Materials Regulations Board.

[FR Doc.71-10581 Filed 7-23-71;8:51 am]

[49 CFR Parts 173, 178]

[Docket No. HM-74; Notice 71-16]

TRANSPORTATION OF HAZARDOUS MATERIALS

Cylinders Manufactured Outside United States; Notice of Extension of Time To File Comments

On June 10, 1971, the Hazardous Materials Regulations Board published Docket No. HM-74; Notice No. 71-16 (36 F.R. 11224), Cylinders Manufactured Outside the United States. In response to a petition filed in accordance with 49 CFR 170.25, the Board has extended the period for comments on this notice of proposed rule making from September 14, 1971, to November 1, 1971.

This extension is made under the authority of sections 831-835 of title 18, United States Code, and section 9 of the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C., on July 21, 1971.

ALAN I. ROBERTS,
Secretary, Hazardous Materials Regulations Board.

[FR Doc.71-10582 Filed 7-23-71;8:52 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 1, 15]

[Docket No. 19281; FCC 71-725]

ELECTRONIC VIDEO RECORDERS

Notice of Proposed Rule Making

In the matter of amendment of Part 15 of the Commission's rules to regulate the operation of a Class I TV device—a new restricted radiation device which produces an RF carrier modulated by a TV signal, and amendment of Part 1 to provide a fee schedule for type approval of such devices, Docket No. 19281, RM-1610.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has received a petition [1] from Motorola, Inc., requesting amendment of Part 15 of the rules, to provide rules governing the operation of a device it proposes to manufacture and sell. The device in question is an Electronic Video Recorder (EVR) which was developed by CBS Laboratories and which Motorola is licensed to manufacture. Initially the EVR will be promoted in the industrial and educational markets; ultimately to the general consumer for use in the home.

3. As described by Motorola, the EVR is a device which converts audio and visual signals stored on black-and-white photographic film into a modulated radiofrequency signal on a standard TV channel which is unassigned in a particular geographical area. By directly connecting the EVR player to the antenna terminals of a standard home television receiver and tuning the receiver to the selected channel, the receiver would then reproduce the television material stored on the EVR film. The Motorola device is capable of delivering either monochrome or color television signals.

4. While the Motorola petition is concerned with only that EVR device which Motorola plans to market, the Commission is aware of a number of similar devices in this field, all of which are designed to provide, when used with a standard television receiver, a television reproduction facility. The Commission is aware of more than a dozen of similar nature which are in various stages of development.[2] Some use photographic film, some use magnetic tape or magnetic dics; obviously a wide variety of proprietary recording techniques is involved. Additionally, relatively inexpensive television cameras have made their appearance in trade channels. Although many are designed for closed circuit television operations with the camera output video signal fed to a special monitor, others include provision for an RF output typically on a selected VHF television channel. When operated near or connected to a standard television receiver, pictures of medium to excellent quality may be reproduced. It is apparent that these devices require attention by the Commission as they present a potential for harmful interference.

5. In its petition, Motorola identified its device as a "restricted radiation device" within the definition of § 15.4(d) of the Commission's rules but finds that the radiation from its device cannot be contained practicably within the limits prescribed for such restricted radiation devices (§ 15.7).[3] Noting that the EVR player ordinarily would be connected to a standard television receiver and that the oscillator radiation limit (§ 15.63) applicable to television receivers is considerably less restrictive, Motorola requests that the Commission consider that the oscillator radiation limit be made applicable to EVR players. Motorola submits that the electromagnetic radiation generated by the EVR device is "virtually identical" to that generated by the television (receiver) with which it is used.

6. The television oscillator radiation, to which the limits of §15.63 apply, is an unmodulated RF carrier—a discrete frequency signal, which, for receivers tuned to VHF channels, generally falls outside of any television channel. The radiation from the Motorola EVR player, however, is of necessity, a modulated signal—an RF carrier modulated by the video and audio information being transmitted. Tests made by the Commission's Laboratory upon a sample EVR player supplied by Motorola indicate that this signal consists of a broad band of emanations appearing not only in the desired output channel but also in adjacent VHF channels and extending up into the UHF spectrum. Consequently, the potential for harmful interference to neighboring television receivers cannot be ignored and technical standards for such devices which are considerably more restrictive than those permissible for oscillator radiation seem to be necessary.

7. Radiofrequency devices may be used with home television receivers in three basic ways:

a. They may be designed to deliver video and sound signals directly into the video and sound amplifiers within the TV receiver.

b. They may be designed to deliver a modulated RF output into a standard television channel via a closed conductive path which is directly connected to the antenna terminals of a TV receiver.

c. They may be designed to radiate on a standard television channel a modulated RF signal of low power which may then be received in the customary manner by a TV receiver.

8. The method of paragraph 7(a) is most desirable from the standpoint of minimizing interference. It suffers, however, from the disadvantage of requiring

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[1] RM-1610 filed Apr. 27, 1970.

[2] *Television Digest*, Vol. 10, No. 41, Oct. 12, 1970, Comparative Table of Cartridge Videoplayer & Recorder Systems lists 13 systems currently being developed by various manufacturers.

[3] On Nov. 24, 1970, Motorola advised the Commission that it had made changes in the EVR and that, as modified, the EVR does comply with the field strength limit in § 15.7.

that modifications be made within the receiver unless the receiver already has suitable input jacks for the video and sound signals. This is objectionable to the home viewer and to the manufacturer of the EVR or similar television device.

9. The method of paragraph 7(b) is that which Motorola and other manufacturers of similar devices plan to use. It requires no more than a relatively simple connection, such as a short length of "twin-lead" or coaxial cable, between the television device and the readily accessible antenna terminals of the TV receiver. As planned by Motorola and other manufacturers, the antenna regularly used with the television receiver would be connected to antenna terminals on their devices which, in turn, would be connected to the antenna terminals of the receiver by a cable. A switch would be provided permitting the home viewer to select either the external receiving antenna or the devices output, as desired. The method of paragraph 7(b) involves a considerable potential for causing interference to neighboring television receivers.

10. Method 7(c) involves no connections at all between the RF device and the television receiver. The output of the device is connected to a suitable antenna, radiating a television signal on a channel regularly allocated for television broadcasting (presumably one not in use in the immediate area). The signal is picked up by the receiver exactly like any other television broadcast. In this mode of operation, the device may not be classified as a "closed circuit" device, but must be considered a "low power communications device" subject to the requirements and limitations of Part 15, Subpart E, of the Commission's rules. Although the method appears to be attractively simple, the potential for interference and spectrum pollution is even more serious than with method 7(b). Recently there have appeared on the market television cameras which make use of a radiated signal as in method 7(c).

11. In promulgating the Rules proposed in this proceeding, the Commission has no desire to impede the development of useful television devices. It sees obvious values in devices which can provide new sources of information and education for the home or can facilitate business and industrial operations. It sees a beneficial utility in television cameras which may be coupled with standard TV receivers for a myriad of special purposes in industry, in governmental operations, in schools, and in the home. However, the benefits promised by these devices must be balanced against the impact that uncontrolled use of the radio spectrum would have upon the utility of these devices themselves, as well as upon existing users of the spectrum. Accordingly, rules are proposed herein which would place an upper limit on the amount of radio frequency radiation permissible from Class I TV devices[*] used in conjunction with television receivers. It is intended that the limit will permit the reproduction of a picture of good quality when the device is directly connected to a television receiver of average characteristics. It is intended that the limit will be sufficiently low that the interference potential of the Class I TV device coupled with the TV receiver is confined to an area within a few feet of either unit. Except in unusual circumstances such a radiation limit will prevent the effective use of method 7(c). The use of method 7(a), of course, will always be available to any manufacturer who finds that the radiation limit restricts his design performance goals.

12. The Commission's concern regarding the interference potential of these types of devices stems from a view that the demand for and usage of video recorders/reproducers and cameras are soon to be widespread. These devices will be installed and operated by persons whose skills and training are not in electronics and who may have little understanding of the radio environment they may disrupt. Most obvious of course, is the hazard they represent to direct reception of television programs and other radio services. The Commission also recognizes that Class I TV devices may be used in homes served by CATV systems, or in apartments served by MATV (master antenna) systems. In these cases, an improper installation might allow signals to be fed back into the system where harmful interference could be caused to a multitude of subscribers along the cable.

13. The interference control proposed will be approached by adopting new rules including technical specifications covering the operation of Class I TV devices. These proposed new rules are set forth below. The rules specifically applicable to devices such as the Motorola video player and to television cameras incorporating RF output are contained in the proposed new section 15.405. These proposed technical standards would limit the power output available from the device and would also place limits on permissible radiation from the device. Additionally, the Commisssion proposes to require that such devices be type approved before their introduction into channels of commerce.

14. Authority for the adoption of the rules herein proposed is contained in sections 4(i), 302, and 303(r) of the Communications Act of 1934, as amended.

15. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before August 25, 1971, and reply comments on or before September 6, 1971. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision on the rules which are proposed herein, the Commission also may take into account other relevant information before it, in addition to specific comments invited by this notice.

16. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments shall be furnished to the Commission. Responses will be available for public inspection during regular business hours in the Commission's Broadcast and Docket Reference Room at its headquarters in Washington, D.C.

Adopted: July 14, 1971.

Released: July 16, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[*]
[SEAL] BEN F. WAPLE,
Secretary.

Parts 1 and 15 are amended as follows:

1. Section 1.1120 of Part 1 is amended by adding a new item 1(c)(3) in the fee schedule under Type Approval to read as follows:

§ 1.1120 Schedule of fees for equipment approval, acceptance, or certification.

* * * * *

Type approval	Filing fee	Grant fee
1. * * *	* * *	* * *
(c) Part 15 * * *	* * *	* * *
(3) Class I TV device.....	$50	$250

2. Section 15.4 is amended by the addition of the following definition:

§ 15.4 General definitions.

* * * * *

(j) *Class I TV Device.* A type of restricted radiation device that produces a radiofrequency carrier modulated by a television signal.

NOTE: Class I TV devices may include, but are not limited to: video recorders and cameras, character generators, TV modulators.

3. Section 15.7 is amended by changing the appended note to read as follows:

§ 15.7 General requirements for restricted radiation devices.

* * * * *

NOTE: Radio receivers, community antenna television systems, Class I TV devices, and low-power communication devices are regulated elsewhere in Part 15 and are not regulated by this section.

4. A new Subpart G is added to Part 15, to read as follows:

[*] A Class I TV device is proposed to be defined as a restricted radiation device that produces an RF carrier modulated by a television signal. See § 15.4(j) of the proposed rules set forth below.

[*] Commissioners Robert E. Lee and Wells absent.

Subpart G—Class I TV Devices

§ 15.401 Conditions of operation.

(a) A Class I Television device may transmit its output signal to a receiving device by means of radiation providing its operation at all times complies with the regulations in Subpart E of this part.

(b) A Class I Television device may transmit its output signal to a receiving device by means of a direct connection (either wires or coaxial cable) providing its operation at all times complies with the regulation of this subpart.

§ 15.403 Interference from a Class I TV device.

(a) Operation of a Class I TV device is subject to the general conditions of operation set forth in § 15.3.

(b) The operator of a Class I TV device who is advised by the Commission that his device is causing harmful interference shall promptly stop operating the device and shall not resume its operation until the condition causing the harmful intereference has been eliminated.

§ 15.405 Technical specifications.

(a) A Class I TV device shall operate on a channel allocated for television broadcasting.

(b) A Class I TV device which provides a desired output on two or more television channels simultaneously shall be provided with separate terminals for each channel output.

(c) The RMS value of the signal voltage at any output terminal measured during maximum amplitude peaks across a resistance, R, ohms, matching the rated output impedance of the device shall not exceed $115.6\sqrt{R}$ microvolts.

NOTE: If R=300 ohms, the maximum RMS output voltage is 2000 μV. If R=75 ohms, the maximum RMS output voltage is 1000 μV.

(d) The field strength of any electromagnetic energy radiated from a Class I TV device (from the cabinet, control circuits, and power leads) shall not exceed 15 microvolts per meter at a distance of $\lambda/2\pi$. The distance $\lambda/2\pi$ is equal to 157 divided by the frequency in megahertz.

(e) The RF voltage measured between each powerline and ground across a 50 ohm line network at the power terminals of the device shall not exceed 100 μV at any frequency between 450 kHz and 25 MHz, inclusive.

(f) At any output terminal, the peak power of any emission appearing on frequencies removed from the desired output channel by more than 3 MHz shall be attenuated below the peak power of the visual signal by no less than 30 decibels, measured with a matched termination.

§ 15.407 Type approval.[4]

(a) A Class I TV device shall be type approved pursuant to the procedures set out in Subpart F of Part 2 of this chapter.

(b) The manufacturer shall furnish the following information with his application for type approval:

(1) A statement detailing the technical specifications of the device.

(2) A statement concerning the number of units proposed to be manufactured.

(3) Two copies each of a circuit diagram and instruction manual.

(c) To receive type approval, a Class I TV device must meet the following requirements:

(1) The device must comply with applicable technical standards.

(2) The design and construction of the equipment must give reasonable assurance of compliance with the applicable technical standards for at least 5 years under operation and with average maintenance.

(3) The device must be so constructed that the adjustment of any control accessible to the user will not cause operation in violation of the applicable technical standards.

§ 15.409 Certification.

(a) If the device includes a tuner as part of its design, the tuner will require certification pursuant to procedures set out in Subpart C of this Part 15.

§ 15.411 Identification of a Class I TV device.

The Commission will assign a type approval number to each Class I TV device which has been type approved. The type approval number and the following statement shall be permanently inscribed upon or permanently attached to each production unit as follows:

FCC Type Approval No. ------

Valid only when operated pursuant to FCC Rules, Part 15.

[FR Doc.71-10550 Filed 7-23-71;8:49 am]

[4] These rules will be conformed to the new procedural rules currently being formulated.

[47 CFR Part 73]

[Docket No. 18110; FCC 71-740]

CROSS-OWNERSHIP OF BROADCAST STATIONS AND NEWSPAPERS IN THE SAME MARKET

Acceptance of Certain Material as Reply Comments

JULY 15, 1971.

Reply comments of all parties in Docket No. 18110 are due not later than August 18, 1971. On July 2, 1971, the National Association of Broadcasters (NAB) filed with the Commission a document entitled "Broadcast Stations and Newspapers: The Problem of Information Control: A Content Analysis of Local News Presentations," which it has designated as "NAB Exhibit E" in Docket No. 18110. NAB states that the document is being submitted as part of its "case in rebuttal." In other words, it is being submitted as a reply comment.

Although the NAB filing is in small part responsive to some parts of comments previously submitted in this proceeding, and may thus technically be viewed as a reply comment, an examination of its contents shows that to a considerable degree it partakes of the nature of an initial comment as well.

In view of the foregoing, and since this is a general proceeding in which all pertinent information will be considered, the NAB material is being accepted as reply comments herein. However, parties intending to file reply comments in this proceeding are hereby informed that their reply comments may be directed not only at any initial comments that have been filed in this docket, but also at the aforementioned reply comments of NAB, even though ordinarily reply comments are not directed at arguments raised in other reply comments.

Action by the Commission July 14, 1971.[1]

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-10549 Filed 7-23-71;8:49 am]

RENEGOTIATION BOARD

[32 CFR Parts 1451, 1452, 1453, 1459, 1460, 1461, 1466, 1472, 1474, 1475, 1476, 1477, 1498]

RENEGOTIATION REGULATIONS

Notice of Proposed Rule Making

The Renegotiation Board pursuant to section 109 of the Renegotiation Act of 1951, as amended (50 U.S.C.A., App. § 1211 et seq.), proposes to issue the following regulations not less than thirty (30) days after the date of this publication in the FEDERAL REGISTER. These regulations implement the provisions of Public Law 92-41, 92d Cong., approved July 1, 1971.

Interested persons are hereby notified that any changes, to be considered, must be presented, in writing, to the Renegotiation Board, 1910 K Street NW., Washington, DC 20446, within thirty (30) days after the date of this publication in the FEDERAL REGISTER.

Written material or suggestions submitted will be available for public inspection during regular business hours in the library at the principal office of the Board, 1910 K Street NW., Washington, DC.

Dated: July 21, 1971.

LAWRENCE E. HARTWIG,
Chairman.

PART 1451—SCOPE OF RENEGOTIATION BOARD REGULATIONS UNDER THE RENEGOTIATION ACT OF 1951, AND DEFINITIONS APPLICABLE THERETO

§ 1451.20 [Amended]

Section 1451.20 *"Received or accrued" and "paid or incurred"* is amended by

[1] Commissioners Burch (Chairman), Bartley, Johnson, H. Rex Lee, and Houser.

deleting "The Tax Court of the United States" each place it appears and inserting in lieu thereof "the Court of Claims."

PART 1452—PRIME CONTRACTS AND SUBCONTRACTS WITHIN THE SCOPE OF THE ACT

§ 1452.1 [Amended]

Section 1452.1(b) *Coverage after December 31, 1956* is amended by deleting "by Pub. Law 870, 84th Cong., approved August 1, 1956, effective December 31, 1956" in subparagraph (1); and by deleting "June 30, 1971" in the last sentence of subparagraph (c)(1) of the statutory provisions set forth in subparagraph (1)(iii) and inserting in lieu thereof "June 30, 1973."

PART 1453—MANDATORY EXEMPTIONS FROM RENEGOTIATION

§ 1453.5 [Amended]

Section 1453.5 *Contracts that do not have a direct and immediate connection with the national defense* is amended by deleting "Tax Court" in the last sentence of the statutory provision set forth in paragraph (a) and inserting in lieu thereof "Court of Claims."

PART 1459—COSTS ALLOCABLE TO AND ALLOWABLE AGAINST RENEGOTIABLE BUSINESS

§ 1459.1 [Amended]

Section 1459.1 *Statutory provisions and general regulations* is amended by deleting "The Tax Court of the United States" each place it appears in the statutory provisions set forth in paragraph (a) and inserting in lieu thereof "the Court of Claims."

PART 1460—PRINCIPLES AND FACTORS IN DETERMINING EXCESSIVE PROFITS

This part is amended in the following respects:

Section 1460.10 *Reasonableness of costs and profits* is amended by adding at the end of paragraph (b) a new subparagraph (5) to read as follows:

§ 1460.10 Reasonableness of costs and profits.

* * * * *

(b) * * *

(5) The Board will give consideration to certain situations where a contractor had deficient profits on renegotiable sales in a year or years prior to that under review. Where it can be established that deficient profits in prior years resulted from nonrecurring costs in the early stages of production which relate to production in the year under review, the Board will take this into account in reviewing the contractor's renegotiable business in the year under review. Thus, for example, labor costs and a proper proportion of the related overhead may be high in the early stages of production because of (i) excessive defective work resulting from inexperienced labor, (ii) idle time and subnormal production occasioned by testing and changing methods of production, or (iii) the cost of training employees. There may also be high material costs due to abnormal scrap losses. Further, there may be instances where deficient profits resulted in prior years from expenses incurred in the design of a product or of special tooling, in the planning of production processes and layout, or in the rearrangement of the contractor's plant, when incurred for a renegotiable contract or contracts. Circumstances such as those set forth herein which can be present under a long-term contract can also be equally present in the case of a series of two or more short-term successive contracts for the production of the same or similar items. In evaluating the extent to which matters such as these should be taken into account, the Board will consider the reasonableness of the management practices followed.

PART 1461—RECOVERY OF EXCESSIVE PROFITS AFTER DETERMINATION

This part is amended in the following respects:

1. Section 1461.1. *Collection authority* is amended by adding at the end of the statutory provisions set forth therein the following:

§ 1461.1 Collection authority.

* * * * *

(2) *Interest.*—Interest at the rate per annum determined pursuant to the next to the last sentence of this paragraph for the period which includes the date on which interest begins to run shall accrue and be paid on the amount of such excessive profits from the 30th day after the date of the order of the Board or from the date fixed for repayment by the agreement with the contractor or subcontractor to the date of repayment, and on amounts required to be withheld by any person or subcontractor for the account of the United States pursuant to paragraph (1)(C), from the date payment is demanded by the Secretaries or any of them to the date of payment. When the Court of Claims, under section 108, redetermines the amount of excessive profits received or accrued by a contractor or subcontractor, interest at the rate per annum determined pursuant to the next to the last sentence of this paragraph for the period which includes the date on which interest begins to run shall accrue and be paid by such contractor or subcontractor as follows:

(A) When the amount of excessive profits determined by the Tax Court is greater than the amount determined by the Board, interest shall accrue and be paid on the amount determined by the Board from the 30th day after the date of the order of the Board to the date of repayment and, in addition thereto, interest at the same rate shall accrue and be paid on the additional amount determined by the Court of Claims from the date of its order determining such excessive profits to the date of repayment.

(B) When the amount of excessive profits determined by the Court of Claims is equal to the amount determined by the Board, interest shall accrue and be paid on such amount from the 30th day after the date of the order of the Board to the date of repayment.

(C) When the amount of excessive profits determined by the Court of Claims is less than the amount determined by the Board, interest shall accrue and be paid on such lesser amount from the 30th day after the date of the order of the Board to the date of repayment, except that no interest shall accrue or be payable on such lesser amount if such lesser amount is not in excess of an amount which the contractor or subcontractor tendered in payment prior to the issuance of the order of the Board. Interest shall accrue and be paid at a rate which the Secretary of the Treasury shall specify as applicable to the period beginning on July 1, 1971, and ending on December 31, 1971, and to each 6-month period thereafter. Such rate shall be determined by the Secretary of the Treasury, taking into consideration current private commercial rates of interest for new loans maturing in approximately 5 years.

§ 1461.2 [Amended]

2. Section 1461.2(b) *Interest* is amended as follows:

a. Subparagraph (1) is amended by inserting, before the first sentence thereof, the following:

(b) *Interest*—(1) *In general.* Pursuant to section 105(b)(2) of the act, interest when required shall accrue and be paid at a rate per annum specified by the Secretary of the Treasury as applicable to the period beginning on July 1, 1971, and ending on December 31, 1971, and to each 6-month period thereafter. Such rates will be determined by the Secretary of the Treasury, taking into consideration current private commercial rates of interest for new loans maturing in approximately 5 years. Once determined in this manner, the interest rate attaching to a particular determination of excessive profits shall continue unchanged thereafter with respect to such excessive profits, whether payable in a single payment or in installments, and without regard to whether, before payment is completed, a new 6-month period begins and the Secretary of the Treasury determines a different interest rate for such period. Except as set forth in this paragraph, and in the absence of unusual circumstances, renegotiation agreements will not provide for the payment of interest on any refund of excessive profits.

b. Subparagraphs (2) and (3) are amended by deleting "at the rate of 4 per centum per annum" in each such subparagraph and adding at the end of each such subparagraph the following new sentence: "Interest so payable shall accrue and be paid at a rate per annum determined pursuant to the next to the last sentence of section 105(b)(2) of the act for the period which includes the date on which interest begins to run."

§ 1461.3 [Amended]

3. Section 1461.3 *Recovery of refund pursuant to unilateral order* is amended

by deleting "at the rate of 4 per centum per annum" and adding at the end thereof the following new sentence: "Interest so payable shall accrue and be paid at a rate per annum determined pursuant to the next to the last sentence of section 105(b)(2) of the act for the period which includes the date on which interest begins to run."

PART 1466—TERMINATION OF RENEGOTIATION

This part is amended in the following respects:

§ 1466.1 [Amended]

1. Section 1466.1 *Statutory provision* is amended by deleting "June 30, 1971" in the last sentence of subsection (c)(1) of the statutory provision set forth in the section and inserting in lieu thereof "June 30, 1973."

§ 1466.2 [Amended]

2. Section 1466.2 *Definition of "termination date"* is amended by deleting "June 30, 1971" and inserting in lieu thereof "June 30, 1973."

PART 1472—CONDUCT OF RENEGOTIATION

§ 1472.1 [Amended]

Section 1472.1 *Statutory provision* is amended by deleting "The Tax Court of the United States" in the last sentence of the statutory provision set forth in the section and inserting in lieu thereof "the Court of Claims."

PART 1474—AGREEMENT PROCEDURE

Section 1474.6 *Modification of terms of payment provided in agreement* is amended by deleting paragraph (c)(4) in its entirety and inserting the following in lieu thereof:

§ 1474.6 Modification of terms of payment provided in agreement.

* * * * *

(c) * * *

(4) The contractor agrees to pay interest upon the amount with respect to which the time for payment is extended, such interest to accrue from and after the date for such payment to the extended date therefor. Interest so payable shall accrue and be paid at a rate per annum determined pursuant to the next to the last sentence of section 105(b)(2) of the act for the period which includes the date on which interest begins to run.

* * * * *

PART 1475—UNILATERAL ORDER PROCEDURE

This part is amended in the following respects:

§ 1475.5 [Amended]

1. Section 1475.5 *Tender of refund by contractor* is amended as follows:

a. The first paragraph of the statutory provision set forth in paragraph (a) is deleted in its entirety and the following is inserted in lieu thereof:

* * * When the Court of Claims, under section 108, redetermines the amount of excessive profits received or accrued by a contractor or subcontractor, interest at the rate per annum determined pursuant to the next to the last sentence of this paragraph for the period which includes the date on which interest begins to run shall accrue and be paid by such contractor or subcontractor as follows: * * *

b. In subparagraph (C) of such statutory provision, "the Tax Court" is deleted and "the Court of Claims" is inserted in lieu thereof.

§ 1475.6 [Amended]

2. Section 1475.6 *Modification of order to extend time for payment* is amended by deleting from paragraph (e) "Tax Court of the United States" and inserting in lieu thereof "Court of Claims."

PART 1476—REVIEW BY THE COURT OF CLAIMS

This part is amended in the following respects:

1. The heading of the part is amended by deleting therefrom "Tax Court" and inserting in lieu thereof "Court of Claims."

2. Section 1476.1 *Statutory provision* is deleted in its entirety and the following is inserted in lieu thereof:

§ 1476.1 Statutory provision.

Section 108 of the Act as amended, provides as follows:

Any contractor or subcontractor aggrieved by an order of the Board determining the amount of excessive profits received or accrued by such contractor or subcontractor may—

(a) If the case was conducted initially by the Board itself—within 90 days (not counting Sunday or a legal holiday in the District of Columbia as the last day) after the mailing under section 105(a) of the notice of such order, or

(b) If the case was not conducted initially by the Board itself—within 90 days (not counting Sunday or a legal holiday in the District of Columbia as the last day) after the mailing under section 107(e) of the notice of the decision of the Board not to review the case or the notice of the order of the Board determining the amount of excessive profits,

file a petition with the Court of Claims for a redetermination thereof. Upon such filing such court shall have exclusive jurisdiction, by order, to (finally) determine the amount, if any, of such excessive profits received or accrued by the contractor or subcontractor, and such determination shall not be reviewed or redetermined by any court or agency except as provided in section 108A. The court may determine as the amount of excessive profits an amount either less than, equal to, or greater than that determined by the Board. A proceeding before the Court of Claims to finally determine the amount, if any, of excessive profits shall not be treated as a proceeding to review the determination of the Board, but shall be treated as a proceeding de novo. In the case of any witness for the Board, the fees and mileage, and the expenses of taking any deposition shall be paid out of appropriations of the Board available for that purpose, and in the case of any other witnesses shall be paid, subject to rules prescribed by the court, by the party at whose instance the witness appears or the deposition is taken. The filing of a petition under this section shall operate to stay the execution of the order of the Board under subsection (b) of section 105 only if within 10 days after the filing of the petition the petitioner files with the Court of Claims a good and sufficient bond, approved by such court, in such amount as may be fixed by the court. Any amount collected by the United States under an order of the Board in excess of the amount found to be due under a determination of excessive profits by the Court of Claims shall be refunded to the contractor or subcontractor with interest thereon from the date of collection by the United States to the date of refund at the rate per annum determined pursuant to the next to last sentence of section 105(b)(2) for the period which includes the date on which interest begins to run.

PART 1477—STATEMENTS TO CONTRACTORS

This part is amended in the following respects:

§ 1477.1 [Amended]

1. Section 1477.1 *Statutory provision* is amended by deleting from the statutory provision set forth therein "The Tax Court of the United States" and inserting in lieu thereof "the Court of Claims."

§ 1477.4 [Amended]

2. Section 1477.4 *Contents of Statements* is amended by deleting from paragraph (f) "The Tax Court of the United States" and inserting in lieu thereof "the Court of Claims."

PART 1498—FORMS RELATING TO AGREEMENTS AND ORDERS

This part is amended in the following respects:

§ 1498.1 [Amended]

1. Section 1498.1 *Form of renegotiation agreement* is amended by deleting "rate of four (4%) per centum" in Act. 10 *Interest* and inserting in lieu thereof "rate determined pursuant to section 105(b)(2) of the Act."

§ 1498.10 [Amended]

2. Section 1498.10 *Notice by Regional Board of order determining excessive profits* is amended by deleting from the next to the last paragraph of the notice "The Tax Court of the United States" and inserting in lieu thereof "the Court of Claims."

§ 1498.11 [Amended]

3. Section 1498.11 *Notice that order of Regional Board is deemed order of the Board* is amended as follows:

a. By deleting from the third paragraph of the notice "four (4%) per centum" and inserting in lieu thereof "_____ per centum."

b. By deleting from the last paragraph of the notice "The Tax Court of the United States" and inserting in lieu thereof "the Court of Claims."

[FR Doc.71-10597 Filed 7-23-71;8:53 am]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Department Circular; Public Debt Series—No. 7–71]

7 PERCENT TREASURY BONDS OF 1981

Offering of Bond

JULY 22, 1971.

Dated and bearing interest from August 15, 1971—Due August 15, 1981.

I. *Offering of bonds.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, offers bonds of the United States, designated 7 percent Treasury Bonds of 1981, at 99.20 percent of their face value, in exchange for the following securities maturing August 15, 1971:

(1) 8¼ percent Treasury Notes of Series F–1971; or

(2) 4 percent Treasury Bonds of 1971, in amounts of $1,000 or multiples thereof.

Cash payments due subscribers will be made as set forth in section IV hereof. In addition, the Secretary of the Treasury offers the bonds to individuals for cash, not to exceed $10,000 to any one person. The books will be open until 6 p.m., local time, July 28, 1971, for the receipt of subscriptions.

2. In addition, holders of the securities enumerated in paragraph 1 of this section are offered the privilege of exchanging all or any part of them for 7 percent Treasury Notes of Series D–1975, which offering is set forth in Department Circular, Public Debt Series—No. 6–71, issued simultaneously with this circular.

II. Description of bonds. 1. The bonds will be dated August 15, 1971, and will bear interest from that date at the rate of 7 percent per annum, payable semiannually on February 15 and August 15 in each year until the principal amount becomes payable. They will mature August 15, 1981, and will not be subject to call for redemption prior to maturity.

2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. The bonds will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing U.S. bonds.

III. Subscription and allotment. 1. Subscriptions accepting the offer made by this circular will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. 20220. Banking institutions generally may submit subscriptions for account of customers, provided the names of customers subscribing for cash are set forth in such subscriptions. Only the Federal Reserve Banks and the Department of the Treasury are authorized to act as official agencies.

2. Cash subscriptions, which may not exceed $10,000 from any one individual, must be accompanied by payment of 10 percent of the face amount of bonds applied for.

3. Banking institutions in submitting cash subscriptions for customers will be required to certify that they have no beneficial interest in any such subscriptions.

4. Under the Second Liberty Bond Act, as amended, the Secretary of the Treasury has the authority to reject or reduce any subscription, and to allot less than the amount of bonds applied for when he deems it to be in the public interest; and any action he may take in these respects shall be final. Subject to the exercise of that authority, all subscriptions will be allotted in full.

IV. Payment—1. *Exchange Subscriptions.* Payment for the face amount of bonds allotted hereunder must be made on or before August 16, 1971, or on later allotment, and may be made only in a like face amount of securities of the issues enumerated in paragraph 1 of section I hereof, which should accompany the subscription. A cash payment of $8 per $1,000 will be made to subscribers on account of the issue price of the bonds. The payment will be made by check or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District, following acceptance of the maturing securities. In the case of registered securities, the payment will be made in accordance with the assignments thereon. When payment is made with securities in bearer form, coupons dated August 15, 1971, should be detached and cashed when due. When payment is made with registered securities, the final interest due on August 15, 1971, will be paid by issue of interest checks in regular course to holders of record on July 15, 1971, the date the transfer books closed.

2. *Cash Subscriptions.* Payment at 99.20 percent of their face value and accrued interest, if any, for bonds allotted hereunder must be completed on or before August 13, 1971, in cash or other immediately available funds. In every case where full payment is not completed, the payment with the application up to 10 percent of the amount of bonds allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States.

3. *Exchange and Cash Subscriptions.* Payment will not be deemed to have been completed where registered bonds are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished.

V. Assignment of registered securities. 1. Registered securities tendered in payment for bonds offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Department of the Treasury governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C. 20220. The securities must be delivered at the expense and risk of the holder. If the bonds are desired registered in the same name as the securities surrendered, the assignment should be to "The Secretary of the Treasury for exchange for 7 percent Treasury Bonds of 1981"; if the bonds are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 7 percent Treasury Bonds of 1981 in the name of _____"; if bonds in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 7 percent Treasury Bonds of 1981 in coupon form to be delivered to _____".

VI. General provisions. 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] JOHN B. CONNALLY,
Secretary of the Treasury.

[FR Doc.71-10673 Filed 7-23-71;9:25 am]

[Department Circular; Public Debt Series—No. 6-71]

7 PERCENT TREASURY NOTES OF SERIES D-1975

Offering of Notes

JULY 22, 1971.

Dated and bearing interest from August 15, 1971—Due November 15, 1975.

I. Offering of notes. 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, offers notes of the United States, designated 7 percent Treasury Notes of Series D-1975, at 99.80 percent of their face value, in exchange for the following securities maturing August 15, 1971:

(1) 8¼ percent Treasury Notes of Series F-1971; or

(2) 4 percent Treasury Bonds of 1971, in amounts of $1,000 or multiples thereof.

Cash payment due subscribers will be made as set forth in section IV hereof. The amount of this offering will be limited to the amount of eligible securities tendered in exchange. The books will be open until 6 p.m., local time, July 28, 1971, for the receipt of subscriptions.

2. In addition, holders of the securities enumerated in paragraph 1 of this section are offered the privilege of exchanging all or any part of them for 7 percent Treasury Bonds of 1981, which offering is set forth in Department Circular, Public Debt Series—No. 7-71, issued simultaneously with this circular.

II. Description of notes. 1. The notes will be dated August 15, 1971, and will bear interest from that date at the rate of 7 percent per annum, payable on a semiannual basis on November 15, 1971, and thereafter on May 15 and November 15 in each year until the principal amount becomes payable. They will mature November 15, 1975, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possession of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing U.S. notes.

III. Subscription and allotment. 1. Subscriptions accepting the offer made by this circular will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. 20220. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Department of the Treasury are authorized to act as official agencies.

2. Under the Second Liberty Bond Act, as amended, the Secretary of the Treasury has the authority to reject or reduce any subscription, and to allot less than the amount of notes applied for when he deems it to be in the public interest; and any action he may take in these respects shall be final. Subject to the exercise of that authority, all subscriptions will be allotted in full.

IV. Payment. 1. Payment for the face amount of notes allotted hereunder must be made on or before August 16, 1971, or on later allotment, and may be made only in a like face amount of securities of the issues enumerated in paragraph 1 of section I hereof, which should accompany the subscription. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. A cash payment of $2 per $1,000 will be made to subscribers on account of the issue price of the notes. The payment will be made by check or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District, following acceptance of the maturing securities. In the case of registered securities, the payment will be made in accordance with the assignments thereon. When payment is made with securities in bearer form, coupons dated August 15, 1971, should be detached and cashed when due. When payment is made with registered securities, the final interest due on August 15, 1971, will be paid by issue of interest checks in regular course to holders of record on July 15, 1971, the date the transfer books closed.

V. Assignment of registered securities. 1. Registered securities tendered in payment for notes offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Department of the Treasury governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C. 20220. The securities must be delivered at the expense and risk of the holder. If the notes are desired registered in the same name as the securities surrendered, the assignment should be to "The Secretary of the Treasury for exchange for 7 percent Treasury Notes of Series D-1975"; if the notes are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 7 percent Treasury Notes of Series D-1975 in the name of _____"; if notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 7 percent Treasury Notes of Series D-1975 in coupon form to be delivered to _____"

VI. General provisions. 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] JOHN B. CONNALLY,
Secretary of the Treasury.

[FR Doc.71-10674 Filed 7-23-71;9:25 am]

DEPARTMENT OF THE INTERIOR

Bonneville Power Administration

AREA MANAGERS ET AL.

Redelegations of Authority

Redelegations of Authority published in the FEDERAL REGISTER on July 6, 1968 (33 F.R. 9784) and amended on September 13, 1968 (33 F.R. 12974), February 21, 1969 (34 F.R. 36), August 9, 1969 (34 F.R. 152), September 18, 1969 (34 F.R. 179), May 1, 1971 (36 F.R. 85), and June 8, 1971 (36 F.R. 110) are further amended by revising Section 10.16 to read as follows:

10.16 *Claims.* * * *

b. * * *

(2) Area Managers, Area O&M Managers, and the Division of Engineering and Construction Tort Claims Officer each may exercise the authority described in subparagraph b(1) of this section when the amount allowed does not exceed $200.

H. R. RICHMOND,
Administrator.

JULY 15, 1971.

[FR Doc.71-10514 Filed 7-23-71;8:46 am]

Bureau of Land Management

[Montana 18982]

MONTANA

Notice of Proposed Withdrawal and Reservation of Lands

JULY 15, 1971.

The Forest Service, U.S. Department of Agriculture, has filed application M 18982 for the withdrawal of national forest lands described below from mineral location and entry under the mining laws but not from leasing under the mineral leasing laws, subject to existing valid claims.

The applicant desires the land for two campgrounds and one streamside zone on the Beaverhead National Forest, Mont., from mineral location and entry.

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, 316 North 26th Street, Billings, MT 59101.

The Department's regulation (43 CFR 2351.4(c)) provides that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for the purpose other than the applicant's to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

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

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

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

The lands involved in the application are:

PRINCIPAL MERIDIAN, MONTANA

BEAVERHEAD NATIONAL FOREST

Kirby Meadow Campground

T. 11 S., R. 1 E.,
Sec. 10, lot 7.
Total area—39.30.

Madison River Campground

T. 11 S., R. 1 E.,
Sec. 14, lots 2 and 3, and NE¼SW¼NW¼.
Total area—71.66 acres.

Madison River Streamside Zone

T. 11 S., R. 1 E.,
Sec. 14, lots 6 and 7;
Sec. 23, lots 2 and 3.
Total area—128.84 acres.

The areas described aggregate 239.80 acres in Madison County, Mont.

EUGENE H. NEWELL,
Chief,
Division of Technical Services.

[FR Doc.71-10541 Filed 7-23-71;8:48 am]

National Park Service

[Order 1]

CHIEFS, OFFICE OF LAND ACQUISITION OF WESTERN SERVICE CENTER AND DULUTH LAND ACQUISITION FIELD OFFICE

Delegation of Authority

SECTION 1. The Chief of the Office of Land Acquisition of the Western Service Center of the National Park Service at San Francisco, Calif., and the Chief of the Duluth Land Acquisition Field Office in Duluth, Minn., are authorized to:

(a) Approve and accept options and offers to sell to, or exchange with the United States, lands or interests in lands within areas under the jurisdiction of their respective offices and to execute all necessary agreements and conveyances incident thereto.

(b) Accept deeds conveying to the United States, lands or interests in lands, within areas under the jurisdiction of the Western Service Center of the National Park Service.

(c) Contract for and accept bills of sale or other evidence of title to personal property related to the acquisition of lands which is authorized to be acquired for the purposes of the areas under the jurisdiction of the Western Service Center of the National Park Service.

(d) Approve on behalf of the National Park Service offers of settlement in condemnation cases. Approvals of offers of settlement by him will be communicated to the appropriate office of the Solicitor's Office of the Department of the Interior for such further action as may be proper.

(205 DM .11.1; 245 DM .1; sec. 2 of Reorganization Plan No. 3 of 1950)

Dated: June 4, 1971.

GLENN O. HENDRIX,
Director, National Park Service,
Western Service Center.

[FR Doc.71-10559 Filed 7-23-71;8:50 am]

[Order 2]

LAND ACQUISITION OFFICERS, INDIANA DUNES NATIONAL LAKESHORE, ET AL.

Delegation of Authority

SECTION 1. The Land Acquisition Officers stationed at Indiana Dunes National Lakeshore, Sleeping Bear Dunes National Lakeshore, Apostle Islands National Lakeshore, Voyaguers National Park, Point Reyes National Seashore, and St. Croix National Scenic Riverway are authorized to exercise authority with respect to the following:

(a) Approval and acceptance of options and offers to sell to or exchange with the United States, lands, or interests in lands, within areas under the jurisdiction of the National Park Service within their respective areas, and to execute all necessary agreements and conveyances incident thereto when the amount involved does not exceed $100,000.

(b) Acceptance of deeds conveying to the United States, lands or interests in lands within their respective areas.

(c) Contracting for and acceptance of bills of sale or other evidence of title to personal property which is authorized to be acquired for the purpose of their respective areas.

(205 DM .11.1; 245 DM .1; sec. 2 of Reorganization Plan No. 3 of 1950)

Dated: June 4, 1971.

GLENN O. HENDRIX,
Director, National Park Service,
Western Service Center.

[FR Doc.71-10560 Filed 7-23-71;8:50 am]

[Order 3]

CHIEF, DIVISION OF PROCUREMENT AND CONTRACT ADMINISTRATION, WESTERN SERVICE CENTER

Delegation of Authority

SECTION 1. The Chief, Division of Procurement and Contract Administration is authorized to exercise all the contracting authority now or hereafter vested in the Director, Western Service Center, National Park Service.

SEC. 2. Revocation: Order No. 3, Division of Design and Construction, San Francisco Planning and Service Center, dated September 20, 1967, is hereby revoked.

(205 DM 11.1, DM 11.2)

Dated: June 4, 1971.

GLENN O. HENDRIX,
Director, National Park Service,
Western Service Center.

[FR Doc.71-10561 Filed 7-23-71;8:50 am]

[Order 2]

ADMINISTRATIVE OFFICER AND GENERAL SUPPLY ASSISTANT, ISLE ROYALE NATIONAL PARK, MICH.

Delegation of Authority Regarding Execution of Purchase Orders for Supplies, Equipment, or Services

1. *Administrative Officer.* The Administrative Officer, Isle Royale National Park, may issue purchase orders not in excess of $2,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of allotted funds. This authority may be exercised by the Administrative Officer in behalf of any

unit under the administration of Isle Royale National Park.

2. *General Supply Assistant.* The General Supply Assistant, Isle Royale National Park, may issue purchase orders not in excess of $300 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of allotted funds. This authority may be exercised by the General Supply Assistant in behalf of any unit under the administration of Isle Royale National Park.

3. *Revocations.* This order supersedes Order No. 1 issued March 21, 1963.

(National Park Service Order No. 58 (36 F.R. 5627); 39 Stat. 535, 16 U.S.C., sec. 2 Northeast Region Order No. 6 (34 F.R. 7090), as amended)

Dated: May 28, 1971.

HUGH P. BEATTIE,
Superintendent,
Isle Royale National Park.

[FR Doc.71-10562 Filed 7-23-71;8:50 am]

[Order 2]

ADMINISTRATIVE OFFICER AND GENERAL SUPPLY ASSISTANT, ROOSEVELT-VANDERBILT NATIONAL HISTORIC SITES

Delegation of Authority Regarding Execution of Contracts and Purchase Orders for Supplies, Equipment, or Services

1. *Administrative Officer.* The Administrative Officer, Roosevelt-Vanderbilt National Historic Sites, may issue purchase orders not in excess of $2,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of allotted funds. This authority may be exercised by the Administrative Officer in behalf of any unit under the administration of Roosevelt-Vanderbilt National Historic Sites.

2. *General Supply Assistant.* The General Supply Assistant, Roosevelt-Vanderbilt National Historic Sites, may issue purchase orders not in excess of $1,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of allotted funds. This authority may be exercised by the General Supply Assistant in behalf of any unit under the administration of Roosevelt-Vanderbilt National Historic Sites.

3. *Revocations.* This order supersedes Order No. 1.

(National Park Service Order No. 58, (36 F.R. 5627); 39 Stat. 535, 16 U.S.C., sec. 2; Northeast Region Order No. 6 (34 F.R. 7090), as amended)

Dated: June 4, 1971.

STUART H. MAULE,
Superintendent, Roosevelt-Vanderbilt National Historic Sites.

[FR Doc.71-10563 Filed 7-23-71;8:50 am]

[Order 2]

ADMINISTRATIVE OFFICER, SARATOGA NATIONAL HISTORICAL PARK, N.Y.

Delegation of Authority Regarding Execution of Purchase Orders for Supplies, Equipment, or Services

1. *Administrative Officer.* The Administrative Officer, Saratoga National Historical Park, may issue purchase orders not in excess of $1,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of allotted funds. This authority may be exercised by the Administrative Officer in behalf of any unit under the administration of Saratoga National Historical Park or Saint-Gaudens National Historic Site.

2. *Revocation.* This order supersedes Order No. 1, issued March 22, 1963.

(National Park Service Order No. 58 (36 F.R. 5627); 39 Stat. 535, 16 U.S.C., sec. 2; Northeast Region Order No. 6 (34 F.R. 7090), as amended)

Dated: May 28, 1971.

HUGH D. GURNEY,
Superintendent,
Saratoga National Historical Park.

[FR Doc.71-10564 Filed 7-23-71;8:50 am]

[Order 1]

CHIEF, OFFICE OF PROCUREMENT AND CONTRACTING, EASTERN SERVICE CENTER

Delegation of Authority

SECTION 1. The Chief, Office of Procurement and Contracting, is authorized to exercise all the contracting authority now or hereafter vested in the Director, Eastern Service Center, National Park Service.

SEC. 2. Revocation: Order 2, Division of Design and Construction, Washington Planning and Service Center, dated August 31, 1967, is hereby revoked.

(205 DM 11.1, DM 11.2 (26 F.R. 11748))

Dated: May 10, 1971.

HARVEY B. REYNOLDS,
Acting Director,
Eastern Service Center.

[FR Doc.71-10565 Filed 7-23-71;8:50 am]

[Order 2]

CHIEF, OFFICE OF LAND ACQUISITION AND WATER RESOURCES, EASTERN SERVICE CENTER

Delegation of Authority

SECTION 1. The Chief of the Office of Land Acquisition and Water Resources of the Eastern Service Center of the National Park Service, Washington, D.C., is authorized to:

(a) Approve and accept options and offers to sell to, or exchange with the United States, lands or interests in lands, within areas under the jurisdiction or control of the Eastern Service Center of the National Park Service, and to execute all necessary agreements and conveyances incident thereto.

(b) Accept deeds conveying to the United States, lands or interests in lands, within areas under the jurisdiction or control of the Eastern Service Center of the National Park Service.

(c) Contract for and accept bills of sale or other evidence of title to personal property related to the acquisition of lands which is authorized to be acquired for the purposes of the areas under the jurisdiction or control of the Eastern Service Center of the National Park Service.

(d) Approve on behalf of the National Park Service offers of settlement in condemnation cases. Approvals of offers of settlement by him will be communicated to the appropriate office of the Solicitor's Office of the Department of the Interior for such further action as may be proper.

(205 DM .11.1; 245 DM .1; sec. 2 of Reorganization Plan No. 3 of 1950)

Dated: June 8, 1971.

L. R. BROWN,
Director, Eastern Service Center, National Park Service.

[FR Doc.71-10566 Filed 7-23-71;8:50 am]

[Order 3]

LAND ACQUISITION OFFICERS, ASSATEAGUE ISLAND NATIONAL SEASHORE, ET AL.

Delegation of Authority

SECTION 1. The Land Acquisition Officers stationed at Assateague Island National Seashore, Cape Cod National Seashore, Chesapeake & Ohio Canal National Historical Park, Everglades National Park, Gulf Islands National Seashore, Minute Man National Historical Park are authorized to exercise authority with respect to the following:

(a) Approval and acceptance of options and offers to sell to or exchange with the United States, lands or interests in lands, within areas under the jurisdiction of the National Park Service within their respective areas, and to execute all necessary agreements and conveyances incident thereto when the amount involved does not exceed $100,000.

(b) Acceptance of deeds conveying to the United States, lands or interests in lands, within their respective areas.

(c) Contracting for and acceptance of bills of sale or other evidence of title to personal property which is authorized to be acquired for the purpose of their respective areas.

(205 DM .11.1; 245 DM .1; sec. 2 of Reorganization Plan No. 3 of 1950)

Dated: June 8, 1971.

L. R. BROWN,
Director, Eastern Service Center, National Park Service.

[FR Doc.71-10567 Filed 7-23-71;8:50 am]

[Order 65, Amdt. 1]

DIRECTOR, HARPERS FERRY CENTER

Delegation of Authority

Order No. 65, issued March 25, 1971 (36 F.R. 5629), is amended to provide clarification of section 1(2). The rewording is as follows:

SECTION 1(2). Authority for final approval of Servicewide or regionwide program and financial plans for construction, professional services, land acquisition, park operations, and other programs.

(205 DM .2, .5, .6, .9, .11; 245 DM .1, .2; sec. 2 of Reorganization Plan No. 3 of 1950)

Dated: July 6, 1971.

RAYMOND L. FREEMAN,
Acting Director,
National Park Service.

[FR Doc.71-10568 Filed 7-23-71;8:50 am]

[Order 66]

DIRECTORS OF NATIONAL PARK SERVICE REGIONS

Delegation of Authority

SECTION 1. *Delegation.* The Directors of National Park Service Regions, in the administration, operation, and development of areas and offices under their supervision, are authorized to exercise all the authority now or hereafter vested in the Director, National Park Service, except with respect to the following:

(1) Authority to approve changes in policies and to establish new policies.

(2) Authority for final approval of servicewide or regionwide program and financial plans for construction, professional services, land acquisition, park operations, and other programs.

(3) Authority for final approval of of the location of new roads.

(4) Authority to perform the responsibilities set forth in title I and section 205(a) of title II of the Historic Preservation Act of October 15, 1966 (80 Stat. 915), as amended.

(5) Authority to perform the responsibilities with respect to historic preservation set forth in section 4(f) of the Department of Transportation Act of October 15, 1966 (80 Stat. 931), as amended.

(6) Authority to initiate investigations of areas suggested or proposed for inclusion in the National Park System and sites under consideration for National Landmark status.

(7) Authority to determine whether any surplus building proposed by the Administrator of the General Services Administration to be demolished is a historic building of national significance within the meaning of the Act of August 21, 1935 (49 Stat. 666), as amended.

(8) Authority to execute concessions contracts and over all matters which fall within the functions of the Office of Concessions Management, Washington Office, and for executing, amending, assigning and terminating concessions permits in excess of 5 years duration or when anticipated annual gross receipts will amount to $100,000 or more.

(9) Authority to issue general travel authorizations as defined in 347 DM .2.2C.

(10) Authority to approve the payment of actual subsistence expenses for travel.

(11) Authority to approve attendance at meetings of societies and associations.

(12) Authority to approve acceptance of payment of travel, subsistence and other expenses incident to attendance at meetings by an organization which is tax exempt.

(13) Authority with respect to making and enforcing rules and regulations for the government, conduct, and discipline of the U.S. Park Police, under the Act of October 11, 1962 (76 Stat. 907).

(14) Authority to make certifications required in connection with reports made to the Secretary on each appropriation or fund under National Park Service control.

(15) Authority to approve Standard Form 1151, Nonexpenditure Transfer Authorization, in connection with Internal transfer of funds.

(16) Authority to conduct archeological investigations and salvage activities.

(17) Authority to approve the use of a Government owned or leased motor vehicle between domicile and place of employment.

(18) Authority to approve payment of dues for library memberships in societies or associations.

(19) Authority to approve rates for quarters and related services.

(20) Authority over those matters for which specific authority is delegated in internal management directives and unpublished delegations of authority arising in the Washington Office.

SEC. 2. *Redelegation.* Except as to master plan approval authority, the Directors of the Regions may, in writing redelegate to their officers and employees the authority delegated in this order, and may authorize written redelegations of such authority; except that in the Regional Offices, procurement and contracting authority may only be redelegated to the Chief, Division of Property Management and General Services and the Chief, Office of Administrative Management. Procurement authority not to exceed $2,000 may be redelegated by the Directors to other offices and parks in their Regions. Authority to contract for acquisition of lands and related property, and options related thereto may be delegated to the chief land acquisition officer in the Regional Office and field land acquisition officers. Each redelegation shall be published in the FEDERAL REGISTER.

SEC. 3. *Revocation.* This order supersedes National Park Service Delegation of Authority Order No. 58, dated February 24, 1971, and published at 36 F.R. 5627.

(205 DM, as amended; 245 DM, as amended; sec. 2 of Reorganization Plan No. 3 of 1950)

Dated: July 6, 1971.

RAYMOND L. FREEMAN,
Acting Director,
National Park Service.

[FR Doc.71-10569 Filed 7-23-71;8:50 am]

[Order 67]

DEPUTY DIRECTOR (FIELD OPERATIONS) AND DIRECTOR, OFFICE OF FINANCE AND MANAGEMENT CONTROL

Delegation of Authority

SECTION 1. *Delegation.* The Deputy Director (Field Operations) and the Director, Office of Finance and Management Control, National Park Service, may approve the payment of actual subsistence expenses in connection with travel for official purposes, in accordance with 347 DM 4.

SEC. 2. *Redelegation.* The authority delegated herein may not be redelegated.

SEC. 3. *Revocation.* This order supersedes and revokes National Park Service Delegation of Authority Order No. 61, dated December 21, 1970, and published at 36 F.R. 5629.

(205 DM 15.5)

Dated: July 6, 1971.

RAYMOND L. FREEMAN,
Acting Director,
National Park Service.

[FR Doc.71-10570 Filed 7-23-71;8:51 am]

[Order 68]

DIRECTOR, NATIONAL CAPITAL PARKS

Delegation of Authority

SECTION 1. *Delegation.* The Director, National Capital Parks, in the administration, operation and development of areas and offices under his supervision, is authorized to exercise all the authority now or hereafter vested in the Director, National Park Service, except with respect to the following:

(1) Authority to approve changes in policies and to establish new policies.

(2) Authority for final approval of servicewide or regionwide program and financial plans for construction, professional services, land acquisition, park operations, and other programs.

(3) Authority for final approval of the location of new roads.

(4) Authority to perform the responsibilities set forth in title I and section 205(a) and title II of the Historic Preservation Act of October 15, 1966 (80 Stat. 915), as amended.

(5) Authority to perform the responsibilities with respect to historic preservation set forth in section 4(f) of the Department of Transportation Act of October 15, 1966 (80 Stat. 931), as amended.

(6) Authority to initiate investigations of areas suggested or proposed for inclusion in the National Park System and sites under consideration for National Landmark status.

(7) Authority to determine whether any surplus building proposed by the Administrator of the General Services Administration to be demolished is a historic building of national significance within the meaning of the Act of August 21, 1935 (49 Stat. 666), as amended.

(8) Authority to execute concessions contracts and over all matters which fall

within the functions of the Office of Concessions Management, Washington Office, and for executing, amending, assigning, and terminating concessions permits in excess of 5 years duration or when anticipated annual gross receipts will amount to $100,000 or more.

(9) Authority to issue general travel authorizations as defined in 347 DM .2.2C.

(10) Authority to approve the payment of actual subsistence expenses for travel.

(11) Authority to approve attendance at meetings of societies and associations.

(12) Authority to approve acceptance of payment of travel, subsistence, and other expenses incident to attendance at meetings by an organization which is tax exempt.

(13) Authority to issue rules or regulations for the government, conduct, and discipline of the U.S. Park Police, as provided under the Act of October 11, 1962 (76 Stat. 907).

(14) Authority to make certifications required in connection with reports made to the Secretary on each appropriation or fund under National Park Service control.

(15) Authority to approve Standard Form 1151, Nonexpenditure Transfer Authorization in connection with internal transfer of funds.

(16) Authority to conduct archeological investigations and salvage activities.

(17) Authority to approve the use of a Government owned or leased motor vehicle between domicile and place of employment.

(18) Authority to approve payment of dues for library memberships in societies or associations.

(19) Authority to approve rates for quarters and related services.

(20) Authority over those matters for which specific authority is delegated in internal management directives and unpublished delegations of authority arising in the Washington Office.

SEC. 2. *Redelegation.* Except as to authority to approve master plans, the Director, National Capital Parks may, in writing, redelegate to his officers and employees the authority delegated in this order, and may authorize written redelegations of such authority except that contract and procurement authority may only be redelegated to the Chief, Division of Property Management and General Services, and to the Assistant Director for Administration in the National Capital Parks. Procurement authority not to exceed $2,000 may be redelegated to subordinate organizational units of the National Capital Parks. Each redelegation shall be published in the FEDERAL REGISTER.

SEC. 3. *Revocation.* This order supersedes National Park Service Delegation of Authority Order No. 59, dated February 24, 1971, and published at 36 F.R. 5628.

(205 DM .2; .5; .6; .9; 245 DM .1; sec. 2 of Reorganization Plan No. 3 of 1950)

Dated: July 6, 1971.

RAYMOND L. FREEMAN,
Acting Director,
National Park Service.

[FR Doc.71-10571 Filed 7-23-71;8:51 am]

[Order 69]

DIRECTORS OF SERVICE CENTERS

Delegation of Authority

SECTION 1. *Delegation.* The Directors, Eastern and Western Service Centers, may exercise all the authority now or hereafter vested in the Director, National Park Service, in administering and operating the Centers and in serving the Regional Offices and Parks, except as to the following:

(1) Approval of changes in policies and establishment of new policies.

(2) Authority for final approval of servicewide or regionwide programs and financial plans for construction, professional services, land acquisition, park operations, and other programs.

(3) Authority for final approval of the location of new roads.

(4) Authority to perform the responsibilities set forth in title I and section 205(a) and title II of the Historic Preservation Act of October 15, 1966 (80 Stat. 915), as amended.

(5) Authority to perform the responsibilities with respect to historic preservation set forth in section 4(f) of the Department of Transportation Act of October 15, 1966 (80 Stat. 931), as amended.

(6) Authority to initiate investigations of areas suggested or proposed for inclusion in the National Park System and sites under consideration for National Landmark status.

(7) Authority to determine whether any surplus building proposed by the Administrator of the General Services Administration to be demolished is a historic building of national significance within the meaning of the Act of August 21, 1935 (49 Stat. 666), as amended.

(8) Authority to execute and approve concessions contracts and permits, or to perform any of the functions of the Office of Concessions Management, Washington Office, as described in 145 DM.

(9) Authority to issue general travel authorizations as defined in 347 DM 2.2C.

(10) Authority to approve the payment of actual subsistence expenses for travel.

(11) Authority to approve attendance at meetings of societies and associations.

(12) Authority to approve acceptance of payment of travel, subsistence and other expenses incident to attendance at meetings by an organization which is tax exempt.

(13) Authority to designate areas at which recreation fees will be charged, as specified by sections 1, 2, and 3 of Executive Order 11200.

(14) Authority to select from the fees established by 43 CFR Part 18 (30 F.R. 3265) the specific fees to be charged at the designated areas, in accordance with section 5(a) of Executive Order 11200.

(15) Authority with respect to making and enforcing rules and regulations for the Government, conduct, and discipline of the U.S. Park Police, under the Act of October 11, 1962 (76 Stat. 907).

(16) Authority to make certifications required in connection with reports made to the Secretary on each appropriation or fund under National Park Service control.

(17) Authority to approve Standard Form 1151, Nonexpenditure Transfer Authorization, in connection with internal transfer of funds.

(18) Authority to approve the use of a Government owned or leased motor vehicle between domicile and place of employment.

(19) Authority to sell timber.

(20) Authority to accept an offer in settlement of a timber trespass.

(21) Authority to approve programs for the destruction and disposition of wild animals which are damaging the land or its vegetative cover, and of permits to collect rare or endangered species.

(22) Authority to approve payment of dues for library memberships in societies or associations.

(23) Authority to approve rates for quarters and related services.

(24) Authority over those matters for which specific authority is delegated in internal management directives and unpublished delegations of authority arising in the Washington Office.

(25) Authority to approve master plans.

SEC. 2. *Redelegation.* The Directors, Eastern and Western Service Centers, may, in writing, redelegate to their officers and employees the authority delegated in this order, and may authorize written redelegations of such authority except that contract and procurement authority may only be redelegated to the Chief, Division of Contract Administration in the Eastern Service Center, and to the Chief, Division of Procurement and Contract Administration, in the Western Service Center. Authority to contract for acquisition of lands and related property, and options related thereto may be delegated to the Chief, Office of Land Acquisition and Water Resources, and field land acquisition officers. Each redelegation shall be published in the FEDERAL REGISTER.

SEC. 3. *Revocation.* This order supersedes and revokes National Park Service Delegation of Authority Order No. 60, dated February 24, 1971, and published at 36 F.R. 5628.

(205 DM, as amended; 245 DM, as amended; sec. 2 of Reorganization Plan No. 3 of 1950)

Dated: July 6, 1971.

RAYMOND L. FREEMAN,
Acting Director,
National Park Service.

[FR Doc.71-10572 Filed 7-23-71;8:51 am]

[Order 70]

CHIEF, DIVISION OF LAND ACQUISITION, WASHINGTON OFFICE

Delegation of Authority

SECTION 1. *Delegation.* The Chief, Division of Land Acquisition, Washington Office, is authorized to:

(1) Approve and accept options and offers to sell to, or exchange with the United States, lands or interests in lands within areas under the jurisdiction or control of the National Park Service, and to execute all necessary agreements and conveyances incident thereto.

(2) Accept deeds conveying to the United States, lands or interests in lands, within areas under the jurisdiction or control of the National Park Service.

(3) Contract for and accept bills of sale or other evidence of title to personal property related to the acquisition of lands which is authorized to be acquired for the purposes of the areas under the jurisdiction or control of the National Park Service.

(4) Approve on behalf of the National Park Service offers of settlement in condemnation cases. Approvals of offers of settlement by him will be communicated to the appropriate office of the Solicitor's Office of the Department of the Interior for such further action as may be proper.

SEC. 2. *Revocation.* This order supersedes and revokes National Park Service Delegation of Authority Order No. 64, 36 F. R. 5629.

(205 DM, as amended; 245 DM, as amended; 5 U.S.C. 22; sec. 301 of Reorganization Plan No. 3 of 1950)

Dated: July 6, 1971.

RAYMOND L. FREEMAN,
Acting Director,
National Park Service.

[FR Doc.71-10573 Filed 7-23-71;8:51 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

JUTE BAGGING AND BALE TIES USED IN WRAPPING COTTON

Modification of Revised Specifications

The Notice of Specifications—Jute Bagging and Bale Ties Used in Wrapping Cotton (Revision 2) issued by Commodity Credit Corporation published in the FEDERAL REGISTER on May 7, 1969 (34 F.R. 7388), stated the specifications for jute bagging and bale ties for wrapping cotton tendered to Commodity Credit Corporation (hereinafter referred to as CCC) for loans beginning with the 1969 crop of cotton.

Notice is hereby given that, effective as to the 1971 and subsequent crops of cotton, the specifications contained in the notice are amended as follows:

1. In order to provide for heavier weight bale ties and buckles on gin compressed cotton, the paragraph following the center head Bale Ties and Buckles is amended to read as follows:

BALE TIES AND BUCKLES

The total weight of bale ties and buckles used to tie each bale of cotton shall be not less than 8½ pounds or more than 9½ pounds: *Provided, however,* That bale ties and buckles weighing not less than 8½ pounds or more than 10 pounds may be used to tie a gin compressed bale (gin standard or gin universal density) having not less than eight bands.

2. In order to provide for shorter length bagging on gin compressed cotton, the first paragraph following the center head Jute Bagging is amended to read as follows:

JUTE BAGGING

All bagging must be clean, in sound condition, and of sufficient strength to adequately protect the cotton. Cotton wrapped in jute bagging to which any kind of salt or other corrosive material has been added, or which contains sisal or other hard fibers or any other material which will contaminate or adversely affect the cotton as determined by the President or Executive Vice President, CCC, will not be eligible for tender to CCC. Each one-half pattern (panel) of bagging shall be not less than 108 inches or more than 115 inches in length and must be not less than 47 inches or more than 56 inches in width: *Provided, however,* That bagging panels not less than 96 or more than 115 inches in length may be used for wrapping gin compressed bales (gin standard or gin universal density). Each pattern of bagging (two bagging pancls) must weigh not less than 11¼ pounds or more than 13¼ pounds at 13.75 percent moisture content (not moisture regain): *Provided, however,* That a pattern weighing not less than 10 pounds or more than 13¼ pounds at 13.75 percent moisture content (not moisture regain) may be used for wrapping gin compressed bale if each panel of the pattern is not less than 96 inches in length.

Signed at Washington, D.C., on July 20, 1971.

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

[FR Doc.71-10586 Filed 7-23-71;8:52 am]

Office of the Secretary

AGRICULTURAL RESEARCH SERVICE

Delegation of Functions

The assignment of functions to the Agricultural Research Service in 30 F.R. 5801, as amended in 31 F.R. 4975, 32 F.R. 7469, and 36 F.R. 7152 is hereby further amended by adding a new subparagraph (10) to paragraph b of section 115 to read as follows:

(10) Assisting the Consumer and Marketing Service (C & MS) in cooperating with the various States in performing State meat and poultry inspection activities as provided by the Federal Meat Inspection Act (21 U.S.C. 661) and the Poultry Products Inspection Act (21 U.S.C. 454).

Done at Washington, D.C., this 20th day of July 1971.

CLIFFORD M. HARDIN,
Secretary.

[FR Doc.71-10536 Filed 7-23-71;8:48 am]

PUBLIC PARTICIPATION IN RULE MAKING

Statement of Policy

Notice is hereby given of the policy of the Department of Agriculture to give notice of proposed rule making and to invite the public to participate in rule making where not required by law.

5 U.S.C. 553 provides generally that before rules are issued by Government agencies, notice of proposed rule making must be published in the FEDERAL REGISTER, and interested persons must be given an opportunity to participate in the rule making through submission of data, views, or arguments.

The law exempts from this requirement rules relating to public property, loans, grants, benefits, or contracts.

The Administrative Conference of the United States has recommended that Government agencies provide for public participation when formulating rules relating to public property, loans, grants, benefits, or contracts as a matter of policy.

The advantages of implementing the Conference's recommendation that the public be afforded an opportunity for greater participation in the formulation of rules relating to public property, loans, grants, benefits, or contracts will outweigh any disadvantages such as increased costs or delays.

The public participation requirements prescribed by 5 U.S.C. 553 (b) and (c) will be followed by all agencies of the Department in rule making relating to public property, loans, grants, benefits, or contracts. The exemptions permitted from such requirements where an agency finds for good cause that compliance would be impracticable, unnecessary or contrary to the public interest will be used sparingly, that is, only when there is a substantial basis therefor. Where such a finding is made, the finding and a statement of the reasons therefore will be published with the rule.

Effective date: Upon publication in the FEDERAL REGISTER (7-24-71).

Signed at Washington, D.C., on July 20, 1971.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[FR Doc.71-10537 Filed 7-23-71;8:48 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ATLAS CHEMICAL INDUSTRIES, INC.

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 1B2698) has been filed by

Atlas Chemical Industries, Inc., Wilmington, Del. 19899, proposing that § 121.2541 *Emulsifiers and/or surface active agents* (21 CFR 121.2541) be amended to provide for the safe use of sorbitan monopalmitate, sorbitan trioleate, and sorbitan tristearate as emulsifiers and/or surface active agents in the manufacture of food-contact articles.

Dated: July 20, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.71-10538 Filed 7-23-71;8:48 am]

PENNSYLVANIA INDUSTRIAL CHEMICAL CORP.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1B2695) has been filed by Pennsylvania Industrial Chemical Corp., 120 State Street, Clairton, Pa. 15025, proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of α-methylstyrene-vinyltoluene copolymer resins as a component of food-contact articles.

Dated: July 20, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.71-10539 Filed 7-23-71;8:48 am]

ATOMIC ENERGY COMMISSION

CERTAIN RADIOISOTOPES

Withdrawal From Production and Distribution

The Commission published on March 12, 1971, in the FEDERAL REGISTER (36 F.R. 4805) its proposed intent to withdraw voluntarily from routine production and distribution of 28 radioisotopes which are reasonably available commercially. Interested persons were given 45 days after publication to submit written comments regarding the Commission's proposed action. No comments have been received.

Therefore, the Commission has now determined, effective on publication of this notice in the FEDERAL REGISTER (7-24-71) to withdraw from routine production and distribution of reactor produced antimony-122, barium-131, barium-133, bismuth-210, carbon-14, cesium-131, chlorine-36, copper-67, gallium-72, iodine-130, iridium-194, nickel-63, osmium-191, palladium-109, praseodymium-142, rhenium-186, rubidium-86, samarium-153, scandium-46, silver-111, tantalum-182, tellurium-125m, thallium-204, thulium-170 (processed), thulium-171, tungsten-185, tungsten-187, and tungsten-188.

Orders that were accepted prior to the effective date of this notice will be honored.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 20th day of July 1971.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary of the Commission.

[FR Doc.71-10503 Filed 7-23-71;8:45 am]

[Docket No. 50-358]

CINCINNATI GAS & ELECTRIC CO. ET AL.

Notice of Availability of Draft Detailed Statement and Applicants' Environmental Report and Request for Comments From State and Local Agencies

The Cincinnati Gas & Electric Co., Columbus & Southern Ohio Electric Co., and Dayton Power and Light Co.

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that the Cincinnati Gas & Electric Co. has submitted an environmental report, dated January 15, 1971, which discusses environmental considerations relating to the proposed construction of the Wm. H. Zimmer Nuclear Power Station, Unit 1, and that the Commission's regulatory staff has prepared a draft detailed statement on such environmental considerations dated June 28, 1971. Copies of both the report and draft statement have been placed in the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and in the Clermont County Library, Third and Broadway Street, Batavia, OH 45103.

The Commission hereby requests comments on the proposed action, the draft statement and the applicants' report from State and local agencies of any affected State (with respect to matters within their jurisdiction), which are authorized to develop and enforce environmental standards. If the Commission is not provided with comments by any State or local agency within 60 days of the publication of this notice in the FEDERAL REGISTER, the Commission will presume that the agency has no comments to make.

Copies of the applicants' report dated January 15, 1971, the draft statement dated June 28, 1971, and available comments thereon of Federal agencies (whose comments are being separately requested by the Commission) will be supplied to such State and local agencies upon request addressed to the Director, Division of Radiological and Environmental Protection, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 13th day of July 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-10504 Filed 7-23-71;8:45 am]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 19923, 23634; Order 71-7-116]

EASTERN AIR LINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st day of July 1971.

By tariff revision bearing a posting date of June 21 and marked to become effective August 5, 1971, Eastern Air Lines, Inc. (Eastern) proposes to add clocks, watches, and watch parts to the list of "Articles of Extraordinary Value" contained in the industry cargo rules tariff.[1]

Eastern justifies its proposal essentially on the grounds that its cartage agent will not pickup or deliver watch shipments in the New York area because its cartage agent has had its insurance canceled on such articles due to the hijacking of trucks carrying such shipments.

Complaints were filed by the Timex Corp. and the American Watch Association, Inc. The complaints assert, inter alia, that the proposal will do serious and substantial damage to the watch industry because Eastern will not offer the pickup and delivery service now being performed throughout the carrier's system on shipments of clocks, watches, and watch parts. The complaints also state that the proposal is unduly discriminatory and reflects a failure on the part of Eastern to carry out its obligation to protect all property entrusted to its care.

In its answer to the complaints, Eastern asserts that it has not canceled or embargoed cartage service on watches, that the only effect of the tariff proposal is to now require advance notice and otherwise subject watches to the same rules as any other article of extraordinary value; and that, with respect to Eastern's alleged failure to take the necessary security measures to cope with its watch claims problems, the issue is not a matter of internal security. Further, Eastern cites numerous expensive steps they have taken, involving terminal storage, lighting, parking, fences, gates, TV monitoring, etc., all aimed at improved security for traffic in their possession, and refers to its high loss ratio upon watches, clocks, and watch parts.

Upon consideration of all relevant factors, the Board finds that the proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be suspended pending investigation.

Notwithstanding Eastern's assertion that its proposed tariff revision will not result in an embargo upon the pickup and delivery of clocks, watches and watch parts, the Board concludes that Eastern's tariff would no longer hold out

[1] Rule 2, Airline Tariff Publishers, Inc., Agent, Tariff CAB No. 96. The existing rule is under investigation in Docket 19923.

a pickup and delivery service if the proposed revision became effective. Eastern participates in Airline Tariff Publishers, Inc., Agent, tariffs CAB No. 96, the rules tariff, and CAB No. 19, the pickup and delivery tariff, which is governed by CAB No. 96. Rule 20(G) of CAB No. 19 provides that pickup and delivery service will not be provided for various named articles of extraordinary value. The rule further excludes from pickup and delivery service "Other articles of extraordinary value." Since Eastern proposes to include clocks, watches and watch parts as such in its governing rules tariff, the Board concludes that these items are "articles of extraordinary value" within the meaning of the PU&D tariff.

In sum, as a consequence of other tariff provisions relating to articles of extraordinary value, Eastern's proposal on shipments of clocks, watches, and watch parts would (1) result in the cancellation of all pickup and delivery service; (2) require the shipper to make advance arrangements with the carrier; (3) impose special packing requirements, i.e., shipments must be packed in containers with measurements of at least 5,000 cubic inches, and that such containers must have a minimum top loading capability of at least 75 pounds per square foot; and (4) when such articles have an actual value of $5,000.00 or more,

(a) Acquire the shipper to tender the shipment to Eastern at a designated area at its airport terminal not more than 3 hours prior to departure from origin city;

(b) Require the consignee to accept delivery of the shipment at the destination airport within 3 hours of the scheduled arrival time;

(c) Permit Eastern to hire an armored vehicle at the expense of the shipper or the consignee to deliver the shipment if the consignee fails to accept such shipment within 3 hours after the scheduled arrival time; and

(d) Result in the cancellation of the storage provisions for such shipments.

The Board notes Eastern's contention that the proposal is occasioned by security problems in the New York area. The Board further notes, however, that following the addition of furs, fur clothing and fur-trimmed clothing to the list of items of extraordinary value by American Airlines, Inc. (see Order 70-5-124), and the suspension of proposals to cancel pickup and delivery service on furs in the New York area (see Order 70-3-160), the other domestic carriers including Eastern filed the tariff provisions which created an exception to the general rule and established pickup and delivery service for furs in the New York area. Eastern's filing contains no such proposal, and as indicated, would effectively terminate the pickup and delivery service. Moreover, while Eastern's justification is directed to problems in the New York area, the effect of the filing would be to withdraw pickup and delivery service throughout the carrier's domestic system.

In view of the adverse impact that the cancellation of pickup and delivery service proposed by Eastern on clocks, watches, and watch parts will have on the shipper and/or consignee, the Board will not permit such proposals to become effective without investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. An investigation be instituted to determine whether the provisions reading "clocks, watches, and watch parts (applicable to EA only)" in the definition of "Articles of Extraordinary Value" in Rule No. 2, on 12th Revised Page 9 of tariff CAB No. 96 issued by Airline Tariff Publishers, Inc., Agent, and rules, regulations, and practices affecting such provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions, and rules, regulations, or practices affecting such provisions;

2. Pending hearing and decision by the Board, the provisions reading "clocks, watches and watch parts (applicable to EA only)" in the definition of "Articles of Extraordinary Value" in Rule No. 2, on 12th Revised Page 9 of tariff CAB No. 96 issued by Airline Tariff Publishers, Inc., Agent, (except from and to Canada) are suspended and their use deferred to and including November 2, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding herein, designated Docket 23634, be assigned before an examiner of the Board, at a time and place to be designated.

4. Except to the extent granted herein, the complaints by the Timex Corp., in Docket 23859, and the American Watch Association, Inc., in Docket 23592, are dismissed; and

5. Copies of this order shall be filed with the tariff and served upon Eastern Air Lines, Inc., Timex Corp. and the American Watch Association, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-10590 Filed 7-23-71;8:52 am]

[Docket No. 23432]

PURDUE AIRLINES, INC. AND INEX ADRIA AVIOPROMET

Notice of Proposed Approval

Application of Purdue Airlines, Inc. and Inex Adria Aviopromet for approval of aircraft lease and purchase transactions pursuant to section 408 of the Federal Aviation Act, Docket 23432.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded a period of 15 days from the date of this notice within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., July 21, 1971.

A. M. ANDREWS,
Director,
Bureau of Operating Rights.

ORDER OF APPROVAL

Issued under delegated authority.

By application filed May 25, 1971, Purdue Airlines, Inc. (Purdue) and Inex Adria Aviopromet (Inexadria) request approval without hearing pursuant to section 408(b) of the Federal Aviation Act of 1958, as amended (the Act), with respect to the lease and sale by Purdue to Inexadria of one DC-9-30 aircraft and related spare parts.

Purdue is a Delaware corporation holding a Supplemental Certificate to engage in air transportation. Inexadria is a Yugoslav corporation conducting various air transport services in and from Yugoslavia.

Purdue states that for the last several years it has suffered large financial losses and that the outlook for the future holds no promise of improvement. As a consequence Purdue discontinued charter operations with its two owned DC-9-30 aircraft on April 30, 1971. The company has sought to dispose of the aircraft and has been unsuccessful until direct negotiations were entered into with Inexadria for the sale of one and possibly both of the aircraft. Although the permanent financing of the sale of one of the aircraft has been agreed upon, such financing will not be concluded for an indefinite time and Inexadria is willing to purchase the aircraft only if it takes immediate possession of and has use of the aircraft pending completion of the sale.

To facilitate immediate use of the aircraft by Inexadria, Purdue has agreed to lease the aircraft to Inexadria until such time as the sale shall have been fully consummated; provided, that if the sale has not been consummated within 12 months from the delivery date (May 20, 1971), the lease agreement shall thereupon terminate.[1] The rental price is $50,000 per month for the aircraft and $5,000 per month for an extra engine, such rental to be applied to the respective total purchase prices of $3,900,000 and $422,189.[2]

In support of its request for approval of the transaction, Purdue submits that the transaction does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not re-

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[1] Although delivery of the aircraft was made 5 days before application was filed with the Board for approval of the transactions, it has been concluded that exceptional circumstances exist within the meaning of the Sherman Doctrine, and that there is no impediment to the processing of the application on its merits.

[2] Should the sale not be consummated for any reason not the fault of Purdue, Purdue shall be entitled to retain all rentals paid under the terms of the lease. In addition to the rentals, Inexadria has purchased from Purdue $100,000 worth of DC-9 spare parts.

sult in creating a monopoly and does not restrain competition or jeopardize another air carrier not a party to the transaction. Purdue states that if this transaction is not approved, Purdue does not have another buyer and thus would sustain very large losses.

No objections to approval of the transaction have been received.

It is concluded that Purdue is an air carrier; that Inexadria is a person engaged in a phase of aeronautics and that the lease by Inexadria of one half of Purdue's fleet of aircraft is subject to section 408(a)(2) of the Act. It has been further concluded that the transaction should be approved. The transaction does not affect the control of a carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly and thereby restrain competition nor does it jeopardize another air carrier. No person disclosing a substantial interest in this proceeding is currently requesting a hearing and it is concluded that the public interest does not require a hearing. Consequently, it is not found that the transaction is contrary to the public interest or that the conditions of section 408 will be unfulfilled.

Notice of intent to dispose of the application without hearing has been published in the Federal Register and a copy of such notice has been furnished to the Attorney General not later than the day following date of such publication, both in accordance with the provisions of section 408(b) of the Act.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.13, it is found that the transaction described herein should be approved under section 408(b) of the Act without a hearing.

Accordingly, it is ordered, That:

The lease of the DC-9-30 aircraft and related spare parts by Inexadria from Purdue be and it hereby is approved.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within fifteen days after the date of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-10591 Filed 7-23-71;8:52 am]

[Dockets Nos. 18078, 23541; Order 71-7-108]

NATIONAL AIRLINES, INC., ET AL.

Order To Show Cause Regarding Service Mail Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of July 1971.

By Order 69-7-90, served July 18, 1969, National Airlines, Inc. (National), was awarded a certificate of public convenience and necessity authorizing it to engage in overseas and foreign air transportation with respect to persons, property, and mail over a transatlantic route (Route 168). No service mail rates are currently in effect for transatlantic mail services by National. By petition filed June 23, 1971, and corrected June 24, 1971, National has requested that the service mail rates in effect for U.S. transatlantic air carriers be made applicable to these transatlantic operations inaugurated June 15, 1970.

National requests that the outstanding service mail rate orders for transatlantic priority mail (Order 68-9-9) and military ordinary mail (Order 68-9-8) be amended to make the rates established therein for Pan American World Airways, Inc., Seaboard World Airlines, Inc., Trans World Airlines, Inc., and American Airlines, Inc., applicable to the transatlantic operations of National Airlines, Inc. National's petition was corrected on June 24 to request that 4,422 miles be established as the standard mileage for the computation of mail pay for National between Miami and London.

On July 6, 1971, the Postmaster General filed a reply supporting National's corrected petition.

In order that National's service mail rates may be the same as those applicable to other carriers providing competitive services, the Board proposes to issue an order including the following findings and conclusions:

(1) On and after June 15, 1970, the fair and reasonable final service mail rates to be paid to National Airlines, Inc., for the transportation of mail over its transatlantic routes, the facilities used and useful therefor, and the services connected therewith shall be as follows:

(a) For priority mail, the current service mail rate established for transatlantic services by Order 68-9-9, September 4, 1968, as amended, and as it shall be further amended to establish 4,422 miles as the standard mileage applicable to services of National Airlines, Inc., between Miami and London;

(b) For military ordinary mail, the current final mail rate established for military ordinary mail by Order 68-9-8, September 4, 1968, as amended.

(2) The foregoing findings and conclusions shall be implemented by the following amendments to Board orders:

(a) Order 68-9-9, dated September 4, 1968, as amended, shall be further amended as follows:

(i) By amending the introductory sentence of footnote 1 by adding "National" immediately following "Seaboard."

(ii) By inserting the following sentence before the last sentence of paragraph 1.c. on page 2 thereof:

"On and after June 15, 1970, the transatlantic services of National Airlines, Inc., shall be compensated at the rate of 32 cents per ton-mile."

(b) Order 68-9-8, dated September 4, 1968, as amended, shall be further amended as follows:

(i) By amending the introductory sentence in footnote 2 to read as follows:

[2] "Transatlantic service" as used herein is defined as those services performed by Pan American, Seaboard, American, National, and TWA, over their respective routes:

(ii) By amending line 9 of ordering paragraph 1 to add "National Airlines, Inc.," immediately following the words "Seaboard World Airlines, Inc."

(iii) By inserting the following sentence at the end of the paragraph on page 2 thereof:

"On and after June 15, 1970, the rate of compensation for the transatlantic services of National Airlines, Inc., for this class of mail shall be 21.84 cents per ton-mile."

(3) The service mail rates here fixed and determined are to be paid in their entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly section 204(a) and 406 thereof, and pursuant to regulations promulgated in 14 CFR Part 302:

It is ordered, That:

1. All interested persons, and particularly National Airlines, Inc., and the Postmaster General, are directed to show cause why the Board should not publish the final rates specified above as the fair and reasonable rates of compensation to be paid to National Airlines, Inc., for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

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

This order shall be served upon National Airlines, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

APPENDIX

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

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

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

[FR Doc.71-10592 Filed 7-23-71;8:52 am]

[Docket No. 23378]

SURINAAMSE LUCHTVRACHTONDERNEMING N.V. (SURINAM AIR CARGO CORP.)

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of

1958, as amended, that a hearing in the above-entitled proceeding will be held on September 8, 1971, at 10 a.m., d.s.t., in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned examiner.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the Report of Prehearing Conference served July 16, 1971, and all other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., July 20, 1971.

[SEAL] EDWARD T. STODOLA,
Hearing Examiner.

[FR Doc.71-10593 Filed 7-23-71;8:52 am]

ENVIRONMENTAL PROTECTION AGENCY

AMERICAN CYANAMID CO.

Dimethoate; Notice of Establishment of Temporary Tolerance

American Cyanamid Co., Post Office Box 400, Princeton, NJ 08540, submitted a petition requesting a temporary tolerance for residues of the insecticide dimethoate (*O,O*-dimethyl *S*-(*N*-methylcarbamoylmethyl) phosphorodithioate) including its oxygen analog (*O,O*-dimethyl *S*-(*N*-methylcarbamoylmethyl) phosphorothioate) in or on the raw agricultural commodity grapes at 1 part per million.

The Fish and Wildlife Service, U.S. Department of the Interior, advised that it has no objection to this temporary tolerance.

It has been determined that a temporary tolerance of 1 part per million for residues of the insecticide in or on grapes is safe and will protect the public health. It is therefore established as requested on condition that the insecticide is used in accordance with the temporary permit issued concurrently by the Environmental Protection Agency and which provides for distribution under the American Cyanamid Co. name.

This temporary tolerance expires May 11, 1972.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs of the Environmental Protection Agency (36 F.R. 9038).

Dated: July 19, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.71-10531 Filed 7-23-71;8:47 am]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 19018, 19019; FCC 71R-221]

EASTERN BROADCASTING CORP. AND BROADCASTING INC. OF ANDERSON

Memorandum Opinion and Order Enlarging Issues

In regard applications of Eastern Broadcasting Corp., Anderson, Ind., Docket No. 19018, File No. BPH-6616; Broadcasting Inc. of Anderson, Anderson, Ind., Docket No. 19019, File No. BPH-7083; for construction permits.

1. This proceeding involves the mutually exclusive applications of Eastern Broadcasting Corp. (Eastern) and Broadcasting Inc. of Anderson (BIA) for construction permits to operate an FM broadcast facility at Anderson, Ind.[1] By Order (FCC 70-1033), released October 1, 1970, the Commission designated the applications for hearing on various issues. Presently before the Review Board are two petitions to enlarge, filed March 15, 1971, and March 17, 1971, respectively, by BIA and the Broadcast Bureau, requesting financial and Rule 1.65 issues against Eastern, and a further petition for enlargement, filed March 30, 1971, by Eastern requesting the addition of Rule 1.65, unfair competition, and cross-interest issues against BIA.[2]

Eastern's financial qualifications. 2. BIA and the Broadcast Bureau seek the addition of a financial issue against Eastern.[3] Initially, petitioners call to the attention of the Review Board an amendment to Eastern's application, filed March 1, 1971, which reveals that Eastern purchased, on February 1, 1971, Station WBOW, Terre Haute, Ind.; that Eastern signed a contract to purchase WHOE-FM (formerly WNOW-FM), Terre Haute, Ind.; that Eastern was the proposed assignor of WHAP, Hopewell, Va. (BAL-7127); and that Eastern is the parent corporation of Ohio Broadcast Corp., the proposed assignee of WOHI (AM) and WRTS-FM, East Liverpool, Ohio (BAL-7125, BALH-1421).[4] Petitioners also point out that Eastern's March 1, 1971, amendment lists cash needs of $247,412 (of which $116,473 is allocated to the Anderson application, and $100,939 and $30,000, respectively, to the purchase of WOHI/WRTS-FM and WHOE), and that Eastern proposes to meet these commitments with available funds of $220,357 (including cash in banks of $55,357, $105,000 from the sale of WHAP, and anticipated cash flow from Eastern's operations, including WOHI and WRTS-FM, of $60,000). Eastern's amendment concedes that its resources fall short of its commitments by $27,055, petitioners note, but expresses Eastern's intention to acquire additional funds as needed.

3. BIA maintains that Eastern has failed to demonstrate that its cash in banks ($55,357) will be available for the proposed Anderson FM station and will not be needed to pay its current liabilities (allegedly in excess of $217,000); and that its accounts or notes receivable are, in fact, collectible. Specifically, BIA points out that FCC Form 301, section III, paragraph 4(b) states that accounts receivable are not considered as a readily available source of funds without a specific showing that such assets can be relied upon to provide funds to meet proposed commitments, and that Eastern has failed to provide such a "specific showing." BIA further alleges that Eastern is heavily indebted, as indicated by

[1] The application of White River Radio Corp. (White River) for the same facility was dismissed with prejudice by the Hearing Examiner at the applicant's request (Order, FCC 71M-188, released Feb. 3, 1971).

[2] Also before the Review Board for consideration are: (a) Erratum, filed Mar. 18, 1971, by the Broadcast Bureau; (b) oppositions to both petitions to enlarge, filed Apr. 6, 1971, by Eastern; (c) comments on BIA's petition to enlarge, filed Mar. 30, 1971, by the Broadcast Bureau; (d) reply, filed Apr. 23, 1971, by BIA; (e) reply, filed Apr. 23, 1971, by the Bureau; (f) opposition to the further petition for enlargement, filed Apr. 16, 1971, by BIA; (g) comments on further petition for enlargement, filed Apr. 16, 1971, by the Bureau; (h) reply to (f), filed Apr. 27, 1971, by Eastern; (i) petition for leave to file statement and statement respecting reply to opposition to enlarge issues, filed May 19, 1971, by Eastern; and (j) comments on (i), filed June 3, 1971, by BIA. Eastern's statement respecting reply to opposition to enlarge issues will be considered since it deals with new information bearing on its financial qualifications showing and is responsive to deficiencies raised by the pleadings. See Eastern Broadcasting Corp., 28 FCC 2d 28, 21 RR 2d 417 (1971).

[3] BIA concludes the untimeliness of its petition but claims newly filed information by Eastern in support of its plea for acceptance. In the absence of objection to the acceptance of the petition, and for good cause shown, the Board will consider the petition on its merits. The Board notes that the Broadcast Bureau's petition also was filed more than 15 days after publication of the designation Order in the FEDERAL REGISTER (35 F.R. 15658, Oct. 6, 1970); however, for the same reasons, the Board will also consider the Bureau's petition on its merits.

[4] By Order, FCC 71M-426, released Mar. 18, 1971, Eastern's unopposed petition for leave to amend and its Mar. 1, 1971, amendment were accepted by the Examiner.

its February 1, 1971, balance sheet showing of $1,564,000.67 in long term liabilities, and that no basis exists for Eastern's reliance on anticipated cash flow of $60,000.

4. The Broadcast Bureau questions whether funds originally earmarked for the Anderson proposal have been used in the purchase of WBOW, and also claims that Eastern will require $148,170 to construct and operate its proposed Anderson station, rather than the $116,473 suggested by the applicant. Finally, the Bureau alleges that Eastern's balance sheet showing of $55,357 in cash fails to demonstrate that it can be used without rendering the applicant insolvent.[3] Consequently, the Bureau concludes that it is unable to determine whether Eastern has sufficient financial resources to construct and operate its proposed Anderson station and requests the addition of an appropriate issue.

5. In opposition, Eastern rejects the Bureau's allegation that total first year costs will be $148,170; Eastern explains that the correct figure is $116,473 ($159,999 in total first year construction and operation costs, less $43,526 in net deferred credit from Eastern's equipment supplier). Eastern also claims that its accounts receivable are quite liquid and converted to cash regularly, and attaches a letter of commitment from Blackburn and Company, Inc., Media Brokers, dated March 22, 1971, extending to the applicant a loan up to $50,000. Finally, in response to the challenged propriety of the applicant's reliance on existing cash on hand ($55,357), i.e., that such funds are needed to offset liabilities or maintain solvency, Eastern submits charts explicating previous cash flow and projections of anticipated cash funds and debt reduction to justify its projected cash flow figure of $60,000. Thus, Eastern estimates that it has available a total of $250,000 ($60,000 in anticipated cash flow; $105,000 representing the proceeds from its sale of WHAP; $50,000 from Blackburn and Company; and $35,000 in cash, representing only a portion of its alleged existing cash total of $55,327) to meet its financial needs of $247,412.

6. In reply, BIA and the Bureau reject Eastern's reliance on the $50,000 loan commitment, claiming that Blackburn and Co., Inc., a brokerage house rather than a financial institution, is required by section III, paragraphs 4 (b) and (c) of Form 301 to submit a complete balance sheet or financial statement of net income for the past 2 years and that, absent such a statement, a determination cannot be made as to the availability of the proffered loan. Petitioners also maintain that Eastern's reliance upon cash flow to support its showing of existing cash lends credence to petitioners' claims that Eastern's cash in banks ($55,327), purportedly available for the proposed Anderson FM station, is, in fact, needed for other corporate purposes and cannot be used without rendering the applicant insolvent. Moreover, petitioners claim that Eastern's reliance on projected cash flow is totally unsupported by factual data and, therefore, is unreliable. Petitioners contend that Eastern has failed to demonstrate adequately the availability of the Blackburn loan commitment, cash on hand, or cash flow; accordingly, petitioners conclude that a financial issue is warranted.

7. In its statement respecting reply to opposition to enlarge issues, Eastern informs the Review Board of an amendment (dated May 19, 1971) to its application (a copy of the amendment is attached to its pleading) relating to Eastern's financial showing and relevant to the alleged deficiencies raised in the pleadings.[4] Specifically, the proffered amendment asserts that Eastern's assignment of WHAP, Hopewell, Va., to Radio Hopewell, Inc., has been consummated, and that Eastern's proposed acquisition of WOHI(AM) and WRTS–FM, East Liverpool, Ohio, has been dismissed. As a result of these events, Eastern maintains that its commitments now total $146,473, including $116,473 for construction and first year operation of the proposed Anderson FM station, and $30,000 for the proposed acquisition of WHOE(FM), Terre Haute, Ind. To meet these obligations, Eastern claims to have available $235,748, including cash on hand totaling $135,748, a letter of commitment from Blackburn and Company in the amount of $50,000 and $50,000 in projected annual cash flow.

8. In its comments on Eastern's statement, BIA notes that Blackburn and Co. still has not submitted the financial data required by Form 301 and that its "self-serving" statement that it has sufficient assets in excess of liabilities in no way meets that requirement; that Eastern still has not shown that its cash on hand will not be needed to meet existing liabilities ($217,022.59) and, therefore, is not demonstrably available for the proposed Anderson FM station; and that Eastern's dependence on cash flow to establish its financial qualifications is misplaced because the availability of such funds has not been adequately established.

9. The Review Board is of the opinion that a substantial question has been raised regarding Eastern's financial qualifications. Specifically, Eastern has failed to demonstrate an adequate basis for its reliance on $50,000 in projected annual cash flow. Thus, while Eastern's attached figures for the fiscal years ending June of 1967 through 1970 show net profit before depreciation, debt reduction, and headquarters expense, they fail to note surplus cash after such deductions; and while Eastern's estimated figures for fiscal years 1971 and 1972 do list anticipated cash surplus in excess of $59,000 for both years, they offer no comparison with cash surplus in preceding years and appear to be based on estimated profits substantially greater than in previous years with no detailed justification for such greater expectations. Furthermore, the weakness of Eastern's showing as to estimated cash flow tends to undermine its showing of adequate cash on hand, *i.e.*, Eastern attempts to support its showing of sufficient cash on hand by relying principally on its showing of estimated cash flow. (See paragraph 6, supra.) Thus, the inadequacy of the latter showing weakens the former showing and, in the opinion of the Board, neither existing cash on hand nor anticipated cash flow is adequately shown. Moreover, Eastern's proffered reliance on the loan commitment extended by Blackburn and Company, Inc., Media Brokers, fails to comply with Form 301, section III, paragraphs 4 (b) and (c), which require prospective lenders (other than financial institutions) to submit a current balance sheet or financial statement and a statement of net income for the past two years. Blackburn's unverified and unsupported statement that it "has liquid assets in excess of all liabilities of over $250,000," does not satisfy Form 301 requirements, nor does it provide the Board with sufficient information to make a determination as to the availability of such loan. The Board also notes that no security for the loan is mentioned.

10. Eastern's statement does little to resolve the allegations raised by petitioners. Eastern's statement indicates that it still relies on the Blackburn commitment of $50,000 and anticipated cash flow of a like amount. In either instance does Eastern's statement contain new information justifying Eastern's estimated cash flow nor does it comply with section III, paragraphs 4 (b) and (c) to establish the financial capacity of Blackburn and Company. The uncertain and questionable availability of these sources of funds leaves Eastern with an alleged $135,748 in cash on hand to meet its commitments of $146,473. Accordingly, the Board is of the opinion that a substantial question has been raised regarding Eastern's financial qualifications and an appropriate issue will be added.

Rule 1.65 issue. 11. BIA requests the addition of a Rule 1.65 issue against Eastern to determine whether the latter is still relying on a bank loan from the National Savings & Trust Co., Washington, D.C., as represented in its commitment letter of July 14, 1970, and, if not, whether Eastern has failed to timely advise the Commission of a substantial change in the applicant's financial proposal. The Broadcast Bureau, in its comments, agrees with BIA that Eastern's

[3] The Bureau's further allegation concerning the contingency of Eastern's reliance on cash from the sale of WHAP has been rendered moot by the Commission's action on Apr. 14, 1971, approving the sale of WHAP and the purchase of WOHI/WRTS, and the Examiner's Order, FCC 71M–944, released June 11, 1971, accepting Eastern's May 19, 1971, Petition for Leave to Amend and tendered amendment reflecting consummation of the assignment of WHAP and termination of Eastern's proposed acquisition of station WOHI(AM) and WRTS–FM.

[4] By order, FCC 71M–944, released June 11, 1971, the Examiner accepted Eastern's May 19, 1971, amendment.

new plan of financing raises a question as to whether the applicant still is relying on its National Savings & Trust Co. bank loan to operate its proposed Anderson FM station. However, the Bureau maintains that there is no present indication that Eastern has not kept its application up-to-date; therefore, rather than urging the addition of a Rule 1.65 issue at this time, the Bureau suggests that a determination of Eastern's qualifications under the financial issue requested herein will, necessarily, require Eastern to demonstrate fully the sources of its funds and if, at that time, it appears that Eastern is no longer relying on resources on which the Commission relied in finding the applicant qualified, a Rule 1.65 issue may be added. In its opposition, Eastern explains that the bank loan in question was used to purchase Station WBOW, Terre Haute, Ind., on February 1, 1971; and that its March 1, 1971, amendment, restating its proposed financial sources, omitted all reference to such bank loan and, by its computations, clearly indicated that reliance no longer was placed upon any bank loan in respect to the Anderson FM proposal. In reply, BIA rejects Eastern's claim that its March 1, 1971, amendment provided clear notification that its National Savings & Trust loan commitment was no longer available for the Anderson proposal; furthermore, argues BIA, whatever notification such amendment may have provided, it was not timely filed because Eastern must have known some time in advance of the February 2, 1971, closing date of the WBOW purchase that its National Savings & Trust Bank loan would be used for that purpose and therefore, it was within 30 days of that prior date, and not the February 2, closing date, that Eastern should have notified the Commission.

12. The unavailability of a bank loan formerly relied upon by the Commission in finding an applicant financially qualified clearly represents a substantial change of decisional significance within the meaning of Rule 1.65 and, therefore, requires the filing of an amendment or statement correcting the information as promptly as possible or, in any event, within 30 days. Eastern claims that, by omitting any reference to a bank loan in the March 1, 1971, amendment to its application, it provided adequate notice that, in contrast to its earlier representation, it intended no longer to rely on the National Savings & Trust loan with respect to its Anderson FM station. Petitioners' request for an issue, then, concerns the nature and quality of Eastern's alleged notification of the change in its financial proposal, i.e., has a substantial question been raised as to whether the deletion from its amendment of the earlier representation regarding reliance on a certain bank loan meets the requirements of Rule 1.65. Notice so obscure or covert as not to apprise the Commission of its import is not notice adequately given. However, the Board is of the opinion that Eastern's notification regarding its bank loan was neither unclear nor concealed. The rule requires that where the information furnished in a pending application is no longer substantially accurate and complete the applicant amend his application so as to furnish corrected information as may be appropriate. In the Board's opinion, Eastern's March 1, amendment does provide the Commission with "corrected information" appropriate to the applicant's revised plans to finance its Anderson proposal. The fact that particular reference to the National Savings & Trust loan was not made does not mean that the applicant has failed to meet its responsibility to keep its application accurate, complete and current. Under the circumstances, the Board cannot find that a substantial question exists as to whether Eastern's amendment clearly indicated that it no longer was relying on the National Savings & Trust loan to finance its Anderson proposal; on the contrary, the absence of any reference to such loan in Eastern's list of resources available to meet its commitments makes it implicitly clear that the applicant no longer expects to rely on the availability of such loan to meet its commitments.

13. The Board also rejects BIA's challenge respecting the timeliness of Eastern's notice. As Eastern makes clear in its opposition, the purchase of Station WBOW(AM), and the concomitant use of its line of credit with National Savings & Trust to make such purchase, were neither certain nor complete until the February 1, 1971, date of purchase. Within 30 days of that date, Eastern had filed an amendment to its application advising the Commission of its purchase and submitting its revised financial proposal respecting its Anderson FM commitments. Until the February 1, 1971, date of sale (or conceivably even the February 2, 1971, closing date) it was not unreasonable for Eastern to believe that the line of credit might remain available. See Fine Music, Inc., 7 FCC 2d 187, 9 RR 2d 917 (1967). The Board believes that a requirement that an applicant inform the Commission within 30 days of a time when it expected or anticipated a change in circumstances would alter the intent of Rule 1.65. Accordingly, the Board concludes that no substantial question has been raised respecting Eastern's compliance with Rule 1.65.

Cross-interest issue. 14. In support of its requested cross-interest issue, and related Rule 1.65 and unfair competition issues, Eastern avers that on March 2, 1971, it received from BIA an exhibit entitled "Biography of Ronald R. Ross"; that such exhibit described Ross's present occupation as president (and founder) of Ron Ross Advertising Agency, Fort Wayne, Ind.; and that cross-examination at the March 16, 1971, hearing in this proceeding revealed that Ron Ross Advertising, Inc. (purportedly the correct name of Ron Ross Advertising Agency), was formed in October 1970, and that Ross is a 50 percent owner of such advertising agency. Eastern further notes that Ross and his wife also own 50 percent of BIA, and that, in addition to his role as president and director of BIA, Ross will also serve as general manager of the proposed FM station and director of public affairs. Eastern purports to illustrate a potentially significant impairment of competition and violation of the Commission's cross-interest policy by noting that Ross' advertising agency, although located in Fort Wayne, services accounts throughout Indiana, including Anderson, Upland, Columbia City, and Winchester, as well as Fort Wayne;[7] and that, in his capacity as an advertising agency representative, Ross visits stations in and around Anderson to "suggest" programing that would meet the needs of his advertising clients. Eastern further alleges that Ross conceded at the March 16 hearing that he actively solicits and has placed advertising on at least two Anderson radio stations (WHUT, licensed to Eastern Broadcasting Corp., the competing applicant in this proceeding, and WHBU), as well as with stations in Hartford City, Marion, and Elwood, all in Indiana and all within the proposed 1.0 mv/m service area of Eastern and BIA. According to Eastern, all of the stations in the above-mentioned communities render service to large portions of the service areas proposed by the applicants herein and, of the Fort Wayne stations, WOWO(AM) covers the entire proposed service areas with a 0.5 mv/m signal.[8]

15. Based on the foregoing facts, Eastern concludes that Ross's dual ownership interests in an advertising agency and proposed broadcast facility servicing the same community and area would place him in a position to help or hinder his broadcast competitors at his sole discretion with a motive and obligation to favor his own station and, therefore, raise fundamental qualifications questions respecting the possibility of a potentially significant impairment of competition and a violation of § 73.240(1) of the Commission's rules.[9] Relying primarily on Atlantic Broadcasting Com-

[7] According to petitioner, Anderson and Upland are within the proposed 1.0 mv/m service area of both applicants, Fort Wayne and Columbia City are approximately 45 miles north of the 1.0 mv/m contour, and Winchester is approximately 15 miles east of the 1.0 mv/m contour.

[8] Petitioner points out that, while Ross testified that he "would hesitate to suggest to [a client] that he switch all of his advertising to a station that I have an interest in, simply for that reason," his testimony reveals no hesitancy regarding his intention to direct new advertising clients to his own station.

[9] Section 73.240(1) of the rules, in pertinent part, proscribes a person from holding an ownership interest in an FM station if that person directly or indirectly owns, operates, or controls, in the same service area, another FM station.

pany, 5 FCC 2d 717, 8 RR 2d 991 (1966),[10] Eastern maintains that it has made specific allegations of fact sufficient to demonstrate that Ross's advertising agency-broadcast ownership interests are potentially harmful to the public interest and that a disqualifying cross-interest issue is, therefore, warranted. Based on the same facts, Eastern also requests the addition of an unfair competition issue and, in addition, claims that, because the foregoing information was not disclosed to the Commission until March 2, 1971, and since the detailed facts were first revealed during cross-examination at the March 16, 1971, hearing, a Rule 1.65 issue should be added.[11] The Broadcast Bureau's comments support the addition of a Rule 1.65 issue and an issue to determine whether the dual ownership is contrary to the public interest.

16. In opposition, BIA characterizes Eastern's petition as untimely filed and inadequate on its merits. Initially, BIA claims that, although Ross's change from one advertising agency to another was not reported by an amendment, Eastern has long been aware of Ross's association with the advertising agency of Gotsch Affiliates, Inc., as reported in BIA's application before the applications were designated for hearing and, whatever questions may now be raised concerning cross-interest or unfair competition, should have been raised at that time; similarly, with respect to the requested Rule 1.65 issue, BIA argues that Eastern has been aware of the actual status of Ross's advertising connections since the March 2, 1971, exchange of exhibits and should have filed for enlargement of issues within 15 days of that date. In any event, argues BIA, Eastern's petition is inadequate on its merits because: (a) Assuming that an interest in an advertising agency may raise a cross-interest question, the cross-interest here involved is insignificant; (b) the cross-interest proscription applies only to competing broadcast stations rather than to a station and an advertising agency; and (c) Eastern's interpretation of the Commission's cross-interest policy would foreclose any business interest using the advertising medium from becoming a broadcast licensee, and no such step should be taken without first conducting a rule making proceeding. Furthermore, claims BIA, Eastern's reliance on Atlantic Broadcasting Co., supra, is unavailing because Eastern has failed in the same way as the petitioner in the Atlantic case, i.e., both petitions failed to make specific allegations of fact sufficient to show that the applicant's dual interests in an advertising agency and broadcast station would be contrary to the public interest. Thus, concludes BIA, Eastern's petition should be denied for the same reason as articulated by the Commission in Atlantic Broadcasting Co.

17. In reply, Eastern maintains that, contrary to BIA's contentions, the cross-interests here involved are not "insignificant"; in fact where, as here, the communities and number of stations involved are small, the impact of the cross-interest is intensified rather than diminished. Moreover, the Commission made it clear in Atlantic Broadcasting Co., supra, petitioner states, that a rule making proceeding is unnecessary in a case such as this one where sufficient preliminary facts are shown to indicate that the advertising agency-broadcast station cross-interest could adversely affect the public interest. Finally, Eastern claims that BIA's attempt to limit the application of the Atlantic case to competing broadcast cross-interests is unduly restrictive and not in compliance with the Commission's mandate that an issue is warranted where specific allegations of fact show that a broadcast interest in an advertising agency would be contrary to the public interest.

18. The Review Board will grant Eastern's requests for cross-interest and Rule 1.65 issues, and deny its request for an unfair competition issue.[12] The objective of the Commission's cross-interest policy is the promotion and maintenance of full competition between two or more broadcast stations in the same area, Golden West Broadcasters, 16 FCC 2d 918, 15 RR 2d 938 (1969), and, to that end, the so-called cross-interest policy has been applied in situations involving other than actual proprietary ownership interests. For example, the Commission has held "that representation of a station by a licensee or licensee-owned organization which operates a station in the same service in the same area gives the licensee-representative a large stake in the financial well-being of the station it represents and that this relationship necessarily militates against competition between the two stations." Golden West Broadcasters, supra, at 921. Similarly, the Commission has held that an individual who is a one-third stockholder and director of a licensee corporation could not at the same time be either employed as a salesman and part-time announcer by another station in the same area, Carolina Broadcasting Service, 25 RR 515 (1963), or be a creditor of another station in the same city, KFRM, Inc., 5 FCC 2d 348, 8 RR 2d 903 (1966).[13]

19. In Atlantic Broadcasting Co., 5 FCC 2d 161, 8 RR 2d 791 (1966), the Review Board first dealt with the question of whether a radio station and advertising agency doing business in the same general area may have common ownership. The theory behind the question was that the advertising agency would be in a position to favor, in the placing of advertising, the commonly owned station as against competing stations in the same area, and that such a situation was inimical to the public interest. The Board declined to authorize inquiry into the matter. Upon review of the Board's order, the Commission pointed out that "* * * the absence of a specific statement of policy would not be dispositive of this request, if the merits of [petitioner's] pleadings had raised a serious public interest question." Atlantic Broadcasting Co., 5 FCC 2d at 718. The Commission reviewed the merits of petitioner's pleadings and concluded that petitioner "* * * failed to make any specific allegations of fact showing that [the applicant's] principals' interest in the advertising agency and in the broadcast station would be contrary to the public interest." 5 FCC 2d at 718. Consequently, the Commission agreed with the Board that there was no basis for the addition of a disqualifying cross-interest issue. However, the mandate of the Commission seems clear, i.e., where "specific allegations of fact" show that the applicant's interest in the advertising agency and in the broadcast station would be contrary to the public interest, an appropriate disqualifying cross-interest issue should be added.

20. In the instant request, petitioner's specific allegations of fact show that the applicant Ross is president and major stockholder of an advertising agency; that such agency serves the needs of businesses in Anderson, as well as neighboring Indiana communities; that such agency has placed advertising on at least two Anderson radio stations; that Ross, in his determination of which broadcast station will best serve the needs of his advertising clients, "suggests" particular programing to such stations to meet his client's needs; and that Ross has every intention of placing future advertising of his agency clients on his proposed station. Under these circumstances, the Review Board is of the opinion that specific allegations of fact have been made sufficient to raise serious public interest questions as to whether Ross's dual interests in an advertising agency and proposed broadcast station serving the same general area would be contrary to the public interest. As the Bureau points out, it is significant to note that there were no allegations in Atlantic Broadcasting Co., supra, that the advertising agency represented clients who purchased time on local broadcast stations, whereas such a showing has been made here by Eastern.

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[10] In that case, the Review Board denied a request to add a disqualifying issue because one of the principals of the applicant owned an interest in a local advertising agency. On review, the Commission affirmed the Board's order (5 FCC 2d 161, 8 RR 2d 791 (1966)) because the petitioner failed to make specific allegations showing that the principal's interest in the advertising agency would be contrary to the public interest.

[11] Counsel for BIA stipulated at the Mar. 16, 1971, hearing that BIA's application has not been amended to reflect Ross's change in October 1970, from executive vice president of Gotsch Affiliates, Inc., a Fort Wayne, Ind., advertising agency to president and 50 percent owner of Ron Ross Advertising, Inc.

[12] The Review Board is persuaded that good cause has been shown for the acceptance of the instant petition. In any event, Eastern's petition raises a serious public interest question warranting consideration of the petition on its merits. The Edgefield-Saluda Radio Co., 5 FCC 2d 148, 8 RR 2d 611 (1966).

[13] See also Minnesota Broadcasting Corporation, 4 RR 1376 (1949).

Moreover, BIA's argument, in mitigation, that Ross's agency services only two accounts in Anderson and that whatever cross-interest may exist is "insignificant" is unpersuasive. Specifically, BIA's reliance on King Broadcasting Co., 20 RR 1069 (Public Notices 97672 and 98385, 1960 and 1961) in support of its claim of "insignificant" cross-interests is factually distinguishable. In that case the president and majority stockholder of the licensee of certain AM, FM, and Television stations was also a minority stockholder and director of a bank acting as trustee of a minority stock interest in a corporation which was licensee of competing AM, FM, and Television stations in the same city. In its action of December 7, 1960, the Commission renewed the licenses for the above-mentioned stations and imposed a condition requiring divestiture of the cross-interest. On reconsideration, the Commission deleted the condition earlier attached. The Review Board is not persuaded that Ross's dual relationship as the major stockholder and chief executive officer of both an advertising agency and prospective licensee is "insignificant" or analogous to the remote minority stock interests shown to exist in King Broadcasting Co., supra.

21. BIA's further arguments that the Commission's cross-interest policy necessarily pertains only to "competing broadcast interests," and that an application of the policy, as requested by petitioner, should await a rule making proceeding, are correspondingly infirm. The Atlantic Broadcasting Co. case made it clear that overlapping ownership interests in an advertising agency and broadcast station may be an issue appropriate for exploration at hearing, provided the pleadings raise a serious public interest question. The Board has concluded that this criterion has been satisfied, i.e., petitioner's allegations, supported by Ross's own testimony, raise the possibility that the relationship discussed herein may be symbiotic rather than competitive; that it may be contrary to the public interest; and that a hearing is necessary to resolve such questions.

22. Finally, BIA's suggestion that addition of the requested cross-interest issue would foreclose any businessman or company using the broadcast advertising medium from becoming a broadcast licansee misconstrues the tenor of the proscribed conduct and the thrust of the Commission's cross-interest policy. The danger inherent in the instant relationship is that, because of his duel role, Ross admittedly is privy to rate structures and the internal operations of his prospective broadcast competitors; that based on such relationship and knowledge he has the potential (and has expressed an intent) to direct his agency's new advertising accounts to his own station (although he would "hesitate" to suggest that current accounts be switched to his station "simply for that reason"); and that by "suggestion" he can and does influence program selection at stations throughout his proposed service area. On the other hand, a businessman or company-broadcaster has the opportunity to direct only its own advertising to its own station and has correspondingly less power than would Ross to "direct" the advertising of other advertisers; to "suggest" programing; or be privy to the rate structures at competing broadcast stations. In the former relationship, that of advertising agency-broadcaster, the Review Board sees a potential for conflict of interest, unfair competition, and detriment to the public interest which are less likely to exist in the latter businessman-broadcaster relationship. It may be that Ross's discussion of rates, program "suggestions," and directing of advertising to his own stations will not be contrary to the public interest; however, the potential for detriment to the public interest has been raised and, since the public interest questions involved cannot be answered by the pleadings alone, Ross's dual role should be explored in the context of a hearing. Accordingly, the Review Board will add a cross-interest issue against BIA.

23. Substantial questions have also been raised as to BIA's compliance with Rule 1.65. BIA concedes, and has so stipulated at the March 16, 1971, hearing in this proceeding, that Ross' October 1970 change in status was not disclosed to the Commission.[14] The Board is of the opinion that a prospective licensee's change from vice president with no ownership interest in one advertising agency to president and major stockholder of another advertising agency servicing clients in the proposed city of license constitutes a substantial change of the applicant's proposal which might have a significant impact on the status of BIA's application. See report and order in Docket 14867 (Reporting of Changed Circumstances) 29 FR 15516, 3 RR 2d 1622 (1964).

24. The Board cannot accept BIA's statements that Ross' change in positions was adequately reported in the biographical exhibits exchanged March 2, 1971, and that Rule 1.65 does not apply to the change here involved. The rule requires that a change in circumstances be reported either by amendment to the application or by the submission of a statement of record; consequently, the requirements of the rule are not met by filing information in biographical exhibits. See Folkways Broadcasting Co., Inc., 26 FCC 2d 175, 20 RR 2d 528 (1970), and cases cited therein. In addition, BIA's self-serving conclusion that the rule is inapplicable and that notification is therefore unnecessary, ignores the purpose and function of the rule which is to assure that the decisionmaking authorities will be supplied with the necessary factual information so that a determination may be made as to whether a rule violation has occurred or an issue is to be added. The responsibility for drawing legal conclusions from underlying factual data rests with the Commission's decisionmaking authorities, not the applicant; and to reach sensible results those decisionmaking authorities must be provided with current data. Thus, where "* * * the factual bases of an application have substantially changed—even though the legal conclusion arising from that mediate datum arguably remains constant—the change in factual bases should be reported pursuant to rule 1.65." Media, Inc., 23 FCC 2d 729, 732, 19 RR 2d 268, 272 (1970). In the instant situation, BIA had constructive, if not actual, knowledge that, where a principal of the prospective licensee obtains an ownership interest in an advertising agency, the mere absence of any case, rule, or policy proscribing such overlapping ownership interests would not preclude the addition of a disqualifying cross-interest issue if specific allegations raise a serious public-interest question. Atlantic Broadcasting Co., supra. Consequently, BIA was not without notice that Ross's ownership interest in an advertising agency may be a matter of "decisional significance" warranting disclosure pursuant to Rule 1.65. Accordingly, an appropriate issue will be added.

25. While petitioner has made specific allegations concerning an advertising agency-broadcast relationship warranting inquiry under a cross-interest issue, sufficient allegations have not been submitted to warrant adding a separate unfair competition issue. In any event, after reviewing all of the allegations before it, the Board concludes that an unfair competition issue is not warranted at this time, and that the addition of a cross-interest issue permitting full inquiry into the nature and extent of Ross's dual role will adequately protect the public interest.

26. *Accordingly, it is ordered*, That the petition for leave to file statement respecting reply to opposition to enlarge issues, filed on May 19, 1971, by Eastern Broadcasting Corp. is granted, and the statement submitted therewith is accepted, and that the petitions to enlarge issues, filed March 15, 1971, and March 17, 1971, respectively, by Broadcasting Inc. of Anderson and the Broadcast Bureau, are granted to the extent indicated herein and are denied in all other respects; and

27. *It is further ordered*, That the further petition for enlargement, filed March 30, 1971, by Eastern Broadcasting Corp. is granted to the extent indicated herein and is denied in all other respects; and

28. *It is further ordered*, That the issues in this proceeding are enlarged by the addition of the following issues:

(1) To determine whether Eastern Broadcasting Corp. has available sufficient funds to meet its construction and first year operating costs and, in light thereof, whether the applicant is financially qualified.

(2) To determine whether the dual ownership interests of Ronald R. Ross as chief executive officer and majority

[14] BIA attaches a copy of its Apr. 6, 1971, amendment reporting Ross's ownership in the new advertising agency. By Order, FCC 71M-681, released May 3, 1971, the Examiner accepted BIA's amendment.

stockholder of both Ron Ross Advertising, Inc., Fort Wayne, Ind., and Broadcasting Inc. of Anderson, the applicant herein provide a potential for the impairment of open, arms length competition between broadcast stations serving substantially the same area, contrary to the Commission's cross-interest policy and, if so, the effect thereof on the applicant's basic or comparative qualifications to be a Commission licensee.

(3) To determine whether Broadcasting Inc. of Anderson failed to report substantial and significant changes within thirty (30) days as required by Rule 1.65, and, if so, the effect thereof on the applicant's basic or comparative qualifications to be a Commission licensee.

29. *It is further ordered*, That the burdens of proceeding with the introduction of evidence and proof under issue (1) added herein shall be on Eastern Broadcasting Corp., and that the burdens of proceeding and proof under issues (2) and (3) added herein shall be on Broadcasting Inc. of Anderson.

Adopted: July 14, 1971.

Released: July 16, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-10551 Filed 7-23-71;8:49 am]

[FCC 71-722]

JERSEY CAPE BROADCASTING CORP.

Declaratory Ruling Regard Broadcasting Lottery Information

1. This matter concerns a request for declaratory ruling filed February 18, 1971, by Jersey Cape Broadcasting Corp. (hereinafter Jersey Cape), licensee of Stations WCMC-AM-FM-TV, Wildwood, N.J., with respect to the following described situation:

Jersey Cape is desirous of broadcasting weekly on its above stations, the winning N.J. State lottery number. Each Thursday morning, a State official draws one multidigited number as the winning New Jersey state lottery number for the week. Although local newspapers publish the winning number, such publications are not available generally until late afternoon or the next morning. The winning number is received by Jersey Cape's stations at approximately 11:30 a.m. each Thursday on a news service teletype. Jersey Cape states that area residents have become aware of the station's early receipt of the winning number, and that "each Thursday the station is bombarded with scores of telephone calls by residents requesting the winning number." Jersey Cape "understands that area newspapers and State agencies are deluged by similar telephone inquiries, also."

2. Jersey Cape proposes to alleviate the above situation by broadcasting each Thursday only, during three consecutive regular newscasts commencing at 12 m., the following statement:

> The winning State lottery number drawn today is (and then recite the winning number).

No further comment would accompany the statement.

3. Jersey Cape submits that broadcasting the above recited statement would not constitute a violation of 18 U.S.C. sec. 1304[1] or of the Commission's rules respecting lotteries.[2] It asserts that the case of New York State Broadcasters Association, Inc. v. United States of America, 414 F. 2d 990 (2d Cir. 1969), supports its position by holding that 18 U.S.C. sec. 1304 prohibits only program materials which "directly promote a lottery," but that a bona fide news story is not barred despite the news having an "incidental effect" of promoting a lottery. Jersey Cape contends that in the present situation, "the prime effect of the broadcast would be to inform the listening public of a legitimate news item about which they have a keen interest, and that only incidentally is there any promotion of a lottery."

4. The New York State case does not, in our view, support Jersey Cape's position. While the court recognized, at 414 F. 2d 998, the distinction between information directly promoting a lottery (prohibited by 18 U.S.C. sec. 1304) and information which is simply "news" of a lottery (not prohibited), it did not define "direct promotion of a lottery." Accordingly, for specific guidance to broadcasters, it remanded the case to the Commission to apply its expertise to the problem.

5. Subsequently, the Commission released, on March 2, 1970, a Supplemental Declaratory Ruling, 21 FCC 2d 846, which adequately serves as a basis for the response to the request now before us. Ten specific hypothetical situations were dealt with, and for each case a conclusion was reached as to whether broadcasts would be prohibited. It was there declared that although broadcasting legitimate news stories concerning lotteries is permitted, certain types of items, which may be said to interest some listeners and thus have some limited news value, do so directly promote a lottery as to be prohibited from being broadcast. Into this category were placed items, clearly comparable to the proposal before us, such as "Announcements (unpaid) of the places where lottery tickets may be purchased, where, how, and when winning tickets will be drawn, the amount of prizes, and how the proceeds of the sales of lottery tickets are and will be distributed." Bona fide news announcements of the persons winning the top prizes, of interest to the public generally, are protected by the First Amendment, but not a long list of winners. The instant proposal does not concern announcements of persons who have won but rather the publicizing of the "winning number," the widespread dissemination of such information being reasonably necessary or helpful to the conduct of the lottery,[3] and of interest only to that limited class of people who actually hold tickets.[4]

6. For these reasons, the proposed broadcast would be, in our view, a violation of 18 U.S.C. sec. 1304 and the Commission's rules.

Adopted: July 14, 1971.

Released: July 20, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-10552 Filed 7-23-71;8:49 am]

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[1] 18 U.S.C. sec. 1304 reads as follows:

Broadcasting lottery information. Whoever broadcasts by means of any radio station for which a license is required by any law of the United States, or operating any such station knowlingly permits the broadcasting of, any advertisement of, or information concerning any lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance or any list of the prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, whether said list contains any part or all of such prizes shall be fined not more than $1,000 or imprisoned not more than 1 year or both. Each day's broadcasting shall constitute a separate offense.

[2] The applicable Commission rules, §§ 73.122 (AM), 73.292 (FM) and 73.656 (TV), are patterned after the statute.

[3] Some years ago, upon disclosure that the announcement of the daily U.S. Treasury balance was being used to establish and announce the winning number in the "numbers game," leading metropolitan newspapers immediately discontinued the printing of this figure.

[4] The lottery prohibition is a criminal statute in title 18 of the United States Code and, as the Supreme Court held in Federal Communications Commission v. American Broadcasting Company, Inc., 347 U.S. 284 (1954), the authority of the Commission with respect to its application is concurrent with that of the Department of Justice. In view of this, Commission action in this area is coordinated with the Department of Justice, and this procedure has been followed with respect to this proceeding.

[Docket No. 19194; FCC 71R-225]

STEPHEN VAN SADLER

Memorandum Opinion and Order Modifying Issue

1. This proceeding involves the application of Stephen Van Sadler (Van Sadler) for renewal of his license for standard broadcast Station KVLB in Cleveland, Tex.; Docket No. 19194, File No. BR-2929. By Order, FCC 71-343, 28 FCC 2d 716, released April 16, 1971, the Commission designated the application for hearing under issues, including inter alia, issues to determine the nature and extent of violations of the Commission's rules committed by the applicant for which official notices were issued on April 5, 1968, August 13, 1968, and September 29, 1969 (Issue 1); and whether in light of such violations the applicant has shown such "negligence, carelessness, ineptness, or disregard of the Commission's processes" that he cannot be relied

upon to be a responsible licensee. Presently before the Review Board is the Broadcast Bureau's petition to change issues, filed May 17, 1971.[1]

2. In its petition the Bureau relates that during a conference between the licensee, his counsel and the Chief of the Bureau's Hearing Division, held after designation of this proceeding for hearing, the licensee invited Commission engineers to come to his station for a further inspection in order to prove that he was now in compliance with Commission rules. The inspection was conducted on April 27, 1971, petitioner continues, and 18 violations were detected, many of them repetitions of violations for which the licensee had already been cited. A further official notice of violation was issued on April 29, 1971, the Bureau notes. It urges that the violations in this latest notice are clearly relevant to Sadler's fitness to be a licensee, and therefore that existing Issue 1 should be amended to encompass the violations contained in that notice. In opposition, Van Sadler incorporates his response, made on June 1, 1971, to the notice of violation of April 29, 1971, and maintains that such response vitiates any further need to explore the violations alleged in the April 29, 1971, notice.

3. The Broadcast Bureau's petition will be granted.[2] As the Bureau points out in its reply, the licensee, in its response, admits most of the violations cited in the April 29, 1971, notice. Van Sadler further concedes, in his June 1, 1971, response, that a number of these violations had already been cited in previous notice, representing, as the Bureau states, "a continuing pattern of noncompliance with Commission rules on the part of this licensee." These most recent violations must be viewed along with those contained in the earlier notices of violation to determine whether, considered together, they demonstrate a pattern of recurring violations of the same nature. Therefore, despite the explanations and excuses offered in Van Sadler's response to the Commission's last official notice of violation, the violations referred to by the Bureau in the instant petition should be considered at the evidentiary inquiry.

4. *Accordingly, it is ordered,* That the Broadcast Bureau's petition to change issues, filed May 17, 1971, is granted; and

5. *It is further ordered,* That Issue (1), as specified in the designation order in this proceeding, is modified to read as follows:

(1) To determine the nature and extent of violations of the Commission's rules and regulations committed by the above-captioned applicant for which official notices of violations have been issued on April 5, 1968, August 13, 1968, September 24, 1969, and April 29, 1971.

Adopted: July 16, 1971.

Released: July 20, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-10553 Filed 7-23-71;8:49 am]

[1] Related pleadings before the Board are: (a) Opposition, filed June 1, 1971, by Van Sadler; and (b) reply to opposition, filed June 11, 1971, by the Broadcast Bureau.

[2] Although the Broadcast Bureau's petition is late-filed, the Board agrees with the Bureau that the requisite good cause has been shown.

[Dockets Nos. 18805, 18806; FCC 71R-223]

WHCN, INC., AND COMMUNICOM MEDIA

Memorandum Opinion and Order Enlarging Issues

In regard applications of WHCN, Inc. (WHCN-FM), Hartford, Conn., Docket No. 18805, File No. BRH-24, for renewal of license; Kenneth W. Sasso, W. Francis Pingree, and Lawrence H. Buck, doing business as Communicom Media, Berlin, Conn., Docket No. 18806, File No. BPH-6806, for construction permit.

1. This proceeding involves the application of WHCN, Inc. (WHCN), for renewal of license of its FM broadcast Station WHCN on Channel 290 in Hartford, Conn., and the mutually exclusive application of Communicom Media (Communicom) for a construction permit for a new FM broadcast station on the same channel in Berlin, Conn. The applications were designated for hearing by Commission Order, FCC 70-211 (35 F.R. 4272, published March 7, 1970), released March 4, 1970, on various issues, including financial and Suburban issues against Communicom. By Memorandum Opinion and Order, 25 FCC 2d 673, 19 RR 2d 1017 (1970), the Review Board specified an adequacy of staff issue against Communicom. Presently before the Board is an appeal of Hearing Examiner's Order,[1] filed May 3, 1971, by WHCN, seeking reversal of the Examiner's refusal to grant its motion to dismiss the Communicom application.[2]

2. As background for its appeal, WHCN notes that, on April 30, 1970, Lawrence H. Buck forwarded to the Hearing Examiner statements from Kenneth W. Sasso and W. Francis Pingree to advise that they were withdrawing from the Communicom partnership and that, in his transmittal letter, Buck stated that he would seek to substitute himself as the applicant and to modify the pending Berlin, Conn., proposal accordingly. In subsequent filings with the Examiner, the appellant continues, Buck sought to amend the Communicom application by deleting Messrs. Sasso and Pingree and their commitments to the partnership, by changing the nature of the applicant from a partnership to a corporation, which consisted of Buck as the majority stockholder and two new individuals as minority stockholders, by increasing the applicant's estimates of first-year operating expenses and revenues, and by increasing the applicant's proposed staff. By Order, FCC 70M-1025, released July 24, 1970, the Hearing Examiner denied these requests for leave to amend on the grounds that Communicom had not acted with due diligence; that the proposed amendments were not caused by acts beyond the applicant's control, but were the result of the business judgments of Sasso and Pingree; and that acceptance of the amendments would disrupt the hearing process and prejudice the other parties since inadequate information had been provided as to the nature of the new applicant, e.g., its financing, and since Communicom had made no showing that the amendments would not result in a comparative advantage. The Examiner's action was thereafter sustained by the Review Board and the Commission.[3] WHCN points out that, subsequently, on October 13, 1970, it filed a motion to dismiss the Communicom application with the Examiner wherein the appellant contended that the Communicom partnership had been terminated and that denial of the proposed amendments effectively resulted in the absence of a viable applicant. WHCN's motion, which was supported by the Broadcast Bureau, was denied by the Examiner in a Memorandum Opinion and Order, FCC 71M-522, 21 RR 2d 843, released April 9, 1971. The Examiner concluded that, in the absence of controlling Commission precedent and under the circumstances, she could not "prejudge the ultimate fate of the Communicom application" when such action would result in the dismissal of the application without any consideration of its merits, especially since Buck "is firmly dedicated to the continued prosecution of this application."

3. In its appeal of this ruling, WHCN claims that the Hearing Examiner erred in permitting Buck to continue with the prosecution of the Communicom application. In the appellant's view, the applicant has effectively been dissolved by the withdrawal of Sasso and Pingree, who were responsible for the cash requirements of the Communicom proposal,[4] and by the denial of the amendments which would have substituted a corporate applicant for the original partnership. Although it concedes Buck's desire to continue with prosecution of the applica-

[3] Review Board Member Kessler absent.

[1] WHCN was granted leave to file the instant appeal by the Hearing Examiner by Order, FCC 71M-639, released Apr. 26, 1971.

[2] Other related pleadings before the Board for consideration are: (a) Petition to allow late filed motion to dismiss and comment on appeal of Examiner's decision, filed May 12, 1971, by "Lawrence H. Buck, Remaining Partner, Communicom Media"; (b) motion to dismiss and comment on appeal of Examiner's Order, filed May 12, 1971, by Buck; (c) comments in support of appeal, filed May 12, 1971, by the Broadcast Bureau; and (d) reply to (b), filed May 24, 1971, by WHCN.

[3] 25 FCC 2d 1024, 20 RR 2d 322 (1970), review denied FCC 71-268, 21 RR 2d 486 (1971).

[4] According to WHCN, the original Communicom proposal represented that Sasso would be the partner who would determine day-to-day programing on the Berlin station and who would direct station operation.

tion, WHCN argues that nothing remains to prosecute since the Communicom proposal has no viable applicant whose legal and other qualifications can be established. In this regard, WHCN points out that the Board also recognized the question concerning Communicom's viability when it specified an adequacy of staff issue against that applicant. See 25 FCC 2d at 674, 19 RR 2d at 1019. Therefore, the appellant concludes that, in order to avoid a long, expensive and unnecessary hearing, Communicom's application should be dismissed at this stage of the proceeding. The Broadcast Bureau supports the instant appeal and urges the Board's adoption of the position taken by the Bureau before the Examiner in support of WHCN's motion to dismiss, i.e., denial of the proposed amendments has rendered the Communicom application not only defective but incapable of resurrection. Since the ground for denial of the proffered amendments was the applicant's failure to demonstrate good cause therefor, the Bureau argues that any further attempts to amend the Communicom proposal with regard to the applicant's ownership structure or its financing would have to be rejected on the same ground. Directing itself to the practical consequences which allegedly flow from the Hearing Examiner's refusal to dismiss the Communicom application, the Bureau suggests that only after a full field hearing would Communicom be required to move forward with its own case; that, at that time, its exhibits would have to be rejected as at variance with the Communicom application; and that, therefore, the application would have to be denied by the Examiner. Contending that the Examiner's action elevates "form over substance," the Bureau asserts that the controlling question here is not whether Buck desires to prosecute the Communicom application, but whether there is any longer an application capable of prosecution. Absent an affirmative showing of a viable applicant, the Bureau supports WHCN's request for dismissal of the Communicom application.

4. In opposition to WHCN's appeal,[3] Buck first asserts that dismissal of the Communicom application, in the absence of the required evidentiary hearing concerning the applicant's financial qualifications and the adequacy of its proposed staff, would be violative of due process requirements. In this regard, Buck refers to two exhibits, attached to his responsive pleading, which indicate that: (1) $24,000 for Communicom's use is now being held by A. J. Hershfeld, a certified public accountant in Hartford, Connecticut; and (2) Buck will be in charge of the daily operations of the proposed Berlin station.[4] According to Buck, these exhibits, which show that Communicom has sufficient available funds and that the position of station manager has been provided for, demonstrate the viability of the applicant. Finally, Buck states that even if the Communicom application were dismissed, he would present information regarding WHCN's past performance in the hearing that must be held on WHCN's renewal application. In reply, WHCN contends that the documents filed by Buck in response to the instant appeal further demonstrate that the Communicom partnership has been terminated and that Buck is the only remaining partner. WHCN also points out that the exhibits attached to the responsive pleading represent Buck's efforts to amend the Communicom application, which must fail for their noncompliance with Rule 1.522(b) and for their variance from the original application. Moreover, the appellant charges that the financial exhibit raises a real party-in-interest question since the depositary of the $24,000 is the same person who had been identified as an officer, director, and stockholder of Communicom Media, Inc., the corporation which Buck earlier proposed to replace the partnership. According to WHCN, an appropriate issue would be required if the Communicom application were not dismissed. In any event, WHCN asserts that the application should be dismissed now since it is apparent that Communicom will not be able to meet its burden under the hearing issues.

5. WHCN has correctly noted that, at note 4 of our order specifying an adequacy of staff issue against Communicom, we suggested that a substantial question concerning the applicant's continued viability was raised by the apparent termination of Sasso's and Pingree's participation in the partnership and by the Examiner's denial of Communicom's amendment requests. The Board's subsequent action in affirming the Examiner's ruling of these amendment requests served to highlight again the question of Communicom's viability. This question was finally met by the Examiner in the context of WHCN's motion to dismiss, and she concluded that dismissal of the Communicom application without consideraton of its merits was too drastic a step to take in the absence of controlling precedent or regulation and in light of Buck's dedication to the continued prosecution of the application. While we are sympathetic with the statements of WHCN and the Bureau concerning the possible disruption of the hearing process and we are mindful of the practical consequences which could result from the Examiner's action, we cannot agree that the Examiner has abused her discretion in refusing to dismiss the Communicom application and in permitting the further prosecuton of that application by Communicom's "remaining partner." As the Examiner quite properly pointed out, since the applicant is fully aware of its responsibility under the specified issues and since Buck has exhibited a desire to proceed to hearing, the preferable course of action is to attempt to consider the merits of the Communicom application. In this regard, we note that where a similar question concerning the impact of a partner's apparent withdrawal on an applicant's status has arisen in the postdesignation stage of a proceeding, the Board itself has chosen to rely on an evidentiary inquiry as the vehicle for the investigation of such matters. Jacksonville Broadcasting Company, FCC 71R-138, 21 RR 2d 931 (1971).[7] In addition, the Examiner has also correctly stated that Rule 1.568, which concerns application processing procedures and which provides for the dismissal of applications for want of prosecution or for failure to respond to official correspondence or to a request for additional information, is inapplicable here when Buck's participation on behalf of the partnership is considered. Moreover, we cannot agree with the suggestion that the Examiner's earlier refusal to accept Communicom's proffered amendments effectively precludes any future amendment of its application.[8] In any event, there exists the possibility that the Communicom partnership can be revitalized in order to carry its burden under the issues already specified. For these reasons, WHCN's appeal will be denied.

6. In spite of our decision to deny the instant appeal, we do recognize the inherent validity of the claims made by both the appellant and the Bureau to the effect that substantial questions now exist concerning the impact of Sasso's and Pingree's apparent withdrawal on the Communicom partnership and the applicant's ability to prosecute its proposal. As a result, the Board, on its own motion and consistent with the Jacksonville precedent, will specify an issue in this proceeding to inquire into the current status of the Communicom partnership and the effect of any withdrawal of

[3] Although labeled a motion to dismiss and comment on appeal of Examiner's Order, Buck's response to WHCN's appeal is, in essence, an opposition pleading and will be considered as such by the Board. Buck's petition to allow late filed motion to dismiss and comment on appeal of Examiner's decision (see note 2, supra) will be dismissed by the Board since the opposition pleading was timely filed.

[4] The exhibits are statements by Buck, as the remaining partner of Communicom, directed to the Examiner, and are apparently intended to be amendments to the Communicom application. As such, they are improperly submitted for the Board's consideration.

[7] In Jacksonville, the Board also noted that a motion to dismiss the Jacksonville application, which was based on essentially the same matters raised in the enlargement request, i.e., the Jacksonville partnership's status and its ability to effectuate its broadcast proposal, was denied by the Hearing Examiner and that an appeal from that ruling was subsequently dismissed by the Board.

[8] The Commission has recognized the need for changes in partnership applicants without questioning the ultimate status of such applicants. Triple C Broadcasting Corp., 12 FCC 2d 503, 12 RR 2d 1008 (1968); The Fox River Broadcasting Co., 5 FCC 2d 669, 8 RR 2d 970 (1966). However, pursuant to Rule 1.522(b), applicants must show good cause for postdesignation amendments.

members thereof on the applicant's qualifications.[9] In this way, all parties will be given the opportunity to address themselves to the underlying questions raised by the WHCN appeal and, more importantly, Communicom will be permitted to establish its qualifications in the context of an evidentiary hearing.[10] Both the burden of proceeding and the burden of proof under the issue to be specified will be placed on Communicom since the facts concerning the partnership's status and its ability to pursue its proposal are peculiarly within its knowledge. Jacksonville Broadcasting Company, supra; Chapman Radio & Television Co., 26 FCC 2d 432, 20 RR 2d 552 (1970), review denied FCC 71-161, released February 22, 1971; and Kittyhawk Broadcasting Corp., 13FCC 2d 928, 13 RR 2d 1058 (1968).

7. *Accordingly, it is ordered*, That the petition to allow late filed motion to dismiss and comment on appeal of Examiner's decision, filed May 12, 1971, by Lawrence H. Buck, remaining partner, Communicom Media, is dismissed; and

8. *It is further ordered*, That the appeal of Hearing Examiner's order, filed May 3, 1971, by WHCN, Inc., is denied; and

9. *It is further ordered*, That, on the Board's own motion, the issues in this proceeding are enlarged by the addition of the following issue: To determine whether Kenneth W. Sasso and/or W. Francis Pingree have withdrawn as partners from Communicom Media and, if so, the effect thereof on the partnership's status and the applicant's proposal; and to determine whether, in light of the evidence adduced, Communicom Media possesses the requisite and comparative qualifications to be a Commission licensee.

10. *It is further ordered*, That the burden of proceeding with the introduction of evidence and the burden of proof under the issue added herein shall be on Communicom Media.

Adopted: July 15, 1971.

Released: July 19, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[11]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-10554 Filed 7-23-71;8:49 am]

[9] To the extent that the withdrawal of partners from Communicom Media may have an effect on other aspects of the applicant's proposal, such as financing, staffing, etc., these matters can be explored under the issues already specified by the Commission and the Board.

[10] WHCN's suggestion that a real party-in-interest issue should be specified against Communicom must be rejected by the Board since it is raised in a responsive pleading, is based on an improperly submitted amendment (see note 6, supra) and is without merit.

[11] Review Board Member Kessler absent; dissenting statement of Member Pincock filed as part of original document.

[FCC 71-742]

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

JULY 15, 1971.

The below listed applications seek authority to operate on the same frequency formerly assigned to station WNJR, Newark, N.J. The renewal of license application for WNJR was denied by the Commission on November 26, 1968, 15 FCC 2d 120, reconsideration denied 17 FCC 2d 485. The Commission's decision was affirmed by the U.S. Court of Appeals for the District of Columbia in Continental Broadcasting, Inc. v. F.C.C., 439 F2d 580 (1971). Subsequently, on June 9, 1971, the U.S. Supreme Court denied the licensee's petition for writ of certiorari. As a result, Continental's operation of WNJR is to cease as of midnight July 17, 1971.

The aforementioned applications are:

BP-19,047 Gilbert Broadcasting Corp.
Requests: 1430 kc., 5 kw., DA-N, U.

BPI-16 Gilbert Broadcasting Corp.
Requests: Interim authority to operate the facilities formerly assigned to Station WNJR, Newark, N.J.

BPI-17 Community Group for North Jersey Radio, Inc.
Requests: Interim authority to operate the facilities formerly assigned to Station WNJR, Newark, N.J.

We have this date waived the provisions of note 2 to § 1.571 of the Commission's rules (the AM "freeze") and accepted these applications for filing. Similarly, we will accept any other application which proposes essentially the same facilities. Pursuant to the provisions of §§ 1.227(b)(1), 1.591(b) and note 2 to § 1.571 of the rules, an application, in order to be considered with these applications, must be in direct conflict and tendered for filing no later than the close of business September 13, 1971.

The attention of any party in interest desiring to file pleadings concerning these applications, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the rules for the provisions governing the time of filing and other requirements related to such pleadings.

Action by the Commission July 15, 1971.[1]

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-10555 Filed 7-23-71;8:49 am]

[1] Commissioners Burch (Chairman), Johnson, H. Rex Lee and Houser, with Commissioner Bartley dissenting.

FEDERAL POWER COMMISSION

[Docket No. CP72-8]

COLUMBIA LNG CORP.

Notice of Application

JULY 19, 1971.

Take notice that on July 12, 1971, Columbia LNG Corp. (applicant), 20 Montchanin Road, Wilmington, DE 19807, filed in Docket No. CP72-8 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of gas to Columbia Gas Transmission Corp. (Columbia), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it will purchase light hydrocarbon liquids from Dome Petroleum Corp., a Canadian corporation, which will deliver the liquids to applicant at its reforming plant to be constructed at Green Springs, Ohio. Applicant then proposes to process the liquids into pipeline quality gas and seeks authorization to sell and deliver, to Columbia, the equivalent of 250,000 Mcf of pipeline quality gas per day. The gas will be sold to Columbia at an estimated initial rate of $1.1287 per Mcf.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 9, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-10507 Filed 7-23-71;8:45 am]

[Docket No. CP72-2]

EQUITABLE GAS CO.

Notice of Application

JULY 19, 1971.

Take notice that on July 6, 1971, Equitable Gas Co. (applicant), 420 Boulevard of the Allies, Pittsburgh, PA 15219, filed in Docket No. CP72-2 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain pipeline facilities and pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain replacement facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant proposes to abandon approximately 26.3 miles of its 16-inch H-515 pipeline located in Doddridge and Wetzel Counties, W. Va., and to replace it with an equal length of 20-inch pipeline along the existing right-of-way. Upon completion of this replacement, in 1973, application proposes to abandon approximately 33.7 miles of its H-512 and H-513 pipeline located in Tyler, Doddridge, and Wetzel Counties, W. Va. Applicant states that the replacement and abandonment proposed herein will provide a more efficient transmission of its existing gas supply, reduce maintenance costs and improve the reliability of its pipeline system. The estimated cost of the facilities proposed herein is $3,626,317, which cost applicant states will be financed by the use of general operation funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 6, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-10508 Filed 7-23-71;8:45 am]

[Docket No. CP71-299]

GREAT LAKES GAS TRANSMISSION CO.

Notice of Supplement to Application

JULY 22, 1971.

On June 15, 1971, Great Lakes Gas Transmission Co. (applicant), One Woodward Avenue, Detroit, MI 48226, filed concurrently an application in Docket No. CP71-299 for a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act authorizing the construction and operation of facilities and the transportation of natural gas for and on behalf of Northern Natural Gas Co. (Northern), an application in Docket No. CP71-300 for authorization to import natural gas from Canada pursuant to section 3 of the Natural Gas Act, and an application in Docket No. CP71-301 for a permit pursuant to Executive Order No. 10485 authorizing the construction, operation, maintenance, and connection of natural gas facilities to be constructed on the International Boundary between Canada and the United States, all as more fully set forth in the applications which are on file with the Commission and open to public inspection. Public notice of said applications was issued on June 18, 1971, and published in the FEDERAL REGISTER on June 22, 1971 (36 F.R. 11885).

Since the filing of the original application in Docket No. CP71-299, applicant and Northern have had negotiations with respect to applicant's proposed transportation service on behalf of Northern between Emerson, Manitoba, and Carlton, Minn. As a result of such negotiations, applicant, on July 21, 1971, filed in Docket No. CP71-299, a supplement to its application. The supplement modifies the original application by proposing a contract whereby applicant will transport gas for Northern in the amount of 331,800 Mcf per day at a demand charge of $1.40 per Mcf and a commodity charge of 2.5 cents per Mcf. The original application proposed that applicant would transport the same amount of gas for Northern at a demand charge of $1.56 per Mcf and a commodity charge of 2.6 cents per Mcf.

The proposed contract further provides that applicant, upon Northern's nomination, will transport a lesser contract quantity of 200,000 Mcf per day at a demand charge of $1.56 per Mcf and a commodity charge of 2.6 cents per Mcf. The proposed contract further provides that applicant will transport additional volumes for Northern of up to 800,000 Mcf per day if such volumes are tendered to applicant for transportation. All volumes in excess of 331,000 Mcf per day would be transported at a demand charge of $1.40 per Mcf and a commodity charge of 2.5 cents per Mcf. If at some later date, Northern requested the transportation of such additional volumes, applicant would file the appropriate application for authorization to construct the necessary facilities and transport such volumes.

The contract between applicant and Northern will further provide that whenever an increase in contract quantity occurs, Northern will be obligated to pay the rate applicable to such contract quantity for the remaining portion of the 20-year term agreement. In the event of a subsequent reduction in contract quantity, Northern will be relieved of its obligation to pay the demand and commodity rates applicable to the higher contract quantity at the time and to the extent that applicant can utilize the idled capacity for some other service.

The contract will also provide for a minimum delivery pressure to Northern of 750 p.s.i.g. The contract will provide further for receipt of gas into applicant's gas transmission pipeline system at the point of interconnection between the facilities of Consolidated Pipe Lines Co. and applicant's near Emerson, Manitoba. Other points of receipt on applicant's system may be mutually agreed upon by Northern and applicant.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said supplement to the application should on or before August 3, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

A hearing on the supplemented application in this matter will reconvene at 10 a.m. on August 3, 1971, at the Federal Power Commission, Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-10651 Filed 7-23-71;8:54 am]

[Docket No. CP72-5]

MOUNTAIN FUEL SUPPLY CO. ET AL.

Notice of Application

JULY 19, 1971.

Take notice that on July 8, 1971, Mountain Fuel Supply Co. (applicant), 180 East First South Street, Salt Lake City, UT 84111, filed in Docket No. CP72-5 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Colorado Interstate Gas Co., a division of Colorado Interstate Corp. (respondent), to sell and deliver up to 30,000 Mcf of natural gas per day to Applicant for a period of 20 years, at an existing interconnection between their respective facilities near Green River, Sweetwater County, Wyo., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it is in urgent need of additional natural gas supplies to enable it to meet the expanding requirements of its market area. The reserves available to applicant are being depleted at a rate faster than they are replaced, and restrictions have been placed on new and additional uses of natural gas. Applicant states that it has attempted to purchase gas from respondent but has been repeatedly refused during a period when respondent is expanding its system and has offered to sell natural gas to one of applicant's customers.

Respondent has filed a petition to amend the order of the Commission issued May 19, 1971, in Docket No. CP71-190 (Phase I) pursuant to section 7(c) of the Natural Gas Act seeking authorization for the construction and operation of additional facilities to increase its system peak day design capacity by 46,000 Mcf per day in addition to the 90,000 Mcf per day originally authorized in said docket.

Applicant states that it believes respondent has sufficient capacity and supply to render the service proposed herein. Therefore, applicant prays that the application filed herein in Docket No. CP72-5 be consolidated with the proceeding pending in Docket No. CP71-190 (Phase I) and that the Commission direct respondent to sell and deliver up to 30,000 Mcf of natural gas per day to applicant for a period of 20 years.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 9, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-10509 Filed 7-23-71;8:45 am]

[Project No. 1967]

NEKOOSA EDWARDS PAPER CO., INC.

Notice of Application for New License for Constructed Project

JULY 19, 1971.

Public notice is hereby given that application for new license has been filed under section 15 of the Federal Power Act (16 U.S.C. 791a-825r) by Nekoosa Edwards Paper Co., Inc. (correspondence to: Robert R. Johnson, Secretary, Nekoosa Edwards Paper Co., Inc., Port Edwards, Wis. 54469) for its constructed Whiting-Plover Project No. 1967, located on the Wisconsin River, in Portage County, near the villages of Whiting and Plover, Wis. The original license expired June 30, 1970 and the project is presently operating under an annual license.

The constructed project consists of: (1) two low concrete gravity overflow dams located on each side of an island in the Wisconsin River (total length is 687 feet); (2) a 40-acre, half-mile long reservoir; (3) four turbines connected to a line shaft that may be used to drive a 350 kw. generator or several papermill machines and two turbines connected in tandem to a 250 kw. generator (all these units are located in one of the applicants' papermill buildings); and (4) appurtenant facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 4, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CRF 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. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-10510 Filed 7-23-71;8:45 am]

[Docket No. CP72-4]

NORTHERN NATURAL GAS CO.

Notice of Application

JULY 19, 1971.

Take notice that on July 7, 1971, Northern Natural Gas Co. (applicant), 2223 Dodge Street, Omaha, NE 68102, filed in Docket No. CP72-4 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of existing facilities for the transportation of natural gas for Minneapolis Gas Co. (Minneapolis), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant proposes to transport volumes of natural gas, received from Minneapolis at a point of interconnection between their facilities in Steele County, Minn., for redelivery to Minneapolis at points in and around the city of Minneapolis, Minn. Applicant states that the volumes of gas it will receive from Minneapolis will be withdrawn from the Waterville Storage Field, presently under development by Minneapolis in Steele County, during the 1971-72 winter heating season. The volume of gas received by applicant from Minneapolis will not exceed 25,000 Mcf per day. Applicant states that one-half of the volume withdrawn from storage by Minneapolis will be redelivered to Minneapolis and the other one-half will be utilized by applicant to increase its system supply. Minneapolis will pay a charge of 1½ cents per Mcf for the volumes transported by applicant. Applicant states that it will credit Minneapolis an amount equal to the Rate Zone 3 commodity charge per Mcf for the volumes of gas delivered for applicant's use.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 9, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commssion on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-10511 Filed 7-23-71;8:45 am]

[Docket No. CP71-220]

OKLAHOMA NATURAL GAS CO.

Order Setting Matter for Formal Hearing, Permitting Interventions, Prescribing Procedures, and Fixing Date of Hearing

JULY 16, 1971.

On March 17, 1971, Oklahoma Natural Gas Co. (Oklahoma) filed an application, pursuant to section 7(c) of the Natural Gas Act in the above-entitled Docket No. CP71-220, for a limited-term certificate of public convenience and necessity, authorizing the operation of certain facilities for the sale of emergency gas to Natural Gas Pipeline Company of America (Natural). The limited-term certificate provides that Oklahoma sell up to a maximum daily volume of 25,000 Mcf of natural gas for a 2-year period. The contractually agreed rate for the gas is 21 cents per Mcf plus monthly adjustments for any variations from Oklahoma's average cost of purchased gas of 11.7 cents per Mcf. There are also adjustments to provide for B.t.u. variations and for taxes. Natural indicated that it will use this gas to replenish its storage volumes and meet the urgent needs of its present customers. There is no minimum take requirement.

Additionally, Oklahoma, which is exempt from regulation by the Federal Power Commission under section 1(c) of the Natural Gas Act, proposes to make this sale subject to the following conditions: (1) Applicant's facilities will continue to be exempt from Commission regulation; (2) sales to applicant by independent producers and other suppliers from whom applicant purchases natural gas remain exempt from Commission regulation; (3) that applicant be relieved from any accounting or reporting requirement to the Commission, although applicant states that it would be willing to furnish data showing the volumes sold and price paid for said gas pursuant to this proposed sale; and (4) that the sale automatically terminate, without further order by the Commission 2 years after commencement thereof.

Pursuant to the notice of the instant application issued March 25, 1971, the following parties filed petitions to intervene in support of the application—Natural, Peoples Gas Light and Coke Co., North Shore Gas Co., and Northern Illinois Gas Co. On April 19, 1971, Lyman E. Galbraith (Galbraith), an independent producer selling to Oklahoma, filed a petition to intervene which, inter alia, urges denial of the subject application or, in the alternative, requests formal hearing for the following reasons: (1) The proposed sale will constitute waste; (2) the subject sale will not be regulated by the State or FPC, in that Oklahoma seeks authority for an interstate sale exempt from Commission regulation; (3) the sale could cause termination of producer sales to Oklahoma for those producers with contract provisions prohibiting the resale of their gas for interstate use; and (4) there is no FPC authority for a 2-year emergency sale of gas. Subsequently, on April 20, 1971, Mable T. and Howard C. Johnson joined in Galbraith's petition to intervene.

The application in this proceeding represents a volume of gas potentially available to the interstate market in excess of the existing just and reasonable rates. In view of data which indicates to the Commission the inability of interstate pipelines to procure contracts for emergency supplies of gas, we believe it advisable to act expeditiously by setting this application for public hearing. The hearing will be held to allow the presentation, cross-examination, and rebuttal evidence by any participant. This evidence should be directed to the issue of whether the present or future public convenience and necessity requires issuance of a limited-term certificate on the terms proposed in that application.

The Commission finds:

(1) The application for a limited-term certificate herein shall be set for formal hearing.

(2) It is desirable to permit all of the aforementioned parties, who filed timely petitions, to intervene in this proceeding.

The Commission orders:

(A) The application for limited-term certificate for the sale of natural gas filed in Docket No. CP71-220 is hereby set for hearing.

(B) Pursuant to the authority contained in, and subject to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly Sections 7, 15, and 16, and the Commission's rules and regulations under that Act, a public hearing shall be held commencing July 26, 1971 at 10 a.m. e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, concerning whether the present or future public convenience and necessity requires the issuance of a limited-term certificate for the sale of natural gas on the terms proposed in this application and whether the issuance of said certificate should be conditioned in any way. The Chief Examiner or an examiner designated by him shall preside at the hearing and shall prescribe such other procedures, consistent with those herein, as would expedite the early disposition of the instant proposal.

(C) All of the aforementioned parties who filed timely petitions to intervene herein are hereby permitted to become intervenors, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; *And provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any orders or order of the Commission entered in this proceeding.

(D) The applicant seeking a limited term certificate and the proposed purchaser, Oklahoma Natural Gas Co., as well as all other supporting and opposing intervenors shall, on or before July 21 file with the Commission and serve on all parties to this proceeding, including the Commission staff, all testimony of all witnesses to be sponsored in support of the instant application. Rebuttal testimony shall be filed with the Commission and served on all parties, including Commission staff, on or before July 26, 1971.

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

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.71-10512 Filed 7-23-71;8:46 am]

[Docket No. CP71-320]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Application

JULY 19, 1971.

Take notice that on June 30, 1971, Texas Eastern Transmission Corp. (applicant), Post Office Box 2521, Houston, TX 77001, filed in Docket No. CP71-320 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline and related facilities offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant proposes to construct and operate approximately 31 miles of 20-inch pipeline and related facilities extending from its existing pipeline located near the Block 245 Field, East Cameron Parish, to the Block 265 Field located in Vermilion Parish, offshore Louisiana. The estimated cost of these facilities is $13,116,000, which cost applicant states will be financed initially by the use of revolving credit and later by the issuance of bonds, debentures and stock.

Applicant states that the estimated capacity of the pipeline proposed herein will approximate 160,000 Mcf of natural gas per day and it is intended to receive volumes of gas purchased by applicant from Humble Oil & Refining Co. in the Block 265 Field.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 6, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR

157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-10513 Filed 7-23-71;8:46 am]

FEDERAL RESERVE SYSTEM

AMERICAN BANCORPORATION, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by American Bancorporation, Inc., Kansas City, Mo., for prior approval by the Board of Governors of action whereby applicant would become a bank holding company through the acquisition of 90 percent or more (less directors' qualifying shares) of the voting shares of Linwood State Bank, Kansas City, Mo.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Kansas City.

By order of the Board of Governors, July 20, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-10545 Filed 7-23-71;8:49 am]

T G BANCSHARES CO.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by T G Bancshares Co., which is a bank holding company located in St. Louis, Mo., for prior approval by the Board of Governors of the acquisition by applicant of 34,941 or more of the 35,000 outstanding voting shares of Continental Bank and Trust Co., Richmond Heights, Mo.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of St. Louis.

By order of the Board of Governors, July 20, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-10546 Filed 7-23-71;8:49 am]

[Regs. G, T, U]

OTC MARGIN STOCKS

List

Correction

In F.R. Doc. 71-10182 appearing at page 13300 in the issue for Saturday, July 17, 1971, the following changes should be made:

1. In the second column on page 13301 the entry reading "Compress, Inc., $0.05 par common" should read "Comress, Inc., $0.05 par common".

2. In the third column on page 13302 the entry reading "Trust Company of New Jersey, The, $2 par common" should read "Trust Company of New Jersey, The, $2.50 par common".

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. F-112]

CHAIRMAN, ATOMIC ENERGY COMMISSION

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Chairman, Atomic Energy Commission, to represent the consumer interests of the executive agencies of the Federal Government in an electric rate increase proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Chairman, Atomic Energy Commission, to represent the consumer interests of the executive agencies of the Federal Government before the Nevada Public Service Commission in a proceeding involving electric rate increases proposed by the Nevada Power Co.

b. The Chairman, Atomic Energy Commission, may redelegate this authority to any officer, official, or employee of the Atomic Energy Commission.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: July 19, 1971.

ROD KREGER,
Acting Administrator of General Services.

[FR Doc.71-10547 Filed 7-23-71;8:49 am]

[Federal Property Management Reg.; Temporary Reg. F-113]

SECRETARY OF DEFENSE
Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the Federal Government in a telecommunications service rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Minnesota Public Service Commission in a proceeding involving intrastate rates for telecommunications services provided by the Northwestern Bell Telephone Co. (Docket No. 0238-TE).

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: July 19, 1971.

ROD KREGER,
Acting Administrator of General Services.

[FR Doc.71-10544 Filed 7-23-71;8:49 am]

OVERSEAS PRIVATE INVESTMENT CORPORATION

[Redelegation of Authority A-71-3]

GENERAL COUNSEL
Redelegation of Authority Regarding Investment Guaranties, Loans to Private Borrower, and Surveys of Investment Opportunities

Pursuant to the authority delegated to me by the Board of Directors of the Overseas Private Investment Corp. through its duly adopted bylaws, I hereby redelegate authority to Marshall T. Mays, General Counsel, to the extent consistent with law, all the authorities now or hereafter delegated to or conferred upon me by the bylaws or by any resolution duly adopted by the Board of Directors.

Dated: July 1, 1971.

BRADFORD MILLS,
President.

[FR Doc.71-10543 Filed 7-23-71;8:48 am]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

JULY 21, 1971.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42253—*Salt from Stafford, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-247), for interested rail carriers. Rates on salt and related articles, in carloads, as described in the application, from Stafford, Tex., to points points in official territory.

Grounds for relief—Market competition.

Tariff—Supplement 14 to Southwestern Freight Bureau, agent, tariff ICC 4914. Rates are published to become effective on August 29, 1971.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-10595 Filed 7-23-71;8:53 am]

[Notice 721]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 21, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-35437. By order of July 20, 1971, the Motor Carrier Board, on reconsideration, approved the lease of certificate of registration No. MC-99769 (Sub No. 1) issued February 13, 1964, to H. W. Bischoff Transportation Co., a corporation, Charleston, S.C., evidencing a right to engage in the transportation of property, solely within the State of South Carolina, to Bestway Express, a corporation, lessee, for a period of 3 years. Charles W. Knowlton, attorney, 1250 South Carolina National Center, Columbia, SC 29201.

No. MC-FC-72014. By order of July 20, 1971, the Motor Carrier Board approved the transfer to P. J. Murphy Moving & Storage Co., Inc., Bridgeport, Conn., of the operating rights in certificate No. MC-44827 issued April 7, 1965, to Joseph Sobotka, doing business as P. J. Murphy Moving & Storage Co., Bridgeport, Conn., authorizing the transportation of household goods between Bridgeport, Conn., and points within 15 miles thereof in Connecticut, on the one hand, and, on the other, points in New York, New Jersey, Massachusetts, Rhode Island, and Pennsylvania. Sidney L. Goldstein, 109 Church Street, New Haven, CT 06510, attorney for applicants.

No. MC-FC-72802. By order of July 20, 1971, the Motor Carrier Board approved the transfer to Carpenter Transfer, Inc., Mankato, Minn., of the operating rights in permit No. MC-129591 issued May 15, 1968 to Cheney Motor Express, Inc., Excelsior, Minn., authorizing the transportation of mineral wool from Mankato, Minn. to points in Iowa, Nebraska, North Dakota, South Dakota, Wisconsin, the Upper Peninsula of Michigan, and a described area of Illinois. Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402, attorney for transferee. Raphael J. Miller, 332 Sibley Avenue, Gaylord, MN 55334, attorney for transferor.

No. MC-FC-73006. By order of July 20, 1971, the Motor Carrier Board approved the transfer to Carter & Evans, Inc., Gallispolis, Ohio, of certificate of registration No. MC-98641 (Sub-No. 1) issued June 17, 1965, to Joe D. Miller, Gallispolis, Ohio, evidencing a right to engage in transportation in interstate commerce as described certificate No. 7443-I dated June 14, 1945, which authority now is embraced in later issued Ohio certificate No. 7443, dated December 23, 1953, issued by the Public Utilities Commission of Ohio. James R. Stiverson, 50 West Broad Street, Columbus, OH 43215, attorney for applicants.

No. MC-FC-73009. By order of July 20, 1971, the Motor Carrier Board approved the transfer to Baldwin Trucking, Inc., San Leandro, Calif., of the operating rights in certificate No. MC-87273 issued September 1, 1955, to Berkeley Transfer & Storage Co., Inc., Berkeley, Calif., authorizing the transportation of household goods between points in Berkeley, Albany, Oakland, Piedmont, and Emeryville, Calif. E. H. Griffiths, 433 Turk Street, San Francisco, CA 94102, representative for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-10596 Filed 7-23-71;8:53 am]

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