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Title 3—The President

EXECUTIVE ORDER 11614

Establishing the National Business Council for Consumer Affairs

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. *Establishment of the Council.* (a) There is hereby established the National Business Council for Consumer Affairs (hereinafter referred to as the "Council") which shall be composed of a Chairman, a Vice Chairman, and other representatives of business and industry appointed by the Secretary of Commerce (hereinafter referred to as the "Secretary").

(b) The Secretary, with the concurrence of the Chairman, shall appoint an Executive Director of the Council.

SEC. 2. *Functions of the Council.* The Council shall advise the President, the Office of Consumer Affairs, the Federal Trade Commission, the Department of Justice, and other Government agencies as appropriate, through the Secretary, on programs of business relating to consumer affairs. It shall work closely with the above-described agencies in the further development of effective policies to benefit American consumers and in doing so may—

(1) Identify and examine current and potential consumer problems and evaluate alternative solutions.

(2) Provide a forum for business and government on current and emerging issues in the field of consumer affairs.

(3) Identify, recommend, and encourage action by the business community to meet legitimate consumer grievances.

(4) Provide liaison among members of the business and industrial community on consumer affairs matters.

(5) Advise on plans and actions of Federal, State, and local agencies involving policies on consumer affairs which affect business and industry.

SEC. 3. *Subordinate Councils.* The Council may establish, with the concurrence of the Secretary, such subordinate councils as it may deem appropriate to assist in the performance of its functions. Each subordinate council shall be headed by a chairman appointed by the Chairman of the Council with the concurrence of the Secretary.

SEC. 4. *Assistance for the Council.* In compliance with applicable law, and as necessary to serve the purposes of this Order, the Secretary shall

provide or arrange for administrative and staff services, support, and facilities for the Council and any of its subordinate councils.

SEC. 5. *Expenses.* Members of the Council or any of its subordinate councils shall receive no compensation from the United States by reason of their services hereunder, but may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently.

SEC. 6. *Regulations.* The provisions of Executive Order No. 11007 of February 26, 1962, prescribing regulations for the use of advisory committees, are hereby made applicable to the Council and each of its subordinate councils. The Secretary may exercise the discretionary powers set forth in that order.

SEC. 7. *Construction.* Nothing in this Order shall be construed as subjecting any function vested by law in, or assigned pursuant to law to, any Federal agency to the authority of any other Federal agency or of the Council or of any of its subordinate councils, or as abrogating or restricting any such function in any manner.

Richard Nixon

THE WHITE HOUSE,
August 5, 1971.

[FR Doc.71-11495 Filed 8-5-71;4:44 pm]

NOTE: For the text of a Presidential statement issued in connection with E.O. 11614, above, see Weekly Comp. of Pres. Docs., Vol. 7, No. 32, issue of Aug. 9, 1971.

Rules and Regulations

Title 20—EMPLOYEES' BENEFITS

Chapter I—Bureau of Employees' Compensation, Department of Labor

SUBCHAPTER B—FEDERAL EMPLOYEES' COMPENSATION ACT

PART 25—COMPENSATION FOR DISABILITY AND DEATH OF NONCITIZENS OUTSIDE THE UNITED STATES

New Special Schedule

Part 25 of Title 20 of the Code of Federal Regulations is hereby amended in the manner indicated below.

The provisions of 5 U.S.C. 553 which require notice of proposed rule making, opportunity for public participation, and delay in the effective date are not applicable because these rules relate to agency personnel matters. Further, I do not believe such procedures would serve a useful purpose here. Accordingly, the amendments shall become effective immediately.

Part 25 is amended by adding the following new section:

§ 25.27 Territory of Guam (nonresident aliens).

(a) The special schedule of compensation established by Subpart B of this part shall apply, with the modifications or additions specified in paragraphs (b) through (k) of this section, to injury or death occurring on or after July 1, 1971 in the Territory of Guam to nonresident alien employees recruited in foreign countries for employment by the Military Departments in the Territory of Guam. However, the Director may, in his discretion, adopt the benefit features and provisions of local workmen's compensation law as provided in Subpart A of this part, or substitute the special schedule in Subpart B of this part or other modifications of the special schedule in this Subpart C, if such adoption or substitution would be to the advantage of the employee or his beneficiary. This schedule shall not apply to any employee who becomes a permanent resident in the Territory of Guam prior to the date of his injury or death.

(b) Death benefits: 400 weeks' compensation at two-thirds of the weekly wage rate, shared equally by the eligible survivors in the same class.

(c) Death beneficiaries: Beneficiaries of death benefits shall be determined in accordance with the laws or customs of the country of recruitment.

(d) Burial allowance: Fourteen weeks' wages or $400, whichever is less, payable to the eligible survivor(s), regardless of the actual expense. If there is no eligible survivor, actual burial expenses may be paid or reimbursed, in an amount not to exceed what would be paid to an eligible survivor.

(e) Permanent total disability: 400 weeks' compensation at two-thirds of the weekly wage rate.

(f) Permanent partial disability: Where applicable, the compensation provided in subparagraphs (1) through (19) of paragraph (c) of §25.11, subject to an aggregate limitation of 400 weeks' compensation. In all other cases, that proportion of the compensation provided for permanent total disability (paragraph (e) of this section) which is equivalent to the degree or percentage of physical impairment caused by the disability.

(g) Temporary partial disability: Two-thirds of the weekly loss of wage-earning capacity.

(h) Compensation period for temporary disability: Compensation for temporary disability is payable for a maximum period of 80 weeks.

(i) Maximum compensation: The total aggregate compensation payable in any case, for injury or death or both, shall not exceed $24,000, exclusive of medical costs and burial allowance. The weekly rate of compensation for disability or death shall not exceed $70.

(j) Method of payment: Compensation for temporary disability shall be payable periodically. Compensation for permanent disability and death shall be payable in full at the time extent of entitlement is established.

(k) Exceptions: The Director may in his discretion make exception to the regulations in this section by:

(1) Reapportioning death benefits, for the sake of equity.

(2) Excluding from consideration potential beneficiaries of a deceased employee who are not available to receive payment.

(3) Paying compensation for permanent disability or death on a periodic basis, where this method of payment is considered to be in the best interest of the employee or his beneficiary(s).

(5 U.S.C. 8137, 8145, 8149)

Signed at Washington, D.C. this 3d day of August 1971.

JOHN M. EKEBERG,
Director,
Bureau of Employees Compensation.

[FR Doc.71-11422 Filed 8-6-71;8:53 am]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 265—RULES REGARDING DELEGATION OF AUTHORITY

Availability of Information

In order to expedite and facilitate its response to requests for information of the Board, the Board is amending its Rules Regarding Delegation of Authority to delegate to the General Counsel of the Board authority (1) to make available to other agencies of the United States for use where necessary in their official duties certain information regarding supervised institutions, and (2) to determine, in any case of service of subpoena on an officer, employee or agent of the Board or of a Federal Reserve Bank, the response to such subpoena.

The delegation is reflected in the following amendment to § 265.2(b) of the Board's Rules Regarding Delegation of Authority:

§ 265.2 Specific functions delegated to Board employees and Federal Reserve Banks.

* * * * *

(b) The General Counsel of the Board (or, in his absence, the Acting General Counsel) is authorized:

* * * * *

(5) Pursuant to the provisions of Part 261 of this chapter, to make available information of the Board of the nature and in the circumstances described in §§ 261.6(b) and 261.7 of this chapter.

* * * * *

Effective date: July 29, 1971.

By order of the Board of Governors, July 29, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-11345 Filed 8-6-71;8:46 am]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

General Services Administration

Section 213.3337 is amended to show that one additional position of Confidential Assistant to the Commissioner, Property Management and Disposal Service is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (8-7-71), subparagraph (2) of paragraph (f) of § 213.3337 is amended as set out below.

§ 213.3337 General Services Administration.

* * * * *

(f) *Property Management and Disposal Service.* * * *

(2) Six Confidential Assistants to the Commissioner.

* * * * *

(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.71-11388 Filed 8-6-71;8:50 am]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Amdt. 4]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements, Quotas and Quota Deficits for 1971

Basis and purposes and bases and considerations. This amendment is issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter referred to as the "Act". The purpose of this amendment to Sugar Regulation 811, as amended, is to revise the determination of sugar requirements for the calendar year 1971, established quotas, prorations and direct-consumption limits consistent with such requirements and to determine and prorate or allocate the deficits in quotas established pursuant to the Act.

Section 201 of the Act requires that the Secretary shall revise the determination of sugar requirements at such time during the calendar year as may be necessary.

Because of the possible disruptions of ocean transportation in the early autumn, there may be a tendency for sugar refiners and users to increase stocks of sugar and sugar containing foods above normal during nearby months. The increase in requirements at this time should increase offerings of readily available raw sugar and also enable foreign countries to better plan their sugar exportations during the balance of the year. The increased sugar requirements should also more nearly balance sugar supply and needs for the year.

Accordingly, total sugar requirements for the calendar year 1971 are herein increased by 100,000 short tons, raw value, to a total of 11,200,000 short tons, raw value.

Section 204(a) of the Act provides that the Secretary shall from time to time determine whether any area or country will be unable to fill its quota or proration of a quota. On the basis of the quota established for Puerto Rico for the calendar year 1971 findings were heretofore made (36 F.R. 8773) that Puerto Rico was unable to fill its quota by 785,000 short tons, raw value, and accordingly quota deficits were determined for Puerto Rico for 785,000 tons. On the basis of the latest available information it is herein found that Puerto Rico will be unable to fill its quota by an additional 175,000 short tons, raw value. Therefore, a total deficit is herein determined in the 1971 quota for Puerto Rico of 960,000 short tons, raw value. Accordingly, the additional quota deficit of 175,000 short tons, raw value, for Puerto Rico is herein determined and is allocated and prorated to foreign countries pursuant to section 204(a) of the Act. If production exceeds the present estimates for Puerto Rico, the marketing opportunities for that area within the total mainland quota for that area will not be limited as a result of the deficit determination and proration provided herein.

Of the additional deficit declared, an amount equal to 82,635 short tons, raw value, or 47.22 percent of the deficit, will be allocated to the Republic of the Philippines according to section 204(a) of the Act. The balance of the deficit amounting to 92,365 short tons, raw value, is prorated and allocated to Western Hemisphere countries by prorating 42,365 tons to such countries listed in section 202(c)(3)(A) of the Act, on the basis of published quotas most recently in effect and by allocating the remainder of the deficit amounting to 50,000 short tons, raw value, to the Dominican Republic pursuant to the following determination by the President.

THE WHITE HOUSE

WASHINGTON

JULY 10, 1971.

Memorandum for the Secretary of Agriculture.

Subject: Finding pursuant to section 204(a) of the Sugar Act of 1948, as amended by the Sugar Act Amendments of 1965.

In view of the development of stable political conditions and democratic institutions in the Dominican Republic,

In accordance with the recommendations of the Conference Report on the Sugar Act Amendments of 1965, that the President use his authority to assign deficits to provide additional quota for the Dominican Republic if the political situation in that Republic warrants such action, and

Pursuant to section 204(a) of the Sugar Act of 1948, as amended by the Sugar Act Amendments of 1965,

I hereby determine that as an integral part of the continuing United States support for constitutional government and economic progress in the Dominican Republic in 1971 it would be in the national interest to give the Dominican Republic a special allocation of 50,000 short tons of sugar in addition to its pro rata share of such additional deficit allocations as may be declared in 1971.

You are directed to take the necessary steps to allocate deficits in accordance with this finding, at such time as you deem appropriate. You should consult with the Department of State concerning the timing of the public announcement in order that a simultaneous announcement can be made by the Dominican Government.

RICHARD NIXON.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended by amending §§ 811.90, 811.91, 811.92, and 811.93 as follows:

1. Section 811.90 is amended to read as follows:

§ 811.90 Sugar requirements, 1971.

The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1971 is hereby determined to be 11,200,000 short tons, raw value.

2. Section 811.91 is amended by amending paragraph (a) to read as follows:

§ 811.91 Quotas for domestic areas.

(a) (1) For the calendar year 1971 domestic area quotas limiting the quantities of sugar which may be brought into or marketed for consumption in the continental United States are established, pursuant to section 202(a) of the Act, in column (1) and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established, pursuant to section 207 of the Act, in column (2) as follows:

Area	Quotas (1)	Direct-consumption limits (2)
	(Short tons, raw value)	
Domestic beet sugar	3,406,333	No limit
Mainland cane sugar	1,238,667	No limit
Hawaii	1,110,000	38,304
Puerto Rico	1,140,000	168,000
Virgin Islands	15,000	0

(2) It is hereby determined pursuant to section 204(a) of the Act that for the calendar year 1971 Puerto Rico and the Virgin Islands will be unable by 960,000 and 15,000 short tons, raw value, respectively, to fill the quotas established for such areas in subparagraph (1) of this paragraph. Pursuant to section 204(b) of the Act the determination of such deficits shall not affect the quotas established in subparagraph (1) of this paragraph.

* * * * *

3. Section 811.92 is amended by amending paragraph (a) to read as follows:

§ 811.92 Proration and allocation of deficits and quotas in effect.

(a) Of the 975,000 short tons, raw value, of deficits determined in paragraph (a)(2) of § 811.91, an amount of 800,000 tons has been previously allocated and prorated in amendment 3 of this Part 811 (36 F.R. 8773). The additional deficit herein determined in the quota for Puerto Rico of 175,000 short tons, raw value, is allocated and prorated pursuant to section 204(a) of the Act to the Republic of the Philippines and Western Hemisphere countries as follows: By allocating 82,635 short tons, raw value, of the 175,000 tons total deficit in the quota determined herein to the Republic of the Philippines, by allocating 50,000 short tons, raw value, of the deficit to the Dominican Republic in accordance with a Presidential Memorandum dated

July 10, 1971, and by prorating the remainder of the deficit totaling 42,365 short tons, raw value, to Western Hemisphere countries named in section 202(c)(3)(A) of the Act which are able to supply additional sugar on the basis of published quotas most recently in effect as established in Sugar Regulation 811 for 1971 (36 F.R. 8773).

* * * * *

4. Section 811.93 is amended by amending paragraphs (b) and (c) to read as follows:

§ 811.93 Quotas for foreign countries.

* * * * *

(b) For the calendar year 1971, the quota for the Republic of the Philippines is 1,586,415 short tons, raw value, representing 1,126,020 short tons, established pursuant to section 202 of the Act and 460,395 short tons established pursuant to section 204 of the Act. Of the quantity of 1,126,020 short tons established pursuant to section 202 of the Act, only 59,920 short tons, raw value, may be filled by direct-consumption sugar pursuant to section 207(d) of the Act.

(c) For the calendar year 1971, the prorations to individual foreign countries other than the Republic of the Philippines pursuant to section 202 of the Act are shown in columns (1) and (2) of the following table. Deficit prorations previously established in this § 811.93 are shown in column (3), and the deficit allocation and prorations to Western Hemisphere countries of 92,365 tons as herein established are shown in column (4).

Countries	Basic quotas	Temporary quotas and prorations pursuant to sec. 202(d)[1]	Previous deficit prorations	New deficit prorations	Total quotas and prorations
	(1)	(2)	(3)	(4)	(5)
Mexico	243,389	263,309	81,551	8,189	596,438
Dominican Republic	238,036	257,518	79,758	58,009	633,321
Brazil	238,036	257,518	79,758	8,009	583,321
Peru	189,862	205,402	63,617	6,388	465,269
British West Indies	95,089	76,410	28,080	2,794	202,373
Ecuador	34,635	37,470	11,605	1,165	84,875
French West Indies	29,912	24,037	8,833	879	63,661
Argentina	29,282	31,678	9,812	985	71,756
Costa Rica	28,023	30,316	9,389	943	68,671
Nicaragua	28,023	30,316	9,389	943	68,671
Colombia	25,189	27,251	8,440	848	61,728
Guatemala	23,615	25,547	7,912	795	57,869
Panama	17,632	19,076	5,908	593	43,209
El Salvador	17,317	18,733	5,802	583	42,435
Haiti	13,224	14,307	4,431	445	32,408
Venezuela	11,965	12,944	4,009	403	29,321
British Honduras	6,927	5,566	2,046	204	14,743
Bolivia	2,834	3,066	950	95	6,945
Honduras	2,834	3,066	950	95	6,945
Australia	113,351	90,434	0	0	203,785
Republic of China	47,229	37,681	0	0	84,910
India	45,340	36,174	0	0	81,514
South Africa	33,375	26,628	0	0	60,003
Fiji Islands	24,874	19,845	0	0	44,719
Thailand	10,391	8,290	0	0	18,681
Mauritius	10,391	8,290	0	0	18,681
Malagasy Republic	5,353	4,270	0	0	9,623
Swaziland	4,093	3,266	0	0	7,359
Ireland	5,351	0	0	0	5,351
Bahamas	10,000	0	0	0	10,000
Total	1,585,572	1,578,408	422,240	92,365	3,678,585

[1] Proration of the quotas withheld from Cuba and Southern Rhodesia.

(Secs. 201, 202, 204, and 403; 61 Stat. 923, as amended, 924, as amended, 925, as amended, 932; and 7 U.S.C. 1111, 1112, 1114, and 1153)

Effective date. This action increases quotas for the calendar year 1971 by 100,000 tons and allocates and prorates additional quota deficits of 175,000 tons to the Republic of the Philippines and Western Hemisphere countries with sugar quotas in effect. In order to promote orderly marketing, it is essential that this amendment be effective immediately so that all persons selling and purchasing sugar for consumption in the continental United States can promptly plan and market under the changed marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of 5 U.S.C. 533 is unnecessary, impracticable, and contrary to the public interest and this amendment shall be effective when filed for public inspection in the Office of the Federal Register.

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

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71-11324 Filed 8-6-71;8:45 am]

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

[Lemon Reg. 492]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.792 Lemon Regulation 492.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 3, 1971.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period August 8 through August 14, 1971, is hereby fixed at 250,000 cartons.

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

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

Dated: August 5, 1971.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division Consumer and Marketing Service.

[FR Doc.71-11493 Filed 8-6-71;8:54 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1427—COTTON

Subpart—1971-Crop Supplement to Cotton Loan Program Regulations

The Cotton Loan Program Regulations issued by Commodity Credit Corporation and containing the regulations of a general nature with respect to loan operations are supplemented as shown below for 1971-crop cotton.

Sec.

AUTHORITY: The provisions of this subpart issued under secs. 4, 5, 62 Stat. 1070, as amended; secs. 101, 103, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1441, 1444, 1421.

§ 1427.100 Purpose.

This subpart is for the purpose of announcing that loans will be available on upland and extra-long staple cotton of the 1971 crop under the terms and conditions stated in the Cotton Loan Program Regulations issued by Commodity Credit Corporation and contained in this Part 1427. This subpart also contains schedules to be used in determining loan rates on 1971-crop cotton.

§ 1427.101 Schedule of base loan rates for eligible 1971-crop upland cotton by warehouse location.

[In cents per pound, net weight]

ALABAMA

City	County	Basis middling white inch loan rate
Akron	Hale	19.80
Albertville	Marshall	19.95
Aliceville	Pickens	19.80
Arab	Marshall	19.95
Atmore	Escambia	19.80
Attalla	Etowah	20.10
Belle Mina	Limestone	19.95
Berry	Fayette	19.95
Birmingham	Jefferson	19.95
Blountsville	Blount	19.95
Boligee	Greene	19.80
Brent	Bibb	19.95
Brewton	Escambia	19.80
Camden	Wilcox	19.80
Centreville	Bibb	19.95
Clayton	Barbour	19.95
Cullman	Cullman	19.95
Decatur	Morgan	19.95
Demopolis	Marengo	19.80
Dutton	Jackson	19.95
Eclectic	Elmore	19.95
Elkmont	Limestone	19.95
Eufaula	Barbour	19.95
Eutaw	Greene	19.80
Evergreen	Conecuh	19.80
Fayette	Fayette	19.95
Frisco City	Monroe	19.80

ALABAMA—Continued

City	County	Basis middling white inch loan rate
Gadsden	Etowah	20.10
Georgiana	Butler	19.95
Geraldine	De Kalb	19.95
Goodway	Monroe	19.80
Greenbrier	Limestone	19.95
Greensboro	Hale	19.80
Haleyville	Winston	19.95
Hamilton	Marion	19.80
Hartford	Geneva	19.95
Hartselle	Morgan	19.95
Havana Junction	Hale	19.80
Headland	Henry	19.95
Huntsville	Madison	19.95
Hurtsboro	Russell	20.10
Jasper	Walker	19.95
Kennedy	Lamar	19.80
Lafayette	Chambers	20.10
Larkinsville	Jackson	19.95
Livingston	Sumter	19.80
McCullough	Escambia	19.80
Madison	Madison	19.95
Marion	Perry	19.95
Millport	Lamar	19.80
Mobile	Mobile	19.80
Montgomery	Montgomery	19.95
Moundville	Hale	19.80
Newbern	Hale	19.80
New Hope	Madison	19.95
Newville	Henry	19.95
Northport	Tuscaloosa	19.80
Onconta	Blount	19.95
Opelika	Lee	20.10
Opp	Covington	19.95
Panola	Sumter	19.80
Red Bay	Franklin	19.80
Rogersville	Lauderdale	19.80
Russellville	Franklin	19.80
Samantha	Tuscaloosa	19.80
Samson	Geneva	19.95
Scottsboro	Jackson	19.95
Section	Jackson	19.95
Selma	Dallas	19.95
Slocomb	Geneva	19.95
Stevenson	Jackson	19.95
Sulligent	Lamar	19.80
Sweet Water	Marengo	19.80
Sylacauga	Talladega	20.10
Talladega	Talladega	20.10
Tallassee	Elmore	19.95
Tuscumbia	Colbert	19.85
Tuskegee	Macon	19.95
Union Springs	Bullock	19.95
Uniontown	Perry	19.90
Wetumpka	Elmore	19.95

ARIZONA

Eloy	Pinal	18.80
Phoenix	Maricopa	18.80
Picacho	Pinal	18.80
Safford	Graham	19.05
Yuma	Yuma	18.80

ARKANSAS

Batesville	Independence	19.70
Blytheville	Mississippi	19.70
Bradley	Lafayette	19.60
Brinkley	Monroe	19.70
Camden	Ouachita	19.60
Clarendon	Monroe	19.70
Cotton Plant	Woodruff	19.70
Dardanelle	Yell	19.70
Dell	Mississippi	19.70
Dumas	Desha	19.70
Earle	Crittenden	19.70
England	Lonoke	19.70
Eudora	Chicot	19.70
Evadale	Mississippi	19.70
Forrest City	St. Francis	19.70
Fort Smith	Sebastian	19.60
Helena	Phillips	19.70
Hope	Hempstead	19.60
Hughes	St. Francis	19.70
Jonesboro	Craighead	19.70
Leachville	Mississippi	19.70
Leganto	Poinsett	19.70
Little Rock	Pulaski	19.70
Lonoke	Lonoke	19.70
McCrory	Woodruff	19.70
McGehee	Desha	19.70
Marianna	Lee	19.70
Marked Tree	Poinsett	19.70
Marvell	Phillips	19.70
Newport	Jackson	19.70
North Little Rock	Pulaski	19.70
Osceola	Mississippi	19.70
Pine Bluff	Jefferson	19.70

ARKANSAS—Continued

City	County	Basis middling white inch loan rate
Portland	Ashley	19.70
Searcy	White	19.70
Sparkman	Dallas	19.60
Trumann	Poinsett	19.70
Waldo	Columbia	19.60
Walnut Ridge	Lawrence	19.70
West Memphis	Crittenden	19.70
Wynne	Cross	19.70

CALIFORNIA

Bakersfield	Kern	18.80
Brawley	Imperial	18.80
Calico	Kern	18.80
El Centro	Imperial	18.80
Fresno	Fresno	18.80
Imperial	Imperial	18.80
Kerman	Fresno	18.80
Los Angeles	Los Angeles	18.80
Pinedale	Fresno	18.80
Tulare	Tulare	18.80

FLORIDA

Jay	Santa Rosa	19.95

GEORGIA

Adairsville	Bartow	20.20
Alamo	Wheeler	20.10
Albany	Dougherty	20.10
Allentown	Wilkinson	20.20
Arabi	Crisp	20.10
Arlington	Calhoun	19.95
Athens	Clarke	20.25
Atlanta	Fulton	20.30
Augusta	Richmond	20.35
Bartow	Jefferson	20.20
Blakely	Early	19.95
Bronwood	Terrell	20.10
Brooklet	Bulloch	20.20
Buena Vista	Marion	20.30
Butler	Taylor	20.20
Byromville	Dooly	20.10
Cadwell	Laurens	20.20
Camilla	Mitchell	19.95
Carrollton	Carroll	20.20
Cedartown	Polk	20.20
Chauncey	Dodge	20.20
Chester	do	20.20
Cochran	Bleckley	20.20
Colquitt	Miller	19.95
Columbus	Muscogee	20.20
Comer	Madison	20.35
Concord	Pike	20.20
Cordele	Crisp	20.10
Coverdale	Turner	20.10
Cuthbert	Randolph	19.95
Davisboro	Washington	20.20
Dawson	Terrell	20.10
Desoto	Sumter	20.10
Dexter	Laurens	20.20
Doerun	Colquitt	19.95
Donalsonville	Seminole	19.95
Douglas	Coffee	20.10
Dublin	Laurens	20.20
Dudley	do	20.20
Eastman	Dodge	20.20
East Point	Fulton	20.30
Edison	Calhoun	19.95
Elko	Houston	20.20
Ellaville	Schley	20.20
Fitzgerald	Ben Hill	20.10
Fort Gaines	Clay	19.95
Funston	Colquitt	19.95
Gay	Meriwether	20.20
Glennville	Tattnall	20.10
Greenville	Meriwether	20.20
Haralson	Coweta	20.20
Hawkinsville	Pulaski	20.20
Hollonville	Pike	20.20
Ideal	Macon	20.20
Jeffersonville	Twiggs	20.20
Jesup	Wayne	20.10
Kingston	Bartow	20.20
Leslie	Sumter	20.10
Louisville	Jefferson	20.20
Lumpkin	Stewart	20.10
Luthersville	Meriwether	20.20
Lyons	Toombs	20.10
McDonough	Henry	20.20
Madison	Morgan	20.20
Mansfield	Newton	20.20

GEORGIA—Continued

City	County	Basis middling white inch loan rate
Marshallville	Macon	20.20
Meigs	Thomas	19.95
Metter	Candler	20.20
Midville	Burke	20.20
Millen	Jenkins	20.20
Monroe	Walton	20.20
Montezuma	Macon	20.20
Moultrie	Colquitt	19.95
Norman Park	do	19.95
Ocilla	Irwin	20.10
Oglethorpe	Macon	20.20
Omega	Tift	20.10
Parrott	Terrell	20.10
Pelham	Mitchell	19.95
Pinehurst	Dooly	20.10
Pinelog	Bartow	20.20
Pinewiew	Wilcox	20.10
Pine Mountain	Harris	20.20
Pitts	Wilcox	20.10
Plains	Sumter	20.10
Portal	Bulloch	20.20
Quitman	Brooks	19.95
Rebecca	Turner	20.10
Rentz	Laurens	20.20
Reynolds	Taylor	20.20
Rochelle	Wilcox	20.10
Rome	Floyd	20.20
Rutledge	Morgan	20.20
Sandersville	Washington	20.20
Sasser	Terrell	20.10
Senoia	Coweta	20.20
Shellman	Randolph	19.95
Social Circle	Walton	20.20
Soperton	Treutlen	20.20
Statesboro	Bulloch	20.20
Swainsboro	Emanuel	20.20
Sycamore	Turner	20.10
Sylvania	Screven	20.20
Sylvester	Worth	20.10
Tennille	Washington	20.20
Tifton	Tift	20.10
Trion	Chattooga	20.20
Twin City	Emanuel	20.20
Unadilla	Dooly	20.10
Vidalia	Toombs	20.10
Vienna	Dooly	20.10
Villa Rica	Carroll	20.20
Wadley	Jefferson	20.20
Warrenton	Warren	20.35
Warwick	Worth	20.10
Watkinsville	Oconee	20.35
Waynesboro	Burke	20.20
Winder	Barrow	20.35
Wrens	Jefferson	20.20
Wrightsville	Johnson	20.20
Yatesville	Upson	20.20
Youth	Walton	20.20

LOUISIANA

City	Parish	Basis middling white inch loan rate
Alexandria	Rapides	19.60
Bernice	Union	19.60
Cheneyville	Rapides	19.60
Coushatta	Red River	19.60
Delhi	Richland	19.70
Ferriday	Concordia	19.70
Franklinton	Washington	19.70
Haynesville	Claiborne	19.60
Lake Providence	East Carroll	19.70
Mansfield	De Soto	19.60
Monroe	Ouachita	19.70
Natchitoches	Natchitoches	19.60
New Orleans	Orleans	19.70
Oak Grove	West Carroll	19.70
Opelousas	St. Landry	19.60
Plain Dealing	Bossier	19.60
Rayville	Richland	19.70
Shreveport	Caddo	19.60
Tallulah	Madison	19.70
Winnsboro	Franklin	19.70

MISSISSIPPI

City	County	Basis middling white inch loan rate
Aberdeen	Monroe	19.80
Batesville	Panola	19.80
Belzoni	Humphreys	19.70
Booneville	Prentiss	19.80
Brookhaven	Lincoln	19.70
Canton	Madison	19.80
Carthage	Leake	19.80
Clarksdale	Coahoma	19.70
Cleveland	Bolivar	19.70
Columbia	Marion	19.70
Columbus	Lowndes	19.80
Como	Panola	19.80
Corinth	Alcorn	19.80
Drew	Sunflower	19.70
Flora	Madison	19.70
Greenville	Washington	19.70
Greenwood	Leflore	19.70
Grenada	Grenada	19.80
Gulfport	Harrison	19.70
Hattiesburg	Forrest	19.70
Hollandale	Washington	19.70
Holly Springs	Marshall	19.80
Houston	Chickasaw	19.80
Indianola	Sunflower	19.70
Inverness	do	19.70
Itta Bena	Leflore	19.70
Jackson	Hinds	19.70
Kosciusko	Attala	19.80
Leland	Washington	19.70
Macon	Noxubee	19.80
Magee	Simpson	19.70
Magnolia	Pike	19.70
Marks	Quitman	19.70
New Albany	Union	19.80
Okolona	Chickasaw	19.80
Oxford	Lafayette	19.80
Philadelphia	Neshoba	19.80
Pontotoc	Pontotoc	19.80
Prentiss	Jefferson Davis	19.70
Quitman	Clarke	19.70
Ripley	Tippah	19.80
Rolling Fork	Sharkey	19.70
Rosedale	Bolivar	19.70
Ruleville	Sunflower	19.70
Shaw	Bolivar	19.70
Shelby	do	19.70
Shuqualak	Noxubee	19.80
Sledge	Quitman	19.70
Summit	Pike	19.70
Tunica	Tunica	19.70
Tupelo	Lee	19.80
Tutwiler	Tallahatchie	19.70
Tylertown	Walthall	19.70
Union	Newton	19.80
Vicksburg	Warren	19.70
West Point	Clay	19.80
Yazoo City	Yazoo	19.70

MISSOURI

Arbyrd	Dunklin	19.70
Caruthersville	Pemiscot	19.70
Charleston	Mississippi	19.70
Gideon	New Madrid	19.70
Hayti	Pemiscot	19.70
Kennett	Dunklin	19.70
Lilbourn	New Madrid	19.70
Malden	Dunklin	19.70
Portageville	New Madrid	19.70
Sikeston	Scott	19.70

NEW MEXICO

Artesia	Eddy	19.35
Carlsbad	do	19.35
Deming	Luna	19.25
Las Cruces	Dona Ana	19.35
Lovington	Lea	19.45
Roswell	Chaves	19.35

NORTH CAROLINA

Battleboro	Nash	20.40
Butner	Granville	20.40
Candor	Montgomery	20.50
Charlotte	Mecklenburg	20.50
Cherryville	Gaston	20.50
Clinton	Sampson	20.40
Conway	Northampton	20.40
Dunn	Harnett	20.40
Edenton	Chowan	20.40
Enfield	Halifax	20.40
Fayetteville	Cumberland	20.40
Gastonia	Gaston	20.50
Gibson	Scotland	20.40
Goldsboro	Wayne	20.40
Henderson	Vance	20.40
Jackson	Northampton	20.40

NORTH CAROLINA—Continued

City	County	Basis middling white inch loan rate
Laurel Hill	Scotland	20.40
Laurinburg	do	20.40
Lewiston	Bertie	20.40
Lincolnton	Lincoln	20.50
Lumberton	Robeson	20.40
Mooresville	Iredell	20.50
Marven	Anson	20.50
Murfreesboro	Hertford	20.40
Nashville	Nash	20.40
Newton	Catawba	20.50
Parkton	Robeson	20.40
Pembroke	do	20.40
Pinetops	Edgecombe	20.40
Rasford	Hoke	20.40
Raleigh	Wake	20.40
Rich Square	Northampton	20.40
Roanoke Rapids	Halifax	20.40
Rowland	Robeson	20.40
Saint Pauls	do	20.40
Salisbury	Rowan	20.50
Scotland Neck	Halifax	20.40
Seaboard	Northampton	20.40
Selma	Johnston	20.40
Severn	Northampton	20.40
Shelby	Cleveland	20.50
Smithfield	Johnston	20.40
Statesville	Iredell	20.50
Tarboro	Edgecombe	20.40
Wagram	Scotland	20.40
Wake Forest	Wake	20.40
Washington	Beaufort	20.40
Weldon	Halifax	20.40
Williamston	Martin	20.40
Wilson	Wilson	20.40
Woodland	Northampton	20.40

OKLAHOMA

Altus	Jackson	19.50
Anadarko	Caddo	19.50
Chickasha	Grady	19.50
Frederick	Tillman	19.50
Hobart	Kiowa	19.50
Idabel	McCurtain	19.60
Mangum	Greer	19.50
Mountain View	Kiowa	19.50
Oklahoma City	Oklahoma	19.50

SOUTH CAROLINA

Abbeville	Abbeville	20.50
Allendale	Allendale	20.40
Anderson	Anderson	20.50
Bamberg	Bamberg	20.40
Barnwell	Barnwell	20.40
Bennettsville	Marlboro	20.40
Bishopville	Lee	20.40
Blackville	Barnwell	20.40
Bowman	Orangeburg	20.40
Branchville	do	20.40
Brunson	Hampton	20.40
Calhoun Falls	Abbeville	20.50
Cameron	Calhoun	20.40
Charleston	Charleston	20.40
Cheraw	Chesterfield	20.50
Chester	Chester	20.50
Chesterfield	Chesterfield	20.50
Clio	Marlboro	20.40
Columbia	Richland	20.50
Dalzell	Sumter	20.40
Darlington	Darlington	20.40
Denmark	Bamberg	20.40
Dillon	Dillon	20.40
Edgefield	Edgefield	20.50
Elloree	Orangeburg	20.40
Estill	Hampton	20.40
Florence	Florence	20.40
Fountain Inn	Greenville	20.50
Gaffney	Cherokee	20.50
Garnett	Hampton	20.40
Greeleyville	Williamsburg	20.40
Greenville	Greenville	20.50
Greenwood	Greenwood	20.50
Hartsville	Darlington	20.40
Heath Springs	Lancaster	20.50
Jefferson	Chesterfield	20.50
Kingstree	Williamsburg	20.40
Lake City	Florence	20.40
Lamar	Darlington	20.40
Latta	Dillon	20.40
Lynchburg	Lee	20.40
McColl	Marlboro	20.40
Manning	Clarendon	20.40
Marion	Marion	20.40
Mayesville	Sumter	20.40
Mountville	Laurens	20.50
Mullins	Marion	20.40
Newberry	Newberry	20.40

SOUTH CAROLINA—Continued

City	County	Basis middling white inch loan rate
North	Orangeburg	20.40
Norway	do	20.40
Olanta	Florence	20.40
Orangeburg	Orangeburg	20.40
Pamplico	Florence	20.40
Pendleton	Anderson	20.50
Pinewood	Sumter	20.40
Prosperity	Newberry	20.50
Ridge Spring	Saluda	20.50
Ridgeway	Fairfield	20.50
Rock Hill	York	20.50
Saluda	Saluda	20.50
Spartanburg	Spartanburg	20.50
St. Matthews	Calhoun	20.40
Summerton	Clarendon	20.40
Sumter	Sumter	20.40
Swansea	Lexington	20.50
Timmonsville	Florence	20.40
Turbeville	Clarendon	20.40
Union	Union	20.50
Wagener	Aiken	20.50
Williston	Barnwell	20.40

TENNESSEE

Brownsville	Haywood	19.80
Chattanooga	Hamilton	20.10
Covington	Tipton	19.80
Decherd	Franklin	19.95
Dyersburg	Dyer	19.80
Five Points	Lawrence	19.80
Henderson	Chester	19.80
Jackson	Madison	19.80
Lawrenceburg	Lawrence	19.80
Memphis	Shelby	19.80
Milan	Gibson	19.80
Ripley	Lauderdale	19.80
Tiptonville	Lake	19.80

TEXAS

Abernathy	Hale	19.45
Abilene	Taylor	19.50
Ballinger	Runnels	19.50
Bay City	Matagorda	19.50
Big Spring	Howard	19.45
Bovina	Parmer	19.45
Brady	McCulloch	19.50
Brenham	Washington	19.50
Brownfield	Terry	19.45
Brownsville	Cameron	19.45
Brownwood	Brown	19.50
Bryan	Brazos	19.50
Burton	Washington	19.50
Cameron	Milam	19.50
Childress	Childress	19.50
Cleburne	Johnson	19.50
Colorado City	Mitchell	19.50
Commerce	Hunt	19.60
Cooper	Delta	19.60
Corpus Christi	Nueces	19.50
Corsicana	Navarro	19.55
Crosbyton	Crosby	19.40
Dallas	Dallas	19.50
Dimmitt	Castro	19.45
Elgin	Bastrop	19.50
Enloe	Delta	19.60
Ennis	Ellis	19.50
Fabens	El Paso	19.35
Fauna	Harris	19.60
Floydada	Floyd	19.50
Fort Stockton	Pecos	19.45
Gainesville	Cooke	19.60
Galveston	Galveston	19.60
Garland	Dallas	19.60
Greenville	Hunt	19.60
Hamlin	Jones	19.50
Harlingen	Cameron	19.45
Hart	Castro	19.45
Haskell	Haskell	19.50
Hearne	Robertson	19.50
Hillsboro	Hill	19.50
Honey Grove	Fannin	19.60
Houston	Harris	19.60
Hubbard	Hill	19.50
Kaufman	Kaufman	19.60
Kenedy	Karnes	19.50
Knox City	Knox	19.50
La Grange	Fayette	19.50
Lamesa	Dawson	19.45
Levelland	Hockley	19.45
Littlefield	Lamb	19.45
Lockhart	Caldwell	19.50
Lockney	Floyd	19.45
Lubbock	Lubbock	19.45
McKinney	Collin	19.60
Marlin	Falls	19.50
Memphis	Hall	19.50
Mexia	Limestone	19.50
Morton	Cochran	19.45
Muleshoe	Bailey	19.45
Munday	Knox	19.50
Navasota	Grimes	19.50
Needville	Fort Bend	19.60
O'Donnell	Lynn	19.45
Paducah	Cottle	19.50
Paris	Lamar	19.60
Pecos	Reeves	19.45
Plainview	Hale	19.45
Pyote	Ward	19.45
Quanah	Hardeman	19.50
Quitaque	Briscoe	19.45
Ralls	Crosby	19.45
Raymondville	Willacy	19.45
Roaring Springs	Motley	19.50
Rochester	Haskell	19.50
Rosebud	Falls	19.50
Rosenberg	Fort Bend	19.60
Rotan	Fisher	19.50
Rule	Haskell	19.50
San Angelo	Tom Green	19.50
Schulenburg	Fayette	19.50
Seagraves	Gaines	19.45
Seymour	Baylor	19.50
Shamrock	Wheeler	19.50
Slaton	Lubbock	19.45
Snyder	Scurry	19.50
Stamford	Jones	19.50
Stanton	Martin	19.45
Sudan	Lamb	19.45
Sweetwater	Nolan	19.50
Tahoka	Lynn	19.45
Tarzan	Martin	19.45
Taylor	Williamson	19.50
Temple	Bell	19.50
Terrell	Kaufman	19.60
Texarkana	Bowie	19.60
Tulia	Swisher	19.45
Turkey	Hall	19.45
Vernon	Wilbarger	19.50
Waco	McLennan	19.50
Waxahachie	Ellis	19.50
Wellington	Collingsworth	19.50
Wichita Falls	Wichita	19.50
Winters	Runnels	19.50

VIRGINIA

Brodnax	Brunswick	20.4

§ 1427.102 Schedule of premiums and discounts for grade and staple length of 1971-crop American upland cotton.

Grade	Code [1]	Staple length (inches)												
		13/16	7/8	29/32	15/16	31/32	1	1 1/32	1 1/16	1 1/32	1 1/8	1 3/32	1 1/4	1 5/32 and longer
		(26)	(28)	(29)	(30)	(31)	(32)	(33)	(34)	(35)	(36)	(37)	(38)	(39)	(40)
GOOD MIDDLING														
		Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.
GM and better	(01-11)	−305	−270	−215	−145	−60	+50	+190	+325	+370	+420	+485	+580	+765	+920
GM Lt Sp	(12)	−350	−310	−260	−200	−135	−60	+75	+185	+225	+255	+300	+375	+555	+730
GM Sp	(13)	−460	−420	−385	−330	−280	−230	−170	−125	−110	−90	−80	−70	−45	−20
GM Tg	(14)	−575	−530	−500	−465	−445	−430	−415	−405	−400	−400	−400	−400	−400	−400
GM Ys	(15)	−750	−705	−680	−650	−635	−615	−605	−595	−595	−595	−595	−595	−595	−595
GM Lt Gray	(16)	−385	−350	−310	−240	−165	−75	+40	+160	+200	+240	+290	+345	+500	+635
GM Gray	(17)	−475	−440	−395	−340	−280	−220	−135	−55	−25	+10	+45	+95	+170	+235
STRICT MIDDLING														
SM	(21)	−310	−275	−225	−150	−70	+45	+185	+320	+360	+410	+470	+565	+750	+910
SM Lt Sp	(22)	−360	−320	−265	−205	−145	−70	+60	+170	+210	+245	+280	+355	+535	+700
SM Sp	(23)	−470	−425	−390	−335	−280	−250	−185	−140	−125	−105	−95	−85	−65	−40
SM Tg	(24)	−555	−545	−510	−475	−460	−440	−425	−415	−415	−415	−415	−415	−415	−415
SM Ys	(25)	−760	−710	−695	−660	−645	−625	−615	−605	−605	−605	−605	−605	−605	−605
SM Lt Gray	(26)	−425	−390	−350	−285	−220	−150	−45	+70	+110	+160	+200	+250	+385	+515
SM Gray	(27)	−530	−500	−460	−405	−350	−300	−230	−160	−145	−120	−105	−85	−70	−80
MIDDLING														
MID Plus	(30)	−335	−295	−245	−175	−90	+25	+160	+295	+335	+385	+440	+525	+710	+870
MID	(31)	−350	−310	−260	−190	−105	Base	+135	+275	+330	+365	+415	+490	+660	+790
MID Lt Sp	(32)	−405	−370	−325	−265	−210	−140	−25	+90	+125	+165	+210	+280	+400	+500
MID Sp	(33)	−510	−470	−430	−380	−340	−305	−260	−225	−220	−210	−205	−205	−205	−205
MID Tg	(34)	−645	−600	−570	−530	−510	−495	−480	−475	−475	−475	−475	−475	−475	−475
MID Ys	(35)	−815	−775	−750	−715	−695	−680	−670	−660	−660	−660	−660	−660	−660	−660
MID Lt Gray	(36)	−515	−480	−445	−390	−335	−280	−210	−125	−105	−80	−65	−45	−20	+10
MID Gray	(37)	−670	−645	−610	−550	−510	−470	−410	−370	−360	−350	−350	−350	−350	−350
STRICT LOW MIDDLING														
SLM Plus	(40)	−410	−370	−325	−250	−200	−110	+25	+170	+205	+245	+280	+365	+505	+635
SLM	(41)	−440	−400	−350	−285	−230	−155	−35	+105	+145	+190	+220	+290	+430	+550
SLM Lt Sp	(42)	−500	−460	−410	−355	−310	−255	−185	−110	−90	−65	−55	−35	−25	+10
SLM Sp	(43)	−600	−555	−515	−465	−430	−405	−370	−345	−340	−340	−340	−340	−340	−340
SLM Tg	(44)	−740	−695	−660	−615	−600	−580	−565	−560	−560	−560	−560	−560	−560	−560
SLM Lt Gray	(46)	−650	−630	−590	−540	−490	−450	−400	−360	−345	−335	−335	−335	−335	−335
SLM Gray	(47)	−785	−760	−730	−675	−645	−610	−575	−540	−535	−530	−530	−530	−530	−530
LOW MIDDLING														
LM Plus	(50)	−500	−470	−425	−365	−305	−245	−165	−70	−40	−20	−5	+20	+45	+100
LM	(51)	−530	−500	−460	−400	−350	−290	−220	−130	−105	−80	−70	−55	−25	Even
LM Lt Sp	(52)	−605	−570	−530	−480	−445	−410	−365	−325	−320	−320	−320	−320	−320	−320
LM Sp	(53)	−710	−670	−635	−595	−570	−530	−505	−490	−485	−480	−480	−480	−480	−480
LM Tg	(54)	−850	−815	−780	−740	−730	−710	−695	−690	−690	−690	−690	−690	−690	−690
STRICT GOOD ORDINARY														
SGO Plus	(60)	−615	−595	−560	−505	−460	−400	−360	−315	−305	−300	−300	−300	−300	−300
SGO	(61)	−660	−640	−600	−550	−505	−450	−420	−375	−370	−365	−365	−365	−365	−365
GOOD ORDINARY														
GO Plus	(70)	−740	−720	−690	−645	−605	−560	−525	−500	−490	−485	−485	−485	−485	−485
GO	(71)	−785	−765	−735	−690	−655	−610	−580	−560	−550	−545	−545	−545	−545	−545

[1] Grade and staple codes. Staple below 13/16 is coded 24 and is not eligible for loan. Any grade code starting with an 8 is "below grade" and is not eligible for loan. (An additional discount for cotton reduced in grade because of "Spindle Twist" or the presence of "extraneous matter" shall be applied at the rate of one-half cent (50 points) per pound below the loan rate for the grade and staple shown on the classification memorandum.

§ 1427.103 Schedule of micronaire differentials for 1971-crop upland cotton.

Micronaire reading	*Points per pound*
5.3 and above	Discount of 170.
5.0 through 5.2	Discount of 75.
3.5 through 4.9	0.
3.3 through 3.4	Discount of 80.
3.0 through 3.2	Discount of 175.
2.7 through 2.9	Discount of 285.
2.6 and less	Discount of 425.

§ 1427.104 Schedule of loan rates for eligible qualities for 1971-crop extra long staple cotton by warehouse location.

(In cents per pound, net weight)

Code grade	Staple length (inches)					
	1 3/4 (44)		1 5/8 (46)		1 1/2 and longer (48)	
	Cotton stored in approved warehouses in—		Cotton stored in approved warehouses in—		Cotton stored in approved warehouses in—	
	Arizona and California	New Mexico, Texas, and other States	Arizona and California	New Mexico, Texas, and other States	Arizona and California	New Mexico, Texas, and other States
1	39.80	40.20	40.20	40.60	40.35	40.75
2	39.60	40.00	40.05	40.45	40.20	40.60
3	39.20	39.60	39.70	40.10	39.85	40.25
4	38.30	38.70	38.70	39.10	38.85	39.25
5	35.85	36.25	36.20	36.60	36.35	36.75
6	30.80	31.20	31.05	31.45	31.15	31.55
7	27.20	27.60	27.35	27.75	27.45	27.85
8	24.55	24.95	24.70	25.10	24.80	25.20
9	22.65	23.05	22.80	23.20	22.85	23.25

Effective date. This subpart shall become effective upon filing with the Office of the Federal Register for publication.

Signed at Washington, D.C., on June 24, 1971.

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

[FR Doc.71-11266 Filed 8-6-71;8:45 am]

SUBCHAPTER C—EXPORT PROGRAMS

PART 1483—WHEAT AND FLOUR

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

CORRECTIONS

On July 28, 1971, the regulations governing the Wheat Export Program (GR-345) Terms and Conditions were published in the FEDERAL REGISTER at 36 F.R. 13899, effective July 30, 1971. The following corrections are made in Part 1483:

1. In paragraph (e) of § 1483.102, the reference to "§ 1483.106" is corrected to read "§ 1483.107."

2. In paragraph (f) of § 1483.107, the reference to "§ 1481.130 (b)" is corrected to read "§ 1483.130 (b)."

3. In paragraph (i) of § 1483.107 the reference to "§ 1481.116 (d)" is corrected to read "§ 1483.115 (d)."

4. In paragraph (d) of § 1483.113 the reference to "§ 1483.116 (d)" is corrected to read "§ 1483.115 (d)."

5. In paragraph (b) of § 1483.134, the fourth word "or" is corrected to read "of."

6. In § 1483.134, paragraph (f) is reserved.

Signed on August 3, 1971.

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

[FR Doc.71-11436 Filed 8-6-71;8:54 am]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

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

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

Paragraph (a) of § 103.7 is amended to read as follows:

§ 103.7 Fees.

(a) *Remittances.* Fees prescribed within the framework of 31 U.S.C. 438a shall be submitted with any formal application or petition prescribed in this chapter and shall be in the amount prescribed by law or regulation. When any discretionary relief in exclusion or deportation proceedings is granted absent an application and fee therefor, the district director having jurisdiction over the place where the original proceeding was conducted shall require the filing of the application and the payment of the fee. Every remittance shall be accepted subject to collection. A receipt issued by a Service officer for any such remittance shall not be binding if the remittance is found uncollectable. Remittances must be drawn on a bank or other institution located in the United States and be payable in U.S. currency. Fees in the form of postage stamps shall not be accepted. Remittances shall be made payable to the "Immigration and Naturalization Service," except that in case of applicants residing in the Virgin Islands of the United States, the remittances shall be made payable to the "Commissioner of Finance of the Virgin Islands," and, in the case of applicants residing in Guam, the remittances shall be made payable to the "Treasurer, Guam." If payment is made by international money order of the type that cannot be mailed with the application or petition, the money order must be drawn on the postmaster of the city in the United States to which the application or petition is being mailed.

* * * * *

PART 214—NONIMMIGRANT CLASSES

§ 214.2 [Amended]

The second sentence of subparagraph (1) *Without visas* of paragraph (c) *Transit* of § 214.2 *Special requirements for admission, extension, and maintenance of status* is amended by adding "Denver, Colo." to the listed ports of entry to read as follows: "Except for transit from one part of foreign contiguous territory to another part of the same territory, application for direct transit without a visa must be made at one of the following ports of entry: Buffalo, N.Y.; Niagara Falls, N.Y.; Rouses Point, N.Y.; Boston, Mass.; New York, N.Y.; Norfolk, Va.; Baltimore, Md.; Philadelphia, Pa.; Washington, D.C.; Miami, Fla.; Port Everglades, Fla.; Tampa, Fla.; New Orleans, La.; San Antonio, Tex.; Dallas, Tex.; Houston, Tex.; Brownsville, Tex.; San Diego, Calif.; Los Angeles, Calif.; San Francisco, Calif.; Honolulu, Hawaii; Seattle, Wash.; Portland, Oreg.; Great Falls, Mont.; St. Paul, Minn.; Chicago, Ill.; Detroit, Mich.; Denver, Colo.; Anchorage, Alaska; Fairbanks, Alaska; San Juan, P.R.; Ponce, P.R.; Charlotte Amalie, V.I.; Christiansted, V.I.; Agana, Guam."

PART 234—PHYSICAL AND MENTAL EXAMINATION OF ARRIVING ALIENS

§ 234.2 [Amended]

The second and third sentences of subparagraph (1) *Applicants for status of permanent resident* of paragraph (d) *U.S. Public Health Service hospital and outpatient clinic reports* of § 234.2 *Examination in the United States of alien applicants for benefits under the immigration laws* are amended to read as follows: "In any case where the applicant is not found to be free of any defect, disease, or disability listed in section 212(a) of the Act, an appropriate Medical Certificate, Form HSM-240, or FS-398, will be issued, and the original furnished the immigration office requesting the examination. The copy of Forms I-486A, HSM-240, or FS-398 retained by the U.S. Public Health physician will be sent to the Director, Foreign Quarantine Program, Center for Disease Control, Atlanta, Ga. 30333, where a central file of these cases will be maintained."

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.4 [Amended]

The listing of transportation lines under "At Toronto" in § 238.4 *Preinspection outside the United States* is amended by adding the following transportation line in alphabetical sequence: "Dan-Air Services Limited."

PART 245—ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE

The existing first sentence of subparagraph (2) of paragraph (a) *General* of § 245.2 *Application* is deleted and the following four sentences are substituted in lieu thereof:

§ 245.2 Application.

(a) *General.* * * *

(2) *Filing application.* Before an application for adjustment of status under section 245 of the Act may be considered properly filed, a visa must be immediately available. If a visa would be immediately available only upon approval of a visa petition, the application will not be considered properly filed unless such petition has first been approved. If a visa petition is submitted simultaneously with the adjustment application, the adjustment application shall be retained and processed only if the petition is found to be in order for approval upon initial review by an immigration officer, is approved, and approval makes a visa immediately available. If the petition is returned to the petitioner for any reason, or decision thereon is deferred for investigation, interview, labor certification or consultation with another Government agency, or if the petition is denied, the adjustment application shall not be considered as having been properly filed.* * *

* * * *

PART 299—IMMIGRATION FORMS

§ 299.1 [Amended]

The listing of forms in § 299.1 *Prescribed forms* is amended in the following respects:

1. The Form "PHS–124(FQ) (3–63) Medical Certificate" is deleted.

2. The following form and reference thereto is added in alphabetical and numerical sequence.

Form No., title, and description
HSM-240 (4–69) (Formerly PHS–124) Medical Certificate.

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

This order shall be effective on the date of its publication in the FEDERAL REGISTER (8–7–71). Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date, is unnecessary in this instance and would serve no useful purpose because the amendment to § 103.7(a) relates to agency procedure; the amendment to § 214.2(c)(1) adds a port of entry; the amendments to §§ 234.2(d)(1) and 299.1 are editorial in nature; the amendment to § 238.4 adds a transportation line to the listing; and the amendment to § 245.2(a)(2) is clarifying in nature.

Dated: August 3, 1971.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[FR Doc.71–11410 Filed 8–6–71;8:51 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 75—COMMUNICABLE DISEASES IN HORSES, ASSES, MULES, AND ZEBRAS

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), Part 75, Title 9, Code of Federal Regulations, restricting the interstate movement of horses, asses, mules, and zebras, is hereby amended in the following respects:

In § 75.4 paragraph (a) is amended to read:

§ 75.4 Notice relating to existence of Venezuelan equine encephalomyelitis and/or the vector of said disease, quarantine and conditions of interstate movement.

(a) Notice is hereby given that Venezuelan equine encephalomyelitis, a communicable disease of horses, asses, mules, and zebras, and/or the vector of said disease, exists in the States of Arkansas, Louisiana, Mississippi, New Mexico, Oklahoma, and Texas and that said States are hereby quarantined because of the existence of said disease and/or the vector thereof.

* * * * *

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1 and 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264–1265, as amended 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126; 29 F.R. 16210, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

Venezuelan equine encephalomyelitis is a viral disease of horses and other equidae. The disease is transmitted primarily through several species of mosquitoes and may be transmitted to humans. The mosquito population acquires the infection from horses which are in the incubative stage of the disease and disseminates the infection to new localities.

The disease entered the United States from Mexico and has been disseminated extensively in Texas. The mosquito vectors, capable of further disseminating the disease, are known to exist in the States bordering Texas, and are present in great numbers in the Mississippi River-Gulf Coast area, including the State of Mississippi. Should present efforts to confine the outbreak of the disease in Texas fail, it could spread rapidly to vulnerable horses and other equidae in Mississippi. In order to prevent the spread of the disease, therefore, it is essential that horses and other equidae in that State be quarantined.

The State of Texas was quarantined because of Venezuelan equine encephalomyelitis, effective July 13, 1971 (36 F.R. 13202), and the States of Arkansas, Louisiana, New Mexico, and Oklahoma were quarantined because of the existence of vectors of the disease, effective July 19, 1971 (36 F.R. 13677). In view of the nature of the disease and the circumstances under which it is disseminated and in order to prevent the interstate spread of the disease, it is necessary also to quarantine the State of Mississippi and to permit the interstate movement of horses, asses, mules, and zebras from or through such quarantined areas only under the conditions specified in 9 CFR Part 75, as amended.

The amendment imposes certain restrictions necessary to prevent the spread of Venezuelan equine encephalomyelitis, a communicable disease of horses, asses, mules, and zebras, and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 2d day of August 1971.

F. J. MULHERN,
Acting Administrator, Agricultural Research Service.

[FR Doc.71–11386 Filed 8–6–71;8:50 am]

[Docket No. 71–587]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b 134f), Part 76, Title 9, Code fo Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, in paragraph (e)(4) relating to the State of Texas, subdivision (ii) relating to Potter County is deleted.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1 and 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264–1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 FR. 16210, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment excludes a portion of Potter County, Tex., from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded area, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the excluded area. No areas in Potter County, Tex., remain under the quarantine.

The amendment relieves certain restrictions presently imposed but no longer deemed necessary to prevent the spread of hog cholera, and must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to this Department. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 4th day of August 1971.

F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[FR Doc.71-11434 Filed 8-6-71;8:54 am]

[Docket No. 71-588]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases is hereby amended in the following respects:

1. In § 76.2, in paragraph (e) (4) relating to the State of Texas, a new subdivision (v) relating to Leon County is added to read:

(v) Leon County.

2. In § 76.2, the reference to the State of Delaware in paragraph (f) is deleted and paragraph (g) is amended by adding thereto the name of the State of Delaware.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1 and 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments quarantine all of Leon County, Texas, because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined County.

The amendments delete Delaware from the list of hog cholera eradication States in § 76.2(f), and the special provisions pertaining to the interstate movement of swine and swine products from or to such eradication States are no longer applicable to Delaware.

The amendments also add Delaware to the list of hog cholera free States in § 76.2(g), and the special provisions pertaining to the interstate movement of swine and swine products from or to such free States are applicable to Delaware.

Insofar as the amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera, they must be made effective immediately to accomplish their purpose in the public interest. Insofar as they relieve restrictions, they should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to this Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 4th day of August 1971.

F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[FR Doc.71-11435 Filed 8-6-71;8:54 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 71-SW-26]

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

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate a 700-foot transition area at Columbus, Tex.

On June 16, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 11602) stating the Federal Aviation Administration proposed to designate the Columbus, Tex., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 14, 1971, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the following transition area is added:

COLUMBUS, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Columbus Airport (latitude 29°43'10" N., longitude 96°33'50" W.).

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

Issued in Fort Worth, Tex., on July 28, 1971.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.71-11384 Filed 8-6-71;8:49 am]

[Airspace Docket No. 71-EA-35]

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

Alteration of Control Zones and Transition Area

On page 9664 of the FEDERAL REGISTER for May 27, 1971, the Federal Aviation Administration published a proposed rule which would alter the Akron, Ohio, transition area (36 F.R. 2141) and control zones for Akron-Canton Airport (36 F.R. 2055) and Akron Municipal Airport (36 F.R. 2056).

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

In view of the foregoing, the proposed regulations are hereby adopted, effective 0901 G.m.t., October 14, 1971.

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

Issued in Jamaica, N.Y., on July 28, 1971.

BRIAN J. VINCENT,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Akron, Ohio (Akron-Canton Airport), control zone and insert the following:

Within a 5.5-mile radius of the center, 40°54'58" N., 81°26'32" W. of Akron-Canton Airport, Akron, Ohio, excluding the portion subtended by a chord drawn between the points of INT of the 5.5-mile-radius zone with the Akron, Ohio (Akron Municipal Airport), control zone.

2. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Akron, Ohio (Akron Municipal Airport), control zone and insert the following:

Within a 5.5-mile radius of the center, 41°02'18" N., 81°28'01" W. of Akron Municipal Airport, Akron, Ohio, excluding the portion subtended by a chord drawn between the points of INT of the 5.5-mile-radius zone with the Akron, Ohio (Akron-Canton Airport), control zone.

3. Amend § 71.181 of Part 71, Federal Aviation Regulations so as to delete the description of the Akron, Ohio, 700-foot-floor transition area and insert the following:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center, 40°54'58" N., 81°26'32" W. of Akron-Canton Airport, Akron, Ohio, and within 5 miles each side of the Akron-Canton Airport south localizer course extending from the Akron-Canton Airport 8.5-mile-radius area to 11.5 miles south of the Akron-Canton Runway 1 OM; within a 10-mile-radius area of the center, 41°02'18" N., 81°28'01" W. of Akron Municipal Airport, Akron, Ohio; within 5 miles each side of the Akron VORTAC 255° radial extending

from the Akron Municipal Airport 10-mile-radius area to the VORTAC; within a 6-mile radius of the center, 41°12'35" N., 81°14'55" W. of Portage County Airport, Ravena, Ohio; within 1.5 miles each side of the Akron VORTAC 340° radial extending from the Portage County Airport 6-mile-radius area to the VORTAC; within a 5-mile-radius area of the center of 41°08'45" N., 81°25'00" W. of Andrew W. Paton of Kent State University Airport, Kent, Ohio; within a 7-mile radius of the center, 41°08'06" N., 81°45'36" W. of Freedom Field, Medina, Ohio, and within 4.5 miles south and 6.5 miles north of the Medina, Ohio, RBN (41°09'29" N., 81°38'46" W.) 084° and 264° bearings extending from 5.5 miles west to 11.5 miles east of the RBN.

[FR Doc.71-11357 Filed 8-6-71;8:47 am]

[Airspace Docket No. 71-EA-40]

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

Alteration of Transition Area

On page 11220 of the FEDERAL REGISTER for June 10, 1971, the Federal Aviation Administration published a proposed rule which would alter the Pittsfield, Mass. transition area. (36 F.R. 2254).

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

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t., October 14, 1971.

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

Issued in Jamaica, N.Y., on July 27, 1971.

WALTER D. KIES,
Acting Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Pittsfield, Mass., 700-foot floor transition area, all after: "73°17'30" W.", and insert the following in lieu thereof: "of Pittsfield Municipal Airport, Pittsfield, Mass., and within 4.5 miles northwest and 6.5 miles southeast of the 061° bearing and the 241° bearing from the Pittsfield RBN 42°28'05" N., 73°11'38" W., extending from 5.5 miles southwest of the RBN to 11.5 miles northeast of the RBN".

[FR Doc.71-11358 Filed 8-6-71;8:47 am]

[Airspace Docket No. 71-EA-42]

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

Alteration of Transition Area

On page 11220 of the FEDERAL REGISTER for June 20, 1971, the Federal Aviation Administration published a proposed rule which would alter the Morrisville, Vt., transition area (36 F.R. 2237).

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

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t., October 14, 1971.

(Sec. 407(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C.; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on July 27, 1971.

WALTER D. KIES,
Acting Director, Eastern Region.

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

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 44°32'10" N., 72°36'55" W. of Morrisville-Stowe State Airport, Morrisville, Vt., and within 3.5 miles each side of the 034° bearing and the 214° bearing from the Morrisville RBN 44°35'13" N., 72°35'10" W., extending from the 5-mile radius areas to 11.5 miles northeast of the RBN.

[FR Doc.71-11360 Filed 8-6-71;8:47 am]

[Airspace Docket No. 71-EA-43]

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

Alteration of Control Zone and Transition Area

On page 11524 of the FEDERAL REGISTER for June 15, 1971, the Federal Aviation Administration published a proposed rule which would alter the Johnstown, Pa., control zone (36 F.R. 2094) and transition area (36 F.R. 2210).

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

In view of the foregoing, the proposed regulations are hereby adopted, effective 0901 G.m.t., October 14, 1971.

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

Issued in Jamaica, N.Y., on July 26, 1971.

WALTER D. KIES,
Acting Director, Eastern Region.

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

Within a 5.5-mile radius of the center, 40°19'00" N., 78°50'00" W. of Johnstown-Cambria County Airport, Johnstown, Pa.; within 3.5 miles each side of the Johnstown VORTAC 044° radial, extending from the 5.5-mile-radius zone to 10 miles northeast of the VORTAC; within 3 miles each side of the Johnstown VORTAC 216° radial, extending from the 5.5-mile-radius zone to 8.5 miles southwest of the VORTAC, and within 3.5 miles each side of the Johnstown VORTAC 320° radial, extending from the 5.5-mile-radius zone to 10.5 miles northwest of the VORTAC. This control zone is effective from 0700 to 2300 hours, local time, daily.

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

That airspace extending upward from 700 feet above the surface within a 14-mile radius of the center, 40°19'00" N., 78°50'00" W. of Johnstown-Cambria County Airport, Johnstown, Pa.

[FR Doc.71-11361 Filed 8-6-71;8:47 am]

[Airspace Docket No. 71-EA-45]

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

Alteration of Transition Area

On page 11523 of the FEDERAL REGISTER for June 15, 1971, the Federal Aviation Administration published a proposed rule which would alter the Jefferson, Ohio, transition area.

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

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t., October 14, 1971.

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

Issued in Jamaica, N.Y., on July 26, 1971.

WALTER D. KIES,
Acting Director, Eastern Region.

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

JEFFERSON, OHIO

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°46'40" N., 80°41'45" W. of Ashtabula County Airport, Ashtabula, Ohio, and within 3.5 miles each side of the Jefferson, Ohio, VORTAC 243° radial, extending from the 5-mile-radius area to 11.5 miles southwest of the VORTAC.

[FR Doc.71-11362 Filed 8-6-71;8:47 am]

[Airspace Docket No. 71-EA-55]

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

Alteration of Control Zone and Transition Area

On page 11670 of the FEDERAL REGISTER for June 17, 1971, the Federal Aviation

Administration published a proposed rule which would alter the Elkins, W. Va., control zone (36 F.R. 2077) and transition area (36 F.R. 2181).

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

In view of the foregoing, the proposed regulations are hereby adopted, effective 0901 G.m.t., October 14, 1971.

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

Issued in Jamaica, N.Y., on July 27, 1971.

WALTER D. KIES,
Acting Director, Eastern Region.

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

Within a 5-mile radius of the center, 38°53'20" N., 79°51'24" W. of Elkins-Randolph County Airport, Elkins, W. Va., and within 3 miles each side of the 011° bearing from the Randolph County RBN, extending from the 5-mile-radius zone to 8.5 miles north of the RBN. This control zone is effective from sunrise to sunset, daily.

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

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, 38°53'20" N., 79°51'24" W. of Elkins-Randolph County Airport, Elkins, W. Va.; within 4 miles each side of the Elkins VORTAC 098° radial extending from the 6.5-mile-radius area to 1.5 miles east of the VORTAC and within 4.5 miles east and 9.5 miles west of the 011° bearing from the Randolph County RBN, extending from the RBN to 18.5 miles north of the RBN. This transition area is effective from sunrise to sunset, daily.

[FR Doc.71-11363 Filed 8-6-71;8:47 am]

[Airspace Docket No. 71-EA-56]

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

Designation of Transition Area

On page 11669 of the FEDERAL REGISTER for June 17, 1971, the Federal Aviation Administration published a proposed rule which would designate a Pittstown, N.J., transition area.

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

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t., October 14, 1971.

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

Issued in Jamaica, N.Y., on July 27, 1971.

WALTER D. KIES,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate the Pittstown, N.J., 700-foot-floor transition area as follows:

PITTSTOWN, N.J.

That airspace extending upward from 700 feet above the surface within a 7-mile-radius area of the center of 40°33'59" N., 74°58'43" W. of Sky Manor Airport, Pittstown, N.J., and within 3 miles each side of the Solberg, N.J., VORTAC 265° radial extending from the 7-mile-radius area to 22 miles west of the VORTAC.

[FR Doc.71-11359 Filed 8-6-71;8:47 am]

[Airspace Docket No. 71-EA-59]

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

Designation of Transition Area

On page 11669 of the FEDERAL REGISTER for June 17, 1971, the Federal Aviation Administration published a proposed rule which would designate a Tiffin, Ohio, transition area.

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

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t., October 14, 1971.

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

Issued in Jamaica, N.Y., on July 27, 1971.

WALTER D. KIES,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Tiffin, Ohio, 700-foot-floor transition area as follows:

TIFFIN, OHIO

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 41°05'38" N., 83°12'45" W. of Seneca County Airport, Tiffin, Ohio.

[FR Doc.71-11364 Filed 8-6-71;8:47 am]

[Airspace Docket No. 71-SO-107]

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

Alteration of Control Zone and Transition Area

On June 16, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 11602), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Owensboro, Ky., control zone and transition area and the Madisonville and Henderson, Ky., transition areas.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 14, 1971, as hereinafter set forth.

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

OWENSBORO, KY.

Within a 5-mile radius of Owensboro-Daviess County Airport (lat. 37°44'31" N., long. 87°09'57" W.); within 2.5 miles each side of Owensboro VOR 181° radial, extending from the 5-mile radius zone to the Masonville RBN (lat. 37°39'35" N., long. 87°10'17" W.); within 3 miles each side of Owensboro VOR 222° radial, extending from the 5-mile radius zone to 8.5 miles southwest of the VOR; within 3 miles each side of Owensboro VOR 352° radial, extending from the 5-mile radius zone to 8.5 miles north of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

In § 71.181 (36 F.R. 2140), the Owensboro, Madisonville, and Henderson, Ky., transition areas are amended to read:

OWENSBORO, KY.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Owensboro-Daviess County Airport (lat. 37°44'31" N., long. 87°09'57" W.); within 3.5 miles each side of Owensboro VOR 181° radial, extending from the 9-mile radius area to 8.5 miles south of Masonville RBN (lat. 37°39'35" N., long. 87°10'17" W.).

MADISONVILLE, KY.

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Madisonville Municipal Airport (lat. 37°21'00" N., long. 87°24'00" W.); within 1.5 miles each side of Central City VOR 256° radial, extending from the 5.5-mile radius area to the VOR.

HENDERSON, KY.

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Henderson Airport (lat. 37°48'27" N., long. 87°41'00" W.); within 1.5 miles each side of Evansville, Ind. VORTAC 152° radial, extending from the 5.5-mile radius area to the VORTAC; excluding the portion within Evansville, Ind. transition area.

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

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

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-11366 Filed 8-6-71;8:48 am]

[Airspace Docket No. 71-SO-108]

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

Alteration of Transition Areas

On June 17, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 11668), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Bardstown and Elizabethtown, Ky., transition areas.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 14, 1971, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the Bardstown and Elizabethtown, Ky., transition areas are amended to read:

BARDSTOWN, KY.

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Samuels Field (lat. 37°48'55" N., long. 85°29'58" W.); within 3 miles each side of the 022° bearing from Bardstown RBN (lat. 37°50'52" N., long. 85°29'00" W.), extending from the 5.5-mile-radius area to 8.5 miles north of the RBN.

ELIZABETHTOWN, KY.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Elizabethtown-Hardin County Airport (lat. 37°45'13" N., long. 85°53'09" W.); within 2 miles each side of New Hope VOR 306° radial, extending from the 5-mile-radius area to 9 miles northwest of the VOR; excluding the portion within Louisville transition area.

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

Issued in East Point, Ga., on July 28, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-11367 Filed 8-6-71;8:48 am]

[Airspace Docket No. 71-SO-109]

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

Alteration of Transition Area

On June 17, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 11668), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Ashland, Ky., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 14, 1971, as hereinafter set forth.

In § 71.191 (36 F.R. 2140), the Ashland, Ky., transition area is amended to read:

ASHLAND, KY.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Ashland-Boyd County Airport) lat. 38°33'00" N., long. 82°44'15" W.); within 2.5 miles each side of York VORTAC 116° radial, extending from the 8-mile radius area to 0.5 mile east of the VORTAC; excluding the portion within Huntington, W. Va., transition area.

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

Issued in East Point, Ga., on July 28, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-11368 Filed 8-6-71;8:48 am]

[Airspace Docket No. 71-SO-110]

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

Alteration of Control Zone and Transition Area

On June 18, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 11749), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Paducah, Ky., control zone and transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 14, 1971, as hereinafter set forth.

In § 71.171 (36 F.R. 2055), the Paducah, Ky., control zone (36 F.R. 3518) is amended to read:

PADUCAH, KY.

Within a 5-mile radius of Barkley Field (lat. 37°03'45" N., long. 88°46'23" W.); within 3 miles each side of the 234° bearing from Paducah RBN, extending from the 5-mile-radius zone to 8.5 miles southwest of the RBN; within 3 miles each side of Cunningham VORTAC 045° radial, extending from the 5-mile-radius zone to 11 miles northeast of the VORTAC.

In § 71.181 (36 F.R. 2140), the Paducah, Ky., transition area (36 F.R. 3518) is amended to read:

PADUCAH, KY.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Barkley Field (lat. 37°03'45" N., long. 88°46'23" W.); within 5 miles each side of Cunningham VORTAC 225° radial, extending from the 10-mile-radius area to 11.5 miles southwest of the VORTAC.

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

Issued in East Point, Ga., on July 30, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-11369 Filed 8-6-71;8:48 am]

[Airspace Docket No. 71-SO-111]

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

Alteration of Control Zone and Transition Areas

On June 18, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 11750), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the London, Ky., control zone and transition area and the Somerset, Ky., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 14, 1971, as hereinafter set forth.

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

LONDON, KY.

Within a 5-mile radius of Corbin-London War Memorial Airport (lat. 37°05'15" N., long. 84°04'38" W.); within 3 miles each side of London VOR 202° radial, extending from the 5-mile-radius zone to 8.5 miles south of the VOR.

In § 71.181 (36 F.R. 2140), the London and Somerset, Ky., transition areas are amended to read:

LONDON, KY.

That airspace extending upward from 700 feet above the surface within a 12.5-mile radius of Corbin-London War Memorial Airport (lat. 37°05'15" N., long. 84°04'38" W.).

SOMERSET, KY.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Somerset-Pulaski County Airport (lat. 37°03'24" N., long. 84°36'45" W.); within 3 miles each side of the 230° bearing from Somerset RBN (lat. 37°03'19" N., long. 84°36'58" W.), extending from the 8.5-mile-radius area to 8.5 miles southwest of the RBN.

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

Issued in East Point, Ga., on July 30, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-11370 Filed 8-6-71;8:48 am]

[Airspace Docket No. 71-SO-114]

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

Redesignation of Control Zone

On June 17, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 11668), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would redesignate the Winston-Salem, N.C., control zone.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 14, 1971, as hereinafter set forth.

In § 71.171 (36 F.R. 2055), the Winston-Salem, N.C., control zone is amended to read:

WINSTON-SALEM, N.C.

Within a 5-mile radius of Smith Reynolds Airport (lat. 36°08'01" N., long. 80°13'22" W.); within 2 miles each side of Winston-Salem ILS localizer southeast course, extending from the 5-mile-radius zone to the LOM.

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

Issued in East Point, Ga., on July 28, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-11371 Filed 8-6-71;8:48 am]

[Airspace Docket No. 71-SO-118]

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

Alteration of Control Zone

On June 25, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 12111), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Gulfport, Miss., control zone.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 14, 1971, as hereinafter set forth.

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

GULFPORT, MISS.

Within a 5-mile radius of Gulfport Municipal Airport (lat. 30°24'27.5" N., long. 89°04'05" W.); within 3 miles each side of Gulfport VORTAC 050°, 213°, and 325° radials, extending from the 5-mile-radius zone to 8.5 miles northeast, southeast, and northwest of the VORTAC; within 5 miles each side of Gulfport VORTAC 129° radial, extending from the 5-mile-radius zone to 11.5 miles southeast of the VORTAC; excluding the portion within the Biloxi, Miss., control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

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

Issued in East Point, Ga., on July 30, 1971.

GORDON W. BECKER,
Acting Director, Southern Region.

[FR Doc.71-11372 Filed 8-6-71;8:48 am]

[Airspace Docket No. 71-SO-104]

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

Alteration of Control Zones and Transition Area

On June 18, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 11649), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Covington, Ky. and Cincinnati, Ohio, control zones and the Cincinnati, Ohio, transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 14, 1971, as hereinafter set forth.

In § 71.171 (36 F.R. 2055), the Covington, Ky. and Cincinnati, Ohio, control zones are amended to read:

COVINGTON, KY.

Within a 5-mile radius of Greater Cincinnati Airport (lat. 39°02'56" N., long. 84°-39'41" W.); within 1.5 miles each side of Runway 36 ILS localizer south course, extending from the 5-mile-radius zone to the LOM; within 3 miles each side of Cincinnati VORTAC 223° radial, extending from the 5-mile-radius zone to 8.5 miles southwest of the VORTAC; within 1.5 miles each side of Runway 18 ILS localizer north course, extending from the 5-mile-radius zone to Addyston LOM.

CINCINNATI, OHIO

Within a 5-mile radius of Cincinnati Municipal-Lunken Field Airport (lat. 39°-06'14" N. long. 84°25'18" W.); within 2 miles each side of Runway 20L ILS localizer northeast course, extending from the 5-mile-radius zone to Madeira RBN; within 1.5 miles each side of the 227° bearing from Lunken RBN, extending from the 5-mile-radius zone to the RBN.

That airspace extending upward from 700 Evansville, Ind. transition area.

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

CINCINNATI, OHIO

That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of Greater Cincinnati Airport (lat. 39°02'56" N., long. 84°39'41" W.); within 9.5 miles east and 4.5 miles west of Runway 36 ILS localizer south course, extending from the 11.5-mile-radius area to 18.5 miles south of the LOM; within 3 miles each side of Runway 9R ILS localizer west course, extending from the 11.5-mile-radius area to 8.5 miles west of Burlington RBN; within 9.5 miles west and 4.5 miles east of Runway 18 ILS localizer north course, extending from the 11.5-mile-radius area to 18.5 miles north of the LOM; within a 12-mile radius of Cincinnati Municipal-Lunken Field Airport (lat. 39°06'14" N., long. 84°25'18" W.); within 3 miles each side of the 044° bearing from Lunken RBN, extending from the 12-mile-radius area to 8.5 miles northeast of the RBN.

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

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

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-11365 Filed 8-6-71;8:48 am]

[Airspace Docket No. 71-SO-123]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Jackson, Tenn., control zone.

The Jackson control zone is described in § 71.171 (36 F.R. 2055). In the description, an extension is predicated on McKellar VOR 208° radial. Effective September 16, 1971, the final approach radial for VOR RWY 2 Instrument Approach Procedure to McKellar Field will be refined to the 206° radial. It is necessary to alter the description to reflect this change.

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

In § 71.171 (36 F.R. 2055), the Jackson, Tenn., control zone is amended as follows: "* * * 208° * * *" is deleted and "* * * 206° * * *" is substituted therefor.

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

Issued in East Point, Ga., on July 30, 1971.

GORDON W. BECKER,
Acting Director, Southern Region.

[FR Doc.71-11373 Filed 8-6-71;8:48 am]

[Airspace Docket No. 71-SO-132]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regula-

tions is to alter the Pensacola, Fla., control zone.

The Pensacola control zone is described in § 71.171 (36 F.R. 2055 and 11429). In the description, reference is made to the Pensacola Municipal Airport. Since the name of this airport has been changed to Pensacola Regional Airport, it is necessary to alter the description to reflect this change.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (36 F.R. 2055), the Pensacola, Fla., control zone (36 F.R. 11429) is amended as follows: "* * * Pensacola Municipal Airport * * *" is deleted and "* * * Pensacola Regional Airport * * *" is substituted therefor.

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

Issued in East Point, Ga., on July 28, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-11374 Filed 8-6-71;8:48 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 71-205]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Arrival and Departure of Vessels

Treasury Decision 71-169, published in the FEDERAL REGISTER on July 2, 1971 (36 F.R. 12601) became effective on that date. It provided, however, that certain Customs forms and procedures in effect prior to the amendment could be continued to be used in lieu of new forms and procedures for 6 months. To clarify the scope of the permitted use, the effective date provision of Treasury Decision 71-169 is revised to read as follows:

Effective date. These amendments shall become effective on the date of their publication in the FEDERAL REGISTER (7-2-71). However, the Customs forms, declarations and procedures in effect prior to this amendment may be used in lieu of the new forms and procedures for a period of 6 months from the aforesaid date of publication.

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

Approved: July 28, 1971.

WILLIAM L. DICKEY,
Acting Assistant Secretary of the Treasury.

[FR Doc.71-11409 Filed 8-6-71;8:51 am]

[T.D. 71-191]

PART 153—ANTIDUMPING

Fair Value Determination

Correction

In F.R. Doc. 71-10577 appearing on page 13780 in the issue of Saturday, July 24, 1971, the word "for" in the fourth line of the paragraph following the authority citation in the center column should read "nor".

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER A—GENERAL

[Docket No. R-71-135]

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

FINANCE COMMITTEE MEMBERS

In Part 200, Subpart D, § 200.90(a) is amended to read as follows:

§ 200.90 Finance Committee.

(a) *Members.* The Finance Committee is comprised of the following members: Director, Research and Statistics Division, Chairman; Assistant Commissioner-Comptroller; Assistant Commissioner for Administration; and Deputy Director of the Office of Property Disposition—Housing Management, or his designee.

* * * * *

(Secretary's delegation of authority published at 36 F.R. 5006, effective March 8, 1971)

Effective date. This amendment is effective as of June 21, 1971.

EUGENE A. GULLEDGE,
Assistant Secretary-Commissioner.

[FR Doc.71-11417 Filed 8-6-71;8:52 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

List of Designated Areas

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1914.4 List of designated areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
California	Contra Costa	Martinez	I 06 013 2090 09 through I 06 013 2090 16	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	Office of the City Engineer, 525 Henrietta St., Martinez, CA 94553.	Aug. 6, 1971.
Florida	Charlotte	Unincorporated areas.	I 12 015 0000 05 through I 12 015 0000 37	Department of Community Affairs, 309 Office Plaza, Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, FL 32304.	Planning and Zoning Department, Charlotte County Courthouse, Room 309, Punta Gorda, Fla. 33950.	Do.
Massachusetts	Bristol	Swansea	I 25 005 1268 05 through I 25 005 1268 10	Division of Water Resources, State Office Bldg., 100 Cambridge St., Boston, MA 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, MA 02202.	Office of the Board of Selectmen, Town Hall, Main St., Swansea, Mass. 02777.	Do.
Missouri	St. Charles	Unincorporated areas.	----------	----------	----------	Do.
Do	New Madrid and Scott Counties.	Sikeston	----------	----------	----------	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
New York	Suffolk	Ocean Beach	I 36 103 4400 03	New York State Department of Environmental Conservation, 50 Wolf Road, Albany, NY 12201. New York State Insurance Department, 123 William St., New York, NY 10038, and 324 State St., Albany, NY 12210.	Village Office, Bay Walk, Ocean Beach, N.Y. 11770.	Do.
Do	do	Saltaire	I 36 103 5430 03	do	Village of Saltaire, Pomander Walk, Saltaire, N.Y. 11781.	Do.
Oklahoma	Le Flore	Wister				Do.
Pennsylvania	Delaware	Thornbury Township.				Do.
Texas	Aransas	Unincorporated areas.	I 48 007 0000 03 I 48 007 0000 04	Texas Water Development Board, Post Office Box 12386, Austin, TX 78701. Texas Insurance Department, 1110 San Jacinto St., Austin, TX 78701.	County Clerk's Office, Aransas County Courthouse, Rockport, Tex. 78382.	Do.
Wisconsin	Jefferson	Fort Atkinson	I 55 055 1760 03 I 55 055 1760 04	Department of Natural Resources, Post Office Box 450, Madison, WI 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, WI 53703.	Office of the City Manager, Municipal Bldg., Fort Atkinson, Wis. 53538.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: August 6, 1971.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.71-11301 Filed 8-6-71;8:45 am]

PART 1915—IDENTIFICATION OF FLOOD-PRONE AREAS

List of Flood Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of flood hazard areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
* * *	* * *	* * *	* * *	* * *	* * *	* * *
California	Contra Costa	Martinez	H 06 013 2000 09 through H 06 013 2000 16	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	Office of the City Engineer, 525 Henrietta St., Martinez, CA 94553.	Jan. 8, 1971.
Florida	Charlotte	Unincorporated areas.	H 12 015 0000 05 through H 12 015 0000 37	Department of Community Affairs, 309 Office Plaza, Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, FL 32304.	Planning and Zoning Department, Charlotte County Courthouse, Room 309, Punta Gorda, Fla. 33950.	July 1, 1970.
Massachusetts	Bristol	Swansea	H 25 005 1268 05 through H 25 005 1268 10	Division of Water Resources, State Office Bldg., 100 Cambridge St., Boston, MA 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, MA 02202.	Office of the Board of Selectmen, Town Hall, Main St., Swansea, Mass 02777.	June 19, 1970 and Aug. 6, 1971.
Missouri	St. Charles	Unincorporated areas.				Aug. 6, 1971.
Do	New Madrid and Scott Counties.	Sikeston				Do.
New York	Suffolk	Ocean Beach	H 36 103 4400 03	New York State Department of Environmental Conservation, 50 Wolf Road, Albany, NY 12201. New York State Insurance Department, 123 William St., New York, NY 10038, and 324 State St., Albany, NY 12210.	Village Office, Bay Walk, Ocean Beach N.Y. 11770.	May 5, 1970.
Do	do	Saltaire	H 36 103 5430 03	do	Village of Saltaire, Pomander Walk, Saltaire, N.Y. 11781.	May 20, 1970.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Oklahoma	Le Flore	Wister				Aug. 6, 1971
Pennsylvania	Delaware	Thornbury Township.				Do.
Texas	Aransas	Unincorporated areas.	H 48 007 0000 03 H 48 007 0000 04	Texas Water Development Board, Post Office Box 12386, Austin, TX 78701. Texas Insurance Department, 1110 San Jacinto St., Austin TX 78701.	County Clerk's Office, Aransas County Courthouse, Rockport, Tex. 78382.	June 17, 1970.
Wisconsin	Jefferson	Fort Atkinson	H 55 055 1760 03 H 55 055 1760 04	Department of Natural Resources, Post Office Box 450, Madison, WI 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, WI 53703.	Office of the City Manager, Municipal Bldg., Fort Atkinson, Wis. 53538.	Nov. 17, 1970.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: August 6, 1971.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.71-11302 Filed 8-6-71;8:45 am]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5095]

[BLM 079348]

MICHIGAN

Addition to National Forest

By virtue of the authority contained in the Act of July 9, 1962, 76 Stat. 140, 43 U.S.C. sec. 315g-1 (1964), it is ordered as follows:

Subject to valid existing rights, the following described lands, acquired in an exchange made pursuant to section 8 of the Taylor Grazing Act of June 28, 1934, 48 Stat. 1272, as amended, 43 U.S.C. sec. 315g (1964), are hereby added to and made a part of the Manistee National Forest and hereafter shall be subject to all laws and regulations applicable to said national forest:

MICHIGAN MERIDIAN

T. 17 N., R. 12 W.,
Sec. 4, Newell's Terrace Subdivision, Blocks 1 to 12, inclusive, except lot 1 in Block 4 (SE¼NW¼);
Sec. 8, SW¼SW¼;
Sec. 16, N½S½SE¼NE¼;
Sec. 17, W¾E½SW¼NW¼, S½N½N½SE¼SE¼;
Sec. 28, W½W½W½SW¼SW¼.
T. 15 N., R. 13 W.,
Sec. 4, Woodland Park Acres Subdivision, lots 41, 42, 43, and 46 (E¾N½SE¼NW¼, W½NE¼SW¼NW¼).
T. 19 N., R. 13 W.,
Sec. 16, NE¼SW¼NE¼, S½SW¼SW¼NE¼;
Sec. 17, SE¼SW¼SE¼;
Sec. 22, NW¼NW¼NW¼;
Sec. 30, W½NE¼NE¼.
T. 18 N., R. 14 W.,
Sec. 13, E½SE¼NW¼SE¼.
T. 13 N., R. 16 W.,
Sec. 19, E½NE¼NE¼SE¼, W½SW¼NE¼SE¼, W½SW¼SW¼SE¼.

The areas described aggregate 209.94 acres in Lake, Newaygo and Oceana Counties.

HARRISON LOESCH,
Assistant Secretary of the Interior.

AUGUST 2, 1971.

[FR Doc.71-11400 Filed 8-3-71;8:51 am]

[Public Land Order 5096]

[Colorado 1269]

COLORADO

Revocation of Public Land Order No. 4547

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:

Public Land Order No. 4547 of October 31, 1968, which modified the oil shale withdrawal made by Executive Order No. 5327 of April 15, 1930, to allow issuance of oil shale leases for certain lands, is hereby revoked in its entirety.

HARRISON LOESCH,
Assistant Secretary of the Interior.

AUGUST 2, 1971.

[FR Doc.71-11401 Filed 8-6-71;8:51 am]

[Public Land Order 5097]

[Colorado 022844, 12613]

COLORADO

Withdrawal of Lands as an Addition to Air Navigation Site; Public Land Order No. 1899 Revoked in Part

By virtue of the authority contained in section 4 of the Act of May 24, 1928, 45 Stat. 729, 49 U.S.C. sec. 214 (1964), 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, and reserved for use by the Federal Aviation Administration, Department of Transportation, as an addition to and in connection with the air navigation site established by Public Land Order No. 1899 of July 14, 1959:

NEW MEXICO PRINCIPAL MERIDIAN

T. 48 N., R. 1½ W.,
Sec. 1, S½NE¼NW¼, S½SW¼NW¼, SE¼NW¼, N½SW¼;
Sec. 2, S½ of lot 3, N½ of lot 4.

The areas described aggregate 186.03 acres in Gunnison County.

2. Public Land Order No. 1899 of July 14, 1959, withdrawing lands for an air navigation site is hereby revoked so far as it affects the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 48 N., R. 1½ W.,
Sec. 1, south 15 chains of lot 4, N½NW¼NW¼;
Sec. 2, south 15 chains of lot 1, N½ of lot 2.
T. 48 N., R. 2 W.,
Sec. 1, SE¼ of lot 8, E½ of lot 9, NE¼ of lot 16.

The areas described aggregate 122.03 acres in Gunnison County.

3. At 10 a.m. on September 7, 1971, the lands described in paragraph 2 of this order shall be open to operation of the public land laws, including the U.S. mining laws, and to the filing of applications and offers under the mineral leasing laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on September 7, 1971, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning these lands should be addressed to the Manager, Land

Office, Bureau of Land Management, Denver, Colo.

HARRISON LOESCH,
Assistant Secretary of the Interior.

AUGUST 2, 1971.

[FR Doc.71-11402 Filed 8-6-71;8:51 am]

[Public Land Order 5098]

[BLM 042114]

MICHIGAN

Addition to National Forest

By virtue of the authority contained in the Act of July 9, 1962, 76 Stat. 140, 43 U.S.C. sec. 315g-1 (1964), it is ordered as follows:

Subject to valid existing rights, the following described lands, acquired in an exchange made pursuant to section 8 of the Taylor Grazing Act of June 28, 1934, 48 Stat. 1272, as amended, 43 U.S.C. sec. 315g (1964), are hereby added to and made a part of the Hiawatha National Forest and hereafter shall be subject to all laws and regulations applicable to said national forest:

MICHIGAN MERIDIAN

T. 43 N., R. 17 W.,
Sec. 6, lot 4;
Sec. 7, SW¼NW¼;
Sec. 16, SW¼NW¼;
Sec. 17, N½SE¼;
Sec. 29, SW¼NW¼;
Sec. 32, NE¼, SE¼SW¼;
Sec. 33, SE¼NW¼;
Sec. 34, NE¼SW¼, lot 3.
T. 44 N., R. 17 W.,
Sec. 5, SW¼NE¼, N½SE¼;
Sec. 12, SW¼NE¼, NW¼SE¼.

The areas described aggregate 753.29 acres in Schoolcraft County.

HARRISON LOESCH,
Assistant Secretary of the Interior.

AUGUST 2, 1971.

[FR Doc.71-11403 Filed 8-6-71;8:51 am]

[Public Land Order 5099]

[Idaho 89]

IDAHO

Partial Revocation of Reclamation Project Withdrawals

By virtue of the authority contained in section 3 of the Act of June 17, 1902, 32 Stat. 388, as amended and supplemented, 43 U.S.C. sec. 416 (1964), it is ordered as follows:

Departmental Orders dated November 17, 1902, and March 18, 1908, withdrawing lands for the Minidoka Project are hereby revoked insofar as they affect the following described lands:

BOISE MERIDIAN

T. 8 S., R. 24 E.,
Sec. 32, E½E½NE¼SE¼;
Sec. 33, S½S½SW¼NW¼.

The area described aggregates 20 acres in Minidoka County.

The lands have been patented to the Mindoka-Acequia-Rupert Cemetery District under the Recreation and Public Purposes Act of June 14, 1926, 44 Stat. 471, as amended, 43 U.S.C. sec. 869 et seq. (1964).

HARRISON LOESCH,
Assistant Secretary of the Interior.

AUGUST 2, 1971.

[FR Doc.71-11404 Filed 8-6-71;8:51 am]

[Public Land Order 5100]

[Fairbanks 7357]

ALASKA

Transfer of Lands From Jurisdiction of the Federal Aviation Administration to Jurisdiction of the Bureau of Land Management; Modification and Partial Amendment of Public Land Order No. 2550

By virtue of the authority contained in section 4 of the Act of May 24, 1928, and 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 lands which were withdrawn for use of the Federal Aviation Agency, now Federal Aviation Administration, for airport purposes by Public Land Order No. 2550 of December 6, 1961, are hereby transferred to the jurisdiction of the Bureau of Land Management for use as a center for air operations:

FAIRBANKS MERIDIAN

T. 1 S., R. 1 W.,
Sec. 18, NW¼SE¼.

Containing 40 acres at Fairbanks International Airport.

2. To facilitate access to Fairbanks International Airport by the Federal Aviation Administration and the Bureau of Land Management, Public Land Order No. 2550 of December 6, 1961, is hereby modified to allow location of a highway by the State of Alaska under section 2477, U.S. Revised Statutes (43 U.S.C. 932) over and through the following described lands, which are a portion of the lands transferred in paragraph 1 above:

Commencing at the Center-South 1/16 section corner of Section 18, Township 1 South, Range 1 West, Fairbanks Meridian, Alaska, proceed N. 89°57' E. a distance of 886.75 feet along the East-West centerline of the Southeast ¼ of said Section 18 to a point, monumented with an iron post 30 inches long, 2½ inches in diameter, set 26 inches in the ground, with a brass cap marked AP 4 1969, said point being the true point of beginning; thence N. 38° E. a distance of 253.50 feet to a point, thence N. 51°30'35" W. a distance of 19.67 feet to the point of curve for a curve to the right; said curve having a radius of 1,519.80 feet, a delta of 23°27'38", with a tangent length of 315.57 feet to a point of intersection with the North-South centerline of the Southeast ¼ of said Section 18; thence S. 0°09' E. a distance of 192.18 feet along said North-South centerline; thence along a curve to the left, said curve having a radius of 1,369.8 feet, a delta of 23°27'38", with a tangent length of 284.43 feet for a distance of 254.60 feet to a point of tangency; thence S. 38°06'25" W. a distance of 151.42 feet to a point of intersection with the East-West centerline of the Southeast ¼ of said Section 18; thence S. 89°57' W. a distance of 165.18 feet to the true point of beginning.

3. This order does not otherwise serve to change the provisions of Public Land Order No. 2550, withdrawing and reserving the lands for airport purposes.

HARRISON LOESCH,
Assistant Secretary of the Interior.

AUGUST 2, 1971.

[FR Doc.71-11405 Filed 8-6-71;8:51 am]

[Public Land Order 5101]

[Colorado 8282]

COLORADO

Amendment of Public Land Order No. 4936

Public Land Order No. 4936 of November 3, 1970, appearing in 35 F.R. 17257 of the issue of November 10, 1970, excluding lands from the Arapaho and White River National Forests in Colorado, is amended to delete the following subparagraph of paragraph 1: "The areas described aggregate approximately 19,000 acres in Eagle County of which the N½SW¼ and SW¼SW¼, sec. 10, T. 2 S., R. 81 W., are patented", and to substitute therefor: "The areas described aggregate approximately 21,285 acres in Eagle County of which lots 19 through 24 of sec. 31, T. 3 S., R. 84 W., are patented."

Public Land Order No. 4936 is further amended to delete the first sentence of the last subparagraph of paragraph 1: "These areas described aggregate approximately 1,963 acres", and to substitute therefor:

"The areas described aggregate approximately 2,713 acres" * * *.

HARRISON LOESCH,
Assistant Secretary of the Interior.

AUGUST 2, 1971.

[FR Doc.11406 Filed 8-6-71;8:51 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18927; FCC 71-776]

PART 73—RADIO BROADCAST SERVICES

Television Stations' Access to Programs of More Than One National Network

Memorandum opinion and order. 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.); Docket No. 18927, RM-1525.

1. This document deals with various petitions for reconsideration, and similar and related pleadings, filed concerning

the Commission's first report and order herein, adopted March 24, 1971, 28 FCC 2d 169.[1] In that decision, the Commission adopted a new rule—new paragraph (l) of § 73.658—which deals with television markets in which there are two regularly affiliated stations (usually VHF) and a third station (usually UHF) which is not regularly affiliated. The trust of the rule is that (where the third station has reasonably comparable facilities), the network which is without a primary affiliate in the market must offer its evening programs, and weekend and holiday sports programs, to the third station before it can present them over one of the two stations regularly affiliated with other networks. The proceeding has sometimes been referred to as the "one affiliation per station" matter. The rule covers programs on and after October 1, 1971; but, in markets to which the rule applies, the "unaffiliated" network is to offer the programs to the unaffiliated station, to the extent possible, by July 15.

2. Reconsideration of the decision and rule has been sought by the three national networks (American Broadcasting Co., Inc. (ABC), Columbia Broadcasting System, Inc. (CBS) and National Broadcasting Co., Inc. (NBC), and by two individual television licensees seeking either the inclusion within the rule of a market not covered (San Diego) or the exclusion of one literally coming within it (Idaho Falls-Pocatello, Idaho). These petitions were opposed by the licensees of the Durham, N.C. UHF station (the original petitioner for rule making herein) and the Pocatello, Idaho VHF station; the permittee of a new UHF station at Traverse City, Mich. (in the Traverse City-Cadillac market); two parties connected with VHF Station XETV, Tijuana, Mex., which now serves as the ABC affiliate in the San Diego market; and a party which has expressed interest in acquiring the Augusta UHF station.

3. Two parties filed requests for stay. One was ABC, asking that the effective date of the rule be stayed until 30 days after Commission action on the petitions for reconsideration.[2] It is urged that the rule will in some situations disrupt existing network program distribution patterns and network-affiliate contractural relationships, with the new distribution pattern requiring planning some months in advance, and now-existing relationships will be difficult or impossible to restore quickly if the Commission withdraws or substantially modifies the rule on reconsideration, since the stations will already have other commitments. It is asserted that the only parties which benefit—unaffiliated stations—already have some network programs available to them, and the stay will only postpone briefly and slight change involved in their situation. The other party seeking a stay was Fuqua Television, Inc., the licensee of one of the two VHF stations in Augusta, Ga., asking that as to that market the rule be stayed until April 1, 1972, because of the uncertainty as to whether the Augusta UHF station, WATU–TV, will return to the air, and the need for advance planning. CBS, while not seeking a stay as such, urged that if the rule is not vacated, at least the effective date should be postponed for 2 years, or until October 1, 1973, in view of other recent developments including the new "prime time access" rule whose effects are only beginning to be felt, and Docket 16041, in which we did not adopt rules concerning the distribution of network programs but required the networks to submit, by June 30, 1971, a report on their policies and practices with respect to making programs available to nonaffiliated stations. It is also said that time may bring an ad hoc, voluntary resolution of problem situations.

Requests for stay or postponement. 4. With respect to the stay requests last mentioned, we are denying that of ABC (along with the CBS request for a 2-year postponement of effective date) and dismissing that of Fuqua Television, Inc., as moot in view of the absence of adequate notice by the licensee of WATU–TV, the Augusta UHF station, that it will resume operation in the near future, which is a prerequisite to the operation of the rule (§ 73.658(l)(1)(ii)). As to the ABC request, we find merit in the arguments of the Michigan UHF permittee that a stay request filed so late is not appropriate for consideration in the circumstances, and that ABC has not met the "irreparable injury" test which is one of the traditional prerequisites to this form of relief. In acting on the petitions for reconsideration at this time, we are giving more than 2 months' advance notice before the rule goes into operational effect on October 1, which appears ample and this, indeed, may be all that ABC is asking (if what it is seeking is a delay until April 1, 1972, we do not conceive this to be in the public interest). With respect to the CBS request for a 2-year postponement, this would be inconsistent with the adoption of any rule at all, since it would delay for a long period the benefits which are expected to accrue. The new "prime time access rule" is not reason for delay; rather, as pointed out in the decision herein (paragraph 35, 28 FCC 2d 184), the potential impact of that rule on nonaffiliated stations, in markets outside of the top 50, is one reason for prompt action. As to Docket 16041, it may be that reexamination by the networks of their program distribution policies which was mentioned in that decision, and their reports filed on June 30, will lead to and show voluntary action resulting in satisfactory resolution of the few situations involved so as to remove them from the scope of the rule. We expressed in the first report and order herein the hope that this would occur. But to the extent it does not, we are of the view that the rule should apply, and soon, if its benefits are to be brought to stations and the public at an early date.

5. As to the Augusta request (supported in comments filed June 29 by the other VHF station there), this has been dismissed for the reason mentioned above, since the rule will not apply operationally in that market before April 1, 1972, the date to which a stay is requested, sufficient notice by the UHF station not having been received. We note in this connection a letter dated June 30, 1971 (received July 1), from the president of Augusta Telecasts, Inc., the UHF licensee. This states, in substance, that the licensee cannot unequivocally state that it can resume operation by October 1, though it is "reasonably confident" that it can, provided the benefits of the rule are available to it at that time. It is also stated that the Fuqua stay request, and the networks' petitions for reconsideration, have made the obtaining of capital very difficult. A ruling is requested that this is adequate notice. We cannot agree that it is. The rule specifically requires, in the case of stations not operational by July 1, "notice that it will be on the air by such date (here October 1) and commits itself to remain on the air for 6 months." The letter does not meet this requirement. Program and advertising schedules and arrangements cannot be effectuated over night, and a feeling of "reasonable confidence" on the licensee's part is not sufficient, in our judgment, to warrant the reshuffling which might occur for no purpose and leave some network programing not shown in the market at all. We certainly hope to see the prompt resumption of service in Augusta, and hope that the station will be able to make the necessary arrangements so as to qualify for the April 1 date, now that the rule has been affirmed on reconsideration.

The San Diego-Tijuana situation.— 6. In the San Diego situation, there are two VHF stations in San Diego (CBS and NBC affiliates), and for years ABC has used VHF Station XETV, Tijuana, Mexico, as its affiliate in that market, furnishing its programs to that station pursuant to authority granted by the Commission, as required by section 325 (b) of the Communications Act before such transmission to foreign stations may be engaged in. One UHF station now operates in San Diego, KCST, which first went on the air in 1965, went dark, and was returned to operation in 1968 by the present licensee, Western Telecasters, Inc. (herein KCST). KCST has opposed continuation of the ABC–XETV arrangement, and renewal of the section 325(b) authority is the subject of a pending hearing proceeding, Docket No. 18606. An Initial Decision in that proceeding, which would grant the renewal

[1] FCC 71–322, released Apr. 1, 1971; 36 F.R. 6507 (Apr. 6, 1971); 21 R.R. 2d 1638.

[2] The ABC "Motion for Stay" was filed only on June 28, 1971, more than 6 weeks after its petition for reconsideration. On June 29, an opposition to the motion was filed by Northern Entertainment, Inc., the new Traverse City, Mich. UHF permittee, asserting the motion's failure to show irreparable injury, the "laches" involved in the filing of a stay request only on June 28 rather than with the petition for reconsideration, and adverse impact on the new station if it does not have ABC programs available as contemplated by the rule (and also on the public through the nonavailability of some programs).

to ABC, was issued by the Hearing Examiner May 14, 1971, and has been appealed. The notice of proposed rule making in the present rule-making proceeding, issued in July 1970, stated that the Commission does "not here pass on the situation in San Diego" (FCC 70-801, footnote 7). This situation was not mentioned as such in the first report and order herein; the rule adopted excludes the San Diego market from its operation by the language of Note 2 following § 73.658(*l*).

7. KCST's "Petition for Partial Reconsideration" asks that this "Note 2" be removed and the rule made applicable to the San Diego market. It is urged that the same principles apply here as in the situations covered by the rule and which led to its adoption. KCST also argues that action in rule-making affecting this situation is appropriate notwithstanding the pending hearing proceeding, since the ABC authority whose renewal is at issue has long since expired and also since its original grant was on the basis that there was no available UHF station in San Diego. Transcontinent Television Corporation v. FCC, 308 F. 2d 339 (1962) is cited in the former connection. The KCST petition was opposed by the XETV parties (Radio-Television, S.A., the Mexican licensee, and Bay City Television, Inc., its sales and program procurement agent), and by ABC. Aside from urging that the matter is sub judice in the hearing, and other procedural arguments, these parties claim that this situation is basically different from those which were the chief subjects of the rule-making proceeding and are covered by the rule: the "two-VHF-one-UHF" situations. The difference is said to be that in the other cases there are only two VHF stations and the question is the extent to which they may carry programs from a "second" network in addition to their primary network; whereas here there are three VHF stations (one in Tijuana), each carrying pretty much the full lineup of one of the three networks.[3]

8. We do not here pass upon the matters at issue in Docket 18606, nor on the question of whether we could legally take action in a rule-making proceeding along the lines requested by KCST, with the hearing still pending. In all of the circumstances, we do not find it appropriate to consider the relief requested at this stage of this proceeding. As indicated above, the notice of proposed rule making herein did not refer to the San Diego-Tijuana situation except more or less by way of exclusion. The basic question which we would have to decide before acting as KCST requests—whether a foreign station should, under the circumstances, be allowed to continue as a U.S. network outlet—is the matter at issue in Docket 18606, and was not really the subject of comments herein even by KCST, whose arguments related rather to what should happen later (footnote 2, above). Thus, the proceeding has not involved an exploration of the San Diego matter, to anything like the extent which would be necessary to lay a basis for the type of relief requested. Second, while there is obviously an element of similarity between that case and those considered herein—a UHF station wanting network programs, and only two U.S. VHF stations—there is also an obvious difference, in that there are three VHF stations each carrying pretty much a full network, lineup, albeit one of them is a foreign station. We do not at this point say what significance should be attached to the similarity or the difference; we find simply that applying the new rule to the San Diego situation in its present stage is not appropriate in the context of the Docket 18927 proceeding.

The general petitions for reconsideration and responses. 9. Of the three network petitions for reconsideration, those of ABC and CBS are fairly short. CBS refers to the recent occurrence or pendency of certain other matters affecting networks, as noted above; otherwise, it asserts that the rule is long, novel and quite complex, using terms and definitions (e.g. "special" programs), which may present problems in application, burdensome on the networks in determining the scope of its application (continuing review of markets and affiliations) and, in sum an "administrative nightmare"—all to deal with one complainant in one market.[4] It is stated that the voluntary actions by the networks—e.g., with respect to their recently adopted "recapture" policies designed to give the unaffiliated station more security if it begins carrying a program—are likely largely to accomplish the Commission's objectives. ABC's petition is largely concerned with the scope of the rule's applicability to smaller markets and where stations have unequal facilities or serve different areas, matters discussed below. It urges, more generally, that the rule is unnecessary and unwise, designed to remedy a few situations which are better suited to ad hoc determination but potentially going much further and capable of causing harm to the best interests of the network, affiliates and the public. ABC also asserts (in replying to the oppositions to the petitions) that the primary concern must necessarily be "the public's interest in the widest possible dissemination of network programs", rather than the private interests of the unaffiliated UHF stations which are urged in support of the rule, and that this primary concern is threatened by the rule, particularly in the smaller markets. It is asserted that the real issue is not whether the network's programs will be available in the markets involved—if not cleared on the two affiliated stations, they have been and are available to the third station—but whether the networks should be free to compete for clearances on the desirable affiliated stations, so as to get the most effective distribution of their programs to the public. ABC's reply is devoted largely to a discussion of its dealings with the new UHF station in the Traverse City-Cadillac, Mich., market, which apparently will fall within the rule when it becomes effective.

10. NBC—the network most immediately involved in the two situations discussed in the first report and order—filed a longer and more elaborate petition. It is asserted that—to affect a result in only one situation (Raleigh-Durham) and possibly another (Augusta)—the Commission has devised a long and complex rule which "seeks to thrust itself into, and determine all significant aspects of, the complex problems and intricate variations usually involved in the process of negotiation of individual affiliation agreements * * *." NBC claims that this amounts to substitution of the Commission's judgment for that of broadcasters, an unwarranted reversal of past refusal to get into the affiliation process which is better left to competition, and a rejection of the concept of competition so strongly emphasized in the past both by us and by the courts as of key importance in broadcasting, for example FCC v. Sanders Bros. Radio Station, 309 U.S. 470, 475 (1940). It is asserted in the latter connection that an "anti-competitive" rule cannot be justified simply because it will apply in few cases.[5] The restraints on competition as-

[3] The XETV parties claim, we think with some reason, that KCST is now advancing a position inconsistent with that taken in its earlier comments. In the latter, it urged adoption of a rule generally like that adopted, but stated (KCST Comments, footnote 1) that it was not addressing itself to the merits of the Docket 18606 proceeding. Rather, its comments cited and discussed testimony in that proceeding by an ABC official as to what ABC would do if XETV were no longer available—try first to get clearances on the San Diego VHF stations—and urged that this is not a course of action consistent with the public interest. In short, its comments appeared to assume that the hearing proceeding would be decided favorable to KCST, and on that assumption discussed subsequent approaches. To urge now that the rule-making decision by itself should result in an ABC-KCST relationship, is quite a departure.

[4] Two particular problems advanced as illustrative are the time periods mentioned in paragraph (1)(4)(iii), and the situation where there are two unaffiliated stations in the market (which is not now true in any case, but for a while was in Lubbock, Tex.). These are discussed below, in connection with modifications of the rule.

[5] The pronouncements cited and quoted in these connections include the 1941 Report on Chain Broadcasting; the Sanders case, supra; two 1960 denials of petitions for rule making seeking rules requiring each network to have a certain proportion of its affiliates UHF and forbidding a station to broadcast the programs from a second network where there is another station able and willing to broadcast them (Joseph Brenner, 19 R.R. 1077 and Amendment of § 3.658, 19 R.R. 1613, respectively, the latter somewhat the same as the present situation); American Broadcasting Companies, Inc., 15 FCC 2d 19 (1968) (letter to ABC refusing its request in connection with its alleged losses of VHF affiliates in intermixed markets); American Broadcasting Companies, Inc., 22 FCC 2d 241 (1970) (background discussion in connection with ABC radio "four network" matter); Federal Broadcasting System v. ABC, 167 F. 2d 349, 351 (1948) (holding that a network may refuse to continue an affiliation with a station when another station becomes available); and Hyman Rosenblum, 22 FCC 1432, 1442 (1957), in which the Commission stated that a network affiliation is not a "protected monopoly", but that CBS was free to choose and change affiliates.

sertedly involved are, it is said, simply beyond the Commission's authority.

11. NBC's second main line of argument is that the rule will accomplish little, and may result in actual loss of network service. This is claimed in that: (1) UHF stations in these situations, such as WRDU–TV, Durham, already carry large amounts of network programing, including more than the 15 hours of evening programs per week which would be provided under the rule, and more than the Commission's analysis erroneously indicated;[6] (2) the rule ignores hard economic facts, for example the cost to a network to bring programs from the A.T. & T. main line into Raleigh-Durham, estimated at $32,000 a year (not including the "local loop" cost of $45,000, which the UHF station bears), so that the unaffiliated network may choose simply not to present any programs in the market rather than incur this cost solely to feed a UHF station which does not have enough circulation to justify a charge to advertisers; (3) there will be loss of service to the public beyond the reach of the UHF station (which may have somewhat lesser facilities or, as in this case, a substantially different coverage area) as well as those having VHF only sets. In connection with the second point, NBC urges that the networks can afford to feed WRDU–TV, at the cost mentioned, as long as they can also use the same interconnection facilities without additional cost to obtain valuable carriage over the VHF stations; but that if the "unaffiliated network" must bear this burden alone, it may well choose simply to forego any coverage in this market, which would leave the UHF station with no network programs. As to the third point, NBC points to the provision in the rule making it applicable if the UHF station has more than two-thirds as much Grade B coverage area as the smallest VHF station, and to the matter of differences in the location of coverage areas (true in this case, with the Durham UHF station located farther west).[7] It is urged that this loss of service cannot be written off as summarily as NBC claims the first report and order did, since it is substantial. For example, NBC claims that the Grade B contour of WRDU–TV gives greater coverage to the west (where the networks already have coverage) but does not include 10 counties to the east covered by the Raleigh-Durham VHF stations and totaling 134,000 TV homes (TV Factbook, 1971), which will thus have their service abridge, with no offsetting gain.

12. NBC's third main line of argument is that the rule illegally discriminates against networks, since other program suppliers (syndicated program suppliers, or other "networks" such as the Hughes Sports Network or regional networks) are not subject to the same restrictions, but can sell programs to whomever they choose.[8] Thus, it is said, the networks are selected as those who must subsidize these uneconomic stations. It is urged that, to be consistent and nondiscriminatory, a rule would have to be adopted requiring such suppliers to make their product available free or at some reduced fee to the "third" station before they could sell to the "first two" stations. It is also claimed that there is illegal discrimination against the "third" or "unaffiliated" network in each particular case, preventing it from competing for clearances on the desirable stations: thus, the "unaffiliated network" is the only party in the world who is by law forbidden from dealing with two stations unless and until he has been rejected by the third (this is claimed to be pro tanto confiscation of property without compensation, and unconstitutional).

13. *Responsive material.* Three parties filed oppositions to the petitions mentioned above, in addition to the Pocatello, Idaho, VHF licensee whose response related to the particular facts of that situation. The three are Triangle Telecasters, Inc. (WRDU), the licensee of WRDU–TV, Durham, and the original petitioner for rule making; Northern Entertainment, Inc. (Northern), the permittee of new UHF Station WGTU–TV at Traverse City, Mich., in the Traverse City-Cadillac market; and General Broadcasting Co. (General), a party which previously participated on the basis that it is interested in acquiring the Augusta UHF station. In general, these parties support the rule as helpful and necessary in the furtherance of the development of UHF, completely within the Commission's authority, and well warranted by the facts and considerations set forth in the First Report and Order. Among the points urged in one or more of these pleadings are: (1) The rule is not "anticompetitive", as NBC claims, but in fact is designed to and will further competition by increasing the number of viable stations in these "scarcity" situations; in any event, restrictions on some forms of "competition" activity have long been recognized as in the public interest, for example some of the Commission's Chain Broadcasting rules, and the price-discrimination provisions of the Clayton Act (designed to prevent a large customer from obtaining an unwarranted advantage over a smaller competing customer); (2) there is need for the rule, not only in the two situations discussed in the first report and order but in other situations which may arise, for example the Traverse City-Cadillac market and the Terre Haute, Ind., market, where a final decision authorizing a UHF station has just been issued, so that the rule is of substantial value generally; (3) the rule, while long, is not unduly complex as urged by the networks, but is comprehensible and unambiguous; (4) there is no illegal or improper discrimination against networks, since it is settled law that regulation need not deal with every conceivable aspect of a matter (Roachen v. Ward, 279 U.S. 329 (1929)), the networks occupy a much more critical and vital position with respect to UHF development than do other program suppliers (and it has been their preference for VHF which has threatened that development), and they are in a unique position in having "exclusive" affiliates as well as a base of owned stations and in selling directly to advertisers; and (5) ad hoc voluntary action cannot be relied on exclusively, as shown by the failure of ABC so far to give a primary affiliation to the Cadillac UHF station, employing in this connection a requirement (that the new affiliate add 5,000 average quarter-hour prime time homes to the network) which is inordinately weighted against granting the affiliation.[9] These parties urge us to make the rule effective without delay, so as to increase the availability of network programs which are indispensable to the survival of these stations. Other contentions, relating to applicability in small markets and "comparability of facilities", are discussed below.

14. WRDU discusses also NBC's claim as to the burden of interconnection costs in bringing programs into Raleigh-Durham (paragraph 11, above). It is asserted that NBC was paying for the same service when it cleared programs only on VHF, before WRDU–TV went on the air,

[6] The first report and order, based on TV Guide for the week of Jan. 16–22, 1971, showed WRDU–TV as carrying 12½ hours of network prime-time programs, plus the CBS and NBC 7 PM Sunday shows, a total of 13½ hours. NBC claims, based on the ARB 4-week February–March 1971 survey period, that WRDU–TV regularly carries 17½ hours a week, the difference consisting of three NBC and one CBS programs. The difference could reflect basic changes in WRDU–TV's schedule between the two periods, or certain facts peculiar to the January week: Carriage by WRDU–TV on Tuesday night of professional hockey, possibly instead of two NBC programs shown in the ARB period; the fact that some of WRDU–TV's Thursday schedule was indicated in TV Guide as "to be announced"; and preemption by NBC of the Friday "Name of the Game" time period for a Presidential message (which WRDU–TV apparently did not carry). NBC's figure of 17½ hours includes some programs which WRDU–TV did not carry in all 4 weeks covered by ARB; the actual amount of network evening programming in the 4 weeks range from 14 to 18 hours. We assume for present purposes that WRDU–TV either carries or has available the amount of material indicated by NBC. We also assume that NBC is correct in stating that all network prime-time shows except one CBS public-affairs program are usually cleared in the Raleigh-Durham market.

[7] This difference in the location of the coverage areas was mentioned in the notice of proposed rule making herein, and discussed to some extent by the Durham VHF station WTVD in its comments, but was not mentioned in the comments of NBC.

[8] In another part of its petition, NBC makes another argument, concerning the "prime time access rule" and its relationship to the present matter. It is urged that, rather than act here to protect unaffiliated stations from the impact of that rule by further restricting the networks, it would be fairer to require the nonnetwork program producers, who are to be benefitted by the prime-time access rule, to make their programs available to the "third" station rather than the other two.

[9] See paragraph 22, below.

and therefore now gets additional clearance on the UHF at no additional cost (since it pays WRDU nothing). It is pointed out that NBC does not dispute the assertion in the first report and order (paragraph 49, 28 FCC 2d 192–193) that the actual amount charged an advertiser does not necessarily reflect carriage of the program by a particular station, VHF or UHF, so that it may not actually lose any money compared to clearance on VHF. WRDU also points out—apparently to refute the claim that NBC cannot get any revenue from UHF carriage—the fact that CBS now pays WRDU–TV on the basis of $40 per prime time hour, and that NBC's estimate of the homes delivered by WRDU—5,000—is close to the minimum which NBC claims necessary to charge advertisers on the basis of a $100 per prime hour rates (6,000 homes.)[10] It is pointed out that the rule will require the network to furnish only a certain amount of programing to the UHF station, not all programs or a full affiliation; and it is urged that the network will gain, in full clearance in the market and to the extent that the UHF station can improve its ratings with better access to network programs. With respect to the loss in network service claimed by NBC in the Raleigh-Durham situation, WRDU claims that this will not occur as claimed; of the 10 eastern counties mentioned by NBC as covered by the VHF stations but not WRDU–TV, all but one (Warren, 4,300 TV homes) lie within the Grade A or Grade B contours of NBC affiliates in eastern North Carolina (Washington and Wilmington, N.C.).

15. Northern discusses the Traverse City-Cadillac market as a good example of the need for the rule: In the 1970–71 season, only 8 percent of all the ABC prime-time programs were presented in the market) on one of the VHF stations) in prime time, and 83 percent of the daytime ABC programs carried were delayed and presented in black and white. It is stated that, according to the list of prime-time availabilities for early 1971 furnished to the station by ABC, only 7 of 21 hours are available, including no programs on three evenings a week (4 of the 7 hours are movies). Northern also suggests that the VHF-network relationship in markets such as those covered by the rule may very well violate the antitrust laws.

16. In reply comments, ABC makes some arguments already mentioned, and others discussed below concerning the applicability to particular markets and "comparable facilities", as well as the argument—advanced earlier in the proceeding—that exposure in "fringe" time on VHF often means greater circulation than prime time on UHF. NBC's brief reply simply asserts that WRDU has failed to come to grips with the hard economic facts of the situation: The high cost to the network of providing programs in the market when it can expect to get no comparable economic return, which may lead the network not to bring its programs into the market at all.

Applicability of the rule to various markets. 17. Part of ABC's petition, and all of the licensee of VHF Station KIFI–TV, Idaho Falls, Idaho,[11] relate to the extent to which the rule should apply in various types of situations. ABC urges that it should not apply in the smaller markets, i.e., those outside of the top 100, and, also, that the standard for determining what are "reasonably comparable facilities", which the "third" station must have in order for the rule to apply, should be increased. KIFI's petition urges that the rule should not apply in the three-VHF Idaho Falls-Pocatello market, where the two Idaho Falls stations are CBS and NBC affiliates and also carry some ABC programs, with the third station, KTLE, Pocatello, carrying those ABC programs not taken by the Idaho Falls stations.

18. ABC's argument as to the smaller markets, which may be related to the Traverse City-Cadillac situation although it is not so stated, includes the following contentions: (1) Insofar as such application is based on ARB market definitions, these have, below the top 100 markets, "a considerable degree of arbitrariness", so that neither the Commission nor the industry knows for certain what stations will be included; and, since the cities involved are usually rather small, there is a tendency for ARB to "hyphenate" cities rather far apart into one market (e.g., Huntsville-Decatur-Florence, Ala., and McAllen-Brownsville, Tex., the Low Rio Grande Valley);[12] (2) the policy favoring UHF, even at the expense of some availability of programs to the public, should not be carried beyond the point where it is likely to be fruitful, which, in ABC's view, generally means the top 100 markets, plus those other situations where, on a case-by-case basis, ABC believes an affiliation is warranted and grants one (e.g., Burlington, Vt., Savannah, Ga.). ABC also believes that significance should be accorded to its threshold criterion: it will not give a primary affiliation to a station which (according to ABC's Research Department estmates) will not deliver an additional 5,000 average quarter-hour prime time homes. Less than this, it is said, is simply not enough to support a viable station. ABC argues that in the smaller markets, the decision to start a station is typically geared to the availability of network programs, and the Commission should hesitate to encourage the advent of stations which simply cannot be successful even with this advantage. The Burlington, Vt., UHF station, an ABC affiliate which recently had to suspend operation, is cited as an example. It is claimed that when this occurs all parties suffer: The station operator loses his money, the network loses its previous program placement relationships and valuable VHF audience, and the public loses because the ABC programs were lost to VHF audiences and there was a false inducement to the public to buy UHF sets. It is argued that every market simply cannot support three stations—particularly intermixed markets—and therefore a "forced affiliation" rule should not apply to all markets.

19. As to the matter of "comparability of facilities", the rule now only requires that the unaffiliated station have a Grade B coverage area at least two-thirds as large as the smaller of the market affiliated stations. ABC would have this standard increased to an area 90 percent co-extensive with the smaller of these stations, or two-thirds of the larger station's area. It is claimed that this would remedy two deficiencies in the rule as adopted: It would mean that the unaffiliated station will always serve just as about as much area as the smaller of the two affiliated stations (important where the two affiliated stations themselves have disparate levels of facilities); and it would mean that the unaffiliated station will serve largely the same area as the affiliated stations, important where the cities of license are not the same. It is stated that there is no longer an obstacle to UHF stations having facilities comparable, at least in theory, to VHF stations, and, indeed, they must do so to be successful; therefore it is not unreasonable to require this if the public and the networks are to be forced to assist them in this fashion.

20. In arguing against the application of the rule to the Idaho Falls-Pocatello situation, KIFI makes some of the same arguments as to stations having different coverage and the problem of using ARB market definitions. It is claimed that, while the two Idaho Falls stations put a Grade A or better signal over Pocatello, KTLE does not put better than a predicted Grade B signal into Idaho Falls, and, in fact, is not receivable at all in that city without either CATV service or an elaborate outside antenna, and only poorly with the latter.[13] It is argued that, while Pocatello is part of the "market" for the Idaho Falls stations, in view of KTLE's coverage limitation Idaho Falls

[10] NBC's petition states that delivery of 6,000 average quarter-hour prime time homes is the minimum required to support its charging advertisers its minimum $100 per Class A hour rate, which is the basis of compensation to stations and of charges to advertisers in "conventionally sponsored" programs.

[11] "Petition for Clarification or Partial Reconsideration", filed May 6, 1971, by The Post Co., licensee of Station KIFI–TV, Idaho Falls, Idaho (herein KIFI).

[12] Both ABC and KIFI suggest that it may not be proper for the Commission to adopt rules in terms of markets as defined by an outside private organization. The ARB market definitions, notes KIFI, are subject to some change from year to year.

[13] The reception point was argued chiefly in KIFI's reply to opposition, supported by photographs of KTLE's picture on Idaho Falls receivers. However, KTLE points out that in the 1959–61 period, when it was previously on the air and was an affiliate, it had a substantial audience in the Idaho Falls area, with 50 percent or more net weekly circulation in Bonneville County (Idaho Falls). See TV Factbook, 1961 ed.

is not in the same market with respect to it or the operation of the rule, and making it the exclusive ABC outlet would simply mean the loss of ABC programs to many people in Idaho Falls. KIFI also argues that the rule clearly was not meant to apply in this situation, since this market was not mentioned in the first report and order as among those analyzed or covered by the rule, and is not within the principle of assistance to UHF on which this proceeding was begun. It is pointed out that these two cities are 44 air miles apart (farther by road) considerably more than the Raleigh-Durham distance, and that failure to require some degree of "co-extensive" coverage areas could lead to ridiculous results, for example in the Casper-Riverton, Wyo. market, where the cities of license are over 100 miles apart and each station includes within its Grade B contour less than half of the Grade B area of the other. KIFI proposes, as the preferable way of dealing with this situation, simply an addition to the definition of "reasonably comparable facilities" (§ 73.658(l)(1)(x)) of the requirement that the unaffiliated station put a Grade A signal over the affiliated stations' communities.

21. The four parties opposing the petitions for reconsideration discussed these arguments to some extent, generally supporting the rule adopted as being a reasonable balance, taking into account the economic limitations which have prevented UHF stations from having greater facilities up to now and which will be lessened or removed with the more desirable programs thus available. It is urged by the Pocatello VHF licensee, KTLE, Inc. (KTLE) that the rule is needed, if only as a "useful spur" to get the networks to affiliate voluntarily (as it hopes ABC will with it); that Idaho Falls and Pocatello are properly in the same market as shown by the two Idaho Falls stations' dual-city identification authority with the other city, and that KTLE adequately serves the population centers of the market.[14] General Broadcasting, WRDU and Northern all oppose ABC's suggested limitation to the top 100 markets, as arbitrary (even more so than any "arbitrariness" involved in ARB's market definitions as ABC asserts), devoid of logic, and, indeed, contrary to the public interest in that small-market UHF stations are even more in need of network programs to survive (Nothern claims that the incidence of failure among UHF stations with primary network affiliations has been quite small; it is those without who have perished). Northern claims that those in the community who are investing are certainly more able to prognosticate than persons in Washington or New York, and that a network should not be able to condemn a new station to death by withholding a primary affiliation. WRDU also discusses the suggestion of required "co-extensive" coverage, saying that this would be wrong in that it would tend to require a new station to locate in the same area as the existing stations, whereas the coverage needs of the "third" network may be different (e.g., NBC is well served east of Raleigh), the earlier decisions as to location may have represented facts no longer existing or a site in the vicinity of the older stations may not be feasible (zoning restrictions, FAA problems, mileage separations, etc.).

22. Northern also discusses ABC's affiliation criterion of an incremental 5,000 average quarter-hour prime-time homes. It is claimed that—as Northern showed ABC in its affiliation presentation—the new Traverse City UHF station would add more than that (from about 5,500 to over 7,000 on various bases). It is also stated that ABC's own figures for the number of incremental homes in this case have varied from time to time (1,800 at one time, 3,800 later), the criterion is loaded against affiliation since the new station will add less as the existing stations carry more ABC programs (which is at the expense of their other network) and that, in sum, it is not an adequate affiliation policy from the Commission's standpoint, since it condemns a number of new stations to an early death.[15]

Conclusions—23. *The rule in general.* Upon careful consideration of all of the foregoing material, we are of the view that the rule should be affirmed, both as to its general concepts, and, except as modified hereinbelow, its specific details.

24. Most of the arguments raised by NBC and the other general petitioners were dealt with in the first report and order herein, and need not be discussed here at length. With respect to the rule's asserted length and complexity, unquestionably it is long, and had to be written in some detail since it was applying a new concept and had to spell out the relationships between parties where a voluntary agreement has not been reached, and make adequate provision for the legitimate interests of both. CBS mentioned a few possible problem areas, which are discussed below; with the modification adopted there, we see no problem in understanding or applying the regulation. It is also urged that this is a tremendous amount of effort for little benefit (with only one market actually involved); but this argument is negated by the fact that (aside from the Augusta situation discussed above) the rule will now also apply in the Traverse City-Cadillac, Michigan situation mentioned, and is also of potential value in a number of markets now having two VHF stations, including those mentioned in the first report and order (paragraph 37, 28 FCC 2d 185) and others noted by Northern in its opposition to the petitions for reconsideration. The rule's utility is not by any means as limited as its opponents would imply.

25. NBC's argument concerning the "anticompetitive" character of the rule is without much significance since it focuses only on one narrow aspect of what is "competition"—the restriction on networks in competing for clearances on the two desirable stations in the market—and overlooks the general benefit to competition which the rule is designed to promote through creating conditions favorable to the development and success of third stations in these markets, so that there will soon be greater and more effective competition. It is well settled, as pointed out by the proponents of the rule and noted above, that restrictions on sharply competitive activity in particular situations are warranted in order to increase the general level of competition, for example the price discrimination area (granting or obtaining a discriminatorily low price where a competitor will be harmed), selling below cost in a particular area to frustrate competition there, etc. We recognized in the first report and order that the rule adopted herein, applicable in a small number of situations, represented a departure to some extent from previous Commission policy (paragraph 50–51, 28 FCC 2d 193–194). We found this departure to be warranted in these situations, and adhere to that view.[16]

26. NBC also claims that the rule illegally discriminates against the three national networks as compared to other program sources—other "networks" such as the Hughes Sports Network, syndicated program suppliers, etc.—and indeed the "unaffiliated network" vis-a-vis other networks. This argument is not well founded. The three national networks are sufficiently "different" from such other sources—for example, in their method of program distribution and provision of advertising support for broadcasting, and in the crucial importance of their programing to the viability of stations outside of the largest markets (particularly to UHF stations)—to warrant treatment which is, to a degree, disparate. Moreover, as the proponents of the rule point out, an administrative agency is not obligated to deal with all of the aspects of a problem at one time. As some of these other sources approach similarity in the three national networks in some of the pertinent respects—for example, the national sale by syndi-

[14] According to KTLE, the major centers of population in the area are Pocatello, Blackfoot, and Idaho Falls, and it puts a principal-city signal over the first two and a Grade B signal over the third. The 1970 Census population of these places is, respectively, 40,036; 8,716; and 35,776.

[15] Northern and ABC in reply discuss some of the dealings between these parties concerning affiliation, which need not be detailed here.

In reply ABC states that Northern's estimates as to the number of homes it would add to the ABC network represented "incorrect assumptions or misapplication of methodology".

[16] We point out, also, that there is no restriction on a fundamental right of the three networks to compete in these two VHF situations: To compete for a primary affiliation with one of the VHF stations.

cators of some of the commercial slots in the programs they furnish to stations—it may be appropriate to adopt similar regulations as to them. The whole subject of the distribution of nonnetwork TV program material, both to stations and to CATV systems, is under study in Docket 18179. NBC also claims some degree of discrimination between networks, the "unaffiliated" network as opposed to those in the market having primary relationships, but this is not the case. The rule—paragraph (1)(3)—specifically prohibits an affiliated station in the market from carrying programs from the other network having an affiliation, until they have been offered to the "third" station, just as much as it prohibits carriage of the programs of the "unaffiliated network" without such an offer. This subject was discussed in paragraph 40 of the first report and order (28 FCC 2d 189). Moreover, the rule applies to whatever network in a market involved is "unaffiliated". In the case of Raleigh-Durham and Augusta, it was NBC; it appears now that in the Traverse City-Cadillac market it will be ABC; and it will be CBS if "third" stations come into being in markets where NBC and ABC now have the primary affiliations. The rule does nothing more than apply (and to some extent stops short of applying) to these markets the general principle that in these "scarcity" situations one of the three networks (or in some cases two) must rely on a UHF station as its principal outlet. As indicated in the first report and order (paragraph 49 and footnote 32, pp. 192–193), NBC has the UHF station in fewer situations than the other networks.

27. NBC also argues as grounds for reconsideration that the Durham-Raleigh UHF station carries considerable network programing, more than the Commission's decision indicated, and that virtually all network programs are cleared in this market, so that the rule will do little or no good. As indicated in footnote 6, above, we assume NBC's statements in this connection are correct. But this is not reason to change the decision. Using NBC's figures, the situation in Raleigh-Durham is generally the same as that in the Augusta market in 1970, also analyzed in the first report and order (footnote 17, 28 FCC 2d 181), where the UHF station carried 16 hours of evening programs and only 2 hours of network material was not presented in the market. We recognized in the first report and order (paragraph 44–45, 28 FCC 2d 190–191) the fact that these UHF stations now carry substantial amounts of network material, some of it reasonably popular, and that the current "recapture" policies adopted by all of the networks will guarantee them more stability than they have had in the past in this respect. But we also expressed the view that they will be benefitted by guaranteed access to programs, of high popularity, and with greater stability than even the new "recapture" policies provide; and that so benefitted they can become viable operations, making a permanent contribution to the full development of the nation's television system. We are still of the same view.

28. NBC also alleges that extensive loss of network service will occur. This was carefully considered in the first report and order. In evaluating this situation in Raleigh-Durham we took account of the fact—now mentioned by WRDU—that the area to the east which may be lost to NBC from its Raleigh-Durham outlet is generally well served by NBC-affiliated stations in other markets (paragraph 48, 28 FCC 2d 192). This appears to be the case, and we affirm the conclusion reached there, that (considering the improvement in UHF facilities which may be expected as the stations gain audience and economic strength) the gains to the public outweigh the losses.

29. NBC also urges that it is inappropriate to adopt the present rule, to offset the impact of the "prime time access rule", labelling this "one ill-conceived regulation being used as a basis for adopting another ill-conceived one." This argument is without merit. The "prime time access rule", § 73.658(k) enacted in May 1970, was adopted by the Commission (although not unanimously) in furtherance of a public-interest purpose, the opening up of prime time in the top 50 markets for the presentation of programs from alternative program sources. The problem involved here, in markets outside of the top 50, arises not from the rule itself but from the networks' action in response to it, cutting back their prime-time schedules across the board and not just in the top 50 markets, so that only 21 hours of prime-time programing is available in any market from each network. With the VHF stations in the markets involved here not limited by the rule in the amount of programs they may carry, they might choose to take well over two-thirds of the 63 total network prime hours available, leaving very little for the UHF stations. This is one factor leading to the adoption of the present rule. However, it is not the chief one, and was cited in the first report and order chiefly as reason for adopting the rule at this time rather than waiting (paragraphs 35 and 46, 28 FCC 2d 184 and 191). The public interest in both courses of action is clear. NBC also suggests that it would be fairer to place the burden of supplying the "third" station on the chief beneficiaries of the prime-time rule—nonnetwork producers and suppliers—rather than the networks. While some consideration of the nonnetwork program distribution process may be appropriate, as indicated above, it is network programing which is of key importance at this time as to the "third" stations who will benefit from the present rule. Accordingly the regulation adopted deals with that.

30. NBC's other argument concerns the economics of the situation; particularly interconnection costs: why should NBC continue to pay some $32,000 a year to feed programs to the Raleigh-Durham market when it cannot charge advertisers for the UHF station? In our view, this argument paints a misleading picture of economic hardship, for at least two reasons. First, neither NBC nor any other party commenting in this proceeding or the earlier Docket 16041 has disputed the statement, in the 1965 notice in that matter and again in the first report and order here, that the price to advertisers in "participating" programs does not necessarily, or usually, reflect the network rate for each station in the network lineup carrying the program, or whether in a particular market the carriage is on VHF or UHF (first report and order, paragraph 49 and footnote 31, 28 FCC 2d 192–193). Rather, it is a flat price per commercial minute (or shorter period such as 30 seconds) provided the program is cleared over stations having an aggregate network rate within a wide range, such as $90,000 to $120,000. Thus, normally, NBC's revenue from "participating" programs would not vary with carriage on WRDU–TV (UHF) or WTVD (VHF). As stated in the first report and order, it does not appear that carriage on UHF, in the few markets affected by the rule, will result in significant "softening" of the network lineup so as to make it a less attractive "buy" for advertisers. This discussion of course does not relate to "conventionally sponsored" programs, which NBC indicates do reflect individual charges (footnote 10 above) but there are currently few of these.[11] Second, and of equal importance, the rule is far from a complete preclusion of NBC's placing any programs on VHF. It may still place 6 hours of prime-time programs on VHF if it can obtain clearance, and, of course, all of its other programs except weekend and holiday afternoon sports programs. NBC's argument seems to assume that what is involved here is a complete affiliation with the UHF station to the exclusion of VHF carriage, but that is not the case. We expressed in the first report and order the hope that full primary affiliations would develop in these situations, and are certainly still of the same view; but the scope of the rule itself is substantially limited, as indicated above.

31. If NBC can demonstrate that it actually operates at a loss in the Raleigh-Durham market, taking into account the revenue attributable to that market and the costs of interconnection and payments to stations, some review of the situation would be in order. But we are not persuaded that this is at all likely to be the case, or that NBC will find it disadvantageous to continue to feed programs into the market. We hope and expect that in a fairly short time, the UHF

[11] The network prime-time schedules for 1971–72 list only three "sponsored" programs, all on NBC and on Sunday evening. These include the new James Stewart show sponsored by Procter and Gamble, and Walt Disney and Bonanza, which apparently will be carried at least partly on a "sponsored" basis. See Broadcasting Magazine, Apr. 5, 1971, p. 33. The 30-second rates in the other 17 NBC programs listed run from $13,000 to $64,000, varying with the program and the portion of the season.

carriage provided for by the rule will be a source of revenue to NBC.[18]

32. *Situations covered by the rule—Idaho Falls-Pocatello.* In evaluating the arguments concerning the scope of the rule's applicability (paragraphs 17–22, above) we turn first to the Idaho Falls-Pocatello situation, involving three VHF stations. We reach, somewhat reluctantly, the conclusion that KIFI, the petitioner for reconsideration, is correct and that the rule should not apply to require offer to the Pocatello station, at least at this time. This is true for a combination of two reasons: (1) The failure of KTLE, Pocatello, to put r predicted Grade A signal over Idaho Falls, one of the two large population centers of the market; and (2) the fact that "all-VHF" situations such as this were not part of the basic reason for beginning this proceeding—which was furtherance of UHF in "intermixed" situations—and, while they were mentioned in the Notice (paragraph 14(b)) and one such situation was the subject of comments (Anchorage, Alaska), this type of situation generally has not been explored at length. It may be that there is a question as to whether Commission regulation, designed to require program placement on a "third station", is appropriate in the absence of a general consideration such as promotion of UHF development, which has long been of great concern.[19] Therefore, and taking into account the loss of network programing which could result in a city which is one of the two population centers of the market and the city of license of the other stations, in view of KTLE's limited coverage of it, we are adopting pretty much the change urged by KIFI (paragraph 20, above). The rule will apply only where the unaffiliated station puts a Grade A signal over the cities of license of the other regular (not satellite) affiliated stations,[20] except that where it is in the same city with one of these, and the latter puts a Grade B but not a Grade A signal over the city of the other affiliated station, the rule will apply if the "third" station also puts a Grade B signal over the other city. The rule will thus not apply in widely separated markets such as Casper-Riverton, Wyo., where there is very little Grade B coverage by one station of the other's Grade B area.

33. In reaching this conclusion, we do not accept by any means KIFI's contensions that Idaho Falls and Pocatello are not a "market" suitable for application of the rule (assuming the Pocatello station operates with facilities which will put a Grade A signal over Idaho Falls), nor do we necessarily agree with its showing as to KTLE's coverage. Moreover, as indicated we reach this conclusion reluctantly, for it appears equitable and desirable that where there are three stations in a market, each should have a network affiliation so that they compete on roughly equal terms. Parties may wish to explore this matter by way of petition for reconsideration, and it appears appropriate the rule may be restored to its present posture possibly in time for the next "effective date" of April 1, 1972. But for the present, for the reasons stated, in our view the rule requiring the placement of network programs should be modified as indicated.

34. *"Reasonably comparable facilities".* The rule change just mentioned meets one of the objections by ABC to the rule, that there should be some guarantee that the coverage area of the unaffiliated station is in the same general location, as well as comparable in size to, that of the affiliated stations. We do not believe it appropriate to adopt ABC's other request, that the standard for "reasonably comparable facilities" be raised from two-thirds to 90 percent of the Grade B coverage area of the smaller of the affiliated stations' Grade B areas. The two-thirds standard was chosen after careful consideration, taking into account the need for avoiding extensive loss of network programing to the public even in the short run, and, on the other hand, the concept that UHF stations have up to now often been unable to afford comparable technical facilities, but that with the benefit from the new rule they may be expected, with time, to increase their facilities to a point of true comparability from a coverage standpoint (see first report and order, paragraph 48, 28 FCC 2d 192). For the time being, we adhere to the determination reached in the decision.

35. However, this is only a conclusion reached for the time being. Some UHF stations do not operate with anything like the maximum facilities they could have—for example, the Traverse City UHF station has an E.R.P. of only 371 kw.—and we believe that if they are to continue to benefit from the rule they should take steps to improve their facilities to a point of real comparability. If they do not do so, after a year or so of operation under the rule, it will be appropriate to take another look at the situation, and possibly raise the standard as to what are "reasonably comparable facilities" at least where the station has been operational for some time.

36. *Applicability in smaller markets.* Likewise, we must reject ABC's argument that the rule should apply only in the larger markets, such as the top 100. As pointed out in opposition to the petition, it is in the smaller markets that network programing is particularly crucial to the viability of a station, at least a UHF station. Therefore, in our judgment, such new stations must be assured to the maximum extent of the availability of such material. It may be, as ABC urges, that even with this advantage the station may not succeed; but this is a small price to pay for increasing its chances for success. The harmful consequences mentioned as possibly occurring (paragraph 21, above) do not equal in importance the advantages of improving the conditions for establishment and survival. While there doubtless are, as ABC suggests, markets too small to support three stations, we point out that there are many markets with three regular VHF stations outside of the top 100, including markets as small as 175 and 176 in net weekly circulation (Reno, Nev., and Medford, Oreg.), considerably smaller than Traverse City-Cadillac, for example. If an entrepreneur is willing to invest in starting a station in the smaller markets, we believe he is entitled to the benefit of favorable conditions, just as much as in larger markets.

37. The argument (paragraph 18, above) that ARB "market" definitions are inappropriate for this purpose must likewise be rejected. These definitions represent the basis on which television programing and advertising is largely sold in the United States, and are recognized by the Commission, for example in CATV regulation. The definitions are

[18] Thus, NBC may still place on VHF, without restriction, programs such as the Today and Tonight shows, and the evening news program, as well as some prime-time programs. It must be borne in mind that the $32,000 line charge figure mentioned is extremely small in relation to network revenues (net broadcast revenues for three networks of $1,114,600,000 in 1970, of which one-third would be about $375 million), and in relation to the portion thereof which could be regarded as attributable to the Raleigh-Durham market, whose ADI has about 0.4 percent of the Nation's TV homes according to ARB (267,000 of 61,000,000). NBC currently pays WRDU-TV nothing in compensation.

[19] In these situations there may be other problems which have led to the absence of a third regular affiliation and make a "forced placement" rule inappropriate. For example, KTLE has had a troubled history, is now in hearing against a new applicant in which its financial qualifications are in issue, and recently (July 2, 1971) gave notice that it is suspending operations.

[20] There is such Grade A coverage of the other market city in all of the VHF–UHF cases mentioned herein. As to other markets now having two stations, this will not be a problem in those (e.g., Baton Rouge) which consist of stations in only one city. In other "hyphenated" situations where the rule may apply in the future, e.g., Steubenville-Wheeling, Ohio-W. Va., we believe parties contemplating UHF stations should plan their facilities so that they put a Grade A signal over all of the other market television cities, if they wish to take advantage of the rule.

much the same as those used by the Commission in its annual summaries of television financial data, where the markets contain three or more operating stations. Moreover, in many instances they represent concepts adopted by the stations themselves, in obtaining authority to identify with the other city in the market as well as their city of license (e.g. the Cadillac VHF station and both Idaho Falls stations). With the adjustment made above to exclude markets having cities really widely separated, such as Casper-Riverton, Wyo., we conclude that this approach is appropriate.

Other matters—38. *Notice by nonoperating stations.* The situation in Augusta, Ga., has been discussed above (paragraphs 3 and 5). While no action is necessary on the stay request, we find that the facts of that situation indicate some changes in the provisions of the rule concerning notice by nonoperating stations that they will be on the air by one of the operating dates of the rule (October 1 or April 1) and remain on the air for at least 6 months (§ 73.658(l)(1)(ii)). It was our intention to provide "leadtime" of 3 months, so that program schedules and advertising may be arranged in ample time, and undue confusion and uncertainty avoided. Therefore the rule now states that nonoperating stations must give notice by July 1 or January 1, with respect to the October or April dates. Upon further consideration, we are of the view that a slight additional time should be required, so that any questions which may exist as to the applicability of the rule, the station's financial qualifications, etc., may be resolved before the 3 months "leadtime". Therefore we are changing the rule to require an additional 20 or 21 days' notice by nonoperating stations, so that the notice is required by June 10 for the October 1 date, and December 10 for the April 1 date.

39. We are also putting into the rule language to make the notice a more formal matter, providing for notification to the Commission and also service on the other stations in the market and the three networks.[31]

40. *Suggestions of CBS.* CBS raised three matters in support of its contention that the rule is of great complexity and may present problems in interpretation and application. It is claimed that the definition of "special" programs (§ 73.658(l)(1)(ix))—any program presented less often than once a week—is difficult, for example in including alternating programs broadcast regularly on a biweekly basis. While the definition in this respect may not accord entirely with what some would call these programs, we do not find any problem. The "unaffiliated station" will either take or not take the time segment involved. CBS also claims that the rule is unclear as to what happens where there are two "unaffiliated stations" in a market and both accept the same program. We believe the rule (Note 1) is sufficiently definite to deal with this situation, considering that it does not exist now and is not likely to in the near future: The network must offer its programs falling under the rule to both stations, but the 15-hour "first call" provision is an overall requirement. The rule does not deal with placement on one of the unaffiliated stations rather than the other, leaving the network free to choose.

41. CBS also urges that the provision concerning the unaffiliated station's acceptance of the programing offered—§ 73.658(l)(4)(iii)—is ambiguous. This section provides that the acceptance or indication of nonacceptance if possible shall be within 2 weeks after the offer, and programs "not accepted within 30 days of the date of the offer" shall be deemed not accepted. CBS claims that the 2 weeks and 30 days references appear to conflict. It was intended that the unaffiliated station should indicate within 2 weeks which 15 hours of programs it wants to take; and then, if there are any problems involved (e.g., with respect to time of broadcast), to permit an additional 2 weeks or so for working these matters out; but to set a final limit of 16 more days on such negotiations. We are not persuaded that any clarification is really necessary; however, we are adding the language "where any negotiations concerning particular programs between the network and the station are involved, * * *" before the 30 days reference. We are also deleting the words "if possible" from this sentence, since a station decision within 2 weeks of the offer (whenever that is given) should be feasible.

Summary. 42. For the reasons set forth at length above and after careful consideration,[32] the rule adopted in the first report and order herein is affirmed, except as modified with respect to what are "reasonably comparable facilities" (§ 73.658(l)(1)(x)); the details of the notice required in the case of nonoperating stations (§ 73.658(l)(1(ii)); and the addition of the language mentioned in the last paragraph concerning the time for acceptance (§ 73.658(l)(4)(iii)).

43. In view of the foregoing, pursuant to authority contained in sections 4(i), 303 (i) and (r), and 405 of the Communications Act of 1934, as amended: *It is ordered*, That:

(1) Section 73.658(l) is amended, as set forth below, effective September 14, 1971.

(2) The "Petition for Partial Reconsideration of First Report and Order", filed on April 20, 1971, by Western Telecasters, Inc. (KCST), is denied; and

(3) The petitions for reconsideration filed on May 6, 1971, by American Broadcasting Cos., Inc. (ABC), Columbia Broadcasting System, Inc. (CBS), National Broadcasting Co., Inc. (NBC), and the Post Co. (KIFI-TV) are granted to the extent indicated hereinabove and in the appendix hereto; and in all other respects are denied.

(4) The "Motion for Stay" filed by American Broadcasting Cos., Inc. (ABC), on June 28, 1971, is denied, insofar as it requests relief beyond that granted by the adoption of this decision.

(Secs. 4, 303, 405, 48 Stat., as amended, 1066, 1082, 1095; 47 U.S.C. 154, 303, 405)

Adopted: July 28, 1971.

Released: August 4, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[33]
[SEAL] BEN F. WAPLE,
Secretary.

In § 73.658(l), subparagraphs (1) (ii) and (x) and (4) (iii) are amended to read as follows:

§ 73.658 Affiliation agreements and network program practices.

* * * * *

(l) * * *
(1) * * *

(ii) "Operational station" means a station authorized and operating as of June 10 (with respect to programs beginning October 1) or as of December 10 (with respect to programs beginning April 1), or a station authorized and which gives notice to the Commission by such June 10 or December 10 date that it will be on the air by such October 1 or April 1 date (including request for program test authority if none has previously been given), and commits itself to remain on the air for 6 months after such October 1 or April 1 date. Such notice shall be received at the Commission by the June 10 or December 10 date mentioned, and shall show that copies thereof have been sent to the three national networks and to the licensees of all operating television stations in the market.

* * * * *

(x) "Reasonably comparable facilities" means station transmitting facilities (effective radiated power and effective antenna height above average terrain) such that the station's Grade B coverage area is at least two-thirds as large (in square miles) as the smallest of the market affiliated stations' Grade B coverage areas. Where one or both of the affiliates is licensed to a city different from that of the unaffiliated station, the term "reasonably comparable facilities" also includes the requirement that the unaffiliated station must put a predicted Grade A or better signal over all of the city of license of the other regular (nonsatellite) station(s), except that where one of the affiliated stations is licensed to the same city as the unaffiliated station, and puts a Grade B but not a Grade A signal over the other city of license, the unaffiliated station will be considered as having reasonably comparable facilities

[31] The notice recently given by the Traverse City UHF station meets these requirements, since it was dated June 4, 1971, and shows that copies were sent to the two market VHF stations and the three networks.

[32] We agree with ABC that in a rule-making proceeding such as this, where the notice instituting it did not propose the form or substance of a particular rule for comment, petitions for reconsideration are entitled to more attention than would otherwise be the case, and have given it herein. However, this does not apply to some of the matters urged, for example NBC's arguments concerning loss of coverage arising from the Durham UHF station's western location. This matter was specifically pointed out in the notice, and NBC did not discuss it in its comments in response thereto.

[33] Commissioner Johnson absent.

if it too puts a predicted Grade B signal over all of the other city of license.

* * * * *

(4) * * *

(iii) The offer by the network shall, to the extent possible, be on or before July 15 with respect to programs beginning in the fall season, and by January 15 with respect to programs presented after April 1, or otherwise as soon as possible. The unaffiliated station's acceptance or indication of nonacceptance shall be within 2 weeks after the date of the offer; where any negotiations between the network and the station concerning particular programs are involved, programs not accepted within 30 days of the date of the offer shall be deemed not accepted.

* * * * *

[FR Doc.71-11430 Filed 8-6-71;8:53 am]

Title 49—TRANSPORTATION

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

[Docket No. 71-17; Notice No. 1]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

New Pneumatic Tires and Tire Selection and Rims for Passenger Cars

Correction

In F.R. Doc. 71-10840 appearing at page 14134 in the issue for Friday, July 30, 1971, the last entry opposite Tire Size 8.55-15 in Table I-A on page 14135, now reading "6½-66", should read "6½-JJ".

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Washita National Wildlife Refuge, Okla.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8-7-71).

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

OKLAHOMA

WASHITA NATIONAL WILDLIFE REFUGE

The public hunting of quail and cottontail rabbits on the Washita National Wildlife Refuge, Okla., is permitted only on the areas designated by signs as open to hunting. This open area, comprising 2,200 acres, is delineated on maps available at refuge headquarters, Butler, Okla., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103.

Upland game hunting shall be in accordance with all applicable State regulations governing the hunting of quail and cottontail rabbits subject to the following special conditions:

(1) The open season for quail hunting on the refuge extends from November 20, 1971, through January 15, 1972, inclusive.

(2) The open season for cottontail rabbit hunting on the refuge extends from November 20, 1971, through January 15, 1972, inclusive.

(3) Hunting of either quail or cottontail rabbits is permitted only on Mondays, Thursdays, Saturdays, and national holidays.

(4) Rifles and handguns are prohibited on the refuge. Only shotguns are legal firearms for the taking of quail and rabbits on the refuge.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 15, 1972.

ROBERT H. STRATTON, Jr.,
Refuge Manager.

JULY 27, 1971.

[FR Doc.71-11347 Filed 8-6-71;8:46 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 53]

VEAL AND CALF CARCASSES; VEALERS AND SLAUGHTER CALVES

Proposed Standards for Grades

Notice is hereby given, in accordance with the administrative procedure provisions of 5 U.S.C. 553, that pursuant to authority conferred by the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621, et seq.) it is proposed to amend (1) the standards for grades of veal and calf carcasses (7 CFR 53.107–53.111), and (2) the standards for grades of vealers and slaughter calves (7 CFR 53.120–53.124).

Statement of Consideration. These grade standards are proposed under authority of the Agricultural Marketing Act of 1946 which provides for issuance of official U.S. grades to designate different levels of quality of agricultural products for the voluntary use of producers, buyers, consumers, and others. Official grading service is also provided under this Act upon request of the applicant and upon payment of a fee to cover the cost of the service.

Grade standards for veal and calf carcasses and vealers and slaughter calves were initially promulgated in 1928. Over the years, revisions in these standards were made to facilitate their interpretation or to coordinate them with changes made in the official standards for grades of beef and slaughter cattle. The last substantive change was made in 1951. Since then, there has been a marked reduction in the number of vealers and calves slaughtered—and especially those that would have Choice and Prime grade carcasses. Under the present standards, Prime grade veal and calf is nearly nonexistent and, among conventionally produced vealers, those that will have Choice grade carcasses make up a distinct minority. This is in direct contrast with the situation in beef where it is estimated that about 85 percent of the federally graded beef is graded Choice or Prime. A similar situation also prevails in the case of lamb. These changes in production of veal and calf have been brought about largely by a combination of economic pressures—the high cost of producing veal on conventional rations (largely milk) and the very strong demand—and resultant high prices—for feeder calves to be used for beef production. As a result, practically all of the thickly muscled calves which have the potential for producing Choice and Prime grade veal and calf carcasses are now being utilized in the production of beef.

In this connection, though, in the last few years there has been a steady increase in the use of milk substitute rations for the production of vealers for slaughter. By this means, carcasses with lean flesh typical of highly desirable veal are being produced from vealers which are much larger and older than those which in earlier years were marketed as veal. In the trade, these kinds of carcasses are accepted, without qualification, as the most desirable veal currently being produced.

These kinds of carcasses were not being produced when the present standards for veal and calf were developed. Therefore, the present standards are inadequate, in some respects, for use in classifying and grading such carcasses—especially to reflect the high esteem which these carcasses now command in the market.

It appears likely that the aforementioned changes in production of veal and calf will continue—or possibly accelerate. Because of this, it appears highly desirable to revise the grade standards for veal and calf to permit a sufficient volume in the higher grades for effective use of the standards in marketing.

The views of many slaughterers, dealers, and retailers in veal and calf carcasses were obtained with respect to needed changes in the veal and calf grade standards. To the extent possible, those suggestions have been incorporated in this proposal.

The significant changes involved in this proposed revision of the standards are as follows:

1. Increased emphasis would be placed on the color of the lean in determining whether carcasses are classed as "veal" or "calf." The maximum color of lean at the juncture of the veal and calf classes would be dark grayish pink. Provisions would also be included to clarify the basis for differentiating between veal and calf in carcasses whose color of lean is within the limits of the veal class but whose other evidences of maturity are within the limits of the calf class.

2. Conformation requirements for all grades of veal and calf carcasses would be reduced one grade. For example, the present minimum requirements for the Choice grade are those proposed for the Prime grade.

3. Quality requirements for veal would be reduced approximately one-half grade for the Prime grade and one full grade for the Choice, Good, and Standard grades.

4. In calf, the quality requirements—for the youngest carcasses—also would be reduced approximately one-half grade for Prime and one full grade for the Choice, Good, and Standard grades. However, for more mature calf carcasses, this reduction would become progressively less and there would be no reduction in the quality for carcasses with maximum maturity included in this class. This variable rate of reduction in the quality requirements for carcasses within the calf class is proposed in order that the requirements for calf carcasses would continue to be coordinated with the requirements for the corresponding grades of beef.

5. The evaluation of quality in intact carcasses usually would be made by using only two factors—the amount of feathering and the quantity of fat streaking within and upon the inside flank muscles. This would be a reduction in the number of factors considered and should simplify the application of the standards. Provision is also made for the use of these same two factors in evaluating quality of veal cuts and calf cuts when marbling requirements are not specified in the standards. Also, for the evaluation of quality in cuts when neither feathering nor flank fat streakings are available, quality would be evaluated on the basis of the firmness of the lean. When it is necessary to consider marbling in grading calf cuts, the evaluation of quality would continue to be based on the characteristics evident in the cut surface of the lean.

6. The Cull grade would be eliminated and the Utility grade would include all veal and calf carcasses whose characteristics are inferior to those specified as minimum for the Standard grade. This means that the number of grades would be reduced from six to five with the following names: Prime, Choice, Good, Standard, and Utility.

7. Also, minor editorial changes would be made throughout the standards to clarify their interpretation and application.

The standards for grades of vealers and slaughter calves would be revised to coordinate them with the proposed revisions in the standards for grades of veal and calf carcasses.

The official U.S. standards for grades of veal and calf carcasses and the official U.S. standards for grades of vealers and slaughter calves would be revised as follows:

1. Sections 53.107, 53.108, 53.109, 53.110, and 53.111 would be renumbered as §§ 53.108, 53.109, 53.110, 53.111, and 53.112, respectively.

2. A new § 53.107 would be promulgated, and renumbered §§ 53.108, 53.109, 53.110, 53.111, and 53.112 would be revised, to read, respectively, as follows:

§ 53.107 Scope.

These standards for grades of veal and calf are applicable to the grading of carcasses, sides, hindsaddles, hindquarters, foresaddles, and forequarters, and to the following primal wholesale cuts—legs, loins, racks, and shoulders. However, throughout these standards wherever

the words "carcass" or "carcasses" are used these are intended to also mean such parts of carcasses and primal wholesale cuts.

§ 53.108 Differentiation between veal, calf, and beef carcasses.

Differentiation between veal, calf, and beef carcasses is made primarily on the basis of the color of the lean, although such factors as texture of the lean; character of the fat; color, shape, size, and ossification of the bones and cartilages; and the general contour of the carcass are also given consideration. Typical veal carcasses have a grayish pink color of lean that is very smooth and velvety in texture and they also have a slightly soft, pliable character of fat and marrow, and very red rib bones. By contrast, typical calf carcasses have a grayish red color of lean, a flakier type of fat, and somewhat wider rib bones with less pronounced evidences of red color. Calf carcasses with maximum maturity for their class have lean flesh that is usually not more than moderately red in color, their rib bones usually have a small amount of red and only a slight tendency toward flatness, and such carcasses are not noticeably "spready" or barrelly" in contour. Such carcasses, when split, have cartilages on the ends of the chine bones that are entirely cartilaginous, there is cartilage in evidence on all vertebrae of the spinal column, and the sacral vertebrae show distinct separation. Carcasses with evidences of more advanced maturity than described in this paragraph are classified as beef. Carcasses not classified as beef but whose color of lean is not comparable with their other evidences of maturity shall be classed as veal or calf in accordance with the following:

(a) Carcasses whose indications of maturity other than color of lean are within the veal class but whose color of lean is darker than dark grayish pink shall be classed as calf.

(b) Carcasses whose evidences of maturity other than color of lean are within the range included in the calf class shall be classed as veal provided they have a correspondingly lighter color of lean within the darker one-half of the range of color included in the veal class. For example, a carcass whose evidences of maturity other than color of lean are midway within the range of the calf class shall be classed as veal if its color of lean is not darker than midway within the darker one-half of the range of color included in the veal class.

(c) Carcasses with color of lean within the lighter one-half of the veal class shall be classed as veal provided their other evidences of maturity do not exceed that associated with the juncture of the calf and beef classes.

§ 53.109 Classes of veal and calf carcasses.

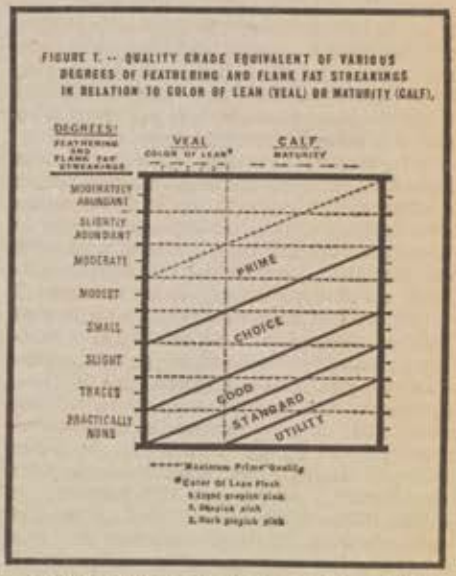
Class determination is based on the apparent sex condition of the animal at time of slaughter. Hence, there are three classes of veal and calf carcasses—steers, heifers, and bulls. While recognition may sometimes be given to these different classes on the market, especially calf carcasses from bulls that are approaching beef in maturity, the characteristics of such carcasses are not sufficiently different from those of steers and heifers to warrant the development of separate standards for them. Therefore, the grade standards which follow are equally applicable to all classes of veal and calf carcasses.

§ 53.110 Application of standards.

(a) Veal and calf carcasses are graded on a composite evaluation of two general grade factors—conformation and quality. These factors are concerned with the proportions of lean, fat, and bone in the carcass and the quality of the lean.

(b) Conformation is the manner of formation of the carcass. The conformation descriptions included in each of the grade specifications refer to the thickness and fullness of the carcass and its various parts. Conformation is evaluated by averaging the conformation of the various parts of the carcass, considering not only the proportion that each part is of the carcass but also the general value of each part as compared with other parts. Superior conformation implies a high proportion of meat to bone and a high proportion of the weight of the carcass in the more valuable parts. It is reflected in carcasses which are thickly fleshed and full and thick in relation to their length and which have a plump, well-rounded appearance. Inferior conformation implies a low proportion of meat to bone and a low proportion of the weight of the carcass in the more valuable parts. It is reflected in carcasses which are very thinly fleshed, and very narrow in relation to their length, and which have a very angular, thin, sunken appearance.

(c) Quality of lean—in all veal carcasses, all unribbed calf carcasses, and in ribbed calf carcasses in which their degree of marbling is not a consideration—usually can be evaluated with a high degree of accuracy by giving equal consideration to the following factors, as available: (1) The amount of feathering (fat intermingled within the lean between the ribs) and (2) the quantity of fat streakings within and upon the inside flank muscles. (In making these evaluations, the amounts of feathering and flank fat streakings are considered in relation to color (veal) and maturity (calf).) In addition, however, consideration also may be given to other factors if, in the opinion of the grader, this will result in a more accurate quality assessment. Examples of such other factors include firmness of the lean, the distribution of feathering, the amount of fat covering over the diaphragm or "skirt", and the amount and character of the external and kidney and pelvic fat. In making these evaluations, feathering and flank fat streakings are categorized in descending order of quantity as follows: extremely abundant, very abundant, abundant, moderately abundant, slightly abundant, moderate, modest, small, slight, traces, practically none, and none. Figure 1 depicts the quality grade equivalent of various degrees of feathering and flank fat streakings in relation to color of lean (veal) or maturity (calf). From this figure it can be seen, for example, that the degrees of feathering or fat streakings associated with minimum Choice quality for veal increase from minimum traces for carcasses having the lightest color of lean to maximum traces for carcasses with a dark grayish pink color of lean.



(d) When grading cuts and marbling is not a requirement and when neither feathering nor flank fat streakings are available, quality is based on the firmness of the lean. The requirements relating to firmness of the lean are described in the specifications for each grade and are based on the following degrees in descending order of firmness; extremely firm, very firm, firm, moderately firm, slightly firm, slightly soft, moderately soft, soft, very soft, and extremely soft. However, no credit is given to additional firmness of lean beyond "maximum slightly firm" in veal or beyond "maximum moderately firm" in calf.

(e) When grading ribbed calf carcasses or portions of such carcasses in which their degree of marbling is a consideration, the quality evaluation of the lean is based entirely on the characteristics of the lean as exposed in a cut surface. The official standards for grades of beef recognize nine different degrees of marbling. In descending order of amount these are as follows: abundant, moderately abundant, slightly abundant, moderate, modest, small, slight, traces, and practically devoid. Illustrations of the lower limits of eight of these nine degrees are available from the Department of Agriculture. These degrees of marbling and their illustrations also are used to describe and evaluate marbling in calf carcasses. Marbling requirements are included in each of the Prime, Choice, and Good grade specifications.

(f) To facilitate the application of the standards, no credit is given to degrees

of feathering, flank fat streakings, or marbling beyond those associated with the quality grade equivalent of "maximum Prime." "Maximum Prime" quality is represented by a development of each of these three factors which is two degrees greater than that specified as minimum for Prime.

(g) The quality indicating requirements referenced in the standards for each grade are based on their development in properly chilled carcasses and, when these relate to a cut surface of the lean, they are based on a cross section of the ribeye muscle between the 12th and 13th ribs. For legs and shoulders, these qualities shall be consistent with their normal development in relation to those specified for the ribeye muscle.

(h) The final grade of a carcass is based on a composite evaluation of its conformation and quality. Conformation and quality often are not developed to the same degree in a carcass and it is obvious that each grade will include various combinations of development of these two characteristics. Examples of how conformation and quality are combined into the final quality grade are included in each of the grade descriptions. However, the principles governing the compensations of variations in development of quality and conformation are as follows: In each of the grades a superior development of quality is permitted to compensate, without limit, for a deficient development of conformation. In this instance the rate of compensation in all grades is on an equal basis—a given degree of superior quality compensates for the same degree of deficient conformation. The reverse type of compensation—a superior development of conformation for an inferior development of quality—is not permitted in the Prime and Choice grades. In all other grades this type of compensation is permitted but only to the extent of one-third of a grade of deficient quality. The rate of this type of compensation is also on an equal basis—a given degree of superior conformation compensates for the same degree of deficient quality.

(i) The colors of lean referenced in the standards reflect only the colors as present in normally developed veal and calf carcasses. They are not intended to apply to colors of lean associated with so-called "dark cutting" veal or calf. This condition does not have the same significance in grading as do the darker shades of pink and red associated with advancing maturity. The dark color of the lean associated with "dark cutting" veal or calf is present in varying degrees from that which is barely evident to so-called "black cutters" in which the lean is actually nearly black in color and usually has a "gummy" texture. Dependent upon the degree to which this characteristic is developed, the final grade of carcasses which otherwise would qualify for the Prime, Choice, or Good grades may be reduced as much as one full grade. In veal or calf otherwise eligible for the Standard grade, the final grade may be reduced as much as one-half grade. In the Utility grade this condition is not considered.

(j) Carcasses qualifying for any particular grade may vary with respect to their relative development of the various grade factors and there will be carcasses which qualify for a particular grade, some of the characteristics of which may be typical of another grade. Because it is impractical to describe the nearly limitless number of such recognizable combinations of characteristics, the standards for each grade describe only a veal or calf carcass which has a relatively similar development of conformation and quality and which also represents the lower limit of each grade.

§ 53.111 Specifications for official U.S. standards for grades of veal carcasses.

(a) *Prime.* (1) Veal carcasses with minimum Prime grade conformation tend to be moderately wide and thick in relation to their length. They are slightly thick-fleshed and have a slightly plump appearance. Legs are slightly thick and bulging. Loins and backs tend to be moderately full and plump. Shoulders and breasts tend to be moderately thick.

(2) Figure 1 in § 53.110 depicts the degree of feathering and flank fat streakings associated with minimum Prime quality for different colors of lean. The lean flesh is slightly firm, regardless of its color.

(3) A development of quality superior to that specified as minimum for the Prime grade may compensate, without limit, for a development of conformation inferior to that specified as minimum for Prime at an equal rate as indicated in the following example. A carcass which has midpoint Prime quality may have conformation equal to the midpoint of the Choice grade and remain eligible for Prime. However, regardless of the extent to which the conformation of a carcass exceeds the minimum of the Prime grade, a carcass must have minimum Prime quality to be eligible for Prime.

(b) *Choice.* (1) Veal carcasses with minimum Choice grade conformation tend to be slightly wide and thick in relation to their length. They tend to be slightly thin-fleshed and have little or no evidence of plumpness. Loins, backs, and legs are slightly thin and nearly flat. Shoulders and breasts tend to be slightly thin.

(2) Figure 1 in § 53.110 depicts the degree of feathering and flank fat streakings associated with minimum Choice quality for different colors of lean. The lean flesh is slightly soft regardless of its color.

(3) A development of quality superior to that specified as minimum for the Choice grade may compensate, without limit, for a development of conformation inferior to that specified as minimum for Choice at an equal rate as indicated in the following example: A carcass which has midpoint Choice quality may have conformation equal to the midpoint of the Good grade and remain eligible for Choice. However, regardless of the extent to which the conformation of a carcass exceeds the minimum of the Choice grade, a carcass must have minimum Choice quality to be eligible for Choice.

(c) *Good.* (1) Veal carcasses with minimum Good grade conformation are rangy, angular, and narrow in relation to their length. They are thinly fleshed. Legs are thin and tapering and slightly concave. Loins and back are depressed. Shoulders and breasts are thin.

(2) Figure 1 in § 53.110 depicts the degree of feathering and flank fat streakings associated with minimum Good quality for different colors of lean. The lean flesh is moderately soft regardless of its color.

(3) A development of quality superior to that specified as minimum for the Good grade may compensate, without limit, for a development of conformation inferior to that specified as minimum for Good at an equal rate as indicated in the following example: A carcass which has midpoint Good grade quality may have conformation equivalent to the midpoint of the Standard grade and remain eligible for Good. Also, a carcass which has conformation at least one-third grade superior to that specified as minimum for the Good grade may qualify for Good with a development of quality equivalent to the lower limit of the upper third of the Standard grade. Compensation of superior conformation for inferior quality is limited to one-third grade of deficient quality.

(d) *Standard.* (1) Veal carcasses with minimum Standard grade conformation are very rangy and angular and very narrow in relation to their length. They are very thinly fleshed. Legs are very thin and moderately concave. Loins and backs are very depressed. Shoulders and breasts are very thin.

(2) Figure 1 in § 53.110 depicts the degree of feathering and flank fat streakings associated with minimum Standard quality for different colors of lean. The lean flesh is soft regardless of its color.

(3) A development of quality superior to that specified as minimum for the Standard grade may compensate, without limit, for a development of conformation inferior to that specified as minimum for Standard at an equal rate as indicated in the following example: A carcass which has midpoint Standard quality may have conformation equal to the midpoint of the Utility grade and remain eligibility for Standard. Also, a carcass which has conformation at least one-third grade superior to that specified as minimum for the Standard grade may qualify for Standard with a development of quality equal to the minimum of the upper third of the Utility grade. Compensation of superior conformation for inferior quality is limited to one-third grade of deficient quality.

(e) *Utility.* The Utility grade includes those veal carcasses whose characteristics are inferior to those specified as minimum for the Standard grade.

§ 53.112 Specifications for official United States standards for grades of calf carcasses.

(a) *Prime.* (1) Calf carcasses with minimum Prime grade conformation tend to be moderately wide and thick in relation to their length. They are moderately thick-fleshed and have a moderately plump appearance. Legs tend to be moderately thick and bulging. Loins and backs tend to be moderately full and plump. Shoulders and breasts tend to be moderately thick.

(2) Figure 1 in § 53.110 depicts the degree of feathering and flank fat streakings associated with minimum Prime quality. The degree of marbling required for minimum Prime quality increases from minimum practically devoid for the very youngest carcasses classified as calf to a maximum moderate amount for carcasses with maturity at the juncture of the calf and beef classes. The lean flesh is moderately firm regardless of maturity.

(3) A development of quality superior to that specified as minimum for the Prime grade may compensate, without limit, for a development of conformation inferior to that specified as minimum for Prime at an equal rate as indicated in the following example: A carcass which has midpoint Prime quality may have conformation equal to the midpoint of the Choice grade and remain eligible for Prime. However, regardless of the extent to which the conformation of a carcass exceeds the minimum of the Prime grade, a carcass must have minimum Prime quality to be eligible for Prime.

(b) *Choice.* (1) Calf carcasses with minimum Choice grade conformation tend to be slightly wide and thick in relation to their length. They tend to be slightly thick-fleshed and have a slightly plump appearance. Legs are slightly thick but have little evidence of plumpness. Loins and backs are very slightly full and plump. Shoulders and breasts are slightly thick.

(2) Figure 1 in § 53.110 depicts the degree of feathering and flank fat streakings associated with minimum Choice quality. The degree of marbling required for minimum Choice quality increases from minimum practically devoid for carcasses at midpoint calf maturity to a maximum slight amount for carcasses with maturity at the juncture of the calf and beef classes. Marbling is not required for Choice quality in carcasses which are less than midpoint calf in maturity. The lean flesh is slightly firm regardless of maturity.

(3) A development of quality superior to that specified as minimum for the Choice grade may compensate, without limit, for a development of conformation inferior to that specified as minimum for Choice at an equal rate as indicated in the following example: A carcass which has midpoint Choice quality may have conformation equal to the midpoint of the Good grade and remain eligible for Choice. However, regardless of the extent to which the conformation of a carcass exceeds the minimum of the Choice grade, a carcass must have minimum Choice quality to be eligible for Choice.

(c) *Good.* (1) Calf carcasses with minimum Good grade conformation tend to be rangy, angular, and narrow in relation to their length. They tend to be thinly fleshed. Legs are thin and tapering and very slightly concave. Loins and backs are slightly shallow and depressed. Shoulders and breasts are thin.

(2) Figure 1 in § 53.110 depicts the degree of feathering and flank fat streakings associated with minimum Good quality. The minimum degree of marbling required for Good quality decreases from typical traces for carcasses with maturity at the juncture of the calf and beef classes to minimum practically devoid for carcasses midway in maturity within the more mature half of the range of maturity included in the calf class. In less mature carcasses, marbling is not required for Good quality. The lean flesh is moderately soft regardless of maturity.

(3) A development of quality superior to that specified as minimum for the Good grade may compensate, without limit, for a development of conformation inferior to that specified as minimum for Good at an equal rate as indicated in the following example: A carcass which has midpoint Good grade quality may have conformation equivalent to the midpoint of the Standard grade and remain eligible for Good. Also, a carcass which has conformation at least one-third grade superior to that specified as minimum for the Good grade may qualify for Good with a development of quality equivalent to the lower limit of the upper third of the Standard grade. Compensation of superior conformation for inferior quality is limited to one-third grade of deficient quality.

(d) *Standard.* (1) Calf carcasses with minimum Standard grade conformation are rangy, angular, and very narrow in relation to their length. They are very thinly fleshed. Legs are very shallow and depressed. Shoulders and breasts are very thin.

(2) Figure 1 in § 53.110 depicts the degree of feathering and flank fat streakings associated with minimum Standard quality. The lean flesh is soft regardless of maturity.

(3) A development of quality which is superior to that specified as minimum for the Standard grade may compensate, without limit, for a development of conformation inferior to that specified as minimum for Standard at an equal rate as indicated in the following example: A carcass which has midpoint Standard quality may have conformation equal to the midpoint of the Utility grade and remain eligible for Standard. Also, a carcass which has conformation at least one-third grade superior to that specified for the minimum of the Standard grade may qualify for Standard with a development of quality equal to the lower limit of the upper third of the Utility grade. Compensation of superior conformation for inferior quality is limited to one-third grade of deficient quality.

(e) *Utility.* The Utility grade includes those calf carcasses whose characteristics are inferior to those specified as minimum for the Standard grade.

3. Section 53.120, 53.121, 53.122, 53.123, and 53.124 would be revised to read as follows:

§ 53.120 Differentiation between vealers and calves.

Young bovine animals are segregated for market purposes as vealers or calves and this differentiation is intended to reflect the kind of carcass (veal or calf) they will produce. The differentiation between veal and calf carcasses is based very largely on the color of their lean and this is determined almost entirely by the extent to which the animal's diet has consisted of milk or a milk replacer. Therefore, the differentiation between vealers and calves is based primarily on evidences of type of feeding and age. Vealers that have subsisted largely on milk usually are less than 3 months of age. However, animals that have been raised on milk replacer rations frequently will be considerably more mature. In no case, though, may such an animal be considered a vealer if its evidences of maturity indicate that it is too mature to be classed as calf. Since vealers have consumed little, if any, roughages, they have the characteristic trimness of middle associated with limited paunch development. Calves are usually between 3 and 8 months of age, have subsisted partially or entirely on feeds other than milk or milk replacers for a substantial period of time, and have developed the heavier middles and other physical characteristics associated with maturity beyond the vealer stage.

§ 53.121 Classes of vealers and calves.

There are three classes of vealers and calves, based on sex condition—steers, heifers, and bulls. While recognition may sometimes be given to these different classes on the market, especially bull calves approaching beef in maturity, the market desirability of all three classes is sufficiently similar to permit them to be graded on the same standards.

§ 53.122 Application of standards.

(a) The grade of a vealer or slaughter calf is determined by a composite evaluation of two general considerations which influence carcass excellence, (1) conformation and (2) fatness, maturity, and other factors responsible for differences in quality of the lean flesh.

(b) Conformation refers to the general body proportions of the animal and to the ratio of meat to bone. Although primarily determined by the inherent muscular and skeletal systems, it is also influenced by the degree of fatness. Excellent conformation in vealers and slaughter calves is denoted by a wide-topped, straight-lined, thick-fleshed individual that is deep and full in the twist.

(c) In grading vealers and slaughter calves, quality of the lean flesh must necessarily be evaluated indirectly from

consideration, primarily, of the quantity, distribution, and type of fat or finish. Limited consideration is also given to such factors as the refinement of hair, hide, and bone and the smoothness and symmetry of the body. Finish is evaluated by noting variations in fullness in the brisket, flanks, and cod or udder and the apparent thickness of the fat covering over the back, loin, ribs, and legs.

(d) Since relatively few vealers or calves have an identical development of conformation and quality, it is obvious that each grade will include animals having various combinations of these two characteristics. Examples of how conformation and quality are combined into the final quality grade are included in each of the grade descriptions. However, the principles governing the compensation of variations in development of quality and conformation are as follows: In each of the grades superior quality is permitted to compensate for deficient conformation, without limit. The reverse type of compensation—superior conformation for inferior quality—is not permitted in the Prime and Choice grades. To qualify for one of these grades, a slaughter animal must have the minimum requirements specified for quality regardless of how much the conformation may exceed the minimum specified. In all other grades, such compensation is permitted but only to the extent of one-third of a grade of deficient quality. For both types of compensation is equal—a given degree of superior quality compensates for the same degree of deficient conformation and vice versa.

(e) Other factors—such as heredity and management—also may affect the development of grade-determining characteristics in vealers and calves. Although these factors do not lend themselves to descriptions in the standards, the use of factual information of this nature is justified in determining the grade of vealers and slaughter calves.

(f) Vealers or calves qualifying for any particular grade may vary with respect to the relative development of the individual grade factors. In fact, some will qualify for a particular grade although they have some characteristics more nearly typical of animals of another grade. Because it is impractical to describe the nearly infinite number of such recognizable combinations of characteristics, the standards describe only vealers and calves which have a relatively similar development of individual conformation and quality factors and which are also representative of the lower limits of each grade.

§ 53.123 Specifications for official United States standards for grades of vealers.

(a) *Prime.* (1) Vealers possessing minimum qualifications for the Prime grade tend to be moderately thick muscled throughout. They are moderately wide over the back and loin, and shoulders and hips are usually moderately neat and smoothly laid in, with only a slight tendency toward prominence. The loin, rump, and rounds appear almost flat, with little evidence of fullness. Prime grade vealers tend to have a very thin fat covering over the back, loin, and upper ribs. The brisket, rear flanks, and cod or udder are slightly full. Prime grade vealers usually present a moderately refined appearance.

(2) To qualify for the Prime grade, vealers must possess the minimum evidences of quality specified regardless of the extent to which their conformation may exceed the minimum requirements for Prime. However, quality superior to that specified as the minimum for the Prime grade may compensate, without limit, for conformation inferior to that specified as the minimum for Prime at the rate indicated in the following example: Vealers which have quality equivalent to the midpoint of the Prime grade may have conformation equivalent to the midpoint of the Choice grade and remain eligible for Prime.

(b) *Choice.* (1) Vealers possessing minimum qualifications for Choice tend to be slightly thick muscled throughout. They are slightly wide over the back and loin, the shoulders and hips are slightly prominent, and the neck is slightly long and thin. The loin, rump, and rounds have a very slightly sunken or hollowed-out appearance. The fat covering is very limited and is discernible only over portions of the back and loin. The brisket, rear flanks, and cod or udder have small fat deposits but have no apparent fullness. Choice grade vealers are usually moderately smooth and slightly refined in appearance.

(2) To qualify for the Choice grade, vealers must possess the minimum evidences of quality specified regardless of the extent to which their conformation may exceed the minimum requirements for Choice. However, quality which is superior to that specified as the minimum for the Choice grade may compensate, without limit, for conformation which is inferior to that specified as the minimum for Choice at the rate indicated in the following example: Vealers which have quality equivalent to the midpoint of the Choice grade may have conformation equivalent to the midpoint of the Good grade and remain eligible for Choice.

(c) *Good.* (1) Vealers possessing minimum requirements for the Good grade tend to be thinly muscled throughout. They are narrow over the back, loin, and rump and shallow in the twist. They have a distinctly sunken or hollowed-out appearance over the back, loin, and rounds. Hips and shoulders appear moderately prominent. There is practically no fat covering on any part of the animal's body. Such vealers may show the heavy bones, thick hide, prominent hips and shoulders associated with coarseness, or they may show the small bones, tight hide, and angularity denoting overrefinement.

(2) Quality superior to that specified as the minimum for the Good grade may compensate, without limit, for conformation inferior to that specified as the minimum for Good at the rate indicated in the following example: Vealers with quality equivalent to the midpoint of the Good grade may have conformation equivalent to the midpoint of the Standard grade and remain eligible for Good. Also, vealers with conformation at least one-third of a grade superior to that specified as minimum for the Good grade may have quality equal to the lower limit of the upper third of the Standard grade and remain eligible for Good.

(d) *Standard.* (1) Vealers possessing minimum requirements for the Standard grade tend to be very thinly muscled throughout and tend to be very narrow over the back, loin, and rump and very shallow in the twist. Hips and shoulders are very prominent, and the crops, back, loin, rump, and rounds present a very sunken or hollowed-out appearance. They show no evidence of any fat covering. Standard vealers tend to be of low quality. The bones and joints are usually disproportionately large and the hide is either thick or tight and inelastic.

(2) Quality superior to that specified as minimum for the Standard grade may compensate, without limit, for conformation inferior to that specified as minimum for the Standard grade at the rate indicated in the following example: Vealers with quality equivalent to the midpoint of the Standard grade may have conformation equivalent to the midpoint of the Utility grade and remain eligible for Standard. Also, vealers with conformation at least one-third of a grade superior to that specified as minimum for the Standard grade may have quality equal to the lower limit of the upper third of the Utility grade and remain eligible for Standard.

(e) *Utility.* The Utility grade includes vealers whose characteristics are inferior to those specified as minimum for the Standard grade.

§ 53.124 Specifications for official United States standards for grades of slaughter calves.

(a) *Prime.* (1) Calves possessing minimum qualifications for the Prime grade tend to be moderately thick muscled throughout. They are moderately wide over the back and loin, and shoulders and hips are usually moderately neat and smoothly laid in. There is a slight fullness or plumpness over the crops, loin, rump, and rounds which contributes to a rather well-rounded appearance. Prime grade calves tend to have a slightly thick fat covering over the back, loin, rump, and upper ribs. The brisket, rear flanks, and cod or udder are moderately full. Prime grade calves usually present a moderately refined appearance.

(2) To qualify for the Prime grade, slaughter calves must possess the minimum evidences of quality specified regardless of the extent to which their conformation may exceed the minimum requirements for Prime. However, quality superior to that specified as the minimum for the Prime grade may compensate, without limit, for conformation

inferior to that specified as the minimum for Prime at the rate indicated in the following example: Slaughter calves which have quality equivalent to the midpoint of the Prime grade may have conformation equivalent to the midpoint of the Choice grade and remain eligible for Prime.

(b) *Choice.* (1) Calves possessing minimum qualifications for the Choice grade tend to be slightly thick muscled throughout. They are slightly wide over the back and loin. The neck is slightly long and thin. The loin, rump, and rounds are almost flat and have little or no evidence of fullness. The shoulders and hips are moderately neat and smoothly laid in but may appear slightly prominent. There is a thin fat covering over the back, loin, and upper ribs. The brisket, rear flanks, and cod or udder tend to be slightly full. Choice grade calves are usually moderately smooth and slightly refined in appearance.

(2) To qualify for the Choice grade, slaughter calves must possess the minimum evidences of quality specified regardless of the extent to which their conformation may exceed the minimum requirements for Choice. However, quality which is superior to that specified as the minimum for the Choice grade may compensate, without limit, for conformation which is inferior to that specified as the minimum for Choice at the rate indicated in the following example: Slaughter calves which have quality equivalent to the midpoint of the Choice grade may have conformation equivalent to the midpoint of the Good grade and remain eligible for Choice.

(c) *Good.* (1) Calves possessing minimum requirements for the Good grade tend to be thinly muscled throughout. They are narrow over the back, loin, and rump and shallow in the twist and have a slightly sunken or hollowed-out appearance over the back, loin, and rounds. Hips and shoulders appear somewhat prominent. There is a very thin fat covering that is discernible only over the back and loin. Such calves may show the heavy bones, thick hide, prominent hips and shoulders associated with coarseness; or they may show the small bones, tight hide, and angularity denoting overrefinement.

(2) Quality superior to that specified as the minimum for the Good grade may compensate, without limit, for conformation inferior to that specified as the minimum for Good at the rate indicated in the following example: Calves with quality equivalent to the midpoint of the Good grade may have conformation equivalent to the midpoint of the Standard grade and remain eligible for Good. Also, calves with conformation at least one-third of a grade superior to that specified as minimum for the Good grade may have quality equal to the lower limit of the upper third of the Standard grade and remain eligible for Good.

(d) *Standard.* (1) Calves possessing minimum requirements for the Standard grade tend to be very thinly muscled throughout and are very narrow over the back, loin, and rump, and very shallow in the twist. Hips and shoulders are very prominent and the crops, back, loin, rump, and rounds present a very sunken or hollowed-out appearance. There is practically no fat on any part of the animal's body. Standard grade calves tend to be of low quality. The bones and joints are usually disproportionately large, and the hide is either thick or tight and inelastic.

(2) Quality superior to that specified as minimum for the Standard grade may compensate, without limit, for conformation inferior to that specified as minimum for the Standard grade at the rate indicated in the following example: Calves with quality equivalent to the midpoint of the Standard grade may have conformation equivalent to the midpoint of the Utility grade and remain eligible for Standard. Also, calves with conformation at least one-third of a grade superior to that specified as minimum for the Standard grade may have quality equal to the lower limit of the upper third of the Utility grade and remain eligible for Standard.

(e) *Utility.* The Utility grade includes slaughter calves whose characteristics are inferior to those specified as minimum for the Standard grade.

Any person who desires to submit written data, views, or arguments concerning the proposals set forth above may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 90 days after the date of publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 30th day of July 1971.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[FR Doc.71-11233 Filed 8-6-71;8:45 am]

[7 CFR Part 927]

CERTAIN VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

Notice of Proposed Rule Making

Consideration is being given to the following proposal submitted by the Control Committee established pursuant to the marketing agreement, as amended, and Order No. 927, as amended (7 CFR Part 927), which regulate the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The proposal would regulate the handling of fresh pears of the aforementioned varieties by limiting shipments of such pears to those meeting the size and grade requirements hereinafter specified. The specifications applicable to Anjou and Comice varieties would permit the handling of such pears bearing limited damage from skin punctures, however, this limiting factor of market desirability would be beneficially offset by the accompanying requirement that any pears thus affected be of the specified higher grade and larger size. Likewise, the regulation would permit shipment of Bosc variety pears of a size smaller than that which is set forth in the basic specifications if such pears were of a higher grade than that which is set forth in the basic specifications.

The regulation recommended by the Control Committee reflects its appraisal of the winter pear crop and the current and prospective market conditions. Shipments of winter pears are expected to begin on or about August 23, 1971. The grade and size requirements provided herein are necessary to prevent the handling, on and after August 23, 1971, of any of the listed varieties of winter pears (Beurre D'Anjou, Winter Nelis, Beurre Bosc, and Doyenne du Comice) of lower grades and smaller sizes than those herein specified so as to provide consumers with good quality fruit consistent with (1) the overall quality of the crop, and (2) maximizing returns to the producers pursuant to the declared policy of the act.

The proposed regulation is as follows:

§ 927.310 Pear Regulation 10.

(a) Order: During the period August 23, 1971, through June 30, 1972, no handler shall ship any pears which do not meet the following requirements for the variety specified:

(1) Beurre D'Anjou pears shall be of a size not smaller than 165 size and shall grade at least U.S. No. 2: *Provided,* That pears of such variety which bear unhealed broken skin punctures not exceeding three-sixteenths (3/16) of an inch in diameter or depth, as the case may be, may be shipped if such pears otherwise grade at least U.S. No. 1 and are of a size not smaller than 135 size;

(2) Beurre D'Anjou pears shipped from the Medford, Hood River-White, Salmon-Underwood, Wenatchee, and Yakima Districts prior to October 15, 1971, shall have an appropriate certification by the Federal-State Inspection Service, issued prior to shipment, showing that the core temperature of such pears has been lowered to 35° Fahrenheit or less;

(3) Winter Nelis pears shall grade at least U.S. No. 2 and shall be of a size not smaller than 195 size;

(4) Beurre Bosc pears shall grade at least U.S. No. 2 and shall be of a size not smaller than 180 size: *Provided,* That pears of such variety which are of a size not smaller than 195 size may be shipped if such pears grade at least U.S. No. 1;

(5) Doyenne du Comice pears shall be of a size not smaller than 165 size and shall grade at least U.S. No. 2: *Provided,*

That pears of such variety which bear unhealed broken skin punctures not exceeding three-sixteenth (3/16) of an inch in diameter or depth, as the case may be, may be shipped if such pears otherwise grade at least U.S. No. 1 and are of a size not smaller than 135 size;

(b) During the aforesaid period, each handler may ship on any one conveyance up to, but not to exceed, 200 standard western pear boxes of pears, or an equivalent quantity of pears in other containers computed by weight to the nearest 5 pounds, without regard to the inspection requirements of § 927.60(a), under the following conditions:

(1) Each handler desiring to make shipment of pears pursuant to this subparagraph shall first apply to the committee, on forms furnished by the committee, for permission to make such shipments. The application form shall provide a certification by the shipper that all shipments made thereunder during the marketing season shall meet the marketing order requirements, that he agrees such shipments shall be subject to spot check inspection, and that he agrees to report such shipments at time of shipment to the committee on forms furnished by the committee, showing the car or truck number and destination; and

(2) On the basis of such individual reports the committee shall require spot check inspection of such shipments.

(c) When used herein, "U.S. No. 1" and "U.S. No. 2" shall have the same meaning as when used in the U.S. Standards for Winter Pears such as Anjou, Bosc, Winter Nelis, Comice, and other similar varieties (7 CFR 51.1300–51.1323); "135 size," "180 size," and "195 size," shall means that the pears are of a size which, as indicated by the size number, will pack, in accordance with the sizing and packing specifications of a standard pack as specified in said U.S. Standards, 135, 180, or 195 pears, respectively, in a standard western pear box (inside dimensions 18 inches long by 11½ inches wide by 8½ inches deep); and, except as otherwise specified, all other items shall have the same meaning as when used in the amended marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the seventh day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: August 4, 1971.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-11437 Filed 8-6-71;8:54 am]

[7 CFR Part 1064]

[Docket No. AO-23-A41]

MILK IN GREATER KANSAS CITY MARKETING AREA

Termination of Proceeding on Proposed Amendments to Tentative Marketing Agreement and Order

A notice was issued on July 30, 1971, giving notice of a public hearing to be held at the Aztec Room, Hotel President, 14th and Baltimore, Kansas City, MO, beginning at 9:30 a.m., on August 12, 1971, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Greater Kansas City marketing area.

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

Proponent who submitted proposals for consideration at this public hearing has withdrawn such proposals. Since proponent withdrew its proposals and no other persons have indicated an interest in supporting the proposed amendments, it is hereby concluded that a public hearing as previously announced should not be held.

Accordingly, the aforesaid proceeding which was initiated by the notice of hearing issued July 30, 1971, is hereby terminated.

Signed at Washington, D.C., on August 5, 1971.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[FR Doc.71-11454 Filed 8-6-71;8:53 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 1, 21, 23, 25, 27, 29, 33]

[Docket No. 11010; Notice 71-12A]

AIRCRAFT AND AIRCRAFT ENGINES

Proposed Certification Procedures and Type Certification Standards; Extension of Comment Period

The Federal Aviation Administration proposed in Notice 71-12, published in the FEDERAL REGISTER on May 5, 1971 (36 F.R. 8383), to amend Parts 1, 21, 23, 25, 27, 29, and 33 of the Federal Aviation Regulations to change the procedural requirements relating to aircraft and aircraft engine certifications, and to update and improve the airworthiness standards applicable to the type certification of aircraft engines, including the standards applicable to engines used on supersonic airplanes. In addition, Notice 71-12 proposed airworthiness standards applicable to aircraft on which the engines are to be installed and proposed changes in definitions. The notice contained over 70 detailed proposed changes to the regulations.

The Aerospace Industries Association of America, Inc. (AIA), has requested a 45-day extension of time for submission of comments. AIA states that its members have prepared and considered preliminary comments on the proposed changes, but that, because of the scope and large number of proposals, additional meetings of its members will be required to finalize its comments, and that it will not be possible for it to prepare and submit meaningful comments on the proposals prior to the expiration of the period for filing comments.

I find that petitioner has shown a substantive interest in the proposed amendments that good cause exists for the extension and that the extension is consistent with the public interest.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 11.45), the time within which comments on Notice 71-12 will be received is extended to September 15, 1971.

Issued in Washington, D.C., on August 3, 1971.

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

[FR Doc.71-11375 Filed 8-6-71;8:49 am]

[14 CFR Part 23]

[Docket No. 11011; Notice 71-13A]

NORMAL, UTILITY, AND ACROBATIC CATEGORY AIRPLANES

Proposed Type Certification Standards; Extension of Comment Period

The Federal Aviation Administration proposed in Notice 71-13, published in the FEDERAL REGISTER on May 5, 1971 (36 F.R. 8398) to amend Part 23 of the Federal Aviation Regulations to update and improve the airworthiness standards applicable to normal, utility, and acrobatic category airplanes. Notice 71-13 was issued after an extensive review by the FAA of the airworthiness standards of Part 23 in the light of worldwide experience with small airplanes, and contained more than 50 detailed proposed changes to those standards.

The General Aviation Manufacturers Association (GAMA) has requested a 45-day extension of time for submission of comments. GAMA states that its members have been reviewing the proposals since the publication of Notice 71-13 in the FEDERAL REGISTER, but that because of the scope and large number of proposals they have been unable to reach an agreed position, and that it will not be

possible for its members to meet and discuss their individual comments and to prepare and submit meaningful comments on the proposals prior to the expiration of the period for filing comments.

I find that petitioner has shown a substantive interest in the proposed amendments that good cause exists for the extension and that the extension is consistent with the public interest.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 11.45), the time within which comments on Notice 71-13 will be received is extended to September 15, 1971.

Issued in Washington, D.C., on August 3, 1971.

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

[FR Doc.71-11376 Filed 8-6-71;8:49 am]

[14 CFR Part 71]

[Airspace Docket No. 71-CE-84]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Dubuque, Iowa.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. 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 proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

Since designation of controlled airspace at Dubuque, Iowa, two new instrument approach procedures have been developed for the Dubuque Municipal Airport. In addition, the criteria for the designation of control zones and transition areas have changed. Accordingly, it is necessary to alter the Dubuque, Iowa, control zone and transition area to adequately protect aircraft executing these new approach procedures and to comply with the new control zone and transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

DUBUQUE, IOWA

Within a 5-mile radius of Dubuque Municipal Airport (latitude 42°24'10" N., longitude 90°42'32" W.); within 3 miles each side of the Dubuque VORTAC 321° radial, extending from the 5-mile-radius zone to 8 miles northwest of the VORTAC; and within 3 miles each side of the Dubuque VORTAC 126° radial, extending from the 5-mile-radius zone to 8 miles southeast of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

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

DUBUQUE, IOWA

That airspace extending upward from 700 feet above the surface within an 8½ mile radius of Dubuque Municipal Airport (latitude 42°24'10" N., longitude 90°42'32" W.); and within 4½ miles northeast and 9½ miles southwest of the Dubuque VORTAC 321° radial, extending from the VORTAC to 18½ miles northwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 42°05'00" N., longitude 91°00'00" W., thence west along latitude 42°05'00" N., to and north along longitude 92°15'00" W., to and counterclockwise along the arc of a 29-mile-radius circle centered on the Waterloo, Iowa VORTAC, and to east along the south edge of V-100, to and clockwise along the arc of a 29-mile-radius circle centered on the Dubuque VORTAC, to and southeast along the southwest edge of V-218, to and south along longitude 89°55'00" W., to and southwest along the northwest edge of V-216, and to west along the north edge of V-172, to and north along longitude 91°00'00" W. to the point of beginning, excluding the portion which overlies the State of Illinois.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on July 13, 1971.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.71-11378 Filed 8-6-71;8:49 am]

[14 CFR Part 71]

[Airspace Docket No. 71-EA-88]

CONTROL ZONES AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Fort Eustis, Va. (36 F.R. 2081), and Newport News, Va. (36 F.R. 2110), control zones and Norfolk, Va., transition area (36 F.R. 2243).

We have reviewed the airspace requirements for the Fort Eustis and Newport News, Va., terminal areas for conformance to the U.S. Standard for Terminal Instrument Procedures. This review indicated that alteration of the control zones and 700-foot floor transition area will be required.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views 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 the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Fort Eustis and Newport News, Va., proposes the airspace action hereinafter set forth:

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

Within a 5-mile radius of the center, 37°07'45" N., 76°36'45" W., of Felker AAF, Fort Eustis, Va., and within 3 miles each side of the 323° bearing from the Felker AAF RBN, extending from the 5-mile-radius zone to 8.5 miles northwest of the RBN, excluding the portion that coincides with the Newport News, Va., control zone.

2. Amend § 71.171 of Part 71, Federal Aviation Regulations, so as to delete the description of the Newport News, Va., control zone and insert the following in lieu thereof:

Within a 5-mile radius of the center, 37°07'51" N., 76°29'35" W., of Patrick Henry Airport, Newport News, Va., excluding the portion that coincides with the Hampton Roads, Va., control zone.

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

That airspace extending upward from 700 feet above the surface bounded by a line beginning at 37°10'30" N., 76°17'35" W., to 36°49'45" N., 75°52'05" W., to 36°29'25" N., 76°09'40" W., to 36°35'40" N., 76°18'40" W., to 36°54'00" N., 76°27'30" W., to 36°54'00" N., 76°36'15" W., to 37°11'30" N., 76°46'40" W., to 37°16'10" N., 76°39'25" W., to 37°11' 50" N., 76°16'20" W., thence to the point of beginning; within 2 miles southeast and 5 miles northwest of the Langley AFB, Hampton, Va., (37°05'05" N., 76°21'25" W.) Runway 7 centerline extended 15 miles northeast of the end of Runway 7; within the arc of an 8.5-mile radius circle centered on Patrick Henry Airport, Newport News, Va. (37°07'51" N., 76°29'35" W.) extending clockwise from a 323° bearing to a 066° bearing from the center of the airport; within 3.5 miles each side of the Patrick Henry Airport ILS localizer southwest course, extending from the LOM to 11.5 miles southwest.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on July 26, 1971.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.71-11379 Filed 8-6-71;8:49 am]

[14 CFR Part 71]

[Airspace Docket No. 71-EA-107]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation and Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Beckley, W. Va., control zone and alter the Beckley, W. Va., transition area (36 F.R. 2152).

A review has been made of the airspace requirements for the terminal area of Beckley, W. Va., for compliance with the U.S. Standard for Terminal Instrument Procedures. As a result, an alteration of the transition area is required, and with the implementation of requisite weather and communications criteria, a control zone may also be designated.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views 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 the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Beckley, W. Va., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to designate a Beckley, W. Va., control zone as follows:

BECKLEY, W. VA.

Within a 6.5-mile radius of the center, 37°46'54" N., 81°07'27" W. of Raleigh County Memorial Airport, Beckley, W. Va., and within 3 miles each side of the Beckley VOR 284° radial extending from the 6.5-mile-radius zone to 8.5 miles west of the VOR.

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

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the center, 37°46'54" N., 81°07'27" W. of Raleigh County Memorial Airport, Beckley, W. Va.; within a 14-mile radius of the center of Raleigh County Memorial Airport, extending clockwise from the 025° bearing to the 215° bearing from the airport and within 4.5 miles north and 9.5 miles south of the Beckley VOR 284° radial, extending from the VOR to 18.5 miles west of the VOR.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on July 22, 1971.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.71-11380 Filed 8-6-71;8:49 am]

[14 CFR Part 71]

[Airspace Docket No. 71-RM-9]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of Dickinson, N. Dak., control zone and transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 5651 West Manchester Boulevard, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. 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 proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Boulevard, Los Angeles, CA 90045.

The Federal Aviation Administration proposes to amend the current AL-120-VOR-1 instrument approach procedure to incorporate 7 NM DME arc transitions to the final approach radial 013° T (359° M) of the Dickinson VORTAC. A review of the airspace requirements for Dickinson Airport has revealed that the control zone and transition area require alteration.

The additional control zone will provide controlled airspace protection for aircraft executing the instrument approach procedure while operating below 1,000 feet above the surface. The additional 1,200-foot transition area is required for aircraft executing the arc transitions, procedure turn and holding procedures based on the Dickinson VORTAC.

In consideration of the foregoing, the FAA proposes the following airspace actions:

In § 71.171 (36 F.R. 2055) the description of the Dickinson, N. Dak., control zone is amended to read as follows:

DICKINSON, N. DAK.

Within a 5-mile radius of Dickinson Municipal Airport (latitude 46°47'51" N., longitude 102°47'49" W.) and within 3 miles each side of the Dickinson VORTAC 013° radial extending from the 5-mile-radius area to 8 miles north of the VORTAC.

In § 71.181 (36 F.R. 2140) the description of the Dickinson, N. Dak., transition area is amended to read as follows:

DICKINSON, N. DAK.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Dickinson Municipal Airport (latitude 46°47'51" N., longitude 102°47'49" W.); and that airspace extending upward from 1,200 feet above the surface within a 13-mile-radius circle centered on the Dickinson VORTAC, extending clockwise from the Dickinson VORTAC 259° radial to the Dickinson VORTAC 093° radial; and within 9.5 miles west and 4.5 miles east of the Dickinson VORTAC 013° radial extending from the VORTAC to 18.5 miles north of the VORTAC.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (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 Aurora, Colo., on July 30, 1971.

M. M. MARTIN,
Director, Rocky Mountain Region.

[FR Doc.71-11381 Filed 8-6-71;8:49 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SW-31]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Port Lavaca, Tex.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. 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 public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. 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 the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the following transition area is added:

PORT LAVACA, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Calhoun County Airport (latitude 28°39' 12" N., longitude 96°40'56" W.) and within 2.5 miles each side of the Palacios VORTAC 233° radial extending from the 5-mile-radius area to 16 miles southwest of the VORTAC.

The proposed transition area will provide controlled airspace for aircraft executing approach/departure procedures proposed at Calhoun County Airport, Port Lavaca, Tex.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on July 29, 1971.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.71-11382 Filed 8-6-71;8:49 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SW-41]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Flippin, Ark., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. 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 public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. 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 the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

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

FLIPPIN, ARK.

That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of the Flippin Municipal Airport (latitude 36°17'30" N., longitude 92°35'30" W.); within 3.5 miles each side of the Flippin VOR 086° radial extending from the Flippin Municipal Airport 9.5-mile-radius area to 8.5 miles east of the VOR; within an 8-mile radius of Mountain Home Municipal Airport (latitude 36°22'00" N., longitude 92°-28'00" W.); and within 3.5 miles each side of the Flippin VOR 172° radial extending from the Mountain Home Municipal Airport 8-mile-radius area to 8.5 miles south of the VOR.

Minor alterations in the dimensions of the Flippin, Ark., transition area will conform to Terminal Instrument Procedures (TERPs) standards and airspace criteria.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on July 28, 1971.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.71-11383 Filed 8-6-71;8:49 am]

[14 CFR Part 91]

[Docket No. 10462; Notice No. 71-22]

VFR FLIGHT BENEATH CLOUDS

Supplemental Notice of Proposed Rule Making

On July 30, 1970, the Federal Aviation Administration published a notice of proposed rule making (Notice 70-29; 35 F.R. 12214) relating to VFR flight beneath the clouds within a control zone. Specifically, the notice proposed to amend FAR § 91.105(c) by removing the ceiling as reported at the primary airport as the criterion for VFR flight in a control zone, and substituting the actual cloud condition prevailing at any given point in the control zone where VFR flight is being conducted.

Over 90 comments were received in response to the notice. A large majority of the commentators expressed opposition to the proposal on the grounds that it would further restrict VFR flight in control zones. An analysis of all the comments revealed that a great many commentators did not understand the proposal nor in fact the application of the present rule.

In view of the manifest misunderstanding revealed in so many of the comments, the FAA does not believe that the comments received provide a basis for informed, effective rule making in this matter. Accordingly, the FAA is issuing this supplemental notice of proposed rule making, and requests that interested persons review their comments in the light of the following discussion, and, if appropriate, submit additional comments.

All comments with respect to this supplemental notice received on or before November 5, 1971, will be considered by the Administrator before taking action on the proposed rule change. Communications should identify the docket number or notice number and be submitted in duplicate to the FAA, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, DC 20590. All comments will be available, both before and after the closing date for comments, for examination by interested persons.

Section 91.105(c), in its present form, prohibits operation of an aircraft under VFR within a control zone beneath a ceiling of less than 1,000 feet (except with a Special VFR clearance). Although the rule does not so state, it has been interpreted for over 20 years to mean that the ceiling reported at the primary

airport in a control zone governs throughout the zone regardless of the actual cloud condition elsewhere in a control zone. Many commentors were unaware of or disagreed with this interpretation.

The procedures for taking weather observations provide for the observer to estimate the amount, in tenths of the total sky, within his horizon, which is covered by clouds or obscuring phenomena. A ceiling exists when six-tenths or more of the sky under observation is covered. When two or more cloud layers are present, the summation principle is applied. This involves adding the amount covered at lower levels to the apparent amount covered at higher levels. Thus, the ceiling height reported at a primary airport may not be accurate with respect to cloud heights at other locations in a control zone.

The effect of § 91.105(c), as currently interpreted by the FAA, is that when a ceiling of less than 1,000 feet is reported by the primary airport in a control zone, VFR flight to or from a satellite airport within the control zone is prohibited even though the actual cloud condition at the satellite airport may be less than broken, overcast, or obscured, and may, in fact, be clear.

Under the proposed change, the cloud condition reported at the primary airport in a control zone would no longer govern VFR operations elsewhere in the zone. The criterion for VFR operations elsewhere in a control zone would be the height of the clouds as observed by the pilot in that portion of the zone where VFR flight is being conducted. The pilot would have the responsibility, except at the primary airport, for determining actual cloud conditions in control zones just as he does in other controlled airspace and outside of controlled airspace. This responsibility is the same as he now has with respect to determining flight visibility for VFR operations at those airports where ground visibility is not reported. Neither the visibility requirement for VFR flight in control zones nor the pilot's responsibility for determining that visibility would be affected by this proposal.

The provisions of §§ 91.79 and 91.105 (a) would, of course, continue to apply.

The FAA recognizes that, since traffic density tends to be greater in control zones than elsewhere, the VFR pilot has to exercise a high degree of vigilance in the zones. The FAA expects that this high degree of vigilance will continue to be exercised so that the greater freedom for VFR operations envisaged in the proposed amendment would accrue to all VFR pilots with no diminution of safety for any traffic within control zones.

In consideration of the foregoing, it is proposed to amend § 91.105(c) of the Federal Aviation Regulations to read as follows:

§ 91.105 **Basic VFR weather minimums.**

* * * * *

(c) Except as provided in § 91.107, no person may operate an aircraft under VFR in a control zone beneath clouds that are less than 1,000 feet above the surface.

* * * * *

This amendment is proposed under the authority of sections 307 and 313 of the Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1354), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on August 2, 1971.

RAYMOND G. BELANGER,
Acting Director,
Air Traffic Service.

[FR Doc.71-11377 Filed 8-6-71;8:49 am]

ATOMIC ENERGY COMMISSION

[10 CFR Part 50]

LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Light-Water-Cooled Nuclear Power Reactors; Notice of Extension of Time for Filing Comments

On June 9, 1971, the Atomic Energy Commission published in the FEDERAL REGISTER (36 F.R. 11113) proposed amendments to 10 CFR Part 50, to provide numerical guides for design objectives and technical specification requirements for limiting conditions for operation for light water cooled nuclear power reactors to keep radioactivity in effluents as low as practicable. Interested persons were invited to submit comments or suggestions within 60 days after publication of the notice of proposed rule making in the FEDERAL REGISTER.

The Commission is hereby extending the time for submitting comments to October 7, 1971. Comments received after that time will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of comments received may be examined at the Commission's Public Document Room, 1717 H Street NW., Washington, DC. The Commission plans to hold an informal, public rule making hearing on the proposed numerical guides. An appropriate notice pertaining thereto will be published in the near future.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 5th day of August 1971.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary of the Commission.

[FR Doc.71-11513 Filed 8-6-71;10:46 am]

Notices

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority No. 88, Amdt.]

ASSISTANT ADMINISTRATORS

Delegation of Authority Relating to Housing Guaranties

1. A.I.D. Delegation of authority No. 88 (35 F.R. 17675) is amended by deleting paragraph 1 and substituting therefor the following:

1. Pursuant to the authority delegated to me by Delegation of Authority No. 104, as amended, from the Secretary of State, dated November 3, 1961 (26 F.R. 10608), I hereby delegate to the Assistant Administrator for Administration all of the authorities contained in Sections 221, 222, 223 and 635(i) of the Act, except the authority to authorize the issuance of guaranties, which I hereby delegate to the Regional Assistant Administrators for the countries or areas within their responsibilities.

2. This amendment to paragraph 1 shall be effective as of November 4, 1970.

3. A.I.D. Delegation of Authority No. 88 (35 F.R. 17675) is further amended by deleting paragraph 4 and substituting therefor the following:

4. The authority delegated herein may be redelegated successively, except for the authority to prescribe and amend interest rates provided in section 223(f) of the Act. All authority delegated herein may be exercised by persons who are performing the functions of designated officers in an acting capacity.

4. This amendment to paragraph 4 shall be effective immediately.

Dated: July 7, 1971.

JOHN A. HANNAH,
Administrator.

[FR Doc.71-11353 Filed 8-6-71;8:46 am]

DIRECTOR AND DEPUTY DIRECTOR, OFFICE OF HOUSING

Redelegation of Authority

JULY 26, 1971.

1. A.I.D. Redelegation of Authority to the Director and Deputy Director, Office of Housing, dated November 5, 1970 (35 F.R. 17675), is amended by deleting paragraph 1 and substituting therefor the following:

1. Pursuant to the authority delegated to me by Delegation of Authority No. 88, as amended, from the Administrator, A.I.D., dated November 4, 1970, I hereby redelegate to the Director and Deputy Director, of the Office of Housing, the following authorities:

A. All of the authorities delegated to me by the above-mentioned Delegation of Authority No. 88, as amended, except for the authority to prescribe and amend interest rates provided in section 223(f) of the Act.

2. This amendment to the Redelegation of Authority of November 5, 1970 shall be effective immediately.

Dated: July 26, 1971.

JAMES F. CAMPBELL,
Acting Assistant Administrator for Administration.

[FR Doc.71-11352 Filed 8-6-71;8:46 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

WARM SPRINGS RESERVATION, OREG.

Ordinance Relating to Application of Federal Indian Liquor Laws

JULY 28, 1971.

In accordance with authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2, and in accordance with the Act of August 15, 1953, Public Law 277, 83d Cong. first session (67 Stat. 586), I certify that the following ordinance relating to the application of the Federal Indian Liquor Laws on the Warm Springs Reservation, Oreg., was adopted on April 29, 1971, by the Council of the Confederated Tribes, which has jurisdiction over the area of Indian Country included in the ordinance, reading as follows:

Whereas, authority is vested in the Tribal Council by the Constitution and Bylaws adopted by the Confederated Tribes of the Warm Springs Reservation of Oregon and approved on February 14, 1938, to act for the Confederated Tribes, and

Whereas, pursuant to the Act of August 15, 1953 (Public Law 277, 83d Cong., first session, 67 Stat. 586) an Indian Tribe having appropriate jurisdiction is empowered to make an ordinance legalizing the introduction, sales and possessions of intoxicating beverages within any area of Indian Country coming within the jurisdiction of such Tribe, and

Whereas, the Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon desires to repeal the Federal Indian Liquor Laws as to any act or transaction within the Warm Springs Indian Reservation and to approve legalizing the introduction, sale, and possession of intoxicating beverages within the Warm Springs Indian Reservation,

Now, therefore, be it enacted by the Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon as follows:

1. That the introduction, sale, and possession of intoxicating beverages shall be lawful within the exterior boundaries of the Warm Springs Indian Reservation: *Provided*, That such introduction, sale, and possession is not in conflict with the laws of the State of Oregon: *Provided further*, That the sale of intoxicating beverages on the Warm Springs Reservation shall be done only by the Confederated Tribes through the Kah-Nee-Ta Resort Enterprise.

2. That the Tribal laws, resolutions, ordinances heretofore enacted which prohibit the introduction, sale, and possession of intoxicating beverages within the Warm Springs Indian Reservation are hereby repealed.

3. That this ordinance shall be effective upon its certification by the Secretary of the Interior or his authorized representative and its publication in the FEDERAL REGISTER.

Be it further resolved, that copies of this ordinance be forwarded through the Superintendent, Warm Springs Agency, for action by the proper officials.

LOUIS R. BRUCE,
Commissioner of Indian Affairs.

[FR Doc.71-11346 Filed 8-6-71;8:46 am]

Bureau of Land Management

IDAHO

Notice of Filing of Plat of Survey

AUGUST 2, 1971.

1. A plat of survey for the following described lands, accepted June 30, 1971, will be officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho, effective 10 a.m., on September 6, 1971.

BOISE MERIDIAN, IDAHO

T. 12 N., R. 15 E., unsurveyed,
Tracts 37 and 38

The tracts described aggregate 2.50 acres.

2. The described tracts are embraced in the Challis National Forest. The tracts are included in Forest Exchange application I-2840, and are segregated in accordance with 43 CFR 2202.5 from appropriation under the public land laws, including the mining laws.

EUGENE E. BABIN,
Acting Chief, Branch of Records, Boise, Idaho.

[FR Doc.71-11429 Filed 8-6-71;8:53 am]

OUTER CONTINENTAL SHELF OFFSHORE EASTERN LOUISIANA

Notice of Public Hearing

AUGUST 5, 1971.

Notice is hereby given in accordance with 43 CFR 3301.4, that a public hearing will be held beginning at 9 a.m. on September 8, 1971, in the Grand Ballroom, Sheraton Charles Hotel, 211 St. Charles Street, New Orleans, LA, for the purpose of receiving comments and suggestions relating to possible oil and gas leasing in December 1971 offshore Eastern Louisiana. The hearing has been scheduled to extend through September 9.

The hearing will provide the Secretary with additional information from both the public and private sectors to help evaluate fully the potential effects of the possible offshore Eastern Louisiana offering of 86 tracts on the total environments, aquatic resources, aesthetics, recreation, and other resources in the entire area during the exploration, development and operation phases of the leasing program.

The hearing will also provide the Secretary, under section 102(2)(c) of the National Environmental Policy Act of 1969, with the opportunity to receive comments and views of State and local agencies, which are authorized to develop and enforce environmental standards, with respect to the environmental impact involved in the proposed offering of the 86 tracts. All comments by State and local agencies under this section of the National Environmental Policy Act are requested to be submitted at the hearing in written form and should consider the points analyzed in a draft environmental impact statement which has been prepared by the Department of the Interior. The draft environmental statement considers the environmental impact of the possible leasing of 86 tracts offshore Eastern Louisiana. The public availability of the draft statement was previously announced in a notice published in the FEDERAL REGISTER on July 31, 1971.

The draft environmental statement is available for public review in the Office of the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, Post Office Box 53226, New Orleans, LA 70153, and in the Office of Information, Bureau of Land Management (130), Washington, D.C. 20240. Copies are also available at $1 per copy from the same offices.

A composite map of the area of the Gulf of Mexico offshore Eastern Louisiana, upon which tracts being considered for leasing have been depicted and a listing of these tracts may be obtained at no charge from the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, Post Office Box 53226, New Orleans, LA 70153, and from the Office of Information, Bureau of Land Management (130), Washington, D.C. 20240.

Interested individuals, representatives of organizations and public officials wishing to testify at the hearing are requested to contact the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, at the above listed address by 4:15 p.m., September 3, 1971. Written comments from those unable to attend the hearing should be addressed to the Director (Attention 310), Bureau of Land Management, U.S. Department of the Interior, Washington, D.C. 20240. The Department will accept written testimony and comments on the draft environmental statement for a period of 10 days following the last day of the hearing. This will allow ample time for those unable to testify at the hearing to make their views known and for the submission of supplemental materials by those presenting oral testimony. Time limitations may make it necessary to limit the length of oral presentations. An oral statement may, however, be supplemented by a more complete written statement which may be submitted to the hearing officer at the time of presentation of the oral statement. Written statements presented in person at the hearing will be considered for inclusion in the hearing record. To the extent that time is available after presentation of oral statements by those who have given advance notice, the hearing officer will give others present an opportunity to be heard.

After all testimony and comments have been received and analyzed a final environmental statement will be prepared.

BURTON W. SILCOCK,
Director,
Bureau of Land Management.

[FR Doc.71-11456 Filed 8-6-71;8:53 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 6002; Docket No. FDC-D-309; NDA 12-344]

CERTAIN ANTI-INFECTIVE DRUGS

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs:

1. Primaquine Phosphate Tablets; Winthrop Laboratories, Division of Sterling Drug, Inc., 90 Park Avenue, New York, N.Y. 10016 (NDA 8-316).

2. Primaquine Phosphate Tablets; Parke, Davis and Co., Joseph Campau at the River, Detroit, Mich. 48232 (NDA 8-973).

3. Camoquin Hydrochloride Tablets containing amodiaquine hydrochloride; Parke, Davis and Co. (NDA 6-441).

4. Camoprim Tablets containing amodiaquine hydrochloride with primaquine phosphate, and Camoprim Infatabs containing amodiaquine with primaquine phosphate; Parke, Davis and Co. (NDA 9-980).

5. Aralen Hydrochloride Ampuls containing chloroquine hydrochloride; Winthrop Laboratories (NDA 6-002).

6. Aralen Phosphate Tablets containing chloroquine phosphate; Winthrop Laboratories (NDA 6-002).

7. Plaquenil Sulfate Tablets containing hydroxychloroquine sulfate; Winthrop Laboratories (NDA 9-768).

8. Plaquinol Tablets containing hydroxychloroquine sulfate; Winthrop Products, (NDA 9-943).

9. Daraprim Tablets containing pyrimethamine; Burroughs Wellcome and Co., Inc., 3030 Cornwallis Road, Research Triangle Park, North Carolina 27709 (NDA 8-578).

10. Bryrel with Superinone Syrup containing piperazine hexahydrate with tyloxapol; Winthrop Products, Inc. (NDA 11-639).

11. Antepar Tablets and Syrup containing piperazine citrate, and Antepar Wafers containing piperazine phosphate; Burroughs Wellcome and Co. (NDA 9-102).

12. Multifuge syrup containing piperazine citrate; The Blue Line Chemical Co., 302 South Broadway Street, St. Louis, Mo. 63102 (NDA 9-452).

13. Piperazine Citrate Syrup; E. W. Heun Co., 2303 Schuetz Road, St. Louis, Mo. 63141 (NDA 9-437).

14. Perin Syrup containing piperazine calcium edetate; Endo Laboratories, Inc., 1000 Stewart Avenue, Garden City, N.Y. 11530 (NDA 9-594).

15. Vermizine Syrup containing piperazine gluconate; Conal Pharmaceuticals Inc., Chicago Pharmacal Division, 5547 North Ravenswood Avenue, Chicago, Ill. 60640 (NDA 11-258).

16. Milibis Tablets containing glycobiarsol; Winthrop Laboratories (NDA 6-903).

17. Povan Suspension (NDA 11-964) and Tablets (NDA 12-485) containing pyrvinium pamoate; Parke, Davis and Co.

18. Delvex Tablets containing dithiazanine iodide; Eli Lilly and Co., Post Office Box 618, Indianapolis, Ind. 42606 (NDA 11-440).

19. Lucanthone Hydrochloride Tablets; Burroughs Wellcome and Co., (NDA 12-344).

20. Camoform Hydrochloride Tablets containing bialamicol hydrochloride; Parke, Davis and Co., (NDA 9-303).

21. Hetrazan Tablets and Syrup containing diethylcarbamazine citrate; Lederle Laboratories Division, American Cyanamid Co., Pearl River, N.Y. 10965 (NDA 6-459).

22. Sterile Hydroxystilbamidine Isethionate; The Wm. S. Merrell Co., Division of Richardson-Merrell, Inc., 110 East Amnity Road, Cincinnati, Ohio 45215 (NDA 9-166).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new-drug applications are required to revise

the labeling in, and to update previously approved applications providing for such drugs. A new-drug application is required from any person marketing such drug without approval.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that:

1. Primaquine phosphate is effective for the radical cure (prevention of relapse) of vivax malaria.

2a. Amodiaquine hydrochloride is effective for suppressive treatment and for treatment of acute attacks of malaria due to *Plasmodium vivax, P. malariae, P. ovale,* and susceptible strains of *P. falciparum.*

b. It is probably effective for the treatment of giardiasis and extraintestinal amebiasis.

3a. Amodiaquine hydrochloride with primaquine phosphate tablets are effective for suppressive treatment of malaria due to *P. vivax, P. malariae, P. ovale,* and susceptible strains of *P. falciparum.*

b. The pediatric dosage form of this drug is probably effective for these same indications.

4. Chloroquine hydrochloride injection is effective for the treatment of extraintestinal amebiasis and for treatment of acute attacks of malaria due to *P. vivax, P. malariae, P. ovale,* and susceptible strains of *P. falciparum.*

5. Chloroquine phosphate tablets are effective for suppressive treatment and for treatment of acute attacks of malaria due to *P. vivax, P. malariae, P. ovale,* and susceptible strains of *P. falciparum.* They are also effective for the treatment of extraintestinal amebiasis. Chloroquine phosphate tablets are effective in the treatment of discoid and systemic lupus erythematosus and rheumatoid arthritis.

6a. Hydroxychloroquine sulfate is effective for suppressive treatment and for treatment of acute attacks of malaria due to *P. vivax, P. malariae, P. ovale,* and susceptible strains of *P. falciparum.* It is also effective in the treatment of rheumatoid arthritis and discoid and systemic lupus erythematosus.

b. It is probably effective for the treatment of polymorphic light eruptions, giardiasis, and extraintestinal amebiasis.

7. Pyrimethamine is effective for suppressive treatment of malaria due to *P. vivax, P. falciparum,* and *P. malariae.* It is also effective for the treatment of toxoplasmosis when used concomitantly with a systemic sulfonamide.

8a. Piperazine hexahydrate with tyloxapol is effective for the treatment of ascariasis, and

b. Probably effective for the treatment of enterobiasis.

9. Piperazine citrate and piperazine phosphate are effective for the treatment of ascariasis and enterobiasis.

10. Piperazine calcium edetate is probably effective for the treatment ascariasis and enterobiasis.

11. Piperazine gluconate is probably effective for the treatment of ascariasis and enterobiasis.

12a. Glycobiarsol is effective for the treatment of intestinal amebiasis in adults and children weighing over 80 pounds but is not considered to be the drug of choice.

b. It is possibly effective for prophylaxis against intestinal amebiasis.

13a. Pyrvinium pamoate in suspension form is effective for the treatment of enterobiasis.

b. Pyrvinium pamoate in tablet form is probably effective for the treatment of enterobiasis.

14. Dithiazanine iodide is effective for the treatment of strongyloidiasis and trichuriasis but is considered too toxic for use except in life-threatening situations.

15a. Lucanthone hydrochloride is effective for the treatment of schistosomiasis due to *Schistosoma hematobium,* and *S. mansoni.*

b. It lacks substantial evidence of effectiveness for the treatment of schistosomiasis due to *S. japonicum.*

16. Bialamicol hydrochloride is effective for the treatment of intestinal amebiasis.

17a. Diethylcarbamazine citrate is effective for the treatment of Bancroft's filariasis, onchocerciasis, ascariasis, tropical eosinophilia, and loiasis; and

b. Possibly effective for the treatment of creeping eruption (cutaneous larva migrans).

18a. Hydroxystilbamide isethionate is effective for the treatment of visceral leishmaniasis (kala-azar) and American mucocutaneous leishmaniasis; and for the treatment of North American blastomycosis but is not considered to be the drug of choice.

b. It is possibly effective for relief of bone pain in multiple myeloma patients.

B. *Conditions for approval and marketing of drugs having an effective classification.* The Food and Drug Administration is prepared to approve abbreviated new-drug applications and abbreviated supplements to previously approved new-drug applications under conditions described herein.

1. *Form of drug.* a. Piperazine citrate and diethylcarbamazine citrate are in tablet or syrup form, piperazine hexahydrate with tyloxapol is in syrup form, piperazine phosphate is in wafer form, pyrvinium pamoate is in suspension form, and all are suitable for oral administration.

b. Chloroquine hydrochloride is in sterile aqueous solution form suitable for intramuscular administration.

c. Hydroxystilbamidine isethionate is in a sterile powder form suitable, after reconstitution, for intravenous administration.

d. The remainder of the drugs are in tablet form suitable for oral administration.

2. *Labeling conditions.* a. The labels bear the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drugs are labeled to comply with all requirements of the Act and regulations. The labeling bears adequate information for safe and effective use of the drug and is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970. The "Indications" sections are as follows:

INDICATIONS

1. *Primaquine phosphate:* For the radical cure (prevention of relapse) of vivax malaria.

2. *Amodiaquine hydrochloride:* For the suppressive treatment and for treatment of acute attacks of malaria due to *P. vivax, P. malariae, P. ovale,* and susceptible strains of *P. falciparum.* The drug is also indicated for the treatment of giardiasis and extraintestinal amebiasis.

3. *Amodiaquine hydrochloride with primaquine phosphate tablets:* For the suppressive treatment of malaria due to *P. vivax, P. malariae, P. ovale,* and susceptible strains of *P. falciparum.*

4. *Chloroquine hydrochloride injection:* For the treatment of extraintestinal amebiasis and for treatment of acute attacks of malaria due to *P. vivax, P. malariae, P. ovale,* and susceptible strains of *P. falciparum* when oral therapy is not feasible.

5. *Chloroquine phosphate tablets:* For the suppressive treatment and for acute attacks of malaria due to *P. vivax, P. malariae, P. ovale,* and susceptible strains of *P. falciparum.* The drug is also indicated for treatment of extraintestinal amebiasis, discoid and systemic lupus erythematosus, and rheumatoid arthritis.

6. *Hydroxychloroquine sulfate:* For the suppressive treatment and treatment of acute attacks of malaria due to *P. vivax, P. malariae, P. ovale,* and susceptible strains of *P. falciparum.* It is also indicated for the treatment of discoid and systemic lupus erythematosus, polymorphic light eruptions, rheumatoid arthritis, giardiasis, and extraintestinal amebiasis.

7. *Pyrimethamine:* For the suppressive treatment of malaria due to *P. vivax, P. falciparum,* and *P. malariae.* It is also indicated for the treatment of toxoplasmosis when used concomitantly with a systemic sulfonamide.

8. *Piperazine hexahydrate with tyloxapol; piperazine citrate; piperazine phosphate:* For the treatment of ascariasis and enterobiasis.

9. *Glycobiarsol:* For the treatment of intestinal amebiasis in adults and children weighing over 80 pounds but is not considered to be the drug of choice.

10. *Pyrvinium pamoate:* For the treatment of enterobiasis.

11. *Dithiazanine iodide:* For the treatment of strongyloidiasis and trichuriasis, in life-threatening situations.

12. *Lucanthone hydrochloride:* For the treatment of schistosomiasis due to *S. hematobium* and *S. mansoni.*

13. *Bialamicol hydrochloride:* For the treatment of intestinal amebiasis.

14. *Diethylcarbamazine citrate:* For the treatment of Bancroft's filariasis, onchocerciasis, ascariasis, tropical eosinophilia, and loiasis.

15. *Hydroxystilbamidine isethionate:* For the treatment of visceral leishmaniasis (kala-azar) and American mucocutaneous leishmaniasis. It is also indicated for the treatment of North American blastomycosis, but it is not considered to be the drug of choice.

c. The "Actions" sections for drugs containing 4-aminoquinolines, 8-aminoquinolines, or pyrimethamine should include a statement regarding the degree of effectiveness on various stages of the life cycle of the parasite and the degree to which strains of the various organisms are sensitive to the drug.

d. The "Warnings" section for chloroquine phosphate and hydroxychloroquine

sulfate should include a statement regarding ocular toxicity associated with long-term or high-dosage therapy.

e. The "Warnings" section for drugs containing 4-aminoquinoline should include a statement that this drug is not effective against chloroquine resistant strains of *P. falciparum*.

f. The "Warnings" section for preparations containing arsenicals should include a statement that arsenical encephalitis, exfoliative dermatitis, and agranulocytosis have occurred during therapy with the drug.

g. The "Contraindications" section for dithiazanine iodide should include a statement that this drug should not be administered to patients who are debilitated, seriously ill, or who have severe renal disease, except in life-threatening situations where other less toxic drugs are not effective.

h. The "Warnings" section for lucanthone hydrochloride should include the statements that serious toxic reactions occur, including convulsions and psychoses predominantly in adults and that significant G.I. disturbances and yellow discoloration of the skin occur frequently.

i. The "Warnings" section for hydroxystilbamidine isethionate should include a statement that patients with inadequate host defense mechanism, as defined by skin and serologic tests, will not respond and will require therapy with amphotericin B.

3. *Marketing status.* Marketing of the above drugs may be continued under the conditions described in the notice entitled "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study" published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), as follows:

a. For holders of "deemed approved" new-drug applications (i.e., an application which became effective on the basis of safety prior to October 10, 1962), the submission of a supplement for revised labeling, an abbreviated supplement for updating information, and adequate data to show the biologic availability of the drug in the formulation which is marketed as described in paragraphs (a)(1) (i), (ii), and (iii) of the notice of July 14, 1970. Biologic availability data for a drug administered by the intravenous route are not required.

b. For any person who does not hold an approved or effective new-drug application, the submission of an abbreviated new-drug application, to include adequate data to assure the biologic availability of the drug in the formulation which is, or is intended to be marketed, as described in paragraph (a)(3)(ii) of that notice. Biologic availability data for a drug administered by the intravenous route are not required.

c. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

4. For indications for which the drug has been classified as probably effective (included in the "Indications" section above) and possibly effective (not included in the "Indications" section above), continued use is described in (c), (d), (e) and (f) of that notice.

C. *Opportunity for a hearing.* 1. The Commissioner of Food and Drugs proposes to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act withdrawing approval of all new-drug applications and all amendments and supplements thereto providing for the indication for which substantial evidence of effectiveness is lacking as described in paragraph A.15.b of this notice. An order withdrawing approval of the applications will not issue if such applications are supplemented, in accord with this notice, to delete such indication. Promulgation of the proposed order may cause any such drug for human use offered for the indication for which substantial evidence of effectiveness is lacking to be a new drug for which an approved new-drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

2. In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the holders of any such applications, and any interested person who would be adversely affected by such an order, an opportunity for a hearing to show why such indications should not be deleted from labeling. A request for a hearing must be filed within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

3. A request for a hearing may not rest upon mere allegations or denials but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing, together with a well organized and full factual analysis of the clinical and other investigational data that the objector is prepared to prove in a hearing. Any data submitted in response to this notice must be previously unsubmitted and include data from adequate and well controlled clinical investigations (identified for ready review) as described in section 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

4. If a hearing is requested and is justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence.

D. *Conditions for marketing drugs having no indications classified as effective.* 1. Marketing of amodiaquine with primaquine phosphate (pediatric dosage form), piperazine calcium edetate, piperazine gluconate, and pyrvinium pamoate (tablet form) which have been classified as probably effective, as stated in paragraphs A.3.b, A.10, A.11, and A.13.b may be continued for 12 months as described in paragraphs (c), (e), and (f) of the notice entitled "Conditions for Marketing New Drugs evaluated in Drug Efficacy Study" published in the FEDERAL REGISTER, July 14, 1970 (35 F.R. 11273).

2. Within 60 days from publication hereof in the FEDERAL REGISTER, the holder of any approved new-drug application for such drug is requested to submit a supplement to his application to provide for revised labeling as needed, which, taking into account the comments of the Academy, furnishes adequate information for safe and effective use of the Academy, furnishes adequate information for safe and effective use of the drug; is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970 (21 CFR 3.74); and recommends use of the drugs for the probably effective indications as follows:

INDICATIONS

a. *Amodiaquine with primaquine tablets:* For suppressive treatment of malaria due to *P. vivax, P. malariae, P. ovale,* and certain strains of *P. falciparum.*

b. *Pyrvinium pamoate tablets:* For the treatment of enterobiasis.

c. *Piperazine calcium edetate:* For the treatment of ascariasis and enterobiasis.

d. *Piperazine gluconate:* For the treatment of ascariasis and enterobiasis.

3. The "Actions" and "Warnings" sections for drugs containing amodiaquine shall include the statements made in paragraphs B.2.c and B.2.e above.

4. The supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9 (d) and (e)) which permit certain changes to be put into effect at the earliest possible time, and the revised labeling should be put into use within the 60-day period.

5. After 60 days following publication hereof in the FEDERAL REGISTER, any such drug on the market without an approved new-drug application and shipped within the jurisdiction of the Federal Food, Drug, and Cosmetic Act should be labeled in accord with this notice.

A copy of the Academy's report has been furnished to each firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 6002, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Original abbreviated new-drug applications (identify as such): Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

Request for Hearing (identify with docket number): Hearing Clerk, Office of General Counsel (GC-1), Room 6-62, Parklawn Building.

Requests for the Academy's report: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 6, 1971.

SAM D. FINE,
Associate Commissioner, for Compliance.

[FR Doc.71-11339 Filed 8-6-71;8:45 am]

[DESI 8983; Docket No. FDC-D-299; NDA's 9-372, 9-373]

CERTAIN GANGLIONIC BLOCKING AGENTS

Drugs for Human Use; Drug Efficacy Study Implementation

Correction

In F.R. Doc. 71-8718 appearing on page 11873 in the issue of Tuesday, June 22, 1971, the following changes should be made:

1. The parenthetical figure appearing in the fourth line of item 5 in the introductory paragraph reading "(NDA 8-893)" should read "(NDA 8-983)".

2. The word "hypertension" appearing in the sixth line of paragraph A under section V should read "hypotension".

ATOMIC ENERGY COMMISSION

NATIONAL ENVIRONMENTAL POLICY ACT

Interim Procedures; Correction

In F.R. Doc. 71-10005 published in the FEDERAL REGISTER on July 16, 1971 (36 F.R. 13233), the references, in section B.2.c to "the information specified in 1.f. (1) through (4) above" (page 13234, column 2, lines 4 and 5) should read "the information specified in 1.g.(1) through (4) above."

Dated at Washington, D.C., this 3d day of August 1971.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary of the Commission.

[FR Doc.71-11341 Filed 8-6-71;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23652]

GOLDEN WEST AIRLINES, INC., AND LOS ANGELES AIRWAYS, INC.

Notice of Prehearing Conference

Golden West Airlines, Inc./Los Angeles Airways, Inc. acquisition agreement, et al.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 10, 1971, at 10 a.m. (local time), in Room 911, Universal Building, 1825 Connecticut Avenue, NW., Washington, DC, before Examiner Harry H. Schneider.

In order to facilitate the conduct of the conference parties are instructed to submit to the Examiner and other parties (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before August 25, 1971, and the other parties on or before September 3, 1971. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights.

Dated at Washington, D.C., August 3, 1971.

[SEAL] RALPH L. WISER,
Acting Chief Examiner.

[FR Doc.71-11423 Filed 8-6-71;8:52 am]

[Dockets Nos. 23482, 23629; Order 71-8-15]

KENNEDY AIRPORT EMERGENCY CARGO COMMITTEE AND AIRPORT SECURITY COUNCIL

Order Authorizing Multicarrier Discussions and Dismissing Application

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of August 1971.

On July 19, 1971, the Airport Security Council [1] filed in Docket 23629, on behalf of the air carriers, foreign and domestic, at the three New York metropolitan airports (JFK, La Guardia, and Newark) an application for permission to conduct multicarrier discussions for the purpose of seeking solutions to the serious air cargo security, traffic and storage problems which are expected to occur at the aforesaid airports if a dock strike affecting the New York ports takes place in the fall of 1971.

In support of the request the Council cites the reasons for its establishment and asserts that a 1969 dock strike in New York caused a tremendous overload of freight in the cargo facilities at the New York airports. This basic security problem, according to the application, led to confusion and great losses of cargo as well as economic and credibility problems between the airlines and their customers. Accordingly, the application asserts that if adequate collective planning on the part of the airlines is not undertaken a dock strike this fall could adversely affect security at the airports in question.[2]

The Council application asserts that the Council plans to bring the airlines together to discuss the drawing up of a plan that would avoid a situation wherein the airlines could be forced into a warehouse business beyond their capacity in the event of a dock strike. In this connection, the application indicates that the two most critical periods of cargo operations, in the event of a strike, are usually just prior to the strike and immediately following its termination. Accordingly, the Council seeks authority to conduct discussions commencing immediately after Board approval of such discussions and extending for 15 days after conclusion of the anticipated dock strike. In this view, the application seeks Board action as quickly as possible.

According to the Council application, primary areas of concern are traffic acceptance procedures, customs and storage facilities and cargo security. Accordingly, the major matters to be discussed would be the following:

1. Controlled acceptance and/or rerouting of articles of extraordinary value, restricted items and perishables when emergency is imminent;

2. Controlled acceptance and/or rerouting of general cargo before a terminal becomes incapable of coping with the emergency; [3]

3. Determination of security requirements such as (a) prevention of unauthorized access to cargo areas; (b) inspection for security weaknesses; (c) methods for locating cargo; (d) temporary use of leased trailers and off-airport warehousing; (e) determining labor requirements for an emergency; and (f) the maintenance of continuous fire and security patrols during the strike period.

In addition to the foregoing matters the application indicates that the proposed discussions will explore the following:

(a) The undertaking of discussions with U.S. Customs about problems U.S. Customs might encounter in the event of a dock strike; and

(b) The maintenance of a close relationship between sales and cargo operations so that the acceptance of air freight will not exceed terminal capacity to process such freight. Also the coordination of other airports and regular

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[1] By Order 68-7-126, dated July 25, 1968, the Board approved an agreement (Agreement CAB 20374) among 23 air carriers and foreign air carriers serving the New York metropolitan area establishing the Airport Security Council. The agreement provides, inter alia, that the purpose of the Council is to establish and implement on behalf of the member carriers a positive cooperative program to take effective protective action against crime and pilferage at the airports in the New York metropolitan area. According to the agreement, each of the carriers signing the agreement is a member of the Council and will designate a representative to the meetings of the Council.

[2] The application indicates that the Council has discussed the matter with the Port of New York Authority and that the Authority agrees that a dock strike would cause an extremely serious airline security problem.

[3] In both (1) and (2) if a shipment could not be carried immediately, a new date of delivery would be assigned.

sources of cargo with the New York airports so that New York can handle a maximum amount of cargo.

The application asserts that adequate notice of all meetings to be held by the Council will be given to all air carriers, foreign and domestic, serving the three New York metropolitan airports; minutes will be taken and submitted to the Board if desired; and, any agreement among the airlines resulting from the meeting will be submitted to the Board for approval under section 412 of the Act, where appropriate.

The Kennedy Airport Emergency Cargo Committee, comprised largely of the same carriers as the Council, and formed to deal specifically with the dock strike, has similarly filed in Docket 23482.[4]

Upon consideration the Board has decided to grant the Council's request to hold multicarrier discussions, subject to the restrictions set forth below. It appears that there may be a dock strike in New York this fall which could, without adequate planning and preparation by the carriers serving the metropolitan New York airports, cause the cargo inundation of such airports, resulting in substantial security, storage, and traffic problems. Accordingly, the Board finds that the public interest warrants approval of discussions designed to (a) prevent the flooding of any of the airports in question with enormous amounts of cargo and thus the deterioration of cargo services and protection at such airports, and (b) formulate procedures capable of ensuring the foregoing objective as well as adequate cargo customs and storage facilities and cargo security. The instant circumstances are similar to those which earlier this year caused the Board to authorize discussions relating to passenger congestion at the International Arrivals Building (IAB) and the North Passenger Terminal (NPT) complex at JFK.[5] However, in the present case the carriers and the Board are concerned with the proper handling of cargo rather than passengers. Nevertheless, it appears that occurrence of a dock strike this fall would, as was found with respect to the circumstances in the aforementioned discussions concerning JFK, present extraordinary circumstances which warrant the affected carriers' collective consideration.[6]

The Board understands that any air carrier or foreign air carrier serving the New York metropolitan area may become a party to the Airport Security Council agreement (Agreement CAB 20374) and participate in the activities of the Council.[7] In this connection, it is noted that the Council application asserts that adequate notice of all meetings to be held on this matter will be given to all air carriers, foreign and domestic, serving the airports in question and that any agreement among the airlines will be submitted to the Board for approval, when appropriate. The Board is of the impression that the applicants intend to use the Council's framework as a means for holding discussions and reaching agreement on the procedures to be employed in the event of a dock strike. This appears to be a workable arrangement, and, as such, is encouraged by the Board.[8] In this connection, the Board construes the application to mean, and will so require, that participation in the proposed discussions be available to all air carriers and foreign air carriers authorized to serve the three airports in question. The discussions themselves should be limited to those cargo security problems which will arise at the three New York airports in the event of a dock strike. On the other hand, the discussions may extend to those related areas of traffic acceptance procedures and customs and storage facilities to the extent indicated in the Council application.

The procedures to be followed in conducting the discussions will be left to the discretion of the parties involved. However, we will require that adequate notice of any meetings be given and that a Board observer be permitted to attend each meeting as well as any representative designated by the Authority, the Bureau of Customs and other interested Federal, State, or local departments and inspection agencies. In addition, we will require the carriers to file within 5 days of each discussion meeting a full and complete report of such meeting summarizing the intercarrier discussions and the arrangements made in and resulting from those discussions. The authorization for discussions granted herein shall be effective immediately and shall, absent a dock strike, expire on December 31, 1971. If a dock strike occurs the authorization shall terminate 15 days after termination of any dock strike in the New York metropolitan area commencing at any time between the date of this order and December 31, 1971.[9]

Accordingly, it is ordered, That:

1. The members of the Airport Security Council and the other air carriers and foreign air carriers providing air transportation from or to John F. Kennedy International Airport, La Guardia Airport, and Newark Airport are hereby authorized to hold discussions to reach agreement on procedures to be followed to alleviate cargo security problems at the aforementioned airports in the event of a dock strike in the metropolitan New York area, subject to the following conditions:

(a) The purpose of the discussion shall be to seek solutions to serious cargo security, traffic and storage problems which may occur at the metropolitan New York airports if a dock strike affecting the waterports in the metropolitan New York area takes place in the fall of 1971;

(b) Discussions and the agreements resulting therefrom shall be limited to those cargo security problems which will arise at the three metropolitan New York airports in the event of a dock strike in the metropolitan New York area, and cargo traffic acceptance, customs, and storage procedures necessary to deal with such problems;

(c) Eligibility to participate in the activities authorized herein shall extend to all U.S. certificated air carriers and all foreign air carriers authorized to engage in air transportation from or to JFK, La Guardia, and Newark Airports;

(d) A notice of any meeting called pursuant to this order shall be filed with the Board in Docket 23629 and mailed to all carriers referred to in subparagraph (c), supra, and agencies and authorities referred to in paragraph 4, infra, at least 7 calendar days prior to such meeting; a detailed report (or complete and accurate minutes of all discussions) will be made and copies thereof shall be served

[4] Comments in support of the Committee's application were received from Japan Air Lines; Lufthansa German Airlines; Alitalia; British Overseas Airways Corp.; United Air Lines; and TWA.

[5] By Order 71-1-55, Jan. 12, 1971, the Board authorized discussions relative to congestion at the IAB at JFK. By Order 71-5-69, May 14, 1971, the Board authorized discussions with respect to possible overcrowding at the NPT at JFK.

[6] The area of concern presently before the Board involves the processing of air cargo at the three airports in question under unusual and taxing conditions. In this regard, the Board understands that the procedures for which permission is sought to be discussed will affect not only the cargo security arrangements at the airports in question, but also the economic and procedural aspects of the day-to-day operations of the air carriers and foreign air carriers involved. For example, among the items which would be discussed would be controlled acceptance or rerouting of certain cargo. This, as the Council application indicates, might mean a reservations basis for the transportation of cargo. We express no view on the public interest factors involved, since any resulting agreements must be filed with us for approval under 49 U.S.C. 1382.

[7] A list of the members of the Council is filed as part of the original document.

[8] For this reason, we will dismiss the application in Docket 23482 of the ad hoc committee formed to conduct discussions in anticipation of the dock strike. The applicants in Docket 23482 do not oppose such action, assuming grant of the application in Docket 23629.

[9] Of course, notwithstanding the termination of this special authority of the Council, its authority deriving from previous Board approvals remains intact.

on each of the above persons upon whom a meeting notice must be mailed within 14 days after the conclusion of each discussion meeting, and two copies thereof shall be filed with the Board within 5 working days after the conclusion of each discussion meeting or at the same time that copies are served upon the carriers whichever is earlier;

(e) Representatives of the Board and all interested Federal, State, or local departments and agencies; of all carriers described in subparagrph (c), above; of the Port of New York Authority; and of any trade, shipping, or consumer association or group shall be permitted to participate in the meetings;

(f) The discussants shall not discuss matters other than those directly related to cargo traffic acceptance procedures, cargo customs and storage facilities and cargo security;

(g) The approval granted herein shall not be construed as approval of any agreement subject to section 412 of the Act which is entered into pursuant to any meetings or action of the discussants; all such agreements shall be filed with the Board for approval under section 412 of the Act, and shall be effective only upon receipt of Board approval;

(h) Except to the extent granted herein, the authorization granted herein shall not be construed as authorizing discussions of rates, fares, charges or inflight and other service in connection with air transportation.

2. The authorization granted herein shall expire on December 31, 1971, if a dock strike in the metropolitan New York area has not commenced prior to such date; or, in the event such a dock strike does occur prior to such date, such authorization shall expire within 15 days after the date of termination of such dock strike; in addition this order may be earlier revoked or amended at any time at the discretion of the Board;

3. The application of the Kennedy Airport Emergency Cargo Committee in Docket 23482 be and it hereby is dismissed; and

4. A copy of this order shall be served upon the Airport Security Council; each certificated air carrier; each foreign air carrier holding a foreign air carrier permit; the Departments of the Treasury, Transportation, and Justice; the Bureau of Customs; the Federal Aviation Administration; the Port of New York Authority; and the American Importers Association.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-11425 Filed 8-6-71;8:52 am]

[Docket No. 23682; Order 71-8-13]

LOCAL SERVICE CLASS SUBSIDY RATE

Order Instituting Investigation and Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of August 1971.

By this order the Board is instituting an investigation directed to the establishment of a revised class subsidy rate for the local service carriers to be effective on and after July 1, 1971. This order also tentatively proposes a temporary subsidy rate for those carriers for the period on and after July 1, 1971, pending the establishment of a final rate in this proceeding.

Orders 71-1-143, January 29, 1971, and 71-3-7, March 1, 1971, established Class Rate V as the final rate to be paid for the period August 1, 1970, through June 30, 1971, to eight of the nine local service carriers. That rate is also the measure of the temporary rate to be paid to the ninth carrier, Frontier Airlines, Inc., for the same period, pending determination of Frontier's final rate.[1] Since Class Rate V expired by its terms on June 30, 1971, all local service carriers are on an open rate status as of July 1, 1971.[2] Therefore, we are formally instituting an investigation for the purpose of determining a new final class subsidy rate and to provide a basis for interim subsidy payments to all nine carriers pending the establishment of the final rate.[3]

Reported results for the nine local service carriers for the calendar year 1970 showed break-even need of $39.6 million and interest expense of $23.5 million for a total of $63.1 million in subsidy eligible services. Preliminary reports of the carriers for the January–May 1971, period indicate an increase of system break-even need of $6.9 million. Analysis of this increase as to subsidy eligible/ineligible services cannot be accomplished until definitive data requested from the carriers for fiscal year 1971 has been received. Offsetting such increase for purposes of projecting a final rate for fiscal year 1972 will be such matters as fare increases granted during fiscal year 1971, projected traffic growth and estimate of cost increases for fiscal year 1972. In the meanwhile, temporary subsidy is deemed necessary for continuation of operations. In accordance with past practice, temporary subsidy rates are to be established on the most current break-even need and interest expense. Under all of the circumstances, we believe that the continuation of Class Rate V as a temporary rate which produces an annual level of subsidy payment of $60.9 million is reasonable and risks little possibility of overpayment in the limited number of months that it will be effective, prior to the establishment of a final subsidy rate for fiscal year 1972. Accordingly, we are directing each of the local service carriers to show cause why we should not fix Class Rate V formula provisions as the basis for temporary subsidy payments on and after July 1, 1971.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, particularly sections 102, 204, 406, and 1002 (b) thereof:

It is ordered, That:

1. An investigation be, and it hereby is, instituted as of July 1, 1971, for the purpose of determining a new final local service class subsidy rate or taking such other action as the facts may warrant.[4]

2. Allegheny Airlines, Inc., Frontier Airlines, Inc., Hughes Air Corp. doing business as Air West, Mohawk Airlines, Inc., North Central Airlines, Inc., Ozark Air Lines, Inc., Piedmont Aviation Inc., Southern Airways, Inc., and Texas International Airlines, Inc., are hereby made parties to this investigation.

3. Each of the parties to this investigation is directed to show cause why the fair and reasonable temporary rate of compensation to be paid for the transportation of mail by aircraft, the facilities used and useful therefor and the services connected therewith between the points between which the carriers have been, are presently, or hereafter may be authorized to transport mail by their certificates of public convenience and necessity for the period on and after July 1, 1971, should not be fixed and determined as equal to the rate specified in Order 71-1-143 (which is hereby incorporated by reference herein), pending the fixing of final subsidy rates for the carriers in the instant proceedings.[5]

4. All further procedure herein shall be in accordance with the Board's rules

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[1] Orders 71-6-141, June 29, 1971, and 71-7-96, July 19, 1971. Frontier has been on an open subsidy rate since Dec. 2, 1969, when it petitioned the Board to establish a new final rate for its operations. Our determination herein to place Frontier under the same temporary payment formula as we propose to apply to the other local service carriers rests on the same special circumstances as those on which we premised our parallel action in the cited orders.

[2] It was our intention, as we indicated when proposing that Class Rate V terminate as of June 30, 1971 (Order 71-1-143, page 7), to place the carriers on an open rate thereafter in order to enable the Board to re-evaluate the structure of that rate and to make appropriate revisions of the subsidy level.

[3] Frontier is being included as a party to this proceeding. See note 1, supra.

[4] This order is not intended to disturb the service mail rates established under other orders of the Board.

[5] The rate specified in Order 71-1-143 is the sum of service mail pay otherwise established and subsidy.

of practice, particularly Rule 302, et seq., and if there is any objection to the rate specified herein, notice thereof must be filed within 8 days, and, if notice is filed, written answer and supporting documents must be filed within 15 days, after the date of service of this order.

5. If notice of objection is not filed within 8 days, or if notice is filed and answer is not filed within 15 days after service of this order, all parties shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order fixing the temporary subsidy rate specified herein: *Provided*, That if notice of objection and answer are filed by any carrier or carriers, the Board may enter an order fixing the rate specified herein for such carriers as have not filed notice of objection or, having filed such notice, have not filed timely answer.

6. This order shall be served upon all parties to this proceeding. This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-11424 Filed 8-6-71;8:52 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Commissioner for External Affairs, Office of Education, Office of the Deputy Commissioner for External Affairs.

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

[FR Doc.71-11389 Filed 8-6-71;8:50 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Director, Public Affairs Division, Office for Civil Rights, Office of the Secretary.

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

[FR Doc.71-11390 Filed 8-6-71;8:50 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Public Affairs (Communications), Office of the Secretary.

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

[FR Doc.71-11391 Filed 8-6-71;8:50 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Housing and Urban Development to fill by noncareer executive assignment in the expected service the position of Director, Office of Program Development, Office of the Assistant Secretary for Housing Management, Immediate Office of the Director.

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

[FR Doc. 71-11392 Filed 8-6-71;8:50 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Deputy Director, Office of New Communities Development, Office of the Assistant Secretary for Community Planning and Management.

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

[FR Doc.71-11393 Filed 8-6-71;8:50 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Deputy Director, Office of Planning Assistance and Standards, Office of the Assistant Secretary for Metropolitan Planning and Development.

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

[FR Doc.71-11395 Filed 8-6-71;8:50 am]

DEPARTMENT OF THE INTERIOR

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Assistant to the Secretary (Federal-State Relations), Secretary's Immediate Office.

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

[FR Doc.71-11396 Filed 8-6-71;8:50 am]

DEPARTMENT OF JUSTICE

Notice of Title Change in Noncareer Executive Assignment

By notice of August 16, 1969, F.R. Doc. 69-9703 the Civil Service Commission authorized the Department of Justice to fill by noncareer executive assignment the position of Associate Deputy Attorney General for Legislation, Office of the Deputy Attorney General. This is notice that the title of this position is now being changed to Associate Deputy Attorney for Congressional Relations.

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

[FR Doc.71-11398 Filed 8-6-71;8:51 am]

PRESIDENT'S COUNCIL ON YOUTH OPPORTUNITY

Notice of Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil

Service Commission revokes the authority of the President's Council on Youth Opportunity to fill by noncareer executive assignment in the excepted service the position of Executive Director.

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

[FR Doc.71-11397 Filed 8-6-71;8:50 am]

SECURITIES AND EXCHANGE COMMISSION

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Securities and Exchange Commission to fill by noncareer executive assignment in the excepted service the position of Executive Director, Office of the Chairman.

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

[FR Doc.71-11394 Filed 8-6-71;8:50 am]

RESEARCH EPIDEMIOLOGIST, OFFICE OF AIR PROGRAMS, ENVIRONMENTAL PROTECTION AGENCY

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on July 19, 1971, for the single position of Research Epidemiologist, GS-601-15, Office of the Chief, Community Research Branch, Office of Air Programs, Environmental Protection Agency, Durham, N.C. The finding is self-canceling when the position is filled.

Assuming all other legal requirements are met, an appointee to this position may be paid for the expense of travel and transportation to first post of duty.

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

[FR Doc.71-11399 Filed 8-6-71;8:51 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 71-782]

INDIANA BELL TELEPHONE CO., INC., AND SOUTHWESTERN BELL TELEPHONE CO.

Forfeitures Imposed

JULY 30, 1971.

The Commission has notified Indiana Bell Telephone Co., Inc., Indianapolis, Ind., and Southwestern Bell Telephone Co., St. Louis, Mo., of the imposition of forfeitures for disconnecting telephone service contrary to the regulations in the applicable interstate tariffs. Failure to proceed in accordance with such tariffs is a violation of section 203 of the Communications Act of 1934.

In the case of Indiana Bell, the company disconnected the telephone service of one subscriber for 5 days because he was the roommate of another subscriber for a separate telephone service who was delinquent in the payment of bills for such separate service. There is no tariff authority for such a disconnection. Moreover, the company failed to provide written notice of the disconnection to either subscriber as required by the company's tariffs. For these violations of the Communications Act Indiana Bell is liable to forfeitures in the amount of $1,625.

In the case of Southwestern Bell, the company disconnected service without written notice as required by the tariffs. The company merely called the subscriber's 15-year-old son on the day the bill was received and advise him that service would be disconnected if the subscriber did not call the company by 2 p.m. of the day of the call. For this violation of the Act, Southwestern Bell is liable to forfeiture of $500.

In announcing these actions, the Commission wishes to emphasize that telephone subscribers are required to pay all sums due a telephone company for services which the subscribers obtain under tariffs filed with this Commission. The telephone company has not only the right but the duty to take reasonable steps to disconnect any such service for which the subscriber has not paid the amounts due or to take other appropriate action to collect such overdue amounts. However, the forfeitures are being imposed in these cases because of the Commission's concern that all carriers will conform to the due process provisions of their tariffs in exercising their right to disconnect.

Action by the Commission July 28, 1971.[1]

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

[FR Doc.71-11431 Filed 8-6-71;8:53 am]

[Docket No. 16679, etc.; FCC 71-778]

RKO GENERAL, INC. (KHJ-TV), ET AL.

Memorandum Opinion and Order Regard Oral Argument Before the Commission En Banc

In regard applications of RKO General, Inc. (KHJ-TV), Los Angeles, Calif., Docket No. 16679, File No. BRCT-58, for renewal of broadcast license; and Fidelity Television, Inc., Norwalk, Calif., Docket No. 16680, Filed No. BPCT-3655, for construction permit for new television broadcast station. In regard applications of RKO General, Inc. (WNAC-TV), Boston, Mass., Docket No. 18759, File No. BRCT-63, for renewal of broadcast license; and Community Broadcasting of Boston, Inc., Boston, Mass., Docket No. 18760, File No. BPCT-4198; and The Dudley Station Corp., Boston, Mass., Docket No. 18761, File No. BPCT-4277; for construction permit for new television broadcast station.

1. The Commission has under consideration in Dockets Nos. 16679 and 16680 the following: (a) The initial decision of Hearing Examiner Thomas H. Donahue, FCC 69D-43, released August 13, 1969; (b) exceptions thereto, brief in support of exceptions, and request for permission to file a pleading in excess of the prescribed page length filed December 12, 1969, by RKO General, Inc.; (c) exceptions and brief in support thereof filed December 12, 1969, by Fidelity Television, Inc.; (d) reply brief filed June 5, 1970, by RKO; (e) reply brief filed on June 5, 1970, by Fidelity; (f) brief of Department of Justice as amicus curiae filed June 10, 1970; (g) reply to Department of Justice brief filed July 20, 1970, by RKO; (h) response to RKO brief filed August 10, 1970, by the Department of Justice; (i) petition to reopen the record filed January 8, 1971, by the Chief, Broadcast Bureau; (j) opposition to the petition to reopen, filed February 8, 1971, by RKO[1]; (k) comments on the petition to reopen, filed February 8, 1971, by Fidelity; (l) comments on RKO's opposition, filed February 18, 1971, by Community Broadcasting of Boston, Inc.[2]; (m) reply to RKO's opposition filed February 10, 1971, by Chief, Broadcast Bureau; (n) request for scheduling of oral argument, filed May 24, 1971, by Fidelity; (o) request by RKO for authorization to file an additional response to petition to reopen, filed June 15, 1971; (p) further statement by RKO in response to petition to reopen, lodged June 15, 1971; and (q) opposition to RKO's request for authorization to file an additional response, filed by Fidelity on June 21, 1971. In Dockets Nos. 18759-18761, the Boston proceeding, the Commission has under consideration: (a) Motion to strike unauthorized request for modification of issues, filed February 18, 1971, by The Dudley Station Corporation;[3] (b) opposition to the motion to strike, filed February 25, 1971, by RKO; and (c) reply to the opposition filed March 9, 1971, by the Dudley Station Corp.

[1] Commissioners Burch (Chairman), Bartley, Robert E. Lee, H. Rex Lee, Wells and Houser.

[1] Included as an attachment thereto is the opposition of RKO General, Inc., to a petition to enlarge issues, filed Feb. 1, 1971, by Community Broadcasting of Boston, Inc., in Dockets Nos. 18759-61.

[2] Attached thereto is the petition to enlarge issues, filed Dec. 28, 1970, by Community Broadcasting of Boston, Inc., and reply to opposition of RKO General, Inc., filed Feb. 10, 1971, by Community in Dockets Nos. 18759-61 (i.e. the complements of the attachment described in Footnote 1, supra).

[3] The Dudley Station Corp. and Community Broadcasting of Boston, Inc., are competitors of RKO General, Inc. in Dockets Nos. 18759-61, the Boston, Mass., Channel 7 renewal proceeding (WNAC-TV, RKO General, Inc., is incumbent licensee) and have an interest herein as will become apparent.

2. The fact in common to these proceedings is that RKO General, Inc., is the licensee of KHJ–TV (Los Angeles) and WNAC–TV (Boston). It is likewise the wholly owned subsidiary of General Tire and Rubber Co., as are a number of nonbroadcast entities. On June 8, 1966, the license of KHJ–TV was designated for renewal in a comparative hearing.[4] On March 2, 1967, the United States filed civil action No. C–67–155 in the U.S. District Court for the Northern District of Ohio, Eastern Division, against General Tire and Rubber Co., RKO General, Inc., et al. alleging that General Tire and its various subsidiary corporations had engaged in coercive reciprocal dealings[5] in violation of the Sherman Antitrust Act,[6] and seeking an injunction against its continuance. On June 9, 1967, the Review Board amended the order of designation to include a provision that the outcome of the comparative proceeding in Los Angeles (KHJ–TV) would be "without prejudice to whatever action, if any" the Commission might deem appropriate as a result of the Ohio civil action.[7] The Hearing Examiner reopened the Los Angeles proceeding on March 11, 1968, to receive evidence on reciprocal dealing which had been developing in the civil antitrust action, "with the caveat that such evidence must be patently germane to RKO's stewardship of KHJ–TV * * *".[8]

3. A petition by Fidelity Television, Inc., for enlargement of issues based on the civil antitrust suit was denied by the Review Board.[9] Although denying Fidelity's application for review of the Review Board's determination on the ground that it had already obtained by previous actions of the Board and the Examiner substantially all of the relief requested, the Commission on its own motion added a conclusionary issue, to wit:[10]

To determine, in light of the evidence adduced with respect to the preceding issues, whether RKO General, Inc., should be disqualified or, if not, whether a comparative demerit should be assessed against it in this proceeding.

4. The KHJ–TV (Los Angeles) hearing proceeded to final adjudication. In his Initial Decision,[11] the Hearing Examiner made no affirmative finding that KHJ–TV is not qualified to be a broadcast licensee, but he concluded that Fidelity was the preferable applicant on a comparative basis. He therefore recommended that the KHJ–TV application for renewal of license be denied and that the application of Fidelity for a construction permit for a new television station on Channel 9 at Norwalk, Calif., be granted.

5. Thereafter, on December 11, 1969, the Commission designated the renewal application of RKO General, Inc., for Channel 7, Boston, Mass. (WNAC–TV), for hearing with two competing applications.[12] The issues included, inter alia:

3. To determine with respect to the application of RKO General, Inc., whether in view of the evidence concerning alleged anticompetitive practices by RKO General, Inc., or its parent corporation, General Tire and Rubber Co., RKO General, Inc., should be disqualified to remain a licensee of the Commission or if not so disqualified, whether a comparative demerit should be assessed against it in this proceeding.

The order provided that official notice might be taken of the Los Angeles KHJ–TV proceeding and that only new or additional evidence not adduced in that proceeding might be adduced in the Boston proceeding. It also included provisions that in the event of a grant to RKO, the grant would be subject to whatever action the Commission deemed appropriate as a result of the pending civil antitrust suit and the developments and findings in the proceeding before the Commission in Docket No. 16679 involving the renewal of KHJ–TV's license.

6. The antitrust action in the U.S. District Court was terminated on October 22, 1970, by a consent judgment. Consequently, the Commission will not have the benefit of any findings therefrom, and the reservation by the Commission of the right to predicate action in the RKO renewal proceedings on the outcome of the civil suit thereby becomes a nullity. The resolution of the Los Angeles and Boston proceedings must be based on the records developed in the adjudicatory hearings before the Commission.

7. The Broadcast Bureau seeks to reopen the KHJ–TV record for the introduction of additional evidence. It alleges that there is presently available considerably more evidence bearing on the anticompetitive activities of General Tire, RKO General, Inc., and their subsidiaries and affiliates than was available when the anticompetitive phase of the Los Angeles hearing was in progress. While the Broadcast Bureau indicated a preference for reopening the Los Angeles record with an issue identical to that in the Boston proceeding, it mentioned as a possible alternative making the outcome of the Los Angeles proceeding dependent upon the final result in Boston under the anticompetitive issue in a manner similar to that in which the ultimate result of the civil suit might have been used.

8. The Broadcast Bureau's petition herein further referred to another petition pending before the Review Board to add issues in the Boston proceeding to determine whether certain officers, employees and former employees of General Tire and RKO had misrepresented or concealed facts, or been lacking in candor in their testimony concerning reciprocal trade practices when testifying in the Los Angeles proceeding and, if so, whether RKO should be disqualified as a licensee in Boston or assessed a comparative demerit. The Bureau requested that the Commission either direct the Review Board to add such issues to Los Angeles or to add them itself. In the interval since the Bureau's filing, the Review Board has acted upon the pleadings before it and has added the following issues, to wit:[13]

(a) To determine whether in sworn testimony given in the course of the KHJ–TV proceeding, Dockets Nos. 16679–16680, officers, employees, and/or former employees of General Tire and Rubber Co., or of RKO General, Inc., misrepresented facts, concealed facts, or were lacking in candor with regard to the existence, nature, and extent of reciprocal trade practices engaged in by General Tire and Rubber Co. and RKO General, Inc.; and

(b) To determine in light of the evidence adduced pursuant to the aforementioned issue whether RKO General, Inc., should be disqualified as licensee of WNAC–TV or, alternatively, assessed a comparative demerit.

9. The position of the parties in the Los Angeles proceeding insofar as the anticompetitive issue and the issues concerning the alleged misrepresentations and lack of candor are concerned appear to be that the Broadcast Bureau prefers to have the subject matter thereof considered in a reopened KHJ–TV renewal proceeding. Fidelity asks that they be considered as a condition subsequent in the same manner as the basic anticompetitive issue in Boston. RKO, in its additional response to the Bureau's motion to reopen, submitted on June 15, 1971,[14] denies that there is any merit to the charges against it, but concedes that the issue as to veracity and candor added by the Review Board in the Boston proceeding is also relevant to the Los Angeles case. It therefore requests that the Los Angeles proceeding be reopened, that the candor issue be added, and that the proceeding be remanded to the Hearing Examiner in the Boston case for a consolidated hearing on that issue. The principal disagreement among the parties would appear to be whether a reopened hearing in the Los Angeles case is necessary and, if necessary, the nature and extent of the issues to be explored therein.

10. We see no purpose in reopening the Los Angeles proceeding either for the in-

[4] FCC 66–503.

[5] Coercive reciprocal dealings may be briefly defined as threatening a supplier of a company with loss of further orders unless the supplier purchases goods or services from its customer or an affiliate of its customer. The practice is subject to numerous variations.

[6] 15 U.S.C. 2.

[7] FCC 67R–239, 8 FCC 2d 632.

[8] FCC 68M–394.

[9] 8 FCC 2d 632 (1967, reconsideration denied 12 FCC 2d 922 (1968).

[10] FCC 68–892, released Sept. 9, 1968.

[11] FCC 69D–43, released Aug. 13, 1969.

[12] 20 FCC 2d 846.

[13] Memorandum opinion and order, In re RKO General Inc. (WNAC–TV), FCC 71R–180, released June 7, 1971.

[14] In view of the Board's recent action in enlarging the issues in the Boston proceeding, we find that RKO has shown good cause for its late filing of the additional response. We also find that acceptance of the pleading will not operate to the prejudice of any party. RKO's request for authority to file the pleading is therefore granted and the pleading is accepted for filing.

troduction of evidence concerning alleged antitrust activities of General Tire and RKO or for a hearing on the issues added by the Review Board. On the basis of his comparison of the qualifications of the two applicants, the Examiner recommended against a renewal of the KHJ–TV license and in favor of a grant of Fidelity's application for a construction permit. Only if the Examiner committed errors of decisional significance in his comparative analysis and the Commission contemplates a grant of the RKO renewal application will the additional evidence sought to be introduced be material to a decision on the KHJ–TV renewal application. In these circumstances we believe that the better and more expedient procedures is as follows:

(a) Deny the Bureau's motion to reopen and proceed with the disposition of the Los Angeles proceeding on the basis of the evidence now of record.

(b) Grant the request of the parties for oral argument and hold oral argument on the exceptions in Dockets Nos. 16679–16680 at the time and place scheduled herein.

(c) Make Fidelity a party to the Boston proceeding but limit its participation to matters pertaining to RKO's character qualifications to be a Commission licensee either by reason of antitrust or anticompetitive activities or by reason of the alleged conduct which forms the basis for the issues added by the Review Board. In this connection we note that counsel which represents Fidelity in the Los Angeles proceeding also represents Community Broadcasting of Boston, Inc., a competing applicant in the Boston case; and the same firm of attorneys represents RKO in both proceedings. Therefore, we believe that neither RKO nor Fidelity, nor in fact any other party to these proceedings, will be prejudiced or inconvenienced by the procedure herein adopted.

(d) In the event the Commission determines that on a comparative basis KHJ–TV is the preferable applicant, defer the issuance of a final decision until the conclusion of the Boston adjudicatory proceeding in Dockets Nos. 18759–18761, and thereafter take such action as appears to be appropriate in light of the evidence introduced in, and the outcome of, the Boston proceeding.

The procedure adopted herein will enable the Commission to proceed with the Los Angeles matter and bring it to a conclusion with no risk to the public interest. If Fidelity should be found to be the better applicant, RKO's character qualification would become irrelevant and the successful applicant can proceed to put its authorized broadcast facility into operation without awaiting the outcome of the Boston case. On the other hand, if on the present record RKO should be found to be the better applicant on a comparative basis, the award of a renewal of license may be held in abeyance until the pertinent evidence in the Boston proceeding is taken into account.

11. Turning now to the motion to strike filed in the Boston proceeding on February 18, 1971, by the Dudley Station Corp., we note that, while it is, in form, a motion to strike the opposition of RKO General, Inc., in toto, it is in actuality directed only to such portion of the pleading as would place "guidelines" upon the reception of evidence under the so-called anticompetitive issue in the Boston renewal proceeding. Insofar as the Boston renewal proceeding is concerned, the Examiner has defined the scope of evidence [15] which he plans to receive, and he has been affirmed by the Review Board.[16] Since our disposition of this matter does not involve a reopening of the KHJ–TV (RKO, Los Angeles) hearing, this portion of the opposition will not be considered or acted upon and the motion to strike the same becomes moot.

12. On June 10, 1970, the Department of Justice submitted in the Los Angeles proceeding Dockets Nos. 16679 and 16680 a brief as amicus curiae which is directed primarily to RKO's qualifications to be a Commission licensee by reason of the alleged anticompetitive and antitrust activities of General Tire and RKO. RKO responded on July 20, 1970, and the Department of Justice submitted a reply memorandum on August 10, 1970. Although we propose to confine our consideration at this time to the comparative aspects of the proceeding, we recognize that one of the questions presented is whether a comparative demerit should be assessed against RKO by reason of the evidence of record concerning its alleged anticompetitive conduct. We shall therefore accept for filing the aforementioned pleadings submitted by the Department of Justice and RKO.

13. *Accordingly, it is ordered*, That the petition to reopen the record filed on January 8, 1971, by the Broadcast Bureau is denied; and

14. *It is further ordered*, That RKO General's requests for permission to file a pleading in excess of the prescribed page length submitted December 12, 1969, and for authorization to file an additional response to the petition of the Chief, Broadcast Bureau to reopen the record submitted June 15, 1971, are granted and the tendered pleadings are accepted for filing; and

15. *It is further ordered*, That the brief of the Department of Justice as amicus curiae, the response of RKO General, Inc., and the reply of the Department are accepted for filing; and

16. *It is further ordered*, That the motion to strike filed on February 18, 1971, by the Dudley Station Corp. in Dockets Nos. 18759–61 (RKO, Boston), being moot, is dismissed; and

17. *It is further ordered*, That Issue (b) quoted in paragraph 8, supra, is amended to delete "licensee of WNAC–TV" and to substitute therefor "a licensee of the Commission"; and

18. *It is further ordered*, That Fidelity Television, Inc., is made a party to the proceedings in Dockets Nos. 18759–61 (RKO, Boston) and is authorized to participate in the hearing on the designated issues, insofar as such issues pertain to the qualifications of RKO General, Inc., to be a licensee of the Commission as set forth herein; and

19. *It is further ordered*, That in the event the Commission concludes in the Los Angeles Dockets Nos. 16679–16680 proceeding that KHJ–TV is the preferable applicant on a comparative basis, the issuance of a final decision will be held in abeyance pending the conclusion of the adjudicatory proceeding in the Boston Dockets Nos. 18759–18761 matter, and thereafter such action will be taken as appears to be necessary and appropriate in light of the evidence introduced in, and the outcome of, the Boston proceeding concerning the qualifications of RKO General, Inc., to be or continue to be a licensee of the Commission; and

20. *It is further ordered*, That the request of the parties for oral argument in the proceeding in Dockets Nos. 16679–16680 is granted; and

(a) That oral argument is scheduled before the Commission en banc on October 12, 1971, at 9:30 a.m.

(b) That subject to the filing within five days after release of this order of written notices of intention to appear and participate, the parties are authorized to present oral argument as follows:

RKO General, Inc., 30 minutes.
Fidelity Television, Inc., 25 minutes.
Chief, Broadcast Bureau, 5 minutes.

(c) That RKO General, Inc., may reserve part of its time for rebuttal.

Adopted: July 28, 1971.

Released: August 2, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[17]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-11432 Filed 8-6-71;8:53 am]

[Dockets Nos. 18711, 18712; FCC 71R-239]

WPIX, INC. (WPIX), AND FORUM COMMUNICATIONS, INC.

Memorandum Opinion and Order Modifying Issue

In regard applications of WPIX, Inc. (WPIX), New York, N.Y., Docket No. 18711, File No. BRCT-98, for renewal of broadcast license; Forum Communications, Inc., New York, N.Y., Docket No. 18712, File No. BPCT-4249, for construction permit for new television broadcast station.

1. These mutually exclusive applications were designated for hearing by order of the Commission, released October 28, 1969 (FCC 69-1162, 20 FCC 2d 298, 17 RR 2d 782). WPIX, Inc. (WPIX), now petitions the Review Board to modify the limited financial issue specified by the Commission against Forum

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[15] FCC 70M-355, released Mar. 11, 1970; FCC 70M-572, released Apr. 16, 1970.

[16] 23 FCC 2d 737, released June 11, 1970.

[17] Commissioner Johnson absent.

Communications, Inc. (Forum),[1] in order to determine the effect of alleged increases in the cost of film and in the salary scales for technical employees in the New York television market on the financial qualifications of Forum.

2. In support of its request, WPIX first points out that Forum estimates first year operating expenses of $9,193,400, including $3,336,000 for the cost of film and syndicated programing and $828,000 for the salaries of technical and engineering staff. Petitioner submits the affidavits of Louis N. Friedland,[2] an alleged expert on the purchase and sale of television film programing, and Arthur Korff, business manager of Local 1212, International Brotherhood of Electrical Workers (IBEW), AFL–CIO, to buttress its claim of inflationary rises in film and labor costs in New York City since this proceeding was designated for hearing. Specifically, with regard to film costs, Friedland claims that prices have increased in a range of 20 to 50 percent.[3] In addition, Friedland forecasts future price rises due to the reduction of network programing during prime time, changes in the method of payment for syndicated and feature films (requiring greater down payments and increased distributorship payments), and rises in residual costs, which, according to Friedland, will inhibit the number of off-network programs offered to local television. According to Korff, since January 1, 1970, wages for television technicians have increased from 8 to 22 percent, exclusive of additional increases in fringe benefits. Since Forum claims to have available capital resources totaling $4,050,000, and a reserve fund for unbudgeted contingencies amounting to approximately $380,000, WPIX asserts that it is doubtful, even if the station were constructed today, that this reserve would be sufficient to meet Forum's original cost estimates; therefore, petitioner requests modification of the existing issue to consider this question.[4]

3. The Broadcast Bureau, in opposition, asserts that Friedland's figures are qualified and merely speculative, because he limited cost estimates to certain film and is not competent to state what film Forum would purchase if licensed. For example, the Bureau points out, there is no allegation that Forum would be required to buy only film that has risen 50 percent in cost. The Bureau also attacks Friedland's ability to provide information regarding cost increase percentages for all distributors, because he is only associated with MCA, Inc.; and, the Bureau notes, no information is submitted concerning Friedland's experience, dealings with and knowledge of other companies, or statistical data on reports utilized in the preparation of his estimates.[5] The Bureau also questions the competence of Korff to speak for the other technicians unions, and faults his failure to provide the basis for his knowledge. However, the Bureau states that his esimates are less speculative than Friedland's.

4. In order to establish that Forum has sufficient cash reserves, the Bureau applies the maximum and minimum percentage increase figures of Friedland and Korff to Forum's first three months' cost estimates.[6] These computations disclose that if the high estimated increases are used (22 percent increase in technical salaries and 50 percent in film costs), a total of $462,540 would be required, while $182,160 would be needed if the low figures (8 percent and 20 percent) are used. Based on these figures, the Bureau contends that Forum's capital reserve is more than adequate to meet the minimum alleged increases, and is lacking only if Forum is required to assume costs at the alleged highest percentage figures. Therefore, the Bureau avers that only if one indulges in speculation concerning the purchase of syndicated film is there an adequate basis for the requested modification, and under these circumstances, the Bureau urges denial of the requested modification (citing Mt. Carmel Broadcasting Co., 8 FCC 2d 1033, 10 RR 2d 961 (1967)).

5. In opposition, Forum disputes WPIX's allegation that Forum will be unable to obtain attractive film programming to effectuate its recorded program proposal for the amount budgeted, $3,336,000; and asserts that WPIX did not provide any information as to its own present film costs to support its allegation that the Forum estimate is too low. Forum contends that it proposes to expend more money per hour for syndicated and feature films than WPIX spent in 1969 (the last year for which such figures are available). In this regard, Forum estimates that WPIX's cost for syndicated and feature film programming during 1969 was substantially less than $3,394,774, or approximately $650 per hour; Forum, on the other hand, plans to expend approximately $800 per hour on syndicated and feature films, with less prime time film than was utilized by WPIX.[7] Thus, Forum maintains that its budgeted amount is at least 22.8 percent higher than WPIX's expenditures and well within the inflationary price increase range set forth in the Friedland affidavit. Moreover, respondent avers, as did the Bureau, that Forum's contingency fund is more than adequate to cover even a 25 percent increase in its film cost estimate due to inflation, and still have a sufficient amount to cover unanticipated costs. With regard to the technical salaries, Forum charges that WPIX has failed to allege any fact to indicate that the technicians cannot be hired for the estimated $12,000 per year; and that even a 22 percent increase could be readily absorbed by the contingency fund.

6. In reply, WPIX counters that neither the Bureau nor Forum has submitted any data denying the allegation that substantial inflationary cost increases have occurred. Absent such controverting evidence, WPIX maintains, the conclusion is inescapable that Forum has failed to amend its application as to a matter of unquestionable materiality to its overall financial qualifications. WPIX asserts that Forum and the Bureau misconceive the nature of the problem, because the inflationary cost increases must be reflected in the Forum application. This is of prime concern to the Commission, the petitioner alleges, because it is impossible to determine whether Forum will have available all of the debt and equity capital on which it relies. In addition, WPIX submits the affidavit of Mr. T. E. Mitchell, vice president and treasurer of WPIX, who claims to be personally familiar with the film costs and wages in dispute. Mitchell states that WPIX's operating experience since January 1970, confirms the accuracy and validity of the Friedland and Korff affidavits. During 1970, according to Mitchell, WPIX paid over $4,138,000

[1] This petition was filed Apr. 8, 1971; also before the Board are: (a) Opposition, filed Apr. 29, 1971, by the Broadcast Bureau; (b) opposition, filed Apr. 29, 1971, by Forum; (c) reply, filed May 11, 1971, by WPIX; (d) motion for leave to file additional pleading, filed May 17, 1971, by Forum; (e) motion for leave to file "supplement to petition to modify financial issue," filed June 17, 1971, by WPIX; (f) opposition to (e), filed June 25, 1971, by the Broadcast Bureau; and (g) opposition to (e) filed July 12, 1971, by Forum.

[2] Friedland is vice president and a director of MCA–TV, Universal Studios, and "related companies."

[3] Friedland states that: "* * * the average price for all types of syndicated film which would be of interest to the three New York City VHF independents has risen by approximately 20 percent. The average price for feature film rose * * * by approximately 25 percent * * * and in the case of many feature and nonfeature syndicated film lists, the increase has been as high as 50 percent."

[4] WPIX notes that, even if there has been only a 25 percent overall increase in Forum's originally budgeted cost for film and a 10 percent increase in engineering wage scales since designation, these increases alone would add approximately a million dollars a year to Forum's budgeted first-year expenses.

[5] In this connection, the Bureau characterizes as speculative Friedland's claim that reduction of network programing in prime time will reduce the amount of attractive off-network syndicated products available to independents.

[6] Because of the financial success of New York City television broadcasting stations, the Commission, in the designation order, stated that Forum need only demonstrate the availability of cash to meet the first 3 months' operating costs.

[7] Forum maintains that prime time film is more expensive than film utilized during other periods of the broadcast day.

for syndicated and feature films, while the average annual wage for permanent, full-time, nonsupervisory technical employees at WPIX is in excess of $14,000. Therefore, WPIX asserts that Forum's attempt to use WPIX film costs for 1969 to forecast its own future costs is misplaced.

7. In a supplemental opposition,[3] Forum reasons, based on the WPIX 1970 cost figures submitted by Mitchell, that WPIX expended $780 per hour for film costs in 1970, a sum which is still less than the average hourly cost proposed by Forum. Forum concedes, however, that based on WPIX's figures, its technical salary estimates may be understated by $175,000 a year, or approximately $45,000 for the first 3 months of Forum's operation. However, this amount, Forum urges, is de minimis.[4]

8. The Review Board is of the view that the allegations contained in the Friedland, Korff and Mitchell affidavits raise a substantial question as to the effect of inflationary trends on Forum's estimates for syndicated films and technicians' wages in the New York City market. Although it is impossible to pinpoint the exact degree of increase in the price of film attributable to inflation, petitioner has set forth adequate substantiation of its assertions to demonstrate that Forum's cost estimate for film, as it stands now, fails to reflect current market conditions. Furthermore, respondent has not presented any figures of its own to refute the alleged inflationary increases, and it appears that Forum has conceded that estimated expenses for the wages of technicians are understated by approximately $45,000 for the first 3 months operation. Forum's reliance on its financial reserve to cover these inflationary increases is apparently misplaced, because the existing financial issue has already put in issue Forum's available and reserve funds. For these reasons, the Board is constrained to modify the existing limited financial issue in order to determine the effects of inflation on these two key cost items.

9. *Accordingly, it is ordered*, That the motion for leave to file additional pleading and supplement to opposition to petition to modify financial issue, filed May 17, 1971, by Forum Communications, Inc., is granted, and the supplement is accepted; and

10. *It is further ordered*, That the motion for leave to file supplement to petition to modify financial issue, filed June 17, 1971, by WPIX, Inc., is granted, and the supplemental pleading is accepted; and

11. *It is further ordered*, That the petition to modify financial issue, filed April 8, 1971, by WPIX, Inc., is granted; and that the existing financial issue in this proceeding is modified by relettering subissues (e) and (f), to (f) and (g), respectively, and adding a new subissue (e), to read as follows:

(e) The effect of increasing costs of film and technicians' wages in the New York City television market on Forum's estimated costs of construction and first 3 months of operation.

Adopted: July 30, 1971.

Released: August 3, 1971.

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

[FR Doc.71-11433 Filed 8-6-71;8:54 am]

[3] Forum's supplemental opposition is responsive to facts alleged for the first time in petitioner's reply pleading; the petition for acceptance of the supplemental pleading will therefore be granted.

[4] WPIX, in a supplement to its motion, submits Forum's first 5-year cash flow forecast, contending that the figures therein substantiate petitioner's claims. Although the Board is of the view that good cause exists for the late filing of this information, we agree with Forum and the Broadcast Bureau that the analysis contained in the forecast is of no material value in determining whether the requested issue is warranted; the figures merely reflect a general market increase in costs between 1964 and 1968, and are in no way shown to be related to the petitioner's allegations regarding the costs of film and wages.

FEDERAL MARITIME COMMISSION

AMERICAN EXPORT ISBRANDTSEN LINES, INC., ET AL.

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 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

American Export Isbrandtsen Lines, Inc., Atlantic Container Line, Ltd., Dart Containerline Incorporated, Hapag-Lloyd Aktiengesellschaft, Sea-Land Service, Inc., Seatrain Lines, Inc., and United States Lines, Inc.

Notice of agreement filed by:

Paul J. McElligott, Esq., Ragan & Mason, The Farragut Building, 900 17th Street NW., Washington, DC 20006.

Agreement No. 9899-4, among the above-named parties, requests that the approval of the basic agreement and all amendments thereto be further extended to and including October 23, 1971.

Dated: August 4, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-11418 Filed 8-6-71;8:52 am]

CITY OF LONG BEACH AND SEA-LAND SERVICE, 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. Leonard Putnam, City Attorney, City of Long Beach, Suite 600 City Hall, Long Beach, Calif. 90802.

Agreement No. T-2401-A-1, between the City of Long Beach (City) and Sea-Land Service, Inc. (Sea-Land), modifies

the basic agreement which provides for the lease of land for use as a container freight station for the loading and unloading of containers and other related uses. The purpose of the modification is to increase the area of the leased premises and make a corresponding adjustment in the rental.

Dated: August 4, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-11419 Filed 8-6-71;8:52 am]

[Independent Ocean Freight Forwarder License 1100]

UNIVERSAL VAN LINES, INC.

Order of Revocation

By letter dated July 2, 1971, Universal Van Lines, Inc., 117 West Virginia Beach Boulevard, Norfolk, Va., was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1100 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before July 27, 1971.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Universal Van Lines, Inc., has failed to furnish a surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) section 7.04(g) (dated September 29, 1970):

It is ordered, That the Independent Ocean Freight Forwarder License of Universal Van Lines, Inc., be returned to the Commission for cancellation.

It is further ordered, That the Independent Ocean Freight Forwarder License of Universal Van Lines, Inc., be and is hereby revoked effective July 27, 1971.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Universal Van Lines, Inc.

AARON W. REESE,
Managing Director.

[FR Doc.71-11420 Filed 8-6-71;8:52 am]

[Docket No. E-7653]

FEDERAL POWER COMMISSION

BLACK HILLS POWER AND LIGHT CO.

Notice of Application

AUGUST 3, 1971.

Take notice that on July 12, 1971, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Black Hills Power and Light Co. (applicant), a corporation organized under the laws of the State of South Dakota and doing business in the States of South Dakota, Wyoming, and Montana, with its principal business office at Rapid City, S. Dak., seeking an order authorizing the issuance of up to $1.8 million of short-term notes. Applicant proposes to issue such short-term notes to enable it to carry on its construction program, to maintain an adequate working cash position and to redeem its First Mortgage Bonds, Series A, 3⅜ percent, dated September 1, 1971. Applicant will pay the prime rate of interest in effect at the time of issuance of the short-term notes. No underwriter's or finder's fee has been or will be paid in connection with the issuance of any such notes.

Any person desiring to be heard, or to make protest with reference to said application, should on or before the 20th day of August 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions 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 inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-11412 Filed 8-6-71;8:52 am]

[Docket No. E-7648]

BONNEVILLE POWER ADMINISTRATION

Order Confirming and Approving Rates and Charges

AUGUST 3, 1971.

The Assistant Secretary of the Interior, on behalf of Bonneville Power Administration (BPA), pursuant to section 5 of the Bonneville Act (50 Stat. 731, 734-735, as amended, 59 Stat. 546), and section 5 of the Flood Control Act of 1944 (58 Stat. 887,890), on July 21, 1971, filed with the Federal Power Commission a request for confirmation and approval of the rates for the sale of additional electric energy made available by continuing the dual-purpose operation of the Hanford N-Reactor. The approval is requested for the rates as set forth in section 5 of Power Sales Contract No. 14-03-19309 (Power Sales Contract) between BPA and 16 industrial customers to cover the fiscal years 1972, 1973, and 1974.

The Power Sales Contract, together with contracts between (1) BPA and the Washington Public Power Supply System (WPPSS), and (2) the U.S. Atomic Energy Commission (AEC) and WPPSS, provides the basis for continuing the dual-purpose operation of the Hanford N-Reactor as proposed by the Office of Management and Budget (OMB).

In addition to the contracts involving WPPSS, pursuant to the OMB proposal and under the terms of the Power Sales Contract, the 16 industrial customers agreed to pay $9 million to AEC toward the funds necessary to continue the operation of the Hanford N-Reactor provided that the industrial customers are permitted to purchase additional electric energy from BPA totaling 3 billion kilowatt hours in fiscal years 1972-74. The Power Sales Contract also provides for the 16 industrial customers to pay BPA at the rate of 2 mills per kilowatt-hour for the aforementioned 3 billion kilowatt hours of energy.

Inasmuch as the Department of the Interior has represented that the approval herein sought is for rates to which all parties are in complete agreement, public notice of this filing was deemed unnecessary.

The Commission finds: It is appropriate for the purposes of the Bonneville Act and section 5 of the Flood Control Act of 1944 that the rates and charges set forth in section 5 of the Power Sales Contract No. 14-03-19039 between the Bonneville Power Administration and 16 industrial customers, relating to restart of the Hanford NPR Project, as referred to above, be confirmed and approved.

The Commission orders: The aforementioned rates and charges are hereby confirmed and approved for the period covering fiscal years 1972-74.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.71-11416 Filed 8-6-71;8:52 am]

[Docket No. RP71-31]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Order Providing for Hearing, Permitting Tracking Rate Increase To Become Effective Subject to Refund, and Providing Hearing Procedure

JULY 30, 1971.

Transcontinental Gas Pipe Line Corp. (Transco), on June 10, 1971, filed revised tariff sheets to its FPC Gas Tariff, Original Volume No. 1,[1] reflecting an increase in jurisdictional rates of $1,009,-

[1] These revised sheets are as follows: Second Revised Sheets Nos. 29-CC and 28-X.5, Sixth Revised Sheets Nos. 28-GG and 28-JJ, Ninth Revised Sheets Nos. 28-A.1, 28-A.4 and 28-X.3, 13th Revised Sheet No. 27, 18th Revised Sheets Nos. 26-G, 26-L and 26-Q, 23d Revised Sheet No. 28-DD, 23d Revised Sheets Nos. 28-AA and 28-K-2, 28th Revised Sheet No. 26-B, 29th Revised Sheets Nos. 17-F and 28-P, 30th Revised Sheet No. 17-B, 31st Revised Sheets Nos. 9, 19, 24, and 28-I, 32d Revised Sheet No. 16 and 33d Revised Sheets Nos. 5 and 12.

283 annually to become effective on July 26, 1971. The filing is made for the purpose of tracking advance payments made by Transco in seven separate advance payment contracts. Transco, on April 29, 1971, filed a motion for approval of an amendment to "Agreement as to Rates of Transcontinental Gas Pipe Line Corp." in order to permit it to make tracking rate filings reflecting advance payments for gas. We are by separate order issued this same date granting Transco's motion.

Upon the filing by Transco of additional data as requested by the Commission Staff on July 12, 1971, the June 10, 1971, filing was noticed on July 21, 1971. The North Carolina Utilities Commission has filed a "Notice of Intervention in Protest" of the tracking filing. North Carolina contends that the sum of $9,946,589, which Transco proposes to include in rate base to reflect advance payments, is not properly includable therein as the repayment of $8,409,167 of said amount is stated to be guaranteed, that the gas will be resold to produce ordinary revenue and that the advance payment is only a loan of funds. North Carolina says that Transco will realize a return on its investments through repayment, acquisition or rights, data and interests in the properties acquired or discovered pursuant to the contracts, that Transco will also obtain a reasonable and appropriate return as to those portions of the advances which become unrecoverable and that the return should not be prematurely derived from gas distributors and ultimately the ratepayers, through a tracking filing.

Transco filed an answer to North Carolina's Protest in which it contends and argues that North Carolina misunderstands and misconceives the nature and effect of the advance payments which Transco seeks authority to track. Transco states, inter alia, that the advance payments to producers are properly includable in rate base as it must obtain these funds from conventional sources and that there is no possibility of Transco earning a return on its advances unless it is able to include these payments in rate base as contemplated by the Commission's Orders Nos. 410 and 410–A.

Review of Transco's filing and the protest of the North Carolina Commission indicates that certain issues are raised which require development in evidentiary proceedings. The proposed increased rates have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. We will therefore order a hearing on Transco's tracking filing and will allow the proposed increased rates to become effective, subject to refund, pending the outcome of the hearing.

The Commission finds:

It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that:

(1) The Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in the proposed revised tariff sheets contained in footnote 1 above and that those revised tariff sheets be allowed to become effective, subject to refund, as hereinafter provided; and

(2) The disposition of these proceedings be expedited in accordance with the procedures set forth below.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held commencing with a prehearing conference on September 21, 1971, at 10 a.m., e.d.t., in hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, concerning the lawfulness of the rates and charges contained in Transco's proposed revised tariff sheets contained in footnote 1 above.

(B) Transco's proposed revised tariff sheets are allowed to become effective as of July 26, 1971, subject to refund, pending hearing and decision thereon.

(C) Following the prehearing conference on September 21, 1971, all evidence shall be admitted to the record, subject to appropriate motions, if any, by parties to the proceeding.

(D) Following the admission of the evidence to the record, the parties shall proceed to effectuate the intent and purpose of § 2.59 of the Commission's rules of practice and procedure and of this order.

(E) On or before August 16, 1971, Transco and parties supporting Transco's filing shall serve their prepared testimony and exhibits. The prepared testimony and exhibits of the North Carolina Utilities Commission and any other parties in opposition to Transco's filing shall be served on or before August 30, 1971. Any rebuttal evidence by Transco and supporting parties shall be filed on or before September 7, 1971. Cross-examination of the evidence shall commence immediately following the prehearing conference on September 21, 1971. The Presiding Examiner, upon a showing of good cause, may grant such extensions of time as he deems appropriate.

(F) A Presiding Examiner to be designated by the Chief Examiner for that purpose (see Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding; shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

By the Commission.

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

[FR Doc.71-11413 Filed 8-6-71;8:52 am]

[Docket No. RP71-31]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Order Approving Amendment to "Agreement as to Rates"

JULY 30, 1971.

Transcontinental Gas Pipe Line Corp. (Transco), on April 29, 1971, filed a motion for an amendment to its "Agreement as to Rates" in the above-captioned docket. Transco's proposal would add a new Article VII in order to permit it to file tracking rate increases to give effect to inclusion in its rate base of advance payments in accordance with the provisions set forth in that article.

In support of its motion Transco states that as a result of the Commission's Orders Nos. 410 and 410–A in Docket No. R–380 allowing pipelines to account for and include in rate base advance payments as therein defined, a number of pipelines have made substantial outlays to producers in the form of advance payments and have filed with the Commission proposals to reflect in rates to their customers such payments and other advance payments made subsequent thereto. Transco says that it will be required to make additional advance payments to producers in its supply areas if it is to be able to compete effectively with other pipeline companies for the purchase of new gas supplies and stimulate additional drilling in such supply areas. Transco says that it has discussed the situation with its customers, has submitted to its customers the proposed changes in its "Agreement as to Rates" in this docket and has received no objection to the relief which is being sought herein. The tracking proposal would be an exception to Transco's 1-year moratorium on rate increases to which it agreed in the aforementioned agreement.

No protests or requests for formal hearing were filed before the due date of May 24, 1971. On July 14, 1971, the North Carolina Utilities Commission filed a "Notice of Intervention of Protest" requesting that Transco's motion and a subsequent tracking filing reflecting advanced payments be denied. North Carolina contends that Transco's motion should be denied on the grounds that the tracking of advance payments is not necessary, reasonable or appropriate as a part of Transco's efforts to purchase gas. North Carolina also claims that the amounts of advance payments are not properly includable in rate base, that Transco will realize a return on its investments without tracking advance payments and that the return should not be prematurely derived from gas distributors and ultimately the ratepayers through a tracking filing.

Transco filed an answer to North Carolina's protest in which it contends and argues that North Carolina misunderstands and misconceives the nature and effect of the advance payments which Transco seeks authority to track. Transco states, inter alia, that the advance payments to producers are properly includable in rate base as it must obtain these funds from conventional sources and that there is no possibility of Transco earning a return on its advances unless it is able to include these payments in rate base as contemplated by the Commission Orders Nos. 410 and 410–A.

Transco is competing for gas supply with other major pipelines such as Southern Natural Gas Co. and Natural Gas Pipe Line Company of America, which

have been allowed to recoup advance payments through rate base adjustments pursuant to our Orders Nos. 410 and 410–A. North Carolina's argument that Transco's advance payments are not reasonable, necessary or appropriate efforts to obtain gas supply are thus without merit. Furthermore, the proposed Article VII to the rate agreement provides adequate protection to Transco's customers in that it requires Transco to serve copies of any tracking filing reflecting advance payments on its customers 45 days prior to the proposed effective date of the rate change, together with, in the case of a rate increase, a detailed statement, under oath, of the transaction involved with workpapers showing calculation of the rate increase; and provides that if objection to a tracking increase is made prior to the effective date thereof, any portion of such increase found by the Commission, after hearing, to be unjustified shall be subject to refund.

The Commission finds: For the above-stated reasons the protest of the North Carolina Utilities Commission should be denied and Transco's motion, filed April 29, 1971, should be granted and Transco's "Agreement as to Rates" should be amended as proposed in its motion.

The Commission orders:

(A) The protest of the North Carolina Utilities Commission to Transco's motion of April 29, 1971, is denied.

(B) Transco's motion of April 29, 1971, is granted and Transco's "Agreement as to Rates" is amended by revising Article III of said agreement and adding a new Article VII to the agreement. Article III, as amended provides as follows:

With the exception of (1) rate filings which might be required as a result of changes of tax laws affecting Transco, (2) tracking filings made pursuant to Article IV hereof and (3) rate filings to reflect advance payments for gas in accordance with Article VII hereof, Transco will not, before January 1, 1972, place into effect increases in the jurisdictional rates contained in Article II hereof. It is understood and agreed, however, that Transco may file proposed rate increases sufficiently in advance of January 1, 1972, to permit the proposed increased rates to be placed in effect on January 1, 1972, after full suspension under the provisions of the Natural Gas Act.

The new Article VII provides as follows:

ADVANCE PAYMENTS

While the rates provided for in this stipulation and agreement are in effect, Transco may, from time to time prior to January 1, 1972, file and place into effect in accordance with the provisions of this Article VII, increases in its jurisdictional rates to give effect to inclusion in rate base of advance payments made by Transco. Such rate increases shall become effective without suspension but any such increase shall be subject to refund, if objection to it is made prior to the effective date thereof, as to that portion of such increase in rates found by the Commission after hearing to be unjustified. Transco agrees that, in the event all or any portion of an advance payment for which a rate increase has been made hereunder is repaid, in money or in gas, Transco will reflect such repayment in its rates during the term of this stipulation and agreement. "Advance payments" as used herein shall mean "advance payments for gas" as defined in Order No. 410–A or in any order which the Commission may hereafter issue in Docket No. R–380, Docket No. R–411 or any other docket modifying, superseding or in any manner changing the definition of "advance payments for gas."

The amount to be recovered by any rate increase filed hereunder, or the amount by which Transco's rates are to be reduced by reason of the repayment of an advance payment, shall be computed by multiplying (a) the difference between (i) the total amount of advance payments, less repayments, made by Transco as of a date at least forty-five (45) days prior to the proposed effective date of such rate change and (ii) the net amount of advance payments which are reflected in Transco's rates immedately prior to such rate change, by (b) 9.56 percent.

Changes in Transco's rates pursuant to this Article VII shall be applied solely to Transco's commodity charges of its two-part rates (as well as applied to the one-part rates of Transco) computed to the nearest one-tenth of a cent.

Transco shall file with the Commission and serve on its jurisdictional customers and all parties to these proceedings revised tariff sheets reflecting any rate change pursuant to the provisions hereof at least forty-five (45) days prior to the proposed effective date of such change. If such filing represents a rate increase, it shall contain (a) a statement under oath by an officer of Transco describing in full the transaction to which the advance payment relates together with a copy of the advance payment agreement; and (b) work papers showing how the rate increase was calculated. In the case of a rate decrease, the filing shall be accompanied by (a) a statement under oath by an officer of Transco setting out the details of the repayment and (b) work papers showing how the rate decrease was calculated. Any rate decrease to be filed pursuant to the provisions hereof shall be filed within ten (10) days after the date on which advance payments, less repayments, then reflected in Transco's rates have been reduced by one-tenth of one cent (0.1¢) per Mcf of jurisdictional sales.

By the Commission.

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

[FR Doc.71-11414 Filed 8-6-71;8:52 am]

[Docket No. CP72-23]

TRUNKLINE GAS CO. AND TENNESSEE GAS PIPELINE CO.

Notice of Application

AUGUST 3, 1971.

Take notice that on July 27, 1971, Trunkline Gas Co. (Trunkline), Post Office Box 1642, Houston, TX 77001, and Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Tennessee), Post Office Box 2511, Houston, TX 77001, filed in Docket No. CP72-23 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of existing facilities for the exchange of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that they have contracted to purchase natural gas produced by Tenneco Oil Co. (Tenneco) in South Timbalier, Block 196 Field, offshore Louisiana. Under the provisions of these natural gas purchase contracts, three-fourths of Tenneco's daily production, estimated to be between 30,000 Mcf and 40,000 Mcf of natural gas, will be purchased by Trunkline and one-fourth will be purchased by Tennessee.

To facilitate the receipt of natural gas by Tennessee, Tenneco will deliver all the natural gas purchased by Trunkline and Tennessee to Trunkline through facilities presently under construction under authorization from the Commission in Docket No. CP71-285. Trunkline will transport this natural gas onshore and deliver to Tennessee, at an existing interconnection between their facilities near Centerville, La., all the natural gas purchased from Tenneco less any volumes removed as fuel and shrinkage by Tenneco. Tennessee will redeliver Trunkline's portion, an amount equal to three fourths of the total volume received from Trunkline, to Trunkline at an existing interconnection between their facilities near Kinder, La.

Applicants state that the exchange of natural gas proposed herein will provide additional volumes of natural gas and a more efficient utilization of their respective facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 24, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-11415 Filed 8-6-71;8:52 am]

[Docket No. G-5379 etc.]

SKELLY OIL CO. ET AL.

Findings and Order After Statutory Hearing

AUGUST 2, 1971.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, substituting respondent, redesignating proceeding, and accepting rate schedules for filing.

Each applicant herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce or for permission and approval to abandon service or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions to amend.

Applicants have filed FPC gas rate schedules or supplements to rate schedules on file with the Commission and propose to initiate, abandon, add, or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein.

Pennzoil United, Inc. (Operator), et al., applicant in Dockets Nos. CI69-803 and CI69-970, proposes to continue sales of natural gas heretofore authorized in Dockets Nos. CI69-804 and CI69-965, respectively, to be made pursuant to Stetco '68, Ltd., FPC Gas Rate Schedules Nos. 1 and 2, respectively. The contracts comprising Stetco's FPC Gas Rate Schedules Nos. 1 and 2 are identical to Pennzoil United's FPC Gas Rate Schedules Nos. 22 and 23, respectively, and will be superseded by supplements to the latter rate schedules. The rates under Stetco's rate schedules are effective subject to refund in Docket No. RI70-706 and Pennzoil United requests that it be substituted in lieu of Stetco as respondent in said proceeding and agrees to assume the total refund obligation from the time the increased rates were made effective subject to refund.

The Commission's staff has reviewed the applications and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, no petition to intervene, notice of intervention, or protest to the granting of the applications has been filed.

At a hearing held on July 29, 1971, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record.

The Commission finds:

(1) Each applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales of natural gas by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity; and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in various dockets involved herein should be amended as hereinafter ordered.

(6) The sales of natural gas proposed to be abandoned, as hereinbefore described and as more fully described in the applications and in the tabulation herein, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(7) The abandonments proposed by applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered, and the related certificates should be terminated.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Pennzoil United, Inc. (Operator), et al., should be substituted in lieu of Stetco '68, Ltd., as respondent in the proceeding pending in Docket No. RI70-706 and that said proceeding should be redesignated accordingly.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 7 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against applicants. Further, our action in this proceeding shall not foreclose or prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. The grant of the certificates aforesaid for service to the particular customers involved does not imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The orders issuing certificates of public convenience and necessity in Dockets Nos. G-5379, CI65-98, CI67-596, and CI70-129 are amended by adding thereto or deleting therefrom authorization to sell natural gas as more fully described in the applications and in the tabulation herein. In all other respects said orders shall remain in full force and effect.

(E) The certificates issued in Dockets Nos. CI69-804 and CI69-965 for service herein authorized to be continued in Dockets Nos. CI69-803 and CI69-970, respectively, are terminated.

(F) The certificates of public convenience and necessity and certificate authorizations granted in Dockets Nos. CI65-98, CI67-596, CI71-338, CI71-571, and CI71-785 are subject to the Commission's findings and order accompanying Opinion No. 586. If the quality of the gas deviates at any time from the quality standards set forth in § 154.106 (d) of the regulations under the Natural Gas Act so as to require a downward adjustment of the existing rates, notices of changes in rate shall be filed pursuant

to section 4 of the Natural Gas Act; provided, however, that adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rate.

(G) The name of the certificate holder in Dockets Nos. CI69-803 and CI69-970 is changed to Pennzoil United, Inc. (Operator), et al., and the related rate schedules are redesignated as Pennzoil United, Inc. (Operator), et al., FPC Gas Rate Schedules Nos. 22 and 23, respectively.

(H) Permission for and approval of the abandonment of service by applicants, as hereinbefore described and as more fully described in the applications and tabulation, are granted; and the certificates of public convenience and necessity issued in Dockets Nos. G-12050, G-20329, CI64-1088, and CI67-1097 are terminated.

(I) Pennzoil United, Inc. (Operator), et al., is substituted in lieu of Stetco '68, Ltd., as respondent in the proceeding pending in Docket No. RI70-706 and said proceeding is redesignated accordingly.

(J) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing as set forth in the tabulation herein.

By the Commission.

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

Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule [1] Description and date of document	No.	Supp.
G-5379 ..... C 3-24-71	Skelly Oil Co.....	El Paso Natural Gas Co., acreage in Lea County, N. Mex.	Supplemental agreement 3-4-71. (Effective date: Date of initial delivery.)	68	16
CI65-98 ..... C 4-26-71	Texaco, Inc.....	El Paso Natural Gas Co., East Panhandle Field, Wheeler County, Tex.	Amendment 4-5-71.....	337	4
CI67-896 ..... C 3-8-71	Humble Oil & Refining Co.	Oklahoma Natural Gas Gathering Corp., Cleo Springs Field, Major County, Okla.	Amendment 2-8-71.....	413	5
CI68-633 ..... A 11-8-67	Walter K. Arbuckle et al.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Simpson Ridge Field, Carbon County, Wyo.	Contract 9-25-67..... Letter agreement 9-25-67....	1 1	1
CI69-803 [2] ..... CF 3-10-71	Pennzoil United, Inc. (Operator) et al. (successor to Stetco 1968, Ltd.).	Transwestern Pipeline Co., South Carlsbad Area, Eddy County, N. Mex.	Letter agreement 6-30-70 [3].. (Effective date: 6-30-70.)	22	[4] 3
CI69-970 [2] ..... CF 3-10-71	....do.....	Transwestern Pipeline Co., Crawford Field, Eddy County, N. Mex.	Letter agreement 6-30-70 [5].. (Effective date: 6-30-70.)	23	[6] 3
CI70-129 [7] ..... D 3-22-71	Cities Service Oil Co....	Consolidated Gas Supply Corp., Coopers Creek Area, Kanawha County, W. Va.	Notice of partial cancellation 3-16-71. (Effective date: Date of this order.)	318	4
CI71-338 ..... A 10-16-70	Toltec Resources, Inc.....	Arkansas Louisiana Gas Company, Buffalo Wallow Field, Hemphill County, Tex.	Contract 5-28-70 [8]..... Compliance 1-6-71 [8]..... Compliance 2-15-71..... (Effective date: Date of initial delivery).	1 1 1	1 1 to 1

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule [1] Description and date of document	No.	Supp.
CI71-571 ..... A 2-8-71	Chevron Oil Co., Western Division.	Northern Natural Gas Company, Hog Creek Area, Ellis County, Okla.	Contract 10-23-70.....	44	.....
CI71-675 [9] ..... B 3-18-71	Gulf Oil Corp.....	Kansas-Nebraska Natural Gas Company, Inc., Riverside Field, Weld County, Colo.	Notice of cancellation 3-16-71 [10] (Effective date: Date of this order).	364	3
CI71-676 [11] ..... B 3-18-71	....do.....	Kansas-Nebraska Natural Company, Inc., Mount Hope East Field, Logan County, Colo.	Notice of cancellation 3-16-71 [12] (Effective date: Date of this order).	343	4
CI71-685 [13] ..... B 3-19-71	Shell Oil Co.....	Cities Service Oil Company, Twomile Field, Weld County, Colo.	Notice of cancellation 3-19-71 [12] (Effective date: Date of this order).	155	7
CI71-687 [13] ..... B 3-22-71	Fred Jones.....	El Paso Natural Gas Company, Basin Dakota Pool, San Juan County, N. Mex.	Notice of cancellation 3-19-71 [12] (Effective date: Date of this order).	1	1
CI71-785 [14] 4-26-71	J. M. Huber Corp.....	Cities Service Gas Company, Acreage in Alfalfa County, Okla.	Contract 10-29-57.....	91	.....

[1] Where no effective date is shown, the rate schedule filing has heretofore been accepted.
[2] Applicant proposes to continue sales heretofore authorized in Docket No. CI69-804 to be made pursuant to Stetco 1968, Ltd., FPC Gas Rate Schedule No. 1. The contract comprising said rate schedule is identical to Applicant's rate schedule.
[3] Includes assignment from Stetco 1968, Ltd., to Applicant et al., and cancels Contract No. 1644 which is on file as Stetco 1968, Ltd., FPC Gas Rate Schedule No. 1.
[4] Supersedes Stetco 1968, Ltd., FPC Gas Rate Schedule No. 1.
[5] Applicant proposes to continue sales heretofore authorized in Docket No. CI69-903 to be made pursuant to Stetco 1968, Ltd., FPC Gas Rate Schedule No. 2. The contract comprising said rate schedule is identical to Applicant's rate schedule.
[6] Includes assignment from Stetco 1968, Ltd., to Applicant et al., and cancels Contract No. 1677 which is on file as Stetco 1968 Ltd., FPC Gas Rate Schedule No. 2.
[7] Supersedes Stetco 1968, Ltd., FPC Gas Rate Schedule No. 2
[8] Application to amend to delete nonproductive farmed-out acreage.
[9] Heretofore accepted for filing.
[10] Application for permission and approval to abandon sale authorized in Docket No. CI64-1088.
[11] Includes (1) letter agreement dated May 27, 1966, between The British-American Oil Producing Co., predecessor in interest to applicant, and buyer deleting a portion of the subject acreage and (2) a letter agreement between applicant and buyer, executed Mar. 11, 1971, deleting the remainder of the acreage and canceling the contract.
[12] Application for permission and approval to abandon the sale authorized in Docket No. G-20329.
[13] Includes letter of concurrence from buyer.
[14] Application for permission and approval to abandon the sale authorized in Docket No. G-12050.
[15] Application for permission and approval to abandon the sale authorized in Docket No. CI67-1097.
[16] Applicant proposes to continue sales from its own interests heretofore authorized in Docket No. G-13798 to be made pursuant to Davon Drilling Co. FPC Gas Rate Schedule No. 1. Davon Drilling Co. has applied for a small producer certificate in Docket No. CI71-206 and sales from applicant's interests cannot be covered thereunder.

[FR Doc.71-11276 Filed 8-6-71;8:45 am]

FEDERAL RESERVE SYSTEM

ATLANTIC BANCORPORATION

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Atlantic Bancorporation, Jacksonville, Fla., for approval of acquisition of 52 percent or more of the voting shares of Gainesville Atlantic Bank, Gainesville, Fla., a proposed new bank.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Atlantic Bancorporation, Jacksonville, Fla. (Applicant), a registered bank holding company, for the Board's prior approval

of the acquisition of 52 percent or more of the voting shares of Gainesville Atlantic Bank, Gainesville, Fla. (Bank), a proposed new bank.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Florida Commissioner of Banking, and requested his views and recommendation. The Commission responded that he recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on June 9, 1971 (36 F.R. 11126), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served, and finds that:

Applicant has 17 subsidiary banks with aggregate deposits of $645.7 million, representing 4.6 percent of the bank deposits in Florida and ranks as the fourth largest bank holding company in the State. (Banking data are as of December 31, 1970, and reflect holding company formations and acquisitions approved by the Board through June 30, 1971.) Approval of the acquisition of Bank would not presently alter this ranking or increase Applicant's deposits since Bank, as stated above, is a proposed new bank.

All of Applicant's existing subsidiaries are in excess of 45 miles from Gainesville with one exception. Applicant's First National Bank of Gainesville is 4 miles southeast of Bank and is the largest bank in the Gainesville area with deposits of $47.7 million. However, there are nine other banks competing in the area, including affiliates of Florida's first, fifth, and 13th largest holding companies. These latter three control some 44 percent of area deposits and are able to provide strong competition. Moreover, the Gainesville area has experienced rapid population growth and appears to possess attractive opportunities for other de novo entrants. Considering the present competition existing in Gainesville and the probability of increased future competition, the Board concludes that consummation of the proposed acquisition would not adversely affect competition in any relevant area.

The financial and managerial resources and future prospects of Applicant, its subsidiary banks, and Bank are regarded as satisfactory. The establishment of Bank would provide a more convenient banking location for many customers in the northern Gainesville area. Thus, considerations related to the convenience and needs of the community lend some weight in favor of approval. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

It is hereby ordered, On the basis of the Board's findings summarized above, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, and provided further that (c) Gainesville Atlantic Bank shall be open for business not later than 6 months after the date of this order. The periods described in (b) and (c) hereof may be extended for good cause by the Board or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] August 3, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-11342 Filed 8-6-71;8:45 am]

FIRST CHICAGO CORP.

Proposed Acquisition of I. J. Markin & Co.

First Chicago Corp., Chicago, Ill., a bank holding company, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843 (c)(8)) and § 222.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of I. J. Markin & Co., Chicago, Ill. Notice of the application was published on June 21, 1971, in the Chicago Tribune, a newspaper circulated in Chicago, Ill.

Applicant states that, upon consummation of its proposal, the proposed subsidiary would engage solely in activities (specifically mortgage lending) already specified by the Board in § 222.4(a)(1) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 222.4(b). The permissibility of such activities in general is not in issue with respect to this application.

The application may be inspected in Room 1020 of the Board's building or at the Federal Reserve Bank of Chicago.

Interested persons may express their views on the question whether performance of the mortgage banking function by I. J. Markin & Co. as an affiliate of applicant can, as set forth in section 4(c)(8) of the Act "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices". Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than September 2, 1971.

Board of Governors of the Federal Reserve System, August 2, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc. 71-11343 Filed 8-6-71;8:45 am]

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

UNITED MIDWEST EQUITY, INC.

Order Approving Action To Become Bank Holding Company

In the matter of the application of United Midwest Equity, Inc., Detroit, Mich., for approval of action to become a bank holding company through the acquisition of 97.1 percent of the voting shares of Liberty State Bank and Trust, Hamtramck, Mich.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by United Midwest Equity, Inc. (Applicant), Detroit, Mich., for the Board's prior approval of action where by Applicant would become a bank holding company through the acquisition of 97.1 of the voting shares of Liberty State Bank and Trust (Bank), Hamtramck, Mich.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Financial Institutions for the State of Michigan, and requested his views and recommendation. The Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on July 10, 1971 (36 F.R. 13004), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the bank concerned, and the convenience and needs of the communities to be served, and finds that:

Applicant is a nonoperating Michigan corporation recently formed for the purpose of acquiring Bank. As Applicant has

no present operations or subsidiaries, consummation of the proposal would eliminate neither existing nor potential competition, and there would be no adverse effects on competing banks.

Bank, with deposits of approximately $55 million, controls 0.3 percent of commercial bank deposits in the State of Michigan. The acquisition proposed herein should result in Bank becoming a stronger and more viable banking institution and a more effective competitor in the relevant market. Banking factors weigh in favor of approval of the application since the transaction would place responsible local interests in management of Bank, and Applicant proposes to undertake specific measures to improve Bank's present financial condition and to continue to improve operating procedures. While it appears that banking needs of the area are being adequately served at the present time, it is expected that consummation of the proposal will strengthen the Bank and enable it to better serve the banking needs of the area. Therefore, considerations relating to convenience and needs of the communities to be served also lend weight in favor of approval of the application. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved:

It is hereby ordered, For the reasons set forth above, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[1] August 3, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-11344 Filed 8-6-71;8:46 am]

FEDERAL TRADE COMMISSION

SPECIAL REPORTS RELATING TO ADVERTISING CLAIMS

Requirement for Submission and Disclosure Thereof by the Commission

Notice is hereby given that the Federal Trade Commission has amended the title of the resolution appearing at 36 F.R. 12058 to read as follows:

RESOLUTION REQUIRING SUBMISSION OF SPECIAL REPORTS RELATING TO ADVERTISING CLAIMS AND DISCLOSURE THEREOF BY THE COMMISSION IN CONNECTION WITH A PUBLIC INVESTIGATION

By direction of the Commission dated August 4, 1971.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.71-11439 Filed 8-6-71;8:54 am]

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

POSTAL SERVICE

INTERNATIONAL MONEY ORDERS FOR ARGENTINA

Rate of Conversion

Notice is hereby given that international money orders issued for payment in Argentina will be converted at the rate of 4.33 pesos to $1.

(39 U.S.C. 401, 407, 408)

DAVID A. NELSON,
Senior Assistant Postmaster General and General Counsel.

[FR Doc.71-11356 Filed 8-6-71;8:47 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

ACME MISSILES & CONSTRUCTION CORP. ET AL.

Order Suspending Trading

AUGUST 3, 1971.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Acme Missiles & Construction Corp., MSI Corp. and Camera Corporation of America and all other securities of Acme Missiles & Construction Corp., MSI Corp. and Camera Corporation of America being traded 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) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 3, 1971, 12:30 p.m., e.d.t., through August 12, 1971.

By the Commission.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-11348 Filed 8-6-71;8:46 am]

CONTINENTAL DYNAMICS, INC.

Order Suspending Trading

AUGUST 3, 1971.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Dynamics, Inc., a Utah corporation, and all other securities of Continental Dynamics, Inc., being traded 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) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 3, 1971, 3 p.m., e.d.t., through August 12, 1971.

By the Commission.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-11349 Filed 8-6-71;8:46 am]

[File No. 1-4847]

ECOLOGICAL SCIENCE CORP.

Order Suspending Trading

AUGUST 2, 1971.

The common stock, 2 cents 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 sections 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 August 3, 1971, through August 6, 1971.

By the Commission.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-11350 Filed 8-6-71;8:46 am]

[31-8]

PACIFIC LIGHTING CORP.

Notice and Order for Hearing Regarding Revocation or Modification of Order Providing Exemption

AUGUST 3, 1971.

By order dated January 13, 1936 (1 S.E.C. 275), the Commission, pursuant to section 3(a)(1) of the Public Utility Holding Company Act of 1935 (Act), granted Pacific Lighting Corp. (Pacific), 810 South Flower Street, Los Angeles, CA 90017, as a holding company, and each of its subsidiary companies, an exemption from all provisions of the Act.

In its order, the Commission found that Pacific and each of its four public utility subsidiary companies (Los Angeles Gas and Electric Corp., Southern California Gas Co., Southern Counties Gas Co. of California, and Santa Maria Gas Co.) were incorporated in, and operated solely within, the State of California.

As of January 13, 1936, Pacific also owned more than 10 percent of the voting securities of four nonutility non-California corporations: Southern California

Gas Corp. (Southern California), a Delaware corporation; Industrial Fuel Supply Co. (Industrial), a Delaware corporation; Ventura Fuel Co. (Ventura), a Delaware corporation; and Southern Fuel Corp. (Southern Fuel), a Nevada corporation. Of these companies, Industrial and Southern Fuel owned facilities for the transmission of natural gas and made sales of gas in large quantities to various agencies which made distribution thereof at retail. Ventura was an intermediate holding company whose only asset was stock in Industrial. Southern California, which was at one time a holding company, was in process of dissolution.

The annual report of Pacific filed with the Commission for 1970 lists as subsidiary companies of Pacific two utility companies and 18 nonutility companies, as follows:

UTILITY COMPANIES

Southern California Gas Co.
Pacific Lighting Service Co.

NONUTILITY COMPANIES

All-Year Weather, Inc.
Blackfield Hawaii Corp.
Central Plants, Inc.
Dual Fuel Systems, Inc.
Dunn Properties Corp.
W. D. Fowler and Sons Corp.
Fredricks Development Corp.
Hawaii real estate service group:
  Hawaii Shopping Center Corp.
  Hawaii Management Corp.
  Hawaii Real Property Corp.
  Don R. Cowell and Associates, Inc.
Pacific Lighting Exploration Co.
Pacific Lighting Gas Development Co.
Pacific Lighting Properties, Inc.
Pacific Offshore Pipeline Co.
Uni-Plant Corp.
Uni-Plant Leasing Co., Inc.
Uni-Plant Sales Co., Inc.

The following information appears in various documents filed with this Commission.

On June 1, 1971, Pacific Lighting Agricultural Corp., a wholly owned subsidiary company of Pacific, purchased a complex of agricultural properties (including real estate).

On August 1, 1970, Pacific consolidated its two former gas distribution subsidiary companies (Southern California Gas Co. and Southern Counties Gas Co.). The surviving entity, Southern California Gas Co., serves more than 3.1 million customers. Operations of the nonutility companies are grouped into the following major categories: agriculture, real estate development, central energy systems, equipment leasing, vehicle emissions control, and resource exploration.

Of the above-listed subsidiary companies, W. D. Fowler and Sons Corp. (Fowler) runs the largest pistachio nut operation in the United States. In addition, Fowler manages prune, olive, and citrus crop acreage for private investors.

Blackfield Hawaii Corp. (Blackfield Hawaii), acquired by Pacific in 1969, is an Hawaii-wide developer of resort hotels, apartments, condominiums, and shopping centers. A subsidiary company of Blackfield Hawaii, Realty Mortgage Corp. (Realty Mortgage), is the second largest mortgage company in Hawaii. Realty Mortgage maintains its own data processing center which is used by Blackfield Hawaii and other companies.

The Hawaii real estate service group of Pacific consisting of four operating units, in conjunction with Blackfield Hawaii, is stated by Pacific to provide coverage of the entire real estate development cycle in the Hawaiian Islands. The Hawaii real estate service group is engaged in consulting services, leasing activities, real estate brokerage and management services for commercial properties including shopping centers, office buildings, and warehouses. Hawaii Shopping Center Corp. is currently the largest commercial real estate service company in Hawaii.

Dunn Properties Corp. (Dunn), acquired by Pacific in 1969, is principally engaged in production and sale in Texas and California of fully developed "turn key" industrial properties suitable for light industry and warehouses. A subsidiary company of Dunn, Revcon, Inc., produces motorhomes.

Fredricks Development Corp. (Fredricks), a California-based developer of apartment house properties, was acquired by Pacific in January 1970. A Fredricks subsidiary company, Fredricks Sales, Inc., is a house furnishings supply company which is primarily engaged in providing interior furnishings for Fredricks' apartment developments. Fredricks also develops commercial properties and operates shopping centers, restaurants and a motel.

Pacific Lighting Properties, Inc. leases office, commercial, and industrial buildings and is engaged in the construction of an office building and two apartment developments.

Central Plants, Inc., and Uni-Plant Corp. operate seven central energy plants in the greater Los Angeles area.

All-Year Weather, Inc., guarantees loans for builders and developers as a means of assisting them to obtain financing for new construction.

Uni-Plant Leasing Co., Inc., leases and rents various types of equipment, chiefly small-tonnage gas air conditioning for commercial applications.

Uni-Plant Sales Co., Inc., guarantees the financing and also the performance of residential air conditioning.

Dual Fuel Systems, Inc., formed in 1970 by Pacific, promotes and markets a Pacific-developed dual fuel kit which permits motor vehicles to operate on natural gas—interchangeably with gasoline, if desired.

Pacific Lighting Exploration Co. and Pacific Lighting Gas Development Corp. are engaged, primarily through joint ventures with other companies, in exploration for natural gas reserves.

For the year ended December 31, 1970, Pacific and its subsidiary companies had total operating revenues of $683,481,000, including net "other income" of $8,139,000, and consolidated net income applicable to common stock of $35,041,000. The consolidated balance sheet of Pacific Lighting Corp. and Subsidiary Cos. at December 31, 1970, shows total properties (net) of $925,416,000, nonutility real estate (less accumulated depreciation) of $23,226,000, and real estate inventories (at cost) in the amount of $36,182,000.

The stated goal of Pacific as contained in its 1969 annual report "is to build earnings from nonutility sources to at least 25 percent of total net income within 5 years."

The Division of Corporate Regulation has advised that a question exists as to whether the diversification of Pacific into nonutility activities unrelated to the gas distribution operations of Southern California Gas Co. constitutes a change of circumstances from those existing at the time of the issuance of the 1936 exemption order such that continuation of Pacific's exemption from the Act is detrimental to the public interest or the interest of investors or consumers, and it appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a public hearing be held with respect to this matter, and that the stockholders of Pacific and other interested persons be afforded an opportunity to be heard at such hearing:

It is ordered, That a hearing be held at the office of the Securities and Exchange Commission, 500 North Capitol Street NW., Washington, DC 20549, on September 15, 1971 at 10 a.m. On such date, the hearing room clerk will advise as to the room in which the hearing will be held:

It is further ordered, That a Hearing Examiner, hereafter to be designated, shall preside at said hearing. The officer so designated is hereby authorized to exercise all powers granted to the Commission under section 18(c) of the Act and to a hearing officer under the Commission's rules of practice.

At such hearing, the Commission deems it appropriate that the following matters and questions be presented for consideration, without prejudice, however, to the presentation of additional matters and questions:

(1) Whether the circumstances which gave rise to the Commission's order of January 13, 1936, granting Pacific an exemption from the Public Utility Holding Company Act of 1935 no longer exist.

(2) Whether, and if so, to what extent, the continued exemption of Pacific from the Act would be detrimental to the public interest or the interest of investors or consumers.

(3) Whether the existing exemption of Pacific from the Act under section 3(a)(1) should be revoked or modified:

It is further ordered, That any person, other than Pacific, desiring to be heard in connection with this proceeding or proposing to intervene therein shall file with the Secretary of the Commission, on or before September 10, 1971, a written request relative thereto as provided in rule 9 of the Commission's rules of practice. A copy of such request should be served personally or by mail (airmail of the person being served is located more than 500 miles from the point of mailing) upon the applicant at

the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Persons filing an application to participate or be heard will receive notice of the date of hearing or any adjournment thereof as well as other actions of the Commission involving the subject matter of these proceedings:

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid by mailing copies of this notice and order for hearing by certified mail to Pacific, the Public Utilities Commission of the State of California, the Federal Power Commission, and the U.S. Department of Justice; that Pacific shall mail copies of this notice and order for hearing, not later than August 25, 1971, to the stockholders of record of Pacific; and that notice to all other interested persons shall be given by a general release of the Commission and by publication of this notice and order for hearing in the FEDERAL REGISTER.

By the Commission.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-11351 Filed 8-6-71;8:46 am]

TARIFF COMMISSION

[TEA-I-22]

DINNERWARE

Rescheduling of Hearing Date

Notice is hereby given that the hearing in Investigation No. TEA-I-22, scheduled to be held in the Tariff Commission's Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, DC, beginning at 10 a.m. e.d.s.t., on September 21, 1971, has been rescheduled for 10 a.m., e.d.s.t., on September 14, 1971.

The hearing is being held in connection with a Commission investigation under section 301(b) of the Trade Expansion Act of 1962 to determine whether, as a result in major part of concessions granted under trade agreements "articles, of fine-grained earthenware, of fine-grained stoneware, and of nonbone chinaware or of subporcelain, all the foregoing available in specified sets and provided for in items 53314, 533.16, 533.23, 533.25, 533.26, 533.28, 533.63, 533.65, 533.66, and 533.68 of the Tariff Schedules of the United States," are being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to the domestic industry or industries producing articles which are like or directly competitive with the imported articles. Notice of the investigation was published in the FEDERAL REGISTER of June 16, 1971 (36 F.R. 11617).

Issued: August 4, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-11440 Filed 8-6-71;8:54 am]

[AA1921-77]

TEMPERED GLASS FROM JAPAN

Determination of Injury

The Assistant Secretary of the Treasury advised the Tariff Commission on May 3, 1971, that tempered sheet glass from Japan is being, and is likely to be sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended. In accordance with the requirements of section 201(a) of the Antidumping Act(19 U.S.C. 160(a)), the Tariff Commission instituted Investigation No. AA1921-77 to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

A public hearing was held on June 22, 1971. Notice of the investigation and hearing was published in the FEDERAL REGISTER of May 8, 1971 (36 F.R. 8624).

In arriving at a determination, the Commission gave due consideration to all written submissions from interested parties, evidence adduced at the hearing, and all factual information obtained by the Commission's staff.

On the basis of the investigation, the Commission has determined that an industry in the United States is being injured by reason of the importation of tempered sheet glass from Japan, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.[1]

STATEMENT OF REASONS FOR AFFIRMATIVE DETERMINATIONS BY COMMISSIONERS SUTTON AND MOORE

In our opinion, an industry in the United States is being injured by reason of the importation of tempered glass from Japan sold at less than fair value (LTFV) within the meaning of the Antidumping Act of 1921, as amended. In making our determination, we have considered the injured industry to consist of the facilities in the United States producing tempered glass. Tempered glass for patio doors, the specific article from Japan sold at LTFV, is currently produced in 13 plants, operated by nine firms.

The Commission's investigation has revealed that the price advantage afforded the foreign supplier by the sales at LTFV has contributed to market penetration by Japanese glass, market disruption on the East and West Coasts, and price suppression in the domestic market.

Market penetration and market disruption. In response to the passage by an increasing number of States of legislation requiring the use of "safety" glass in patio doors, as well as a rapidly expanding consumer demand, the U.S. consumption of tempered sheet glass for patio doors has multiplied in recent years. Apparent consumption in 1970—45 million square feet—was about three times the level of consumption in 1967—17 million square feet. In both 1967 and 1968 imports of tempered glass for patio doors from Japan supplied about 3 percent of U.S. consumption of such glass. However, in 1969, the year that included the period upon which Treasury based its LTFV determination, the Japanese share of the booming U.S. market sharply increased, amounting to more than 11 percent. While the Japanese market share declined in 1970 (likely in part because of Treasury's dumping investigation), it was still more than twice as large as in 1967 and 1968. The Treasury data shows that a substantial part of the imports of tempered glass from Japan during the period investigated (May–August 1969) were priced at LTFV. These LTFV sales were a significant contributing factor to the sudden penetration achieved by the Japanese in 1969.

There is considerable evidence that the U.S. market for tempered glass for patio doors was seriously disrupted as a result of the imports of such glass from Japan sold at LTFV. As will be described below, the sales of Japanese tempered glass in the United States have been an important cause of the severe price competition that has existed. The fivefold increase in imports of such glass from Japan between 1968 and 1969 had widespread market repercussions. Price discounting has prevailed, especially in coastal markets. As a consequence, one domestic producer who serves the East Coast has virtually dropped out of the market for tempered glass for patio doors.

Price effects. In markets where the product is generally homogeneous, where several suppliers exist, where customers are price conscious and able to shift from one supplier to another with relative ease, price competition is often intense. Under such circumstances, a small price advantage, one which might be unimportant in other markets, can be decisive in determining who makes a sale. These characteristics typify the domestic market for tempered glass for patio doors. A realized price differential of 1 cent per square foot, or less, can have an appreciable effect on sales. Hence, dumping margins in this case need not be great to confer a distinct advantage to the foreign producer, nor must the price advantage be such that the price of imported glass drastically undercuts the price of the domestic article.

Under the intensive price competition that has generally existed, prices of tempered glass in various local markets have often presented mixed and changeable patterns—the prices of domestic glass at times being above the prices of imported glass, and vice versa. Data obtained by the Commission indicate, however, that in 1969 and 1970 the delivered price of Japanese tempered glass for patio doors, on the average, was slightly less than

[1] Commissioners Sutton and Moore determined in the affirmative and Commissioners Leonard and Young determined in the negative. Pursuant to section 201(a) of the Antidumping Act, the Commission is deemed to have made an affirmative determination when the Commissioners voting are equally divided. Chairman Bedell did not participate in the determination.

that of the like domestic article. For a representative size of such tempered glass (3/16 inch thick, 34 x 76 inches in area) the difference was in the neighborhood of a cent per square foot. The ratio of LTFV margins to the amount of underselling was about 50 percent of the price differential on the West Coast and about 80 percent on the East Coast. Unquestionably, the LTFV margins were a significant factor enabling the Japanese supplier to engage in price competition. By the same token, the supply of Japanese glass available at highly competitive prices limited the ability of the domestic industry to improve its price position appreciably, without loss of customers to the imported article. Data show that for the United States as a whole, the average price per square foot of the representative size of patio glass mentioned above charged by domestic producers was not increased from 1969 through June 1971.

Conclusion. The sale of tempered glass from Japan at less than fair value was a significant factor augmenting the ability of the Japanese supplier to engage in price discounting and competition in the U.S. market. The LTFV sales contributed to market penetration and market disruption. The economic factors favorable to the domestic industry that have been present in recent years, such as the remarkably growing market which has resulted in the expansion of domestic capacity and output, should not detract from the adverse consequences and significant price effects of the LTFV sales. We determine that, within the meaning of the Act, an industry in the United States is being injured by reason of the imports of tempered sheet glass from Japan sold at LTFV.

STATEMENT OF REASONS FOR NEGATIVE DETERMINATION OF COMMISSIONERS LEONARD AND YOUNG

In our opinion no industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of tempered sheet glass from Japan sold at less than fair value. In our determination in this investigation, the industry is considered to consist of all of the domestic facilities producing tempered glass. Important in so defining the industry is the fact that the same facilities may be used for tempering glass for a number of end uses.

Sale at less than fair value. Tempered sheet glass from Japan, which the Treasury finds to be sold at less than fair value, consists almost entirely of that for patio doors. The imported glass, like the domestic, is delivered to the door manufacturer, freight and other costs prepaid, at the same price (about 40 cents a square foot) regardless of destination in the United States. The net price realized by the foreign supplier varies with the freight (roughly 4 to 7 cents a square foot). The price is equal to fair value or above on nearly all shipments from Japan to the Pacific Coast, and on two-thirds of those to the entire United States. It is below fair value, by an average of about three-fourths of 1 cent a square foot, on the remainder. On the shipments from Japan as a whole, the amount by which the glass is sold at less than fair value is about one-fourth of a cent a square foot or six-tenths of 1 percent. There are few circumstances under which a domestic industry would be injured by such a small margin. No such circumstances are found in this case.

Imports from Japan. Asahi Glass Co., in Tokyo, is the only Japanese company exporting tempered glass for patio doors to the United States. The firm was a minor source of imports until 1969 when, after a lump sum payment and for a continuing royalty, it was licensed by PPG Industries to produce nonautomotive glass by the Herculite-K or "gas hearth" process. Little increase occurred in the imports from Japan until April 1969.

Imports of tempered sheet glass from Japan in 1969 and 1970 were at the level of 4 million square feet a year. This was about 1 percent of U.S. consumption of tempered glass in all uses and about 10 percent of the consumption in patio doors. Any significance that might be attached to the larger proportion in patio doors is qualified by the rapid expansion taking place in domestic production for that use.

U.S. production. U.S. production of tempered glass as a whole increased from 250 million square feet a year in 1967 to a level of from 315 million to 335 million square feet a year in 1968–70. The production for use in patio doors, on the other hand, increased progressively. As compared with 15 million square feet in 1967, it became 23 million in 1968, and it increased further to 28 million square feet in 1969, and to 38 million in 1970. The increase (5 million square feet) in 1969 was larger than the total imports of tempered glass from Japan in that year and the increase (10 million square feet) in 1970 was two and one-half times as large as the imports from Japan. This situation is not indicative of injury or susceptibility to injury to the domestic industry from imports at less than fair value.

U.S. producers' shipments of all tempered glass in the final quarter of 1971 were 35 percent larger, and their shipments of tempered glass for patio doors were 45 percent larger than in the corresponding months of 1970, reflecting large additions to capacity during the year. New capacity is still under construction. This would be conclusive evidence that the imports had not prevented a new industry from being established.

Prices. The leading producers quote a uniform delivered price throughout the United States on tempered glass in standard sizes for patio doors. This price has lately been increased and is now 42½ cents a square foot. Producers' prices on actual transactions, however, range down to 35 cents a square foot.

Producers' prices on actual transactions have shown no trend since the first quarter of 1969, when they were reduced 5 percent. The reduction at that time could not have resulted from the imports from Japan at less than fair value, because the whole margin of sale below fair value (six-tenths of 1 percent) was only a small fraction of the domestic reduction in price, because the imports themselves had hardly begun to increase, and because the imported glass was only sold at about the same level as the domestic product.

Delivery by domestic producers is generally within 1 month of the order but 3 to 4 months are required for delivery from Japan, depending on the destination in the United States and on ship sailings. To be sold at all, Japanese glass of the same quality, therefore, would presumably have to be sold at a lower price than the domestic.[1] Net prices to buyers of the Japanese tempered glass, at 37 to 41 cents a square foot, have nevertheless been only about the same as for the domestic. They have been below prices by several domestic producers, but they have been above prices by one of the leading domestic producers.

Conclusion. We find that the margin of sale below fair value in this case is slight, that the imports in question are small and have not undersold the domestic product to any appreciable degree, and that the domestic industry is expanding. We conclude, therefore, that the imports at less than fair value are not causing injury to an industry in the United States, are not likely to cause injury to an industry in the United States, and are not preventing an industry in the United States from being established.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.71-11354 Filed 8-6-71;8:47 am]

INTERSTATE COMMERCE COMMISSION

[No. 35440]

DISTRIBUTION, EXCEPT AMONG COAL MINES, OF PRIVATELY OWNED FREIGHT CARS IN TIME OF CAR SHORTAGES

JULY 22, 1971.

Notice is hereby given that on January 25, 1971, Gifford-Hill and Co., Inc., and the Chicago, Rock Island and Pacific Railroad Co. have tendered a joint petition for a declaratory order under section 5(3) of the Administrative Procedure Act (5 U.S.C. sec. 554(e)) seeking a finding that the principles established by the Commission in Docket No. 12530, In Re Distribution Among Coal Mines of Privately Owned Cars and Cars for Railroad Fuel, 80 I.C.C. 520 and 93 I.C.C. 701, do

[1] On sheet glass, the domestic producers state that the purchaser will ordinarily pay 3 to 5 percent more in order to have a domestic source.

not apply to privately owned (shipper-owned or furnished) freight cars. The relief sought, as stated by the petitioners, is:

> Petitioners seek a declaration that privately (shipper) owned cars will not be counted against such shipper in the allocation of equipment in times of car shortage or, in the alternative, that relief be given from the Commission's orders as above set forth in order that petitioner, Gifford-Hill, may purchase open top hopper cars for the movement of its commodities without, in effect, being deprived of their use in times of car shortage by their diversion to other and competing shippers, either directly or indirectly by depriving Gifford-Hill of its fair share of carrier equipment through counting of such privately owned cars as if they were carrier-owned equipment.

On June 25, 1971, the Commission denied the petition insofar as it related to Docket No. 12530, because the latter concerns the distribution of cars among bituminous coal mines and the shipper-petitioner is a producer of quarry products. However, in the same order, the petition was accepted for consideration in a separate proceeding, as titled above.

The described petition should not be confused with another petition which has been filed in No. 12530 by certain railroads, supported by other petitioners, in which a declaratory order is sought finding that the outstanding order in No. 12530 does not apply to privately owned cars used in unit-train coal operations, or, in the alternative, for modification of the order to exempt such cars. Notice of that petition was given by publication in the FEDERAL REGISTER on October 1, 1970, 35 F.R. 15348.

Any person interested in the matter which is the subject of the petition in No. 35440 and who wishes to participate actively in any further proceedings herein shall make known that fact by filing with the Status Branch, Office of Proceedings, of the Commission, on or before 30 days from the date of publication of this notice in the FEDERAL REGISTER, a statement of its position with respect to the merits, including arguments in support. An original and 15 copies of such statements should be filed. The nature of any further proceedings, if any, will be determined after evaluation of those statements.

Notice of the filing of the petition is given by publication hereof in the FEDERAL REGISTER. Copies of future releases in this proceeding will be served only upon the petitioners and those responding to this notice.

By the Commission.

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

[FR Doc.71-11427 Filed 8-6-71;8:53 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 4, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42258—*Muriatic (hydrochloric) acid from Plaquemine, La.* Filed by Southwestern Freight Bureau, agent (No. B-255), for interested rail carriers. Rates on acid, muriatic (hydrochloric), in tank carloads, as described in the application, from Plaquemine, La., to Clinton, Iowa.

Grounds for relief—Water competition.

Tariff—Supplement 279 to Southwestern Freight Bureau, agent, tariff ICC 4668. Rates are published to become effective on September 1, 1971.

FSA No. 42259—*Beet or cane sugar to Kenosha, Wis.* Filed by Western Trunk Line Committee, agent (No. A-2646), for interested rail carriers. Rates on sugar, beet or cane, in carloads, as described in the application, from points in Montana, also transcontinental and western trunkline territories, to Kenosha, Wis.

Grounds for relief—Market competition and rate relationship.

Tariffs—Supplement 113 to Western Trunk Line Committee, agent, tariff ICC A-4481, and supplements 32 and 136 to Trans-Continental Freight Bureau, agent, tariffs ICC 1822 and 1785, respectively. Rates are published to become effective on September 3, 1971.

By the Commission.

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

[FR Doc.71-11426 Filed 8-6-71;8:53 am]

[Notice 729]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 4, 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-72953. By order of August 3, 1971, the Motor Carrier Board approved the transfer to Ivan E. Sherwood, doing business as Sherwood's Express, 81 Water Street, Howland, ME 04448, of Certificate of Registration No. MC-28687 (Sub-No. 1) issued October 14, 1966, to Gerald F. Kelley, doing business as Kelley's Express, 10 Main Street, Howland, ME 04448, evidencing a right to engage in transportation in interstate commerce as described in Certificate No. 81 issued prior to October 15, 1962, and renewed January 1, 1966, by the Public Utilities Commission of Maine.

No. MC-FC-73033. By order of August 3, 1971, the Motor Carrier Board approved the transfer to Wm. H. Powelson, doing business as Del-Penn Coachways, 35 Cornell Avenue, Gloucester, NJ 08030, of that portion of the operating rights in Certificate No. MC-71436 issued April 8, 1957, to the Short Line, Inc. of Pennsylvania, 212 West Market Street, West Chester, PA 19380, authorizing the transportation of passengers and their baggage, and express and newspapers, in the same vehicle with passengers, between Philadelphia, Pa., and Rehoboth Beach, Del., serving all intermediate points.

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

[FR Doc.71-11428 Filed 8-6-71;8:53 am]

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