federal register

WEDNESDAY, JULY 28, 1971
WASHINGTON, D.C.
Volume 36 ■ Number 145
Pages 13879–13971

HIGHLIGHTS OF THIS ISSUE

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

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FEDERAL REGISTER

Area Code 202 Phone 962-8626

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

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Title 3—The President

PROCLAMATION 4068

Fisheries Centennial Year

By the President of the United States of America

A Proclamation

Just one hundred years ago, on February 9, 1871, the Congress of the United States authorized the President to appoint the first Commissioner of Fish and Fisheries. Shortly thereafter, President Grant named Professor Spencer Fullerton Baird to this post and in June, 1871, Professor Baird initiated a program of research concerning the conservation of fish at Woods Hole, Massachusetts. From that original effort has evolved both the National Marine Fisheries Service of the Commerce Department's National Oceanic and Atmospheric Administration and the Department of the Interior's Bureau of Sport Fisheries and Wildlife.

The efforts to conserve and improve America's fisheries are vitally important to all of our people. These efforts will require the continuing vigilance of the fishing industry, of government at all levels, of private conservationists and of the American public.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the year 1971 as Fisheries Centennial Year. I urge all citizens to support and encourage the work of Federal and State administrators and scientists and the work of private conservation organizations in protecting and enhancing the fisheries of our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this 26th day of July, in the year of our Lord nineteen hundred seventy-one, and of the Independence of the United States of America the one hundred and ninety-sixth.

Richard Nixon

[FR Doc.71-10785 Filed 7-26-71;1:37 pm]

PROCLAMATION 4069

General Pulaski's Memorial Day, 1971

By the President of the United States of America

A Proclamation

The one hundred and ninety-second anniversary of the death of General Casimir Pulaski on October 11, 1779, in the battle of Savannah, reminds us of the great sacrifice he made for our national independence.

General Pulaski believed that the cause of human freedom was indivisible. He fought against foreign suppression in his native Poland and he joined the struggle for American independence by volunteering in the Continental Army.

On this anniversary of General Pulaski's death, it is appropriate that we note with gratitude his historic contribution—and that of succeeding generations of Americans of Polish origin—to the freedom and progress of this Nation.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate Monday, October 11, 1971, as General Pulaski's Memorial Day. I direct the appropriate Government officials to display the flag of the United States on all Government buildings on that day.

I also invite the people of the United States to observe that day with appropriate ceremonies honoring the memory of General Pulaski and the contributions which he and others from his homeland have made to our national life.

IN WITNESS WHEREOF, I have hereunto set my hand this 26th day of July, in the year of our Lord nineteen hundred seventy-one, and of the Independence of the United States of America the one hundred ninety-sixth.

Richard Nixon

[FR Doc.71-10866 Filed 7-27-71;9:03 am]

EXECUTIVE ORDER 11611

Inspection of Income, Excess-Profits, Estate, and Gift Tax Returns by the Committee on Internal Security, House of Representatives

By virtue of the authority vested in me by section 55(a) of the Internal Revenue Code of 1939, as amended (26 U.S.C. (1952 Ed.) 55(a)), and by section 6103(a) of the Internal Revenue Code of 1954, as amended (26 U.S.C. 6103(a)), I do hereby order that any income, excess-profits, estate, or gift tax return for the years 1950 to 1971, inclusive, shall, during the Ninety-second Congress, be open to inspection by the Committee on Internal Security, House of Representatives, or any duly authorized subcommittee thereof, for the purpose of carrying on those investigations authorized by clause 11 of Rule XI of the Rules of the House of Representatives. Such inspection shall be in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in Treasury Decisions 6132 and 6133, relating to the inspection of returns by committees of the Congress, approved by the President on May 3, 1955.

Richard Nixon

THE WHITE HOUSE,
July 26, 1971.

[FR Doc.71-10864 Filed 7-27-71;9:03 am]

EXECUTIVE ORDER 11612

Occupational Safety and Health Programs for Federal Employees

The Occupational Safety and Health Act of 1970, 84 Stat. 1590, authorizes the development and enforcement of standards to assure safe and healthful working conditions for employees in the private sector. Section 19 of that Act makes each Federal agency head responsible for establishing and maintaining an effective and comprehensive occupational safety and health program which is consistent with the standards promulgated by the Secretary of Labor for businesses affecting interstate commerce.

Section 7902 of Title 5, United States Code, authorizes the President to establish by Executive Order a safety council composed of representatives of Federal agencies and of labor organizations representing employees to serve as an advisory body to the Secretary of Labor in carrying out a Federal safety program.

As the Nation's largest employer, the Federal Government has a special obligation to set an example for safe and healthful employment. It is appropriate that the Federal Government strengthen its efforts to assure safe and healthful working conditions for its own employees.

NOW, THEREFORE, by virtue of the authority vested in me by section 7902 of Title 5 of the United States Code, and as President of the United States, it is hereby ordered as follows:

Establishment of Occupational Safety and Health Programs in Federal Departments and Agencies

Section 1. The head of each Federal department and agency shall establish an occupational safety and health program (hereinafter referred to as a safety program) in compliance with the requirements of section 7902 of Title 5 of the United States Code and section 19(a) of the Occupational Safety and Health Act of 1970 (which Act shall hereinafter be referred to as the Safety Act). The programs shall be consistent with the standards prescribed by section 6 of the Safety Act. In providing safety programs for Federal employees, the head of each Federal department and agency shall—

(1) Designate or appoint a qualified official who shall be responsible for the management of the safety program within his agency.

(2) Establish (A) a safety policy; (B) an organization and a set of procedures, providing for appropriate consultation with employees, that will permit that policy to be implemented effectively; (C) a safety management information system; (D) goals and objectives for reducing and eliminating employee injuries and occupational illnesses; (E) periodic inspections of workplaces to ensure compliance with standards; (F) plans and procedures for evaluating the program's effectiveness; and (G) priorities with respect to the factors which cause occupational injury and illness so that appropriate countermeasures can be developed.

(3) Correct conditions that do not meet safety and health standards.

(4) Submit to the Secretary of Labor by April 1 of each year a report containing (A) the status of his agency's safety program in reducing

injuries and occupational illnesses to personnel during the preceding calendar year as related to the goals and objectives established for that year; (B) goals and objectives for the current year; (C) a plan for achieving those goals and objectives; (D) any report required under section 7902 (e)(2) of Title 5 of the United States Code; and (E) such other information as may be requested by the Secretary.

(5) Cooperate with and assist the Secretary of Labor in the performance of the Secretary's duties under section 7902 of Title 5 of the United States Code and section 19 of the Safety Act.

DUTIES OF THE SECRETARY OF LABOR

SEC. 2. (a) The Secretary of Labor (hereinafter referred to as the Secretary), or his designee in the Department of Labor, shall—

(1) By regulation, provide guidance to the heads of Federal departments and agencies to assist them in fulfilling their occupational safety and health responsibilities;

(2) evaluate the safety programs of Federal departments and agencies annually, and, with the consent of the head of the affected department or agency, the Secretary may conduct at headquarters or in the field such investigations as he deems necessary;

(3) develop a safety management information system to accommodate the data requirements of the program;

(4) submit to the President by June 1 of each year an analysis of the information submitted to him by the heads of the Federal departments and agencies. This analysis shall include the Secretary's evaluation of each agency's safety program and shall contain his recommendations for improving safety programs throughout the Federal service.

(b) By agreement, the Secretary may, to the extent permitted by law, extend the safety program provided for under this Order to Federal employees not covered under section 7902 of Title 5 of the United States Code and the Safety Act.

FEDERAL SAFETY ADVISORY COUNCIL

SEC. 3. (a) A Federal Advisory Council on Occupational Safety and Health shall be established to advise the Secretary in carrying out his responsibilities under this Order. This Council shall consist of 15 members appointed by the Secretary and shall include representatives of Federal departments and agencies, and of labor organizations representing employees. At least three members shall be representatives of such labor organizations. The members shall serve for three year terms, except that, for the first Council, one third will serve for one year and one third for two years.

(b) The Secretary, or his designee, shall serve as the Chairman of the Council, and shall prescribe such rules for the conduct of its business as he deems necessary and appropriate.

(c) The Council shall meet at the call of its Chairman. It may establish such subcommittees as it finds necessary.

(d) The Council may establish or continue field affiliates in such manner and to the extent it deems advisable to support the purposes of this Order.

ADMINISTRATIVE AND BUDGETARY ARRANGEMENTS

SEC. 4. The Secretary shall make available necessary office space and furnish the Council necessary equipment, supplies, and staff services.

EFFECT ON OTHER POWERS AND DUTIES

SEC. 5. Nothing in this Order shall be construed to impair or alter the powers and duties of the Secretary or the heads of other Federal departments and agencies pursuant to section 7902 of Title 5 of the United States Code, section 19 of the Safety Act, or any other provision of law.

TERMINATION OF EXISTING ORDER

SEC. 6. Executive Order No. 10990 of February 2, 1962, is hereby superseded.

Richard Nixon

THE WHITE HOUSE,
July 26, 1971.

[FR Doc.71-10865 Filed 7-27-71;9:03 am]

MEMORANDUM OF JULY 14, 1971

Labor-Management Relations in the Federal Service

Memorandum for the Honorable Robert E. Hampton, Chairman, Federal Labor Relations Council

THE WHITE HOUSE,
Washington, July 14, 1971.

My memorandum of March 11, 1971 concerning the exclusion of officers and employees of the Foreign Service from the provisions of Executive Order 11491 provided, in part, that the "existing rights of officers and employees of the Foreign Service under Executive Order 11491 and the existing rights and status under that Order of labor and professional organizations which represent those officers and employees shall be preserved without change pending final decision on the Department's request. Provisions of Executive Order 11491 which require action that could change the status quo directed in the foregoing shall not be effective for the period beginning with the date of this memorandum and ending on July 1, 1971."

Until action is completed on the Department's request, the Council is hereby authorized to extend the period during which those provisions of Executive Order 11491 requiring action that could change the status quo with respect to officers and employees of the Foreign Service and organizations representing them shall not be effective. This authority relates only to the preservation without change of existing rights of officers and employees of the Foreign Service and existing representation of such officers and employees under the Order. It in no way affects actions under the Order relating to other Federal employees.

This memorandum shall be published in the FEDERAL REGISTER.

Richard Nixon

[FR Doc.71-10869 Filed 7-27-71;9:57 am]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Inter-American Social Development Institute

Section 213.3320 is amended to show that a second position of Confidential Assistant to the Executive Director is excepted under Schedule C. The section is further amended to reflect the following title change: From Private Secretary to the Director, Office of Operations, to Private Secretary to the Director, Office of Programs.

Effective on publication in the FEDERAL REGISTER (7-28-71), paragraphs (a) and (c) of § 213.3320 are amended as set out below.

§ 213.3320 Inter-American Social Development Institute.

(a) Two Confidential Assistants to the Executive Director.

* * * * *

(c) One Private Secretary to the Director, Office of Programs.

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

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

[FR Doc.71-10683 Filed 7-27-71;8:46 am]

PART 213—EXCEPTED SERVICE

Post Office Department

Schedules A, B, and C exceptions covering positions in the Post Office Department are revoked to reflect the fact that postal positions are now in the U.S. Postal Service and are excepted from the competitive service by statute.

Effective on publication in the FEDERAL REGISTER (7-28-71), §§ 213.3111, 213.3211, and 213.3311 are revoked.

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

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

[FR Doc.71-10715 Filed 7-27-71;8:49 am]

PART 352—REEMPLOYMENT RIGHTS

Service in Overseas Private Investment Corporation

Part 352 is amended to provide reemployment rights to Federal employees who serve in the Overseas Private Investment Corporation under section 233 (d) of the Foreign Assistance Act of 1961.

Effective January 19, 1971, §§ 352.501, 352.503, 352.504, 352.506 and 352.507 are amended as set out below.

Subpart E—Reinstatement Rights After Service Under Sections 233(d) and 625(b) of the Foreign Assistance Act of 1961

§ 352.501 Purpose.

This subpart governs reinstatement authorized by sections 233(d) and 625 (b) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. sec. 2193(d) and 22 U.S.C. sec. 235(b)).

§ 352.503 Definitions.

In this subpart:

(a) "Act" means the Foreign Assistance Act of 1961, as amended (22 U.S.C. sec. 2151 et seq.); and

(b) "Former position" means the position that an employee was occupying at the time of his appointment to a position under authority of section 233(d) or section 625(b) of the Act.

§ 352.504 Basic entitlement.

Subject to the conditions specified in this subpart, an employee who is appointed to a position under authority of section 233(d) or section 625(b) of the Act is entitled, on termination of that appointment for any reason other than his own misconduct or delinquency, to be reinstated in his former position or in one of like seniority, status, and pay in the same agency. If the functions with which the employee's former position was identified have been transferred to another agency, the employee's right to reinstatement is in the gaining agency.

§ 352.506 Application for reinstatement.

An employee who desires reinstatement shall apply for reinstatement, in writing, no later than 30 days after his appointment under authority of section 233(d) or section 625(b) of the Act is terminated, unless arrangement has been made for his reinstatement without a break in service under § 352.505(b).

§ 352.507 Reinstatement.

An employee eligible for reinstatement is entitled to be reinstated as soon as possible after his application for reinstatement, filed in accordance with § 352.506, is received. In any event, he is entitled to be reinstated (a) within 30 days after his application for reinstatement is received, or (b) on termination of the appointment made under authority of section 233(d) or section 625(b) of the act, whichever is later.

(Sec. 625, 75 Stat. 449; 22 U.S.C. 2385, E.O. 10973; 3 CFR 1959-1963 Comp., p. 493)

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

[FR Doc.71-10684 Filed 7-27-71;8:46 am]

Title 7—AGRICULTURE

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

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 4]

PART 778—EXPORT WHEAT MARKETING CERTIFICATE REGULATIONS

Temporary Suspension of Regulations

This amendment is issued pursuant to section 379(b) of the Agricultural Adjustment Act of 1938 as amended by section 403 of the Agricultural Act of 1970 (7 U.S.C. 1379(b)) to temporarily suspend the Export Wheat Marketing Certificate Regulations. Exporters will, however, continue to be required to make reports of wheat exported similar to reports currently required under § 778.11 of the Export Wheat Marketing Certificate Regulations. The requirement for such reports is contained in § 1483.106 of the Wheat Export Program Regulations (GR-345) (Title 7—Agriculture, Chapter XIV, Subchapter C, Part 1483) which are published concurrently with this suspension. Under the Wheat Export Program (GR-345) exporters of wheat may also qualify for export payments. Since this amendment relieves exporters of existing requirements or restrictions, it is hereby found and determined that compliance with the notice, public procedure and 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 553) is unnecessary and contrary to the public interest and that this amendment shall become effective as hereinafter

provided. However, each person who has exported wheat under the Export Wheat Marketing Certificate Regulations during the last year was advised of the proposal to temporarily suspend such regulations and was given an opportunity to comment on the proposal.

The Export Wheat Marketing Certificate Regulations (32 F.R. 14727 and 16251, as amended by 33 F.R. 10183, 34 F.R. 6767 and 34 F.R. 9538) are temporarily suspended for the period beginning 3:31 p.m., local time in Washington, D.C., on July 30, 1971, and ending June 30, 1974, unless because of changed circumstances it becomes necessary to take further action under the statute governing the regulations.

Signed at Washington, D.C., on July 14, 1971.

CLIFFORD G. PULVERMACHER,
General Sales Manager, Export Marketing Service, and Vice President, Commodity Credit Corporation.

[FR Doc.71-10753 Filed 7-27-71;8:52 am]

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

[Lemon Reg. 489, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

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

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

(b) *Order, as amended.* The provisions in paragraph (b)(1)(ii) of § 910.789 (Lemon Reg. 489, 36 F.R. 13259) during the period July 18, through July 24, 1971, are hereby amended to read as follows:

§ 910.789 Lemon Regulation 489.

* * * * *

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

(ii) District 2: 400,000 cartons.

* * * * *

(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.71-10700 Filed 7-27-71;8:48 am]

[Prune Reg. 9]

PART 924—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND IN UMATILLA COUNTY, OREG.

Limitation of Shipments

On June 24, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 12036), regarding a proposed regulation to be made effective pursuant to the marketing agreement and Order No. 924 (7 CFR Part 924) regulating the handling of prunes grown in designated counties in Washington notice allowed interested persons 7 days in which they could submit data, views, and in Umatilla County, Oreg. This or arguments pertaining to this proposed regulation. None were submitted. The proposed regulation was recommended by the Washington-Oregon Fresh Prune Marketing Committee established pursuant to the said marketing agreement and order. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The recommendations of the Washington-Oregon Fresh Prune Marketing Committee reflect its appraisal of the crop and current and prospective market conditions. Shipments of prunes from the production area are expected to begin on or about August 2, 1971. The grade and size requirements provided herein are necessary to prevent the handling, on and after August 2, 1971, of any prunes which do not comply with such requirements, so as to provide consumers with good quality fruit, consistent with the overall quality of the crop, while maximizing returns to producers pursuant to the declared policy of the act.

The provision which excepts the Brooks variety of prunes from the requirements of this regulation recognizes the fact that prunes of this variety are primarily consumed locally, that they do not withstand shipment well, and that the amount of prunes of this variety produced is insignificant compared to the total supply. Prunes of the Stanley variety are excepted from the minimum size requirements because excessive cullage results when this variety is subject to the 1¼-inch minimum diameter handling requirement, as prunes of this variety are long and flat in shape. Individual shipments, not exceeding 500 pounds, of the Stanley or Merton varieties of prunes, subject to necessary safeguards, are excepted from these requirements because the production of these varieties is relatively small and those few which are produced are primarily consumed locally or are sold for home use and not for resale. Individual shipments, not exceeding 150 pounds, of any variety other than Stanley or Merton varieties of prunes sold for home use and not for resale, subject to necessary safeguards, are excepted from these requirements in that the quantity of prunes so handled is relative inconsequential when compared with the total quantity handled, and because it would be administratively impracticable to regulate the handling of such shipments due to the nearness of the source of supply.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Washington-Oregon Fresh Prune Marketing Committee, and other available information, it is hereby found and determined that the regulation, as hereinafter set forth, is in accordance with the provisions of the said marketing agreement and order and 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 regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) notice of proposed rule making concerning this regulation, with an effective date of August 2, 1971, was published in the FEDERAL REGISTER on June 24, 1971 (36 F.R. 12030), and no objection to this regulation or such effective date was received; (2) the recommendation and supporting information for regulation during the period specified herein were submitted to the Department after an open meeting of the Washington-Oregon Fresh Prune Marketing Committee on June 2, 1971, which was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; (3) the provisions of this regulation, including the effective time hereof, are identical with the aforesaid recommendation of the committee; (4) information concerning such provisions and effective time has been disseminated among handlers of such prunes; (5) 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; (6) shipments of the current crop of such prunes are expected to begin on or about the effective date hereof, and this regulation should be applicable, insofar as practicable, to all shipments of such prunes

in order to effectuate the declared policy of the act.

§ 924.310 Prune Regulation 9.

(a) Order: During the period August 2, 1971, through July 31, 1972, no handler shall handle any lot of prunes, except prunes of the Brooks variety, unless such prunes meet the following applicable requirements, or are handled in accordance with subparagraph (3) of this paragraph:

(1) Minimum grade: Such prunes grade at least U.S. No. 1: *Provided*, That any prunes having not less than two-thirds (⅔) of the surface with purplish color may be shipped if they otherwise grade at least U.S. No. 1;

(2) Minimum size: Such prunes, except prunes of the Stanley variety, measure not less than 1¼ inches in diameter; *Provided*, That not more than 10 percent, by count, of such prunes may fail to meet such diameter requirement; and

(3) Notwithstanding any other provision of this section, any individual shipment which, in the aggregate, does not exceed 500 pounds net weight, of prunes of the Stanley or Merton varieties of prunes, or 150 pounds net weight, of prunes of any variety other than Stanley or Merton varieties of prunes, which meets each of the following requirements may be handled without regard to the restrictions of this paragraph, of § 924.41 (Assessments), and of § 924.55 (Inspection and certification):

(i) The shipment consists of prunes sold for home use and not for resale, and

(ii) Each container is stamped or marked with the handler's name and address and with the words "not for resale" in letters at least one-half inch in height.

(b) The term "U.S. No. 1" shall have the same meaning as when used in the U.S. Standards for Fresh Plums and Prunes (§§ 51.1520–51.1538 of this title); the term "purplish color" shall have the same meaning as when used in the Washington State Department of Agriculture Standards for Italian Prunes (May 1954) and in the Oregon State Department of Agriculture Standards for Italian prunes (July 1965); and, except as otherwise specified, all other terms shall have the same meaning as when used in the marketing agreement and order.

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

Dated: July 23, 1971.

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

[FR Doc.71-10755 Filed 7-27-71;8:52 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

[Rev. V]

PART 1483—WHEAT AND FLOUR

Subpart—Wheat Export Program (GR–345) Terms and Conditions

Basis and purpose. This subpart contains the terms and conditions under which an exporter of wheat produced in the United States may obtain an export payment from the Commodity Credit Corporation and also contains requirements for reporting and recordkeeping of wheat exported which are applicable to exporters even though they may not be claiming an export payment from CCC. Rates payable by CCC are in such amounts as CCC determines will accomplish the objectives of the program as described in § 1483.101. The major changes made in the terms and conditions of this revision are as follows:

1. The requirement for a Notice of Sale on exports (other than those financed under Title I of Public Law 480, 83d Congress, as amended) has been eliminated.

2. A tolerance of 5 percent more or less but not to exceed 25,000 bushels will apply to an export payment contract between CCC and the exporter (other than for exports under Public Law 480). Performance under the contract will be considered complete when there is received evidence of export for application against the contract of the export of a quantity of wheat within the contract quantity and tolerance. If, however, the quantity applied is less than the contract quantity (exclusive of the tolerance), the exporter will be permitted to apply additional exports to his contract only if he advises CCC of his intent to do so as provided in this subpart.

3. Export payments will not be made on wheat which has been treated, denatured or its physical condition changed in any manner.

4. Exporters may submit offers under this subpart if they wish to qualify for payments for special factors (such as payments for carrying charges and payments based on quality of wheat, coast of export and method of shipment to such coast) when CCC has announced a zero payment rate.

5. Reports of wheat exported must be furnished to the Kansas City ASCS Commodity Office within 10 days after the date of export, even though the exporter may not be claiming an export payment or a payment for special factors.

The Agricultural Act of 1970 (84 Stat. 1366) amended the statute governing the wheat certificate program to authorize the Secretary to temporarily suspend the requirement for export marketing certificates for the period beginning July 1, 1971, and ending June 30, 1974. In a document filed with the Office of the Federal Register concurrently with this revision to GR–345, the Export Wheat Marketing Certificate Regulations are suspended beginning 3:31 p.m., local time, in Washington, D.C., on July 30, 1971. This subpart provides for exporters to continue to make reports and keep records of wheat exported similar to those reports and records currently required under § 778.11 of the Export Wheat Marketing Certificate Regulations so that the Department would have the information to determine if the suspension should be continued.

With respect to the reporting and recordkeeping requirements of this subpart which are subject to the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238, U.S.C. 553) it is hereby found and determined that compliance with the notice, public procedure, and 30-day effective date requirements of said section 4 is unnecessary and contrary to the public interest and that this revision to GR–345 shall become effective as hereinafter provided. General details of the changes made in this revision have been provided each person who has exported wheat under GR–345 and the Export Wheat Marketing Certificate Regulations in the last year and each such person has been afforded an opportunity to comment on the changes.

The terms and conditions of the Wheat Export Program (GR–345) (32 F.R. 14739 and 32 F.R. 16251 as amended by 33 F.R. 10185, 34 F.R. 6768, 34 F.R. 9546, and 35 F.R. 18505) are hereby revised as follows:

GENERAL

EXPORT PAYMENTS ON WHEAT (NON-PUBLIC LAW 480)

(PUBLIC LAW 480)

AUTHORITY: The provisions of this Part 1483 issued under authority of secs. 4 and 5, 62 Stat. 1070 and 1072; 15 U.S.C. 714 b and c, sec. 102, 68 Stat. 454, as amended, 7 U.S.C. 1702, sec. 379d(b), 52 Stat. 31, as amended, 7 U.S.C. 1379d(b).

GENERAL

§ 1483.101 General statement.

(a) This subpart contains the regulations governing the Wheat Export Program of Commodity Credit Corporation under which an exporter who exports wheat produced in the United States (excluding Alaska and Hawaii) may receive an export payment for the export. This subpart also contains requirements for reports of wheat exported pursuant to commercial sales (including sales under Public Law 480) and without benefit of an export payment. The export payment provisions of this program are designed to (1) assure that wheat produced in the United States is generally competitive in world markets, (2) avoid disruption of world market prices, (3) aid the price support program by strengthening the domestic market price received by producers of wheat, (4) reduce the quantity of wheat which would otherwise be taken into CCC's stocks under its price support program, (5) promote the orderly liquidation of CCC stocks of wheat, and (6) fulfill the international obligations of the United States.

(b) This program will be administered by the Export Marketing Service and the Kansas City ASCS Commodity Office, U.S. Department of Agriculture. Information on the program may be obtained from one of the offices listed in § 1483.185 or § 1483.187.

§ 1483.102 General conditions of eligibility.

(a) An exporter who wishes to qualify for an export payment under this subpart shall submit an offer to export wheat as provided in this subpart. Export payments shall be based on rates announced by CCC. Rates payable by CCC shall be in such amounts as CCC determines will accomplish the objectives of the program as described in § 1483.101. The offer submitted by the exporter and its acceptance by CCC shall constitute a contract under which the exporter agrees to export the quantity of wheat stated in the offer in consideration of the undertaking of CCC to make an export payment for such export subject to the terms and conditions of this subpart. Payment under this subpart will be made to an exporter on the net quantity of wheat exported in accordance with his contract with CCC.

(b) An export of wheat produced outside the United States or of a mixture of wheat which contains wheat produced outside the United States is not eligible for an export payment under this subpart. However, if the Assistant Sales Manager determines that a mixture of wheat produced outside the United States and wheat produced in the United States is exported unintentionally under this program he may authorize an export payment on that portion of the mixed wheat exported which the exporter establishes to the satisfaction of the Assistant Sales Manager was produced in the United States.

(c) An export or wheat grading sample because of total damage of 30 percent or more, or because it is musty, sour, heating, or unfit for human consumption shall not be eligible for an export payment under this subpart. An export of wheat grading sample because of other factors or wheat which has been treated or denatured or its physical condition changed in any manner shall not be eligible for an export payment unless otherwise approved in writing by the Assistant Sales Manager.

(d) An exporter whose offer to export wheat has been accepted by CCC under this subpart must submit Form CCC-521, "Report of Wheat Exported," which constitutes an application for payment under this subpart, and documentary evidence of export as required in § 1483.163 which has not been used, or will not subsequently be used as evidence of export in connection with (1) any other Form CCC-521, (2) any other export program under which CCC has made or has agreed to make an export allowance, or (3) any export program which involves the purchase of wheat from CCC for export at prices which reflect any export allowance. Nothing herein shall be construed as precluding a bill of lading or other evidence of export filed under this subpart from being used as evidence in connection with proof of export required in another export program of CCC, including the barter program, or the export of wheat under this program pursuant to sales under Public Law 480, if CCC determines that the uses described in this paragraph will not result in any duplication of an export payment or allowance.

(e) An export of wheat by or to a U.S. Government agency as defined in § 1483.106 shall not qualify as an export for the purpose of this subpart.

§ 1483.103 Performance security.

CCC reserves the right to require any exporter who wishes to qualify for an export payment to furnish a surety bond acceptable to CCC conditioned upon his faithful performance of all provisions of his contract entered into with CCC under this subpart or in lieu of such bond a certified check, cashier's check, or other acceptable security such as an irrevocable letter of credit in a form approved by CCC against which CCC may draw with a statement that the money is due CCC. Such bond or other security shall be in an amount determined by CCC.

§ 1483.104 Announcement of rates and export periods.

Export rates will be announced from Washington, D.C., at approximately 3:31 p.m. and will remain in effect through 3:30 p.m., on the expiration date stated in the announcement. The rates so announced may be of an export payment rate or a zero payment rate. Different rates may be announced for different coasts or ports of export, classes and qualities of wheat, destinations and export periods. Each announcement will also specify the final date of export of wheat covered by offers and Notices of Sale which are submitted during the period the announced rates are in effect and will also specify any payments for special factors as provided in § 1483.105. Announcements will be released through the press and ticker service and will be available at the Kansas City ASCS Commodity Office and the Office of the General Sales Manager, Export Marketing Service in New York.

§ 1483.105 Payments for special factors.

At certain times CCC may announce payments for special factors under § 1483.104 (which may include, but are not limited to such factors as carrying charges, qualities of wheat, coast or port of export, and method of shipment to such coast or port) which will apply to offers submitted during the time the announcement is in effect. If CCC has announced a zero payment rate for the export of a particular class of wheat but has announced a payment for special factors for the export of such a class of wheat and the exporter wishes to qualify for the payment, he must submit an offer under § 1483.111 and must otherwise comply with the applicable provisions of this subpart including, but not limited to, the provisions of §§ 1483.114 and 1483.115.

§ 1483.106 Reports of wheat exported.

(a) *General.* The Agricultural Adjustment Act of 1938, as amended, provides that exporters of wheat shall on request of the Secretary, report to the Secretary such information as the Secretary finds to be necessary to enable him to carry out the provisions of the act relating to export marketing certificates. The act also provides that such information shall be reported in such manner as the Secretary may prescribe.

(b) *Requirement for reports.* In order to determine whether or not requirements for export marketing certificates should continue to be suspended as provided in the Notice of Temporary Suspension of Part 778 of this title, each exporter shall make a report of all wheat which he exports. This requirement shall apply to all wheat exported irrespective of whether the exporter submits an offer to export wheat for an export payment under this subpart. Whenever an exporter submits a Form CCC–521, "Report of Wheat Exported," under this subpart for an export payment he has complied with the requirements of this paragraph (b).

(c) *Exemption from reports.* Notwithstanding the provisions of paragraph (b) of this section, reports shall not be required for (1) wheat obtained from CCC under GR–212 at competitive world prices, (2) wheat produced outside the United States which moves into the United States under customs bond and which is exported without having been withdrawn from bond in the United States, (3) wheat exported for donation abroad, (4) wheat samples exported without charge to the recipient, and (5) wheat obtained from CCC by voluntary agencies registered with the Committee on Voluntary Foreign Aid of the Agency for International Development.

(d) *Submission of report.* (1) For all wheat exported (except exports as provided in paragraph (c) of this section) the exporter shall submit to the Kansas City ASCS Commodity Office not later than 10 days after the date of export, or such later date as may be approved in writing by CCC for good cause shown by the exporter, an original and three copies of Form CCC–521, "Report of Wheat Exported," together with the supporting evidence of export as provided in § 1483.163. If an exporter is unable to promptly obtain the evidence of export in order to submit the Form CCC–521 within 10 days after the date of export, he may submit the Form CCC–521 together with a statement that he is unable to furnish the evidence of export with the Form CCC–521 and that such evidence will be forwarded promptly when it is received.

(2) If an exporter does not submit an offer under this subpart and exports wheat without benefit of an export payment, or exports wheat as to which an export payment has not been announced by CCC, and the export is not exempt under paragraph (c) of this section, he nonetheless must submit a Form CCC–521 and evidence of export as provided in this paragraph (d). Such exporter shall use the code number "Section 1483.106" on Form CCC–521 in lieu of the CCC contract number.

(e) As part of the reporting requirements of the regulations in this part, the exporter shall furnish to the Bureau of Customs at the point of export from the United States or shipment to Canada in bond of any wheat, one copy of the on-board vessel bill of lading or if the export is by rail or truck, one copy of the bill of lading or manifest showing the quantity of wheat exported. The copy of the bill of lading or manifest will be transmitted by the Bureau of Customs to CCC for comparison with other information concerning the requirements of this section.

(f) *Failure to make reports.* Any person except a producer in his capacity as a producer, who knowingly fails to make a report as required by this section shall be subject to the provisions of section 379i(b) of the Agricultural Adjustment Act of 1938 which states that such person shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $5,000 for each violation.

§ 1483.107 Definition of terms.

As used in this subpart and in announcements, forms and documents pertaining hereto, the terms defined in this section shall have the following meaning unless the context otherwise requires:

(a) *CCC.* The Commodity Credit Corporation, U.S. Department of Agriculture.

(b) *General Sales Manager.* The General Sales Manager, Export Marketing Service, U.S. Department of Agriculture, or his designee.

(c) *Assistant Sales Manager.* The Assistant Sales Manager, Commodity Exports, Export Marketing Service, U.S. Department of Agriculture, or his designee.

(d) *Contracting Officer.* A Contracting Officer, CCC, to whom the Assistant Sales Manager has delegated responsibility under this subpart.

(e) *Day.* Calendar day.

(f) *Eligible country.* Any destination outside the United States, excluding Puerto Rico and Canada and also excluding any country or area for which an export license is required under regulations issued by the Bureau of International Commerce of the Department of Commerce unless a license for exportation or transshipment to such country or area has been obtained from such bureau. In the case of an export under a Public Law 480 purchase authorization or an export against a sale as described in § 1481.130(b), the eligible country shall mean the designated country to which the export is to be made under the applicable Public Law 480 purchase authorization or the letter of conditional reimbursement.

(g) *Export and exportation.* Except as hereinafter provided, a shipment of wheat produced in the United States (excluding Alaska and Hawaii) destined to a designated eligible country, (1) from the United States, or Puerto Rico or (2) from a Canadian port on the St. Lawrence River if the wheat had been moved from the United States via the Great Lakes and its identity had been preserved until shipped from Canada. The wheat shall be deemed to have been exported on the date of the applicable on-board bill of lading and at the time provided in the export carrier's lay-time statement or acceptable similar document, or if shipment to an eligible country is by truck or railcar, on the date the shipment clears the U.S. Customs. The time of export shall be deemed to be the time of day at which loading of the total quantity of wheat represented by a particular bill of lading aboard the export carrier was completed. If the wheat is lost, destroyed, or damaged after loading on board an export carrier, export shall be deemed to have been made as of the date of the on-board bill of lading and at the time provided in the carrier's lay-time statement or acceptable similar documents, or the latest date and time appearing on the loading tally sheet or similar document if the loss, destruction, or damage occurs subsequent to loading aboard the export carrier but prior to issuance of the on-board bill of lading and lay-time statement: *Provided, however,* That if the "lost," "destroyed," or "damaged" wheat remains in the United States or Puerto Rico it shall be considered reentered wheat and shall be subject to the provisions of §§ 1483.115(d) and 1483.139(f). If wheat exported from Canada is reentered into Canada and subsequently reexported, or an equivalent quantity of other wheat is exported in replacement of such wheat, the wheat shall be considered as having been exported at the time of the reexport and not at the time of the original export. Export by or to a U.S. Government agency shall not qualify as an export under the provisions of this subpart.

(h) *Exporter.* A person who is engaged in the business of buying and selling wheat for export, maintains a bona fide business office for such purpose in the United States or Puerto Rico, and has an agent in such office upon whom service of process may be made.

(i) *Export carrier.* The ocean vessel on which wheat is exported under this program from the United States, Puerto Rico, or Canada to an eligible country or if export is by railcar, airplane, or truck, "export carrier" means such railcar, airplane, or truck. Export carrier also means a lash barge loaded with wheat for which a through on-board bill of lading is issued for shipment to an eligible country if the loaded lash barge is subsequently lifted aboard an ocean vessel. The exculpatory provisions of paragraph (g) of this section and § 1481.116(d) shall apply to any wheat lost, damaged, or destroyed after loading aboard the lash barge to the same extent as loading aboard an ocean going vessel.

(j) *Official inspection certificate.* A certificate of inspection issued by or under the supervision of the Grain Division, Consumer and Marketing Service, U.S. Department of Agriculture, in accordance with the Official Grain Standards of the United States.

(k) *Official weight certificate.* A weight certificate issued:

(1) By Chambers of Commerce, Boards of Trade, Grain Exchanges, State Weighing Departments, or other organizations having qualified, independent, impartial paid employees stationed at elevators, or

(2) On authority of Chambers of Commerce, Boards of Trade, Grain Exchanges, State Weighing Departments,

or other organizations, where weighing is performed by elevator employees under the supervision of a qualified, independent, impartial, weighmaster employed by one of the above organizations, or

(3) On the basis of weights established by a licensed weighmaster whose weight certificates are recognized by common carriers as official in the settlement of claims for losses in transit, on the basis of weights recognized as weighing bureau agreement weights, or on the basis of weight certificates furnished by a railroad or weighing bureau, or

(4) On the basis of other weight determinations agreed to in writing by CCC.

(l) *Person.* An individual, partnership, corporation, association or other legal entity.

(m) *Sales Under Public Law 480 or P.L. 480.* Sales for foreign currencies or sales on credit pursuant to a purchase authorization and the regulations issued under title I of the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480, 83d Congress), as amended.

(n) *United States.* Unless otherwise qualified all of the 50 States and the District of Columbia.

(o) *United States Government Agency.* Any corporation, wholly owned by the Federal Government, and any department, bureau, administration or other unit of the Federal Government excluding the Army and Air Force Exchange Service, Navy Exchanges, and the Panama Canal Company. Sales of wheat to foreign buyers, including foreign governments though financed with funds made available by a U.S. agency, such as the Agency for International Development or the Export-Import Bank, are not sales to a U.S. Government Agency, provided wheat exported against the sale is not for transfer to a U.S. Government Agency.

(p) *Vice President.* The General Sales Manager, Export Marketing Service.

(q) *Wheat.* Wheat which is grown in the United States (excluding Alaska and Hawaii) and which meets the definition of wheat in the Official Grain Standards of the United States. The quantity of wheat exported which is eligible for export payment and which satisfies the export requirements of this subpart shall be determined by deducting from the weight of the wheat (which shall not include the weight of any bags) any dockage shown on the official inspection certificate.

(r) *3:30 p.m. and 3:31 p.m.* Mean 3:30 p.m. and 3:31 p.m. local time in Washington, D.C.

(s) *Announcement GR-212.* Announcement GR-212, "Sales of CCC-owned Grain for Export".

Export Payments on Wheat

(NONPUBLIC LAW 480)

§ 1483.110 General.

(a) An exporter who wishes to qualify for an export payment under this subpart on an export of wheat (other than an export made pursuant to a sale under Public Law 480) shall submit an offer as provided in § 1483.111 for the export of a class of wheat from a designated coast of export during a specified export period to any eligible country. Except as provided in § 1483.114 the export payment applicable to the wheat exported under the contract resulting from the offer shall be determined on the basis of the announced rate in effect at the time the exporter submits the offer for consideration by CCC which applies to the (1) class of wheat, (2) coast of export and (3) export period specified in such offer.

(b) The wheat must be exported to an eligible country and must not be diverted or transshipped or caused to be diverted or transshipped by the exporter to any country other than an eligible country.

§ 1483.111 Submission of offers.

(a) Place and time: An offer for the export of wheat described in § 1483.110 should normally be filed in writing, such as by telegram, teletypewriter, or telex although telephone may be used. Offers are to be submitted to the office specified in § 1483.185. Telephoned offers must be confirmed immediately thereafter in writing, such as by telegram, teletypewriter, or telex. Offers will be considered by CCC at the time the offer is submitted for consideration except that offers will not be considered for acceptance on a Saturday, Sunday, Holiday, or other Federal nonwork day in Washington, D.C., or any other day specified by CCC in its announcement of export payment rates issued pursuant to § 1483.104 as a day on which offers will not be considered for acceptance.

(b) Receipt of offers, modifications and withdrawals:

(1) An offer, modification of an offer, or withdrawal of an offer will not be considered by CCC unless received in its entirety by the dispatching telegraph office (if made by telegram) or in the U.S. Department of Agriculture (if otherwise made in writing or by telephone) before expiration of the announced rate for which the exporter wishes the offer to be considered by CCC and, in the case of a modification or withdrawal, before the offer has been accepted by CCC except that offers, modifications or withdrawals received after expiration of the announced rate may be considered by CCC if:

(i) CCC determines that such offer, modification or withdrawal was delayed in transmission through no fault of the exporter, or

(ii) The modification is made for the purpose of correcting an error apparent on the face of the offer, or for the purpose of clarification, or CCC determines that the modification is beneficial to CCC.

(2) A request to modify an offer or withdraw an offer should normally be filed in writing, such as by telegram, teletypewriter, or telex although telephone may be used. Telephoned requests must be confirmed immediately thereafter in writing, such as by telegram, teletypewriter, or telex.

(c) Form: An offer, including a written confirmation of a telephoned offer, shall be submitted in the name of the exporter, shall be signed by, or in the case of a telephone offer shall be transmitted by the exporter or a person authorized to make contracts on behalf of the exporter, and shall state the following:

(1) The offer is subject to all applicable terms and conditions of this subpart, including any amendments hereto and supplemental announcements hereunder, which are in effect at the time the offer is submitted for consideration by CCC. The use of the term "GR-345" in the offer shall signify that the offer is submitted subject to all such terms and conditions.

(2) Time for which the offer is submitted for consideration. The time shall be stated either as (i) "before 3:30 p.m." of a specified date, which shall be deemed to refer to the time the rate period ending 3:30 p.m. is in effect, or as (ii) "after 3:30 p.m." of a specified date which shall be deemed to refer to the time the rate period beginning 3:31 p.m. of the specified date is in effect.

(3) Net quantity of wheat to be exported expressed in bushels (do not include any tolerance).

(4) Class of wheat to be exported.

(5) Export period within which the wheat will be exported.

(6) Coast or port of export (specify East, West, or Gulf coast or Great Lakes port, St. Lawrence River port, or Puerto Rico or Hawaii).

(7) Full business name and address of the exporter.

(8) Name of person submitting the offer on behalf of the exporter.

(9) Any other provision required by CCC in its announcement of rates issued pursuant to § 1483.104.

Example. The following represents an offer to export 100,000 bushels of Hard Red Winter Wheat submitted by the John Doe Export Company, Inc.

GR-345, For consideration before 3:30 p.m. December 16, 1970[1]
100,000 bushels.
Hard Red Winter, gulf coast.
December 16, 1970 through May 31, 1970.
By: John Doe Export Co., Inc., 400 Blank Street, New York, N.Y.
Signed: Richard Doe, President.

(d) Class, coast and export period:

(1) The designation of class, coast of export and export period in the offer shall be made from one of the classes of wheat, coasts of export and export periods provided by CCC in the announcement of rates issued pursuant to § 1483.104. The export period applicable to offers received and accepted by CCC

[1] This shall be deemed to refer to the rate period ending 3:30 p.m. Dec. 16, 1970, i.e., 3:31 p.m. Dec. 15, 1970, to 3:30 p.m. Dec. 16, 1970. If the exporter wishes the offer to be considered in the rate period after 3:30 p.m. on the specified date, then in lieu of "before 3:30 p.m.," the exporter must show "after 3:30 p.m.".

for export during the current export period shall commence with the date the offer is to be considered and shall end on the final date of the then current export period.

(2) An offer shall not specify more than one quantity of wheat, one class of wheat, one coast of export and one export period except when CCC provides in its announcement of rates issued pursuant to § 1483.104 that it will consider offers which contain more than one class of wheat, one export period or one coast of export.

(e) An exporter may separately submit more than one offer for consideration on any stated date.

(f) Right to accept or reject: CCC reserves the right to accept or reject any or all offers or to waive any informality in connection with such offers. Offers will be considered in their entirety only and offers containing terms or conditions other than those authorized in this subpart or any supplemental announcement hereunder will not be considered. An exporter whose offer is rejected will be notified promptly of such rejection and reason therefor by telegraph.

§ 1483.112 Acceptance of offers.

(a) Upon acceptance of an exporter's offer submitted under § 1483.111 for the export of wheat, CCC will attempt to notify the exporter by telegraph on the day the offer is considered and accepted by CCC. By close of business of such day CCC will attempt to forward to the exporter Form CCC–342, "Acceptance of Offer to Export Wheat" which shall constitute CCC's written acceptance of the exporter's offer. If an offer is submitted by telephone, Form CCC–342 will not be forwarded to the exporter until the written confirmation of the exporter's offer has been received by CCC. The contract resulting from the acceptance by CCC of an offer shall consist of the exporter's offer, CCC's written acceptance, the applicable terms and conditions of this subpart, including any amendment hereto and supplemental announcements hereunder, which are in effect on the date the exporter wishes the offer to be considered.

(b) Subject to the provisions of § 1483.115(a) a request by an exporter to amend his contract with CCC to provide for the export of a different class of wheat or export from a different coast of export or to amend any other provision of this contract with CCC may be approved subject to such adjustment in the rate as may be specified by CCC.

(c) An exporter shall notify CCC promptly if he is unable to fulfill his obligations under his contract with CCC because of failure to export, the reentry into the United States, Puerto Rico, or Canada of wheat previously exported by him or his failure to discharge fully any other obligation assumed by him under this subpart.

§ 1483.113 Wheat exported prior to submission of offer acceptable to CCC.

(a) An exporter must comply with the requirements of this section if he wishes to qualify for an export payment on wheat (other than an export under Public Law 480) which has been exported prior to submission of an offer acceptable to CCC. Such exporter must, in addition to the other requirements of this subpart (1) establish to the satisfaction of CCC that his failure to submit an offer prior to export of the wheat was due to causes without his fault or negligence or that such failure was the result of an honest error made by the exporter and (2) make a report to CCC as provided in paragraph (b) of this section. In such case, CCC will waive the requirement for the submission of an offer and its acceptance.

(b) The exporter must report the export promptly by telegram, teletypewriter, telex, or telephone. Reports submitted by telephone must be confirmed immediately thereafter in writing. The report must include the following:

(1) Date of export.
(2) Coast or port of export.
(3) Country of destination.
(4) Name of export carrier.
(5) Net quantity of wheat expressed in bushels.
(6) Class of wheat. Upon receipt of the report, CCC will provide the exporter with a contract number.

(c) The export rate applicable to wheat exporter prior to the submission of the report described in paragraph (b) of this section shall be the lowest rate under (1) the rate announcement for offers submitted at the time of export, (2) the rate announcement immediately preceding the rate announcement for offers submitted at the time of export, or (3) the rate announcement in effect at the time of submitting the report to CCC which applies to exports at the time the rate announcement became effective for the class and quality of wheat exported and the coast of export from which the wheat was exported. If the time of day of export or the time of day of filing the report is not established and two rates are in effect on either of such days, the time of export or time of filing the report, as applicable, shall be deemed to have occurred at the time the lower of the two rates was in effect.

(d) The submission of Form CCC–521, "Report of Wheat Exported," on wheat exported prior to submission of an offer constitutes the exporter's agreement that if the wheat is exported or transshipped to other than an eligible country, or if the wheat is reentered into the United States or Puerto Rico, he shall be liable to CCC as provided in § 1483.116(d).

§ 1483.114 Contract tolerance.

(a) If an exporter exports or causes export in accordance with the requirements of this subpart of a net quantity of wheat which is less than the net quantity provided in the exporter's contract with CCC, as described in § 1483.112, but not less than (1) the contract quantity minus 5 percent or (2) the contract quantity minus 25,000 bushels, whichever quantity is the smaller, he shall not be required to pay liquidated damages for failure to export the undershipped quantity. If an exporter exports or causes export in accordance with the requirements of this subpart of a net quantity of wheat which is greater than the net quantity provided in the exporter's contract with CCC but not greater than (3) the contract quantity plus 5 percent or (4) the contract quantity plus 25,000 bushels, whichever quantity is the smaller, he may include the excess quantity on Form CCC–521, "Report of Wheat Exported" and receive payment, if any, at the same rate as provided in his contract with CCC.

(b) At such time as the Kansas City ASCS Commodity Office has received Form(s) CCC–521 which support the export of a net quantity of wheat as required by the exporter's contract with CCC, as described in § 1483.112 (taking into account the applicable loading tolerance provided in paragraph (a) of this section), CCC shall regard the contract as having been completed and will not thereafter accept Form(s) CCC–521 for the application of additional quantities against the same contract (except as provided in paragraph (c) of this section or unless approved in writing by CCC for good cause shown by the exporter), even though the additional quantities may be within the applicable tolerance described in paragraph (a) of this section. This provision shall apply even though at the time of receipt of Form(s) CCC–521 the exporter may not have submitted the supporting evidence of export.

(c) CCC shall not regard the contract as having been completed under paragraph (b) of this section and the exporter will be permitted to apply additional quantities up to the contract quantity specified in Form CCC–342, "Acceptance of Offer to Export Wheat," if (1) the net quantity applied to the contract with CCC is less than the contract quantity specified in Form CCC–342 but is 95 percent or more of such quantity, (2) the exporter furnishes a statement to CCC that he intends to apply additional quantities to the contract, and (3) the statement is furnished with the Form(s) CCC–521 which brings the total quantity applied to the contract within the downward tolerance as described in paragraph (a) of this section. If an exporter furnishes a statement under this paragraph that he intends to apply additional quantities to the contract with CCC, the statement shall constitute the exporter's agreement that he will apply exports represented by the next Form(s) CCC–521 furnished to the Kansas City ASCS Commodity Office up to the contract quantity specified in Form CCC–342, without application of any tolerance, unless otherwise approved in writing by CCC for good cause shown.

§ 1483.115 Export requirements.

(a) The exporter shall export or cause an export of the wheat in accordance with his contract with CCC, as described in § 1483.112, to an eligible country. An extension of the export period in the exporter's contract with CCC will be granted to the exporter to the extent he establishes to the satisfaction of CCC that he had taken the necessary action to enable him to export within the required period but export had been delayed due to causes solely without his

fault or negligence and that no financial advantage has accrued or will accrue to the exporter as a result of the delay. Such extension may be granted before or after the time when the export should have been made.

(b) The exporter shall promptly furnish CCC evidence of export as specified in § 1483.163. Failure of the exporter to furnish evidence of export for application to a contract with CCC not later than 30 calendar days after the final date of the export period in the exporter's contract with CCC, or within any extension of such time as may be granted in writing by CCC under paragraph (a) of this section, shall constitute prima facie evidence of the exporter's failure to export in accordance with his contract with CCC. Nothing contained herein shall be construed as relieving the exporter from furnishing a Form CCC–521 within the time required by § 1483.106.

(c) (1) Except as provided in § 1483.114, the failure of the exporter to export wheat in accordance with the provisions of his contract with CCC shall constitute a default of his obligations to CCC. Export to an eligible country as provided in paragraph (a) of this section without transshipment through Canada (unless transshipment is via the Great Lakes through a port on the St. Lawrence River) is a condition precedent to any right to payment under this subpart. Export to other than an eligible country, or transshipment through Canada (unless transshipment is via the Great Lakes through a port on the St. Lawrence River) shall not entitle the exporter to any payment under this subpart.

(2) (i) If the wheat is exported after the last day of the export period specified in the exporter's contract with CCC, or any extension thereof granted under paragraph (a) of this section, the applicable export payment rate, if any, specified in Form CCC–342 (without reference to payments for any special factors) shall be reduced at the rate of 1 cent per bushel a day for each day of delay on the net bushels of wheat not exported timely. Beginning on the date when the exporter is no longer entitled to any such payment under this provision, liquidated damages shall accrue at the rate of 1 cent per bushel for each day of delay on the net bushels of wheat not exported timely: *Provided, however,* That such accrued liquiated damages for delay in timely export shall not exceed 25 cents per bushel on the net bushels of wheat not timely exported. An export which has not been made at the time that there has accrued a total amount if liquidated damages of 25 cents per bushel shall be deemed not to have been made at all and the exporter shall not be entitled to an export payment and shall owe CCC, as liquidated damages, a total of 25 cents per bushel on the net bushels of wheat not exported (after taking into consideration the downward tolerance provided in § 1483.114).

(ii) In the case of a delay in export, the export payment shall not be reduced, and the exporter shall not be liable for liquidated damages to the extent he establishes to the satisfaction of CCC that his delay in export was due to causes solely without his fault or negligence, that he had taken the necessary action to enable him to export the wheat, and that no financial advantage accrued or will accrue to the exporter as a result of such failure.

(iii) In the case of a failure to export, the exporter shall not be entitled to an export payment, but he shall be liable for liquidated damages unless he establishes to the satisfaction of CCC that the failure to export was due to causes solely without his fault or negligence, that he had taken the necessary action to enable him to export the wheat, and that no financial advantage accrued or will accrue to the exporter as a result of such failure.

(3) Notwithstanding any other provision of this subpart if an export is made prior to or after the expiration of the export period provided in the exporter's contract with CCC, or such extension as approved under paragraph (a) of this section, the rate due the exporter shall not exceed the rate which would have been received had the exporter's offer been accepted for export in the period of actual export.

(4) The failure of the exporter to export in accordance with his contract with CCC will cause serious and substantial losses to CCC, such as damages to CCC's export and price support programs, and the incurrence of storage, administrative and other costs. Inasmuch as it will be difficult, if not impossible, to establish the exact amount of such losses, the exporter, in submitting his offer agrees that the liquidated damages provided for in this section for failure to comply with his contract with CCC are reasonable estimates of the probable actual damages which may be incurred by CCC in the event of such failure. The exporter further agrees that he will make payment to CCC of any liquidated damages due under this section promptly on demand.

(5) In addition to the foregoing, an exporter who fails to export in accordance with his contract with CCC may be suspended or debarred from participating in this program or in any other program of CCC for such period and subject to such terms and conditions as may be provided pursuant to the Suspension and Debarment Regulations of CCC (34 F.R. 12659, August 5, 1969, and any amendments thereto or revisions thereof).

(d) If any quantity of wheat exported pursuant to the exporter's contract with CCC is reentered into the United States or Puerto Rico whether or not such reentry is caused by the exporter, or if any quantity of wheat exported is transshipped, or caused to be transshipped by the exporter to any country that is not an eligible country, the exporter shall be in default, shall refund any payment made by CCC with respect to such quantity of wheat and shall also pay to CCC with respect to any such wheat which is reentered into the United States, or Puerto Rico liquidated damages of 25 cents per bushel on such wheat. To the extent the exporter establishes that the reentry was due to causes without his fault or negligence, he shall not be in default and shall not be liable for such liquidated damages but shall return to CCC any payment received with respect to such wheat. If the reentered wheat is subsequently reexported, it shall be eligible for export payment in accordance with the other provisions of the regulations in this part or other regulations which may provide for an export payment on such an export. To the extent the exporter establishes that such reentered wheat was lost, damaged, or destroyed, or its physical condition is such that the reentry will not impair CCC's price support program, and no person received or will receive any export payment with respect to any reexport which may occur to the wheat, the exporter shall not be in default, shall not be liable for such liquidated damages and shall not be required to return to CCC any payment received with respect to such wheat.

(PUBLIC LAW 480)

§ 1483.130 General.

(a) *Sales under purchase authorizations.* An exporter who wishes to qualify for an export payment under this subpart (including a payment for special factors as provided in § 1483.105) on an export of wheat pursuant to a sale under Public Law 480, must file an offer consisting of a Notice of Sale as provided in § 1483.131 and, in addition to other applicable provisions of this subpart, must comply with the provisions of §§ 1483.130 to 1483.139. Such Notice of Sale shall also constitute the exporter's request for approval of the sale, including the price of the wheat for financing under the regulations issued pursuant to title I of Public Law 480.

(b) *Sales under letters of conditional reimbursement procedures.* (1) An exporter who wishes to qualify for an export payment on an export of wheat pursuant to a dollar sale for which he had received advice from the foreign buyer, at or before the time of sale, that the importing country later expects to obtain financing from CCC under Public Law 480, must file an offer consisting of a Notice of Sale as provided in § 1483.131 and, in addition to other applicable provisions of this subpart, must comply with the provisions of §§ 1483.130 to 1483.139.

(2) The provisions of this subpart applicable to sales of wheat under Public Law 480 shall, except where the context otherwise requires, apply to a sale as described in this paragraph even though the importing country does not actually obtain financing under Public Law 480 for such a sale.

§ 1483.131 Notice of Sale.

(a) *Place and Method of filing.* The exporter shall file the Notice of Sale with the office specified in § 1483.185 on the date of the sale or as soon as possible thereafter. The Notice of Sale should

normally be filed by telegram, teletypewriter, or telex, although telephone may be used. Telephoned notices must be confirmed immediately thereafter in writing, such as by letter, telegram, teletypewriter, or telex.

(b) *Current rates.* In order for the exporter to receive the current rate, the Notice of Sale must be filed or the telephone call made prior to 3:31 p.m. of the expiration date for such rate as shown in the rate announcement and must otherwise comply with the provisions of this subpart.

(c) *Time of filing.* The time of filing the Notice of Sale will be considered to be as follows:

(1) In case of a telephone notice, the time transmission of the telephonic message to the Contracting Officer, CCC, begins.

(2) In case the Notice of Sale is filed by telegram, the time the message is accepted by the dispatching office. CCC will accept as the time of filing, the time which appears on the telegram.

(3) In case the Notice of Sale is filed by teletypewriter or telex, the time transmission of the message to CCC begins.

(4) In case the Notice of Sale is filed by letter, the time the letter is received by the office specified in § 1483.185.

(d) *Time of filing not established.* If the time of filing the Notice of Sale cannot be established and two rates which would apply to the sale are in effect on the day of filing, the time of filing the Notice of Sale will be deemed to be the time the lower of the two rates was in effect.

(e) *Price.* If the price of the wheat is disapproved for financing under Public Law 480, or the Notice of Sale is otherwise unacceptable, the exporter will be so notified by telegraph and the Notice of Sale will not be registered. If the price of the wheat is disapproved, the exporter shall have 5 calendar days following the date of the Notice of Sale within which to submit a new price which is acceptable to CCC. During such 5-day period, CCC will not recognize, for the purpose of §§ 1483.130 to 1483.139 and for financing under Public Law 480 any new sale between the same exporter and foreign buyer in substitution of the original transaction. If an acceptable price is not submitted within such 5-day period, the original Notice of Sale, any subsequent notification of price adjustments made within such period and the related contract between the exporter and the foreign buyer shall, for the purpose of §§ 1483.130 to 1483.139 and for financing under Public Law 480, be considered null and void. Any subsequent negotiations after expiration of such 5-day period which result in a contract between the same exporter and foreign buyer shall be considered as a new sale for the purpose of §§ 1483.130 to 1483.139 and for financing under Public Law 480 and shall be subject to the exporter's filing a new Notice of Sale and submission of new evidence of sale.

(f) *Information required.* The Notice of Sale must contain the following:

(1) Exporter's sales contract or order number, if any.

(2) Public Law 480 Purchase Authorization number, or in the case of an export as described in § 1483.130(b), the letter of conditional reimbursement number (LCR No.).

(3) Date and time of sale.

(4) Name of buyer or buyers. (Brokers or agents of either the seller or foreign buyer shall not be named as the buyer.)

(5) Country to which export is to be made.

(6) Contract quantity, expressed in net bushels.

(7) Contract loading tolerance, if any, expressed in percentage, but not in excess of 5 percent more or less.

(8) Grade and class of wheat, protein content and any additional commodity specifications in the contract.

(9) Contract unit price (if the contract price is other than a price per bushel, also include the bushel price) and delivery terms (f.o.b., f.a.s., etc.).

(10) Delivery period specified in the contract.

(11) Coast or port of export (such as East, West or Gulf coast or Great Lakes port, St. Lawrence River port, or Puerto Rico or Hawaii).

(12) Name and address of sales agent, if any.

(13) Complete packaging description and packaging material specifications if exportation of the wheat is other than in bulk.

(14) Any options to be exercised by the exporter or foreign buyer.

(15) Any other terms of the contract between the exporter and foreign buyer not specifically provided for in this paragraph (f) which would effect the delivery of the wheat to be exported.

(16) Such additional information in individual cases as may be requested by the Contracting Officer, CCC.

§ 1483.132 Notice of registration.

(a) Upon receiving a Notice of Sale complying with the applicable provisions of this subpart and if the sale, including the price of the wheat, is approved for financing under Public Law 480, CCC will register the sale and will issue a Notice of Registration by telegraph which shall constitute written notice that the sale is registered unless CCC determines that to do so would not be in the best interest of the program. Such registration shall create a contract between the exporter and CCC which shall consist of the exporter's Notice of Sale, CCC's Notice of Registration, the applicable terms and conditions of this subpart, including any amendments hereto and supplemental announcements hereunder (e.g. Rate Announcements), which are in effect at the time of filing the Notice of Sale.

(b) If a Notice of Sale is received by CCC which provides for more than one coast of export or more than one class of wheat or more than one export period, with the exporter or foreign buyer having the option to select the coast of export or class of wheat or export period, CCC will not register the sale and will not issue a Notice of Registration unless otherwise provided in the announcement of export payment rates made pursuant to § 1483.104 or unless, because of special circumstances, it is determined to be in the interest of CCC.

(c) In the telegram of registration CCC may utilize the code letters "GR–345" to signify that the sale is registered under this subpart and the code letters "PAF–480" to signify that the sale, including the price of the wheat, has been approved for financing under the regulations issued pursuant to Public Law 480. The Notice of Registration will include a registration number which shall be shown on Form CCC–359, "Declaration of Sale," on Form CCC–521, "Report of Wheat Exported," and in all correspondence with CCC in reference to the transaction.

(d) An exporter shall notify CCC promptly in every case where he is unable to fulfill his obligations under his contract with CCC because of failure to export in accordance with the provisions of his sale to the foreign buyer, or in the event of the reentry into the United States, Puerto Rico, or Canada of wheat previously exported by him or his failure to discharge fully any other obligation assumed by him under this subpart.

§ 1483.133 Determination of rates.

The rate applicable to the sale shall be the rate in effect on the date and time of sale to the foreign buyer as determined under § 1483.134 or on the date and time of filing the Notice of Sale with CCC as determined under § 1483.131(c), whichever rate is the lower for the export period which covers the delivery period under the exporter's sale to the foreign buyer.

§ 1483.134 Determination of date and time of sale.

A sale shall not be considered as made until the purchase price has been established and the date and time of sale shall be the earliest date and time the exporter had knowledge that a firm contract exists with the foreign buyer under which a firm dollar and cent price has been established. The supporting evidence of sale submitted by the exporter in the form prescribed in § 1483.135 will be the basis for determining the date and time of sale. For the purpose of this subpart, some of the factors which determine the date and time of sale, are as follows:

(a) Date and time of the exporter's filing a cablegram or mailing a written acceptance of a definite offer to purchase received from the foreign buyer.

(b) Date and time or receipt by the exporter of a cablegram or other written acceptance from the foreign buyer of a definite offer by the exporter to sell or the date and time of receipt by the exporter of a cablegram or other written notification from his agent that the foreign buyer has accepted a definite offer by the exporter to sell.

(c) Date and time of a telephone conversation during which the buyer and the

exporter agreed verbally to the terms of a contract to purchase and sell. The documents to substantiate the telephone conversation or the contract confirming the verbal agreement signed by both the exporter and foreign buyer must show the date and time at which the exporter and foreign buyer verbally agreed to the terms of the contract.

(d) Any contract provisions which entail provisional or basic or maximum or minimum prices to be adjusted at a future date may affect the date and time of sale for purposes of this subpart.

(e) If the contract would be firm but for the fact that it is conditioned upon receipt of advice of the approval by CCC for financing under Public Law 480, such condition shall be disregarded for the purpose of determining the date and time of sale. On any sale where the price of the wheat originally reported by the exporter is disapproved by CCC for financing under Public Law 480, the exporter shall have 5 calendar days following the date of the Notice of Sale within which to submit a new price which is acceptable by CCC for financing under Public Law 480. If within this period an acceptable price is submitted, the date and time of sale will be regarded as the date and time of the original sale and the export payment applicable to the wheat exported under this subpart will be the rate in effect on the date and at the time of the original sale or on the date and at the time of giving the original Notice of Sale, whichever rate is the lower.

(g) If export is by ocean carrier or by lash barge and the date and time of sale cannot be determined under other provisions of this section, or by any other means, the sale will be deemed to have been made on the date and at the time the wheat is considered exported for program purposes, as defined in § 1483.107 (g). If export is by truck or rail and the date and time of sale cannot be determined on the basis of the factors set forth in this section, or by any other means, the sale will be deemed to have been made on the date and at the time of issuance of the inland bill of lading, or if none is issued, on the date and at the time of clearance through U.S. Customs.

(h) If the time of day at which the sale was made is not established and two rates are in effect on the date of sale, the time of sale will be deemed to occur at the time the lower of the two rates was in effect.

(i) If a sale is made through an intermediary, for purposes of determination of the applicable export payment rates, no substantially greater lapse of time for concluding the sale transaction may be recognized than would have elapsed had the exporter been dealing directly with the foreign buyer.

(j) In any unusual cases involving factors other than those described in this section, an exporter should make a written request for a determination in writing from CCC in advance of making the sale as to the effect of such factors on the date and time of sale.

§ 1483.135 Declaration of sale and evidence of sale.

(a) *Place and time of submission of required copies.* (1) The exporter shall prepare Form CCC–359, "Declaration of Sale", and should mail or deliver it to the office specified in § 1483.185 as soon as possible after receiving the Notice of Registration from CCC. Supplies of Form CCC–359 may be obtained from the Kansas City ASCS Commodity Office.

(2) Form CCC–359 must be furnished in an original and 4 copies. The original must be signed in an original signature by the exporter or his authorized representative. Two copies of Form CCC–359 will be returned to the exporter signed for the General Sales Manager by a Contracting Officer, CCC, confirming approval under this subpart and approval of the sale for financing under regulations issued pursuant to Title I, Public Law 480.

(3) If more than one set of Form CCC–359 is furnished for a sale, the letters A, B, C, etc., shall be added to the registration number on the respective Form CCC–359.

(b) *Information required.* There shall be entered on Form CCC–359 the following:

(1) Registration number.

(2) Exporter's sales contract or order number, if any.

(3) Public Law 480 Purchase Authorization number, or in the case of an export as described in § 1483.130(b), the letter of conditional reimbursement number (LCR No.).

(4) Date and time of filing Notice of Sale.

(5) Date and time of sale.

(6) Name and address of buyer or buyers. (Brokers or agents of either the seller or buyer shall not be named as a buyer).

(7) Country to which export is to be made.

(8) Contract quantity, expressed in net bushels.

(9) The contract loading tolerance, if any, expressed in percentage, but not in excess of 5 percent more or less.

(10) Grade and class of wheat, protein content and any additional commodity specifications in the contract.

(11) Contract unit price (If the contract price is other than a price per bushel, also include the bushel price) and delivery terms (f.o.b., f.a.s., etc.).

(12) Delivery period specified in the contract.

(13) Coast or port of export (such as east, west, or gulf coast or Great Lakes port or St. Lawrence River port or Puerto Rico or Hawaii).

(14) The rate per bushel that applies to the sale as determined under this subpart.

(15) Name and address of sales agent, if any.

(16) Complete packaging description and packaging material specifications if exportation of the wheat is other than in bulk.

(17) Any options to be exercised by the exporter or foreign buyer.

(18) Any other term of the contract between the exporter and foreign buyer not specifically provided for in this paragraph (b) which would effect the delivery of the wheat to be exported.

(19) Such additional information in individual cases as may be requested by CCC.

(c) *Name in which filed.* Form CCC–359 must be filed in the name of the exporter who sold the wheat to the foreign buyer. If the sale is made under a trade name, Form CCC–359 may be filed under the trade name, provided the name of the actual exporter and the relationship of the actual exporter and the trade name is clearly established on Form CCC–359 and all related documents, such as:

American Grain Co. (Trade Name), U.S. Grain Co.

(d) *Evidence of sale.* (1) Supporting evidence of sale, in one copy only, must be filed with Form CCC–359. Such evidence may be in the form of a copy of the signed contract between exporter and buyer or copies of an offer and the acceptance of such offer or other documentary evidence of sale.

(2) For transactions involving an intermediate party, the evidence required shall consist of copies of all documents evidencing the sales which are exchanged between the exporter, the intermediate party and the buyer shown on Form CCC–359, provided such evidence includes all information required under this section and any additional documentation specifically requested by CCC.

(3) For all transactions, the supporting evidence of sale must include, in addition to the documents specified in subparagraphs (1) and (2) of this paragraph, documents relating to any subsequent amendment to the contract between the exporter and foreign buyer. One copy of each amendment shall be submitted to CCC as soon as it is made.

§ 1483.136 Wheat exported prior to filing a notice of sale.

(a) An exporter must comply with the requirements of this section if he wishes to qualify for an export payment on wheat which has been exported prior to the filing of a Notice of Sale and which is to be financed under Public Law 480 or which is an export against a sale as described in § 1483.130(b). Such exporter must, in addition to the other requirements of this subpart, file a Notice of Sale pursuant to § 1483.131. The exporter must state in the Notice of Sale that the wheat covered by such notice has been exported and must include the time and date of export.

(b) The rate applicable to wheat exported prior to filing a Notice of Sale shall be the lowest of the rates under the rate announcement which became effective at the time of export or at the time of sale or at the time of filing the Notice of Sale which applies (1) to exports at

such time, (2) to the class of wheat exported and (3) to the coast of export from which the wheat was exported.

§ 1483.137 **Contract tolerance.**

A contract tolerance of not to exceed 5 percent more or less may be provided in the Notice of Sale provided such tolerance is specified in the sale between the exporter and foreign buyer, or if no loading tolerance is specified in the sale a loading tolerance of 1 percent more or less shall be applicable to payments made under this program but an upward tolerance shall not be applicable for the purpose of financing under Public Law 480 unless otherwise provided for in the sale between the exporter and foreign buyer or in the applicable purchase authorization. Payment shall not be made on any quantity exported which is in excess of the contract quantity as shown on Form CCC–359, "Declaration of Sale" plus the applicable loading tolerance as provided herein, unless (a) a new Notice of Sale is filed for such excess quantity meeting the requirements of § 1483.131, (b) a new Notice of Registration is issued in connection therewith, and (c) the exporter furnishes such other documents as may be required by CCC for such exports. If the contract quantity shown in Form CCC–359, less the applicable tolerance, is not exported, the exporter shall be subject to the provision of § 1483.139 for failure to export in accordance with his contract with CCC.

§ 1483.138 **Contract amendments.**

(a) (1) Except as provided in this paragraph, an export of wheat as to which a Notice of Registration has been issued under § 1483.132 shall be made only to the eligible country and buyer designated in Form CCC–359, "Declaration of Sale." The exporter shall not export, transship or cause the wheat to be transshipped to any country wihout the written approval of CCC.

(2) Export to a country other than the eligible country named in Form CCC–359 may be made provided (i) the exporter furnishes a certification to CCC that such export was requested by the buyer shown in Form CCC–359, that such export constitutes delivery against the exporter's sale to the foreign buyer on which the Notice of Registration was issued and is not in connection with a different sale, and that the exporter knows of no circumstances with respect to such export which would impair the integrity of such sale and (ii) the exporter obtains the written approval of CCC to export the wheat to a country other than the eligible country shown on Form CCC–359.

(3) Export may be made to a consignee or notify party other than the buyer shown in Form CCC–359 provided the exporter furnishes the certification and obtains written approval of CCC as provided in subparagraph (2) of this paragraph.

(b) The provisions of the exporter's sale to the foreign buyer may be amended if approval in writing is obtained from CCC subject to any decrease in the rate as may be determined by CCC. Any amendment to a sale, including a change of the delivery period in the exporters' sale to the foreign buyer, for which a Notice of Registration has been issued shall subject the terms of the sale as amended to reexamination by CCC for the purpose of financing under Public Law 480. This includes an informal agreement not reduced to writing by the buyer and exporter. Any amendment made to a sale shall be furnished to CCC as soon as possible after it is made.

§ 1483.139 **Exportation requirements.**

(a) The exporter shall export or cause an export of wheat as to which a Notice of Registration under § 1483.132 was issued to the country specified in § 1483.138 in accordance with his contract with CCC. An extension of the export period will be granted to the exporter to the extent he establishes to the satisfaction of CCC that he had taken the necessary action to enable him to export within the required period but export had been delayed due to causes solely without his fault or negligence and that no financial advantage has accrued or will accrue to the exporter as a result of the delay.

(b) The exporter shall promptly furnish to the Kansas City ASCS Commodity Office evidence of export as specified in § 1483.163. Failure of the exporter to furnish evidence of export for application to the contract with CCC not later than 30 calendar days after the final date of the export period in the exporter's contract with CCC, or within any extension of such time as may be granted in writing by CCC under paragraph (a) of this section, shall constitute prima facie evidence of the exporter's failure to export in accordance with his contract with CCC.

(c) Except as provided in § 1483.137, the failure of the exporter to export the required quantity of wheat in accordance with his contract with CCC, as described in § 1483.132, shall constitute a default of his obligations to CCC. Export to the eligible country specified in § 1483.138 without transshipment through Canada (unless transshipment is via the Great Lakes through a port on the St. Lawrence River) is a condition precedent to any right to payment under this subpart. Export to other than such eligible country, or transhipment through Canada (unless transshipment is via the Great Lakes through a port on the St. Lawrence River) shall not entitle the exporter to any payment under this subpart.

(d) If the wheat is exported in a different export period than the export period which covers the delivery period specified in the Notice of Sale, or such extension as may be granted under paragraph (a) of this section, the rate shall be reduced in such amount as determined by CCC: *Provided, however,* That the rate due the exporter shall not exceed the rate which would have been received had the exporter's offer been accepted for export in the period of actual export. If the exporter had failed to export the required quantity of wheat and a replacement purchase is made by the importing country under Public Law 480, the exporter shall pay to CCC on demand the actual damages to CCC resulting from such failure, or if a replacement purchase is not made, the exporter shall pay to CCC on demand liquidated damages of 25 cents per bushel on the net bushels of wheat not exported (after taking into consideration the downward tolerance provided in § 1483.137) except to the extent he establishes to the satisfaction of CCC that his failure to export was due to causes solely without his fault or negligence and that no financial advantage has accrued or will accrue to the exporter as a result of such failure. The failure of the exporter to export the required quantity of wheat will cause serious and substantial losses to CCC, such as damages to CCC's export and price support programs and the incurrence of storage, administrative and other costs. Inasmuch as it will be difficult, if not impossible, to establish the exact amount of such losses, the exporter, in submitting his Notice of Sale agrees that the liquidated damages provided for in this section for failure to comply with his contract with CCC are reasonable estimates of the probable actual damages which may be incurred by CCC in the event of such failure.

(e) In addition to the foregoing, an exporter who fails to export in accordance with his contract with CCC may be suspended or debarred from participating in this program or in any other program of CCC for such period and subject to such terms and conditions as may be provided pursuant to the Suspension and Debarment Regulations of CCC (34 F.R. 12659, Aug. 5, 1969, and any amendments thereto or revisions thereof).

(f) If any quantity of wheat exported pursuant to the exporter's contract with CCC is reentered into the United States or Puerto Rico whether or not such reentry is caused by the exporter, or if any quantity of wheat exported is transshipped or caused to be transshipped by the exporter to any country that is not an eligible country, the exporter shall be liable to CCC as provided in § 1483.115 (d). If any quantity of wheat is diverted or transshipped or caused to be diverted or transshipped by the exporter to an eligible country other than the country specified in § 1483.138 without the approval of CCC, the exporter shall refund any export payment received on such wheat.

DOCUMENTS REQUIRED FOR EXPORT PAYMENTS

§ 1483.161 **Form CCC–521 report of wheat exported.**

An exporter who wishes to receive an export payment shall submit an original and three (3) copies of Form CCC–521, "Report of Wheat Exported" and the applicable documents required by § 1483.163 to the Kansas City ASCS Commodity Office. (See § 1483.106 for other requirements regarding the submission of Form CCC–521). Supplies of Form CCC–521 and detailed instructions regarding its preparation and submission may be

obtained from the Kansas City ASCS Commodity Office.

§ 1483.162 Export payments.

(a) *Amount and manner of making payments.* All export payments made by CCC on any contract under this subpart shall be in cash. Upon receipt of Form CCC–521 and satisfactory evidence of export, the Kansas City ASCS Commodity Office will determine the amount of payment due the exporter by multiplying the number of net bushels of wheat exported in accordance with the exporter's contract with CCC by the applicable export payment rate.

(b) *Payee.* Except as provided in § 1483.183, the export payment will be made only to the exporter with whom CCC has a contract to make an export payment and who has complied with the provisions of this subpart.

§ 1483.163 Evidence of export and documents required.

To support each Form CCC–521, the exporter must furnish the following documentary evidence which complies with the requirements of § 1483.102(d).[1]

(a) *Bills of lading.* If export is by water, or air, a nonnegotiable copy or an exact reproduction of the on-board export carrier bill of lading issued at point of export signed by an agent of the export carrier. The bill of lading must show (1) the identification of the export carrier, (2) date and place of issuance, (3) weight of the wheat, (4) description of the carrier's hold or tank in which the wheat was stowed if export is by ocean carrier, (5) that the wheat is destined for an eligible country and (6) the Purchase Authorization Number, or Letter of Conditional Reimbursement Number (if export is pursuant to Public Law 480 regulations) the CCC financing approval number (if export is pursuant to the CCC credit sales program), the CCC barter approval number (if export is made pursuant to a CCC barter transaction) or the AID approval number (if export is financed with funds authorized by the Agency for International Development). If loss, damage, or destruction of the wheat occurs subsequent to loading aboard the export carrier but prior to issuance of a bill of lading, a copy of a loading tally sheet or acceptable similar document may be substituted for the bill of lading. If the export is pursuant to Public Law 480 and the country of destination shown on the bill of lading differs from that in the exporter's contract with CCC, there must be furnished a copy of the Shipper's Export Declaration, authenticated by the appropriate U.S. Customs Official, showing that the country of destination is the country to which the wheat is required to be exported or, if export is made from a Canadian port on the St. Lawrence River, a copy of a document, in lieu of the Shipper's Export Declaration, authenticated by an appropriate Canadian Customs Official showing that the country of destination is the country to which the wheat is required to be exported.

(b) *Shipper's Export Declaration.* If export is by rail or truck (other than to Canada), a copy of the Shipper's Export Declaration authenticated by an appropriate U.S. Customs Official which shows the identification of the shipment, the date of clearance into the foreign country and the weight of the wheat.

(c) *Official weight certificate.* A copy of an official weight certificate issued on the basis of weights obtained at the time of loading the wheat to the export carrier showing (1) the identification of the export carrier, (2) the date and place of issuance, (3) the description of the ocean carrier's hold or tank in which the wheat was stowed if export is by ocean vessel, or if exported by railcar, truck, or airplane a description of such railcar, truck, or airplane, and (4) the gross weight of the wheat. If bagged wheat, the official weight certificate and bill of lading or Shipper's Export Declaration must show the (5) gross weight of the wheat (including the bags), (6) tare weight of the bags or the number of bags and an acceptable certification by the exporter as to the weight of the bags. In lieu of an official weight certificate issued at the time of loading bagged wheat to an export carrier, CCC may also accept an official inland weight certificate covering the wheat issued at an inland bagging point provided the exporter establishes to the satisfaction of the Kansas City ASCS Commodity Office that (7) the bagged wheat covered by each inland certificate is properly identified by evidence of continuity of movement from the bagging point to on board the export carrier, and (8) the inland certificate is dated not more than 30 days prior to date of export.

(d) *Official inspection certificate.* A copy of an official inspection certificate issued on the basis of an inspection made at the time of loading the wheat to the export carrier showing (1) identification of the export carrier, (2) date and place of issuance, (3) description of the carrier's hold or tank in which the wheat was stowed if export is by ocean vessel, or if export is by railcar, truck, or airplane, a description of such railcar, truck, or airplane, and (4) quantity of wheat to which the certificate relates. If the inspection certificate is for mixed wheat, the certificate must show the percentage of each class of wheat which constitutes more than 10 percent of the mixture. Except for exports made pursuant to Public Law 480, if the exporter is unable to supply an official inspection certificate as required by this paragraph (d), he may apply to CCC pursuant to paragraph (j) of this section for authorization to submit other acceptable evidence in lieu of such certificate.

(e) *Exports from Alaska, Hawaii, Puerto Rico, and Canada.* For exports from Alaska, Hawaii, Puerto Rico or from a Canadian port on the St. Lawrence River of wheat shipped from the United States (including Alaska and Hawaii) (1) a bill of lading and other documentary evidence as specified by the Kansas City ASCS Commodity Office covering the movement of the wheat from the United States (excluding Alaska and Hawaii) to the export carrier described in the bill of lading issued at the point of export, and (2) a certification that the wheat exported is the identical wheat shipped from and produced in the United States (excluding Alaska and Hawaii).

(f) *Waiver.* If the shipper or consignor named in the evidence of export is other than the exporter, a waiver by such shipper or consignor in favor of the exporter of any interest in the application for payment. Such waiver must clearly identify the documents submitted as evidence of export.

(g) *License identification.* Where export of wheat has been made by anyone to one or more countries or areas to which a validated license is required by the Bureau of International Commerce, U.S. Department of Commerce, the bill of lading or other pertinent evidence required to be furnished to CCC shall identify the validated license number.

(h) *Identification of multiple contracts.* If a single bill of lading or other evidence of export covers more than the net quantity of wheat which is applied against an exporter's contract with CCC and the excess quantity covered by the evidence is to be used as evidence of export in connection with a different contract with CCC under this subpart or under any other export program of CCC under which CCC has paid or agreed to pay an export allowance or sold wheat at competitive world prices, each copy of the evidence of export shall be accompanied by a certification identifying all contracts with CCC to which the evidence of export has been or will be applied and the quantity to be applied to each contract.

(i) *Miscellaneous certificates.* If export is made by vessel, plane, truck or other carrier operated by a U.S. Government agency, then in lieu of the bill of lading or Shipper's Export Declaration provided for in paragraphs (a) and (b) of this section, a certificate issued by an authorized official or employee of such agency showing the date of shipment(s), type of export carrier, description of the wheat, net quantity of wheat, and country of destination. In addition, a certification by the exporter that export is not by or to a U.S. Government agency (unless it is to the Army and Air Force Exchange Service, Navy Exchange, or the Panama Canal Company) and such other information required in paragraph (a) of this section as may be applicable.

(j) *Good cause.* Where for good cause, the exporter establishes that he is unable to supply documentary evidence of export as specified in this section, CCC may accept such other evidence of export as will establish to the satisfaction of CCC that the exporter has fully

[1] Exports must also conform to the requirements in the regulations and purchase authorization issued under Public Law 480 (83d Cong.), as amended, in order to be eligible for Public Law 480 financing.

complied with his obligations under his contract with CCC.

(k) *Exports in lash barges.* If export is by lash barge, an authenticated copy of the applicable shipper's export declaration or an acceptable statement from the vessel's agent showing the lash barge was loaded to the lash vessel named in the on-board lash bill of lading or substitute lash vessel. The shipper's export declaration or the statement from the agent of the vessel must be furnished within a 60-day period beginning on the date of the on-board lash bill of lading unless otherwise approved in writing by CCC.

(l) *Additional evidence.* Such additional evidence representing export as CCC may require to determine that the exporter has complied with his contract with CCC.

MISCELLANEOUS PROVISIONS

§ 1483.182 Covenant against contingent fees.

The exporter warrants that no person or selling agency has been employed or retained to solicit or secure a contract under this subpart upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except bona fide employees or bona fide established commercial or selling agencies maintained by the exporter for the purpose of securing business. For breach or violation of this warranty, CCC shall have the right to annul any such contract without liability or in its discretion to deduct from the export payment or otherwise recover the full amount of such commission, percentage, brokerage or contingent fee.

§ 1483.183 Assignments and setoffs.

(a) No assignment shall be made by an exporter of any contract with CCC under this subpart or of any rights thereunder, except that the exporter may assign the payments due him under a Form CCC–521, "Report of Wheat Exported," to any bank, trust company, Federal lending agency, or other financing institution, and, subject to the approval of the Contracting Officer, CCC, assignment of such payments may be made to any other person: *Provided*, That such assignment shall be recognized only if the assignee thereof files written notice of the assignment together with a signed copy of the Instrument of Assignment, in accordance with the instructions on Form CCC–251, "Notice of Assignment," which must be used in giving notice of assignment to CCC: *And provided further*, That any such assignment shall cover all amounts payable and not already paid under the Form CCC–521, and shall not be made to more than one party and shall not be subject to further assignment except that any such assignment may be made to one party as agent or trustee for two or more parties participating in such financing. The Form CCC–252, "Instrument of Assignment" may be executed or the assignee may use his own form of assignment. Forms CCC–251 and CCC–252 may be obtained from the Contracting Officer, CCC, or the Kansas City ASCS Commodity Office.

(b) If the exporter is indebted to CCC or any other agency of the United States, the amount of such indebtedness may be set off against the amount of the payment due him under a Form CCC–521, "Report of Wheat Exported." In the case of an assignment and nothwithstanding such assignment, CCC may set off (1) any amounts due CCC under this subpart, (2) any amounts for which the exporter is indebted to the United States for taxes, with respect to which a notice of lien was filed in accordance with the provisions of the Internal Revenue Code of 1954 (26 U.S.C. 6323) or any amendments or modifications thereof, prior to acknowledgement by CCC or receipt of the Notice of Assignment and (3) any amounts, other than the amounts specified in subparagraphs (1) and (2) of this paragraph, due CCC or any other agency of the United States, if the assignee was advised of such amounts at the time of acknowledgment by CCC of receipt of the Notice of Assignment.

(c) In the case of an assignment pursuant to paragraph (a) of this section, any indebtedness of the exporter to any agency of the United States which may not be set off pursuant to this paragraph may be set off against any amount due and payable under this subpart which remains after the deduction of amounts (including interest and other charges) due the assignee under the assignment. Setoff as provided in this section shall not deprive the exporter of the right to contest the justness of the indebtedness involved either by administrative appeal or by legal action.

§ 1483.184 Records and accounts.

Each exporter of wheat under this subpart shall maintain accurate records showing sales and deliveries of wheat exported or to be exported in connection with this subpart. Such records, accounts, and other documents relating to wheat exported under this subpart shall be preserved for 3 years after the date of export and shall be available during regular business hours for inspection and audit by authorized employees of the U.S. Department of Agriculture.

§ 1483.185 Place of submission of offers and reports.

(a) Offers to export wheat including offers consisting of Notices of Sale under Public Law 480 and related reports required to be submitted under this subpart unless otherwise specified in the regulations in this part should be addressed as follows:

Chief, Contract Services Branch, Grain Division, Commodity Exports, Export Marketing Service, U.S. Department of Agriculture, Washington, DC 20250.

(b) Delivery to the above office of telegraphic offers to export and offers consisting of Notices of Sale under Public Law 480 will be expedited if addressed as follows:

Substaff, USDA, (AG) Washington, D.C., TWX 710 822 9424 or 710 822 9425 Telex 089 491.

(c) Exporters calling the office in paragraph (a) of this section by long distance telephone may do so by direct dialing. The long distance area number for Washington, D.C., is 202. The telephone numbers of this office are DU 8–7305, 8–7306, 8–3363, or 8–3364.

§ 1483.186 Additional reports.

The exporter shall file such additional reports as may be required from time to time by CCC.

§ 1483.187 General Sales Manager and ASCS Offices.

Information concerning this program may be obtained from one of the following offices:

General Sales Manager:
- Representative of General Sales Manager, Federal Building, Room 1759, 26 Federal Plaza, New York, NY 10007, Telephone: Area Code 212—264–8439, 8440, and 8441.

Agricultural Stabilization and Conservation Service Offices:
- Kansas City ASCS Commodity Office, 8930 Ward Parkway (Post Office Box 205), Kansas City, MO 64141, Telephone: Area Code 816—361–0860.
- Branch Office—Chicago ASCS Branch Office, 226 West Jackson Boulevard, Room 106, Chicago, IL 60606, Telephone: Area Code 312—353–6581.
- Branch Office—Minneapolis ASCS Branch Office, 310 Grain Exchange Building, Minneapolis, MN 55415, Telephone: Area Code 612—725–2051.
- Branch Office—Portland ASCS Branch Office, 1218 Southwest Washington Street, Portland, OR 97205, Telephone: Area Code 503—226–3361.

§ 1483.188 Officials not to benefit.

No member of or delegate to Congress or resident commissioner shall be admitted to any share or part of the contract or to any benefit that may arise therefrom but this provision shall not be construed to extend to the contract if made with a corporation for its general benefit.

§ 1483.189 Amendment and termination.

This subpart may be amended or terminated by filing of such amendment or termination with the Office of the Federal Register for publication. Any such amendment or termination shall not be applicable to export payment contracts made before the effective time and date of such amendment or termination.

§ 1483.190 Written approval by the Assistant Sales Manager or Contracting Officer, CCC.

Where this subpart specifies certain requirements which are to be approved in writing by the Assistant Sales Manager or a Contracting Officer, CCC, and the exporter wishes to obtain such approval, a request should be filed in writing with the office specified in § 1483.185 sufficiently in advance of expiration of the period for performance of the requirement in order for the exporter to ascertain before said period expires

whether his request will be approved. Approval may also be granted after the time specified for performance of the requirement where the exporter has established good cause therefor.

NOTE: The recordkeeping and reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Effective date. The provisions of this Revision V shall become effective at 3:31 p.m., local time in Washington, D.C., on July 30, 1971. This revision shall not affect any contracts between exporters and CCC entered into under GR–345, Revision IV (as amended) prior to such times.

Signed at Washington, D.C., on July 14, 1971.

CLIFFORD G. PULVERMACHER,
Vice President, Commodity Credit Corporation, and General Sales Manager, Export Marketing Service.

NOTICE TO EXPORTERS

Exports to certain countries are regulated under the Export Control Act of 1949. Countries and commodities are specifically listed in the U.S. Department of Commerce Comprehensive Export Schedule. Additional information is available from the Bureau of International Commerce of the Department of Commerce or from the field offices of the Department of Commerce.

[FR Doc.71–10752 Filed 7–27–71;8:52 am]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 214—NONIMMIGRANT CLASSES

PART 299—IMMIGRATION FORMS

Nonimmigrants

Reference is made to the notice of proposed rule making which was published in the FEDERAL REGISTER on April 27, 1971 (36 F.R. 7856), pursuant to section 553 of title 5 of the United States Code (80 Stat. 383) and in which there were set out the terms of proposed amendments pertaining to nonimmigrant temporary employees and intracompany transferees. No representations were received. No change was made in the proposed rules. The proposed rules as set out below are hereby adopted:

1. The first two sentences of subparagraph (3) of paragraph (h) *Temporary employees* of § 214.2 *Special requirements for admission, extension, and maintenance of status* are amended to read as follows:

(3) *Admission, employment, and extension.* A beneficiary may apply for admission to the United States only during the period of validity of the petition, or during the period of any extension of his temporary stay authorized on Form I–171C. The authorized period of the beneficiary's admission shall be governed by the period of established need for his temporary services or training, but shall not exceed the date of validity of the petition or the date until which his temporary stay had been previously authorized by the Service. * * *

2. Paragraph (h) *Temporary employees* of § 214.2 *Special requirements for admission, extension, and maintenance of status* is amended by adding a new subparagraph (3a) to read as follows:

(3a) *Use of Form I–171C.* The Service shall notify the petitioner on Form I–171C whenever a visa petition or application for extension of temporary stay filed on Form I–129B is approved. The petitioner, who may not for this purpose duplicate the original Form I–171C received from the Service, may furnish that form to any one of the beneficiaries who desires to depart from any return to the United States within the period for which the visa petition is valid or for which his temporary stay in the United States has been authorized to resume the same employment or training. The Service may also issue an original Form I–171C, upon request, to individual beneficiaries who have received an extension of temporary stay through approval of an application for extension on Form I–129B or Form I–539, if such individual intends to depart from and return to the United States within the period for which his temporary stay has been authorized to resume the same employment or training. A beneficiary who is required to present a visa for admission and whose visa will have expired before the date of his intended return may use Form I–171C, as stated in the information on the form, to apply for a new or revalidated visa. If the beneficiary is exempt from the visa requirement, he may present the original Form I–171C at the U.S. port of entry upon his return, for consideration as to whether he may be readmitted until the date of expiration of the validity of the visa petition or authorized extension of temporary stay as shown in the Form I–171C. If a beneficiary will be returning to resume the same employment or training after the validity of the visa petition has expired and he is not in possession of an original Form I–171C showing extension of his temporary stay or, if in possession of such form, he will be returning to the United States after expiration of his authorized stay as shown therein, a new visa petition must first be filed by the petitioner and approved by the Service.

3. The existing first sentence of subparagraph (3) *Admission, employment, and extension* of paragraph (l) *Intracompany transferees* of § 214.2 *Special requirements for admission, extension, and maintenance of status* is deleted and the following two sentences are substituted in lieu thereof to read as follows: "A beneficiary may apply for admission to the United States only during the period of validity of the petition, or during the period of any extension of his temporary stay authorized on Form I–171C. The authorized period of the beenficiary's admission shall not exceed the date of validity of the petition or the date until which his temporary stay had been previously authorized by the Service."

4. Paragraph (l) *Intracompany transferees* of § 214.2 *Special requirements for admission, extension, and maintenance of status* is amended by adding the following new subparagraph (4) to read as follows:

(4) *Use of Form I–171C.* The Service shall notify the petitioner on Form I–171C upon approval of a visa petition filed on Form I–129B. The petitioner, who may not for this purpose duplicate the original Form I–171C received from the Service, may furnish that form to a beneficiary who desires to depart from and return to the United States to resume the same employment within the period for which the visa petition is valid. The Service may also issue an original Form I–171C, upon request, to a beneficiary alien defined in section 101(a)(15)(L) of the Act who has received an extension of his temporary stay and intends to depart from and return to the United States within the period for which his temporary stay has been authorized to resume the same employment. A beneficiary who is required to present a visa for admission and whose visa will have expired before the date of his intended return may use Form I–171C, as stated in the information on that form, to apply for a new or revalidated visa. If the beneficiary is exempt from the visa requirement, he may present the original Form I–171C at the U.S. port of entry upon his return, for consideration as to whether he may be readmitted until the date of expiration of the validity of the visa petition or authorized extension of temporary stay as shown in the Form I–171C. If a beneficiary will be returning to resume the same employment after expiration of his authorized stay as shown in that form, a new visa petition must first be filed by the petitioner and approved by the Service.

The list of forms in § 299.1 *Prescribed forms* is amended by adding the following form and reference thereto in alphabetical and numerical sequence:

Form No.	*Title and description*
I–171C (5–1–71)	Notice of Approval of Nonimmigrant Visa Petition or of Extension of Stay of H or L Alien.

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

The basis and purpose of the above-prescribed regulations are to obviate the required approval of a new visa petition on behalf of certain nonimmigrant temporary employees and intracompany transferees who desire to depart from and return to the United States to resume the same employment or training specified in a previously approved visa petition (the validity of which has expired), if such return to the United

States occurs within the period of any authorized extension of temporary stay.

This order shall be effective on the date of its publication in the FEDERAL REGISTER (7-28-71). Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), as to delayed effective date, is unnecessary in this instance and would serve no useful purpose because the above rules confer a benefit upon persons affected thereby.

Dated: July 22, 1971.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[FR Doc.71-10696 Filed 7-27-71;8:47 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 11245; Amdts. Nos. 1-21, 61-54, 65-18, 121-76, 127-26, 135-27, 141-10]

NATIONAL WEATHER SERVICE

The purpose of these amendments is to change the name Weather Bureau to read National Weather Service in the Federal Aviation Regulations. This change will affect §§ 1.1, 61.113, 61.143, 65.55, 121.101, 121.119, 121.651, 127.49, 135.65, and 141.47.

By virtue of Department of Commerce Organization Order 25-5B the name "Weather Bureau" has been changed to "National Weather Service," effective October 9, 1970. These amendments are necessary to make the Federal Aviation Regulations consistent with the name established by Order 25-5B.

Since the amendments to Parts 1, 61, 65, 121, 127, 135, and 141 are editorial in nature, I find that notice and public procedure thereon are unnecessary and that good cause exists for making them effective in less than 30 days.

In consideration of the foregoing, Parts 1, 61, 65, 121, 127, 135, and 141 of the Federal Aviation Regulations are hereby amended, effective July 20, 1971, as follows:

PART 1—DEFINITIONS AND ABBREVIATIONS

1. Section 1.1: Under definition of "Ground visibility," the phrase "Weather Bureau" is changed to read "National Weather Service."

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

2. Section 61.113(a)(2) is amended by deleting the phrase "Weather Bureau" and inserting the phrase "National Weather Service" in place thereof.

3. Section 61.113(c)(3) is amended by deleting the phrase "Weather Bureau" and inserting the phrase "National Weather Service" in place thereof.

4. Section 61.143(g) is amended by deleting the phrase "Department of Commerce Weather Bureau Circular N, Manual of Surface Observations" and inserting the phrase "National Weather Service Federal Meteorological Handbook No. 1."

PART 65—CERTIFICATION: AIRMEN OTHER THAN FLIGHT CREWMEMBERS

5. Section 65.55(a)(3) is amended by deleting the phrase "Department of Commerce Weather Bureau Circular N. Manual of Surface Observations" and inserting the phrase "National Weather Service Federal Meteorological Handbook No. 1."

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

6. Section 121.101(b)(1) is amended by deleting the phrase "Weather Bureau" and inserting the phrase "National Weather Service" in place thereof.

7. Section 121.119(a) is amended by deleting the phrase "Weather Bureau" and inserting the phrase "National Weather Service" is place thereof.

8. Section 121.651 (a), (b), (c), and (d) are amended by deleting the phrase "Weather Bureau" and inserting the phrase "National Weather Service" in place thereof.

PART 127—CERTIFICATION AND OPERATIONS OF SCHEDULED AIR CARRIERS WITH HELICOPTERS

9. Section 127.49(a) is amended by deleting the phrase "Weather Bureau" and inserting the phrase "National Weather Service" in place thereof.

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT

10. Section 135.65 is amended by deleting the phrase "Weather Bureau" and inserting the phrase "National Weather Service" is place thereof.

PART 141—PILOT SCHOOLS

11. Section 141.47(b)(15) is amended by deleting the phrase "Weather Bureau" and inserting the phrase "National Weather Service" in place thereof.

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

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

J. H. SHAFFER,
Administrator.

[FR Doc.71-10665 Filed 7-27-71;8:45 am]

[Docket No. 11246; Amdt. 39-1253]

PART 39—AIRWORTHINESS DIRECTIVES

Glasflugel Models H301 "Libelle", H301B "Libelle", "Standard Libelle", and "Kestrel" Gliders

There has been a report of a failure of a rudder cable that resulted in the loss of rudder control on a Glasflugel Model Glider. Investigation disclosed that the rudder cable broke close to the cable tube guide of the rudder pedals due to wear and that the rudder cables have a service life of 500 hours' time in service. The same type cable is installed on Glasflugel Models H301 "Libelle", H301B "Libelle", Standard Libelle", and "Kestrel" gliders. Since this condition is likely to exist or develop in other gliders of the same type design, an airworthiness directive is being issued to require periodic visual checks of the rudder cables and the replacement of worn cables. The AD also requires replacement of the rudder cables at intervals not to exceed 500 hours' time in service.

In view of the possible seriousness of a rudder cable failure, 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:

GLASFLUGEL. Applies to Glasflugel Models H301 "Libelle", H301B "Libelle", "Standard Libelle", and "Kestrel" gliders.

Compliance is required as indicated.

To prevent failures of the rudder control cables, accomplish the following:

(a) Within the next 25 hours' time in service after the effective date of this AD, unless already accomplished within the last 75 hours' time in service, and thereafter at intervals not to exceed 100 hours' time in service from the last check, visually check the two rudder control cables for wear in the area of the S-shaped guide tubes with the pedals in the extreme front position and in the extreme rear position. If evidence of wear is found, before further flight comply with paragraph (c). The checks required by this paragraph may be performed by the pilot.

(b) Within the next 50 hours' time in service after the effective date of this AD, or before the accumulation of 500 hours' time in service on a rudder cable, whichever occurs later, and thereafter at intervals not to exceed 500 hours' time in service on a rudder cable comply with paragraph (c).

(c) Replace the affected rudder cable with a new cable of the same part number or—

(1) For Models H301 "Libelle" and H301B "Libelle" gliders, replace with an equivalent cable manufactured in accordance with Glasflugel Technical Note Nr. 301-27e, dated February 4, 1971, or an FAA-approved equivalent.

(2) For Model "Standard Libelle" gliders, replace with an equivalent cable manufactured in accordance with Glasflugel Technical Note Nr. 201-6e, dated February 4, 1971, or an FAA-approved equivalent.

(3) For Model "Kestrel" gliders, replace with an equivalent cable manufactured in accordance with Glasflugel Technical Note Nr. 401-10e, dated February 4, 1971, or an FAA-approved equivalent.

NOTE: For the requirements regarding the listing of compliance and method of compliance with this AD in the glider's permanent maintenance record, see FAR 91.173.

This amendment becomes effective August 2, 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 21, 1971.

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

[FR Doc.71-10671 Filed 7-27-71;8:45 am]

[Airspace Docket No. 71-CE-40]

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

Designation of Federal Airway Segment; Correction

On June 17, 1971, F.R. Doc. 71-8497 was published in the FEDERAL REGISTER (36 F.R. 11640). This document added a south alternate to V-88, a portion of which coincides with V-132. Restricted Area R-4501A is excluded from V-132 and, through an oversight, was not excluded from V-88S. Action is taken herein to show this exclusion.

Since this amendment is minor 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, F.R. Doc. 71-8497 is amended, effective upon publication in the FEDERAL REGISTER (7-28-71), as hereinafter set forth.

Section 71.123 (36 F.R. 2010, 11640) is amended as follows:

In V-88 the phrase "171° radials." is deleted and the phrase "171° radials, excluding that portion within R-4501A." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 48 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 21, 1971.

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

[FR Doc.71-10666 Filed 7-27-71;8:45 am]

[Airspace Docket No. 71-NE-3]

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

Alteration of Federal Airway Segments

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to make an editorial change in the description of VOR Federal airways Nos. 39 and 106.

The action taken herein would substitute the name Barnes, Mass., for Westfield, Mass., in the description of V-39 and V-106.

Since this amendment is editorial in nature and no substantive change in the regulation is effected, 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., October 14, 1971, as hereinafter set forth.

Section 71.123 (36 F.R. 2010) is amended as follows:

a. In the text V-39 "Westfield, Mass." is deleted and "Barnes, Mass." is substituted therefor.

b. In the text V-106 "Westfield, Mass." is deleted and "Barnes, Mass." 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 21, 1971.

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

[FR Doc.71-10667 Filed 7-27-71;8:45 am]

[Airspace Docket No. 71-EA-108]

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

Alteration of Control Zones and Transition Areas

The Federal Aviation Administration is amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Reading, Pa. (36 F.R. 2120, 36 F.R. 2260), and Parkersburg, W. Va. (36 F.R. 2115, 36 F.R. 2250) control zones and transition areas.

The General Spaatz Field Airport, Reading, Pa., and Wood County Airport, Parkersburg, W. Va., were recently renamed, "Reading Municipal-General Carl A. Spaatz Field," and "Wood County (Gill Robb Wilson Field) Airport," respectively. To reflect the new names of these airports, editorial changes to the descriptions of the Reading, Pa., and Parkersburg, W. Va., control zones and 700-foot-floor transition areas will be required.

Since the foregoing amendments are editorial in nature, notice and public procedure hereon are unnecessary and the amendments 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 (7-28-71), as follows:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Reading, Pa., control zone by deleting, "General Spaatz Field", and substituting therefor, "Reading Municipal—General Carl A. Spaatz Field".

2. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Parkersburg, W. Va., control zone by deleting, "Wood County Airport," and substituting therefor, "Wood County (Gill Robb Wilson Field) Airport".

3. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Reading, Pa., 700-foot-floor transition area by deleting, "General Spaatz Field," and substituting therefor, "Reading Municipal—General Carl A. Spaatz Field."

4. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Parkersburg, W. Va., 700-foot-floor transition area by deleting, "Wood County Airport," and substituting, "Wood County (Gill Robb Wilson Field) Airport."

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

Issued in Jamaica, N.Y., on July 16, 1971.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.71-10668 Filed 7-27-71;8:45 am]

[Airspace Docket No. 71-EA-98]

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 Jamestown, N.Y., control zone (36 F.R. 2093) and transition area (36 F.R. 2209).

The Jamestown, N.Y., Municipal Airport was recently renamed Chautauqua

County Airport and will require an editorial change in the description of the control zone and 700-foot transition area to reflect the new airport name. Additionally, a minor change in the coordinates of the airport geographic position is required.

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 (7-28-71), as follows:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Jamestown, N.Y., control zone by deleting, "42°09'10" N., 79°15'30" W.", and substituting, "42°09'07" N., 79°15'26" W.", therefor; delete, "Jamestown Municipal Airport," and substitute, "Chautauqua County Airport," therefor.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Jamestown, N.Y., 700-foot-floor transition area by deleting, "42°09'10" N., 79°15'30" W.", and substituting, "42°09'07" N., 79°15'-26" W.", therefor; delete, "Jamestown Municipal Airport," and substitute, "Chautauqua County Airport," therefor.

(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 16, 1971.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.71-10669 Filed 7-27-71;8:45 am]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[13th Gen. Rev. of the Export Regulations Amdt. 24]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Parts 373, 377, and 379 are amended as set forth below.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959-1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959-1963 Comp.)

Effective date: Parts 373 and 379—July 26, 1971; Part 377—August 1, 1971.

RAUER H. MEYER,
Director, Office of Export Control.

PART 373—SPECIAL LICENSING PROCEDURES

1. In § 373.3, paragraph (g) is redesignated (f), and new paragraph (g) is added, and paragraphs (a), (i), (l), and (m) are revised as set forth below.

§ 373.3 Distribution license.

* * * * *

(a) *Eligible countries.* Exports may be made under the Distribution License procedure from the United States to approved consignees in:

(1) All countries in Country Group T and X; and

(2) All countries in Country Group V, except Algeria, Cambodia, Iraq, Laos, Sudan, Syria, United Arab Republic (Egypt), South Vietnam, Yemen (Aden), and Yeman (Sansa).

* * * * *

(g) *Special documentation for specific destinations.* If a Form FC-1143 authorizes distribution or use within Switzerland or Yugoslavia, a Swiss Blue Import Certificate or a Yugoslav End-Use Certificate, as appropriate, must be obtained prior to any export or reexport to these destinations. This documentation requirement is subject to special recordkeeping and reporting provisions (See paragraphs (l) and (m) of this section).

* * * * *

(i) *Reexports*—(1) *Distributor.* A distributor who is an approved consignee under a Distribution License may not reexport any commodity received under the Distribution License without the specific prior authorization of the U.S. Government, except reexports to any of the U.S. exporter's other consignees who have been approved under the Distribution License procedure. Reexports for use or distribution within Switzerland or Yugoslavia by an approved consignee, however, may be made only if the reexport is covered by a Swiss Blue Import Certificate or a Yugoslav End-Use Certificate, as applicable. The Swiss Blue Import Certificate need not be submitted to the Office of Export Control, but shall be retained in accordance with the recordkeeping provisions described in paragraph (l)(3) of this section. The original of each Yugoslav End-Use Certificate issued, or a reproduced copy, if the original is required by the government of the country in which the distributor is located, shall be immediately forwarded by the distributor to the U.S. exporter. The original or reproduced copies received from the distributor shall be submitted by the U.S. exporter, on a monthly basis, to the Office of Export Control. (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230, with a letter identifying the distributors from which received. While an approved consignee in Switzerland, without obtaining a Swiss Blue Import Certificate, may stock commodities in Switzerland for reexport to other approved consignees in other countries, such commodities may be released for distribution or use within Switzerland only after a Swiss Blue Import Certificate covering the transaction has been obtained. These documents shall be retained in accordance with the recordkeeping provisions of paragraph (l)(3) of this section.

* * * * *

(l) *Records*—(1) *Form FC-1143.* The U.S. exporter shall retain one copy of each validated Form FC-1143, or each form not approved, for a period of 2 years from the date of a validation or rejection.

(2) *Other export records.* All other forms, documents, correspondence, memoranda, books and other records relating to any export from the United States under a Distribution License shall be kept and made available for inspection in accordance with the recordkeeping requirements of § 387.11 of this chapter.

(3) *Records of sale or reexport by distributor.* All records regarding a sale or reexport by a distributor who is an approved consignee under a Distribution License shall be retained by the distributor for a period of 2 years from the date of sale or reexport. In addition, the original of the Swiss Blue Import Certificate and reproduced copies of the original Yugoslav End Use Certificates obtained in accordance with the requirements of this procedure shall also be retained by the distributor for a period of 2 years from the date the commodities are distributed. As a minimum, these records shall contain for each sale or reexport the following:

(i) Full name and address of individual or firm to whom sale or reexport was made;

(ii) Full description of each commodity sold or reexported;

(iii) Units of quantity or value of each commodity sold or reexported; and

(iv) Date of sale or reexport.

(4) *Inspection of records.* All of the above-mentioned records shall be made available for inspection, upon request, by the Office of Export Control or any other accredited representative of the U.S. Government. In some cases, a foreign government may prohibit inspection of records by a U.S. Government representative in the foreign country where the records are located. In that event, the consignee (through the U.S. exporter) may submit for the approval of the Office of Export Control, any alternative arrangement he may be able and willing to offer that would permit a review of his activities adequate to determine whether or not he has complied with the U.S. export control laws and regulations. For example, such an arrangement might consist of an agreement to forward any required records, upon instructions from the Office of Export Control, either to the U.S. exporter or directly to the Office of Export Control. Such records may be the original copies, duplicates, or reproductions. (For further recordkeeping requirements, see § 387.11 of this chapter.)

(m) *Reports.* The exporter shall prepare and submit, on a monthly basis, a report on all exports made during the preceding month under the Distribution License. The report shall cite the license number indicated on the export license and, as a minimum, show, for each consignee, a separate aggregate value for each commodity group as shown on the license (i.e., for each commodity identified by the code letter "A" following the Export Control Commodity Number or

related "A" product group, and for each related non-"A" product group). The exporter shall also forward with the report all Swiss Blue Import Certificate and Yugoslav End-Use Certificates covering completed exports to those destinations. (See Paragraph (g) of this section.) If partial shipments are made against a Swiss Blue Import Certificate or a Yugoslav End-Use Certificate, instead of submitting the partially used certificate, the exporter shall submit with the report a statement citing the document by number and giving the quantities and dates of all such partial shipments made against it during the month and the balance remaining unused at the end of the month. When the certificate has been fully used, or when it is decided that the remaining balance will not be used, the certificate shall be forwarded with the next monthly report to the Office of Export Control and shall include a statement indicating the amount of the final shipment. The report shall be submitted in original only and transmitted to the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230.

* * * * *

PART 377—SHORT SUPPLY CONTROLS

2. In § 377.1, paragraph (c) is amended to read as set forth below.

§ 377.1 General provisions.

* * * * *

(c) *Commodities requiring monitoring of exports*—(1) *Scope.* Commodities not currently under short supply but requiring monitoring of exports are listed in Supplements 2 and 3 of this Part 377. In each instance, a report in the details set forth below shall be submitted to the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230.

(2) *Commodities listed in Supplement No. 2.* Each exporter of commodities listed in Supplement No. 2 shall submit a weekly report on Form IA–1094, Report of Exports[1] (see Supplement S–25 for facsimile of form), in original and one copy, on the first business day of each week. In addition to the other information required by the form, the report shall show for the previous calendar week the total quantity (in units of short tons) exported by all methods of transportation.

(3) *Commodities listed in Supplement No. 3.* Each exporter of commodities listed in Supplement No. 3 shall submit a semi-monthly report on Form IA–1094A, Report of Exports[1] (See Supplement No. 25 for facsimile of form), in original and one copy, on the second business day following the reporting period. The semi-monthly report shall cover the first 15 days of a calendar month or the remaining final days of each calendar month. In addition to the other information required by the form, the report shall show for the previous period the total quantity (in units of short tons) exported by water carrier only.

(4) *Date of export.* For purposes of this paragraph (c) only, an export shall be construed as having been made on the date the exporting carrier is expected to depart from the United States and shall be included in the export report for the period covering the expected departure date. An export reported on a previously submitted Form IA–1094 or IA–1094A, Report of Exports, shall not be corrected, nor shall it be included in a subsequent report in the event of a carrier's earlier or delayed departure.

3. Supplement No. 2 to Part 377 is amended and a new Supplement No. 3 to Part 377 is added to read as set forth below.

Supplement No. 2—Commodities Subject to Weekly Reporting Requirement

Schedule B number	*Commodity description*
321.4020	Low-volatile coking coal (22 percent or less and more than 14 percent volatile matter).
321.4020	Medium-volatile coking coal (31 percent or less and more than 22 percent volatile matter).
321.4020	High-volatile metallurgical or coking coal (more than 31 percent volatile matter).[1]
321.4020	Bituminous coal to be used for steam generating purposes.[1]
321.8000	Coke of coal, lignite, or peat.

[1] Sulfur content of these commodities shall be shown in the description space of Form IA–1094.

Supplement No. 3—Commodities Subject to Semi-Monthly Reporting Requirement

282.0010	No. 1 Heavy melting steel scrap, except stainless.
282.0020	No. 2 Heavy melting steel scrap, except stainless.
282.0030	No. 1 Bundles steel scrap, except stainless.
282.0040	No. 2 Bundles steel scrap, except stainless.
282.0050	Borings, shovelings, and turnings, iron or steel, except stainless.
282.0065	Stainless steel scrap.
282.0060	Shredded steel scrap.
282.0078	Other steel scrap, including tinplated and terneplated scrap.
282.0080	Iron scrap, except borings, shovelings, and turnings.
282.0090	Rerolling material of iron or steel.
284.0300	Nickel waste and scrap.

PART 379—TECHNICAL DATA

4. In § 379.4(e)(1)(iii), new (ee) and (ff) are established to read as set forth below.

§ 379.4 General License GTDR: Technical data under restriction.

* * * * *

(e) * * *

(1) * * *

(iii) * * *

(*ee*) Spectrographic, spectrum analysis astronomical recording, and other photographic film and plates: (*1*) having spectral sensitivity extending above 7,200 or below 2,000 angstroms; or (2) capable of a resolution of 500 lines/mm. or more (Export Control Commodity No. 862).

(*ff*) Proton magnetometers, n.e.c. (Export Control Commodity No. 7295).

* * * * *

[FR Doc.71–10718 Filed 7–23–71;1:52 pm]

[1] Form IA–1094 or IA–1094A may be obtained from all U.S. Department of Commerce Field Offices (see list on page 1 under Field Office Addresses) and from the Office of Export Control (Attention: 852), U.S. Department of Commerce, Washington, D.C. 20230.

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Releases Nos. 33–5172, 34–9253, AS–121]

PART 210—FORM AND CONTENT OF FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, AND INVESTMENT COMPANY ACT OF 1940

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Exemption From Certification of Financial Statements of Banks

The Securities and Exchange Commission today adopted amendments of Article 9 of Regulation S–X (17 CFR 210.9) and Instructions as to Financial Statements of Forms 10 (17 CFR 249.210) and 10–K (17 CFR 249.310), respectively, which revise the exemption from certification of financial statements of banks filed under the Securities Act of 1933 and the Securities Exchange Act of 1934.

Proposed amendments of the rules and forms to delete the exemption from certification of financial statements of banks and life insurance companies were issued for public comment on May 17, 1971 in Securities Act Release No. 5149 (36 F.R. 9668). Letters of comment were received which have been given careful consideration in determining the extent of the definitive amendments.

The Commission has determined to adopt the amendments deleting the exemption from certification of financial statements of banks. However, such amendments do not apply to financial statements for periods ending on or before November 30, 1971, included in registration statements and reports filed

with the Commission so that a reasonable period of time will be provided for affected registrants to plan and arrange for appropriate audit work and because of the difficulties that may be encountered by registrants if retroactive independent audits for periods ending prior to the effective date were required.

With respect to life insurance companies, the exemption from certification of financial statements for such companies filed under the Securities Exchange Act of 1934 is retained at this time. This will permit the accounting profession in collaboration with the life insurance industry to complete work now underway to develop and promulgate accounting guidelines for life insurance companies which will enable the financial statements of such companies to be certified in accordance with generally accepted accounting principles.

These amendments are adopted pursuant to authority conferred on the Securities and Exchange Commission by the Securities Act of 1933, particularly sections 6, 7, 8, 10, and 19(a) thereof and the Securities Exchange Act of 1934, particularly sections 12, 13, 15(d), and 23(a) thereof.

The amendments are set forth below.

I. Paragraph (a) of § 210.9-05 of this chapter has been amended to read as follows:

§ 210.9-05 Statements of banks.

(a) Statements of banks need not be certified for periods ending on or before November 30, 1971.

* * * * *

II. Instructions 13 and 7 or Instructions as to Financial Statement sin Form 10 (17 CFR 249.210) respectively, have been amended to read as follows:

STATEMENTS OF BANKS AND LIFE INSURANCE COMPANIES

Not withstanding the requirements of the foregoing instructions, financial statements filed for banks or periods ending on or before November 30, 1971 and for life insurance companies need not be certified.

(Secs. 6, 7, 8, 10, 19(a), 48 Stat. 78, 79, 81, 85; secs. 205, 209, 48 Stat. 906, 908; sec. 301, 54 Stat. 857; sec. 8, 68 Stat. 685; 15 U.S.C. 77f, 77g, 77h, 77j, 77s(a); secs. 12, 13, 15(d), 23(a), 48 Stat. 892, 894, 895, 901; sec. 203(a), 49 Stat. 704; secs. 1, 3, 8, 49 Stat. 1375, 1377, 1379; sec. 2, 52 Stat. 1075; sec. 202, 68 Stat. 686; secs. 3, 4, 6, 10, 78 Stat. 565, 569, 570, 580; secs. 1, 2, 82 Stat. 454, secs. 1, 2, 3, 4, 5, Public Law 91-567, 15 U.S.C. 78l, 78m, 78o(d), 78w(a))

The foregoing amendments shall be effective immediately.

By the Commission, July 19, 1971.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-10689 Filed 7-27-71;8:47 am]

[Release No. 33-5171]

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

Guide Relating to Pictorial or Graphic Representations in Prospectuses

The Securities and Exchange Commission has authorized publication of the following amended Registration Guide No. 8 which sets forth the policy of the Commission's Division of Corporation Finance with respect to pictorial or graphic representations in prospectuses.

The amendment to the Guide is in line with measures being taken to make prospectuses and other documents more readable and understandable. Other steps will be taken with respect to the Commission's continuing efforts to make prospectuses more comprehensible. Since this amendment is a relaxation of the restriction on pictorial or graphic representations, the amended guide is not being published for comment prior to its announcement.

The amended Text of the Guide follows:

8. *Pictorial or graphic representation in prospectuses.* Photographic reproductions of management, principal properties or important products in prospectus are permissible where they do not create a misleading impression. However, artists', architects' or engineers' conceptions or renderings are not permissible since they may be misleading in that there is no assurance of completion of the structure or because of lack of accuracy of the conception or rendering, but accurate maps or surveys are permissible, where appropriate. Established corporate symbols or trademarks may be used, if they do not create misleading impressions.

The amended guide is substituted for Guide No. 8 published in Securities Act Release No. 4936 (33 F.R. 18617).

By the Commission, July 20, 1971.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-10690 Filed 7-27-71;8:47 am]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

SUBCHAPTER E—REGULATIONS UNDER THE NATURAL GAS ACT

[Opinion No. 598, Dockets Nos. AR61-2 etc., AR69-1]

PART 154—RATE SCHEDULES AND TARIFFS

Just and Reasonable Rates for Natural Gas Produced in Southern Louisiana Area

On July 16, 1971, the Commission issued Opinion No. 598 which, among other things, amended Part 154 of the Regulations under the Natural Gas Act by deleting § 154.105 in its entirety, and substituting a new § 154.105, relating to the pricing of natural gas produced in the southern Louisiana area.

In the opinion, the Commission directed the Secretary to cause prompt publication to be made in the FEDERAL REGISTER of the findings and ordering paragraphs and a notice of the availability of the entire opinion. Pursuant thereto, the findings and ordering paragraphs are set out below.

Excerpts from Federal Power Commission Opinion No. 598, Area Rate Proceeding, et al. (Southern Louisiana Area), FPC Dockets Nos. AR61-2, et al., AR69-1, 46 FPC —, issued July 16, 1971:

FURTHER FINDINGS AND ORDER

175. Upon consideration of the entire record in this proceeding, which includes public notice, public hearing with opportunity for the submission of oral and documentary evidence, for cross-examination and for the submission of rebuttal evidence, the Commission further finds:

(1) Each of the respondents [1] listed in Appendix B to this decision is, and at the time of all past sales with which we are here concerned was, a natural gas company within the meaning of the Natural Gas Act and is engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of this Commission.

(2) Past, present, and proposed sales of natural gas to which the order herein applies are subject to the jurisdiction of this Commission.

(3) Rates for all sales of natural gas, subject to the jurisdiction of the Commission, by the producers in the southern Louisiana area that are above the applicable area rates prescribed herein, have not been shown to be just and reasonable or otherwise lawful under the provisions of the Natural Gas Act and should be disallowed, and refunds should be required as hereafter provided.

(4) The just and reasonable rates for sales of natural gas to which this order applies are the applicable area rates set forth in ordering paragraph (A) below.

(5) Rates in excess of the applicable just and reasonable rates determined herein are unjust and unreasonable.

(6) It is necessary and appropriate to carry out the provisions of the Natural Gas Act that the Commission adopt the orders and regulations prescribed herein.

176. The Commission, acting pursuant to sections 4, 5, and 16 of the Natural Gas Act (52 Stat. 822, as amended, 823,

[1] Where the term "respondents" is used in the finding and ordering paragraphs hereinafter set forth, it is to be regarded as referring to all named respondents in the Commission orders issued in this case, and to all parties on whose behalf such named respondents have filed FPC gas rate schedules for sales of gas produced in the southern Louisiana area.

830; 15 U.S.C. 717c, 717d, 717o) and sections 553, 556 and 557 of title 5 of the United States Code (the Administrative Procedure Act, 60 Stat. 238, 239, 241, 242, as codified September 6, 1966 by 80 Stat. 383, 384, 386, 387) orders:

(A) Part 154 of the Commission's regulations under the Natural Gas Act, Subchapter E, Chapter I, Title 18 of the Code of Federal Regulations (18 CFR Part 154) is amended by deleting § 154.105 in its entirety, and substituting a new § 154.105, reading as follows:

§ 154.105 Area rates—Southern Louisiana area.

(a) From and after August 1, 1971, the effective date of Opinion No. 598 in Dockets Nos. AR69-2 and AR69-1, et al., 46 FPC ——, and prior to October 1, 1977, for contracts dated on or after October 1, 1968, and prior to October 1, 1976, for contracts dated prior to October 1, 1968, no rate or charge made, demanded or received under a rate schedule filed pursuant to this part for gas produced in the southern Louisiana area shall exceed the applicable area rate prescribed by this section except in compliance with a specific order of the Commission.

(b) Applicable area rate means the base area rate established by paragraph (c) of this section adjusted to the extent required by paragraphs (d), (e), (g), (h), and (i) of this section.

(c) The base area rates: The following base area rates per Mcf (at 15.025 p.s.i.a.) are hereby established subject to the adjustments provided in paragraphs (d), (e), (g), (h), and (i) of this section.

(1) Gas sold under contracts dated prior to October 1, 1968:

(i) 22.375 cents for gas subject to Louisiana production tax.

(ii) 21.375 cents for gas not subject to Louisiana production tax.

(2) Gas sold under contracts dated on or after October 1, 1968, and newly discovered reservoirs discovered on or after October 1, 1968:

26 cents prior to October 1, 1974.
27 cents on and after October 1, 1974.

(3) For gas sold under contracts dated prior to October 1, 1968, the base area rates in subparagraph (1) of this paragraph shall be adjusted upward 0.5 cent on October 1, 1973.

(4) The applicable base area rate prescribed herein shall be adjusted downward by 0.51 cent for deliveries made closer to the wellhead than a central point in the field, the tailgate of a natural gas processing plant, an offshore platform to the buyer's line, or a point on the buyer's pipeline.

(d) Contingent escalations of area rates: From such time prior to October 1, 1977, as the Commission determines that independent producers shall have dedicated for sale to interstate pipelines new gas reserves from the southern Louisiana area, in addition to gas already dedicated as of October 1, 1970 and also in addition to any dedications used to reduce refund obligations, in the amounts hereafter specified, the base area rates established in paragraph (c) of this section for gas sold under contracts prior to October 1, 1968, shall be increased as follows:

Total new gas reserves dedicated:	*Base area rate increase:*
7.5 trillion cubic feet.	0.5 cents per Mcf
11.25 trillion cubic feet.	additional 0.5 cent per Mcf
15 trillion cubic feet.	additional 0.5 cent per Mcf

New gas reserves shall mean the estimated original recoverable reserves in place, less any prior production therefrom, which are either initially committed to a jurisdictional sale under a contract dated on or after October 1, 1970, or which are new discoveries (as defined in § 2.56(f)(2) of the Commission's rules of practice and procedure in this chapter) made on or after October 1, 1970.

(e) Quality standards and adjustments to the base area rates:

(1) The base area rates fixed in paragraph (c) of this section shall be adjusted for any deviations from the following standards.

(i) *B.t.u. adjustment.* The maximum standard will be 1,050 B.t.u.'s per cubic foot of gas, saturated with water vapor, at 60° F. and 14.73 p.s.i.a., and the minimum standard will be 1,000 B.t.u.'s per cubic foot of gas, saturated with water vappor, at 60° F. and 14.73 p.s.i.a. For gas with more than 1,050 B.t.u.'s per cubic foot, upward adjustments shall be made on a proportional basis from a base of 1,050 B.t.u.'s. For gas with less than 1,000 B.t.u.'s per cubic foot, downward adjustments shall be made on a proportional basis from a base of 1,000 B.t.u.'s.

(ii) *Delivery point.* The gas shall be delivered at a central point. A central point includes a central point in the field, the tailgate of a natural gas processing plant, an offshore platform to the buyer's line, and a point on the buyer's pipeline.

(2) When a purchaser buys gas which deviates from the quality standards established in subparagraph (1) of this paragraph, the base area rate fixed in paragraph (c) of this section shall be adjusted for any deviations from such standards as follows:

(i) The applicable base area rate shall be adjusted downward or upward by the amount of any applicable B.t.u. adjustment as set forth in subparagraph (1) (i) of this paragraph.

(f) From and after August 1, 1971, nonassociated gas which has been paid for but not taken may be taken in the manner provided by the contract at any time within 5 years (or longer if the contract so provides) from the end of the contract year in which the obligation to take occurred, provided the purchaser must take the gas within the term of contract under which the gas is being purchased.

(g) The applicable area rate shall be adjusted upward or downward to reflect 87.5 percent of any change in State or Federal production, severance, gathering, or similar taxes effective after October 1, 1970.

(h) If gas produced offshore is delivered onshore, at the sole cost of the producer, the applicable area rate for such offshore gas shall be increased by 1 cent.

(i) As to all contracts dated after August 1, 1971, together with all sales conditioned to the outcome of Docket No. R-338, under which a pipeline transports liquid hydrocarbons or liquefiable hydrocarbons and related fuel, the contract provisions shall control and the ceiling price shall not be reduced; provided, however, if such contracts do not provide for a transportation fee at least equal to the amount obtained by the following formula:

Liquefiable hydrocarbons and related fuel—0.02 cent per Mcf per mile.
Liquid hydrocarbons—20 cents per barrel.

then the payment to the pipeline, from and after August 1, 1971, shall be equal to the amounts set forth in the above formula. As to all contracts dated prior to August 1, 1971, except sales conditioned to the outcome of Docket No. R-338, the terms of the contract shall control and there shall be no reduction in the ceiling contract price because of such transportation.

(j) Prior to October 1, 1977, for contracts dated on or after October 1, 1968, and prior to October 1, 1976, for contracts dated prior to October 1, 1968, any seller seeking to charge a rate in excess of the applicable area rate must file a petition for waiver or amendment of this section pursuant to § 1.7(b) of the Commission's rules of practice and procedure in this chapter (18 CFR 1.7(b)) fully justifying the relief sought in the light of this opinion and order. Prior to October 1, 1977, for contracts dated on or after October 1, 1968, and prior to October 1, 1976, for contracts dated prior to October 1, 1968, a seller may not file any rate increase in excess of the applicable area rate herein prescribed unless and until the Commission grants the petition.

(k) The southern Louisiana area consists of the portion of the State of Louisiana lying south of the 31° parallel and including all areas, both State and Federal, in the Gulf of Mexico off the shore of Louisiana.

(B) The applicable area rate as defined in ordering paragraph (A) above, shall be effective from and after the effective date of this order and any amounts collected in excess thereof on or after that date shall be subject to refund plus interest at 7 percent.

Refunds due under the proceedings in Docket No. AR61-2 et al., Docket No. AR69-1, and Docket No. G-13221 et al., together with all dockets in Opinion No. 575, issued March 12, 1970, shall be based upon amounts collected by respondent in excess of the following prices:

(a) For deliveries prior to January 1, 1965, 20.625 cents per Mcf for onshore gas and 19.625 cents per Mcf for offshore gas.

(b) For deliveries from January 1, 1965, to October 1, 1968, 21.25 cents per Mcf for onshore gas and 20.25 cents per Mcf for offshore gas.

(c) For deliveries from October 1, 1968, to January 1, 1971, 30.5 percent of the difference between revenues during this period based on rates prior to October 1, 1970, and the revenues resulting during this period through the application of rates established in Opinions Nos. 546 and 546–A, as modified by Opinion No. 567. This percentage factor of 30.5 may be increased as high as 33 percent, in order to bring the refund obligations in this period to within a range of 1 percent of $150 million.

(d) For deliveries on or after January 1, 1971, the base area rates prescribed in (A)(c).

Amounts collected by the respondent, even though in excess of the prices in (a) and (b), shall not be subject to refund, to the extent they were collected pursuant to a prior settlement agreement approved by this Commission, or were not in excess of a price set out in a permanent certificate issued by the Commission, or were not in excess of the refund floor provided in an applicable temporary authorization.

(C) Within 20 days from the date of this order, each respondent shall file the data presently required by § 154.94(f)(1) of the regulations under the Natural Gas Act or FPC Form 280 or a quality statement as a supplement to each of its rate schedules reflecting all rate decreases required to bring any or all of its rates into conformity with the applicable base area rate established in (A)(c) to be effective as of August 1, 1971. Each respondent may increase its rates to the applicable base area rates, to the extent permitted by contract, by filing within 20 days from the date of this order, the data presently required by § 154.94(f)(i) of the regulations under the Natural Gas Act or FPC Form 280 or a quality statement as a supplement to each of its rate schedules to become effective 65 days from the date of the Commission's order. Any rate increase not filed within the 20-day period shall not become effective until 90 days from the date of such filing.

(D) (a) Each person having on file with this Commission a rate schedule with regard to gas produced or sold within the southern Louisiana area, or hereafter filing such a rate schedule (including a contract or amendment adding acreage or new reserves) shall, with regard to such rate schedule or amendment, file by November 1, 1971, or within 90 days from the date of first delivery under the rate schedule or amendment, whichever is later, a statement in conformity with Appendix C hereto. All statements herein required shall be signed by both the seller and the purchaser. If the seller and the purchaser are unable to agree upon any or all of the particulars entering into the computation of the applicable area rate, the seller shall file the statement herein required which shall indicate absence of agreement and supply the information required to compute the applicable rate as well as the contentions of the parties with respect to the quality and amount of the adjustment for any item in dispute. The purchaser may file a separate statement setting forth its views within the period herein provided.

(b) The statement filed hereunder which reflects full agreement between the seller and purchaser shall be deemed accepted by the Commission unless the Commission, within 120 days after such filing, shall otherwise order. In the event of disagreement between the seller and purchaser or, where the Commission otherwise determines that the statement filed is inconsistent with the provisions of ordering paragraph (A) herein, the Commission will after appropriate proceedings, prescribe the applicable area rate to be applied.

(c) Any respondent will be exempt from filing the statement required by subparagraph (a) hereof for any sales which are "small producer sales" as defined in the Commission's regulations under the Natural Gas Act if a producer seeks to qualify thereunder. If the Commission subsequently finds that such a producer does not qualify as a small producer such applicant shall be required to file the statement required by subparagraph (a) hereof within 90 days after any such Commission finding.

(E) *Refund reports.* By November 1, 1971, refund reports shall be filed with this Commission in triplicate, and one copy served on the buyer, by each producer involved in one or more of the proceedings set out in Appendix B and as to which refunds are required under the terms of this decision. Such reports shall be verified by the respective purchasers at the time of filing. The report shall set forth the following information (if more than one rate schedule is involved the respondent shall supply the information for each schedule separately):

(a) The rates collected during the period subject to refund, and the periods during which each rate was collected.

(b) The volume of gas sold at each such rate.

(c) The difference between the total amount collected during the period subject to refund and the amount that would have been collected at the applicable area rate as defined herein subject to the proviso of ordering paragraph (B).

(d) The computation of the applicable area rate and the basis for any difference between it and the base area rate.

(e) The interest, at rates as specified in each proceeding, on the above refundable excess revenues, subject to the limitation by section 105.102(f) of the Commission's regulations under the Natural Gas Act. The interest shall be calculated to August 1, 1971.

(f) A statement as to whether the respondent elects to attempt to discharge its refund obligations, including interest, in the manner set forth in ordering paragraph (G).

(F) *Treatment of refunds.* Each respondent, who does not elect to discharge its refund obligations (including interest) in the manner set forth in ordering paragraph (G), shall retain the amounts shown in the report required under ordering paragraph (E), subject to further order of the Commission directing the disposition of those amounts.

(G) Each respondent may elect to discharge its refund obligation under this order through credits for dedication of new gas reserves to sale to interstate pipeline, after August 1, 1971, and prior to October 1, 1977 in addition to those new gas reserves already dedicated to interstate commerce as of October 1, 1970. Each respondent shall make such election by November 1, 1971, by filing notice with the Commission and sending a copy to the purchaser. If a respondent fails to file such notice of election by November 1, 1971, the respondent will be deemed to have elected the alternative prescribed in (F). New gas reserves shall mean the estimated original recoverable reserves in place, less any prior production therefrom, under a contract dated on or after October 1, 1970, or new discoveries (as defined in § 2.56(f)(2) of the Commission's rules of practice and procedure) made on or after October 1, 1970. The amount of the credit shall be 1 cent for each Mcf so dedicated, provided that, except in case of a bona fide and rejected offer in writing of new dedications as hereinafter set forth, not more than 50 percent of the refund obligation owed any one buyer may be discharged by new dedications to another buyer or buyers in amounts greater than necessary to discharge seller's existing refund obligation, if any, to such other buyer. New dedications, to the extent greater than necessary to discharge an existing refund obligation to the buyer, shall be used to reduce the producer's remaining refund obligations to all other buyers as to each in proportion that the obligation owed to each bears to the remaining total refund obligation of such producer, except that, if a buyer to whom a refund is owing by a producer rejects a bona fide offer of new dedications from the producer, the producer may, if it dedicates the offered reserves to sale to another interstate pipeline, credit against its obligation to the prospective buyer which first rejected the offer any unused credit over and above that which can be used to reduce the producer's refund obligation to the actual buyer. In no event shall the producer's total refund obligations be reduced by more than 1 cent per Mcf of new dedications. If a producer's refund obligation has not been completely discharged by October 1, 1977, such producer will be obligated to refund in cash plus 7 percent interest effective from August 1, 1971, the outstanding refund obligation.

(H) The procedures for establishing and revising the amount of reserves in new dedications, and the reports required, will be established by later order

of the Commission, in conformity with the Settlement Proposal (Appendix A).

(I) The proceedings shall remain open for such further action as may be necessary with respect to individual respondents and such other action as may be necessary in the premises.

(J) The effective date of this opinion and order shall be August 1, 1971.

(K) If any provision of this order, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of the order, and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

(L) Twenty-five copies of any application for rehearing or petitions for reconsideration shall be filed with the Commission in addition to the copies served on the parties to this proceeding.

(M) The Secretary shall cause prompt publication of the findings and ordering paragraphs, together with notice of the availability of this entire opinion, to be made in the FEDERAL REGISTER.

Copies of the complete text of Opinion No. 598 may be obtained in person from the Office of Public Information of the Federal Power Commission, or by written request addressed to the Secretary, Federal Power Commission, 441 G Street NW., Washington, DC 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-10681 Filed 7-27-71;8:46 am]

Chapter V—Environmental Protection Agency

PART 609—CRITERIA FOR STATE, LOCAL AND REGIONAL OIL REMOVAL CONTINGENCY PLANS

Notice is hereby given that the Administrator, Environmental Protection Agency, pursuant to the authority contained in section 11(j)(1)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1161(j)(1)(B)), which was delegated to the Secretary of the Interior by the President in Executive Order No. 11548 dated July 20, 1970 (35 F.R. 11677) and transferred to the Administrator by Reorganization Plan No. 3 of 1970, has developed guidelines establishing criteria to assist State, local and regional agencies in the development and implementation of oil removal contingency plans in and for the inland navigable waters of the United States and all areas other than the high seas, coastal and contiguous zone waters, coastal and Great Lakes ports and harbors and such other areas as may be agreed upon between the Environmental Protection Agency and the Department of Transportation.

Sec.
609.1 Applicability.
609.2 Definitions.
609.3 Purpose and scope.
609.4 Relationship to Federal response actions.
609.5 Development and implementation criteria for State, local and regional oil removal contingency plans.
609.6 Coordination.

AUTHORITY: The provisions of this Part 609 issued under sec. 11(j)(1)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1161(j)(1)(B)).

§ 609.1 Applicability.

The criteria in this part are provided to assist State, local and regional agencies in the development of oil removal contingency plans for the inland navigable waters of the United States and all areas other than the high seas, coastal and contiguous zone waters, coastal and Great Lakes ports and harbors and such other areas as may be agreed upon between the Environmental Protection Agency and the Department of Transportation in accordance with section 11(j)(1)(B) of the Federal Act, Executive Order No. 11548 dated July 20, 1970 (35 F.R. 11677) and section 306.2 of the National Oil and Hazardous Materials Pollution Contingency Plan (35 F.R. 8511).

§ 609.2 Definitions.

As used in these guidelines, the following terms shall have the meaning indicated below:

(a) "Oil" means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil.

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

(c) "Remove" or "removal" refers to the removal of the oil from the water and shorelines or the taking of such other actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches.

(d) "Major disaster" means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, drought, fire, or other catastrophe in any part of the United States which, in the determination of the President, is or threatens to become of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement the efforts and available resources of States and local governments and relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.

(e) "United States" means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

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

§ 609.3 Purpose and scope.

The guidelines in this part establish minimum criteria for the development and implementation of State, local, and regional contingency plans by State and local governments in consultation with private interests to insure timely, efficient, coordinated and effective action to minimize damage resulting from oil discharges. Such plans will be directed toward the protection of the public health or welfare of the United States, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches. The development and implementation of such plans shall be consistent with the National Oil and Hazardous Materials Pollution Contingency Plan. State, local and regional oil removal contingency plans shall provide for the coordination of the total response to an oil discharge so that contingency organizations established thereunder can function independently, in conjunction with each other, or in conjunction with the National and Regional Response Teams established by the National Oil and Hazardous Materials Pollution Contingency Plan.

§ 609.4 Relationship to Federal response actions.

The National Oil and Hazardous Materials Pollution Contingency Plan provides that the Federal on-scene commander shall investigate all reported spills. If such investigation shows that appropriate action is being taken by either the discharger or non-Federal entities, the Federal on-scene commander shall monitor and provide advice or assistance, as required. If appropriate containment or cleanup action is not being taken by the discharger or non-Federal entities, the Federal on-scene commander will take control of the response activity in accordance with section 11(c)(1) of the Federal Act.

§ 609.5 Development and implementation criteria for State, local and regional oil removal contingency plans.

Criteria for the development and implementation of State, local and regional oil removal contingency plans are:

(a) Definition of the authorities, responsibilities and duties of all persons, organizations or agencies which are to be involved or could be involved in planning or directing oil removal operations, with particular care to clearly define the authorities, responsibilities and duties of State and local governmental agencies to avoid unnecessary duplication of contingency planning activities and to minimize the potential for conflict and confusion that could be generated in an emergency situation as a result of such duplications.

(b) Establishment of notification procedures for the purpose of early detection and timely notification of an oil discharge including:

(1) The identification of critical water use areas to facilitate the reporting of and response to oil discharges.

(2) A current list of names, telephone numbers and addresses of the responsible persons and alternates on call to receive

notification of an oil discharge as well as the names, telephone numbers and addresses of the organizations and agencies to be notified when an oil discharge is discovered.

(3) Provisions for access to a reliable communications system for timely notification of an oil discharge and incorporation in the communications system of the capability for interconnection with the communciations systems established under related oil removal contingency plans, particularly State and National plans.

(4) An established, prearranged procedure for requesting assistance during a major disaster or when the situation exceeds the response capability of the State, local or regional authority.

(c) Provisions to assure that full resource capability is known and can be committed during an oil discharge situation including:

(1) The identification and inventory of applicable equipment, materials and supplies which are available locally and regionally.

(2) An estimate of the equipment, materials and supplies which would be required to remove the maximum oil discharge to be anticipated.

(3) Development of agreements and arrangements in advance of an oil discharge for the acquisition of equipment, materials and supplies to be used in responding to such a discharge.

(d) Provisions for well defined and specific actions to be taken after discovery and notification of an oil discharge including:

(1) Specification of an oil discharge response operating team consisting of trained, prepared and available operating personnel.

(2) Predesignation of a properly qualified oil discharge response coordinator who is charged with the responsibility and delegated commensurate authority for directing and coordinating response operations and who knows how to request assistance from Federal authorities operating under existing national and regional contingency plans.

(3) A preplanned location for an oil discharge response operations center and a reliable communications system for directing the coordinated overall response operations.

(4) Provisions for varying degrees of response effort depending on the severity of the oil discharge.

(5) Specification of the order of priority in which the various water uses are to be protected where more than one water use may be adversely affected as a result of an oil discharge and where response operations may not be adequate to protect all uses.

(e) Specific and well defined procedures to facilitate recovery of damages and enforcement measures as provided for by State and local statutes and ordinances.

§ 609.6 Coordination.

For the purposes of coordination, the contingency plans of State and local governments should be developed and implemented in consultation with private interests. A copy of any oil removal contingency plan developed by State and local governments should be forwarded to the Council on Environmental Quality upon request to facilitate the coordination of these contingency plans with the National Oil and Hazardous Materials Pollution Contingency Plan.

Dated: July 22, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator,
Environmental Protection Agency.

[FR Doc.71-10687 Filed 7-27-71;8:53 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart H—Delegations of Authority

DELEGATIONS FROM SECRETARY AND ASSISTANT SECRETARY

Under authority vested in the Secretary of Health, Education, and Welfare and delegated to the Commissioner of Food and Drugs (21 CFR 2.120), § 2.120 (a)(3) is revised to read as follows to conform with the Department's notice regarding such functions published in the FEDERAL REGISTER of July 7, 1971 (36 F.R. 12803):

§ 2.120 Delegations from the Secretary and Assistant Secretary.

(a) * * *

(3) Functions pertaining to:

(i) Sections 301, 308, 311, 314, 315, and 354 through 360F of the Public Health Service Act (42 U.S.C. 241, 242f, 243, 246, 247, and 263b through 263n); and

(ii) Section 361 of the Public Health Service Act (42 U.S.C. 264) that relate to pesticides, product safety, interstate travel sanitation (except interstate transportation of etiological agents under 42 CFR 72.25), milk and food service sanitation, shellfish sanitation, and poison control.

* * * * *

Effective date: July 7, 1971.

Dated: July 19, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-10714 Filed 7-27-71;8:49 am]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

PAPER AND PAPERBOARD

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 1B2578) filed by American Cyanamid Co., Wayne, N.J. 07470, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of poly[(methylimino) (2-hydroxytrimethylene) hydrochloride] as a retention aid in the manufacture of paper and paperboard for use in contact with aqueous and fatty foods.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2526(a)(5) is amended by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * *

(a) * * *

(5) * * *

List of Substances	*Limitations*
* * *	* * *
Poly[(methylimino) (2-hydroxytrimethylene) hydrochloride] produced by reaction of 1:1 molar ratio of methylamine and epichlorohydrin so that a 31 percent aqueous solution at 25° C. has a Stokes viscosity range of 2.5–4.0 as determined by ASTM Method D 1545–63.	For use only as a retention aid employed prior to the sheet-forming operation in such an amount that the finished paper and paperboard will contain the additive at a level not in excess of 1 percent by weight of the dry paper and paperboard.
* * *	* * *

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–62, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto 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 (7–28–71).

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: July 19, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-10712 Filed 7-27-71;8:49 am]

SUBCHAPTER C—DRUGS

PART 135—NEW ANIMAL DRUGS

Subpart C—Sponsors of Approved Applications

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Racephenicol

In an order published in the FEDERAL REGISTER of April 23, 1971 (36 F.R. 7656), § 135.501 *Names, addresses, and code numbers of sponsors of approved applications* was established in order to facilitate referencing of the names and addresses of these sponsors. On the basis of a request from Sterling Drug, Inc., whose subsidiary is the holder of the approved new animal drug application for the use of racephenicol set forth in § 135c.53, it is concluded that the list in § 135.501(c) should be amended to include Sterwin Chemicals, Inc.

Therefore pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 135 and 135e are amended, as follows:

1. Part 135 is amended in § 135.501 by adding a new code number 056 to paragraph (c) as follows:

§ 135.501 Names, addresses, and code numbers of sponsors of approved applications.

* * * * *

(c) * * *

Code No.	*Firm name and address*
* * *	* * *
056	Sterwin Chemicals, Inc., a subsidiary of Sterling Drug, Inc., 90 Park Avenue, New York, N.Y. 10016.

2. Section 135e.53 is amended by revising paragraph (b) to read as follows:

§ 135c.53 Racephenicol.

* * * * *

(b) *Approvals.* Premix level of 25 grams per pound has been granted; for sponsor see code No. 056 in § 135.501(c) of this chapter.

* * * * *

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (7-28-71).

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: July 19, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-10713 Filed 7-27-71;8:49 am]

Chapter III—Environmental Protection Agency

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

Hexachlorophene

A petition (PP 8F0719) was filed by Nationwide Chemical Corp., Post Office Box 775, Fort Myers, FL 33902, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act as amended (21 U.S.C. 346a), proposing establishment of tolerances for negligible residues of the fungicide and bactericide hexachlorophene (2,2'-methylenebis(3,4,6-trichlorophenol)) and its sodium salt in or on the raw agricultural commodities citrus, cottonseed, cucurbits, peppers, potatoes, and tomatoes at 0.2 part per million.

Subsequently, the petitioner amended the petition by reducing the proposed tolerances to 0.1 part per million in or on citrus, cucurbits (specifically cucumbers), peppers, potatoes, and tomatoes and to 0.05 part per million in or on cottonseed with a limitation not to use the pesticide after bolls are open.

Prior to December 2, 1970, the Secretary of Agriculture certified that this pesticide chemical is useful on all of the above crops, and the Fish and Wildlife Service of the Department of the Interior advised that it had no objection to the proposed tolerances.

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. There is no reasonable expectation of residues in eggs, meat, milk, or poultry from the proposed use on cotton. The use on cotton is classified in the category specified in § 420.6(a)(3).

2. The tolerance of 0.05 part per million for residues in or on cottonseed established by this order will protect the public health. The remaining tolerances proposed in the petition should not be established, pending completion of additional studies.

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), Part 420 is amended as follows:

1. Section 420.3(e)(4) is amended by alphabetically inserting in the list of chlorinated organic pesticides a new item, as follows:

§ 420.3 Tolerances for related pesticide chemicals.

* * * * *

(e) * * *

(4) * * *

Hexachlorophene (2,2'-methylenebis(3,4,6-trichlorophenol)) and its monosodium salt.

2. The following new section is added to Subpart C:

§ 420.302 Hexachlorophene; tolerance for residues.

A tolerance of 0.05 part per million is established for negligible residues of the fungicide hexachlorophene (2,2'-methylenebis (3,4,6-trichlorophenol)) in or on the raw agricultural commodity cottonseed from the use of its monosodium salt on the growing crop cotton before the bolls are open. For the purposes of this section the technical grade hexachlorophene used in the formulation shall not contain more than 0.1 part per million of 2,3,7,8-tetrachlorodibenzo-*p*-dioxin.

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 (7-28-71).

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

Dated: July 21, 1971.

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

[FR Doc.71-10740 Filed 7-27-71;8:53 am]

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

S-2,3-Dichloroallyl Diisopropylthiocarbamate

A petition (PP 9F0832) was filed by Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, MO 63166, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act as amended (21 U.S.C. 346a), proposing establishment of tolerances for negligible residues of the herbicide *S*-2,3-dichloroallyl diisopropylthiocarbamate in or on the raw agricultural commodities alfalfa; alfalfa hay; barley grain, forage, and straw; clover; clover hay; corn grain, fodder, and forage; flaxseed; lentils; peas; pea forage and hay; potatoes; safflower seed; soybeans; soybean forage and hay; sugar beets; and sugar beet tops at 0.05 part per million.

Prior to December 2, 1970, the Secretary of Agriculture certified that this pesticide is useful for the purpose for which the tolerances are being established, and the Fish and Wildlife Service of the Department of the Interior advised that it has no objection to these tolerances.

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. There is no reasonable expectation of residues in or on the subject raw agricultural commodities or their byproducts or in eggs, meat, milk, and poultry from the proposed uses. The usage is classified in § 420.6(a)(3), and tolerances for eggs, meat, milk, and poultry are unnecessary.

2. The tolerances 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), Part 420 is amended by adding to Subpart C the following new section:

§ 420.277 *S*-2,3-Dichloroallyl diisopropylthiocarbamate; tolerances for residues.

Tolerances are established for negligible residues of the herbicide *S*-2,3-dichloroallyl diisopropylthiocarbamate in or on the raw agricultural commodities alfalfa (fresh and hay), barley (grain, forage, and straw), clover (fresh and hay), field corn grain, fodder and forage, flaxseed, lentils, peas, pea forage and hay, potatoes, safflower seed, soybeans, soybean forage and hay, and sugar beet roots and tops at 0.05 part per million.

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 (7-28-71).

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

Dated: July 22, 1971.

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

[FR Doc.71-10741 Filed 7-27-71;8:53 am]

Title 24—HOUSING AND HOUSING CREDIT

Chapter III—Housing Assistance Administration, Department of Housing and Urban Development

[Docket No. R-71-106]

PROTOTYPE COST LIMITS FOR PUBLIC HOUSING

Miscellaneous Amendments

Certain data appearing in the FEDERAL REGISTER issue for Saturday, May 1, 1971 (36 F.R. 8213-8232) are not correct as they now stand and are hereby corrected as follows:

1. On page 8224, under Region VI, "Texarkana, Ark.:" should read "Texarkana, Ark. and Tex.:"

2. On page 8224, under Region VI, "Marshall, La.:" should read "Marshall, Tex.:"

EUGENE A. GULLEDGE,
Assistant Secretary-Commissioner.

[FR Doc.71-10756 Filed 7-26-71;9:45 am]

[Docket No. R-71-131]

PROTOTYPE COST LIMITS FOR PUBLIC HOUSING

Miscellaneous Amendments

In the FEDERAL REGISTER issued for Saturday, May 1, 1971, 36 F.R. 8213-8232, prototype per unit cost schedules were published pursuant to section 209(a) of the Housing and Urban Development Act of 1970. While these schedules are currently being evaluated in light of public comments received pursuant to invitation in the issuing order, consideration of subsequent information received from the Regional Office for Region VIII indicates that revision of the schedules is required to provide prototype per unit costs for certain remote locations.

Inasmuch as the new prototype cost schedules cannot be utilized until the costs themselves become effective by publication in the FEDERAL REGISTER, continuity of contract approvals requires the immediate publication of this material. Accordingly, it is impracticable to provide notice and public procedure with respect to these cost limits in accordance with the Department's recently adopted Publication Policy (24 CFR, Part 10), and good cause exists for making them effective on the date of publication in the FEDERAL REGISTER.

For the foregoing reasons the following changes are made to the schedules as originally published at 36 F.R. 8227, 8228, and 8229: delete the entire group of prototype per unit cost schedules for Region VIII and substitute in lieu thereof the entire group of Region VIII prototype per unit cost schedules shown on attached Appendix 1, prototype per unit cost schedule revised June 2, 1971.

(Sec. 7(d) of Dept. of HUD Act, 42 U.S.C. 3535(d)).

Effective date. This rule is effective upon the date of publication in the FEDERAL REGISTER (7-29-71).

EUGENE A. GULLEDGE,
Assistant Secretary-Commissioner.

PROTOTYPE PER UNIT COST SCHEDULE

REGION VIII

	Number of bedrooms						
	0	1	2	3	4	5	6
Denver, Colo:							
Detached and semidetached	8,550	10,300	12,700	15,150	18,250	20,300	21,250
Row dwellings	8,150	9,800	12,100	14,400	17,350	19,300	20,200
Walkup	6,950	8,700	11,000	13,000	15,650	16,600	17,400
Elevator-structure	12,200	14,200	17,950				
Colorado Springs, Colo.:							
Detached and semidetached	8,550	10,300	12,700	15,150	18,250	20,300	21,250
Row dwellings	8,150	9,800	12,100	14,400	17,350	19,300	20,200
Walkup	6,950	8,700	11,000	13,000	15,650	16,600	17,400
Elevator-structure	12,200	14,200	17,950				
Durango, Colo.:							
Detached and semidetached	9,000	10,800	13,450	15,900	19,200	21,300	22,300
Row dwellings	8,550	10,300	12,700	15,150	18,200	20,250	21,200
Walkup	7,300	9,150	11,550	13,650	15,800	17,450	18,300
Elevator-structure	12,800	14,900	18,850				
Grand Junction, Colo.:							
Detached and semidetached	8,900	10,750	13,250	15,800	19,000	21,150	22,150
Row dwellings	8,500	10,200	12,600	15,000	18,100	20,100	21,050
Walkup	7,250	9,050	11,450	13,500	15,700	17,300	18,150
Elevator-structure	12,700	14,800	18,700				
Greeley, Colo.:							
Detached and semidetached	9,000	10,800	13,300	15,900	19,200	21,300	22,300
Row dwellings	8,550	10,300	12,700	15,100	18,200	20,300	21,200
Walk-up	7,300	9,150	11,550	13,650	15,800	17,450	18,250
Elevator-structure	11,700	13,600	17,200				
Pueblo, Colo.:							
Detached and semidetached	8,350	10,050	12,400	14,750	17,850	19,800	20,700
Row dwellings	7,950	9,550	11,800	14,050	16,900	18,800	19,700
Walk-up	6,750	8,500	10,700	12,700	14,650	16,200	16,950
Elevator-structure	11,900	13,850	17,500				

PROTOTYPE PER UNIT COST SCHEDULE—Continued

REGION VIII

	Number of bedrooms						
	0	1	2	3	4	5	6
Helena, Mont.:							
Detached and semidetached	8,300	9,950	12,300	14,650	17,650	19,650	20,550
Row dwellings	7,900	9,450	11,700	13,950	16,800	18,650	19,550
Walk-up	7,050	8,900	11,250	13,250	15,350	16,950	17,750
Elevator-structure	12,400	14,400	18,250				
Anaconda, Mont.:							
Detached and semidetached	8,600	10,300	12,750	15,150	18,250	20,350	21,250
Row dwellings	8,150	9,800	12,100	14,450	17,400	19,300	20,250
Walk-up	7,300	9,200	11,650	13,700	15,900	17,550	18,350
Elevator-structure	12,850	14,900	18,900				
Billings, Mont.:							
Detached and semidetached	8,050	9,650	11,950	14,200	17,100	19,050	19,950
Row dwellings	7,650	9,150	11,350	13,550	16,300	18,100	18,950
Walk-up	6,850	8,650	10,900	12,850	14,900	16,450	17,200
Elevator-structure	12,050	13,950	17,700				
Bozeman, Mont.:							
Detached and semidetached	8,450	10,100	12,500	14,900	17,950	20,000	20,900
Row dwellings	8,050	9,600	11,900	14,200	17,100	18,950	19,900
Walk-up	7,150	9,050	11,450	13,500	15,600	17,250	18,050
Elevator-structure	12,600	14,650	18,550				
Butte, Mont.:							
Detached and semidetached	8,600	10,300	12,750	15,150	18,250	20,350	21,250
Row dwellings	8,150	9,800	12,100	14,450	17,400	19,300	20,250
Walk-up	7,300	9,200	11,650	13,700	15,900	17,550	18,350
Elevator-structure	12,850	14,900	18,900				
Dillon, Mont.:							
Detached and semidetached	8,600	10,300	12,750	15,150	18,250	20,350	21,250
Row dwellings	8,150	9,800	12,100	14,450	17,400	19,300	20,250
Walk-up	7,300	9,200	11,650	13,700	15,900	17,550	18,350
Elevator-structure	12,850	14,900	18,900				
Glasgow, Mont.:							
Detached and semidetached	8,450	10,100	12,500	14,900	17,950	20,000	20,900
Row dwellings	8,050	9,600	11,900	14,200	17,100	18,950	19,900
Walk-up	7,150	9,050	11,450	13,500	15,600	17,250	18,050
Elevator-structure	12,600	14,650	18,550				
Glendive, Mont.:							
Detached and semidetached	8,450	10,100	12,500	14,900	17,950	20,000	20,900
Row dwellings	8,050	9,600	11,900	14,200	17,100	18,950	19,900
Walk-up	7,150	9,050	11,450	13,500	15,600	17,250	18,050
Elevator-structure	12,600	14,650	18,550				
Great Falls, Mont.:							
Detached and semidetached	8,650	10,400	12,850	15,300	18,450	20,550	21,450
Row dwellings	8,250	9,900	12,250	14,600	17,550	19,500	20,450
Walk-up	7,350	9,300	11,750	13,850	16,050	17,700	18,550
Elevator-structure	12,950	15,050	19,100				
Havre, Mont.:							
Detached and semidetached	8,450	10,100	12,500	14,900	17,950	20,000	20,900
Row dwellings	8,050	9,600	11,900	14,200	17,100	18,950	19,900
Walk-up	7,150	9,050	11,450	13,500	15,600	17,250	18,050
Elevator-structure	12,600	14,650	18,550				
Kalispell, Mont.:							
Detached and semidetached	8,150	9,750	12,050	14,350	17,300	19,250	20,150
Row dwellings	7,750	9,250	11,450	13,650	16,450	18,300	19,150
Walk-up	6,900	8,700	11,050	13,000	15,050	16,600	17,400
Elevator-structure	12,150	14,100	17,900				
Laurel, Mont.:							
Detached and semidetached	8,300	9,850	12,200	14,500	17,450	19,450	20,350
Row dwellings	7,800	9,350	11,600	13,800	16,650	18,450	19,350
Walk-up	7,000	8,800	11,150	13,100	15,200	16,800	17,550
Elevator-structure	12,250	14,250	18,100				
Libby, Mont.:							
Detached and semidetached	8,150	9,750	12,050	14,350	17,300	19,250	20,150
Row dwellings	7,750	9,250	11,450	13,650	16,450	18,300	19,150
Walk-up	6,900	8,700	11,050	13,000	15,050	16,600	17,400
Elevator-structure	12,150	14,100	17,900				
Miles City, Mont.:							
Detached and semidetached	8,450	10,100	12,500	14,900	17,950	20,000	20,900
Row dwellings	8,050	9,600	11,900	14,200	17,100	18,950	19,900
Walk-up	7,150	9,050	11,450	13,500	15,600	17,250	18,050
Elevator-structure	12,600	14,650	18,550				

PROTOTYPE PER UNIT COST SCHEDULE—Continued

REGION VIII

	Number of bedrooms						
	0	1	2	3	4	5	6
Missoula, Mont.:							
Detached and semidetached	8,050	9,650	11,950	14,200	17,100	19,050	19,950
Row dwellings	7,650	9,150	11,350	13,550	16,300	18,100	18,950
Walk-up	6,850	8,650	10,900	12,850	14,900	16,450	17,200
Elevator-structure	12,050	13,950	17,700				
Superior, Mont.:							
Detached and semidetached	8,050	9,650	11,950	14,200	17,100	19,050	19,950
Row dwellings	7,650	9,150	11,350	13,550	16,300	18,100	18,950
Walk-up	6,850	8,650	10,900	12,850	14,900	16,450	17,200
Elevator-structure	12,050	13,950	17,700				
Browning, Mont.:							
Detached and semidetached	9,200	11,050	13,650	16,250	19,550	21,800	22,800
Row dwellings	8,750	10,500	13,000	15,450	18,650	20,700	21,700
Walk-up	7,800	9,850	12,500	14,700	17,000	18,800	19,700
Elevator-structure	13,750	15,950	20,250				
Harlem, Mont.:							
Detached and semidetached	9,200	11,050	13,650	16,250	19,550	21,800	22,800
Row dwellings	8,750	10,500	13,000	15,450	18,650	20,700	21,700
Walk-up	7,800	9,850	12,500	14,700	17,000	18,800	19,700
Elevator-structure	13,750	15,950	20,250				
Wolf Point, Mont.:							
Detached and semidetached	9,200	11,050	13,650	16,250	19,550	21,800	22,800
Row dwellings	8,750	10,500	13,000	15,450	18,650	20,700	21,700
Walk-up	7,800	9,850	12,500	14,700	17,000	18,800	19,700
Elevator-structure	13,750	15,950	20,250				
Lodge Grass, Mont.:							
Detached and semidetached	9,200	11,050	13,650	16,250	19,550	21,800	22,800
Row dwellings	8,750	10,500	13,000	15,450	18,650	20,700	21,700
Walk-up	7,800	9,850	12,500	14,700	17,000	18,800	19,700
Elevator-structure	13,750	15,950	20,250				
Casper, Wyo.:							
Detached and semidetached	7,950	9,600	11,850	14,100	17,000	18,900	19,800
Row dwellings	7,600	9,100	11,300	13,450	16,150	18,000	18,800
Walk-up	7,100	8,900	11,200	13,300	15,450	17,050	17,800
Elevator-structure	11,850	13,800	17,450				
Cheyenne, Wyo.:							
Detached and semidetached	7,500	9,100	11,300	13,300	16,000	17,850	18,700
Row dwellings	7,200	8,600	10,700	12,700	15,250	17,000	17,650
Walk-up	6,700	8,400	10,700	12,550	14,600	16,100	16,800
Elevator-structure	11,200	13,050	16,900				
Cody, Wyo.:							
Detached and semidetached	7,700	9,250	11,450	13,600	16,400	18,250	19,100
Row dwellings	7,350	8,800	10,900	13,000	15,600	17,400	18,150
Walk-up	6,850	8,600	10,900	12,850	14,900	16,450	17,200
Elevator-structure	11,450	13,300	16,350				
Gillette, Wyo.:							
Detached and semidetached	8,200	9,900	12,250	14,550	17,550	19,550	20,450
Row dwellings	7,850	9,400	11,700	13,900	16,700	18,600	19,450
Walk-up	7,350	9,200	11,700	13,750	15,900	17,600	18,400
Elevator-structure	12,250	14,150	18,050				
Jackson, Wyo.:							
Detached and semidetached	7,900	9,500	11,750	14,000	16,850	18,750	19,650
Row dwellings	7,550	9,000	11,200	13,350	16,000	17,850	18,650
Walk-up	7,050	8,800	11,200	13,200	15,300	16,900	17,650
Elevator-structure	11,750	13,700	17,300				
Laramie, Wyo.:							
Detached and semidetached	7,600	9,200	11,350	13,500	16,300	18,100	19,000
Row dwellings	7,300	8,700	10,850	12,900	15,500	17,250	18,000
Walk-up	6,800	8,550	10,850	12,750	14,800	16,350	17,050
Elevator-structure	11,350	13,200	16,700				
Powell, Wyo.:							
Detached and semidetached	7,700	9,250	11,450	13,600	16,400	18,250	19,100
Row dwellings	7,350	8,800	10,900	13,000	15,600	17,400	18,150
Walk-up	6,850	8,600	10,900	12,850	14,900	16,450	17,200
Elevator-structure	11,450	13,300	16,850				

PROTOTYPE PER UNIT COST SCHEDULE—Continued

REGION VIII

	Number of bedrooms						
	0	1	2	3	4	5	6
Riverton, Wyo.:							
Detached and semidetached	8,200	9,900	12,250	14,550	17,550	19,550	20,450
Row dwellings	7,850	9,400	11,700	13,900	16,700	18,600	19,450
Walk-up	7,350	9,200	11,700	13,750	15,950	17,600	18,400
Elevator-structure	12,250	14,150	18,650				
Rock Springs, Wyo.:							
Detached and semidetached	7,700	9,250	11,450	13,600	16,400	18,250	19,100
Row dwellings	7,350	8,800	10,900	13,000	15,600	17,400	18,150
Walk-up	6,850	8,600	10,900	12,850	14,900	16,450	17,200
Elevator-structure	11,450	13,300	16,850				
Salt Lake City, Utah:							
Detached and semidetached	8,250	9,950	12,300	14,650	17,650	19,650	20,550
Row dwellings	7,900	9,500	11,700	13,950	16,800	18,650	19,550
Walk-up	7,300	9,150	11,650	13,700	15,900	17,500	18,400
Elevator-structure	12,250	14,250	18,650				
Cedar City, Utah:							
Detached and semidetached	10,700	12,950	16,000	19,050	22,950	25,550	26,700
Row dwellings	10,250	12,350	15,200	18,100	21,800	24,250	25,400
Walk-up	8,700	10,900	13,850	16,300	18,900	20,850	21,900
Elevator-structure	15,600	18,100	22,950				
Logan, Utah:							
Detached and semidetached	8,400	10,150	12,500	14,900	17,950	20,000	20,900
Row dwellings	8,050	9,650	11,900	14,200	17,100	19,000	19,900
Walk-up	7,450	9,300	11,850	13,950	16,200	17,800	18,750
Elevator-structure	12,450	14,500	18,350				
Moab, Utah:							
Detached and semidetached	8,550	10,300	12,750	15,200	18,300	20,350	21,300
Row dwellings	8,200	9,850	12,100	14,450	17,400	19,300	20,250
Walk-up	7,550	9,500	12,050	14,200	16,450	18,150	19,050
Elevator-structure	12,700	14,750	18,700				
Provo, Utah:							
Detached and semidetached	8,250	9,950	12,300	14,650	17,650	19,650	20,550
Row dwellings	7,900	9,500	11,700	13,950	16,800	18,650	19,550
Walk-up	7,300	9,150	11,650	13,700	15,900	17,500	18,400
Elevator-structure	12,250	14,250	18,650				
Vernal, Utah:							
Detached and semidetached	8,500	10,250	12,700	15,150	18,200	20,300	21,200
Row dwellings	8,150	9,800	12,100	14,400	17,350	19,250	20,200
Walk-up	7,550	9,450	12,050	14,150	16,400	18,050	19,000
Elevator-structure	12,650	14,700	18,650				
Fargo, N. Dak.:							
Detached and semidetached	8,250	9,900	12,200	14,650	17,600	19,550	20,500
Row dwellings	7,850	9,450	11,650	13,900	16,750	18,600	19,450
Walk-up	7,100	8,900	11,200	13,300	15,400	16,950	17,800
Elevator-structure	10,850	12,650	15,950				
Bismarck, N. Dak.:							
Detached and semidetached	8,450	10,150	12,500	15,000	18,050	20,050	21,000
Row dwellings	8,050	9,700	11,950	14,250	17,150	19,050	19,950
Walk-up	7,300	9,100	11,500	13,650	15,800	17,350	18,250
Elevator-structure	11,100	12,950	16,350				
Dickinson, N. Dak.:							
Detached and semidetached	8,100	9,750	12,000	14,400	17,300	19,250	20,150
Row dwellings	7,700	9,300	11,450	13,650	16,450	18,300	19,150
Walk-up	7,000	8,750	11,000	13,100	15,150	16,650	17,500
Elevator-structure	10,650	12,450	15,700				
Grand Forks, N. Dak.:							
Detached and semidetached	8,100	9,750	12,000	14,400	17,300	19,250	20,150
Row dwellings	7,700	9,300	11,450	13,650	16,450	18,300	19,150
Walk-up	7,000	8,750	11,000	13,100	15,150	16,650	17,500
Elevator-structure	10,650	12,450	15,700				
Minot, N. Dak.:							
Detached and semidetached	8,650	9,650	11,900	14,300	17,150	19,050	20,000
Row dwellings	7,650	9,200	11,350	13,550	16,350	18,150	18,950
Walk-up	6,900	8,700	10,900	12,950	15,000	16,550	17,350
Elevator-structure	10,600	12,350	15,550				

PROTOTYPE PER UNIT COST SCHEDULE—Continued

REGION VIII

	Number of bedrooms						
	0	1	2	3	4	5	6
Sioux Falls, S. Dak.:							
Detached and semidetached	8,000	9,650	11,900	14,150	17,050	19,000	19,850
Row dwellings	7,600	9,150	11,350	13,500	16,250	18,000	18,900
Walk-up	6,650	8,350	10,550	12,500	14,500	15,950	16,800
Elevator-structure	10,950	12,750	16,100				
Aberdeen, S. Dak.:							
Detached and semidetached	8,050	9,700	11,950	14,200	17,150	19,100	19,950
Row dwellings	7,650	9,200	11,400	13,550	16,350	18,100	19,000
Walk-up	6,700	8,400	10,600	12,550	14,550	16,050	16,900
Elevator-structure	11,000	12,800	16,200				
Black Hills, S. Dak.:							
Detached and semidetached	8,000	9,650	11,900	14,150	17,050	19,000	19,850
Row dwellings	7,600	9,150	11,350	13,500	16,250	18,000	18,900
Walk-up	6,650	8,350	10,550	12,500	14,500	15,950	16,800
Elevator-structure	10,950	12,750	16,100				
Mitchell, S. Dak.:							
Detached and semidetached	8,000	9,650	11,900	14,150	17,050	19,000	19,850
Row dwellings	7,600	9,150	11,350	13,500	16,250	18,000	18,900
Walk-up	6,650	8,350	10,550	12,500	14,500	15,950	16,800
Elevator-structure	10,950	12,750	16,100				
Pierre, S. Dak.:							
Detached and semidetached	8,500	10,200	12,600	15,000	18,100	20,150	21,050
Row dwellings	8,050	9,650	12,050	14,300	17,250	19,100	20,050
Walk-up	6,850	8,600	10,900	12,900	14,950	16,450	17,350
Elevator-structure	11,850	13,800	17,450				
Rapid City, S. Dak.:							
Detached and semidetached	8,100	9,800	12,050	14,350	17,250	19,250	20,100
Row dwellings	7,700	9,250	11,500	13,700	16,450	18,250	19,150
Walk-up	6,700	8,400	10,600	12,550	14,550	16,000	16,850
Elevator-structure	11,000	12,800	16,150				
Pine Ridge, S. Dak.:							
Detached and semidetached	9,450	11,400	14,050	16,700	20,100	22,400	23,400
Row dwellings	8,950	10,800	13,400	15,950	19,200	21,250	22,300
Walk-up	7,850	9,850	12,450	14,750	17,100	18,800	19,800
Elevator-structure	12,900	15,050	19,000				
Winner, S. Dak.:							
Detached and semidetached	9,450	11,400	14,050	16,700	20,100	22,400	23,400
Row dwellings	8,950	10,800	13,400	15,950	19,200	21,250	22,300
Walk-up	7,850	9,850	12,450	14,750	17,100	18,800	19,800
Elevator-structure	12,900	15,050	19,000				
Stephan, S. Dak.:							
Detached and semidetached	9,450	11,400	14,050	16,700	20,100	22,400	23,400
Row dwellings	8,950	10,800	13,400	15,950	19,200	21,250	22,300
Walk-up	7,850	9,850	12,450	14,750	17,100	18,800	19,800
Elevator-structure	12,900	15,050	19,000				
Isabel, S. Dak.:							
Detached and semidetached	9,450	11,400	14,050	16,700	20,100	22,400	23,400
Row dwellings	8,950	10,800	13,400	15,950	19,200	21,250	22,300
Walk-up	7,850	9,850	12,450	14,750	17,100	18,800	19,800
Elevator-structure	12,900	15,050	19,000				

[FR Doc.71-10757 Filed 7-26-71;9:46 am]

[Docket No. R-71-132]

PROTOTYPE COST LIMITS FOR PUBLIC HOUSING

Miscellaneous Amendments

In the FEDERAL REGISTER issue for Saturday, May 1, 1971 (36 F.R. 8213-8232) prototype per unit cost schedules were published pursuant to section 209(a) of the Housing and Urban Development Act of 1970. While these schedules are currently being evaluated in light of public comments received pursuant to invitation in the issuing order, consideration of subsequent factual project cost data received from the Baltimore and New York Area Offices indicates that

certain prototype per unit cost schedules should be revised.

Inasmuch as the new prototype cost schedules cannot be utilized until the costs themselves become effective by publication in the FEDERAL REGISTER, continuity of contract approvals requires the immediate publication of this material. Accordingly, it is impracticable to provide notice and public procedure with respect to these cost limits in accordance with the Department's recently adopted Publications Policy (24 CFR Part 10), and good cause exists for making them effective on the date of publication in the FEDERAL REGISTER.

For the foregoing reasons, the following changes are made to the schedules as originally published in Volume 36 of the FEDERAL REGISTER:

1. On page 8215, delete the New York City, N.Y., schedule under Region II and substitute the revised prototype per unit cost schedule for New York City, N.Y., shown on attached Appendix I, Prototype Per Unit Cost Schedules, revised July 16, 1971.

2. On page 8216, delete the Nassau County (Hempstead), Putnam County, Suffolk County, Westchester County, Orange County, and Rockland County schedules under Region II and substitute the revised prototype per unit cost schedules for the same areas shown on attached Appendix I, Prototype Per Unit Cost Schedules, revised July 16, 1971.

3. On page 8216, delete the Baltimore, Md., Aberdeen, Md., Hagerstown, Md., Salisbury, Md., Annapolis, Md., Cambridge, Md., Cumberland, Md., and Frederick, Md., schedules under Region III and substitute the revised prototype per unit cost schedules for the same areas shown on attached Appendix I, Prototype Per Unit Cost Schedule, revised July 16, 1971.

(Sec. 7(d) of Dept. of HUD Act, 42 U.S.C. 3535(d)).

Effective date. This rule is effective upon the date of publication in the FEDERAL REGISTER (7-29-71).

EUGENE A. GULLEDGE,
Assistant Secretary-Commissioner.

PROTOTYPE PER UNIT COST SCHEDULE

REGION II

	Number of bedrooms						
	0	1	2	3	4	5	6
New York City, N.Y.:							
Detached and semidetached	13,750	16,450	18,250	21,800	26,250	29,150	30,550
Row dwellings	13,200	15,700	17,450	20,750	24,900	27,750	29,050
Walk-up	14,300	17,750	20,150	23,850	27,650	30,400	32,000
Elevator-structure	18,650	22,700	25,800	30,950	35,900	38,200	
Nassau County (Hempstead, N.Y.):							
Detached and semidetached	13,350	16,000	17,750	21,200	25,500	28,300	29,700
Row dwellings	12,850	15,250	16,950	20,150	24,200	26,950	28,200
Walk-up	13,900	17,250	19,600	23,150	26,850	29,550	31,100
Elevator-structure	18,350	22,350	25,400	30,500	35,350	37,650	
Putnam County, N.Y.:							
Detached and semidetached	12,500	14,950	16,550	19,800	23,850	26,450	27,750
Row dwellings	12,000	14,250	15,850	18,800	22,600	25,200	26,350
Walk-up	13,000	16,100	18,300	21,650	25,100	27,600	29,050
Elevator-structure	18,250	21,050	23,950	28,700	33,200	35,450	
Suffolk County, N.Y.:							
Detached and semidetached	13,250	15,850	17,600	21,050	25,300	28,100	29,450
Row dwellings	12,750	15,150	16,850	20,000	24,000	26,750	28,000
Walk-up	13,800	17,100	19,450	23,000	26,650	29,300	30,850
Elevator-structure	19,350	22,400	25,450	30,500	35,400	37,650	
Westchester County, N.Y.:							
Detached and semidetached	12,800	15,300	16,950	20,250	24,000	27,100	28,400
Row dwellings	12,250	14,600	16,200	19,300	23,150	25,800	27,100
Walk-up	13,300	16,500	18,700	22,150	25,700	28,250	29,750
Elevator-structure	18,650	21,550	24,500	29,400	34,100	36,300	

PROTOTYPE PER UNIT COST SCHEDULE—Continued

REGION II

	Number of bedrooms						
	0	1	2	3	4	5	6
Orange County, N.Y.:							
Detached and semidetached	13,350	15,950	17,700	21,150	25,450	28,250	29,600
Row dwellings	12,800	15,300	16,900	20,100	24,150	26,900	28,150
Walk-up	13,850	17,200	19,550	23,150	26,800	29,500	31,050
Elevator-structure	19,500	22,500	25,500	30,650	35,600	37,850	
Rockland County, N.Y.:							
Detached and semidetached	13,250	15,850	17,550	20,950	25,250	28,050	29,400
Row dwellings	12,700	15,100	16,800	19,950	23,950	26,700	27,950
Walk-up	13,750	17,100	19,400	22,950	26,600	29,250	30,800
Elevator-structure	19,100	22,100	25,100	30,100	34,900	37,150	

PROTOTYPE PER UNIT COST SCHEDULE

REGION III

Baltimore, Md.:							
Detached and semidetached	10,500	12,600	13,950	16,650	20,000	22,350	23,300
Row dwellings	10,050	12,050	13,300	15,900	19,100	21,250	22,250
Walk-up	8,700	10,750	12,200	14,450	16,750	18,400	19,400
Elevator-structure	13,850	16,100	20,385				
Aberdeen, Md.:							
Detached and semidetached	10,500	12,600	13,950	16,650	20,000	22,350	23,300
Row dwellings	10,050	12,050	13,300	15,900	19,100	21,250	22,250
Walk-up	8,700	10,750	12,200	14,450	16,750	18,400	19,400
Elevator-structure	13,850	16,100	20,385				
Hagerstown, Md.:							
Detached and semidetached	10,950	13,100	14,500	17,350	20,800	23,250	24,250
Row dwellings	10,450	12,550	13,850	16,550	19,900	22,100	23,150
Walk-up	9,050	11,200	12,700	15,050	17,450	19,150	20,200
Elevator-structure	14,400	16,750	21,200				
Salisbury, Md.:							
Detached and semidetached	10,600	12,750	14,100	16,800	20,200	22,550	23,550
Row dwellings	10,150	12,150	13,450	16,050	19,300	21,450	22,500
Walk-up	8,800	10,850	12,300	14,600	16,900	18,600	19,600
Elevator-structure	14,000	16,250	20,600				
Annapolis, Md.:							
Detached and semidetached	10,100	12,100	13,400	16,000	19,250	21,500	22,400
Row dwellings	9,650	11,600	12,800	15,300	18,350	20,450	21,400
Walk-up	8,350	10,350	11,750	13,900	16,100	17,700	18,650
Elevator-structure	13,300	15,500	19,600				
Cambridge, Md.:							
Detached and semidetached	10,100	12,150	13,450	16,050	19,300	21,550	22,450
Row dwellings	9,700	11,600	12,800	15,350	18,400	20,500	21,450
Walk-up	8,400	10,350	11,750	13,950	16,150	17,750	18,700
Elevator-structure	13,350	15,500	19,650				
Cumberland, Md.:							
Detached and semidetached	9,900	11,900	13,150	15,700	18,850	21,100	22,000
Row dwellings	9,500	11,350	12,550	15,000	18,000	20,050	21,000
Walk-up	8,200	10,150	11,500	13,650	15,800	17,350	18,300
Elevator-structure	13,050	15,200	19,250				
Frederick, Md.:							
Detached and semidetached	10,150	12,200	13,500	16,100	19,350	21,650	22,550
Row dwellings	9,750	11,650	12,900	15,400	18,500	20,600	21,550
Walk-up	8,450	10,400	11,800	14,000	16,200	17,800	18,800
Elevator-structure	13,400	15,600	19,750				

[FR Doc.71-10758 Filed 7-26-71;9:46 am]

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

PART 1915—IDENTIFICATION OF FLOOD-PRONE AREAS

List of Designated Areas, and Flood Hazard Areas; Correction

In the amendments to the Areas Eligible for the Sale of Insurance, and Identification of Flood-Prone Areas, 24 CFR Parts 1914 and 1915, published at 36 F.R. 12975–12976, July 10, 1971, the word "Acting" was inadvertently omitted in the signature title.

The correct signature title reads: "Acting Federal Insurance Administrator."

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.71-10698 Filed 7-27-71;8:48 am]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5084]

[Oregon 7256 (Wash.)]

WASHINGTON

Withdrawal for National Forest Research Natural Area

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

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

WILLAMETTE MERIDIAN

GIFFORD PINCHOT NATIONAL FOREST

Wind River Research Natural Area

T. 4 N., R. 7 E.,
Sec. 8, E½SW¼, SW¼SE¼;
Sec. 17, E½, E½W½;
Sec. 20, NE¼, and those portions of the E½NW¼N½SE¼, lying north and east of a line located 300 feet north and east of Trout Creek;
Sec. 21, N½NE¼, SW¼NE¼, NW¼.

The area described contains approximately 1,180 acres in Skamania County.

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

HARRISON LOESCH,
Assistant Secretary of the Interior.

JULY 21, 1971.

[FR Doc.71-10677 Filed 7-27-71;8:46 am]

[Public Land Order 5085]

[Montana 15102]

MONTANA

Withdrawal for Recreation Site

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

1. Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws for the Holter Lake Recreation Site:

PRINCIPAL MERIDIAN

T. 14 N., R. 3 W.,
Sec. 4, lots 6 and 7.

The area described above aggregates 80 acres in Lewis and Clark County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws. However, leases, licenses, or permits will be issued only if the Bureau of Land Management finds that the proposed use of the lands will not interfere with the purpose for which the lands were withdrawn.

3. The withdrawal made by this order is subject to the rights of the licensee for Power Project No. 2188, and to the withdrawal made by Powersite Reserve No. 141.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JULY 21, 1971.

[FR Doc.71-10676 Filed 7-27-71;8:45 am]

[Public Land Order 5086]

[Fairbanks 384]

ALASKA

Partial Revocation of Public Land Order No. 4497 of July 15, 1968; Modification of Public Land Order No. 4582 of January 17, 1969, as Amended

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910, 36 Stat. 847, as amended, 43 U.S.C. sec. 141 (1964), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and by virtue of the authority vested in the Secretary of the Interior by the Act of May 31, 1938, 52 Stat. 593, 48 U.S.C. sec. 353a (1964), it is ordered as follows:

1. Public Land Order No. 4497 of July 15, 1968, which withdrew lands for use of the U.S. Department of Health, Education, and Welfare for hospital purposes, is hereby revoked so far as it affects the following described lands:

KOTZEBUE

A PORTION OF TRACT 1, U.S. SURVEY NO. 2083

Beginning at corner 6, U.S.S. 2083, monumented by a found brass cap monument established by the Bureau of Land Management in 1962; thence N. 44°06' E., along the boundary of U.S.S. 2083 a distance of 171.60 feet to a found brass cap monument established by BLM in 1932; thence N. 44° 06' E., a distance of 21.12 feet to a found angle iron monument set by the BLM; thence N. 67°46' E., a distance of 58.08 feet to a found brass cap monument established by the BLM in 1962; thence N. 55°55'30" E., a distance of 70 feet to a point monumented by a 36-inch length of No. 5 reinforcing bar with a plastic cap inscribed "RLS 551"; thence S. 45°54' E., a distance of 116.92 feet to a point monumented by a 36-inch length of No. 5 reinforcing bar with a plastic cap inscribed "RLS 551"; thence S. 44°06' W., a distance of 242.82 feet to a found brass cap monument established by the BLM in 1932; thence N. 45°54' W., a distance of 96 feet to a found angle iron monument set by the BLM; thence S. 44°06' W., a distance of 72.60 feet to a point monumented by a 36-inch length of No. 5 reinforcing bar with a plastic cap inscribed "RLS 551"; thence N. 45°54' W., along the boundary of U.S.S. 2083 a distance of 52.55 feet to the point of beginning.

Containing approximately 0.858 acre.

2. Public Land Order No. 4582 of January 17, 1969, as amended by Public Land Orders No. 4962 of December 8, 1970, and No. 5081 of June 17, 1971, withdrawing public lands for the determination and protection of the rights of the Native Aleuts, Eskimos, and Indians of Alaska, is hereby modified to the extent necessary to permit the selection of the land described above by the State of Alaska pursuant to section 6 of the Act of July 7, 1958, 72 Stat. 339–343.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JULY 21, 1971.

[FR Doc.71-10675 Filed 7-27-71;8:45 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18927; FCC 71-732]

PART 73—RADIO BROADCAST SERVICES

Limitation of TV Stations' Access to Programs of More Than One National Network; Order Granting 2-Week Extension of Effective Date

In the matter of amendment of § 73.658 of the Commission's rules to limit television stations' access to the

programs of more than one national network. (Petition of Triangle Telecasters, Inc., WRDU-TV, Durham, N.C.) RM-1525.

1. On March 24, 1971 (released April 1 and published in the FEDERAL REGISTER, Apr. 6, 1971, 36 F.R. 6507), the Commission adopted a first report and order in this proceeding, including a rule—new paragraph (1) of § 73.658—designed to make network programs more readily available to "unaffiliated stations" in three-station markets.[1] The rule provides in substance that, with respect to programs on and after October 1, 1971, the "unaffiliated network"—the network without a primary affiliate in the market—must give the "unaffiliated station" (usually UHF) first call on up to 15 hours of its evening programs and weekend and holiday afternoon sports programs, before such material may be presented on the other two stations which have primary affiliations with other networks. Such programs must be offered to the "unaffiliated station" by July 15, 1971, to the extent possible.

2. Petitions for reconsideration of this decision were timely filed by the three national television networks and other parties, and oppositions to such petitions, and replies to oppositions by some of the petitioners, were filed later. On June 28, 1971, ABC sought a stay of the effective date of the rule until 30 days after the decision on reconsideration.

3. The Commission expects to complete its consideration of the filings and issue a decision with respect thereto, before August 2, 1971, and therefore it is not necessary or appropriate at this time to extend the October 1 date. However, it does not appear that such decision will be issued before July 15, the first of the operational dates mentioned above. Accordingly, we are providing herein that the July 15 date is extended to and including August 2, 1971.

4. One other matter is appropriate for resolution. Fuqua Television, Inc., the licensee of one of the two Augusta, Ga., VHF stations, filed on June 4, 1971, a "Motion for Partial Stay" seeking a stay of the rule as to the Augusta, Ga., market until April 1, 1972, chiefly on the ground of the uncertainty as to whether or not the Augusta UHF station (WATU-TV) will resume operation by October 1. (It has been silent since November 1970.) In the case of markets where the "unaffiliated station" is not operating as of July 1, the rule provides that the licensee or permittee thereof must give notice by July 1 that it will be operational by October 1 and will remain on the air for 6 months. Otherwise the rule does not come into operation in that market at least until a date 6 months later (April 1, 1972).

5. The only communication received from the Augusta UHF station was a letter from the president of the licensee, dated June 30, 1971, to the effect that at this time "we cannot state unequivocally that the October 1, 1971 commitment can be met", although "we are reasonably confident" that that date can be met, provided the benefits of the rule are available at that time. It is stated that the Fuqua petition and the network petitions have made the efforts to raise additional capital very difficult, and their denial is urged. A ruling is requested that this notice is adequate to comply with the rule.

6. We cannot agree that this constitutes the "notice" contemplated by the rule in order to bring it into operation in this market. Considering that the rule will require substantial adjustments in program schedules, which cannot be made overnight, we must hold that a statement of "reasonable confidence" on the part of the licensee is not sufficient. If this confidence proves misplaced, the result could be the loss of a large amount of network programing in the market entirely, since the other stations would have made other arrangements. This would not serve the public interest. We are, of course, anxious to see the prompt resumption of operation by the third Augusta station, and hope that developments will permit WATU-TV to give notice in time for the rule to apply April 1, 1972, the next "effective date". Thus, events have in effect granted the Fuqua request, and it is dismissed as moot.

7. In view of the foregoing: *It is ordered*, That:

(1) The July 15 date specified in § 73.658(1)(4)(iii), is extended, for 1971, to and including August 2, 1971; and

(2) The "Motion for Partial Stay" filed on June 4, 1971, by Fuqua Television, Inc. (WJBF, Augusta, Ga.) is dismissed as moot.

Adopted: July 14, 1971.

Released: July 20, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-10742 Filed 7-27-71;8:52 am]

[1] 28 FCC 2d 169.

[2] Commissioners Robert E. Lee and Wells absent; Commissioner Johnson concurring in the result.

[Docket No. 17703]

PART 91—INDUSTRIAL RADIO SERVICES

Use of Tertiary Frequencies; Correction

In the matter of amendment of the rules in Parts 2, 89, 91, and 93 concerning the use of "tertiary", or 15 kHz channels, in the 150-162 MHz band; amendment of Part 89 to designate frequency 153.740 MHz as available to the Local Government Radio Service, RM-525, RM-811, RM-867.

Appendix B to the Commission's report and order, FCC 71-606, released June 15, 1971 (36 F.R. 12102), is corrected as follows:

1. In instruction number seven, § 91.304, limitation (11) appearing in the tabulation of frequencies in paragraph (a) for the frequency 153.035 MHz is changed to read (36) and a new limitation (36) is added in numerical sequence in paragraph (b) of the section to read as follows:

(36) This frequency is shared with the Special Industrial Radio Service.

2. In instruction number eight, § 91.354, limitation (11) appearing in the tabulation of frequencies in paragraph (a) for the frequency 158.310 MHz is changed to read (13).

3. In instruction number nine, § 91.504, limitation (11) appearing in the tabulation of frequencies in paragraph (a) for the frequency 153.035 MHz is changed to read (9), and in paragraph (b) of the section, limitation (9) is changed from reserved to read as follows:

(9) This frequency will be assigned only to stations which are restricted in operation to a specified permanent area for which frequency coordination has been accomplished. The frequency is shared with the Petroleum Radio Service.

4. In instruction number 10, § 91.554, the limitations appearing in the tabulation of frequencies in paragraph (a) are changed for the frequency 154.570 to read (13), (14), and (44) and for the frequency 154.600 to read (13), (14), and (43).

Released: July 22, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-10743 Filed 7-27-71;8:52 am]

Title 49—TRANSPORTATION

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

[Docket No. 71-8; Notice 2]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Subpart A—General

Effective Date of Standards Applicable to Firefighting Vehicles

The purpose of this notice is to amend § 571.3(b) to add a definition of "firefighting vehicle," and to add new § 571.8 to provide for delayed effective dates of future standards to which firefighting vehicles must conform.

The notice of proposed amendment upon which this amendment is based was published in the FEDERAL REGISTER on April 16, 1971 (36 F.R. 7259). This amendment is responsive to the potential problems of manufacturers of firefighting vehicles that may be caused if Federal motor vehicle safety standards are issued after purchase contracts are signed, to be effective before the manufacture of

the vehicles in question is completed. As noted in the prior notice, many of these vehicles are custom-built to the buyer's specifications and require up to 18 months or more to complete after the contract is signed, and the buyer, typically a unit of municipal government, is often not in a position to renegotiate the contract and appropriate additional funds. The amendment specifies that the effective date for any standard or amendment of a standard to which a firefighting vehicle must conform shall be 2 years after the date that notice of such standard or amendment is published in the FEDERAL REGISTER, or the effective date specified in the notice, whichever is later, unless such standard or amendment otherwise specifically provides with respect to firefighting vehicles. This will assure manufacturers and buyers that the vehicles for which contracts are signed need only conform to standards on which the final rules have been issued at the time the contract is signed, as long as the vehicles are completed within 2 years of the signing date.

No objections to the proposal were received.

In consideration of the foregoing, 49 CFR Part 571 is amended as follows:

§ 571.3 [Amended]

1. A new definition is added to paragraph (b) of § 571.3 *Definitions*, in the proper alphabetical location:

"'Firefighting vehicle' means a vehicle designed exclusively for the purpose of fighting fires."

2. A new § 571.8 is added, reading as follows:

§ 571.8 Effective date.

Notwithstanding the effective date provisions of the motor vehicle safety standards in this part, the effective date of any standard or amendment of a standard issued after September 1, 1971, to which firefighting vehicles must conform shall be, with respect to such vehicles, either 2 years after the date on which such standard or amendment is published in the rules and regulations section of the FEDERAL REGISTER, or the effective date specified in the notice, whichever is later, except as such standard or amendment may otherwise specifically provide with respect to firefighting vehicles.

Effective date: September 1, 1971.

(Secs. 103, 119, National Traffic and Motor Vehicle Safety Act of 1966, 15 U.S.C. 1392, 1407; delegation of authority from the Secretary of Transportation to the National Highway Traffic Safety Administrator, 49 CFR 1.51)

Issued: July 21, 1971.

DOUGLAS W. TOMS,
Acting Administrator.

[FR Doc.71-10711 Filed 7-27-71;8:49 am]

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1057; Amdt. 2]

PART 1033—CAR SERVICE

Atchison, Topeka and Santa Fe Railway Co. Authorized To Operate Over Tracks of St. Louis-San Francisco Railway Co.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C. on the 21st day of July 1971.

Upon further consideration of Service Order No. 1057 (36 F.R. 1202 and 8043), and good cause appearing therefor:

It is ordered, That: Section 1033.1057 Service Order No. 1057 (The Atchison, Topeka and Santa Fe Railway Co., authorized to operate over tracks of the St. Louis-San Francisco Railway Co.) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., September 30, 1971, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., July 31, 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.71-10722 Filed 7-27-71;8:50 am]

[S.O. 1077]

PART 1033—CAR SERVICE

Kansas City Southern Railway Co. Authorized To Operate Over Certain Trackage of Southern Pacific Transportation Co.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held at its office in Washington, D.C. on the 22d day of July 1971.

It appearing, That because of severe damage to its bridge A-740-B over the Calcasieu River, in Lake Charles, Calcasieu Parish, La., The Kansas City Southern Railway Co., is unable to operate over its line in this vicinity and is unable to continue service to patrons in this area; that the Southern Pacific Transportation Co., has consented to use by The Kansas City Southern Railway Co. of a portion of its line between Southern Pacific mileposts 218.0 and 222.8, a distance of approximately 4.8 miles; that the Commission is of the opinion that operation by The Kansas City Southern Railway Co. over this trackage of the Southern Pacific Transportation Co. is necessary in the interest of the public and the commerce of the people, pending completion of repairs to bridge A-740-B of The Kansas City Southern Railway Co.; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1077 Service Order No. 1077.

The Kansas City Southern Railway Co. authorized to operate over certain trackage of Southern Pacific Transportation Co.

(a) The Kansas City Southern Railway Co. be, and it is hereby, authorized to operate over trackage of the Southern Pacific Transportation Co. between Southern Pacific mileposts 218.0 and 222.8, a distance of approximately 4.8 miles, in the vicinity of Lake Charles, Calcasieu Parish, La.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

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

(d) *Effective date.* This order shall become effective at 12:01 a.m., July 23, 1971.

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

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

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

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-10723 Filed 7-27-71;8:50 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 8]

CERTAIN IMPORTED ORES AND CRUDE METALS

Proposed Procedure for Sampling and Assaying

The purpose of this proposal is to prescribe a procedure for sampling and assaying ores and other metal-bearing materials entered under item 601.66 of the Tariff Schedules of the United States. The provisions of § 8.48 of the Customs Regulations (19 CFR 8.48) relating to sampling and assaying of imported metal-bearing ores or other metal-bearing materials are now applicable to these materials entered in accordance with § 8.46 of the Customs Regulations (19 CFR 8.46). It is the view of the Bureau of Customs that, under certain conditions, a simplified procedure for determining the quantity of dutiable metals contained in ores and other metal-bearing materials entered under item 601.66 may be followed without danger to the revenue.

Accordingly, notice is hereby given that, under the authority of section 251 of the Revised Statutes, as amended (19 U.S.C. 66), sections 499, 500, 624, 46 Stat. 728, as amended, 729, as amended, 759 (19 U.S.C. 1499, 1500, 1624), it is proposed to amend § 8.46 of the Customs Regulations (19 CFR 8.46) as follows:

In § 8.46, paragraph (a) is revised, and a new paragraph (c) is added to read as follows:

§ 8.46 Entry and sampling of ores and crude metals not for smelting in bond.

(a) Except as provided in paragraph (c) of this section, when ores or crude metals are entered for consumption or warehousing at the port of first arrival, they shall be sampled for assay and moisture purposes in accordance with commercial methods under the supervision of Customs officers, as provided for in § 8.48. They shall be transported under bond to the place of sampling if proper sampling facilities are not available at the port of entry.

* * * * *

(c) When, on the basis of invoice information, the nature of the sample, knowledge of prior importations of similar materials, and other data, the district director is satisfied that ores or other metal-bearing materials entered under item 601.66 of the Tariff Schedules of the United States as containing less than one percent of metals dutiable under items 602.10, 602.20, 602.28, or 602.30, Tariff Schedules of the United States, are properly entered, he may liquidate the entry on the basis of the assay information contained in the invoice papers. However, the procedure prescribed in section 8.48 shall be followed at random intervals for verification purposes.

Prior to the adoption of the proposed amendment, consideration will be given to any relevant data, views or arguments which are submitted in writing to the Commissioner of Customs, Washington, D.C. 20226, and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

Approved: July 15, 1971.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-10697 Filed 7-27-71;8:47 am]

Internal Revenue Service

[26 CFR Part 1]

LIVESTOCK USED IN TRADE OR BUSINESS

Notice of Proposed Rule Making

On January 23, 1971, notice of proposed rule making was published in the FEDERAL REGISTER in regard to regulations under section 1231(b)(3) of the Internal Revenue Code of 1954, relating to livestock used in trade or business, as amended by section 212(b) of the Tax Reform Act of 1969 (36 F.R. 1151). Notice is hereby given that so much of the proposed regulations as are contained in § 1.1231-2, as set forth in paragraph 3 of the appendix to the notice of proposed rule making is hereby withdrawn.

Further, notice is hereby given that, in lieu of the proposed regulations which are so withdrawn, the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by August 27, 1971. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by August 27, 1971. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER.

The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

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

In order to conform the Income Tax Regulations (26 CFR Part 1) to section 212(b) of the Tax Reform Act of 1969 (83 Stat. 571), relating to livestock used in trade or business, such regulations are hereby amended as set forth below.

PARAGRAPH 1. Section 1.1231-2 is amended by revising paragraphs (a) and (b), by redesignating paragraph (c) as paragraph (b)(2), and by adding a new paragraph (c) immediately following revised paragraph (b). These amended and added provisions read as follows:

§ 1.1231-2 Livestock held for draft, breeding, dairy, or sporting purposes.

(a) (1) In the case of cattle, horses, or other livestock acquired by the taxpayer after December 31, 1969, section 1231 applies to the sale, exchange, or involuntary conversion of such cattle, horses, or other livestock, regardless of age, held by the taxpayer for draft, breeding, dairy, or sporting purposes, and held by him—

(i) For 24 months or more from the date of acquisition in the case of cattle or horses, or

(ii) For 12 months or more from the date of acquisition in the case of such other livestock.

(2) In the case of livestock (including cattle or horses) acquired by the taxpayer on or before December 31, 1969, section 1231 applies to the sale, exchange, or involuntary conversion of such livestock, regardless of age, held by the taxpayer for draft, breeding, or dairy purposes, and held by him for 12 months or more from the date of acquisition.

(3) For the purposes of section 1231, the term "livestock" is given a broad, rather than a narrow, interpretation and includes cattle, hogs, horses, mules, donkeys, sheep, goats, fur-bearing animals, and other mammals. However, it does not include poultry, chickens, turkeys, pigeons, geese, other birds, fish, frogs, reptiles, etc.

(b) (1) Whether or not livestock is held by the taxpayer for draft, breeding, dairy, or sporting purposes depends upon all of the facts and circumstances in each case. The purpose for which the animal

is held is ordinarily shown by the taxpayer's actual use of the animal. However, a draft, breeding, dairy, or sporting purpose may be present if an animal is disposed of within a reasonable time after its intended use for such purpose is prevented or made undesirable by reason of accident, disease, drought, unfitness of the animal for such purpose, or a similar factual circumstance. Under certain circumstances, an animal held for ultimate sale to customers in the ordinary course of the taxpayer's trade or business may be considered as held for draft, breeding, dairy, or sporting purposes. However, an animal is not held by the taxpayer for draft, breeding, dairy, or sporting purposes merely because it is suitable for such purposes or merely because it is held by the taxpayer for sale to other persons for use by them for such purposes. Furthermore, an animal held by the taxpayer for other purposes is not considered as held for draft, breeding, dairy, or sporting purposes merely because of a negligible use of the animal for such purposes or merely because of the use of the animal for such purposes as an ordinary or necessary incident to the other purposes for which the animal is held. See paragraph (c) of this section for the rules to be used in determining when horses are held for racing purposes and, therefore, are considered as held for sporting purposes.

(2) The application of this paragraph is illustrated by the following examples:

Example (1). An animal intended by the taxpayer for use by him for breeding purposes is discovered to be sterile or unfit for the breeding purposes for which it was held, and is disposed of within a reasonable time thereafter. This animal is considered as held for breeding purposes.

Example (2). The taxpayer retires from the breeding or dairy business and sells his entire herd, including young animals which would have been used by him for breeding or dairy purposes if he had remained in business. These young animals are considered as held for breeding or dairy purposes. The same would be true with respect to young animals which would have been used by the taxpayer for breeding or dairy purposes but which are sold by him in reduction of his breeding or dairy herd, because of, for example, drought.

Example (3). A taxpayer in the business of raising hogs for slaughter customarily breeds sows to obtain a single litter to be raised by him for sale, and sells these brood sows after obtaining the litter. Even though these brood sows are held for ultimate sale to customers in the ordinary course of the taxpayer's trade or business, they are considered as held for breeding purposes.

Example (4). A taxpayer in the business of raising horses for sale to others for use by them as draft horses uses them for draft purposes on his own farm in order to train them. This use is an ordinary or necessary incident to the purpose of selling the animals, and, accordingly, these horses are not considered as held for draft purposes.

Example (5). The taxpayer is in the business of raising registered cattle for sale to others for use by them as breeding cattle. It is the business practice of this particular taxpayer to breed the offspring of his herd which he is holding for sale to others prior to sale in order to establish their fitness for sale as registered breeding cattle. In such case, the taxpayer's breeding of such offspring is an ordinary and necessary incident to his holding them for the purpose of selling them as bred heifers or proven bulls and does not demonstrate that the taxpayer is holding them for breeding purposes. However, those cattle held by the taxpayer as additions or replacements to his own breeding herd to produce calves are considered to be held for breeding purposes, even though they may not actually have produced calves.

Example (6). A taxpayer, engaged in the business of buying cattle and fattening them for slaughter, purchased cows with calf. The calves were born while the cows were held by the taxpayer. These cows are not considered as held for breeding purposes.

(c) (1) For purposes of paragraph (b) of this section, a horse held for racing purposes shall be considered as held for sporting purposes. Whether a horse is held for racing purposes shall be determined in accordance with the following rules:

(i) A horse which has actually been raced at a public race track shall, except in rare and unusual circumstances, be considered as held for racing purposes.

(ii) A horse which has not been raced at a public track shall be considered as held for racing purposes if it has been trained to race and other facts and circumstances in the particular case also indicate that the horse was held for this purpose. For example, assume that the taxpayer maintains a written training record on all horses he keeps in training status, which shows that a particular horse does not meet objective standards (including, but not limited to, such considerations as failure to achieve predetermined standards of performance during training, or the existence of a physical or other defect) established by the taxpayer for determining the fitness and quality of horses to be retained in his racing stable. Under such circumstances, if the taxpayer disposes of the horse within a reasonable time after he determined that it did not meet his objective standards for retention, the horse shall be considered as held for racing purposes.

(iii) A horse which has neither been raced at a public track nor trained for racing shall not, except in rare and unusual circumstances, be considered as held for racing purposes.

(2) This paragraph may be illustrated by the following examples:

Example (1). The taxpayer breeds, raises, and trains horses for the purpose of racing. Every year he culls some horses from his racing stable. In 1971, the taxpayer decided that in order to prevent his racing stable from getting too large to be effectively operated he must cull six horses from it. All six of the horses culled by the taxpayer had been raced at public tracks in 1970. Under subparagraph (1)(i) of this paragraph, all these horses are considered as held for racing purposes.

Example (2). Assume the same facts as in example (1). Assume further that the taxpayer decided to cull four more horses from his racing stable in 1971. All these horses had been trained to race but had not been raced at public tracks. The taxpayer culled these four horses because the training log which the taxpayer maintains on all the horses he trains showed these horses to be unfit to remain in his racing stable. Horse A was culled because it developed shin splints during training. Horses B and C were culled because of poor temperament. B bolted every time a rider tried to mount it, and C became extremely nervous when it was placed in the starting gate. Horse D was culled because it did not qualify for retention under one of the objective standards the taxpayer had established for determining which horses to retain since it was unable to run a specified distance in a minimum time. These four horses were disposed of within a reasonable time after the taxpayer determined that they were unfit to remain in his stable. Under subparagraph (1)(ii) of this paragraph, all these horses are considered as held for racing purposes.

[FR Doc.71-10720 Filed 7-27-71;8:49 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 71-SW-36]

BELL MODELS 205A AND 205A-1 HELICOPTERS

Proposed Airworthiness Directives

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Bell Models 205A and 205A-1 helicopters equipped with Tail Boom Assembly, P/N 205-032-802-1, -3, -5, -9, or -11. There have been three (3) reports of cracks initiating in a rivet hole in the left side of the forward spar cap of the vertical fin on the Model 205A and 205A-1 helicopters. Since this condition is likely to exist or develop in other Model 205A and 205A-1 helicopters, an airworthiness directive is proposed. The airworthiness directive would require a repetitive daily visual inspection and a dye penetrant inspection at intervals of not more than 100 hours of operation for cracks in the fin forward spar cap angle at the tail boom intersection with the fin forward spar (Fuselage Station 434 or Fin Station 70.3) on tail booms having 600 or more hours time in service. It is also proposed to allow the pilot to conduct the repetitive daily inspection of the critical area.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or comments as they may desire. Communications should identify the docket number and be submitted in triplicate to the Regional Counsel, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101.

All communications received on or before September 1, 1971 will be considered by the Director before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available for examination by interested persons, before and after the closing date for comments, in the

Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, TX.

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BELL. Applies to Bell Models 205A and 205A-1 helicopters equipped with tail boom assembly, Part No. 205-032-802-1, -3, -5, -9, or -11, certificated in all categories.

Compliance required as indicated. To detect a possible fatigue crack in the vertical fin forward spar in the area of the first rivet hole above the tail fin and tail boom intersection at fuselage station 434 or fin station 70.3, accomplish the following.

(a) Inspect tail booms having 600 or more hours total time in service on the effective date of this AD within 25 hours time in service therefrom, in accordance with the procedures listed in paragraph (c) unless already accomplished within the last 75 hours.

(b) Inspect tail booms having less than 600 hours total time in service on the effective date of this AD before reaching 625 hours total time in service in accordance with the procedures listed in paragraph (c) unless accomplished within the last 75 hours.

(c) Accomplish repetitive inspections in accordance with the procedures listed below at intervals of not more than 100 hours' time in service from the last inspection:

(1) Remove the 42° gear box cover from the tail boom and open the tail rotor drive shaft cover on the vertical fin.

(2) Remove and do not reinstall the one rivet in the spar cap angle at fin station 70.3 and remove the paint finish and clean the area around the rivet hole, inboard and outboard sides of spar, including radius of cap angle on the left side of the fin forward spar from fin station 69.5 to 71, using cloth and methyl ethyl ketone or equivalent.

(3) Inspect the rivet hole and the clear area of the fin spar for cracks using a visual or a dye penetrant or equivalent inspection method.

(4) If no cracks are found, protect the clear area of the spar and rivet hole using a clear lacquer or light film of clear grease or equivalent transparent protection.

(5) If cracks are found, remove the tail boom and replace with an uncracked tail boom in accordance with the procedures in The Bell Model 205A or 205A-1 Maintenance and Overhaul Instructions before further flight.

(d) Before the first flight of each day after the inspection in paragraph (c) is accomplished, conduct an inspection as follows:

(1) Remove the 42° gear box cover from the tail boom and open the tail rotor drive shaft cover on the vertical fin.

(2) Visually check the rivet hole area and the clear area of the fin forward spar for cracks.

(3) If cracks are found, remove the tail boom and replace with an uncracked tail boom in accordance with the procedure of The Bell Model 205A or 205A-1 Maintenance and Overhaul Instructions before further flight.

(4) The above inspection may be performed by the pilot.

NOTE: For the requirements regarding the listing of compliance and method of compliance with this airworthiness directive in the aircraft permanent maintenance record, see FAR 91.173.

(e) Operators not having kept time in service records on individual tail booms should use helicopter hours time in service for the purpose of this airworthiness directive.

(f) This airworthiness directive is no longer effective when the tail fin forward spar is modified in accordance with Part 2, Bell Helicopter Company Service Bulletin No. 205A-6 dated May 11, 1971, or Revision A dated June 14, 1971, or later approved revision or in accordance with an equivalent method approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, FAA.

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

Issued in Fort Worth, Tex., on July 16, 1971.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.71-10664 Filed 7-27-71;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SO-120]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Indianola, Miss., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Indianola transition area described in § 71.181 (36 F.R. 2140) would be redesignated as:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Indianola-Legion Field (lat. 33°29'05" N., long. 90°40'34" W.); within 3 miles each side of the 191° and 354° bearings from Indianola RBN (lat. 33°28'48" N., long. 90° 40'34" W.), extending from the 6.5-mile-radius area to 8.5 miles south and north of the RBN.

The proposed alteration is required to provide controlled airspace protection for IFR aircraft executing the proposed new NDB RWY 18 and NDB RWY 36 Standard Instrument Approach Procedures to Indianola-Legion Field.

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 of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on July 20, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-10663 Filed 7-27-71;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

[Docket No. 23641; EDR-209]

UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Depreciation Costs for Regulatory and Accounting Purposes

JULY 22, 1971.

Notice is hereby given that the Civil Aeronautics Board has under consideration proposed amendments to Part 241 of its economic regulations (14 CFR Part 241) which would require all certificated air carriers to set forth in Form 41 reports filed with the Board the depreciation costs established for regulatory purposes, depreciation costs accrued by carrier management for accounting purposes and the numerical differences between them.

The principal features of the proposed amendments are described in the attached explanatory statement and the proposed amendments are set forth in the proposed rule. The amendments are proposed under the authority of sections 204(a) and 407 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 766; 49 U.S.C. 1324, 1377).

Interested persons may participate in the proposed rulemaking through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before August 27, 1971, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

EXPLANATORY STATEMENT

The Board is empowered and directed to determine the methods and standards

for flight equipment depreciation for regulatory purposes.[1] For purposes of accounting, however, the carriers are free to select their own bases of depreciation which are reflected on their books of account. Consequently, depreciation expense from the carriers' books of account is currently reflected in the carriers' official Form 41 reports filed with the Board. In these circumstances and in order properly to perform its regulatory functions, the Board proposes to require that the CAB Form 41 reports accurately reflect the depreciation expense provisions which are recognized for pricing and other regulatory purposes and other depreciation expense provisions which are assessed by management against the stockholders.

Also, many users of the carriers' official reports could reasonably assume that such reports reflect flight equipment depreciation on only regulatory-approved bases and, in the absence of any contrary information, they would hold the Board responsible with management for the results reported. Even knowledgeable users of the reports could be misled unless the burden of recasting the reported information is in fact assumed by them or placed upon the Board's staff. Viewed in this context, the burden on the staff of identifying and eliminating accruals which are not recognized for regulatory purposes would be overwhelming since the profit position of the carrier, the investment position of the carrier and the return by the carrier on its investments are all materially affected by depreciation.

Under existing reporting practices, therefore, in order for the Board to have current knowledge of the operating and financial results of the carriers on the basis of regulatory determinations, the Board would have to do one of the following: Either make substantial adjustments to the carriers' reports such as those discussed above, or keep its own set of records separate and apart from those kept by the carriers. Clearly the Board, much less the public, is not equipped either to recast the data reported by carriers, or to keep a separate set of records of this magnitude, nor are such actions required under section 407 (a) of the Federal Aviation Act, as amended. In fact, this section of the Act clearly makes it incumbent upon the Board to prescribe any and all reports both as to form and substance as will be reasonably necessary to carry out its regulatory responsibilities.

For the reasons set forth herein, therefore, the Board is proposing to amend Part 241 of the regulations to require all certificated air carriers to disclose in Form 41 reports filed with the Board as two separate depreciation components the depreciation costs recognized for regulatory purposes and the difference therefrom of depreciation costs accrued by carrier management for accounting purposes.

It should be noted and made clear that the action here proposed is not intended in any sense to control the reporting of those judgment depreciation expense provisions which are assessed by carrier management.[2] Rather, the primary purpose is to inform the Board as to the results produced from application of its rate-making principles in computing depreciation and thus make the carrier reports filed with the Board more directly usable for regulatory purposes.

The proposed rule provides for modifying "Schedule B–5 Property and Equipment" to incorporate three new columns under the general caption "Reserve for Depreciation." The first column would be entitled "Regulatory Components," the second "Other Components," and the third "Carrier Total." The amount of depreciation reflected in the first column would be computed in accordance with such bases as may be or are prescribed for regulatory purposes; the amount reflected in the second column would be the difference between the amount reported in columns one and three; and the amount reflected in column three would be those depreciation expense provisions accrued by carrier management on the air carrier's books of account. Inasmuch as supplemental air carriers do not file Schedule B–5, it is proposed that totals for the three depreciation reserve components (regulatory components, other components, and carrier total) be reported quarterly in the "Notes to Balance Sheet" portion of Schedule B–2.1.

In addition, the proposed rule would establish a new "Schedule P–5(a) Depreciation—Flight Equipment" providing for reporting by aircraft type the depreciation computed in accordance with such bases as may be or are prescribed for regulatory purposes. The differences between these regulatory amounts and the depreciation amounts reported on Schedule P–5.1 or P–5.2, as applicable, would be reported under "Other Components" by aircraft type, and reconciled to the depreciation amounts reported under objective classification 75.6 on Schedule P–5.1 or P–5.2.

The sum effect of the proposed rule, therefore, would be to disclose in the Form 41 reports flight equipment depreciation established for regulatory purposes on both a cumulative and period basis, as is presently the case with flight equipment depreciation accrued by carrier management for accounting purposes.

It is intended to make the final rule effective 30 days after publication in the FEDERAL REGISTER.

Accordingly, it is proposed to amend Part 241 of the economic regulations (14 CFR Part 241) as follows:

1. Amend the list of schedules in paragraph (a) of Section 22—General Reporting Instructions by adding Schedule P–5(a) so that the list in pertinent part reads:

Schedule No.		Filing	
		Frequency	Postmark interval (days)
* * *	* * *	* * *	* * *
P–5.1	Aircraft Operating Expenses—Group I Air Carriers	Quarterly	40
P–5.2	Aircraft Operating Expenses—Group II and Group III Air Carriers.	do	40
P–5(a)	Depreciation—Flight equipment	do	40
P–6	Maintenance, Passenger Service, and General Services and Administration Expense Functions—All Air Carrier Groups.	do	40
* * *	* * *	* * *	* * *

2. Amend Section 23—Certification and Balance Sheet Elements by adding new paragraph (g) to the reporting instructions for Schedule B–5 Property and Equipment to read:

Schedule B–5 Property and Equipment

* * * * *

(g) Column 8, "Reserve for Depreciation—Regulatory Components" shall include the accumulation of all provisions for losses due to use and obsolescense computed in accordance with such standards as may be or are prescribed for regulatory purposes. Column 9, "Reserve for Depreciation—Other Components" shall reflect the difference between the amounts in columns 8 and 10 of this schedule. Column 10, "Reserve for Depreciation—Carrier Total" shall include the accumulations of all provisions for losses due to use and obsolescence accrued by carrier management for accounting purposes.

3. Amend Section 24—Profit and Loss Elements by adding after the reporting instructions for Schedules P–5.1 and P–5.2 reporting instructions for Schedule P–5(a) to read:

Schedule P–5(a) Depreciation—Flight Equipment

(a) This schedule shall be filed by all route air carriers.

(b) Separate sets of this schedule shall be filed for each separate operating entity of the air carrier.

(c) Two sets of this schedule shall be filed each quarter for each operating entity. One set shall reflect the indicated

[1] By PS–45, adopted and effective Apr. 9, 1971, 36 F.R. 7225, as Phase 1 of the Domestic Passenger-Fare Investigation, the Board amended Part 399 Statements of General Policy by adding a new section (§ 399.42) entitled "Flight equipment depreciation and residual values." This section established the Board's policy in the treatment of flight equipment depreciation and residual values for rate-making purposes.

[2] The proposed rule accordingly does not conflict with the decision in Alaska Airlines, Inc., et al. v. C.A.B., 257 F. 2d 229 (D.C. Cir., 1958) cert. den. 358 U.S. 881.

data applicable to the current quarter. The second set shall reflect the indicated data applicable to the 12-month period ended with the current quarter. An "x" shall be inserted in the box designated "Qr" at the head of each column of the set covering quarterly data and an "x" shall be inserted in the box designated "Yr" at the head of each column of the set covering 12 months to date data.

(d) Data applicable to each aircraft type operated by the air carrier shall be reported in separate columns of this schedule and each aircraft type for which report is being made shall be identified at the head of each column in the space provided opposite "Aircraft Type." However, each air carrier may group on a uniform basis, data applicable to small single-engine aircraft types of approximately equivalent size, flight principles and characteristics. For this purpose two groups, with subdivision as between fixed-wing and rotary-wing aircraft types, and between reciprocal-engine, turbojet and turboprop aircraft types are established as follows: (1) Single-engine aircraft with maximum continuous horsepower of 300 or under; (2) single-engine aircraft with maximum continuous horsepower of 301 to 450, inclusive. All other aircraft types, including larger single-engine and small twin-engine types, are to be separately reported. Aircraft types not generally used in revenue services shall be separately reported. If more than one type of aircraft is involved, a separation of data relating to each type of aircraft shall not be required.

(e) "Aircraft type" refers to models, such as B–707–100, B–707–300, CV–240, DC–6, etc., as designated by the manufacturer. Data applicable to aircraft designed primarily for cargo services and only incidentally used for passenger services shall be reported in separate columns, and the word "cargo" shall be inserted after the aircraft type at the head of the column. The prescribed reporting by aircraft types may be reviewed from time to time upon request by individual air carriers, or upon the initiative of the Board, and groupings of aircraft types for reporting purposes may be prescribed or amended in specific instances.

(f) Italicized codes and item titles do not constitute accounts or account numbers prescribed for air carrier accounting but shall be used for reporting purposes only.

(g) All items shall be completed by each Group II and Group III air carrier, and all items except items 76.3, 76.4, 70.3, and 70.4 shall be completed by each Group I air carrier. Items 76.1 through 76.6 shall reflect flight equipment depreciation expense provisions computed in accordance with such standards as may be or are prescribed for regulatory purposes. Items 70.1 through 70.6 shall reflect the difference between the amounts reported in items 76.1 through 76.6 on this schedule and the flight equipment depreciation amounts reported in items 75.1 through 75.6 on Schedule P–5.1 or P–5.2, as applicable. Item 75.6 shall reflect the flight equipment depreciation amounts reported in this item on Schedule P–5.1 or P–5.2, as applicable.

4. Amend the list of schedules in paragraph (a) of Section 32—General Reporting Instructions by adding Schedule P–5(a) so that the list in pertinent part reads:

Schedule No.		Filing	
		Frequency	Postmark Interval (days)
* * *	* * *	* * *	* * *
P–5.1	Aircraft Operating Expenses—Group I Air Carriers	Quarterly	60
P–5.2	Aircraft Operating Expenses—Group II and Group III Air Carriers.	do	60
P–5(a)	Depreciation—Flight Equipment	do	60
P–6	Maintenance, Passenger Service, and General Services and Administration Expense Functions.	do	60
* * *	* * *	* * *	* * *

5. Amend Section 33—Certification and Balance Sheet Elements by revising paragraph (d) of the reporting instructions for Schedule B–2.1 Notes to Balance Sheet; Corporate Paid-In Capital; Analysis of Sole Proprietorship Capital or Partnership Capital. As amended, paragraph (d) will read:

(d) The balances in subaccounts of balance sheet account 2390 Other Deferred Credits titled "Investment Tax Credits Available" and "Unrealized Investment Tax Credits" shall be set forth in this schedule as at the end of each calendar quarter. In addition, the balance in account 1619 Reserve for Depreciation—Flight Equipment at the end of each calendar quarter shall be reconciled to show: (1) The accumulated depreciation computed in accordance with such standards as may be or are prescribed for regulatory purposes identified under the caption "Reserve for Depreciation—Regulatory Components"; and (2) the difference between the regulatory components and the balance in account 1619 identified under the caption "Reserve for Depreciation—Other Components." The balance in account 1619 shall be shown under the caption "Reserve for Depreciation—Carrier Total."

6. Amend Section 34—Profit and Loss Elements by adding after the reporting instructions for Schedules P–5.1 and P–5.2 reporting instructions for Schedule P–5(a) to read:

Schedule P–5(a) Depreciation—Flight Equipment

(a) This schedule shall be filed by each supplemental air carrier.

(b) The schedule shall be filed for quarterly data only. The caption "Operation" at the head of each column is not applicable to supplemental air carriers.

(c) Data applicable to each aircraft type operated by the air carrier shall be reported in separate columns of this schedule and each aircraft type for which report is being made shall be identified at the head of each column in the space provided opposite "Aircraft Type." However, each air carrier may group, on a uniform basis, data applicable to small single-engine aircraft types of approximately equivalent size, flight principles and characteristics. For this purpose two groups, with subdivision as between fixed-wing and rotary-wing aircraft types, and between reciprocal-engine, turbojet and turboprop aircraft types are established as follows: (1) Single-engine aircraft with maximum continuous horsepower of 300 or under; (2) single-engine aircraft with maximum continuous horsepower of 301 to 450, inclusive. All other aircraft types, including larger single-engine and small twin-engine types, are to be separately reported. Aircraft types not generally used in revenue services shall be separately reported. If more than one type of aircraft is involved, a separation of data relating to each type of aircraft shall not be required.

(d) "Aircraft type" refers to models, such as DC–6, DC–6A, CV–240, L–649, etc., as designated by the manufacturer. Data applicable to aircraft designed primarily for cargo services and only incidentally used for passenger services shall be reported in separate columns, and the word "cargo" shall be inserted after the aircraft type at the head of the column. The prescribed reporting by aircraft types may be reviewed from time to time upon request by individual air carriers, or upon the initiative of the Board, and groupings of aircraft types for reporting purposes may be prescribed or amended in specific instances.

(e) Italicized codes and item titles do not constitute accounts or account numbers prescribed for air carrier accounting but shall be used for reporting purposes only.

(f) All items shall be completed by each Group II air carrier, and all items except items 76.3, 76.4, 70.3, and 70.4 shall be completed by each Group I air carrier. Items 76.1 through 76.6 shall reflect flight equipment depreciation expense provisions computed in accordance with such standards as may be or are prescribed for regulatory purposes. Items 70.1 through 70.6 shall reflect the difference between the amounts reported in items 76.1 through 76.6 on this schedule and the flight equipment depreciation amounts reported in items 75.1 through 75.6 on Schedule P–5.1 or P–5.2, as applicable. Item 75.6 shall reflect the flight equipment depreciation amounts reported in this item on Schedule P–5.1 or P–5.2, as applicable.

7. Amend CAB Form 41 by revising Schedule B-5 to include the regulatory components of flight equipment depreciation and by adding new Schedule P-5(a) as shown in Exhibits A and B attached hereto and incorporated herein.[3]

[FR Doc.71-10653 Filed 7-27-71;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[7 CFR Part 2762]

ENFORCEMENT OF FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

Notice of Proposed Rule Making

In order to facilitate the identification of registered products by both Federal and State authorities, notice is hereby given that it is proposed that § 2762.10 (d) of the regulations for the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act (7 CFR 2762.10 (d)) be amended by adding at the end thereof a new sentence, as follows: "For distributor products marketed under supplemental registration, the product number must be followed by a hyphen and the number assigned to the distributor. This may also include a letter designation of revised or amended registration as required by State law."

All persons who desire to submit written views or arguments in connection with this matter should file the same in triplicate with the Director, Pesticides Regulation Division, Environmental Protection Agency, Washington, D.C. 20250, within 30 days after the date of publication of this notice in the FEDERAL REGISTER. Please make reference in any submissions to "F.R. Notice Registration Number."

All written submissions made pursuant to this notice will be made available for public inspection at such time and places and in a manner convenient to the public business.

Dated: July 22, 1971.

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

[FR Doc.71-10737 Filed 7-27-71;8:52 am]

[18 CFR Part 615]

STATE CERTIFICATION OF ACTIVITIES REQUIRING FEDERAL LICENSE OR PERMIT

Notice of Proposed Rule Making

On May 8, 1971, there was published in the FEDERAL REGISTER the text of a new Part 615 to Title 18, Chapter V, setting forth procedures whereby applicants for Federal licenses or permits may comply with section 21(b) of the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1171(b). In § 615.1(a), the term "license or permit" was drafted in a manner that gives the regulations a narrower scope than the statute. Thus, section 615.1(a) defines "license or permit" to mean any Federal license or permit "to conduct any activity which may result in any discharge into the navigable waters of the United States." By contrast, section 21(b)(1) of the Act extends the coverage of the statute to any Federal license or permit "to conduct any activity including, but not limited to, the construction or operation of facilities which may result in any discharge into the navigable waters of the United States * * *."

The legislative history of the Act indicates that section 21(b) was intended to apply to "projects that involve significant risks to water quality * * *." (Cong. Rec. 3/24/70, p. S 4421)

Accordingly, in order to conform the coverage of the regulations to the statute, it is proposed to amend Part 615 of Title 18, Chapter V, by inserting the following language in place of the present § 615.1(a): "License or permit" means any license or permit granted by an agency of the Federal Government to conduct any activity which may result in any discharge into the navigable waters of the United States or may otherwise affect the quality of navigable waters of the United States.

Interested persons are invited to submit, in triplicate, their written views, comments, and recommendations concerning the proposed standards to the Administrator, Environmental Protection Agency, 1626 K Street NW., Washington, DC. All relevant material received not later than 30 days after publication of this notice will be considered.

Dated: July 22, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc. 71-10686 Filed 7-27-71;8:46 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 230, 231]

[Release No. 33-5164]

FORMAT OF PROSPECTUSES

Proposed Rules and Registration Guides

Notice is hereby given that the Securities and Exchange Commission has under consideration certain amendments to its rules and registration guides designed to improve the readability of prospectuses relating to securities registered under the Securities Act of 1933 (the Act). On December 16, 1970 the Commission, in Release No. 33-5119, invited public comments by interested persons as to measures which might be taken to make prospectuses and other documents filed with the Commission and distributed to the investing public more readable and understandable. A considerable number of very helpful comments and suggestions were received in response to that release and the proposals under consideration are based upon certain of the suggestions made. These proposals will be the first in a series of steps to be taken by the Commission in its continuous effort to improve the readibility of prospectuses.

The objective of making prospectuses more readable and understandable requires the cooperation of those who are participants in the preparation of registration statements. Accordingly, the Commission urges issuers, their officers and directors, underwriters, their respective counsels, and others involved to exercise due diligence not only to assure the accuracy of information in registration statements, but also to assure that such information is readable and understandable.

A brief description of the proposed action follows:

1. Rules 425A and 426 under the Act (17 CFR 230.425a, 230.426) and Guide No. 5 of the Guides for Preparation and Filing of Registration Statements, set forth in Securities Act Release 4936 (33 F.R. 18617) would be amended to remove from the cover page of prospectuses certain information heretofore required or permitted to be set forth thereon.

2. Guide No. 6 of the above-mentioned guides would be amended to require that dilution of the investor's equity in the enterprise be shown in pie-chart form, in addition to the textual description of dilution.

3. Guide No. 21 of the above-mentioned guides, which relates to the use of the proceeds from the offering, would be amended to require that the use of proceeds be shown in pie-chart form in addition to the textual statement with respect to such use.

The text of the proposed amendments is set forth below.

I. Paragraph (a) of § 230.425a of this chapter would be amended to read as follows:

§ 230.425a Statement required on prospectus regarding delivery of prospectuses by dealers.

(a) The statement set forth in paragraph (b) of this section shall be set forth on the inside front or back cover page of every prospectus, inserting the expiration date of the period prescribed by section 4(3) of the Act and § 230.174; except that this section shall not apply if, pursuant to § 230.174, dealers are not required to deliver a prospectus, or if the exemption provided by section 4(3) of the Act is not applicable because of the provisions of section 24(d) of the Investment Company Act of 1940. If such expiration date is not known on the effective date of the registration statement it shall be included in the prospectus copies of which are required to be filed pursuant to § 230.424(b).

* * * * *

[3] Exhibits A and B filed as part of the original document.

II. The first sentence of paragraph (a) of § 230.426 of this chapter would be amended to read as follows:

§ 230.426 Statement as to stabilizing.

(a) If the registrant or any of the underwriters know or has reason to believe that there is an intention to overallot or that the price of any security may be stabilized to facilitate the offering of the registered securities, there shall be set forth on the inside front cover page of the prospectus a statement in substantially the following form, subject to appropriate modification where circumstances require. * * *

* * * * *

III. Guide No. 5 of the Guides for Preparation and Filing of Registration Statements, published in Securities Act Release No. 4936 (33 F.R. 18617) would be amended to read as follows:

5. *Preparation of prospectuses.* In order to make prospectuses more readable and understandable, and therefore more useful, registrants should limit their length and complexity by careful organization of the material, appropriate arrangement and subordination of information, use of tables and the avoidance of prolix or technical language and unnecessary detail. In this connection, attention is directed to Rule 460(f) (17 CFR 230.460(f)).

The information set forth on the outside front cover page of prospectus should be limited to the following:

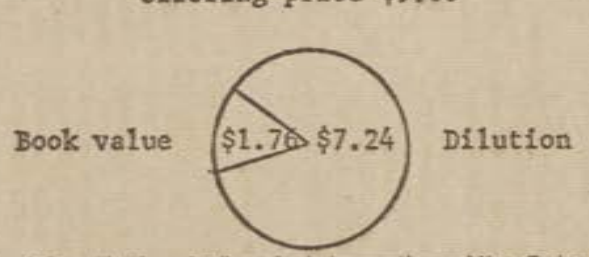
1. The name of the issuer;
2. The title and amount of securities offered;
3. The statement required by Rule 425 (17 CFR 230.425);
4. The table showing the per unit and total offering price to the public, underwriting discounts and commission and proceeds to the registrant or other persons;
5. The name of the underwriter or underwriters; and
6. The date of the prospectus.
7. If applicable, a brief statement of speculative risks with a cross reference to further discussion in the body of the prospectus.

In lieu of explanatory notes, the cover page should include only a reference or references to pertinent information set forth elsewhere in the prospectus.

IV. Guide No. 6 of the Guides for Preparation and Filing of Registration Statements would be amended by adding to the second paragraph thereof the following:

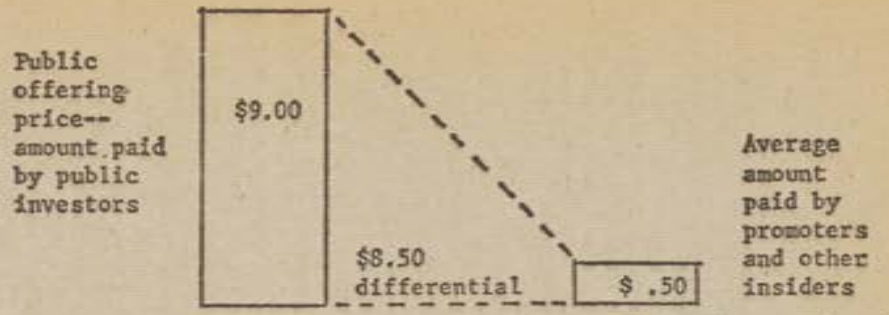
6. *Introductory statements.* * * *

In addition to the information required to be given in response to this paragraph, there shall be set forth a pie-chart in the following form to illustrate the dilution of the investor's equity in the enterprise:

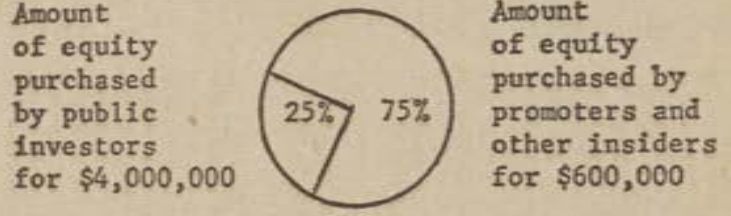


NOTE: Briefly define "book value" and "dilution" in the text of the answer.

There shall also be set forth a chart in the following form to illustrate the difference between the public offering price and the price paid by promoters and other insiders who have previously purchased shares of the registrant:



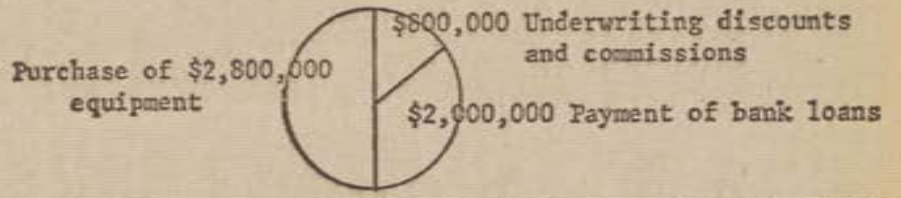
There shall be set forth a pie-chart in the following form to illustrate the percentage of equity in the enterprise purchased by the public investors and the percentage of such equity purchased by the promoters and other insiders:



V. Guide No. 21 of the Guides for Preparation and Filing of Registration Statements would be amended by adding thereto an additional paragraph reading as follows:

21. *Use of proceeds.* * * *

In addition to the information called for by the appropriate registration form with respect to the use of the proceeds from the offering, there shall be set forth a pie-chart in the following form to illustrate such use:



All interested persons are invited to submit their views and comments on the above proposals, in writing, to Alan B. Levenson, Director, Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549, on or before August 23, 1971. All such communications will be available for public inspection.

By the Commission, July 16, 1971.

[SEAL]

THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-10615 Filed 7-27-71;8:45 am]

Notices

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

COLORADO-UTE ELECTRIC ASSOCIATION, INC.

Draft Environmental Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Draft Environmental Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 in connection with a loan application from the Colorado-Ute Electric Association, Inc., of Montrose, Colo. This loan application includes financing for approximately seventy (70) miles of 230 kV. transmission line between the Hayden generating station and Wolcott, Colo., and approximately twenty (20) miles of 115 kV. transmission line between Wolcott and Vail, Colo.

Additional information may be secured on request submitted to Mr. James N. Myers, Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. Comments are particularly invited from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved from which comments have not been requested specifically.

Copies of the REA Draft Environmental Statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines of April 23, 1971. The Draft Environmental Statement may be examined during regular business hours at the offices of REA, in the South Agriculture Building, 12th and Independence Avenue SW., Washington, DC, Room 4322, or at the office of Colorado-Ute Electric Association, Inc., Post Office Box 1149, Montrose, CO 81401.

Comments concerning the environmental impact of the construction proposed should be addressed to Mr. Myers, at the address given above. Comments must be received within thirty (30) days of the date of publication of this notice to be considered in connection with the proposed use of loan funds.

Any loan which may be made pursuant to this application will be subject to, and release of funds thereunder contingent upon, REA's reaching satisfactory conclusions with respect to environmental effects and after compliance with Environmental Statement procedures required by the National Environmental Policy Act.

Dated at Washington, D.C. this 22d day of July 1971.

E. C. WEITZELL,
Acting Administrator,
Rural Electrification Administration.

[FR Doc.71-10754 Filed 7-27-71;8:52 am]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[Files Nos. 23(70)-20, 22(70)-8]

BERNARD CHOLLET

Order Extending Temporary Denial of Export Privileges

In the matter of Bernard Chollet, Maugarny 15, 95 Montlignon, France, respondent.

An order temporarily denying export privileges for a period of 60 days was issued against the above respondent on May 26, 1971 (36 F.R. 10814). Said order was issued in connection with an investigation instituted by the Investigations Division, Office of Export Control, Bureau of International Commerce. On the evidence presented there was reasonable basis to believe that respondent had knowingly participated in U.S. export transactions that resulted in the reexportation of U.S.-origin commodities to unauthorized destinations and that in the course of the investigation he had made false and misleading statements relating to his procurement and attempted procurement of U.S. goods.

The Director of said Investigations Division has applied under § 388.11 of the Export Control Regulations for an extension of the temporary denial order until completion of administrative compliance proceedings. He has represented that the issuance of a charging letter against the respondent which will contain allegations of violations of the Export Administration Act of 1969 is imminent. The charging letter will be transmitted for service on respondent and after such service he will have 30 days in which to answer the allegations thereof.

The application for extension of the temporary denial order has been considered by the Compliance Commissioner. He has found that such extension is reasonably necessary for the protection of the public interest. I confirm this finding. The Compliance Commissioner has recommended that the petition for extension be granted and that the temporary denial order be extended until completion of administrative compliance proceedings. I accept his recommendation.

Accordingly, it is hereby ordered:

I. The prohibitions and restrictions of the temporary denial order issued in this matter on May 26, 1971 (36 F.R. 10814) are hereby continued in full force and effect.

II. The respondent is denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Control Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent but also to his assigns, representatives, agents, and employees and to any person, firm, corporation, or business organization with which he now or hereafter may be related by ownership or control or which he could use to evade the purposes of this order.

IV. This order, unless hereafter amended, modified or vacated in accordance with the provisions of the U.S. Export Control Regulations, shall remain in effect until the completion of administrative compliance proceedings which will result from the charging letter to be issued against respondent.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with respondent or whereby the respondent may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license,

Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any said respondent; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served upon the respondent.

VII. In accordance with the provisions of Section 388.11(c) of the Export Control Regulations, the respondent may move at any time to vacate or modify this temporary denial order by filing an appropriate motion therefor, supported by evidence, with the Compliance Commissioner and may request an oral hearing thereon which, if requested, shall be held before the Compliance Commissioner in Washington, D.C. at the earliest convenient date.

Dated: July 22, 1971.

RAUER H. MEYER,
Director, Office of Export Control.

[FR Doc.71-10719 Filed 7-27-71;8:49 am]

Office of the Secretary

[Dept. Organization Order 25-5B]

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Organization and Functions

The following order was issued by the Secretary of Commerce on July 11, 1971. This material supersedes the material appearing at 36 F.R. 5922 of March 31, 1971; and 36 F.R. 11870 of June 22, 1971.

SECTION 1. *Purpose.* This order prescribes the organization and assignment of functions within the National Oceanic and Atmospheric Administration (NOAA).

SEC. 2. *Organization structure.* The organization structure and line of authority of NOAA shall be as depicted in the attached organization chart. (A copy of the organization chart is on file with the original of this document with the Office of the Federal Register.)

SEC. 3. *Office of the Administrator.* .01 The Administrator of NOAA formulates policies and programs for achieving the objective of NOAA and directs the execution of these programs.

.02 The Deputy Administrator assists the Administrator in formulating policies and programs and in managing NOAA.

.03 The Associate Administrator assists the Administrator and the Deputy Administrator in formulating policies and programs and in managing NOAA.

.04 The Administrator shall be further assisted by:

a. an Executive Office and Special Assistants as may be required;

b. a Federal Coordinator for Ocean Mapping and Prediction; and

c. a Federal Coordinator for Meteorological Services.

SEC. 4. *Special staff offices.* .01 The Office of General Counsel shall provide legal services for all components of NOAA, subject to the overall authority of the Department's General Counsel as provided in Department Organization Order 10-6.

.02 The Office of Congressional and Legislative Affairs shall coordinate contacts with Congress, except for matters relating to appropriations; in consultation with NOAA's General Counsel, formulate recommendations for legislative programs, and review, coordinate, and advise on all legislative matters affecting NOAA's programs and activities. These activities shall, as applicable, be carried out in coordination with and in recognition of the responsibilities of the Departmental Office of Congressional Relations, and of the Departmental Office of the General Counsel.

.03 The Office of International Affairs shall recommend policies and plans for U.S. participation in international activities relating to NOAA's programs; coordinate NOAA's policies on treaties and international multilateral and bilateral agreements; prepare and coordinate positions for U.S. participation in international organizations and maintain liaison with those organizations providing protocol and secretariat functions, as required, for U.S. representatives; manage NOAA's international training program; coordinate and advise on special programs for bilateral cooperation with foreign countries including U.S. AID programs. The Office of International Affairs will work through the offices of the Associate Administrators and appropriate major line components on matters of substance.

.04 The Office of Public Affairs shall recommend objectives and policies relating to public affairs; plan and conduct an information and education program to insure that the public, Congress, users groups, and employees are properly informed on matters relating to NOAA's activities and environmental safety and conservation; and provide direction to all public affairs activities within NOAA. These activities shall be carried out in collaboration with the Departmental Office of Public Affairs.

.05 The Office of Ecology and Environmental Conservation shall act as a central point to which ecological and environmental conservation interests can communicate their views on NOAA activities; act as a focal point for the review of all NOAA activities which impinge upon ecological and environmental conservation matters; review NOAA activities to insure full compliance with the purposes and provisions of sections 102 and 103 of the National Environmental Policy Act of 1969; coordinate preparation, within NOAA, of environmental statements and comments required by section 102 of the Act; and represent NOAA within the interagency councils of the Government on matters that involve ecology or environmental quality within NOAA's assigned responsibilities.

SEC. 5. *Associate Administrator for Marine Resources.* The Associate Administrator for Marine Resources shall maintain cognizance over and establish policy for NOAA's marine resources, mapping, charting, and geodetic programs and those closely related thereto except for marine environmental predictions (including observations taken in real time, or near real time for prediction purposes which are assigned to the Associate Administrator for Environmental Monitoring and Prediction). In exercising cognizance over the NOAA marine resources, mapping, charting, and geodetic programs, the following functions shall apply:

a. Assure development of plans and programs for adequate operational services and applied research for meeting user requirements.

b. Maintain current projections of resources required to implement approved plans, and make recommendations on existing and future programs.

c. Monitor and evaluate assigned programs in terms of planned accomplishment, quality and degree of responsiveness to user needs; recommend as necessary, program curtailments, redirections, expansions and new program initiatives.

d. Participate in interagency and international coordination and negotiation to assure that assigned programs are coordinated with related programs.

e. Discharge Federal coordinating functions assigned to Commerce under OMB Circular A-16 (national geodetic control and related surveys), and others as may be assigned by the Administrator.

SEC. 6. *Associate Administrator for Environmental Monitoring and Prediction.* The Associate Administrator for Environmental Monitoring and Prediction shall maintain cognizance over and establish policy for environmental satellite, meteorological, hydrologic, and marine services. Marine services include marine environmental observations taken in real time and near real time for predictions purposes and the prediction function itself. For all environmental monitoring and prediction activities indicated above, the following functions shall apply.

a. Assure development of plans and programs for adequate operational services and applied research for meeting user requirements.

b. Maintain current projections of resources required to implement approved plans, and make recommendations on existing and future programs.

c. Monitor and evaluate assigned programs in terms of planned accomplishments, quality and degree of responsiveness to user needs; and recommend as necessary, program curtailments, redirections, expansions and new program initiatives.

d. Participate in interagency and international coordination and negotiation to assure the assigned programs are coordinated with related programs.

e. Discharge Federal coordinating functions assigned to Commerce under OMB Circular A-62 (Federal meteorological services), those assigned to

NOAA for the World Weather Watch and the Integrated Global Ocean Station System, and others as may be assigned by the Administrator. Prepare World Weather Program plans including annual report.

While each Associate Administrator shall be responsible for reflecting the needs of his program area for data services, the Associate Administrator for Environmental Monitoring and Prediction shall have the added responsibility of maintaining cognizance over the program needs of the Environmental Data

SEC. 7. *Associate Administrator for Science and Technology.* The Associate Administrator for Science and Technology shall maintain cognizance over and establish policies for research and technology activities of NOAA. He will also maintain cognizance over and establish policy for NOAA's programs in inadvertent and conscious environmental modification. The following broad functions shall apply in fulfilling the above missions.

a. Obtain, evaluate and coordinate requirements of NOAA components for fundamental research and technology and assure that NOAA programs are developed to meet these requirements as well as those of the Nation as a whole.

b. Maintain and evaluate assigned programs and recommend program curtailments, redirections, expansions and new program initiatives.

c. Exercise leadership of NOAA committees on scientific research and technology development to assure integrated and well coordinated NOAA research and development programs.

d. Provide management and coordination for such programs as the Global Atmospheric Research Program (GARP) of the World Weather Program, International Hydrologic Decade, NOAA's Man-in-the-Sea Program, and the special foreign currency program.

e. Act as NOAA's focal point for coordination with the President's Office of Science and Technology; develop and coordinate NOAA's posture for deliberations by the Committees of the Federal Council for Science and Technology; and participate in interagency and international coordination and negotiation to assure that assigned programs are coordinated with related programs.

SEC. 8. *Office of Sea Grant.* The Office of Sea Grant shall provide grant support, primarily to institutions, for research, education and advisory services aimed at assisting man in the intelligent utilization of the seas and the Great Lakes of the United States.

SEC. 9. *Director of the NOAA Corps.* The Director of the NOAA Corps shall develop plans for the efficient utilization of the NOAA commissioned officers corps; develop and implement policies and procedures for the recruitment, commissioning, and assignment of commissioned officers; and represent NOAA in interdepartmental activities having to do with the uniformed services.

SEC. 10. *Assistant Administrator for Policy and Plans.* The Assistant Administrator for Policy and Plans shall undertake long-range planning, conduct policy analyses, and recommend NOAA policy; and guide and integrate the overall planning-programing functions of NOAA and acts as the NOAA focal point for disaster planning and preparedness. The following divisions shall perform the functions enumerated herein under the direction of the Assistant Administrator.

.01 The Policy Development Division shall provide guidance on long-range goals and plans for NOAA's major program areas, applying such planning factors as forecasts of technological advances, technological assessment, user needs and NOAA resource capacity and availability. The Division shall conduct cost-benefit analyses and other basic studies required in planning and carrying out programs of NOAA. It shall carry out policy analyses and recommend NOAA policy to the Administrator.

.02 The Program Integration Division shall act as the focal point for NOAA contacts with the Office of the Secretary and the Office of Management and Budget on NOAA program matters and shall guide the overall planning-programing functions of NOAA so as to assure the effective development and presentation of NOAA programs and to assure that NOAA fully meets the needs and requirements of the Office of the Secretary and the Office of Management and Budget (OMB). The Division shall provide advice to NOAA officials and discharge the following specific planning-programing functions: manage the annual review of NOAA programs; consolidate and integrate program guidance developed by the program Associate Administrators for approval and issuance by the Administrator; integrate programs developed by the program Associate Administrators into a single NOAA program and prepare special analyses; develop the annual Program Memorandum based on inputs from the program Associate Administrators; provide guidance to Associate Administrators on the development of issue studies requested by the Office of the Secretary and OMB in conjunction with the program-budget cycle; collaborate closely with the Assistant Administrator for Administration throughout the annual planning-programing-budgeting cycle; and consolidate program related reports for transmittal to higher Headquarters which concern more than one Associate Administrator (e.g., the Managers' Improvement Program and the Quarterly Project Improvement Report).

.03 The Office of Emergency Services shall serve as NOAA's focal point for natural disaster planning, monitoring and followup, and direct NOAA's emergency readiness planning activities. It shall develop or monitor the development of NOAA's input to Federal Disaster Plans; prepare natural hazards warning service plans which involve more than one major line component; alert the Administrator to impending natural disasters and provide information upon actual occurrence in near real time; and initiate natural disaster followup activities, either taking the lead role or monitoring surveys as appropriate. The Office shall conduct NOAA's emergency readiness planning activities to provide for the development of plans for the continuity of Headquarters operations, the continuity of vital environmental services, and the transfer of selected NOAA facilities and personnel to DOD in time of war emergency. It shall provide logistical support for the testing and implementation of these plans and provide readiness plans.

SEC. 11. *Assistant Administrator for Administration.* The Assistant Administrator for Administration shall provide administrative management and support services for all components of NOAA except for elements of such services that appropriate components are directed to provide for themselves, exercise functional supervision over such decentralized services, and provide advice and guidance to the Administrator on the allocation of NOAA resources. To carry out his responsibilities, the Assistant Administrator shall have and direct the following units.

.01 The Administrative Operations Division shall perform the following functions: Property and supply management; directives management; records and files management; reports management; space and facilities management; travel and transportation services; mail, messenger, and related office services; graphic services; safety; security; and processing of tort claims.

.02 The Budget Division shall formulate and interpret budgetary policies and procedures; analyze and aggregate NOAA budgetary requirements; prepare and present formal budget documents and justifications to the Office of the Secretary; develop and recommend fiscal plans to assure optimum use of available funds; allocate and maintain budgetary control of funds; and review and report on execution of approved budgets and associated fiscal plans.

.03 The Management Systems Division shall conduct studies and provide other analytical assistance to develop or improve the organization structure and other management systems of NOAA and to improve the economy and effectiveness of NOAA activities; perform ADP systems analysis and programing required for administrative management functions; and operate a system for assembling and preparing analytic summaries of administrative and program performance information for NOAA's top management.

.04 The Personnel Division shall provide personnel management services by conducting recruitment, employment, classification and compensation, employee relations, labor relations, incentive awards, and career development activities for civilian personnel.

.05 The Finance Division shall provide centralized financial accounting for all components of NOAA, determine needs of managers for accounting data, and maintain a financial reporting system that will facilitate effective management of NOAA's financial resources.

.06 The Computer Division shall operate an automatic data processing facility for all components of NOAA, except where separate ADP facilities are approved; provide programing assistance and advice; exercise overall management of NOAA's ADP needs and facilities; and coordinate needs for and uses of NOAA telecommunications facilities.

.07 The Radio Frequency Management Division shall, as a Department-wide responsibility, coordinate the requirements and the management and use of radio frequencies by all organizations of the Department of Commerce.

.08 The Northwest Administrative Service Office shall provide administrative services responsive to the requirements of the NMFS Northwest and Southwest Regions, the NOS Pacific Marine Center, and such other NOAA organizational units which can be accommodated within the NASO geographical limits. These services shall include personnel administration, budget and financial management, management analysis, procurement and contracting, property management, motor vehicle pool operation, and office services.

SEC. 12. *National Marine Fisheries Service.* The National Marine Fisheries Service (NMFS) shall conduct an integrated program of research and services related to the protection and rational use of living marine resources for their aesthetic, economic, and recreational value by the American people. The Service shall administer programs to determine the consequences of the naturally varying environment and man's activities on living marine resources; to provide knowledge and services to foster their efficient and judicious use; and to achieve domestic and international management, use and protection of living marine resources. The Service shall be organized as set forth below.

.01 Office of the Director: The Director shall formulate and execute basic policies and manage the Service. He shall be immediately assisted by a Deputy Director. The Director shall also be assisted by the Planning and Policy Development Staff, Executive Support Staff, and International Activities Staff.

.02 The Office of Resource Research shall plan, develop, and manage research programs designed better to understand living marine resources and the environmental quality essential for their existence, and to describe options for their utilization consistent with national needs and goals. The Office's activities shall include biological surveys designed to monitor, assess and predict abundance and availability of living marine resources; collection and documentation of scientific data for protecting access of U.S. citizens to living marine resources; and development and interpretation of data for use by managers of resources. It shall also conduct research on the potential of mariculture, the assessment and characterization of the living resources, and the improvement of fish detection and harvesting systems.

.03 The Office of Resource Utilization shall plan, develop, manage, and evaluate programs of economic and market research; of fishery statistical and market news information; of financial assistance to the fishing industry in the form of loans, mortgage and loan insurance, and subsidies; of microbiological, chemical, and technological research to enhance the quality and utilization of fishery resources; of voluntary inspection and certification of fishery products; and to improve marketing practices and alleviate extraordinary short term supply-demand imbalances. The Office shall conduct a national research program in fishery products technology.

.04 The Office of Resource Management shall plan, develop, and evaluate programs to improve the management of fishery resources so as to achieve the appropriate allocation of these resources and their environment among competing users. It shall develop national guidelines for managing fisheries for biological, economic and social purposes; shall provide a mechanism through legislation, coordination, and cooperation for the States and the Federal Government jointly to manage resources within these guidelines; and shall administer a grant-in-aid program to improve the capability of the States to conduct coordinated fisheries research, development and management programs. The Office also shall manage programs concerning enforcement of regulations prescribed by international agreements applicable to U.S. Nationals; surveillance of foreign fishing operations; the Pribilof Islands; water resources management and Columbia River development; and fishery extension services.

.05 a. The field structure shall consist of the following organizational elements:

(1) Five Regional Offices as shown in Exhibit 2. Regional Offices shall act as representatives of the Director with State conservation agencies, recreational interests, the fishing industry, universities, and the general public. Regional Offices shall also plan, organize, and manage regionalized fishery resource research, conservation, management, and utilization programs within the geographical area of responsibility. (A copy of Exhibit 2 is on file with the original of this document with the Office of the Federal Register.)

(2) Fisheries Research Centers and Laboratories, and Fishery Products Technology Centers and Laboratories which shall report to program components at the Headquarters of NMFS or Regional Offices, as appropriate.

b. The Southeast, Northeast, and Alaska Regions shall provide their own administrative support and, where feasible and practical, extend this support to other NOAA field units. The Northwest and Southwest Regions shall obtain administrative support from the Northwest Administrative Service Office at Seattle, Wash. The Fishery Research Center and Laboratories and Fishery Products Technology Centers and Laboratories shall obtain administrative support from the nearest NMFS Regional Office or the Northwest Administrative Service Office.

SEC. 13. *National Ocean Survey.* The National Ocean Survey (NOS) shall provide charts for the safety of marine and air navigation; provide a basic network of geodetic control; and provide basic data for engineering, scientific, commercial, industrial and defense needs, support the quest for more knowledge of our environment and undertake a program of marine technology development to observe, measure and chart oceanic phenomena and resources. In performance of these functions, it shall conduct surveys, investigations, analyses and research and technology development; and shall disseminate data in the fields of geodesy, gravity, astronomy, aeronautical charting, hydrography, oceanography, and marine technology. The NOS shall be organized as set forth below.

.01 Office of the Director: The Director shall formulate and execute basic policies and manage the NOS. He shall be immediately assisted by a Deputy Director. The Director shall also be assisted by the Executive and Technical Services Staff which shall provide policy and management advice to the Director; lead and coordinate program planning, budgeting, and financial management activities; operate an electronic data processing facility; and provide executive and technical services in support of programs throughout the NOS.

.02 The Office of National Geodetic Survey shall fulfill national requirements for a system of geodetic control for precise gravimetric and global configuration and mensuration data. It shall establish and maintain a geodetic control network based on satellite observations; plan and direct geodetic, gravity, astronomic, earth movement and boundary surveys; make observations for variation of latitude and longitude; disseminate geodetic data; and conduct related research.

.03 The Office of Fleet Operations shall manage the NOAA fleet and the NOAA ship facilities in support of the NOAA marine program. It shall direct and monitor ship operating schedules and activities related to ship operations, repairs and maintenance of vessels, vessel complements, and special equipment and instrumentation unique to NOAA ships. The Office shall be responsive to overall NOAA fleet service requirements.

.04 The Office of Marine Surveys and Maps shall contribute to the safety of marine navigation through nautical charting and related publications, and seek added knowledge about the states and processes of the ocean. It shall plan and direct marine geophysical mapping and services, hydrographic and oceanographic surveys; analyze physical phenomena pertaining to the sea, including tide and current phenomena, the dynamic and physical properties of sea water and shoreline and bottom configuration as they affect sea wave and current propagation and attenuation; operate a network of tide stations; compile survey data, including the compilation of nautical charts and marine geophysical maps; and conduct research. It shall also

make studies and conduct photogrammetric surveys for coastal mapping, seaward boundaries and coastal evacuation maps.

.05 The Office of Aeronautical Charting and Cartography shall contribute to the safe navigation of air commerce and provide nautical and aeronautical charts for widespread use. It shall collect and evaluate air navigation information and compile aeronautical chart manuscripts; print and distribute nautical and aeronautical charts; maintain liaison with interests concerned with navigation regulations and information; and conduct research in support of these programs. The Office also shall print and distribute weather charts and related documents.

.06 The Office of Marine Technology shall act as the focus of the national effort for technology related to testing, evaluation and calibration of sensing systems for ocean use, and to enhance the quality of such systems by the dissemination of operational results and technical information to the national oceanographic community. It shall serve NOAA with marine systems technology, ocean engineering, sensor systems, buoy systems, data automation systems and other technology functions as may be assigned, and shall assist with the design, development, and procurement in these technical areas.

.07 a. The Field Structure shall consist of the following organizational elements:

(1) The Atlantic and Pacific Marine Centers shall direct the operation of ocean-going survey ships; maintain ship bases at Norfolk, Miami, and Seattle; operate shore facilities for processing oceanographic data and compiling photogrammetric survey data; and manage photogrammetric field units.

(2) The Lake Survey Center shall conduct surveys of the Great Lakes and their outflow rivers, Lake Champlain, New York State Barge Canal, the Minnesota-Ontario Border Lakes, and compile and publish charts and related publications. It shall plan and collect data relating to the Great Lakes including hydrology, flood and storm protection, power generation, beach erosion, shore structures, and ice and snow as they apply to navigation, and conduct related research.

(3) The National Data Buoy Center, National Oceanographic Instrumentation Center, and the National Geodetic Survey Operation Center shall report to the appropriate components at the Headquarters of NOS.

b. The Atlantic Marine Center and the Lake Survey Center shall provide their own administrative support, including that required by vessels under their respective jurisdictions, and, where feasible and practical, extend this support to other NOAA field units. The Pacific Marine Center shall obtain administrative support, including that required by vessels under its jurisdiction, from the Northwest Administrative Service Office at Seattle. The National Data Buoy Center and the National Oceanographic Data Center shall receive administrative support from NOAA Headquarters. The National Geodetic Survey Operations Center shall obtain administrative support, as feasible, from the National Weather Service Regional Office at Kansas City.

SEC. 14. *National Weather Service.* The National Weather Service (NWS) shall observe and report the weather, river, and ocean conditions of the United States and its possessions, issue forecasts and warnings of weather, flood and ocean conditions that affect the Nation's safety, welfare and economy; develop the National Meteorological, Hydrologic and Oceanic Service Systems; participate in international meteorological, hydrologic, oceanic and climatological activities, including exchange of data and forecasts; and provide forecasts for domestic and international aviation and for shipping on the high seas. The Service shall be organized as set forth below.

.01 Office of the Director:

a. The Director shall formulate and execute basic policies and manage the Service. He shall be immediately assisted by a Deputy, an Executive Affairs Staff, a Resources Management Staff, and a Manpower Utilization Staff.

b. The Engineering Division shall be responsible for engineering aspects of procurement specifications, contract monitoring, coordination of training, test and inspection, equipment reconditioning, installation and maintenance standards and procedures, and field modification of all facilities, equipment and instruments of NWS and other NOAA organization units on a designated organization basis.

.02 The Office of Meteorological Operations shall have cognizance over and establish policies and procedures to observe, prepare, and distribute forecasts of weather conditions and warnings of severe storms and other adverse weather conditions for protection of life and property; develop the plans and procedures for operation of meteorological and climatological field services; and serve as the primary channel for coordination NWS field services operations and for technical aspects of meteorological programs.

.03 The Office of Hydrology shall have cognizance over and establish policies and procedures to provide river and flood forecasts and warnings, and water supply forecasts; conduct research to improve river and flood forecasts and warnings; and analyze and process hydrometeorological data for use in water resource planning and operational problems.

.04 The Systems Development Office shall manage, plan, design, and develop a system to meet all meteorological, hydrological, and oceanographic service requirements of the NWS; develop, test, and evaluate techniques and equipment; and translate research results into operational practices.

.05 The National Meteorological Center shall provide analyses of current weather conditions over the globe and depict the current and anticipated state of the atmosphere for general national and international uses; conduct development programs in numerical weather prediction; and lead in the extension and application of advanced techniques.

.06 The Office of Oceanography shall establish policies and develop plans and procedures for observing, collecting, and processing data for forecasts and warnings of the oceanic environment and their dissemination to users. The Office shall serve as the primary channel for coordinating all aspects of the NWS oceanographic service programs and procedures.

.07 The Field Structure shall consist of six regions as shown in Exhibit 3. A region shall consist of a Regional Office managed by a Regional Director, and field offices reporting to the Regional Director. (A copy of Exhibit 3 is on file with the original of this document with the Office of the Federal Register.)

a. Each region shall provide weather, river and oceanic services within its prescribed geographical area by issuing forecasts and warnings of weather, flood and oceanic conditions, and shall conduct operational and scientific meteorological, hydrological, oceanographic and climatological service programs as are assigned to it.

b. Regional Offices shall provide administrative and technical support for all NWS components in their respective regions and shall provide such services to other components of NOAA as determined to be practicable and advantageous to NOAA.

Sec. 15. *Environmental Data Service.* The Environmental Data Service (EDS) shall acquire, process, archive, analyze, and disseminate worldwide environmental (solid earth, marine, atmospheric, solar, and aeronomy) information, data, and products for use by commerce, industry, the scientific and engineering community, the general public and for Federal, State, and local governments; guide applied research pertinent to the improvement of such services; provide relevant World Data Center facilities; coordinate international exchange activities in oceanic, climatological, geophysical, solar, and aeronomy data; and shall provide editorial, publishing, library, and related information services. The Service shall be organized as set forth below.

.01 Office of the Director:

a. The Director shall formulate and execute basic policies and shall manage the Service. He shall be immediately assisted by Associates for Climatology, Marine Sciences, and Geophysics. The Director shall be further assisted by a Senior Research Fellow; an Executive Office; and offices for Special Projects, System Design, Publication and Media, and Resources Management.

b. The Laboratory for Environmental Data Research shall analyze, process, interpret geophysical, oceanographic, aeronomic, and climatological data and anticipate applications of these data for design and risk assessment and stimulate the required research.

.02 The Environmental Science Information Center shall develop policies for and provide editorial and publishing services to NOAA components; manage central library system; provide functional guidance to NOAA libraries; and develop and implement automated scientific information systems for NOAA and external use.

.03 The National Climatic Center shall acquire, process, archive, and disseminate climatological data and develop analytical and descriptive products to meet user requirements, and shall provide facilities for the World Data Center—A (Meteorology and Nuclear Radiation).

.04 The National Oceanographic Data Center shall acquire, process, archive, and disseminate oceanographic data and develop analytical and descriptive products to meet user requirements and provide facilities for the World Data Center—A (Oceanography).

.05 The National Geophysical Data Center shall acquire, process, archive, and disseminate geophysical data and develop analytical and descriptive products to meet user requirements, and provide facilities for the World Data Center—A (Geomagnetism, Gravity, and Seismology).

.06 The Aeronomy and Space Data Center shall acquire, process, archive, evaluate and disseminate data, and produce analytical and climatological products pertaining to the ionospheric, solar and other space environment activities and provide facilities for the World Data Center—A (Upper Atmosphere Geophysics).

SEC. 16. *National Environmental Satellite Service.* The National Environmental Satellite Service (NESS) shall provide observations of the environment by operating the National Environmental Satellite System; increase the utilization of satellite data in environmental services; and manage and coordinate all operational satellite programs within NOAA and certain research-oriented satellite activities with NASA and DOD. The Service shall be organized as set forth below.

.01 Office of the Director: The Director shall formulate and execute basic policies and manage the Service. He shall be immediately assisted by a Deputy, a Chief Space Scientist, a Planning and Coordinaton Group and a Support Service Group.

.02 The Office of Operations shall provide data from environmental satellites and increase the value and the use of these data by operating the NOAA environmental satellite systems, including collecting, processing, and analyzing data from operational and specified research and development satellites, and developing new and improved applications of satellite data.

.03 The Office of System Engineering shall provide the planning, design, and engineering necessary to fulfill NOAA's requirements for environmental satellite systems; conduct systems design and analysis; explore possible multipurpose uses of environmental satellite systems; and perform the engineering required to implement new or modified satellite systems.

.04 The Office of Research shall improve understanding of the environment through satellite data and provide new and improved satellite measurement techniques and applications.

SEC. 17. *Environmental Research Laboratories.* The Environmental Research Laboratories (ERL) shall conduct an integrated program of research, fundamental technology development, and services relating to the oceans and inland waters, the lower and upper atmosphere, the space environment, and the solid earth so as to increase understanding of man's geophysical environment and thus provide the scientific basis for improved services. The ERL shall be organized as set forth below.

.01 Office of the Director:

a. The Director shall formulate and execute basic policies and manage ERL. He shall be immediately assisted by a Deputy Director.

b. The Office of Programs shall provide policy and management advice to the Director; lead and coordinate program planning activities, including PPBS requirements; coordinate ERL's activities with national and international scientific programs; review and evaluate current programs; develop a management information system; and provide related staff assistance to the Director.

c. The Office of Research Support Services shall provide administrative and technical services to all ERL components at Boulder, Colo., and at other locations except as otherwise specified.

d. The Program Manager for Weather Modification shall have technical cognizance over laboratory work in experimental weather modification; and in particular, shall have line management authority over the Experimental Meteorology Laboratory and the Research Flight Facility.

e. The Center for Experiment Design and Data Analysis shall plan data collection, processing, and computational phases of major environmental field projects. During major experiments it shall conduct quality and calibration tests to assure project results.

.02 The Earth Sciences Laboratories shall conduct research in geomagnetism, seismology, geodesy and related earth sciences, seeking fundamental knowledge of earthquake processes, of internal structure and accurate figure of the earth, and the distribution of its mass. In its environmental services program, the Laboratories shall investigate and measure seismic and geomagnetic phenomena and their relation to the state and structure of the earth; and fulfill national requirements for standardized seismic and geomagnetic data. Towards doing that it shall collect, analyze, and compile and disseminate data on a national and worldwide basis; and maintain liaison with geophysicists throughout the world. It shall also operate seismic sea wave warning systems.

.03 Oceanographic Laboratories:

a. The Atlantic Oceanographic and Meteorological Laboratories shall conduct research toward a fuller understanding of the ocean basins and borders, of oceanic processes, ocean-atmosphere interactions, and the origin, structure and motion of hurricanes and other tropical phenomena.

b. The Pacific Oceanographic Laboratories shall conduct oceanographic research toward fuller understanding of the ocean basins and borders, or oceanic processes, sea-air and land-sea interactions as required to improve the marine scientific services and operations of NOAA.

.04 The Marine Minerals Technology Center shall conduct marine minerals research to improve the fundamental technology that will make it possible for industry to develop undersea minerals commercially in a manner that is safe to the environment as well as compatible with other uses of the sea; develop, test and evaluate tools and techniques for delineating the important characteristics of marine mineral deposits; and develop, test, and evaluate marine mining systems that are compatible with the principle of multiple use of the marine environment.

.05 Space and Aeronomy Laboratories:

a. The Space Environment Laboratory shall conduct research in the field of solar-terrestrial physics; develop techniques necessary for forecasting of solar disturbances and their subsequent effects on the earth environment; and provide environment monitoring of forecasts.

b. The Aeronomy Laboratory shall study the nature of and the physical and chemical processes controlling the ionosphere and exosphere of the earth and other planets. Theoretical, laboratory, ground-based, rocket and satellite studies are included.

c. The Wave Propagation Laboratory shall act as a focal point for the development of new methods for remote sensing of man's geophysical environment. Special emphasis shall be given to the propagation of sound waves and electromagnetic waves at millimeter, infrared and optical frequencies.

.06 Atmospheric Laboratories: a. The Atmospheric Physics and Chemistry Laboratory shall perform research on processes of cloud physics and precipitation and the chemical composition and nuclearing substance in the lower atmosphere. The Laboratory is NOAA's major focus for design and conduct of laboratory and field experiments towards developing feasible methods of practical, beneficial weather modification.

b. The Air Resources Laboratories shall conduct research on the diffusion, transport, and dissipation of atmospheric contaminants, using laboratory and field experiments to develop methods for prediction and control of atmospheric pollution.

c. The Geophysical Fluid Dynamics Laboratory shall conduct investigations

of the dynamics and physics of geophysical fluid systems to develop a theoretical basis, by mathematical modeling and computer simulation, for the behavior and properties of the atmosphere and the ocean.

d. The National Severe Storms Laboratory shall conduct studies of tornadoes, squall lines, thunderstorms and other severe local convective phenomena in order to achieve improved methods of forecasting, detecting and providing advance warning of their occurrence and severity.

Effective date: July 11, 1971.

LARRY A. JOBE,
Assistant Secretary for Administration.

[FR Doc.71-10685 Filed 7-27-71;8:46 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

DEPUTY COMMISSIONER ET AL.

Delegation of Authority To Issue Subpenas

Authority to issue subpenas, as vested in the Secretary of Health, Education, and Welfare by section 205(d) of the Social Security Act (42 U.S.C. 401 et seq.), has been delegated by the Secretary to the Commissioner of Social Security (section 8-D.1. of the HEW Statement of Organization, Functions, and Delegations of Authority, 33 F.R. 5836). Notice is given that authority to issue subpenas is hereby redelegated as follows:

With respect to any investigation or other proceeding authorized or directed under Title II or Title XVIII of the Social Security Act, as amended, or relative to any other matter within the jurisdiction of the Commissioner of Social Security, the following Social Security Administration officials shall have the authority, within the areas indicated, to issue subpenas requiring the attendance and testimony of witnesses and/or the production of evidence relevant and material to any matter under investigation or in question before the Social Security Administration:

Official	*Area of Authority*
1. Deputy Commissioner.	SSA-wide.
2. Assistant Commissioner for Administration.	Cases in SSA components located in the national headquarters complex in the Baltimore-Washington area and cases in the regions which are referred for protration's Investigation by the Office of Administration's Investigations Branch.
3. Regional Commissioner.	Cases in the respective SSA geographical region.

Limitation: This authority cannot be redelegated.

These delegations of authority shall be effective upon publication in the FEDERAL REGISTER (7-28-71).

Dated: July 16, 1971.

ROBERT M. BALL,
Commissioner of Social Security.

[FR Doc.71-10688 Filed 7-27-71;8:46 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-255]

CONSUMERS POWER CO.

Order Reconvening Hearing for August 3, 1971

On July 22, 1971, Consumers Power Co. (Applicant) filed a request by telegram that a hearing be scheduled in this proceeding for the first week in August. In the telegram, it was represented that Applicant and the Regulatory Staff of the Commission had completed an evaluation of the emergency core cooling system for the nuclear power facility here involved at 60 percent of rated power, or at 1,320 thermal megawatts.

Wherefore, in accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Commission; *It is ordered*, That a hearing in this proceeding shall convene at 9:30 a.m. on Tuesday, August 3, 1971, in the Van Deusen Auditorium of the City Library System at 315 South Rose Street, Kalamazoo, MI.

Issued: July 23, 1971, Germantown, Md.

ATOMIC SAFETY AND LICENSING BOARD
SAMUEL W. JENSCH,
Chairman.

[FR Doc.71-10838 Filed 7-27-71;8:53 am]

[Docket No. 50-385]

MITSUBISHI INTERNATIONAL CORP.

Notice of Issuance of Facility Export License

Please take notice that no request for a formal hearing having been filed following publication of notice of proposed action in the FEDERAL REGISTER on May 25, 1971 (36 FR 9478), the Atomic Energy Commission has issued License No. XR-79 to Mitsubishi International Corp., authorizing the export of a 2,440-megawatt thermal, pressurized water reactor to the Kansai Electric Power Co., Osaka, Japan. The export of the reactor to Japan is within the purview of the present Agreement for Cooperation Between the Government of the United States and the Government of Japan.

Dated at Bethesda, Md., this 8th day of July 1971.

For the Atomic Energy Commission.

LYALL JOHNSON,
Director, Division of State and Licensee Relations.

[FR Doc.71-10679 Filed 7-27-71;8:46 am]

[Docket No. 50-393]

WESTINGHOUSE ELECTRIC INTERNATIONAL CO.

Notice of Application for and Atomic Energy Commission Consideration of Issuance of Facility Export License

Please take notice that Westinghouse Electric International Co., New York, N.Y., has submitted to the Atomic Energy Commission (Commission) an application dated June 2, 1971, as amended, for a license to authorize the export of a 1,732.5-megawatt thermal, pressurized water reactor to the Korea Electric Co., Seoul, Korea, and that the issuance of such license is under consideration by the Commission.

No license authorizing the proposed reactor export will be issued until the Commission determines that such export is within the scope of and consistent with the terms of an applicable agreement for cooperation arranged pursuant to section 123 of the Atomic Energy Act of 1954, as amended (Act), nor until the Commission has found that:

(a) The application complies with the requirements of the Act, and the Commission's regulations set forth in Title 10, Chapter 1, Code of Federal Regulations, and

(b) The reactor proposed to be exported is a utilization facility as defined in said Act and regulations.

In its review of applications solely to authorize the export of production or utilization facilities, the Commission does not evaluate the health and safety characteristics of the facility to be exported.

Unless within 15 days after the publication of this notice in the FEDERAL REGISTER, a request for a hearing is filed with the Commission by the applicant, or a petition for leave to intervene is filed by any person whose interest may be affected by the proceeding, the Director of Regulation may upon the determinations and findings noted above cause to be issued to the Westinghouse Electric International Co., a facility export license and may cause to be published in the FEDERAL REGISTER a notice of issuance of the license. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in the notice, the Commission will issue a notice of hearing or an appropriate order.

A copy of the application, dated June 2, 1971, as amended, is on file in the Commission's Public Document Room located at 1717 H Street NW., Washington, DC.

Dated at Bethesda, Md., this 8th day of July 1971.

For the Atomic Energy Commission.

LYALL JOHNSON,
Director, Division of State and Licensee Relations.

[FR Doc.71-10678 Filed 7-27-71;8:46 am]

CIVIL AERONAUTICS BOARD

[Docket No. 22118]

HAWAIIAN SERVICE INVESTIGATION

Notice of Further Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled investigation is further postponed until September 2, 1971, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned examiner.

The date for filing requests for information and evidence, proposed statements of issues, and procedural dates by Aloha and Hawaiian Airlines and by the intervenors is postponed until August 25, 1971.

Dated at Washington, D.C., July 21, 1971.

[SEAL] MILTON H. SHAPIRO,
Hearing Examiner.

[FR Doc.71-10734 Filed 7-27-71;8:51 am]

[Dockets Nos. 20993, 22628; Order 71-7-121]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Currency Matters

Issued under delegated authority July 21, 1971.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA), and adopted by mail votes. The agreement has been assigned the above-designated CAB agreement number.

The agreement would amend the existing IATA resolutions governing rates of exchange and the rounding off of passenger fares and cargo rates, for purposes of publication and sale in local currencies, so as to reflect the implementation of a decimal currency system in Gambia.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.15, it is not found, on a tentative basis, that the following resolutions, which are incorporated in the agreement as indicated, are adverse to the public interest or in violation of the Act:

Agreement CAB	*IATA Resolutions*
22537	
R-1	100(Mail 875)021b. 200(Mail 106)021b. 300(Mail 359)021b.
R-2	100(Mail 875)023a. 200(Mail 106)023a. 300(Mail 359)023a. JT12(Mail 773)023a. JT23(Mail 279)023a. JT31(Mail 202)023a. JT123(Mail 669)023a.
R-3	100(Mail 875)023b. 200(Mail 106)023b. 300(Mail 359)023b. JT12(Mail 773)023b. JT23(Mail 279)023b. JT31(Mail 202)023b. JT123(Mail 669)023b.

Accordingly, it is ordered, That:

Action Agreement CAB 22537, R-1 through R-3, be and hereby is deferred, with a view toward eventual approval.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-10735 Filed 7-27-71;8:51 am]

[Docket No. 20993; Order 71-7-122]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority July 21, 1971.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated July 6, 1971, names an additional specific commodity rate, as set forth below, which reflects a significant reduction from the general cargo rates.

Commodity Item No. 2199:
Yarn, Thread, Fibers, Textiles, Textile Manufacture and Wearing Apparel, N.E.S., 254 cents per kg., minimum weight 100 kgs., Kathmandu to New York.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act: *Provided*, That tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement CAB 22332, R-15, be and hereby is deferred, with a view toward eventual approval: *Provided*, That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication; provided further that such tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-10736 Filed 7-27-71;8:51 am]

ENVIRONMENTAL PROTECTION AGENCY

CIBA-GEIGY CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)1), 68 Stat. 512; 21 U.S.C. 346a(d) (1)), notice is given that a petition (PP 1F1174) has been filed by Ciba-Geigy Corp., Post Office Box 1090, Vero Beach, FL 32960, proposing the establishment of a tolerance (21 CFR Part 420) for negligible residues of the herbicide chloroxuron (3-[*p*-(*p*-chlorophenoxy) phenyl]-1,1-dimethylurea) and its metabolites containing the *p*-(*p*-chlorophenoxy) aniline moiety calculated as chloroxuron in or on the raw agricultural commodity celery at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the herbicide involves hydrolysis to *p*-(*p*-chlorophenoxy) aniline followed by steam distillation. The *p*-(*p*-chlorophenoxy) aniline is diazotized and coupled with *N*-1-naphthylenediamine to form a colored compound which is determined spectrophotometrically at 578 nanometers.

Dated: July 21, 1971.

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

[FR Doc.71-10738 Filed 7-27-71;8:53 am]

INTERNATIONAL MINERALS AND CHEMICAL CORP.

Notice of Withdrawal of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d) (1)), the following notice is issued:

In accordance with § 420.8 *Withdrawal of petitions without prejudice* of the pesticide procedural regulations (21 CFR 420.8), International Minerals and

Chemical Corp., Libertyville, Ill. 60048, has withdrawn its petition (PP 1F1015), notice of which was published in the FEDERAL REGISTER of September 23, 1970 (35 F.R. 14797), proposing the establishment of tolerances (21 CFR Part 420) for negligible residues of the plant regulator 2,3,5-triiodobenzoic acid and/or its dimethylamine salt (calculated as 2,3,5-triiodobenzoic acid) in or on the raw agricultural commodities peanuts and peanut hay and hulls at 0.15 part per million.

Dated: July 21, 1971.

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

[FR Doc.71-10739 Filed 7-27-71;8:53 am]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 19282, 19283; FCC 71-728]

MOBILFONE CORP. ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Mobilfone Corp. for new facilities in the Domestic Public Land Mobile Radio Service at Minneapolis, Minn., Docket No. 19282, File No. 4290-C2-P-69; Minnesota Communications Corp. for new facilities in the Domestic Public Land Mobile Radio Service at St. Louis Park, Minn., Docket No. 19283, File No. 5741-C2-P-69; and Airsignal International, Inc., for new facilities in the Domestic Public Land Mobile Radio Service at Minneapolis-St. Paul, Minn., File No. 2893-C2-P-69.

1. The Commission has before it for consideration (a) an application filed January 21, 1969, by the Mobilfone Corp. (Mobilfone) for a construction permit to establish a new one-way signaling service in the Domestic Public Land Mobile Radio Service (DPLMRS) on 158.70 MHz at Minneapolis, Minn.; (b) an application filed March 28, 1969, by the Minnesota Communications Corp. (Minnesota Communications) for a construction permit to establish a new one-way signaling service in the DPLMRS on 158.70 MHz at St. Louis Park, Minn.; (c) a Petition to dismiss the Mobilfone application filed January 29, 1971, by Minnesota Communications; (d) a statement dated February 5, 1971, from Mobilfone; (e) an opposition to petition to dismiss application filed February 25, 1971, by Mobilfone; (f) a Reply filed March 31, 1971, by Minnesota Communications to Mobilfone's opposition of February 25, 1971; and (g) an application filed November 14, 1968, by Airsignal International, Inc. to establish a new one-way signaling service in the DPLMRS on 152.24 MHz at Minneapolis-St. Paul, Minn.

2. Mobilfone is the permittee of Station KRS663 in the DPLMRS at Minneapolis, Minn., and is authorized to construct two-way radiotelephone facilities operating on a base station frequency of 454.250 MHz and a companion mobile frequency of 459.250 MHz. The transmitter and control point location of the proposed one-way signaling service would be the same as that specified in the outstanding construction permit (File No. 2255-C2-P-70) for the two-way facility.

3. Minnesota Communications is the licensee of Station KDN408 in the DPLMRS at St. Louis Park, a community immediately adjacent to Minneapolis, Minn. KDN408 is authorized to operate on a base station frequency of 152.09 MHz with associated mobile units operating on 158.55 MHz. The transmitter and control point location for its proposed one-way signaling service is identical to that of the two-way facility authorized under its current license. (See FCC File No. 5727-C2-L-69.)

4. Both applications propose operation on 158.70 MHz in the same geographical area and, thus, are mutually exclusive because of potential electrical interference. The applicants appear to be legally and financially qualified to provide the services proposed in their applications; both appear to have appropriate authority from the Minnesota Public Service Commission; and, in addition, Minnesota Communications appears to be technically qualified.

5. In an amendment to its application dated February 5, 1971, Mobilfone formally stated its willingness to enter into negotiations with Minnesota Communications looking toward resolution of the matter without the necessity of going through a comparative hearing. Specifically, Mobilfone proposed an agreement whereby both applicants would share use of that frequency. However, Minnesota Communications has remained silent on this proposal, and so it would appear that an evidentiary hearing will be necessary to determine which, if either, of the applications should be granted.

6. As noted above, the Minnesota Communications petition to dismiss the Mobilfone application was filed on January 29, 1971; but the time for filing a petition to deny, pursuant to § 21.27(c) of the rules, expired on February 26, 1969. Accordingly, this pleading will be considered as an informal objection pursuant to § 21.30(c) of the rules.[1] Minnesota Communications alleges, both in its petition to dismiss and its reply, that the antenna tower site specified in the Mobilfone application is not available for the proposed construction. The principal reason given by Minnesota Communications is that the antenna site selected by Mobilfone (the roof of a tall building) is owned by Whirl-Air-Flow Equipment and Supply Co. which has leased it to General Communications, Inc. (General). Mobilfone, it is alleged, has made no arrangements with either the owner of the site or its lessee for the use of that site (Petition to Dismiss, p. 2). Mobilfone maintains that its proposal is not for the use of General's tower, but for use of a second tower which is owned by Donnor Communications, Inc. (Donnor), on the same building (Mobilfone Opposition, pp. 2-3); and it appends a letter from Donnor to Mobilfone dated February 19, 1971, stating that Donnor's tower would be available for Mobilfone's proposed antenna should its application be granted. Minnesota Communications, however, alleges in its reply that the Donnor tower is presently unsafe, and even if it were put into a safe condition, no VHF antenna could be operated at the site because of "serious interference problems which would result." (Affidavit of Jean A. Poole to Minnesota Communications Reply, p. 2, filed March 31, 1971.) The Poole affidavit states that there are "dozens" of VHF stations within 2 miles of the site, including two on the tower owned by General, and that these VHF systems are vulnerable to intermodulation interference which could be caused by the proposed Mobilfone station and could result in both systems being rendered unusable (Poole Affidavit, supra, pp. 4-5). In view of the conflicting affidavits it would appear that there are substantial issues of fact involving not only tower safety, but also potential radio interference which would be caused by operation from the proposed Mobilfone site. Since these matters can be resolved only by an evidentiary hearing, appropriate issues will be addressed to those matters.

7. One further matter requires discussion and disposition. On November 14, 1968, Airsignal International, Inc. (Airsignal), filed an application (FCC File No. 2893-C2-P-69) for new one-way signaling (tone and tone-plus-voice) service to be established on 152.24 MHz at Minneapolis-St. Paul, Minn. This applicant is qualified in all respects to be a licensee and, in fact, is the licensee of Station KAA887, a radio facility at St. Paul operating in the DPLMRS, providing mobile radio telephone service on 152.15 MHz (base station frequency) and 158.61 MHz (mobile frequency). Although the application is not electrically mutually exclusive with any other application and is unopposed, it is our general practice to withhold action of such applications pending resolution of any hearing issues which might be necessary with respect to opposed applications for similar or like services in the community. The reason for this policy is to prevent one applicant from receiving an undue advantage because of the inherent delay occasioned by the requirement for a comparative hearing on the applications of competitors.

8. *Accordingly, it is ordered*, That the application of Airsignal International, Inc. (FCC File No. 2893-C2-P-69), is granted, subject to the condition that

[1] In its reply of March 31, Mobilfone seeks to draw a distinction between a petition to deny and a petition of dismiss, but the Commission rules make no such distinction. Whether designated as a petition to dismiss or a petition to deny the pleading goes to the merits of the Mobilfone application and therefore comes within the scope of § 21.27 (c) of the rules.

construction shall not commence until after the close of this proceeding.

9. *It is further ordered*, That pursuant to section 309 (d) and (e) of the Communications Act of 1934, as amended, the applications of Mobilfone Corp. and Minnesota Communications Corp. are designated for hearing, in a consolidated proceeding, at the Commission office in Washington, D.C., on a date to be hereafter specified, on the following issues:

(a) To determine, on a comparative basis, the nature and extent of the services proposed by each applicant, including the rates, charges, personnel, practices, classifications, regulations, and facilities pertaining thereto.

(b) To determine, on a comparative basis, the areas and populations that each applicant will serve within the respective 43 dbu contours, based upon the standards set forth in § 21.504(a) of the Commission's rules and regulations; and to determine the need for the proposed services in said area.[1]

(c) To determine whether the antenna site proposed to be used by Mobilfone Corp. is a safety hazard.

(d) To determine whether operation from the antenna site proposed by Mobilfone Corp. will cause harmful radio frequency interference to authorized radio services.

(e) To determine, in the light of the evidence adduced pursuant to Issues (c) and (d), whether a grant of the Mobilfone application would serve the public interest, convenience, and necessity.

(f) To determine, in light of the evidence adduced on all the foregoing issues, whether the public interest, convenience and necessity will best be served by a grant of either the application of Mobilfone Corp. or the application of Minnesota Communications Corp., and the terms or conditions which should be attached to such grant, if any.

10. *It is further ordered*, That the burden of proof on Issues (a), (b), and (f) is placed on each applicant; that the burden of proceeding with respect to Issues (c) and (d) is placed upon Minnesota Communications Corp.; and that the burden of proof with respect to Issues (c), (d), and (e) is placed upon Mobilfone Corp.

11. *It is further ordered*, That the Chief, Common Carrier Bureau is made a party to this proceeding.

12. *It is further ordered*, That the parties desiring to participate herein shall file their notices in accordance with the provisions of § 1.221 of the Commission's rules.

[1] Section 21.504(a) of the Commission's rules and regulations describes a field strength contour of 43 decibels above 1 microvolt per meter as the limits of the reliable service area for base stations engaged in one-way communications service. Propagation data set forth in § 21.504(b) are the proper basis for establishing the location of service contours (F50, 50) for the facilities involved in this proceeding.

Adopted: July 14, 1971.

Released: July 20, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.71-10745 Filed 7-27-71;8:51 am]

[Docket No. 19256; FCC 71-726]

RCA GLOBAL COMMUNICATIONS, INC., ET AL.

Memorandum Opinion and Order

In the matter of RCA Global Communications, Inc., ITT World Communications, Inc., Western Union International, Inc., Cable & Wireless/Western Union International, Inc., and Tropical Radio Telegraph Co.; revisions of their respective telex tariffs establishing an optional deferred connection, 36 F.R. 13058.

1. On June 9, 1971, the Commission issued a memorandum opinion and order (hearing order) in Docket No. 19256 (FCC 71-601), which instituted an investigation into the recently filed tariff revisions of RCA Global Communications, Inc. (RCA Globcom), offering an optional deferred connection telex capability. In the intervening 4 weeks since the release of the hearing order, the following events have taken place and pleadings have been filed:

(a) Both ITT World Communications Inc. (ITT), and Western Union International, Inc. (WUI), applied for and were granted on June 11, 1971, special permission to file, on not less than 1 day's notice, tariff revisions similar to that of RCA Globcom in order to meet the competition of RCA Globcom. Both carriers filed their tariffs pursuant to the above special permissions.

(b) RCA Globcom filed a telegraphic petition on June 11, 1971, asking that the above-mentioned special permissions not be granted.

(c) RCA Globcom followed its telegraphic petition with a "Petition for Reconsideration and Request for Stay or Other Temporary Relief" filed on June 16, 1971.

(d) Although the tariffs of both RCA Globcom and WUI offered a fully automatic deferred connection, ITT's tariff offered a manual operation since it did not have the equipment required for a fully automatic operation. This led to another round of tariff filings by RCA Globcom and WUI, in which they amended their tariffs to offer both manual and automatic deferred connections to meet the ITT competition.

(e) Cable & Wireless/Western Union International, Inc. (C&W/WUI), followed the above three carriers on June 23, 1971, by filing similar revisions.

(f) Tropical Radio Telegraph Co. (Tropical) applied for and on June 24, 1971, was granted, special permission to file its deferred connection tariff on not less than 1 day's notice. The tariff was filed on July 9, 1971.

(g) On June 29, 1971, ITT filed a petition for partial reconsideration and an opposition to RCA Globcom's petition for reconsideration and request for stay or other temporary relief.

(h) On June 29, 1971, WUI also filed an opposition to RCA Globcom's petition for reconsideration and request for stay or other temporary relief.

2. The situation is that RCA Globcom, II, WUI, Tropical, and C&W/WUI all have nearly identical tariffs on file which offer an optional deferred connection telex capability. None of the tariffs restrict this to an automatic operation any longer.

3. Inasmuch as the new revisions raise questions similar to those raised by the RCA Globcom filing, we are amending our original hearing order herein to encompass such revisions and to make C&W/WUI a party to this proceeding.

4. RCA Globcom, however, in its pleading of June 16, argues that the waiver of the statutory 30-day notice period, and constructive waiver of § 61.38 of the Commission's rules, to permit ITT and WUI to file their original revisions on a few day's notice constitutes prejudicial error and causes RCA Globcom irreparable harm by blunting its opportunity to recover its investment in its own service. In this connection, it argues that the procedure followed precluded it from a reasonable opportunity to challenge the proposed revisions, and contrasts such procedure with that followed in the case of its own revisions, which were filed on 30-day notice and voluntarily postponed for an additional 9 days, which afforded ITT and WUI opportunity to comment on its own revisions. RCA Globcom also refers to the final report and order in Docket No. 18703, adopting revisions to Part 61 of the Commission's rules wherein the Commission commented that adherence of competitors to the statutory notice provision would give the carrier first filing tariff revisions a "slight competitive advantage", and further commented that it was not in the public interest for one carrier to file competing tariff revisions unless it can show that its revenues will cover additional costs incurred. RCA Globcom therefore, asks that some measure be taken, such as revocation of the waivers or suspension of the ITT and WUI revisions.

5. WUI, in its June 29 pleading, urges that the waiver of the statutory filing period, and waiver of the § 61.38 requirements can be neither stayed nor reconsidered at this time, since the disputed revisions are now in effect, and that the proper vehicle at this time is a section 204 investigation. It also notes that at present, it, RCA Globcom, and ITT have each made further revisions, so that all three now offer an identical service. ITT, in its pleading of the same date, asserts that the Commission, in setting the RCA

[2] Commissioners Robert E. Lee and Wells absent; Commissioner Johnson dissenting.

Globcom revisions for hearing, noted (1) that the general concepts underlying them were similar to previously suspended revisions of ITT, in that both were beneficial to the public interest, but raised questions as to the appropriate rates, etc. which should apply, and (2) that the cost justification submitted by RCA Globcom was inadequate, thus failing to meet the requirements of § 61.38. It feels that having allowed RCA Globcom to make the revision effective, the Commission has no reason not to allow ITT to file a competitive offering, and that, in essence, RCA Globcom seeks to have a more restrictive treatment applied to the ITT revision than to the RCA Globcom revisions. In its companion pleading, ITT seeks reconsideration of the Commission's memorandum opinion and order of June 9, insofar as it denied ITT's petition to suspend certain parts of the RCA Globcom revisions, on the ground that the Commission suspended ITT's 1965 Timetran store and forward offer, while failing to suspend the RCA Globcom revisions. ITT believes that the Commission should either now suspend such revisions or explain the difference in treatment.

6. Turning first to the ITT last mentioned request, we believe that our decision setting the RCA Globcom revisions for hearing without suspension requires no further amplification. With respect to the RCA Globcom petition, it appears that its claim of irreparable injury is based on a fear of losing revenues to its competitors, and failing to recover its asserted investment of about $1 million in developing a computerized method of handling telex calls which customers have been unable to complete because an overseas connection could not be made. We do not interpret the RCA Globcom petition as asserting that we have the authority to or should take action to prevent its competitors from ever offering the services in question, but rather as saying that it should be entitled to whatever competitive benefit it may receive by reason of a delay of the effectiveness of such revision for a minimum of the statutory 30-day notice period, or a maximum of such period plus an additional 3-month period. However, RCA Globcom, through arguing irreparable injury, does not articulate the manner in which such injury may occur, other than a possible revenue loss of an indeterminate amount. We are unable to calculate the severity of such loss, if any, or its effect on RCA Globcom's ability to serve the public. We note that RCA Globcom places reliance on statements in our final report and order in Docket No. 18703 to the effect that the statutory notice period gives the carrier first filing revisions a slight competitive advantage.[1] However, the text of § 61.58 specifically provides for exceptions in appropriate cases to the periods of notice set forth therein. In this case our interest was to reach a policy determination on the overall matters involved in deferred telex connections as soon as possible and to have the benefit of operational experience by all of the carriers for the hearing. For these reasons waivers are justified.

7. In view of the foregoing: *It is ordered*, That the above-mentioned petitions (paragraph 1 (c) and (g) are hereby denied.

8. *It is further ordered*, That the first ordering paragraph of the hearing order is amended to read as follows:

Wherefore, it is ordered, That pursuant to sections 4(i), 201, 202, 204, 205, 403, of the Communications Act of 1934, an investigation is hereby instituted into the lawfulness of (a) eighth revised page 7 of RCA Globcom's Tariff FCC No. 59, (b) second revised page 15B of ITT's Tariff FCC No. 12, (c) second revised page 4A of WUI's Tariff FCC No. 5, (d) third revised page 5 of C&W/WUI's Tariff FCC No. 2, and (e) second revised page 7A of Tropical's Tariff FCC No. 64.

9. *It is further ordered*, That the fourth ordering paragraph is amended to read as follows:

It is further ordered, That RCA Globcom, ITT, WUI, C&W/WUI, and Tropical are hereby made parties respondent to this proceeding; and that such parties shall participate fully herein; that they shall submit a statement of their position or views on the above specified issues prior to the prehearing conference herein, but not later than 30 days after the release of this memorandum opinion and order; and that they shall submit briefs at the close of the hearing on such issues as the examiner may direct.

Adopted: July 14, 1971.

Released: July 20, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-10746 Filed 7-27-71;8:51 am]

[Dockets Nos. 19284-19287; FCC 71-731]

TV PIX, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of TV Pix, Inc. (K71BF), South Lake Tahoe, Calif., Docket No. 19284, File No. BRTT-797; TV Pix, Inc. (K78BL), South Lake Tahoe, Calif., Docket No. 19285, File No. BRTT-798; TV Pix, Inc. (K75BJ), South Lake Tahoe, Calif., Docket No. 19286, File No. BRTT-799; and TV Pix, Inc. (K73BD), South Lake Tahoe, Calif., Docket No. 19287, File No. BRTT-801; for renewal of licenses.

1. The Commission has before it for consideration the above-captioned applications of TV Pix, Inc., for renewal of the licenses of television broadcast translator Stations K71BF (BRTT-797), K78BL (BRTT-798), K75BJ (BRTT-799), and K73BD (BRTT-801), all South Lake Tahoe, Calif.[1] The applicant is the owner and operator of Tahoe T.V. Cable, a community antenna television system (CATV) serving South Lake Tahoe, Calif., and has been the licensee of these translator stations since 1965, when it acquired the stations by assignment from Tahoe Translator Co. The application (BALTT-50) for assignment of the licenses, granted May 19, 1965, was granted by the Commission largely upon the representations of the applicant that the translators would be operated by a separate division and would be kept in optimum operating condition, providing service at least as good as that provided by its predecessor. It appears, however, that the applicant's performance in this respect has not met its promises.

2. The operation of these translator stations has been characterized by numerous complaints from members of the public, alleging substandard service and frequent service disruptions. The complaints of frequent disruptions of service, at least with respect to two of the stations, have been corroborated by information contained in the renewal applications. For example, Station K73BD was operative 18,504 hours during the preceding license period and was inoperative 1,464 hours, approximately 8 percent of the time; Station K75BJ was operative 16,104 hours during the preceding license period and was inoperative 1,446 hours, or about 9 percent. These figures are far in excess of permissible limits and the applications do not indicate whether there have been any efforts to eliminate the causes of the outages. The applicant has not indicated, for example, that it has considered a change of site, replacement of the equipment, or other remedial measures calculated to assure dependable service as required by § 74.763(a) of the Commission's rules. Although the applications for the remaining two stations (K71BF and K78BL) indicate that the amount of inoperative time ("down time") was within acceptable limits, other information available to the Commission raises questions on this point.

3. As a result of the numerous complaints from the public, the Commission conducted its own investigation of the operation of the translator stations. The facts developed as a result of this investigation raise some disturbing questions. First, it appears that Station K78BL has been inoperative for at least the final 6 months of the preceding license period, although the renewal application

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[1] Petitions for reconsideration of the final report and order raise questions as to the proper approach to be taken in various competitive situations. This matter is therefore now being reviewed.

[2] Commissioners Robert S. Lee and Wells absent.

[1] The applicant was also the licensee of a fifth translator in South Lake Tahoe, K82AU, the authorization for which was forfeited Apr. 5, 1971, and the call sign deleted, pursuant to § 1.568(b) of the Commission's rules, for failure to prosecute. The renewal application, as filed, was not substantially complete, and the applicant failed to amend. See paragraph 3, infra.

indicates a total of only 87 hours of "down time". The Commission's records do not disclose that the Commission was informed of this situation, although § 74.763(b) of the Commission's rules requires that inoperation for a period in excess of 10 days be reported to the Engineer in Charge of the radio district in which the station is located. It may also be significant that, in filing its renewal applications, the applicant failed to provide any of the information required by section II of the application form, which pertains to technical operating data. This is the section which requires information as to total operating time and total "down time". This information was elicited from the applicant by requiring it to amend its applications to furnish the information, which was done nearly 1 month after the filing of the original applications. There also appears to be some question as to the quality of the signals provided by the translators. The applicant contends that less than optimum signals are provided because it is no able to receive good signals at its receiving antennas. In the light of the substantial questions raised with the operation of these stations, we think that the manner of operation requires closer scrutiny than we are able to give on the basis of the information presently available.

4. One other aspect of this matter appears to warrant careful examination. It appears that the major lobe of each transmitting antenna is oriented toward the CATV headend, giving rise to the question of whether the translator system is designed to provide optimum service to the public or is intended to serve as a relay to the CATV system. The Commission, in July 1970, amended Part 74 of its rules to bar cross-ownership of CATV systems and television translators serving the same community or area (Second Report and Order in Docket No. 18397, 23 FCC 2d 816, 19 RR 2d 1775). In that proceeding, we observed that, in our experience, such cross-ownership was unlikely to yield the best translator service to the public. The new rule (§ 74.1131(a)(3)) provides for divestiture by August 10, 1973.

5. In designating these applications for hearing, it is our purpose to explore fully the manner in which the stations have been maintained and operated, with particular reference to the efforts which the applicant has made, or could have made, to improve service to the public. Our question, in effect, is whether the applicant has made assiduous efforts to provide service to the public consonant with its responsibilities to operate the stations in the public interest. We expect the presiding officer to exercise wide latitude in permitting testimony from residents of the area.

6. For the reasons discussed, we are unable to make the statutory finding that grant of the applications would serve the public interest, convenience and necessity, and we are of the opinion that the applications must be designated for evidentiary hearing on the issues specified below. The Chief, Broadcast Bureau, will be made a party to the proceeding.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of TV Pix, Inc., are designated for hearing in a consolidated proceeding, upon the following issues:

(1) To determine the manner in which the translator stations were maintained and operated and the efforts which were made, or could have been made, to provide maximum service to translator viewers.

(2) To determine whether the applicant has complied with the provisions of § 74.763(a) of the Commission's rules with respect to its obligation to provide a dependable service.

(3) To determine whether the applicant has complied with the provisions of § 74.763(b) of the Commission's rules with respect to the submission of written reports to the Engineer in Charge of the radio district in which the stations are located when any station has been inoperative for a period in excess of 10 days.

(4) To determine whether the applicant has misrepresented to the Commission the periods of inoperation of the translator stations, or any of them, the quality of the service provided, or the purpose and intent of the translator system, or was lacking in candor.

(5) To determine whether the translator stations were designed or intended primarily for a purpose other than to provide maximum service to translator viewers.

(6) To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether grant of the applications would serve the public interest, convenience, and necessity.

It is further ordered, That the hearing hereby ordered shall be held in South Lake Tahoe, Calif., at a time and place and before a Hearing Examiner to be specified in a subsequent order.

It is further ordered, That the Chief, Broadcast Bureau, is made a party to this proceeding.

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant and the party respondent herein, pursuant to § 1.221(c) of the Commissions rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: July 14, 1971.

Released: July 22, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[*]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.71-10744 Filed 7-27-71;8:51 am]

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

Notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on September 1, 1971, the following applications by stations KWJB, KOTS, and KBEN for increases in daytime power of their Class IV standard broadcast stations, will be considered as ready and available for processing:

BMP-13263	KWJB, Globe, Ariz. James Mace, trading as Mace Broadcasting Co. Has: 1240 kc., 250 w., U. Req: 1240 kc., 250 w., 1 kw.-LS, U.
BP-19020	KOTS, Deming, N. Mex. Luna County Broadcasting Co. Has: 1230 kc., 250 w., Day. Req: 1230 kc., 1 kw., Day.
BP-19036	KBEN, Carrizo Springs, Tex. Walter H. Herbort, Jr. Has: 1450 kc., 250 w., U. Req: 1450 kc., 250 w., 1 kw.-LS, U.

The purpose of this notice is not to invite applications which may conflict with the listed applications, but to apprise any party in interest who desires to file pleadings concerning the applications pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, of the necessity of complying with § 1.580(i) of the Commissions rules governing the time of filing and other requirements relating to such pleadings.

Adopted: July 19, 1971.

Released: July 22, 1971.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.71-10747 Filed 7-27-71;8:51 am]

FEDERAL MARITIME COMMISSION

GULF AND SOUTH AMERICAN STEAMSHIP CO., INC., AND LYKES BROS. STEAMSHIP CO., INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

[*] Commissioners Robert E. Lee and Wells absent.

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forward to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

H. G. Blocklin, Vice President, Central Atlantic Division, Lykes Bros. Steamship Co., Inc., 1100 Connecticut Avenue NW., Washington, DC 20036.

Agreement No. 9962, between Gulf & South American Steamship Co., Inc. (G&SA) and Lykes Bros. Steamship Co., Inc., (Lykes) provides for the appointment by G&SA of Lykes as its managing agent to manage and conduct the vessels and steamship business of G&SA in the same manner as though owned by Lykes. Lykes shall maintain the vessels in such trade as G&SA direct, subject to its orders as to voyages, cargoes, charters, rates of freights and charges and as to all matters connected with the use of the vessels; in the absence of such orders, Lykes shall follow reasonable commercial practices. Lykes shall handle G&SA's financial affairs in a manner separate and apart from its own.

Lykes will equip, victual, supply and maintain G&SA's vessels, procure the master, officers and crew of such vessels, issue shipping documents on forms to be provided by G&SA, solicit passengers and freight traffic, supply services at ports where it maintain offices and arrange for the employment of agents where it does not maintain offices.

As compensation for its services Lykes shall be reimbursed, subject to approval of the Maritime Administration, that portion of its administrative and general expense that the Maritime Administration shall determine to be fair and reasonable and properly allocable to the steamship operations of G&SA.

Dated: July 23, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-10748 Filed 7-27-71;8:51 am]

HOLT HAULING AND WAREHOUSING SYSTEM, INC., AND MID-ATLANTIC LUMBER TERMINAL CORP.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. William G. Anderson, Herrick, Smith, Donald, Farley & Ketchum, 294 Washington Street, Boston, MA 02108.

Agreement No. T-2541, between Holt Hauling and Warehousing System, Inc. (Holt), and Mid-Atlantic Lumber Terminal Corp. (Mid-Atlantic), provides for the 2-year license to Mid-Atlantic by Holt of a parcel of land adjacent to Pier No. 7, Camden, N.J., for use as a lumber terminal. As compensation, Holt is to receive 50 percent of all storage, backpiling, handling, and truckloading charges and 100 percent of all dockage and marking fees assessed by Mid-Atlantic in accordance with Mid-Atlantic's Tariff FMC-T No. 1.

Dated: July 22, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-10749 Filed 7-27-71;8:51 am]

CONCORDIA LINE AND SEATRAIN LINES, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Fermin Mendez, Rate Manager, Seatrain Lines, Inc., Port Seatrain, Weehawken, N.J. 07087.

Agreement No. 9960, between Concordia Line and Seatrain Lines, Inc., covers a through billing arrangement on cargo from Puerto Rico to:

A. Ports in the Persian Gulf and adjacent waters West of Karachi and Northeast of Aden, excluding both ports, and

B. All ports on the Mediterranean Sea, except Israeli ports,

with transshipment at the Port of New York, under terms and conditions set forth in the agreement.

Dated: July 23, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 71-10750 Filed 7-27-71;8:51 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Revoked

Notice is hereby given that the following vessel owners and/or operators have requested voluntary revocation of their

Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below-indicated vessels, pursuant to Part 542 of Title 46 CFR and section 11(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	Owner/operator and vessels
01054	Wilhelm Wilhelmsen: Tema. Thermopyle.
01304	Furness Withy & Co. Ltd.: Tudor Prince.
01305	Royal Mail Lines Ltd.: Kenuta. Southern Prince. Derwent. Douro.
01306	Shaw Savill & Albion Co. Ltd.: Arawa. Arada.
01330	Shell Tankers (United Kingdom) LTD.: Verena.
01549	Strick Line LTD.: Albistan.
01551	Rederiaktiebolaget Nordic: Scantic.
01641	The Bank Line Ltd.: Streambank.
01716	Achille Lauro-Napoli: Ravillo.
01742	Beaconsfield Compania Naviera S.A. Panama: Roula.
01815	Aug-Thyssenhutte A.G., Duisburg, as Bareboat-Chartered Owners/Managers to Bareboat Charterers: Fiona.
01935	Interessentskab Mellem Aktieselskabet Dampskibsselskabet Svendborg & Damp . . . AF 1912 Aktiselskab: Nicoline Maersk.
01982	AB Svenska Ostasiatiska Kompaniet: Hongkong.
01984	Aktiebolaget Svenska Amerika Linien: Skogholm.
01995	Rederi AB Disa: Axeline Brodin. Eva Brodin.
02002	Rederiaktiebolaget Transocena: Stolt Bera.
02085	Jago Shipping Co.: World Influence.
02234	Gulf Mississippi Marine Corp.: Gulf Fleet 140.
02293	China Marine Investment Co., Ltd.: Loyal Jasmini.
02397	Astrocampeon Compania Naviera S.A.: Orient Sea.
02458	The China Navigation Co., Ltd.: Yochou.
02509	Viafiel Compania Naviera S.A.: Nausicaa.
02551	Ellerman Lines Ltd.: City of Manchester.
02553	The City Line Ltd.: City of Chester.
02984	Maremar Compania Naviera S.A. Panama R.P.: Maria G. Georgilis.
02868	Trader Navigation Co. Ltd.: Essex Trader.
03256	Upper Mississippi Towing Co.: WRT-14.
03271	Sea-Land Service, Inc.: Claiborne.
03277	Duncan Bay Tankships, Ltd.: Duncan Bay.
03289	Det Forenede Dampskibs-Selskab A/S: Alabama.
03301	Prudential-Grace Lines, Inc.: Santa Victoria. Santa Fe.
03418	Daiichi Senpaku K.K.: Shang Hai Maru.
03454	Kyowa Sangyo Kaiun K.K.: Eiwa Maru.
03467	Nichiro Gyogyo K.K.: Kuroshio Maru No. 15:
03484	Sanko Kisen K.K.: Nagato Maru.
03520	Tokyo Shosen K.K.: Seiko Maru.
03527	Yae Senpaku K.K.: Haines Maru.
03634	James R. Hines Corp.: UM-79B.
04002	Compagnie Des Messageries Maritimes: Oyonnax.
04003	Compagnie Generale Transatlantique: Atlantic Champagne. Atlantic Cognac.
04087	Merichem Co.: NMS-1304.
04298	Utah Construction & Mining Co.: Almeda.
04358	Holland Bulk Transport N.V.: Koningswaard.
04391	Columbia Steamship Co.: Columbia Eagle.
04435	Gateway Barge Lines, Inc.: Ace 101.
04527	Kabushiki Kaisha Todoro Shouten: Suivamaru.
04595	Antillean Carriers N.V.: Antillian Star.
04767	Texaco Inc.: Texaco 457.
05017	Amerada Hess Corp.: Huskey 852. MJ 8. GM 127. JTS 100.
05354	Reyes & Lim Co. Inc.: Alkine.
05415	Lloret Y Llinares S.L.: Rio Nansa.
05598	Pateras Brothers Ltd.: Armar. Aria.
05610	Davis Construction Co.: D6220. D6521.
0596	Penn Shipping Ltd.: Imperial Cornwall.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-10751 Filed 7-27-71;8:52 am]

FEDERAL POWER COMMISSION

[Docket No. CP72-9]

ARKANSAS LOUISIANA GAS CO.

Notice of Application

JULY 21, 1971.

Take notice that on July 13, 1971, Arkansas Louisiana Gas Co. (applicant), Post Office Box 1734, Shreveport, LA 71151, filed in Docket No. CP72-9 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 facilities for the exchange of natural gas with Cities Service Gas Co. (Cities Service), 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 has entered into contracts for the purchase of natural gas from several producers in the Red Deer Area in Hemphill and Roberts Counties, Tex., and that an application for authorization to construct facilities to transport this gas is presently pending before the Commission in Docket No. CP70-267. Applicant herein proposes the exchange of natural gas with Cities Service as a temporary means to enable it to receive volumes of gas purchased in the Red Deer Area.

Specifically, applicant proposes to deliver up to 10,000 Mcf of gas per day to Cities Service at the Red Deer and Humphreys No. 1 Exchange Points located in Hemphill County, Tex. Cities Service will redeliver equivalent volumes to applicant at the Hutchinson Exchange Point in Reno County, Kans., the Lyons Exchange Point in Rice County, Kans., and the Cement Exchange Point in Caddo County, Okla. Applicant will pay Cities Service 6 cents per Mcf for the transportation service.

To facilitate this exchange, applicant states that it will be necessary to construct a tap and side gate on its existing pipeline for the receipt of natural gas at the Cement Exchange Point. These facilities are expected to cost approximately $600, which cost Applicant states will be financed from cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 13, 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 as 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.71-10703 Filed 7-27-71;8:48 am]

[Docket No. G-3732, etc.]

GETTY OIL CO. ET AL.

Order Granting Rehearing and Rescinding Orders Issuing Certificates

JULY 21, 1971.

On May 24, 1971, an order was issued in Getty Oil Company, et al., Docket No. G-3732, et al., issuing certificates of public convenience and necessity to Getty Oil Co., Docket No. G-3732, Monsanto Co., et al., Docket No. G-9357, and Marathon Oil Co., Docket No. G-11818, among other applicants listed therein. The applications by each applicant above was for the purpose of selling additional volumes of natural gas to Natural Gas Pipeline Company of America from the La Gloria Field, Jim Wells, and Brooks Counties, Tex., pursuant to amendments proposed to existing FPC Gas Rate Schedules of each applicant.

On June 22 and 23, 1971, Associated Gas Distributors and the Public Service Commission of the State of New York petitioned for rehearing of the above order on the ground that the Commission had erroneously issued certificates to the applicants without having considered the interventions of the petitioners, which among other persons, had filed notices of interventions and petitions to intervene in these dockets pursuant to the notice of applications for certificates issued March 12, 1971. In their petitions to intervene and for rehearing of order issuing certificates, the petitioners requested formal hearings of the applications. It is apparent from the order issued May 24, 1971, (page 5) that the notices of intervention and petitions to intervene of petitioners were overlooked in the consideration of these matters and that the permanent certificates were not properly granted. Under the circumstances the petitions for rehearing should be granted.

The Commission orders:

(A) The certificates of public convenience and necessity issued pursuant to the Commission's order dated May 24, 1971, in Getty Oil Co., et al., Docket No. G-3732 et al. are rescinded effective as of the date of this order in Dockets Nos. G-3732, G-9357, and G-11818.

(B) Certificates of public convenience and necessity issued in all dockets, except those listed in paragraph (A) above, issued pursuant to the order dated May 24, 1971, in Getty Oil Co., et al., Docket No. G-3732 et al., remain in full force and effect.

(C) The petitions for rehearing filed by the Associated Gas Distributors and the Public Service Commission of New York on June 22 and 23, 1971, are hereby granted without prejudice to any further action which the Commission may take pursuant to the provisions of the Natural Gas Act and the regulations thereunder.

(D) In the event that applicants in Dockets Nos. G-3732, G-9357, and G-11818 have commenced sales to Natural Gas Pipeline Company of America pursuant to the improperly issued certificates notwithstanding the petitioners' applications for rehearing and notices of interventions, the following remedial procedures are to be followed:

(1) Applicants are to notify the Commission of the date of initiation of said sales pursuant to the order of May 24, 1971, within 10 days of this order;

(2) Applicants may continue sales and delivery of natural gas to Natural Gas Pipeline during the pendency of these proceedings pursuant to their contract amendments of July 13, 1970: *Provided*, That the applicants and Natural Gas Pipeline Co. may be obligated to restore the status quo ante by supplying to Transcontinental Gas Pipe Line volumes of natural gas equal to the volumes which may be delivered in the interim period between the initial sale date and the date of any final order issued by the Commission in these proceedings;

(3) Within 10 days of the date of this order, applicants and Natural Gas Pipeline shall notify the Commission in writing subscribed to by an officer thereof, the acceptance or rejection of the interim arrangement authorized herein;

(4) Applicants shall keep detailed records of sales pursuant to interim sales referred to in paragraph (2) above.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.71-10704 Filed 7-27-71;8:48 am]

[Docket No. E-7628]

INDIANAPOLIS POWER & LIGHT CO.

Notice of Amendment of Interconnection Agreement and Increased Rate Filing

JULY 21, 1971.

Take notice that on April 28, 1971 Indianapolis Power and Light Co. (Indianapolis Company) filed a supplement (Modification No. 1) dated February 1, 1971, to the interconnection agreement dated December 2, 1968 between Indianapolis Company and Southern Indiana Gas and Electric Co. (Southern Indiana), designated Indianapolis Power and Light Co. Rate Schedule FPC No. 6.

These modifications provide for an increase in the demand charge for short term power of from $0.30 per kilowatt per week to $0.40 per kilowatt per week. It also changes the daily demand charge in cases where short term power is taken for periods of less than 1 week from 6 cents per kilowatt per day to one-sixth of the weekly demand charge and it also provides that when the amount of short term energy is reduced upon request of the supplying party, the demand charge shall be reduced by one-sixth of the weekly demand charge per kilowatt of reduction.

The use of short term power in the 12 months next ensuing the proposed effective date of the new rate cannot be predicted and a meaningful comparison of such sales and revenues cannot, therefore, be supplied.

It is requested that the Commission treat this filing as sufficient compliance with the provisions of § 35.13(b) of Part 35 of the regulations under the Federal Power Act, and that it waive any requirements of such section not herein supplied.

Indianapolis Company further requests that the Commission waive the notice requirements of the regulations and permit this filing to become effective as of February 8, 1971, the date on which the first transaction under Modification No. 1 commenced.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 2, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public information.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 71-10705 Filed 7-27-71;8:48 am]

[Docket No. RP71-119]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Extension of Time and Postponement of Hearing

JULY 21, 1971.

On July 16, 1971, Panhandle Eastern Pipe Line Co. (Panhandle) filed a request for a 10-day extension of time within which to file evidence in accordance with the Commission order issued June 30, 1971, in the above-designated matter. Panhandle also requests that the hearing be postponed 1 week.

Upon consideration, notice is hereby given that the time is extended to and including August 2, 1971, within which Panhandle shall prepare and file with the Commission and serve on the Commission's staff and all parties its direct testimony and exhibits; the time is extended to and including August 30, 1971, within which any parties or the Commission's staff planning to present testimony

in opposition to Panhandle's curtailment procedures shall file and serve on the Presiding Examiner, the Commission's staff, and all parties prepared written testimony; the hearing is postponed, to commence September 14, 1971, at 10 a.m. e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-10706 Filed 7-27-71;8:48 am]

[Docket No. CP72-7]

STANDARD PACIFIC GAS LINE INC.

Notice of Application

JULY 21, 1971.

Take notice that on July 12, 1971, Standard Pacific Gas Line Inc. (applicant), 245 Market Street, San Francisco, CA 94106, filed in Docket No. CP72-7 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval for the abandonment of certain natural gas transmission pipeline, 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 15 miles of 20-inch pipeline, 25 miles of 24-inch pipeline and related facilities, on its "Stanpac 2" pipeline located between Kettleman Station and Panoche Junction, Calif. Applicant states that this line was installed in 1929 and that it has deteriorated to the extent that a substantial investment would be required to recondition and maintain it. Applicant also states that the volumes of natural gas presently transported through this line will be rerouted through lines owned by Pacific Gas and Electric (Pacific) and that customers presently served by the line will be served by Pacific. The estimated saving expected to be realized by Applicant as a result of the abandonment proposed herein is $74,740.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 10, 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 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.71-10707 Filed 7-27-71;8:48 am]

[Docket No. CP70-229]

TENNESSEE GAS PIPELINE CO.

Notice of Petition To Amend

JULY 21, 1971.

Take notice that on July 2, 1971, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (petitioner), Post Office Box 2511, Houston, TX 77001, filed in Docket No. CP70-229 a petition to amend, as supplemented on July 14, 1971, the order heretofore issued by the Commission pursuant to section 3 of the Natural Gas Act, on October 23, 1970, in said docket, by extending to April 1, 1972, the time within which petitioner is authorized to import natural gas from Canada, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The order of October 23, 1970 (44 FPC ——), authorized petitioner to import up to 30,000,000 Mcf of natural gas from Canada at a point of interconnection with the facilities of Trans-Canada Pipelines Ltd. (Trans-Canada) near Niagara Falls, N.Y., during the period from November 1, 1970, to November 1, 1971. Petitioner states that it has completed the importation of approximately 19,400,000 Mcf. Petitioner states that a delay in the importation of the remaining volumes until after November 1, 1971, will provide additional volumes of gas for its customers, Consolidated Gas Supply Corp. and Iroquois Gas Corp., during the peak winter season. Therefore, petitioner requests that the order of the Commission heretofore issued in said docket be amended to provide for the importation of the remaining volumes of natural gas during the period from November 1, 1971, to April 1, 1972.

Petitioner states that if the delivery of the remaining volumes of natural gas is to be delayed, it will be necessary for Trans-Canada to inject these volumes into storage. Therefore, petitioner requests that action be taken on this petition at the earliest convenience.

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 application should on or before July 20, 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.71-10708 Filed 7-27-71;8:48 am]

[Docket No. CP71-40]

TENNESSEE GAS PIPELINE CO.

Notice of Petition To Amend

JULY 21, 1971.

Take notice that on July 2, 1971, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (petitioner), Post Office Box 2511, Houston, TX 77001, filed in Docket No. CP71-40 a petition to amend, as supplemented on July 14, 1971, the order heretofore issued by the Commission pursuant to section 7(c) of the Natural Gas Act, on October 23, 1970, in said docket, by extending to April 1, 1972, the time within which petitioner is authorized to sell and deliver volumes of natural gas imported from Canada to Consolidated Gas Supply Corp. (Consolidated) and Iroquois Gas Corp. (Iroquois), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The order of October 23, 1970 (44 FPC ——), authorized Petitioner to sell and deliver to Consolidated and Iroquois up to 30,000,000 Mcf of natural gas imported from Canada during the period from November 1, 1970, to November 1, 1971. Petitioner states that provision has been made with Trans-Canada Pipelines Ltd., from whom it purchases the gas, to delay the importation of 10,600,000 Mcf, the volume not yet imported, until after November 1, 1971. This delay in the importation will provide additional volumes of natural gas to its customers during the peak winter season. Therefore, petitioner requests that the order of the Commission heretofore issued in Docket No. CP71-40 be amended to provide for the sale and delivery of the remaining volumes of natural gas during the period from November 1, 1971, to April 1, 1972.

Petitioner states that if the delivery of the remaining volumes of natural gas is to be delayed, it will be necessary for Trans-Canada to inject these volumes

into storage. Therefore, petitioner requests that action be taken on this petition at the earliest convenience.

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 petition to amend should on or before July 29, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-10710 Filed 7-27-71;8:48 am]

[Docket No. RP71-31]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Proposed Change in FPC Gas Tariff

JULY 21, 1971.

Take notice that on June 10, 1971, Transcontinental Gas Pipe Line Corp. (Transco) tendered for filing changes in its FPC gas tariff to be effective July 26, 1971. After Transco's compliance with the Commission Staff's request for additional data, the tendered filing was assigned a filing date of July 12, 1971, to be effective August 12, 1971, in accordance with section 4(d) of the Natural Gas Act. By letter filed July 13, 1971, Transco requests that the date upon which the company submitted its proposed change (June 10, 1971) be assigned to such filing or, in the alternative that the 30 day notice provision of section 4(d) of the Act be waived in accordance with § 154.51 of the Commission's regulations under the Act, to permit the filing to become effective on July 26, 1971, as proposed. The proposed tariff revisions would increase charges for jurisdictional sales and services by $1,009,283 per annum based on operations for the 12 months ended April 30, 1971.

The increase contained in the proposed tariff sheets results from a claimed increase in Transco's jurisdictional revenue requirements due to the inclusion in its rate base of advanced payments totaling $9,946,589 pursuant to Commission Orders 410 (issued October 2, 1970) and 410-A (issued January 8, 1971). The effect of Transco's proposal would be to increase Transco's commodity rates by 0.1 cents per Mcf.

The seven advance payments which Transco proposes to include in the company's rate base all provide for repayment to the company if the ventures are successful. Two such contracts provide for total repayment of the advance regardless of the outcome of the venture, two provide for repayment of up to one half the advance if the venture is uneconomical, and the remaining three make no provision for repayment if the venture is uneconomical. All seven contracts require the dedication and sale to Transco of all commercial quantities of gas discovered. One of the seven contracts is for development of reserves and the remaining six are for various types of exploration.

Transco's authority to file the proposed changes is contingent upon the Commission's disposition of Transco's motion filed on April 29, 1971, in which it requests permission to adjust its rates from time to time to reflect advance payments for gas.

Copies of the proposed tariff changes were served on Transco's customers and interested State commissions.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 28, 1971, file with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-10709 Filed 7-27-71;8:48 am]

[Docket No. RP72-7]

ALABAMA-TENNESSEE NATURAL GAS CO.

Notice of Proposed Changes in Rates and Charges

JULY 26, 1971.

Take notice that Alabama-Tennessee Natural Gas Co. (Alabama-Tennessee), on July 9, 1971, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1, to become effective on August 1, 1971. The proposed rate changes would increase charges for jurisdictional sales by approximately $57,000 annually based on volumes for the 12 months ended May 31, 1970. The proposed increase would be applicable to Alabama-Tennessee's Rate Schedules G-1, SG-1, and I-1.

Alabama-Tennessee states that the reason for the proposed increase is an increase in its cost of purchased gas resulting from a rate filing by its supplier, Tennessee Gas Pipeline Co. in Docket No. RP72-1, which is proposed to become effective on August 1, 1971.

Copies of the filing were served on Alabama-Tennessee's customers and interested State commissions.

Any person desiring to be heard or to make any protests with reference to said application should on or before July 28, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-10782 Filed 7-27-71;9:57 am]

FEDERAL RESERVE SYSTEM

FIDELITY AMERICAN BANKSHARES, INC.

Notice of Applications for Approval of Acquisition of Shares of Banks

Correction

In F.R. Doc. 71-10224 appearing on page 13350 in the issue for Tuesday, July 20, 1971, the three paragraphs listing the applications should read as follows:

(1) 80 percent or more of the voting shares of The Culpeper National Bank Culpeper, Va.;

(2) 80 percent or more of the voting shares of the Peoples Bank of Gretna, Gretna, Va., and

(3) 80 percent or more of the voting shares of the Metompkin Bank and Trust Co., Parksley, Va.

PLAZA BANCSHARES, 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 Plaza Bancshares, 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 100 percent of the outstanding voting shares (less directors' qualifying shares) of the successor by merger to the Plaza Bank of Commerce, Kansas City, Mo., to be known as Plaza Bank and Trust Co., 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 company 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 21, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-10680 Filed 7-27-71;8:46 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. F-114]

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 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 Chairman, Atomic Energy Commission, to represent the consumer interests of the executive agencies of the Federal Government before the Idaho Public Utilities Commission in a proceeding involving electric service rates of the Utah Power & Light 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 22, 1971.

ROD KREGER,
Acting Administrator of General Services.

[FR Doc.71-10716 Filed 7-27-71;8:49 am]

STANDING INTERAGENCY COMMITTEES CHAIRED BY GSA

Bureau of the Budget Circular No. A-63 of March 2, 1964, requires that notice of the establishment or extension of standing interagency committees be published in the FEDERAL REGISTER "in order to facilitate convenient and permanent reference by Federal agencies, unless this would be inconsistent with law or regulations, or where such publication would not be in the national interest." In compliance with this requirement, the following information is provided relating to standing interagency committees chaired by the General Services Administration.

A. Continuing interagency committees established by legislation, Executive order, or at the direction of the President:

Administrative Committee of the Federal Register.
Federal Fire Council.
Federal Procurement Task Force on Minority Business Enterprise.
National Archives Trust Fund Board.
National Historical Publications Commission.

B. Standing committees established during fiscal year 1971:

Interagency Advisory Committee on Consumer Product Information.
Interagency Scientific Products Evaluation Committee.
Southwest Employment Area Transportation Executive Committee (a subcommittee of the Southwest Employment Area Transportation Committee).

C. Standing committees extended beyond June 30, 1971:

Joint Federal, State, and Local Government Advisory Panel on Procurement and Supply.

Dated: July 22, 1971.

ROD KREGER,
Acting Administrator of General Services.

[FR Doc.71-10717 Filed 7-27-71;8:49 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4847]

ECOLOGICAL SCIENCE CORP.

Order Suspending Trading

JULY 23, 1971.

The common stock, 2-cent par value, of Ecological Science Corp. being traded on the American Stock Exchange, the Philadelphia - Baltimore - Washington Stock Exchange and the Pacific Coast Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Ecological Science Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such security on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 24, 1971, through August 2, 1971.

By the Commission.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-10691 Filed 7-27-71;8:47 am]

[812-2855]

MASSACHUSETTS MUTUAL LIFE INSURANCE CO., AND MASSMUTUAL CORPORATE INVESTORS, INC.

Notice of Filing of Application for Order

JULY 22, 1971.

Massachusetts Mutual Life Insurance Co. (the Insurance Company), Springfield, Mass. 01101, and MassMutual Corporate Investors, Inc. (Fund), 1295 State Street, Springfield, MA 01101, a closed-end investment company registered as such under the Investment Company Act of 1940 (Act), have filed an application for an order pursuant to section 17(d) of the Act and Rule 17d-1 thereunder to permit an arrangement whereby the Insurance Company would invest concurrently for its general account in each issue of securities purchased by the Fund at direct placement. All interested persons are referred to the application on file with the Commission for a statement of the representations therein.

The Insurance Company proposes to sponsor and act as investment adviser for the Fund. The Fund intends to acquire direct placement investments of the kind currently being acquired for the general account of the Insurance Company. The investment objective of the Fund will be to develop a portfolio of securities providing an established yield and at the same time offering an opportunity for capital profits. The principal investments of the Fund will be long-term obligations and, occasionally, preferred stocks, purchased directly from the issuers, if such obligations or preferred stocks have "equity features", such as accompanying shares of common stock or rights to acquire, or convert such obligations or preferred stocks into, such shares. The shares of common stock which are the subject of such equity features will generally be shares of the issuer of such obligations or preferred stocks, although in some cases they may be shares of a parent or other affiliates of such issuer, and will usually have or be expected to have a public market. Pursuant to the proposed arrangement the Insurance Company would invest concurrently for its general account in each issue purchased by the Fund at direct placement in an amount equal to the amount invested in such issue by the Fund and would exercise warrants, conversion privileges and other rights at the same time and in the same amount.

Rule 17d–1 adopted by the Commission under section 17(d) of the Act provides that "no affiliated person of * * * any registered investment company * * *, acting as principal, shall participate in, or effect any transaction in connection with any joint enterprise or other joint arrangement or profit sharing plan in which any such registered company * * * is a participant, and which is entered into, adopted or modified subsequent to the effective date of this rule, unless an application regarding such joint enterprise, arrangement or profit sharing plan has been filed with the Commission and has been granted by an order entered * * * prior to such adoption or modification." It is also provided that in passing upon such applications, the Commission will consider whether the participation of such registered or controlled company in such joint enterprise, joint arrangement or profit sharing plan on the basis proposed is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

It is represented that the Insurance Company has a nationally recognized position as a source of capital funds and as a purchaser of investment securities to be issued at private placement and that as a result the Insurance Company attracts issuers who are located in all parts of the country and who are engaged in a wide variety of enterprises. It is also represented that such investment opportunities would be made available to the Fund by reason of its sponsorship by the Insurance Company and participation with the Insurance Company in new investments.

Applicants request an order that would permit the proposed arrangement subject to the following conditions:

(1) Each investment will be made by the Insurance Company and the Fund at the same unit price in securities of the same class (except that the Insurance Company's investment may include nonvoting securities which are, except for voting rights, identical with those purchased by the Fund).

(2) Unless otherwise permitted by order of the Commission, the Insurance Company will invest an amount equal to the amount invested in the issue by the Fund and the Insurance Company and the Fund will exercise warrants, conversion privileges and other rights at the same time and in the same amount.

(3) All securities which the Insurance Company is prepared to purchase at direct placement and which would be consistent with the investment policies of the Fund will be shared equally by the Insurance Company and the Fund unless:

(a) In the judgment of the Board of Directors of the Fund, concurred in by a majority of those directors who are not "interested persons" (as defined in the Act) of the Insurance Company, (i) 85 percent or more by value of the assets of the Fund are invested, in accordance with the investment policies of the Fund, in long-term obligations or preferred stocks purchased directly from the issuers or in equities acquired either in connection with such purchases or as a result of the exercise of rights or other options so acquired, (ii) there is insufficient cash to make the investment, and (iii) the sale of portfolio securities of the Fund to provide such cash is inadvisable.

(b) The purchase by the Fund would be inconsistent with provisions of any Commission order granted on this application or otherwise and then in effect, or

(c) The Commission by order otherwise permits.

(4) Neither the Insurance Company nor the Fund, unless otherwise permitted by order of the Commission, will have any prior interest in the issuer, in any affiliated person of the issuer, or in securities issued by such issuer or affiliated person other than interests in all respects identical.

(5) Neither the Insurance Company nor the Fund, unless otherwise permitted by order of the Commission, will acquire any further interest in the issuer or in any affiliated person of the issuer or in securities issued by such issuer or affiliated person other than interests in all respects identical.

(6) Neither the Insurance Company nor the Fund will, unless otherwise permitted by order by the Commission, sell, exchange or otherwise dispose of any interest in any security of a class held by the Fund unless each makes such disposition at the same time, for the same unit consideration and in the same amount (each in the same proportion to the amount it holds if the amounts held by each are different).

(7) The expenses, if any, of the distribution of securities registered for sale under the Securities Act of 1933 and sold by the Insurance Company and the Fund at the same time will be shared by the Insurance Company and the Fund in proportion to the amount each is selling.

Applicants represent that the proposed arrangement, subject to the aforementioned conditions, is consistent with the provisions, policies, and purposes of the Act and will not be on a basis less advantageous to the Fund than that of the other participant.

Notice is further given that any interested person may, not later than August 12, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the addresses stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time later than said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71–10692 Filed 7–27–71;8:47 am]

[812–2935]

NARRAGANSETT CAPITAL CORP.

Notice of Filing of Application for Order Exempting Transactions and Permitting Transactions

JULY 22, 1971.

Notice is hereby given that Narragansett Capital Corp. (Narragansett), a Rhode Island corporation, 10 Dorrance Street, Providence, RI 02903, registered as a closed-end, nondiversified, management investment company under the Investment Company Act of 1940 (Act)

and licensed as a small business investment company under the Small Business Investment Act of 1958, has filed an application pursuant to section 17(b) of the Act to exempt from section 17(a) of the Act the acquisition by Marshall and Williams Co. (M&W), of the assets, subject to certain liabilities, of the Marshall & Williams Division of Bevis Industries, Inc. (Bevis), and the financing in part of M&W by Narragansett, and for an order under Rule 17d–1 of the Act authorizing such transaction.

All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Background. On April 14, 1971, the management of Bevis and proposed investors in M&W (a corporation not then but since incorporated under the laws of the State of Rhode Island) including members of the management of the Marshall & Williams Division (the "Division") reached an agreement in principle calling for Bevis to transfer substantially all of the assets of the Division to M&W, subject to certain specified liabilities, for a purchase price equal to the net worth of the Division as shown on its books at closing, plus $447,000. If the transaction had closed at December 31, 1970, the purchase price would have been $2,500,000. In substance, the purchase price as finally determined will be this latter figure plus earnings of the Division from December 31, 1970, to closing, less cash withdrawals from the Division by Bevis. The purchase price will be paid to the extent of $2 million in cash at closing and the balance within 90 days after closing or sooner upon completion of the final determination of the purchase price by an audit to be conducted by the independent certified public accountant for both Bevis and M&W.

Bevis is a diversified manufacturing and merchandising concern engaged in the sale of greeting cards, gift and household items, mail order gift items, kitchen ware and gourmet products and in the conversion and sale of strip, flat wire and special shapes of steel, in addition to engaging, through the Division, in the manufacturing and sale of textile and plastic film tentering and orientation equipment. Of the net proceeds which would be received by Bevis in the proposed transaction, $2 million would be used to prepay existing long-term indebtedness of Bevis.

Narragansett will invest $625,000 in M&W, $500,000 of which will go toward the purchase of a 5-year standing 12 percent subordinated promissory note and the balance will be applied to the purchase of 25 percent of the common stock of M&W. An identical amount on the same terms will be invested in M&W by Business Development Company of Rhode Island (BDC), a Rhode Island financial development corporation. Two persons who are members of management of both Narragansett and Bevis are directors of BDC. The application alleges that the members of BDC are financial institutions; its stockholders are businesses, charitable institutions, and private investors; and all are independent of Narragansett. Management of the Division will purchase 50 percent of the common stock of M&W for $250,000.

Narragansett now holds directly 836,952 shares of Bevis common stock, approximately 34 percent thereof. In addition, Narragansett has a potential beneficial interest in 161,227 additional Bevis shares, now held in escrow for delivery based on, and dependent upon, future earnings of the Casper Division of Bevis. As indicated, it is proposed that Narragansett will hold 25 percent of the common stock of M&W.

Affiliated persons of Narragansett, specifically some of its officers and directors, hold shares of Bevis common stock. No affiliated persons of Narragansett own or will own shares of stock of M&W, but members of management of the Division, who are affiliated persons of Bevis, an affiliated person of Narragansett, will own 50 percent of the common stock of M&W. Members of the Board of Directors of Bevis, who have approved the transaction with M&W, hold shares of Narragansett common stock.

Certain officers and directors of Narragansett are officers and directors of Bevis, and Narragansett will have either one of two representatives on the four man Board planned for M&W.

Commission jurisdiction. Section 17(a) of the Act, as here pertinent, prohibits a company controlled by a registered investment company from selling property to any affiliated person of such registered investment company, and also prohibits any affiliated person of such a registered investment company from purchasing property from a company controlled by such registered investment company. The proposed acquisition, whereby Bevis would sell assets of the Division to M&W, is a prohibited transaction pursuant to section 17(a); Bevis is controlled by Narragansett within the meaning of the Act, and M&W at the time of the consummation of the transaction will be an affiliated person of Narragansett within the meaning of the Act. The Commission, upon the filing of an application for an order pursuant to section 17(b), may grant an exemption from the provisions of section 17(a) after finding that the terms of the proposed transaction is consistent with the policy of the registered investment company and the general purposes of the Act.

Section 17(d) of the Act and Rule 17d–1 thereunder, taken together, provide, as here pertinent, that it shall be unlawful for an affiliated person of a registered investment company or any affiliated person of such person, acting as principal, to participate in, or to effect any transaction in connection with any joint enterprise or other joint arrangement in which such registered company, or a company controlled by such registered company, is a participant unless an order regarding such arrangement has been granted by the Commission upon application. In passing upon such application, the Commission must consider whether the participation of such registered company or controlled company in such arrangement is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Supporting statements. Narragansett alleges that the proposed asset acquisition by M&W is fair and reasonable to all parties involved. The terms of the proposed transaction, it is asserted, were determined in arms-length negotiations between the management of Bevis and potential investors in M&W, particularly members of the management of the Division. Narragansett has received a report from a corporate consulting firm indicating that the terms of the transaction are fair and reasonable to both Bevis and Narragansett. The report is attached to the application as an exhibit.

The application also states that the proposed transaction does not involve overreaching on the part of any person concerned or any preference or special treatment for any affiliated person of Narragansett or any affiliated person of such an affiliated person. All stockholders of Bevis, including affiliated persons of Narragansett, will benefit from the sale of the assets of the Division in direct proportion to their present holdings of Bevis stock. Narragansett will benefit from the success or lack of success of M&W in proportion to its holdings in M&W as will the other stockholders of that concern, including present members of the management of the Division.

Narragansett represents that the proposed transaction is consistent with its investment policy, as recited in its Registration Statement and reports filed under the Act, and is consistent with the general purposes of the Act. The transaction does not favor any insiders or special classes of security holders.

With specific reference to Rule 17d–1, the application contends that the participation of Narragansett in the proposed transaction is not on a basis different from or less advantageous than that of any other participant, including the affiliated persons of Narragansett, and affiliated persons of such affiliated persons, and such affiliated parties would not participate on a different or more advantageous basis than that of any other participant, including Narragansett. Narragansett states that the investment participation by it in M&W, as proposed, is virtually identical to Narragansett's usual method of participating in the financing of small businesses. Narragansett commonly purchases between 25 percent and 50 percent of the common stock of companies and loans such companies funds against delivery of subordinated notes, due in 5 years or payable in installments between the fifth and 10th years after date. Within the past year or more, all of Narragansett's new subordinated loans have been at not more than a 12 percent interest rate.

Notice is further given that any interested person may, not later than August 11, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Narragansett at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It is ordered, That the Secretary of the Commission shall send a copy of this notice by certified mail to the Director, Office of Investment Assistance, Small Business Administration, Washington, D.C. 20416.

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

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-10693 Filed 7-27-71;8:47 am]

[812-2977]

PAINE WEBBER MUNICIPAL BOND FUND, FIRST SERIES, ET AL.

Notice of Filing of Application for Granting Confidential Treatment

JULY 21, 1971.

In the matter of Paine Webber Municipal Bond Fund, First Series, Paine Webber Municipal Bond Fund, Second Series, (and Subsequent Funds), and Paine, Webber, Jackson & Curtis, Inc., 140 Broadway, New York, NY 10005.

Notice is hereby given that Paine Webber Municipal Bond Fund, First Series (First Series), Paine Webber Municipal Bond Fund, Second Series (Second Series), each a unit investment trust registered under the Investment Company Act of 1940 (Act), and their sponsor, Paine, Webber, Jackson & Curtis Inc. (Sponsor) (hereinafter collectively called "Applicants") have filed an application pursuant to section 45(a) of the Act for an order of the Commission granting confidential treatment to the profit and loss statements of the Sponsor supplied in connection with certain registration statements filed with the Commission from time to time. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

The confidential treatment sought in the application is to extend to the profit and loss statements of the Sponsor supplied in connection with registration statements and amendments thereto filed with the Commission by First Series, Second Series, and all subsequent funds sponsored by the Sponsor and meeting the description of such funds in the application. First Series has been in operation since June of 1966 and is substantially similar to Second Series and subsequent funds as described in the application. Each fund will be governed by a trust agreement for that fund (hereinafter called the "Agreement") to be entered within 2 months of the registration of the fund with the Securities and Exchange Commission under which the Sponsor will act as such and U.S. Trust Company of New York will act as trustee. Standard & Poor's Corp. will act as Evaluator. The Trust Agreement for each fund will contain standard terms and conditions of trust common to all funds. Pursuant to the Agreement, the Sponsor will deposit with the trustee not less than $5 million principal amount of bonds (hereinafter called the "Bonds") which the Sponsor shall have accumulated for such purpose. Simultaneously with such deposit the trustee will deliver to the Sponsor registered certificates for not less than 5,000 units, which will represent the entire ownership of the fund. These units are in turn to be offered for sale to the public by the Sponsor.

It shall be noted that the Bonds will not be pledged or be in any other way subjected to any debt at any time after the Bonds are deposited in the fund. All of the Bonds will be municipal bonds the interest on which is exempt from Federal income taxation. The Sponsor has been accumulating the Bonds for the purpose of deposit in the Second Series and will follow a similar procedure of accumulating the Bonds for each future fund. In selecting the Bonds, the following factors are considered: (i) Standard & Poor's Corp.'s rating of "BBB" or better, (ii) the price of the Bonds relative to other bonds of comparable quality and maturity, (iii) diversification as to the purpose of issue and location of issuer and (iv) income to the unitholder of the fund.

Each fund will consist of the Bonds, such Bonds as may continue to be held from time to time in exchange or substitution for any of the Bonds upon certain refundings, accrued and undistributed interest and undistributed cash. Certain of the Bonds may from time to time be sold under circumstances set forth in the Agreement or may be redeemed or may mature in accordance with their terms. The proceeds from such dispositions will be distributed to unitholders and not reinvested. There is no provision in the Agreement for the Second Series, and there will be no provision in the Agreement for any future fund, for the sale and reinvestment of the Bonds, and such activity will not take place. Reference is made to the Agreement and to the prospectus for the Second Series for a full explanation of the operation of the funds.

Initially each Unit for a particular fund will represent a fractional undivided interest in that fund. The numerator of the fractional interest represented will be 1; the denominator, the number of units then in the fund. Units will be redeemable. In the event that any units shall be redeemed, the denominator of the fraction will be reduced and the fractional undivided interest represented by such unit increased. Units will remain outstanding until redeemed or until the termination of the Agreement. The Agreement may be terminated by 100 percent agreement of the unitholders of the fund, or, in the event that the value of the Bonds shall fall below 20 percent of the principal amount of Bonds originally deposited in the fund, upon direction of the Sponsor to the trustee. There is no provision in the Agreement for Second Series, and there will be no provision in the Agreements for future funds, for the issuance of any units after the initial offering of units (except to the extent that the secondary trading by the Sponsor in the units is deemed the issuance of units under the Act) and such activity will not take place.

Following the deposit of Bonds for each fund by the Sponsor with the trustee, and following the declaration of effectiveness of that fund's registration statement under the Securities Act of 1933 and clearance by the securities authorities of the various States, the Sponsor will offer the units of that fund to the public at the public offering price set forth in the prospectus, plus accrued interest.

It is the purpose of each fund to provide a diversified investment of quality not less than Standard & Poor's Corp.'s rating of BBB or better. In the opinion of counsel, none of the funds will be an association taxable as a corporation under the Internal Revenue Code and to the extent that income of the Applicant consists of interest excludable from gross income under the Internal Revenue Code such income is excludable from the gross income of the unitholders of the certificates when distributed to them.

At the present time the Sponsor maintains a market for the units of First Series of the Paine Webber Municipal Bond Fund and continually offers to purchase such units at prices based on the most recent evaluation by the evaluator which exceed the redemption price at the time of such evaluation for such units by amounts which depend upon supply and demand for units. While the Sponsor undertakes no obligation to do so, it is its intention to maintain a market for units

of each fund and continuously to offer to purchase such units at prices in excess of the redemption price as set forth in the Agreement.

Section 45(a) of the Act provides in pertinent part that information filed with the Commission "shall be made available to the public, unless and except insofar as the Commission * * * by order upon application, finds that public disclosure is neither necessary nor appropriate in the public interest or for the protection of investors."

Applicants submit that public disclosure of the profit and loss statements of the Sponsor is neither necessary nor appropriate in the public interest, or for the protection of investors. Investors in the funds are not offered an opportunity to acquire any interest whatsoever in the Sponsor. Apart from the Sponsor's minimal obligation under the Trust Agreement to direct the disposition of municipal bonds which are, or are likely to be, defaulted upon by the issuers thereof (which obligation may be performed by the trustee or successor Sponsor if not performed by current Sponsor), Applicants state that the Sponsor will function solely as underwriter of the funds. Applicants also assert that there is no legitimate interest on the part of investors in the public disclosure of the profit and loss statements of the underwriter from whom the units are purchased.

In addition, Applicants submit that to the extent the Sponsor's solvency may conceivably be thought relevant to the maintenance of the secondary market in the units of the funds, the Sponsor's statements of financial condition, which are filed with the Commission and various stock exchanges, and which are readily available to the public, contain fully adequate information. Further, the prospectuses disclose the Sponsor's right to terminate secondary market activities in a particular fund. Should the Sponsor exercise this right, for whatever reason, the unitholders would be fully protected by their right under the Trust Agreements to redeem their units upon presentation of such units properly endorsed to the trustee, and to receive the redemption value of the units computed on the underlying assets of the particular fund.

In addition, Applicants state that the soundness of the investors' interest in the funds is solely a function of the fiscal conditions of the issuing municipalities. Applicants thus represent that the financial operations of the Sponsor will in no way enhance or diminish the prospect for an orderly payment of the underlying bonds.

Notice is further given that any interested person may, not later than August 4, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission orders a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon each of the Applicants at the addresses stated above. Proof of such service by affidavit (or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in the matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-10694 Filed 7-27-71;8:47 am]

[812-2975]

PAINE WEBBER MUNICIPAL BOND FUND, SECOND SERIES, ET AL.

Notice of Filing of Application for Order of Exemption

JULY 21, 1971.

In the matter of Paine Webber Municipal Bond Fund, Second Series (and subsequent funds), Paine, Webber, Jackson & Curtis Inc., 140 Broadway, New York, NY 10005.

Notice is hereby given that Paine Webber Municipal Bond Fund, Second Series (Second Series), a unit investment trust registered under the Investment Company Act of 1940 (Act) and its sponsor, Paine, Webber, Jackson & Curtis Inc. (Sponsor), (hereinafter collectively referred to as "Applicants") have filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting Second Series (and Subsequent Funds) from compliance with the provisions of section 14(a) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Subsequent funds to be included in such exemption will be sponsored by the Sponsor and meet the description of such Funds in the application. The Paine Webber Municipal Bond Fund, Second Series and each future fund will be governed by a trust agreement for that fund (hereinafter called the "Agreement") to be entered within 2 months of the registration of the fund with the Securities and Exchange Commission under which the Sponsor will act as such and United States Trust Company of New York will act as Trustee. Standard & Poor's Corp. will act as evaluator. The trust agreement for each fund will contain standard terms and conditions of trust common to all funds. Pursuant to the Agreement, the Sponsor will deposit with the Trustee not less than $5 million principal amount of bonds (hereinafter called the "Bonds") which the Sponsor shall have accumulated for such purpose. Simultaneously with such deposit the Trustee will deliver to the Sponsor registered certificates for not less than 5,000 Units, which will represent the entire ownership of the fund. These Units are in turn to be offered for sale to the public by the Sponsor.

It shall be noted that the Bonds will not be pledged or be in any other way subjected to any debt at any time after the Bonds are deposited in the fund. All of the Bonds will be municipal bonds the interest on which is exempt from Federal income taxation. The Sponsor has been accumulating the Bonds for the purpose of deposit in the Second Series and will follow a similar procedure of accumulating the Bonds for each future fund. In selecting the Bonds, the following factors are considered: (i) Standard & Poor's Corp.'s rating of "BBB" or better, (ii) the price of the Bonds relative to other bonds of comparable quality and maturity, (iii) diversification as to the purpose of issue and location of issuer and (iv) income to the unitholder of the fund.

Each fund will consist of the Bonds, such bonds as may continue to be held from time to time in exchange or substitution for any of the Bonds upon certain refundings, accrued and undistributed interest and undistributed cash. Certain of the Bonds may from time to time be sold under circumstances set forth in the Agreement or may be redeemed or may mature in accordance with their terms. The proceeds from such dispositions will be distributed to unitholders and not reinvested. There is no provision in the Agreement for the Second Series, and there will be no provision in the Agreement for any future fund, for the sale and reinvestment of the Bonds, and such activity will not take place. Reference is made to the Agreement and to the Prospectus for the Second Series for a full explanation of the operation of the funds.

Initially each Unit for a particular fund will represent a fractional undivided interest in that fund. The numerator of the fractional interest represented will be 1; the denominator, the number of units then in the fund. Units will be redeemable. In the event that any units shall be redeemed, the denominator of the fraction will be reduced and the fractional undivided interest represented by such unit increased. Units will remain outstanding until redeemed or until the termination of the Agreement. The Agreement may be terminated by 100 percent agreement of the Unitholders of the Fund, or, in the event that the value

of the Bonds shall fall below 20 percent of the principal amount of Bonds originally deposited in the fund, upon direction of the Sponsor to the Trustee. There is no provision in the Agreement for Second Series, and there will be no provision in the Agreements for future funds, for the issuance of any units after the initial offering of units (except to the extent that the secondary trading by the Sponsor in the units is deemed the issuance of units under the Act) and such activity will not take place.

Following the deposit of Bonds for each fund by the Sponsor with the Trustee, and following the declaration of effectiveness of that fund's registration statement under the Securities Act of 1933 and clearance by the securities authorities of the various States, the Sponsor will offer the units of that fund to the public at the public offering price set forth in the Prospectus, plus accrued interest.

It is the purpose of each fund to provide a diversified investment of quality not less than Standard & Poor's Corp.'s rating of BBB or better. In the opinion of counsel, none of the funds will be associations taxable as corporations under the Internal Revenue Code and to the extent that income of any fund consists of interest excludable from gross income under the Internal Revenue Code such income is excludable from the gross income of the unitholders when distributed to them.

At the present time the Sponsor maintains a market for the units of the previous Series of the Paine Webber Municipal Bond Fund and continually offers to purchase such units at prices based on the most recent evaluation by the Evaluator which exceed the redemption price at the time of such evaluation for such units by amounts which depend upon supply and demand for units. While the Sponsor undertakes no obligation to do so, it is its intention to maintain a market for units of each fund and continuously to offer to purchase such units at prices in excess of the redemption price as set forth in the Agreement.

In connection with the requested exemption, the Sponsor has agreed (i) to refund on demand and without deduction the sales load to purchasers of units, if within 90 days after the registration of a fund under the Securities Act of 1933 becomes effective, the net worth of that Fund shall be reduced to less than $100,000 or if the fund is terminated; (ii) to instruct the Trustee on the date the bonds are deposited in each fund that if the fund shall at any time have a net worth of less than 20 percent of the principal amount of bonds originally deposited in the fund, as a result of redemption by the Sponsor of units constituting a part of the unsold units, the Trustee shall terminate the fund in the manner provided in the Trust Agreement and distribute any bonds or other assets deposited with the Trustee pursuant to the Trust Agreement as provided therein; and (iii) in event of termination for the reasons described in (ii) above to refund any sales load to any purchaser of units purchased from the Sponsor on demand and without any deduction.

Section 14(a) of the Act requires that a registered investment company (a) have a net worth of at least $100,000 prior to making a public offering of its securities, (b) have previously made a public offering and at that time have had a net worth of $100,000, or (c) have made arrangements for at least $100,000 to be paid in by 25 or fewer persons before acceptance of public subscriptions.

Section 6(c) of the Act provides, among other things, that the Commission by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 4, 1971 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-10695 Filed 7-27-71;8:47 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 84528 Sub 18, Automobile Transport Co. of California, now assigned July 26, 1971, at San Francisco, Calif., postponed indefinitely.

MC-65916 Sub 14, Ward Trucking Co., now being assigned for hearing on September 13, 1971, in Public Utility Commission, Ground Floor, North Office Building, Harrisburg, Pa.

MC-27356 Sub 4, M-F Express, Inc., now being assigned for hearing on September 13, 1971, in Room 403, Sun-N-San Motel, North Lamar Street, Jackson, MS.

MC 114818 Sub 14, Barton Truck Line, Inc., assigned September 13, 1971, at Carson City, Nev., in Room 302 Federal Building, 705 North Plaza Street.

MC-125433 Sub 26, F-B Truck Line Co., now being assigned for hearing on August 9, 1971, in the Jack Tarr Hotel, 1101 Van Ness Avenue, San Francisco, CA. Immediately following the applicant's testimony at San Francisco, Calif., the hearing examiner will continue the hearing to the Travel Lodge Motor Hotel, 161 West Sixth South, Salt Lake City, UT.

MC 56679 Sub 41, Brown Transport Corp., assigned September 13, 1971, at Atlanta, Ga., in Room 305, 1252 West Peachtree Street.

MC 134958, Hams Express, Inc., assigned September 8, 1971, at Washington, D.C., at the Offices of the Interstate Commerce Commission.

MC 3854 Sub 15, Burton Lines, Inc., assigned September 8, 1971, at Washington, D.C., at the Offices of the Interstate Commerce Commission.

MC 133488 Sub 1, R.F.P. Trucking, Inc., assigned September 8, 1971, at Washington, D.C., at the Offices of the Interstate Commerce Commission.

MC-F-11179, Arkansas Best Freight System, Inc.—Control and Merger—Youngblood Truck Lines, Inc., assigned September 8, 1971, at Washington, D.C., at the Offices of the Interstate Commerce Commission.

MC-95540 Sub 792, Watkins Motor Lines, Inc., and MC-107839 Sub 145, Denver-Albuquerque Motor Transport, Inc., now being assigned for hearing on September 16, 1971, at Florida Public Service Commission, 5720 Southwest 17th Street, Miami, FL.

MC-51146 Sub 194, Schnieder Transport & Storage, Inc., now being assigned for hearing on September 20, 1971, in Room 1001, Federal Building, 400 West Bay Street, Jacksonville, FL.

MC-94201 Sub 93, Bowman Transportation, Inc., now being assigned hearing September 24, 1971, in Room 1001, Federal Building, 400 West Bay Street, Jacksonville, FL.

MC-107515 Sub 703, Refrigerated Transport Co., Inc., now being assigned for hearing on September 22, 1971, in Room 1001, Federal Building, 400 West Bay Street, Jacksonville, FL.

MC-133268 Sub 1, Lee's Carrier Corp., now being assigned hearing September 13, 1971, at Florida Public Service Commission, 5720 Southwest 17th Street, Miami, FL.

MC-119619 Sub 7, Distributors Service Co., assigned September 8, 1971, at Washington, D.C., at the Office of the Interstate Commerce Commission.

MC-109533 Sub 44, Overnite Transportation Co., assigned October 12, 1971, at Nashville, Tenn., in Room 651, U.S. Courthouse, 901 Broad Street.

MC-108298 Sub 31, Ellis Trucking Co., Inc., now being assigned hearing September 13, 1971, in Room 5404, Federal Office Building, 700 West Capitol Street, Little Rock, AR.

MC-129708 Sub 1, McRay Truck Line, Inc., Common Carrier Application, now being assigned for hearing on September 20, 1971, in 829 Federal Plaza, 600 Federal Place, Louisville, Ky.

MC-61592 Sub 203, Jenkins Truck Line, Inc., and MC-117765, Sub 115, Hahn Truck Line, Inc., now being assigned for hearing on September 16, 1971, in Courtroom No. 2, 1114 Market Street, St. Louis, MO.

MC 135388, Bowling Green Beverage Co., Inc., now assigned September 20, 1971, at Louisville, Ky., is canceled and application dismissed.

MC-43716 (Sub-No. 27), Bigge Drayage Co., application dismissed.

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

[FR Doc.71-10725 Filed 7-27-71;8:50 am]

[Drought Order No. 68 (Sub. No. 2)]

CERTAIN DROUGHT AREAS IN NEW MEXICO

Transportation of Hay at Reduced Rates

In the matter of relief under section 22 of the Interstate Commerce Act.

Present: Dale W. Hardin, vice chairman, to whom the above-entitled matter has been assigned for action thereon.

It appearing, that by reasons of drought conditions existing in certain portions of the State of New Mexico, hereinafter referred to as the disaster area, the Assistant Secretary of the U.S. Department of Agriculture has requested the Commission to enter an order under section 22 of the Interstate Commerce Act authorizing railroads subject to the Commission's jurisdiction to transport hay to the disaster area at reduced rates:

It is ordered, That carriers by railroad participating in the transportation of hay to the counties of:

Rio Arriba.
Taos.

located in the State of New Mexico, referred to herein as the disaster area, be, and they are hereby, authorized under section 22 of the Interstate Commerce Act to establish and maintain until August 15, 1971, reduced rates for such transportation, the rates to be published and filed in the manner prescribed in section 6 of the Interstate Commerce Act except that they may be effective 1 day after publication and filing instead of 30.

It is further ordered, That the class of persons entitled to such reduced rates is hereby defined as persons designated as being in distress and in need of relief by the U.S. Department of Agriculture or by such State agents or agencies as may in turn be designated by the U.S. Department of Agriculture to assist in relieving the distress caused by the drought.

It is further ordered, That, during the period in which any reduced rates authorized by this order are effective the carriers may, notwithstanding the provisions of section 4 of the Interstate Commerce Act, maintain higher rates to directly intermediate points and maintain through rates in excess of the aggregate of intermediate rates over the same routes if one or more of the factors of such aggregate of intermediate rates is a reduced rate established under the authority of this order.

It is further ordered, That any tariffs or tariff provisions published under the authority of this order shall explicitly so state, making reference to this order by number and date.

And it is further ordered, That, subject to the conditions in the succeeding paragraphs hereof, the use of reduced rates established by authority of this order may be conditioned upon the release by the shipper of the value of the commodity, which released value, in its relation to the invoice value of the property at time of shipment, shall be in the same percentage relation which the reduced rates bear to the rates which otherwise would apply.

And it is further ordered, That tariffs containing released rates filed under authority of this order shall show in connection with such rates the following notation:

The released value must be entered on shipping order and bill of lading in the following form:

The agreed or declared value of the property is hereby specifically stated by the shipper to be not in excess of (show percent) of the invoice value of the property herein described.

If the shipper fails or declines to execute the above statement, shipments will not be accepted for transportation at the rates subject hereto. Rates published elsewhere in other tariffs lawfully filed with the Interstate Commerce Commission will apply in such a case. Rates herein published on released value have been authorized by the Interstate Commerce Commission in Drought Order No. 68 (Sub. No. 2) of July —, 1971.

And it is further ordered, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the Office of the Secretary of the Commission and by filing a copy with the Director, Office of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association-Eastern Railroads, New York, New York; the Chairman of the Southern Freight Association, Atlanta, Georgia; the Chairman of the Executive Committee, Western Railroads Traffic Association, Chicago, Illinois; the Vice President, Economics and Finance Department, Association of American Railroads, Washington, D.C.; and to the President of the American Short Line Railroad Association, Washington, D.C.

Dated at Washington, D.C., this 21st day of July 1971.

By the Commission, Vice Chairman Hardin.

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

[FR Doc.71-10721 Filed 7-27-71;8:49 am]

[Drought Order No. 66 (Sub No. 7)]

CERTAIN DROUGHT AREAS IN TEXAS

Transportation of Hay at Reduced Rates

In the Matter of Relief under section 22 of the Interstate Commerce Act.

Present: Dale W. Hardin, vice chairman, to whom the above-entitled matter has been assigned for action thereon.

It appearing, That by reasons of drought conditions existing in certain portions of the State of Texas, hereinafter referred to as the disaster area, the Assistant Secretary of the U.S. Department of Agriculture, has requested the Commission to enter an order under section 22 of the Interstate Commerce Act authorizing railroads subject to the Commission's jurisdiction to transport hay to the disaster area at reduced rates:

It is ordered, That carriers by railroad participating in the transportation of hay to the counties of:

Carson. Palo Pinto.

located in the State of Texas, referred to herein as the disaster area, be, and they are hereby, authorized under section 22 of the Interstate Commerce Act to establish and maintain until September 30, 1971, reduced rates for such transportation, the rates to be published and filed in the manner prescribed in section 6 of the Interstate Commerce Act except that they may be effective 1 day after publication and filing instead of 30.

It is further ordered, That the class of persons entitled to such reduced rates is hereby defined as persons designated as being in distress and in need of relief by the U.S. Department of Agriculture or by such State agents or agencies as may in turn be designated by the U.S. Department of Agriculture to assist in relieving the distress caused by the drought.

It is further ordered, That during the period in which any reduced rates authorized by this order are effective the carriers may notwithstanding the provisions of section 4 of the Interstate Commerce Act, maintain higher rates to directly intermediate points and maintain through rates in excess of the aggregate of intermediate rates over the same routes if one or more of the factors of such aggregate of intermediate rates is a reduced rate established under the authority of this order.

It is further ordered, That any tariffs or tariff provisions published under the authority of this order shall explicitly so state, making reference to this order by number and date.

And it is further ordered, That, subject to the conditions in the succeeding paragraphs hereof, the use of reduced rates established by authority of this

order may be conditioned upon the release by the shipper of the value of the commodity, which released value, in its relation to the invoice value of the property at time of shipment, shall be in the same percentage relation which the reduced rates bear to the rates which otherwise would apply.

And it is further ordered, That tariffs containing released rates filed under authority of this order shall show in connection with such rates the following notation:

> The released value must be entered on shipping order and bill of lading in the following form:
>
> The agreed or declared value of the property is hereby specifically stated by the shipper to be not in excess of (show percent) of the invoice value of the property herein described.
>
> If the shipper fails or declines to execute the above statement, shipments will not be accepted for transportation at the rates subject hereto. Rates published elsewhere in other tariffs lawfully filed with the Interstate Commerce Commission will apply in such a case. Rates herein published on released value have been authorized by the Interstate Commerce Commission in Drought Order No. 66 (Sub No. 7) of July __, 1971.

And it is further ordered, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the Office of the Secretary of the Commission and by filing a copy with the Director, Office of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association-Eastern Railroads, New York, New York; the Chairman of the Southern Freight Association, Atlanta, Georgia; the Chairman of the Executive Committee, Western Railroads Traffic Association, Chicago, Illinois; the Vice President and Director, Bureau of Railway Economics Association of American Railroads, Washington, D.C.; and to the President of the American Short Line Railroad Association, Washington, D.C.

Dated at Washington, D.C., this 21st day of July 1971.

By the Commission, Vice Chairman Hardin.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-10724 Filed 7-27-71;8:50 am]

[No. MC-C-7385]

K. V. YOUNG AND DUANE A. GOEPEL

Petition for Interpretation and Clarification

JULY 23, 1971.

Petitioners: K. V. Young and Duane A. Goepel, individuals, doing business as Iowa Van and Storage Co., Ottumwa, Iowa. Petitioners' representative: Kenneth F. Dudley, 611 Church Street, Post Office Box 279, Ottumwa, IA 52501.

By petition filed June 7, 1971, petitioners set forth a factual situation with respect to the nature of the transportation of certain traffic, and request that an interpretation be made with respect to the intrastate or interstate nature of such transportation and clarification as to whether interstate operating authority is required for such transportation. Petitioners believe the involved traffic to be intrastate in nature and request that the Commission so find.

Petitioners state that they operate as a motor common carrier of property in interstate commerce, as well as in intrastate commerce within Iowa. Additionally, petitioners maintain a warehouse facility at Ottumwa, Iowa. The Union Carbide Corp. maintains a plant at Centerville, Iowa, and also utilizes petitioners' warehouse facilities at Ottumwa. Carbide ships plastic resin in bags and cartons from overseas to itself in care of petitioners' warehouse. This traffic moves by rail to petitioners' warehouse from such ports as Seattle, Wash., and is stored in combination with other packages which have moved from Carbide's Centerville plant for storage until needed. Petitioner states that all of the packages, i.e., those from overseas and those having moved from Centerville, are identical and, when commingled, cannot be distinguished. Petitioners' state that storage of these packages, as commingled, continues until such time as Carbide advises petitioners to transport them from Ottumwa to Centerville. Petitioners emphasize that when selecting the packages for the latter movement they have no way of distinguishing those packages having moved from overseas from those having arrived at Ottumwa from Centerville. Petitioners have been performing the transportation from Ottumwa to Centerville under their Iowa intrastate authority.

Petitioners and any interested person desiring to participate in this proceeding, shall file an original and seven copies of his written representations, views, and arguments in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-10726 Filed 7-27-71;8:50 am]

[Notice 20]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 23, 1971.

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

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

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

MOTOR CARRIERS OF PASSENGERS

No. MC 54591 (Sub-No. 4) (Deviation No. 3), WESSON COMPANY, 205 North Senate Avenue, Indianapolis, IN 46202, filed July 12, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From junction Indiana Highway 67 and Interstate Highway 69, approximately 9 miles south of Anderson, Ind., over Interstate Highway 69 to junction Indiana Highway 37, thence over Indiana Highway 37 to junction Indiana Highway 67 in the city of Indianapolis, Ind.; and (2) from junction Indiana Highways 3 and 18 over Indiana Highway 3 to junction U.S. Highway 224, thence over U.S. Highway 224 to junction Interstate Highway 69, thence over Interstate Highway 69 to Fort Wayne, Ind., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Indianapolis, Ind., over U.S. Highway 31 to junction U.S. Highway 24, thence over U.S. Highway 24 to Fort Wayne, Ind.; (2) from Indianapolis, Ind., over U.S. Highway 31 to Westfield, Ind., thence over Indiana Highway 32 to Noblesville, Ind., thence over county highways via Cicero, Arcadia, Atlanta, Tipton, and Sharpsville, Ind., to junction Indiana Highway 26, thence over Indiana Highway 26 to junction U.S. Highway 31; (3) from Indianapolis, Ind., over Indiana Highway 67 to junction Indiana Highway 9 and county highway, thence over county highways via Pendleton, Ind., to junction Indiana Highway 67 at a point northeast of Huntsville, Ind., thence over Indiana Highway 9 to Anderson, Ind., thence over Indiana Highway 32 to Muncie, Ind., thence over Indiana Highway 3 to junction Indiana Highway 18, thence over Indiana Highway 18 to Fiat, Ind., thence over Indiana Highway 1 to Fort Wayne, Ind.; and (4) from junction Indiana Highway 18 and county highway (a short distance east of Montpelier) over county highway via Keystone, Ind., to Poneto, Ind., thence over Indiana Highway 118 to junction Indiana Highway 1, and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-10728 Filed 7-27-71;8:50 am]

[Notice 25]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 23, 1971.

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

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

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

MOTOR CARRIERS OF PROPERTY

No. MC-1335 (Deviation No. 1), BEANEY TRANSPORT, LIMITED, Suite 110, Station Square, Paoli, PA 19301, filed July 16, 1971. Carrier's representative: Maxwell A. Howell, Investment Building, 1511 K Street NW., Washington, DC 20005. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Syracuse, N.Y., over Interstate Highway 81 to junction with the Pennsylvania Turnpike Northeast Extension, thence over the Pennsylvania Turnpike Northeast Extension to junction Pennsylvania Turnpike thence over the Pennsylvania Turnpike to Junction Pennsylvania Highway 309, thence over Pennsylvania Highway 309 to Philadelphia, Pa.; and (2) from Syrathence over Interstate Highway 81-E to junction Interstate Highway 81-E, thence over Interstate Highway 81E to junction Interstate Highway 80, thence over Interstate 80 to junction U.S. Highway 46, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over regular routes as follows: (1) From Trenton, N.J., over U.S. Highway 1 to Philadelphia, Pa; (2) from Syracuse, N.Y., over U.S. Highway 11 to Lafayette, N.Y.; (3) from Lafayette, N.Y., over U.S. Highway 11 via Scranton, Pa., to junction U.S. Highway 611, thence over U.S. Highway 611 to Stroudsburg, Pa.; and (4) from Stroudsburg, Pa., over U.S. Highway 611 to junction U.S. Highway 46, thence over U.S. Highway 46 to Buttzville, N.J., thence over New Jersey Highway 31 (formerly New Jersey Highway 69) to Trenton, N.J., and return over the same route.

No. MC-2202 (Deviation No. 118), ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, OH 44309, filed July 16, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Carbondale, Ind., and Terre Haute, Ind., over Indiana Highway 63, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: between Carbondale, Ind., and Terre Haute, Ind., over U.S. Highway 41.

By the Commission.

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

[FR Doc.71-10729 Filed 7-27-71;8:50 am]

[Notice 59]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JULY 23, 1971.

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

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

MOTOR CARRIERS OF PROPERTY

No. MC 97974 (Sub-No. 8) (Republication), filed November 13, 1970, published in the FEDERAL REGISTER issues of December 30, 1970, and February 11, 1971, and republished this issue. Applicant: SUPERIOR TRUCKING SERVICE, INC., 100 East 29th Street, Chattanooga, TN 37410. Applicant's representative: Blaine Buchanan, 1024 James Building, Chattanooga, Tenn. 37402. An order of the Commission, Operating Rights Board, dated May 28, 1971, and served July 13, 1971, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (1) from Manchester, Tenn., to Chattanooga, Tenn., over U.S. Highway 41 serving all intermediate points from Manchester to Jasper (including Jasper); (2) from Chattanooga to Manchester, over U.S. Highway 41, serving all intermediate points between Monteagle and Manchester, Tenn.; (3) (a) from Columbia, Tenn., to Chattanooga, Tenn., over Tennessee Highway 50 (and Tennessee Highway 50-A) to Lewisburg, Tenn.; thence over Tennessee Highway 11 to Farmington, Tenn., thence over Tennessee Highway 64 to Shelbyville, Tenn., thence over U.S. Highway 41-A and Tennessee Highway 16 to Winchester, Tenn.; thence over U.S. Highway 41-A and 64 and Tennessee Highway 15 to Monteagle, Tenn.; thence over U.S. Highways 41 and 64 and Tennessee Highway 2 to Chattanooga, Tenn., and return over the same route serving all intermediate points except those between Monteagle, Tenn., and Chattanooga, Tenn.;

(b) From Shelbyville, Tenn., over Tennessee Highway 82 to junction Tennessee Highway 55; thence over Tennessee Highway 55 to junction Tennessee Highway 50, at or near Lynchburg, Tenn.; thence over Tennessee Highway 50 to Winchester, Tenn., and return over the same routes serving all intermediate points, and serving Huntland, Tenn., as an off-route point; (4) (a) between Tullahoma and Manchester, Tenn., over Tennessee Highway 55, serving all intermediate points; (b) between Winchester and Pelham, Tenn., over Tennessee Highway 50, serving all intermediate points; (c) between Hillsboro (Coffee County) and a point 5 miles west of McMinnville over unnumbered county road and Tennessee Highway 108 serving all intermediate points; (5) between Manchester and Smartt, Tenn., from Manchester over Tennessee Highway 55 to Smartt and return over the same route serving all intermediate points; (6) (a) between Manchester, Tenn., and Murfreesboro, Tenn., over U.S. 41 and Tennessee Highway 2 serving all intermediate points; (b) between Shelbyville, Tenn., and Murfreesboro, Tenn., over U.S. Highway 231 and Tennessee Highway 10 serving all intermediate points; and (7) between Chattanooga, Tenn., and Kimball, Tenn., over U.S. Interstate Highway 24 serving no intermediate points. Since it is possible that other parties who have relied upon the notice in the FEDERAL REGISTER of the application as originally published may have an interest in and would be prejudiced by the lack of proper notice of the grant of authority without the requested limitation in our findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of the certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in the proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 104654 (Sub-No. 147) (Republication), filed February 22, 1971, published in the FEDERAL REGISTER issue of March 18, 1971, and republished this issue. Applicant: COMMERCIAL TRANSPORT, INC., Post Office Box 469, Belleville, IL 62222. Applicant's representative: Edward G. Villalon, Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, DC 20004. An order of the Commission, Operating Rights Board, dated June 30, 1971, and served July 14, 1971, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes of petroleum and petroleum products, in bulk, in tank vehicles, from the site of the Stokes Oil Co., Inc., river terminal at or near Hickman, Ky., to those points in Missouri, on, south and east of a line beginning at the Illinois-Missouri boundary line and thence extending west over Interstate Highway 44 and U.S. Highway 63 to Rolla, thence south over U.S. Highway 63 to the Missouri-Arkansas boundary line. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition or other pleading setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 125423 (Sub-No. 2) (Republication), filed October 14, 1970, published in the FEDERAL REGISTER issue of November 13, 1970 and republished this issue. Applicant: J. FRED SMITH, doing business as J. FRED SMITH TRUCKING CO., 112 Nichols Street, Danville, KY 40422. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky. 40601. An order of the Commission, Operating Rights Board, dated June 23, 1971, and served July 14, 1971, finds; that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (1) between Danville, Ky., on the one hand, and, on the other, points in Adair, Bourbon, Casey, Clark, Franklin, Marion, McCreary, Russell, Scott, Shelby, Taylor, Washington, and Woodford Counties, Ky.; and (2) between points in Adair, Anderson, Bourbon, Boyle, Casey, Clark, Fayette, Franklin, Garrard, Jessamine, Knox, Laurel, Lincoln, Madison, Marion, Mercer, McCreary, Pulaski, Rockcastle, Russell, Scott, Shelby, Taylor, Washington, Whitley, and Woodford Counties, Ky., all of the authority described in (1) and (2) above restricted to the transportation of traffic having a prior movement by rail. Because it is possible that other parties who have relied upon the notice in the FEDERAL REGISTER of the application as originally published may have an interest in and would be prejudiced by the lack of proper notice of the grant of authority without the requested limitation in our findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of the certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in the proceeding setting forth in detail the precise manner in which it has been prejudiced.

No. MC 134723 (Sub-No. 1) (Republication), filed October 2, 1970, published in the FEDERAL REGISTER issue of October 29, 1970, and republished this issue. Applicant: MAULFAIR TRUCKING COMPANY, INC., 36 Union Place, North Arlington, NJ 07032. Applicant's representative: William Jacobs, 181 River Road, Nutley, NJ 07110. A report and order of the Commission, Review Board No. 2, decided June 29, 1971, and served July 8, 1971, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of hair accessories, from Kearny, N.J., to New York, N.Y., and to points in Nassau, Suffolk, and Westchester Counties, N.Y., and points in Fairfield, Hartford, and New Haven Counties, Conn., under a continuing contract or contracts with H. Goodman & Sons, Inc., of Kearney, N.J., will be consistent with the public interest and the national transportation policy. Because it is possible that other parties, who have relied upon the notice of the application as published which did not describe a service to points in said county, may have an interest in and would be prejudiced by a lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 134972 (Republication), filed September 25, 1970, published in the FEDERAL REGISTER issue of October 22, 1970, and republished this issue. Applicant: MICHIGAN TOWING SERVICE, INC., 307 East Grand River, Howell, MI 48843. Applicant's representative: William B. Elmer, 22644 Gratiot Avenue, East Detroit, MI 48021. An order of the Commission, Operating Rights Board, dated May 28, 1971, and served July 14, 1971, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of wrecked, disabled or repossessed motor vehicles, and replacement vehicles for wrecked and disabled motor vehicles, in truckaway service, between points in the Lower Peninsula of Michigan, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Maryland, Missouri, New Jersey, New York, Ohio, Pennsylvania, Tennessee, West Virginia, Wisconsin, and ports of entry on the international boundary line between the United States and Canada located at or near Sault Ste. Marie, Mich., restricted against the transportation of trailers designed to be drawn by passenger automobiles. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and the issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition or other pleading setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 114087 (Sub-No. 6) (Notice of Filing of Petition for Modification of Existing Permit), filed July 8, 1971. Petitioner: DECATUR PETROLEUM HAULERS, INC., Decatur, Ala. Petitioner's representative: D. H. Markstein, Jr., 512 Massey Building, Birmingham, Ala. 35203. Petitioner holds authority under No. MC 114087 (Sub-No. 6) to conduct operations as a motor contract carrier, transporting: Coke, in bulk, from Decatur, Ala., to Siglo, Tenn., under contract with Monsanto Co. By the instant petition, petitioner seeks to modify said permit by the addition of Columbia and Mount Pleasant, Tenn., as destination points. Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 126230 (Sub-No. 1), (Notice of Filing of Petition To Add Contracting Shipper), filed June 30, 1971. Petitioner: SOUTHERN PACKAGING & STORAGE COMPANY, INC., Greenville, Tenn. Petitioner's representative: Powell D. Johnson (same address as above). Petitioner states it is authorized to conduct operations as a motor contract carrier, over irregular routes, transporting: Printing paper, other than newsprint, printed or not printed, from Greenville, Tenn., to Rogersville, Tenn., under contract with West Virginia Pulp & Paper Co. and U.S. Plywood-Champion Papers, Inc. By the instant petition, petitioner requests permission to add another contracting shipper, Watervliet Paper Co., Watervliet,

Mich. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1100.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-11222 (BUCKNER TRUCKING, INC.—Purchase—MITCHELL TRANSPORTATION, INC.), published in the July 14, 1971, issue of the FEDERAL REGISTER on page 13121. Application filed July 19, 1971, for temporary authority under section 210a(b).

No. MC-F-11137. Authority sought for purchase by KINGS VAN & STORAGE, INC., 916-918 North Broadway, Oklahoma City, OK 73102, of a portion of the operating rights of NOBLE VAN & STORAGE CO., INC., Garth and Greyrock Roads, Scarsdale, NY 10583, and for acquisition by WAYNE H. THEUS, also of Oklahoma City, OK 73102, of control of such rights through the purchase. Applicants' attorneys: Alvin Altan and Robert J. Gallagher both of 1776 Broadway, New York, NY 10019. Operating rights sought to be transferred: Household goods as defined by the Commission, as a common carrier, over irregular routes, between points in Fairfield County, Conn., on the one hand, and, on the other, New York, N.Y., and points in Westchester County, N.Y., between points in Westchester County, N.Y., on the one hand, and, on the other, points in Massachusetts, Connecticut, other than those in Fairfield County, between points in Westchester County, N.Y., on the one hand, and, on the other, points in Rhode Island, between points in Westchester County, N.Y., on the one hand, and, on the other, points in Maine, Vermont, and New Hampshire. Vendee is authorized to operate as a *common carrier* in Alabama, Arkansas, Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Minnesota, Missouri, Montana, Massachusetts, Nebraska, New Mexico, North Carolina, New York, New Jersey, North Dakota, New Hampshire, Oklahoma, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Tennessee, Vermont, Virginia, Wisconsin, and Wyoming. Application has not been filed for temporary authority under section 210a(b). Note: Authority sought for in pending Document No. MC-FC-70905, certificate not yet issued.

No. MC-F-11233. Authority sought for control by DISTRIBUTION SYSTEMS, INC., 1918 Park Street, Alameda, CA 94501, of FRITZ-WAY MESSENGER SERVICE, INC., 1440 West 34th Street, Chicago, IL 60608, and for acquisition by DEL MONTE CORPORATION, 215 Fremont Street, San Francisco, CA 94119, of control of FRITZ-WAY MESSENGER SERVICE, INC., through the acquisition by DISTRIBUTION SYSTEMS, INC. Applicants attorneys: R. Frederic Fisher, and Thomas E. Kimball, 311 California Street, San Francisco, CA 94104. Operating rights sought to be controlled: In pending docket No. MC-134433 Sub-1, covering the transportation of (1) cosmetics, toilet preparations, toilet articles, drugs, cleaning, scouring, and washing compounds, soap powder, soap, clothing, toys, greeting cards, and premiums and prizes; (2) materials, equipment, and supplies used in connection with commodities described in Item (1) above; and (3) returned shipments of commodities described in Items (1) and (2) above, as a contract carrier over irregular routes, between points in Indiana embraced within an area commencing at the Indiana-Illinois State line along U.S. Highway 30 to junction Indiana Highway 15, thence north on Indiana Highway 15 to the Indiana-Michigan State line, including points on the indicated highways, points in Michigan embraced within an area commencing at Ludington, Mich.; thence along U.S. Highway 10 to junction Michigan Highway 25; thence along Michigan Highway 25 to junction 94; thence along U.S. Highway 94 to junction U.S. Highway 75; thence along U.S. Highway 75 to the Michigan-Ohio State line, including points on the indicated highways, points in Ohio embraced within an area commencing at the Ohio-Indiana State line; thence along U.S. Highway 224 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 30 N; thence along U.S. Highway 30 N to junction U.S. Highway 30; thence along U.S. Highway 30 to junction Ohio Highway 60; thence along Ohio Highway 60 to junction Ohio Highway 58, thence along Ohio Highway 58 to Lorain, Ohio, including points on the indicated highways, with restriction, and certificate not yet issued. Application has not been filed for temporary authority under section 210a(b). Note: Applicants state that they already own and control FRITZ-WAY MESSENGER SERVICE, INC., and that this application is filed solely for the purpose of complying with a requirement imposed by this Commission's Review Board No. 1 as a condition to its grant of Contract Carrier authority to FRITZ-WAY MESSENGER SERVICE, INC.

No. MC-F-11234. Authority sought for purchase by TEXAS TEX-PACK EXPRESS, INC., 150 East Zavalla Street, San Antonio, TX 78204, of the operating rights of CLARA A. WALKER McARTHUR, doing business as HEART O'TEXAS FILM LINES, 3315 Burleson Road, Austin, TX 78741, and for acquisition by ALFRED W. NEGLEY, also of San Antonio, Tex. 78204, of control of such rights through the purchase. Applicants' attorney: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, TX 78701. Operating rights sought to be transferred: Under certificates of registration in Dockets Nos. MC-120253 Sub-1 and Sub-2, covering the transportation of property and general commodities, as a common carrier, in interstate commerce, within the State of Texas. Vendee is authorized to operate as a common carrier in Texas. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11235. Authority sought for purchase by MACHINERY TRANSPORTS, INC., 608 Cass Street, Post Office Box 2338, East Peoria, IL 61611, of a portion of the operating rights of L. J. WELLENHOFER TRANSFER CO., 1926 Halstead Street, Chicago Heights, IL, and for acquisition by ANTHONY T. LaHOOD, also of East Peoria, Ill. 61611, of control of such rights through the purchase. Applicants' attorney and representative: Max G. Morgan, 600 Leininger Building, Oklahoma City, OK 73112 and Philip J. Pagoria, 1926 Halstead Street, Chicago Heights, IL. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC-30350 Sub-2, covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of Illinois. Vendee is authorized to operate as a *common carrier* in Illinois, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, Texas, Wyoming, Missouri, Arkansas, Kentucky, Indiana, Ohio, Tennessee, and Wisconsin. Application has been filed for temporary authority under section 210a(b). Note: MC-124947 Sub 12 is a matter directly related.

No. MC-F-11236. Authority sought for control by RANDALL TRUCKING AND LEASING, INC., a noncarrier, 26600 Van Born Road, Dearborn Heights, MI 48125, of APACHE MOTOR FREIGHT, INC., 6363 Middlebelt Road, Inkster, MI 48141, and for acquisition by JOSEPH C. BROMLEY, also of Dearborn Heights, Mich. 48125, of control of APACHE MOTOR FREIGHT, INC., through the acquisition by RANDALL TRUCKING AND LEASING, INC. Applicants' attorney Martin J. Leavitt, 1800 Buhl Building, Detroit, MI 48226. Operating rights sought to be controlled: *General commodities*, with or without exceptions, as a *common carrier* over irregular routes, between the Willow Run Airport, Mich., and the Detroit Metropolitan Wayne County Airport, Mich., between Willow Run Airport and Detroit Metropolitan Wayne County Airport, on the one hand, and, on the other, Toledo, Ohio, and points in Wayne, Washtenaw, Oakland, Livingston, Lenawee, and Monroe Counties, Mich., and points in that portion of Macomb County, Mich., which is within

the Detroit, Mich., commercial zone, as defined by the Commission, between Willow Run Airport, located in Wayne and Washtenaw Counties, Mich., and Detroit Metropolitan Wayne County Airport located in Wayne County, Mich., on the one hand, and, on the other, points in Lapeer County, Mich., on and south of Michigan Highway 21, and on and east of Michigan Highway 24, points in St. Clair County, Mich., on and south of Michigan Highway 21 and on and west of Michigan Highway 19, and points in Macomb County, Mich., except points within the Detroit, Mich., commercial zone, as defined by the Commission, between Willow Run Airport, Wayne and Washtenaw Counties, Mich., Detroit Metropolitan Wayne County Airport, Wayne County, Mich., and Toledo Express Airport, Lucas County, Ohio, on the one hand, and, on the other, points in Lucas, Williams, Defiance, Fulton, and Henry Counties, Ohio, between Willow Run Airport (in Wayne and Washtenaw Counties), Mich., Detroit Metropolitan Airport (in Wayne County), Mich., and Toledo Express Airport (in Lucas County), Ohio, on the one hand, and, on the other, points in Ottawa County, Ohio, with restrictions. RANDALL TRUCKING AND LEASING, INC., holds no authority from this Commission. However it is affiliated with KEY LINE FREIGHT, INC., 15 Andre Street Southeast, Grand Rapids, MI which is authorized to operate as a *common carrier* in Michigan, Kentucky, Indiana, Illinois, Missouri, Wisconsin, Minnesota, Iowa, and Ohio. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11237. Authority sought for purchase by T.I.M.E.–DC, INC., 2598 74th Street, Lubbock, TX 79408, of a portion of the operating rights of GOLDNER TRUCKING CO., INC., Terminal Place, New Haven, CN, and for acquisition by NATIONAL CITY LINES, INC., 700 Security Life Building, Denver, CO 80202, of control of such rights through the purchase. Applicants' attorneys: Frank M. Garrison, Post Office Box 2550, Lubbock, TX 79408, and Sidney L. Goldstein, 109 Church Street, New Haven, CN 06510. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between New Haven, Conn., on the one hand, and, on the other, points in Fairfield, New Haven, Middlesex, Litchfield, and Hartford Counties, Conn. Vendee is authorized to operate as a *common carrier* in Texas, Oklahoma, New Mexico, Arizona, California, Tennessee, Arkansas, Kentucky, Ohio, Georgia, Missouri, Illinois, Indiana, Kansas, Pennsylvania, New York, New Jersey, Virginia, Alabama, West Virginia, Maryland, Massachusetts, Rhode Island, Colorado, Washington, Michigan, Oregon, Nebraska, Wyoming, Idaho, and Utah. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11238. Authority sought for purchase by WALSH TRUCKING SERVICE, INC., 50 Burney Avenue, Massena, NY 13662, of a portion of the operating rights of HIGHWAY EXPRESS LINES, INC., 1314 North Irving Street, Allentown, PA 18103, and for acquisition by FRANCIS E. WALSH, also of Massena, N.Y. 13662, of control of such rights through the purchase. Applicants' attorney: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over irregular routes, from points in St. Lawrence County, N.Y., to New York, N.Y., and Hempstead, North Hempstead, and Long Beach (Nassau County), N.Y., with restriction; *general commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, from New York, N.Y., and Newark, N.J., and points in New Jersey within 30 miles of Newark, to certain specified points in New York, from points in Jefferson and Lewis Counties, N.Y., to New York, N.Y., and Newark, N.J., and points in New Jersey within 30 miles of Newark; *paper*, from points in Jefferson and Lewis Counties, N.Y., to Pittsburgh, Pa., Providence, R.I., Baltimore, Md., and points in Connecticut and Massachusetts, from points in St. Lawrence County, N.Y., to Woonsocket, R.I., and Pittsburgh, Pa.;

Cheese (except in bulk), from points in Jefferson and Lewis Counties, N.Y., to Philadelphia, Pa., and points in Massachusetts, from points in St. Lawrence, Lewis, and Jefferson Counties, N.Y., to certain specified points in Pennsylvania, Providence, Woonsocket, and Pawtucket, R.I., Portland, Maine, and points in Connecticut, from points in St. Lawrence County, N.Y., to Philadelphia, Pa., New York, N.Y., Newark, N.J., and points in New Jersey within 30 miles of Newark, and those in Massachusetts, from Troy, Vt., to Canton and Lowville, N.Y.; and return with *empty containers; empty oil drums*, from certain specified points in New York, to Sewaren and Rutherford, N.J.; *butter*, from Norwood, N.Y., to New York, N.Y., and Boston and Somerville, Mass.; *cheese, and supplies and equipment* used in the manufacture of cheese (except such commodities in bulk), from points in Vermont, New Hampshire, and Maine; *talc*, from Balmat, N.Y., to New York, N.Y., and points in New Jersey, Massachusetts, and Pennsylvania; *used empty containers, pallets, skids, and cores*, from certain specified points in New York, to New York, N.Y., Newark, N.J., and points in New Jersey within 30 miles of Newark, from Baltimore, Md., to points in Jefferson and Lewis Counties, N.Y., from certain specified points in Pennsylvania, Providence, Woonsocket, and Pawtucket, R.I., and points in Connecticut, to points in St. Lawrence, Lewis, and Jefferson Counties, N.Y., from points in Vermont, New Hampshire, Massachusetts, and Maine, to points in St. Lawrence, Lewis, and Jefferson Counties, N.Y., from points in New Jersey and Pennsylvania to Balmat, N.Y. Vendee is authorized to operate as a common carrier in New York, Connecticut, Maryland, Massachusetts, New Jersey, Rhode Island, Delaware, New Hampshire, Vermont, and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11239. Authority sought for purchase by EAGLE MOTOR LINES, INC., 830 North 33d Street, Birmingham, AL 35202, of the operating rights of SOUTHWEST OILFIELD TRANSPORTATION CO., 602 Service Street (Post Office Box 8654), Houston, TX 77009, and for acquisition by F. W. EDWARDS AND O. M. COOK, both of Birmingham, Ala. 35202, of control of such rights through the purchase. Applicants' attorneys: Robert M. Pearce, Post Office Box E, Bowling Green, KY 42101, and Fred A. Collins, 1220 Southwest Tower Building, Houston, Tex. 77002. Operating rights sought to be transferred: *Machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment, and supplies* used in, or in connection with the construction, operations, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, as a *common carrier* over irregular routes, between points and places in Texas, Oklahoma, and Louisiana; same as above except the picking-up and stringing of main or trunk pipelines, between points and places in Kansas and Oklahoma, between points in Oklahoma, on the one hand, and, on the other, points in that part of Montana on and east of a line beginning at the Montana-Wyoming State line near Alzada, Mont., and extending along U.S. Highway 212 to Miles City, Mont., thence along Montana Highway 22 to Jordan, Mont., thence northwesterly in a straight line to Malta, Mont., and thence along Montana Highway 19 to the Canadian boundary, those in that part of North Dakota on and west of North Dakota Highway 30, and those in South Dakota west of the Missouri River and on and north of U.S. Highway 14;

Machinery and equipment used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, and *materials and supplies* (not including sulphur) used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, restricted to the transportation of shipments of materials and supplies moving to or from exploration, drilling, production, job, construction, plantsites or storage sites (including refining, manufacturing, and processing plant), between points in Texas, Kansas, Oklahoma, and

Louisiana; *machinery, equipment, materials, and supplies* used in, or in connection with, the drilling of water wells, between points in Texas, Kansas, Oklahoma, and Louisiana, between points in Oklahoma, on the one hand, and, on the other, points in that part of Montana on and east of a line beginning at the Montana-Wyoming State line near Alzada, Mont., and extending along U.S. Highway 212 through Alzada and Broadus, Mont., to Miles City, Mont., thence along Montana Highway 22 through Hillside, Mont., to Jordan, Mont., thence northwesterly in a straight line to Malta, Mont., and thence along Montana Highway 19 to the Canadian boundary, those in North Dakota on and west of North Dakota Highway 30 extending through St. John, York, Medina, and Ashley, N. Dak., and those in South Dakota west of the Missouri River and on and north of U.S. Highway 14 extending through Hayes, Midland, Rapid City, and Sturgis, S. Dak.;

Machinery, equipment, materials, and supplies used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and byproducts, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way, between points in Texas, Oklahoma, and Louisiana, between points in Kansas and Oklahoma, between points in Kansas, on the one hand, and, on the other, points in Louisiana, Oklahoma, and Texas, between points in Oklahoma, on the one hand, and, on the other, points in that part of Montana on and east of a line beginning at the Montana-Wyoming State line near Alzada, Mont., and extending along U.S. Highway 212 to junction U.S. Highway 312, thence along U.S. Highway 312 to Miles City, Mont., thence along Montana Highway 22 to Jordan, Mont., thence northwesterly in a straight line to Malta, Mont., and thence along Montana Highway 242 to the United States-Canada boundary line, points in that part of North Dakota on and west of a line beginning at the United States-Canada boundary line and extending along North Dakota Highway 30 to junction unnumbered highway at Lehr, N. Dak., thence along unnumbered highway to Ashley, N. Dak., and thence along North Dakota Highway 3 to the North Dakota-South Dakota State line, and points in South Dakota west of the Missouri River and on and north of U.S. Highway 14; *earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities into or from holes or wells, between points in Texas, Oklahoma, and Louisiana, between points in Kansas and Oklahoma. Vendee is authorized to operate as a *common carrier* in all of the States in the United States except Hawaii. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11240. Authority sought for purchase by NESTOR BROS., INC., 612 Vestal Parkway West, Vestal, NY 13850, of a portion of the operating rights of THRUWAY FREIGHT LINES, INC., 300 Van Riper Avenue, East Paterson, NJ 07407, and for acquisition by JOSEPH L. NESTOR AND THOMAS L. NESTOR II, both of Vestal, N.Y. 13850, of control of such rights through the purchase. Applicants' attorney: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over irregular routes, between points in certain specified Counties in New Jersey, on the one hand, and, on the other, Philadelphia, Pa., and points in that part of New York on the west bank of the Hudson River, and points east of the Hudson River and south of a line beginning at Glens Falls, N.Y., and extending east through Porter, N.Y., to the New York-Vermont State line, except those in Nassau and Suffolk Counties, N.Y., New York, N.Y.; *hand mirrors*, from Paterson, N.J., to Schwenksville and Pennsburg, Pa., and Middletown, N.Y.; *paper napkins, sanitary napkins, and toilet tissue*, from Glens Falls and South Glens Falls, N.Y., to points in Middlesex County, N.J.; *groceries*, from Philadelphia, Pa., to Jersey City, N.J. Vendee is authorized to operate as a *common carrier* in New Jersey, New York, and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11241. Authority sought for purchase by MAC BOYD, doing business as BOYD TRUCKING COMPANY, 1015 East Valley Boulevard, San Gabriel, CA 91776, of a portion of the operating rights of ARROW TRUCKING CO., 3131 North Lewis, Post Office Box 6027, Tulsa, OK. Applicants' attorney: Grady L. Fox, 222 Amarillo Building, Amarillo, Tex. 79101. Operating rights sought to be transferred: *Machinery, equipment, materials, and supplies* used in, or in connection with, the drilling of water wells, as a *common carrier* over irregular routes, between points in Louisiana, Arkansas, Texas, and Mississippi, between points in Oklahoma, between points in Texas, on the one hand, and, on the other, points in Oklahoma, between points in Oklahoma, on the one hand, and, on the other, points in Louisiana, Arkansas, and Mississippi. Vendee is authorized to operate as a *contract carrier* in Texas, Oklahoma, Missouri, Illinois, Kansas, Nebraska, North Dakota, South Dakota, Montana, Wyoming, Colorado, California, and New Mexico. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11242. Authority sought for purchase by SMITH'S TRANSFER CORPORATION, Post Office Box 1000, Staunton, VA 24401, of the operating rights of BELL LINES, INC., Post Office Box 1000, Staunton, VA 24401, and for acquisition by R. R. SMITH and R. P. SMITH, both also of Staunton, Va., of control of such rights through the purchase. Applicants' attorney: Francis W. McInerny, 1000 16th Street NW., Washington, DC 20036. Operating rights sought to be transferred: General commodities, with certain specified exceptions, and other specified commodities, as a common carrier over regular routes and irregular routes, from, to, and between specified points in the States of Indiana, North Carolina, Ohio, West Virginia, Pennsylvania, Virginia, Kentucky, South Carolina, Tennessee, and Michigan, with certain restrictions, serving various intermediate and off-route points, over alternate routes for operating convenience only, as more specifically described in Docket No. MC-1375 and Subnumbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. This foregoing summary is believed to be sufficient for purposes to public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. Vendee is authorized to operate as a common carrier in Virginia, South Carolina, West Virginia, Alabama, North Carolina, New York, Pennsylvania, New Jersey, Maryland, Massachusetts, Illinois, Connecticut, Rhode Island, Georgia, Maine, New Hampshire, Vermont, Delaware, Indiana, Kentucky, Ohio, Missouri, Tennessee, Michigan, Wisconsin, Minnesota, Iowa, Kansas, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

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

[FR Doc.71-10730 Filed 7-27-71;8:50 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JULY 23, 1971.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission

hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 71-181-MF/S, filed July 1, 1971. Applicant: JOHN W. AND JOANNE C. HOOGLAND, doing business as INTERCITY TRANSIT, Seward, Alaska 99664. Applicant's representative: Roger A. McShea, Suite 300, 425 G Street, Anchorage, AK 99501. Certificate of public convenience and necessity seeks the following: Intrastate Commerce—interurban scheduled bus authority between Seward, Alaska and Anchorage, Alaska; sightseeing authority, points of interest off route between Seward, Alaska, and Anchorage, Alaska, on run between Seward and Anchorage; Interstate Commerce. Foreign Commerce—express freight, mainly air freight. Both intrastate and interstate authority sought.

HEARING: Date, time, and place unknown at this time. Requests for procedural information including the time for filing protests concerning this application should be addressed to the State of Alaska Department of Commerce, Alaska Transportation Commission, 750 Mackay Building, 338 Denali Street, Anchorage, AK 99501, and should not be directed to the Interstate Commerce Commission.

By the Commission.

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

[FR Doc.71-10727 Filed 7-27-71;8:50 am]

[Notice 336]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 22, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 720 (Sub-No. 7 TA), filed July 14, 1971. Applicant: BIRD TRUCKING COMPANY, INC., Box 227, 433½ Main Street, Waupun, WI 53963. Applicant's representative: Alan B. Torhorst, Post Office Box 307, Burlington, WI 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products and confectionary ingredients* (except in bulk); and (2) *chemicals* (except in bulk), from (1) the plantsite of Galloway-West Co., at Fond du Lac, Wis., to Chicago and Elgin, Ill.; and (2) from Chicago, Ill., to the plantsite of Galloway-West Co., at Fond du Lac, Wis., for 180 days. Supporting shipper: Galloway-West Company, Post Office Box 987, Fond du Lac, WI 54935 (Arthur Kaemmer, General Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 732 (Sub-No. 5 TA), filed July 14, 1971. Applicant: ALBINA TRANSFER COMPANY, INC., 714 North Fremont Street, Portland, OR 97227. Applicant's representative: Burton L. Robinson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood and building trusses*, between points in Multnomah, Clackamas, Tillamook, and Washington Counties, Oreg., and Snohomish, King, Pierce, Clark, Cowlitz, and Skagit Counties, Wash., and between Portland, Oreg., and Boise, Idaho, for 180 days. Supporting shipper: Publishers Paper, Plywood and Lumber Sales Office, 6637 Southeast 100th Avenue, Portland, OR 97266. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 48958 (Sub-No. 110 TA), filed July 14, 1971. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver, CO 80216. Applicant's representative: Morris G. Cobb, Post Office Box 9050, Amarillo, TX 79105. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the Mine of Earth Resources Co., located near Cuba, Sandoval County, N. Mex., as an off-route point in connection with applicant's present authority in No. MC 48958 and Subs thereto, for 180 days. NOTE: Applicant does intend to tack with authority in certificate No. MC 48958, Sub 55, and other existing authority in MC 48958 and Subs thereto, and interlining with other authorized carriers at all gateways. Supporting shipper: Earth Resources Co., Post Office Box 202, Cuba, NM 87013. Send protests to: District Supervisor Roger L. Buchanan, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo. 80202.

No. MC 65697 (Sub-No. 45 TA), filed July 14, 1971. Applicant: THEATRES SERVICE COMPANY, 830 Willoughby Way NE., Mailing: Post Office Box 1695, 30301. Atlanta, GA 30312. Applicant's representative: K. Edward Wolcott, 1600 First Federal Building, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except commodities of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving Norcross, Ga., and points in its commercial zone and the Tucker-Stone Mountain Industrial Park, as intermediate or off-route points in connection with the carrier's authorized regular route operation in MC-65697 and subs thereunder for 180 days. NOTE: Applicant does not intend to transport traffic direct or interline between Atlanta, Ga., on the one hand, and points within 15 miles thereof, on the other and is willing to accept a restriction to that effect. Applicant states it will tack with existing authority in MC 65697 and subs and will continue to interchange at existing service points. Supporting shippers: Cunningham Art Products, Inc., 1564 McCurdy Drive, Stone Mountain, GA 30083; Gardner-Denver Co., Post Office Box 487, Stone Mountain, GA 30083; Perma Pipe Corp., 1609 Stoneridge Drive, Stone Mountain, GA 30083; Southland Paint Co., Inc., 1625 Stoneridge Drive, Stone Mountain, GA 30083; Aeroquip Corp., 2177 Mountain Industrial Boulevard, Tucker, GA 30084; Dutch Valley Distributors, 2383 I-85 Northeast, Norcross, GA 30071; and Stone Mountain Industrial Park Association, Post Office Box 79, Stone Mountain, GA 30083. Send protests to: William L. Scroggs, District Supervisor, Interstate, Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 103494 (Sub-No. 21 TA), filed July 14, 1971. Applicant: EASLEY HAULING SERVICE, INC., North First Ave., and Quince St., Yakima, WA 98907. Applicant's representative: Norman Richardson, Post Office Box 1261 (Gun Club Road), Yakima, WA 98907. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cellular styrofoam and plastic trays, cartons and containers*, from Wenatchee, Wash., to Multnomah, Hood River, Wasco, Jackson, and Marion Counties, Oreg., for 180 days. Supporting shipper: Dolco Packaging Corp., 1121 South Columbia Street, Wenatchee, WA 98801. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine St., Portland, OR 97204.

No. MC 107403 (Sub-No. 819 TA), filed July 14, 1971. Applicant: MATLACK,

INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representative: John Nelson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Poly vinyl chloride resin*, from Plaquemine, La., to points in Alabama, Georgia, Kansas, North Carolina, and Ohio, for 180 days. Supporting shipper: The Goodyear Tire & Rubber Co., Akron, Ohio 44316. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 111045 (Sub-No. 86 TA), filed July 14, 1971. Applicant: REDWING CARRIERS, INC., Post Office Box 426, 7809 Palm River Road, Tampa, FL 33601. Applicant's representative: J. V. McCoy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, other than table salt, in bulk, in pneumatic trailers, from Birmingham, Ala., to points in Mississippi, for 180 days. Supporting shipper: Morton Salt Co., Post Office Box 11868 Northside, Atlanta, GA 30305. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, 5720 Southwest 17th Street, Room 105, Miami, FL 33155.

No. MC 114019 (Sub-No. 218 TA), filed July 15, 1971. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, IL 60629. Applicant's representative: Philip N. Bratta (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products*, in bulk, from Argo and Pekin, Ill., to points in Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin, for 180 days. Supporting shipper: R. V. Haugen, Assistant Transportation Manager, C.P.C. International Inc., International Plaza, Englewood Cliffs, N.J. 07632. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 116077 (Sub-No. 314 TA), filed July 14, 1971. Applicant: ROBERTSON TANK LINES, INC., 2000 West Loop Street, Suite 1800, Houston, TX 77027. Applicant's representative: J. C. Browder (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refined dry sugar*, in bulk, from Amstar Corp., plant at or near Arabi, La., to points in Texas, Arkansas, Mississippi, Tennessee, Alabama, and Louisiana, for 180 days. NOTE: Applicant does not intend to tack with existing authority. Supporting shipper: Amstar Corp. (Patrick C. Burke, District Traffic Manager), 132 North Peters Street, New Orleans, LA 70130. Send protests to: District Supervisor John C. Redus, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, TX 77061.

No. MC 117765 (Sub-No. 129 TA), filed July 15, 1971. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, Post Office Box 75267, Oklahoma City, OK 73107. Applicant's representative: R. E. Hagan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverages*, carbonated and noncarbonated (nonalcoholic), in containers, from the plantsite of Shasta Beverages, Omaha, Nebr., to points in Illinois, Iowa, Minnesota, North Dakota, South Dakota, and Wisconsin, for 180 days. Supporting shipper: United Shippers Association, Clifford J. Van Duker, General Manager, 385 Foster City Boulevard, Foster City, CA. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 119383 (Sub-No. 4 TA), filed July 14, 1971. Applicant: PORTLAND MOTOR TRANSPORT, 2416 North Marine Drive, Post Office Box 217, Livestock Exchange Building, Room 117, Portland, OR 97043. Applicant's representative: Flay L. Silliman, Post Office Box 217, Portland, OR 97043. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum fuel oil*, in tank type vehicles, from Manchester, Wash., to points within the Willamette National Forest in Marion, Linn, and Lane Counties, Oreg., for 90 days. Supporting shipper: U.S. Department of Agriculture Forest Service, Willamette National Forest, Post Office Box 1272, Eugene, OR 97401. Send protests to: District Supervisor A. E. Odoms, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine St., Portland, OR 97204.

No. MC 119789 (Sub-No. 78 TA), filed July 14, 1971. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James T. Moore (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic and wooden toys and games*, from Henderson, Ky., to points in California, for 180 days. Note: Carrier does not intend to tack authority. Supporting shipper: Kusan, Inc., 3206 Belmont Boulevard, Nashville, TN. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 123048 (Sub-No. 196 TA), filed July 13, 1971. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Post Office Box A, Racine, WI 53401. Applicant's representative: George Kincade (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard, polyester-overlaid particleboard and veneer-overlaid particleboard*, from the plant and warehouse facilities of Evans Products Co., at or near Missoula, Mont., to points in Illinois, Indiana, Michigan, and Ohio, for 180 days. Supporting shipper: Evans Products Company, Post Office Drawer No. 12, Missoula, MT 59801. (George Washington). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 124211 (Sub-No. 192 TA), filed July 15, 1971. Applicant: HILT TRUCK LINE, INC., Post Office Box 988 DTS, Omaha, NE 68101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Sabetha, Kans., and Norfolk, Nebr., to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized, for 150 days. Supporting shipper: Breakstone Sugar Creek Foods, 450 East Illinois Street, Chicago, IL 60611. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 128527 (Sub-No. 18 TA) (Correction), filed June 28, 1971, published FEDERAL REGISTER July 13, 1971, corrected and republished in part as corrected this issue. Applicant: MAY TRUCKING COMPANY, Post Office Box 398, Payette, ID 83661. Applicant's representative: Kenneth G. Bergquist, Post Office Box 1775, Boise, ID 83701. NOTE: The purpose of this partial republication is to show the correct spelling as Morrow County, Oreg., in lieu of Morris County, Oreg., shown erroneously in previous publication and to include Owyhee County, Idaho, as a destination point, which was inadvertently omitted in previous publication. The rest of the notice remains the same.

No. MC 134599 (Sub-No. 20 TA), filed July 14, 1971. Applicant: INTERSTATE CONTRACT CARRIER CORP., Post Office Box 748, 84410, Office: 265 West 27th South, Salt Lake City, UT 84115. Applicant's representative: Oscar Mandel (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rubber compound*, from Mishawaka, Ind., and its commercial zone to the plantsite of Uniroyal,

Inc., at Ardmore, Okla., and its commercial zone under continuing contract with Uniroyal, Inc., and its subsidiaries, for 180 days. Supporting shipping: Uniroyal, Inc., Rockefeller Center, 1230 Avenue of Americas, New York, NY 10020. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 130582 (Sub-No. 1 TA), filed July 14, 1971. Applicant: BURSCH TRUCKING, INC., 415 Rankin Road, Albuquerque, NM 87107. Applicant's representative: Wayne C. Wolf, Simms Building, Suite 820, Albuquerque, N. Mex. 87101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Resin*, from from Malvern, Ark., to Flagstaff, Ariz., for 150 days. Supporting shipper: Wright Chemical Corp., Post Office Box 237, Malvern, AR 72104. Send protests to: District Supervisor William R. Murdoch, Interstate Commerce Commission, Bureau of Operations, 10515 Federal Building, U.S. Courthouse, Albuquerque, N. Mex. 87101.

No. MC 135761 TA, filed July 15, 1971. Applicant: CABANO TRANSPORT LTEE, 365 Chemin Teniscouata, Riviere-du-Loupe, PQ. Applicant's representative: Me Adrien R. Paquette, 200 St. James Street West, Montreal, PQ, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood products, wood byproducts, and newsprint*, from ports of entry on the international boundary lines between the United States and Canada at Champlain and Rouses Point, N.Y.; Derby Line and Norton, Vt., and Jackman and Madawaska, Maine, to points in Connecticut, Massachusetts, Maine, New Hampshire, New York (except New York City), Rhode Island and Vermont, restricted to transportation services to be performed under continuing contracts with Specialities de Bois Franc de Cabano, Inc., of Cabano, Quebec, F. F. Soucy, Inc., of Riviere-du-Loupe, Quebec and Mohawk Pulp Co., Ltd., of Riviere-du-Loupe, Quebec, for 150 days. Supporting shippers: Specialities de Bois Franc de Cabano, Inc., Cabano, Quebec; F. F. Soucy, Inc., Riviere-du-Loupe, Quebec and Mohawk Pulp Co., Ltd., Riviere-du-Loupe, Quebec. Send protests to: District Supervisor Ross J. Seymour, Bureau of Operations, Interstate Commerce Commission, 424 Federal Building, Concord N.H. 03301.

No. MC 135763 (Sub-No. 1 TA), filed July 14, 1971. Applicant: ARKANSAS LOUISIANA LIMESTONE CORPORATION, Post Office Box 33, Foreman, AR 71836. Applicant's representative: Louis Tarlowski, Pyramid Life Building, Little Rock, Ark. 72201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer ingredients*, in bulk, from the warehouse and distribution facilities of Arkla Chemical Corp., in Little River County, Ark., to points in Louisiana, Oklahoma, and Texas, under a continuing contract with Arkla Chemical Corp., for 180 days. Supporting shipper: Arkla Chemical Corp., 400 East Capitol Avenue, Little Rock, AR 72203. Send protests to: District Supervisor William H. Land, Jr., Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 135764 (Sub-No. 1 TA), filed July 14, 1971. Applicant: LEO WINTER, doing business as WINTER TRUCK LINE, Mahnomen, Minn. 56557. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, MN. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Milwaukee, Wis., to Mahnomen, Minn., for 180 days. Supporting shipper: Elmer H. Winter, doing business as Mahnomen Wholesale Co., Mahnomen, Minn. 56557. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 2340, Fargo, ND 58102.

No. MC 135773 TA, filed July 16, 1971. Applicant: DONALD E. SEARS, Route 1, Box 477, Woodland, WA 98674. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from points in California to Vancouver, Wash., for 180 days. Supporting shipper: Builders Material, Inc., 2000 Columbia Way, Building 12, Vancouver, WA 98661. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 319 Southwest Pine Street, Portland, OR 97204.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-10732 Filed 7-27-71;8:50 am]

[Notice No. 723]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 23, 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-72825. By order of July 22, 1971, the Motor Carrier Board, on reconsideration, approved the transfer to System Transport Corp., Phoenix, Ariz., of a portion of certificate No. MC-1334 (Sub No. 7) issued to Riteway Transport, Inc. Phoenix, Ariz., authorizing the transportation of: Machinery, equipment, materials, and supplies used in or in connection with, the discovery, development, production, etc., etc., of natural gas and petroleum and their products, and the servicing, dismantling, etc., etc., of pipelines, including stringing, and pick up, and heavy or bulky articles that require the use of special equipment, between points in specified counties in New Mexico, and Durango, Colo., and 100 miles thereof, in a radial movement. Robert R. Digby, Attorney, 217 Luhrs Tower, Phoenix, AZ 85003.

No. MC-FC-72904. By order of July 22, 1971, the Motor Carrier Board on reconsideration approved the transfer to Overland Stage Coaches, Inc., 20 Main Street, Millville, MA. 01529, of certificates Nos. MC-30521, MC-30521 (Sub-No. 1), MC-30521 (Sub-No. 2), MC-30521 (Sub-No. 3), and MC-30521 (Sub-No. 4) issued April 24, 1942, August 17, 1942, August 9, 1943, May 15, 1950, and May 10, 1949, respectively to Bowen's Bus Lines, Inc., 20 Main Street, Millville, MA 01529, authorizing the transportation of passengers and their baggage in the same vehicle with passengers, between Millville, Mass., and Woonsocket, R.I., serving all intermediate points; passengers and their baggage, in charter operations, from points in Massachusetts and Rhode Island within 25 miles of Millville, Mass., except those on carrier's specified regular route between Millville, Mass., and Woonsocket, R.I., to points in New Hampshire, Connecticut, Massachusetts, and Rhode Island, and those in Maine on and south of U.S. Highway 302; passengers and their baggage, and express, newspapers, and mail, between Woonsocket, R.I., and Millenville District, Blackstone, Mass.; between Woonsocket, R.I., and Blackstone, Mass.; between junction Massachusetts Highway 122 and Blackstone Street in Blackstone, Mass., and Lake Nipmuc Park in Mendon, Mass., and between Massachusetts Highway 122 and Mendon Street in Blackstone, Mass., and Millville, Mass.

No. MC-FC-73020. By order of July 22, 1971, the Motor Carrier Board approved the transfer to Merchants Moving & Storage, Inc., Topeka, Kans., of the operating rights in certificate No. MC-40555 issued January 19, 1961, to Doral H. Hawks and Marjorie Sann, a partnership, doing business as Merchants Moving & Storage Co., Tokepa, Kans., authorizing the transportation of household goods between Topeka, Kans., on the one hand, and, on the other, points in Missouri. E. Gene McKinney, 810 Merchants, National Bank Building, Topeka, KS. 66612, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-10733 Filed 7-27-71;8:51 am]

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