federal register

WEDNESDAY, SEPTEMBER 8, 1971
WASHINGTON, D.C.

Volume 36 ■ Number 174

Pages 17973–18051

HIGHLIGHTS OF THIS ISSUE

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

(Continued inside)

FEDERAL REGISTER

Area Code 202 Phone 962-8626

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

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Contents

(Continued on next page)

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1971, and specifies how they are affected.

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Treasury Department

Section 213.3305 is amended to show that one Special Assistant to the Under Secretary is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (9–8–71), subparagraph (35) is added to paragraph (a) of § 213.3305 as set out below.

§ 213.3305 **Treasury Department.**

(a) *Office of the Secretary.* * * *

(35) One Special Assistant to the Under Secretary.

* * * * *

(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.71–13174 Filed 9–7–71;8:49 am]

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that one additional position of Confidential Assistant (Field Representative) to the Secretary is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (9–8–71), subparagraph (3) of paragraph (a) of § 213.3312 is amended as set out below.

§ 213.3312 **Department of the Interior.**

(a) *Office of the Secretary.* * * *

(3) Seven Confidential Assistants (Field Representatives).

* * * * *

(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.71–13173 Filed 9–7–71;8:49 am]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one position of Confidential Assistant to the Deputy Commissioner for Planning and Management, Office of Education, is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (9–8–71), subparagraph (10) is added to paragraph (c) of § 213.3316 as set out below.

§ 213.3316 **Department of Health, Education, and Welfare.**

* * * * *

(c) *Office of Education.* * * *

(10) One Confidential Assistant to the Deputy Commissioner for Planning and Management.

* * * * *

(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.71–13171 Filed 9–7–71;8:48 am]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to reflect the following title change: From Special Assistant to the Director of Public Affairs to Staff Assistant to the Director of Public Affairs.

Effective on publication in the FEDERAL REGISTER (9–8–71), subparagraph (25) of paragraph (a) is amended under § 213.3384 as set out below.

§ 213.3384 **Department of Housing and Urban Development.**

(a) *Office of the Secretary.* * * *

(25) One Staff Assistant to the Director of Public Affairs.

* * * * *

(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.71–13172 Filed 9–7–71;8:49 am]

Title 7—AGRICULTURE

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

[Lemon Reg. 495, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

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

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

(b) *Order, as amended.* The provision in paragraph (b)(1) of § 910.795 (Lemon Reg. 495, 36 F.R. 17323) during the period August 29, through September 4, 1971, is hereby amended to read as follows:

§ 910.795 **Lemon Regulation 495.**

* * * * *

(b) * * *

(1) * * * 220,000 cartons.

* * * * *

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

Dated: September 2, 1971.

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

[FR Doc.71–13194 Filed 9–7–71;8:52 am]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 140—FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEMENTS

Establishment of Interim Amounts of Financial Protection and Interim Indemnity Fees for General Electric Company Midwest Fuel Recovery Plant

Following a public hearing on November 28, 1967, before an atomic safety and

licensing board, the Atomic Energy Commission, on December 28, 1967, issued to the General Electric Company (GE, a provisional construction permit under section 104b of the Atomic Energy Act of 1954, as amended (the Act), for the construction of a production facility for the chemical processing of irradiated fuel elements. GE is constructing and proposing to operate the Midwest Fuel Recovery Plant (MFRP) on property it owns in Grundy County, Ill. The GE facility was the second spent fuel reprocessing plant for which the Commission has issued a construction permit. In April 1963, the Commission issued a provisional construction permit and in April 1966 a provisional operating license, to Nuclear Fuel Services Inc. (NFS), and the New York State Atomic and Space Development Authority for construction and operation of the NFS spent fuel reprocessing facility in Cattaraugus County, N.Y.

Section 170 of the Act provides that each license issued under section 104 shall have as a condition of the license a requirement that the licensee have and maintain financial protection of such type and in such amounts as the Commission shall require to cover public liability claims; that the licensee execute and maintain an indemnification agreement with the Commission; and that the Commission collect a fee from each licensee with whom an indemnification agreement is executed.

The Act also provides that the amount of financial protection required shall be equal to the maximum amount of nuclear liability insurance available from private sources except that the Commission may establish a lesser amount on the basis of written criteria, taking into consideration such factors as (1) the cost and terms of private insurance; (2) the type, size, and location of the licensed activity and other factors pertaining to the hazards; and (3) the nature and purpose of the licensed activity.

The indemnity fee is set by the Act (section 170f) at $30 per thousand kilowatts of thermal energy capacity for facilities licensed under section 103, but for facilities licensed under section 104, and for construction permits under section 185, the Commission is authorized to reduce this fee. The Commission is directed to establish written criteria for determination of the fee taking into consideration such factors as (1) the type, size, and location of the facility involved, and other factors pertaining to the hazard, and (2) the nature and purpose of the facility. The Commission's regulations in 10 CFR Part 140 prescribe criteria for determining the amounts of financial protection and indemnity fees with specific reference to reactors. No similar criteria have been prescribed for other types of facilities such as spent fuel reprocessing plants because the number and variety of such facilities, operating or under construction, have been insufficient to permit identification of relationships between different facilities at different locations significant to the establishment of corresponding financial protection requirements.

On March 2, 1965, the Commission published in the FEDERAL REGISTER a notice which established, on an interim basis, the amounts of financial protection and indemnity fees for the NFS plant for both preoperational storage of fuel at the site and for plant operations. The interim levels for NFS, which are to remain in effect pending further study and development of a formula having general applicability to spent fuel reprocessing plants, were established at (1) $5 million of financial protection for preoperational storage of fuel and $20 million of financial protection for plant operation; (2) an annual indemnity fee of $500 for preoperational storage of fuel and of $4,000 for plant operation.

In addition to the factors specifically designated in the Act, the Commission also took into account in setting an interim amount of financial protection for NFS, the amounts of nuclear liability insurance carried by fabricators of irradiated fuel and the amounts of insurance carried by a substantial number of firms engaged in nonnuclear chemical and petroleum industries.

Since NFS received an operating license for full-scale plant operation in April 1966, the operating experience for the purpose of determining a broad formula for establishing a level of financial protection for licensed spent fuel reprocessing plants is still quite limited. The Commission's review of the MFRP license application has similarly not yielded sufficient information to assist in developing a generally applicable formula for spent fuel reprocessing plants.

On February 18, 1971, the Atomic Energy Commission published in the FEDERAL REGISTER (36 F.R. 3131) a notice of proposed establishment, on an interim basis, of financial protection and interim indemnity fees for the General Electric Co. Midwest Fuel Recovery Plant. The interim financial protection requirements for MFRP would be $5 million for preoperational storage of fuel and $20 million for plant operation, the same as that established for NFS. The interim annual indemnity fees of $500 for storage of fuel and $4,000 for plant operation established for NFS would also be extended to MFRP.

Interested persons were invited to submit written comments and suggestions for consideration in connection with the proposed amendment within 60 days after publication of the notice in the FEDERAL REGISTER. No comments objecting to the proposed amounts and fees were received. The only comment received was from the General Electric Co. stating that it found the proposed financial protection and indemnity fees acceptable and within those intended under the Price-Anderson Act. The letter also offered comments for the purpose of assisting the AEC in formulating general criteria for financial protection requirements for spent fuel reprocessing plants.

Pending the development of generally applicable criteria, the Commission has decided to establish, on an interim basis, the same financial protection levels and indemnity fees for the MFRP which it established on an interim basis for NFS, i.e., amounts of financial protection of $5 million for preoperational storage of fuel and $20 million for plant operation and annual indemnity fees of $500 for storage of fuel and $4,000 for plant operation.

In setting the interim amount of financial protection for the MFRP, the Commission took into account, in addition to the factors specifically designated in subsection 170.b of the Act, the amounts of nuclear liability insurance carried by fabricators of unirradiated fuel, the amounts of insurance carried by a substantial number of firms engaged in nonnuclear chemical and petroleum industries, the interim amount of financial protection set for NFS, and the maximum nuclear liability insurance currently available (now $82 million).

In setting the interim indemnity fee for the MFRP, the Commission took into account, in addition to the factors specifically designated in subsection 170.f of the Act, the indemnity fees for other licensed facilities, including NFS.

The Commission again invites comments and suggestions from interested persons as to the factors that should be considered in establishing generally applicable criteria for determining amounts of financial protection to be required for spent fuel processing plants. Comments on criteria will be considered in the Commission's continuing review of this subject. All interested parties who desire to submit written comments and suggestions with regard to such criteria should send them to the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 120 days after publication of this notice in the FEDERAL REGISTER.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the proposed interim levels of financial protection and annual indemnity fees set forth above are established for the MFRP facility to be effective thirty (30) days after publication of this notice in the FEDERAL REGISTER.

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

Dated at Germantown, Md., this 18th day of August 1971.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary of the Commission.

[FR Doc.71-13120 Filed 9-7-71;8:49 am]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 71-889]

PART 545—OPERATIONS

Land Acquisition and Development Loans

AUGUST 31, 1971.

Resolved that, notice and public procedure having been duly afforded (36 F.R. 11818) and all relevant material

presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration, determines that it is advisable to amend Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) for the purpose of revising the regulations governing loans by Federal savings and loan associations for land acquisition and development. Accordingly, the Federal Home Loan Bank Board hereby amends said Part 545 by revising § 545.6–14 to read as follows, effective October 8, 1971:

§ 545.6–14 Loans to finance acquisition and development of land.

(a) *General provisions.* Subject to the provisions of this section, a Federal association which has a charter in the form of Charter N or Charter K (rev.) may invest in loans to finance (1) the acquisition and development of land for primarily residential usage, and (2) the construction of homes or single-family dwellings, inclusive of acquisition and development of land for primarily residential usage. An association shall not invest in a loan under this section unless it appears to the association that the purpose of the loan is to enable the borrower to undertake prompt development of land previously acquired or of land which will be acquired at the time the loan is made. The association shall fix the term of the loan, within the maximum term premitted by this section, on the basis of its determination as to a reasonable period of time necessary for the borrower to complete development and to dispose of the completed lots and improvements to be constructed thereon.

(b) *Basic limitations.* A Federal association may make loans under this section only when (1) the aggregate amount of its general reserves, surplus, and undivided profits is equal to more than 5 percent of the amount of its savings accounts, (2) the resulting aggregate amount of its investments in loans under this section, exclusive of that portion of loans under paragraph (d) of this section which is for the purpose of financing the construction of homes or single-family dwellings, would not exceed 5 percent of the amount of its savings accounts, (3) the loans are loans on the security of first liens, and (4) the real estate security for each such loan is located within the association's regular lending area.

(c) *Loans to finance acquisition and development of land.* No loan shall be made under this paragraph in an amount equal to more than 75 percent of the value of the real estate security therefor as of the completion of the development thereof into building lots or sites ready for construction thereon. Each loan shall be repayable within a period of not more than 5 years and the interest thereon shall be payable at least semiannually. No disbursement of any of the proceeds of any loan made under this paragraph shall be made at any time if such disbursement, together with the aggregate amount of such proceeds previously disbursed by the association and not repaid to it, would exceed an amount equal to 75 percent of the value at such time of (1) that portion of the security property which is building lots or sites the development of which is in progress or completed and (2) the remaining security property.

(d) *Loans to finance construction of homes inclusive of acquisition and development of land.* A Federal association may make loans on the security of, and for the purpose of financing the construction of homes or single-family dwellings for sale on, land the acquisition and development of which for primarily residential usage is also a purpose of any such loan. No loan shall be made under this paragraph in an amount equal to more than 80 percent of the value of the real estate security therefor as of the completion of the construction of homes or single-family dwellings thereon. Each loan made under this paragraph shall be repayable in full within a period of not more than 6 years after the date of the loan instruments, with or without periodic amortization but with interest payable at least semiannually, except that (1) beginning not more than 18 months after the first disbursement of loan proceeds made for the purpose of financing the construction of any home or single-family dwelling, whether or not such construction has been completed, there shall be amortization of principal each month at a rate of not less than 1 percent of that portion of the loan balance that is applicable to such home or single-family dwelling, including the building site, and (2) beginning not more than 4 years after the first disbursement of any loan proceeds, there shall be amortization of principal each month at a rate of not less than 1 percent of that portion of the loan balance which is not applicable to the construction of any home or single-family dwelling and its building site. No disbursement of any of the proceeds of any loan made under this paragraph shall be made at any time if such disbursement, together with the aggregate amount of such proceeds previously disbursed by the association and not repaid to it, would exceed an amount equal to the sum of (3) 80 percent of the value at such time of homes or single-family dwellings under construction or completed and not sold; (4) 75 percent of the value at such time of that portion of the remaining security property which is building lots or sites the development of which is in progress or completed; and (5) 75 percent of the value at such time of the remaining security property, but any principal amortization required by this paragraph shall be deducted from such sum. By a construction loan agreement or other suitable instrument applicable to each construction loan made by a Federal association under this paragraph, such association shall reserve to its board of directors full power and the exclusive right, without regard to any other provision of any loan instrument or of any agreement applicable to such loan, to impose, at any time and from time to time, such limitations as such board of directors may determine on the number of homes and single-family dwellings the construction of which may be in progress at any one time from the proceeds of such loan.

(e) *Releases; loan extensions.* Upon the release from the lien of any portion of the security property, the principal balance of any loan made under this section shall be reduced by an amount at least equal to 110 percent of that portion of the oustanding principal loan balance which is attributable to the value of the property to be released; "value" for such purpose is to be the value fixed at the time the loan was made or the loan amount was determined. The board of directors of a Federal association may approve the extension of any such loan for a period of not more than 1 year beyond the loan-term limit and may approve a second extension for an additional period of not more than 1 year. No such approval may be given unless (1) interest on the loan is current, (2) the unpaid principal balance of the loan is or has been reduced to an amount not in excess of 75 percent of the value of the security property (80 percent of the value of homes or single-family dwellings, less any amortization required by paragraph (d) of this section), and (3) such board of directors has before it (i) an audited current financial statement of the borrower, (ii) a current written credit report on the borrower, (iii) a current independent appraisal of the security property, and (iv) a current written report on the feasibility of repayment of the loan at the expiration of the extension.

(f) *Loans made prior to completion of planning.* If a loan is made under this section to a borrower who acquires the land before completion of plans for development thereof, a Federal association may leave the total amount of the loan for its later determination, based on appraisal after completion of such plans. However, a Federal association shall not make such a loan unless the borrower has submitted a preliminary plan which, in the opinion of the association, is a feasible plan for development of the land for primarily residential usage. Where determination of the total amount of the loan is deferred under this paragraph, the loan agreement or other suitable instrument shall provide for acceleration of maturity of the loan to a fixed date (which shall be not more than 2 years after the date of the first disbursement of any of the proceeds of the loan) if by such fixed date the borrower has not furnished to the Federal association complete plans, satisfactory to the association, for development of the land and, if it is a loan under paragraph (d) of this section, for construction thereon.

(g) *Limitations on loans on a single project or to one borrower.* No association shall invest an amount in excess of 2 percent of its savings accounts in loans on any one land development project or in any such loan or loans to one borrower, including the balance of all outstanding loans made under this section to any partnership, corporation, or syndicate of

which any partner, stockholder, owner, participant, or officer is the borrower, or is a partner, stockholder, owner, participant, or officer of the borrower.

(h) *Definition.* The term "development" as used in this section means the installations and improvements necessary to produce from the land building sites so completed, in keeping with the applicable governmental requirements and with general practice in the community, that they are ready for the construction of buildings thereon.

(i) *Relation to § 545.6-7.* Loans made under this section shall not be counted toward the 20-percent-of-assets limitation of § 545.6-7 unless so required by paragraph (a) of said section.

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

By the Federal Home Bank Board.

[SEAL] EUGENE M. HERRIN, *Assistant Secretary.*

[FR Doc.71-13182 Filed 9-7-71;8:52 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1989]

PART 13—PROHIBITED TRADE PRACTICES

American Auto Supply Co., Inc., et al.

Subpart—Advertising falsely or misleading: § 13.71 *Financing:* 13.71-10 Truth in Lending Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73-92 Truth in Lending Act; § 13.155 *Prices:* 13.155-95 *Terms and conditions:* 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements:* 13.1623-95 Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Prices: § 13.1823 *Terms and conditions:* 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-75 Truth in Lending Act; § 13.1905 *Terms and conditions:* 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order American Auto Supply Co., Inc., doing business as Rubens Furniture Co. et al., Rochester, N.Y., Docket No. C-1989, July 26, 1971]

In the Matter of American Auto Supply Co., Inc., a Corporation Doing Business As Rubens Furniture Co., and Barney Rubens, Individually and as an Officer of Said Corporation

Consent order requiring a Rochester, N.Y., furniture and electrical appliance retail store to cease violating the Truth in Lending Act by failing to disclose on its installment contracts the terms annual percentage rate, total of payments, cash price, unpaid balance of cash price, amount financed, finance charge, deferred payment price, and other terms required by Regulation Z of said Act.

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

It is ordered, That respondents American Auto Supply Co., Inc., a corporation, doing business as Rubens Furniture Co. or under any other name, and its officers, and Barney Rubens, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with any extension or arrangement for the extension of consumer credit, or any advertisement to aid, promote, or assist directly or indirectly any extension of consumer credit as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to disclose the "annual percentage rate" accurately to the nearest quarter of 1 percent, as computed in accordance with § 226.5 of Regulation Z, as required by § 226.8(b)(2) of Regulation Z.

2. Failing to disclose the finance charge expressed as an annual percentage rate, and failing to describe that rate as the "annual percentage rate," as required by § 226.8(b)(2) of Regulation Z.

3. Failing to disclose the number, amount and due dates or periods of payments scheduled to repay the indebtedness and the total amount of such payments, as required by § 226.8(b)(3) of Regulation Z. Failing to describe the sum of such payments as the "total of payments," as required by that section.

4. Failing to use the term "cash price" to describe the price at which respondents offer, in the regular course of business, to sell for cash the property or services which are the subject of the credit sale, as required by § 226.8(c)(1) of Regulation Z.

5. Failing to use the term "unpaid balance of cash price" to describe the difference between the cash price and the total downpayment, as required by § 226.8(c)(3) of Regulation Z.

6. Failing to use the term "amount financed" to described the amount of credit extended, as required by § 226.8(c)(7) of Regulation Z.

7. Failing to use the term "finance charge" to describe the sum of all charges required by § 226.4 of Regulation Z to be included therein, as required by § 226.8(c)(8)(i) of Regulation Z.

8. Failing to disclose, and to disclose accurately, the sum of the cash price, all charges which are included in the amount financed but which are not part of the finance charge, and the finance charge, and failing to describe that sum as the "deferred payment price", all as required by § 226.8(c)(8)(ii) of Regulation Z.

9. Failing, in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form and amount required by §§ 226.6, 226.7, 226.8, 226.9, and 226.10 of Regulation Z.

It is further ordered, That respondent deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and that respondent secure a signed statement acknowledging receipt of said order from each such person.

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

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

Issued: July 26, 1971.

By the Commission.

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

[FR Doc.71-13151 Filed 9-7-71;8:46 am]

[Docket No. C-1986]

PART 13—PROHIBITED TRADE PRACTICES

Bestline Products Corp. et al.

Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1370 *Business methods, policies, and practice.* Misrepresenting oneself and goods—Goods: § 13.1615 *Earnings and profits;* § 13.1760 *Terms and conditions:* 13.1760-50 Sales contract. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1892 *Sales contract, right-to-cancel provision:* 13.1905 *Terms and conditions:* 13.1905-50 Sales contract.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Bestline Products Corp. et al., San Jose, Calif., Docket No. C-1986, July 22, 1971]

In the Matter of Bestline Products Corp., a Corporation, Bestline Products, Inc., a Corporation, William E. Bailey, and Robert W. Depew Individually and as Officers of said Corporations

Consent order requiring a San Jose, Calif., seller and distributor of household, commercial, and industrial cleaners and waxes, and also distributorships for the sale of respondents' products, to cease

operating a multilevel program in which profits are dependent on successive recruitment of others, paying any amount to any person unless in connection with the actual sale of products to the ultimate consumer, requiring prospective participants to make any other payment than that of the actual cost of materials, misusing in any manner the multilevel marketing program, misrepresenting the post earnings of participants, and making other mispresentations as to the earnings of participants in the multilevel marketing program.

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

It is ordered, That respondents Bestline Products, Inc., Bestline Products Corp., corporations, and their officers and William E. Bailey and Robert W. DePew individually and as officers of said corporation and respondents' agents, representatives, and employees, directly or through any corporate or other device in connection with the advertising, offering for sale, sale or distribution of household, industrial, or commercial cleaners or waxes or other products or of distributorships or franchises in a multilevel or other marketing program or with the seeking to induce or inducing the participation of persons, firms, or corporations in a multilevel or other marketing program in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Operating or, directly or indirectly, participating in the operation of any multilevel marketing program wherein the financial gains to the participants are dependent upon the continued, successive recruitment of other participants.

2. Offering to pay, paying or authorizing the payment of any finder's fee, bonus, override, commission, cross-commission, discount, rebate, dividend, or other consideration to any participants in respondent's multilevel marketing program for the solicitation or recruitment of other participants therein.

3. Offering to pay, paying or authorizing payment of any bonus, override, commission, cross-commission, discount, rebate, dividend, or other consideration to any person, firm, or corporation in connection with the sale of any product or service under respondent's multilevel marketing program unless such person, firm, or corporation performs a bona fide and essential supervisory, distributive, selling, or soliciting function in the sale and delivery of such products to the ultimate consumer.

4. Requiring prospective participants or participants in respondents' said program to purchase the product or pay any other consideration, other than payment for the actual cost of necessary sales materials, in order to participate in any manner therein: *Provided, however,* That respondents may require or may suggest the purchase of specific and reasonable inventories only, by any distributor, on the express condition that respondents at the same time agree to repurchase any unused and undamaged portion of an initial inventory from any purchaser thereof at full cost less reasonable shipping costs, if any, within 90 days from the delivery of the product at the option of the purchaser: *Provided further, however,* That if inventory costs reach $500 or more, within said 90-day period, then said obligation to repurchase shall cease immediately upon participant's tendering a subsequent order to purchase the product.

5. Using any multilevel marketing program, either directly or indirectly:

(a) Wherein any finder's fee, bonus, override, commission, cross-commission, discount, rebate, dividend, or other compensation or profit inuring to participants therein is dependent on the element of chance dominating over the skill or judgment of the participants; or

(b) Wherein no amount of judgment or skill exercised by the participant has any appreciable effect upon any finder's fee, bonus, override, commission, cross-commission, discount, rebate, dividend, or other compensation or profits which the participant may receive; or

(c) Wherein the participant is without that degree of control over the operation of such plan as to enable him substantially to affect the amount of any finder's fee, bonus, override, commission, cross-commission, discount, rebate, dividend, or other compensation or profit which he may receive or be entitled to receive.

6. Using any multilevel marketing program which fails to:

(a) Inform orally all participants in respondents' multilevel marketing programs and to provide in writing in all contracts of participation that the contract may be canceled for any reason by notification to respondents in writing within 3 working days from the date of execution of such contract.

(b) Refund immediately all monies to (1) participants who have requested contract cancellation in writing within 3 working days from the execution thereof, and (2) participants showing that respondents' contract solictations or performance were attended by or involved violation of any of the provisions of this order.

7. Representing, directly or by implication, that participants in respondents' multilevel marketing programs will earn or receive any stated or gross or net amount; or representing, in any manner, the past earnings of participants unless in fact the past earnings represented are those of a substantial number of participants in the community or geographical area in which such representations are made and accurately reflect the average earnings of these participants under circumstances similar to those of the participant or prospective participant to whom the representation is made.

8. Representing, directly or by implication, that it is not difficult for participants to recruit or retain persons to invest in respondents' multilevel marketing programs as distributors or as sales personnel to work home routes or sell respondents' products door to door or any other manner.

9. Representing, directly or by implication, that it is not difficult for participants to ascend to a higher level of distribution within the marketing chain.

10. Representing, directly or by implication, that all participants in the respondents' multilevel marketing program or any other sales program will succeed.

11. Representing, directly or by implication, that the supply of available entrants or investors in the respondents' marketing program is inexhaustible; or misrepresenting, in any manner, the availability of such entrants or investors.

12. (a) Failing to disclose, orally and in writing, the terms of this order to cease and desist to all present and future distributors, salesmen, or other persons engaged in the sale of respondents' products, services, or merchandising programs, and securing from each such distributor, salesman, or other person a signed statement evidencing receipt of said disclosure.

(b) Failing to make available on request a copy of this cease and desist order to any participant or prospective participant.

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

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

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

Issued: July 22, 1971.

By the Commission.

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

[FR Doc.71-13152 Filed 9-7-71;8:46 am]

[Docket No. C-1991]

PART 13—PROHIBITED TRADE PRACTICES

Continental Furniture Sales, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.71 *Financing:* 13.71-10 Truth in Lending Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73-92 Truth in Lending Act; § 13.155 *Prices:* 13.155-95 Terms and conditions: 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements:* 13.1623-95 Truth in Lending Act; Misrepresenting oneself and goods—Prices: § 13.1823 *Terms and conditions:* 13.-1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively,

to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–75 Truth in Lending Act; § 13.1905 *Terms and conditions:* 13.1905–60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601–1605) [Cease and desist order, Continental Furniture Sales, Inc., et al., Seattle, Wash., Docket No. C–1991, July 26, 1971]

In the Matter of Continental Furniture Sales, Inc., a Corporation, Doing Business as Al and Leon's, and Leon B. Mezistrano, and Neiso H. Moscatel, Individually and as Officers of Said Corporation

Consent order requiring a Seattle, Wash., seller of furniture and household goods to cease violating the Truth in Lending Act by failing to use on installment contracts the terms cash price, cash downpayment, unpaid balance of cash price, amount financed, annual percentage rate, total of payments, and deferred payment price, and failing to provide other information as required by Regulation Z of said Act.

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

It is ordered, That respondents Continental Furniture Sales, Inc., a corporation, and its officers, and Leon B. Mezistrano and Neiso H. Moscatel, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with any consumer credit sale of furniture or any other merchandise or service, as "credit sale" is defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90–321, 15 U.S.C. 1601 et seq.), to forthwith cease and desist from:

(1) Failing to employ the term "cash price" as defined in Regulation Z, to describe the price at which respondents offered to sell for cash the goods or services which are the subject of a consumer credit transaction, as required by § 226.8(c)(1) of Regulation Z.

(2) Failing to employ the term "cash downpayment" to describe any downpayment in money, as required by § 226.8(c)(2) of Regulation Z.

(3) Failing to employ the term "unpaid balance of cash price" to describe the difference between the cash price and the total downpayment, as required by § 226.8(c)(3) of Regulation Z.

(4) Failing to disclose the "amount financed", using that term, to describe the balance financed, as required by § 226.8(b)(7) of Regulation Z.

(5) Failing to disclose the "finance charge" and the "annual percentage rate", using those terms, in credit transactions where finance charges are imposed in the manner and form required by §§ 226.4, 226.5, 226.6, and 226.8 of Regulation Z.

(6) Failing to disclose the "total of payments", using that term, to describe the dollar amount of the payments scheduled to repay the indebtedness, as required by § 226.8(b)(3) of Regulation Z.

(7) Failing to disclose the number, amount, and due dates or periods of payments scheduled to repay the indebtedness, and to describe any payment which is more than twice the amount of an otherwise regularly scheduled equal payment as a "balloon payment" as required by § 226.8(b)(3) of Regulation Z.

(8) Failing to disclose the "deferred payment price", using that term, to describe the sum of the cash price, all other charges individually itemized, and the finance charge as required by § 226.8(c)(8)(ii) of Regulation Z.

(9) Failing to identify the method of computing any unearned portion of the finance charge in the event of prepayment of the obligation, or failing to state the amount or method of computation of any charge that may be deducted from the amount of any rebate of such finance charge that will be credited to the obligation or refunded to the customer, whether by failing to state that such charge will be deducted before or after computation of the unearned portion or otherwise, as required by § 226.8(b)(7) of Regulation Z.

(10) Failing, in any credit transaction to make all disclosures required by §§ 226.6, 226.7, and 226.8 of Regulation Z in any manner and form prescribed therein.

(11) Failing, in any transaction in which respondents retain or acquire a security interest in real property which is used or is expected to be used as the principal residence of the customer, to comply with all requirements regarding the right of rescission set forth in § 226.9 of Regulation Z.

(12) Stating, in any advertisement, that a specific installment amount can be arranged, unless respondents usually and customarily arrange or will arrange installments in that amount, as required by § 226.10(a)(1) of Regulation Z.

(13) Stating, in any advertisement, the rate of any finance charge unless respondents state the rate of that charge expressed as an "annual percentage rate", as required by § 226.10(d)(1) of Regulation Z.

(14) Stating the amount of the downpayment required and the amount of monthly installment payments which can be arranged in connection with a consumer credit transaction, without also stating all of the following items, in terminology prescribed under § 226.8 of Regulation Z, as required by § 226.10(d)(2) thereof:

(i) The cash price;

(ii) The amount of the downpayment required or that no downpayment is required, as applicable;

(iii) The number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended;

(iv) The amount of the finance charge expressed as an Annual Percentage Rate; and

(v) The deferred payment price.

It is further ordered, That a copy of this order to cease and desist be delivered to all present and future personnel of respondents engaged in the consummation of any consumer credit transaction or in any aspect of preparation, creation, and placing of advertising, and to secure from each such person a signed statement acknowledging receipt of said order.

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

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

Issued: July 26, 1971.

By the Commission.

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

[FR Doc.71–13154 Filed 9–7–71;8:46 am]

[Docket No. C–2002]

PART 13—PROHIBITED TRADE PRACTICES

Charles L. Crandall et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–70 Textile Fiber Products Identification Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Charles L. Crandall et al., Dalton, Ga., Docket No. C–2002, Aug. 5, 1971]

In the Matter of Charles L. Crandall, Individually and Doing Business as Carpets Unlimited and Crandall Yarn Co.

Consent order requiring a Dalton, Ga., individual engaged in wholesaling of carpet yarns and manufacturing textile fiber carpeting to cease misbranding his textile fiber products and failing to maintain proper records.

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

It is ordered, That respondent Charles L. Crandall, individually, and doing business as Carpets Unlimited and Crandall Yarn Co. or under any other name or names, and respondent's representatives, agents and employees, directly or through any corporate or other device in

connection with the introduction, delivery for introduction, manufacturing for introduction, sale, advertising or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

(1) Falsely or deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying such products as to the name or amount of constituent fibers contained therein as required by section 4(a) of the Textile Fiber Products Identification Act.

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

B. Failing to maintain and preserve proper records showing the fiber content of the textile fiber products manufactured by said respondent, as required by section 6 of the Textile Fiber Products Identification Act and Rule 39 of the Regulations promulgated thereunder.

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

Issued: August 5, 1971.

By the Commission.

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

[FR Doc.71-13153 Filed 9-7-71;8:46 am]

[Docket No. C-1999]

PART 13—PROHIBITED TRADE PRACTICES

David Morris Co., Inc., et al.

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

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, David Morris Co., Inc., et al., New York City, Docket No. C-1999, Aug. 3, 1971]

In the Matter of David Morris Co., Inc., a Corporation, and Morris Gerstler, and David P. Lowe, Individually and as Officers of Said Corporation

Consent order requiring a New York City manufacturer and distributor of wearing apparel, including bridal and formal gowns, to cease violating the Flammable Fabrics Act by importing and selling any fabric which fails to conform to the standards of said act.

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

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

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

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

It is further ordered, That the respondents herein shall within ten (10) days after service upon them of this order, file with the Commission a special report in writing setting forth the respondents' intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the product which gave rise to the complaint; (2) the number of said products in inventory; (3) any action taken and any further action proposed to be taken to notify customers of the flammability of said products and effect the recall of said products and of the results thereof; (4) any disposition of said products since January 7, 1971; and (5) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products, and the results of such action. Such report shall further inform the Commission as to whether or not respondents have in inventory any product, fabric, or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton or any other material or combinations thereof in a weight of 2 ounces or less per square yard, or any product, fabric or related material having a raised fiber surface. Respondents shall submit sample of not less than 1 square yard in size of any such product, fabric or related material with this report.

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

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

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

Issued: August 3, 1971.

By the Commission.

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

[FR Doc.71-13155 Filed 9-7-71;8:47 am]

[Docket No. C-1988]

PART 13—PROHIBITED TRADE PRACTICES

Don Davis Pontiac, Inc., and Donald L. Davis

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements:* 13.73-92 Truth in Lending Act; § 13.155 *Prices:* 13.155-95 *Terms and conditions;* 13.-155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods —Goods: § 13.1623 *Formal regulatory and statutory requirements:* 13.1623-95 Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Prices: § 13.1823 *Terms and conditions:* 13.-1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-75 Truth in Lending Act; § 13.1905 *Terms and conditions:* 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and

desist order, Don Davis Pontiac, Inc., et al., Buffalo, N.Y., Docket No. C-1988, July 26, 1971]

In the Matter of Don Davis Pontiac, Inc., a Corporation, and Donald L. Davis, Individually and as President of Said Corporation

Consent order requiring a Buffalo, N.Y., dealer in new and used automobiles to cease violating the Truth in Lending Act by failing to make the consumer credit cost disclosures required by Regulation Z and failing to make other required disclosures.

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

It is ordered, That respondents, Don Davis Pontiac, Inc., a corporation, and Donald L. Davis, individually and as President of said corporation, and respondents' agents, representatives, and employees, directly, or through any corporate or other device in connection with any extension or offer to extend or arrange for the extension of consumer credit as "consumer credit" is defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90-321, 15 U.S.C. 1601 et seq.) do forthwith cease and desist from:

1. Failing to make the consumer credit cost disclosures required by Regulation Z before the transaction is consummated as required by § 226.8(a) of the Regulation.

2. Failing in any consumer credit transaction or advertisement to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z in the manner, form, and amount required by §§ 226.6, 226.7, 226.8, 226.9, and 226.10 of Regulation Z.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the consummation of any extension or arrangement for the extension of consumer credit or in any aspect or preparation, creation, or placing of advertising and that respondents secure a signed statement acknowledging receipt of said order from each such person.

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

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

Issued: July 26, 1971.

By the Commission.

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

[FR Doc.71-13156 Filed 9-7-71;8:47 am]

[Docket No. C-1987]

PART 13—PROHIBITED TRADE PRACTICES

Drug Fair, Inc., and Drug Fair

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* 13.155-35 Discount savings; 13.155-40 Exaggerated as regular and customary; 13.155-100 Usual as reduced, special, etc. Subpart—Misrepresenting oneself and goods—*Prices:* § 13.1805 *Exaggerated as regular and customary;* § 13.1811 *Fictitious pretricketing;* § 13.1825 *Usual as reduced or to be increased.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1882 *Prices.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C 45) [Cease and desist order, Drug Fair, Inc. et al., Alexandria, Va., Docket No. C-1987, July 23, 1971]

In the Matter of Drug Fair, Inc., a Corporation, Trading as Drug Fair, and its Subsidiaries

Consent order requiring a chain of retail drugstores with headquarters in Alexandria, Va., to cease pretricketing private brand merchandise with any stated price, using the words "summer discounts" and other special words unless the price is an actual discount, misrepresenting that the customer is afforded a savings, and failing to maintain adequate records to support savings claims.

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

It is ordered, That respondent Drug Fair, Inc., a corporation, and its officers, and its subsidiaries and their officers, trading as Drug Fair, or under any other trade name or names and respondent's agents, representatives and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, and sale of drugs, cosmetics, film, developing and printing film or any other products or services, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Pretricketing private brand merchandise with any stated price, or representing, directly or by implication, that any price amount is respondent's regular price for any article of merchandise unless said amount is the price at which such merchandise has been sold or offered for sale in good faith by respondent for a reasonably substantial period of time in the recent, regular course of its business and not for the purpose of establishing fictitious higher prices upon which a deceptive comparison might be based.

2. Using the words "Summer clearance", "Summer discounts", "Special", or any other word or words of similar import or meaning unless the price advertised for any of respondent's merchandise being offered for sale constitutes a reduction in an amount not so insignificant as to be meaningless, from the actual bona fide price at which the advertised merchandise was sold or offered for sale to the public on a regular basis by respondent for a reasonably substantial period of time in the recent course of its business; *Provided, however*, That respondent may use such words or expressions of similar import, as mentioned above, in advertising or other promotional materials containing nonsale items if clear and conspicuous disclosure is made in immediate conjunction with said representations that nonsale items are contained therein and if said nonsale items are distinctively identified.

3. Representing, in any manner, that by purchasing any of respondent's merchandise customers are afforded savings amounting to the difference between respondent's stated price and respondent's former price unless such merchandise has been sold or offered for sale in good faith at the former price by respondent for a reasonably substantial period of time in the recent, regular course of its business.

4. Failing to maintain adequate records (1) which disclose the facts upon which any savings claims, including former pricing claims, sale claims and similar representations of the type as set forth in paragraphs 1 through 3 of this order are based, and (2) from which the validity of any savings claim, including former pricing claims, sales claims and similar representations of this type described in paragraphs 1 through 3 of this order can be determined.

5. Misrepresenting, in any manner, the price at which any of respondent's merchandise is sold at retail or the savings afforded in the purchase thereof.

6. Representing, directly or indirectly, that any article of merchandise is being given free or without charge or cost or as a gift, in connection with the purchase of other merchandise, unless the stated price of the merchandise required to be purchased in order to obtain said article is the same or less than the customary and usual price at which such merchandise has been sold separately for a substantial period of time in the recent and regular course of respondent's business.

It is further ordered, That respondent deliver a copy of this order to all present and future personnel of respondent engaged in offering for sale, or sale of any product or in any aspect of preparation, creation, or placing of advertising, and that respondent secure a signed statement acknowledging receipt of said order from each such person.

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

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

It is further ordered, That the acts and practices of respondent Drug Fair, Inc.'s subsidiaries, unnamed herein, will be subject to the terms and provisions of this order just as if the respondent Drug Fair, Inc.'s said unnamed subsidiaries were individually named herein.

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

Issued: July 23, 1971.

By the Commission.

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

[FR Doc.71-13157 Filed 9-7-71;8:47 am]

[Docket No. 8793o]

PART 13—PROHIBITED TRADE PRACTICES

Eastern Detective Academy and Earl M. Leven

Subpart—Advertising falsely or misleadingly: § 13.55 *Demand, business or other opportunities;* § 13.115 *Jobs and employment service;* § 13.225 *Services;* § 13.260 *Terms and conditions.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1610 *Demand for or business opportunities;* § 13.1670 *Jobs and employment;* § 13.1760 *Terms and conditions:* 13.1760–50 Sales contract. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1892 *Sales contract, right-to-cancel provision;* § 13.1905 *Terms and conditions:* 13.1905–50 Sales contract. Subpart—Securing signatures wrongfully: § 13.2175 *Securing signatures wrongfully.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Eastern Detective Academy, Inc., et al., Washington, D.C., Docket No. 8793, June 30, 1971]

In the Matter of Eastern Detective Academy, Inc., a Corporation, and Earl M. Leven, Individually and as an Officer of Said Corporation

Order requiring a Washington, D.C., school offering courses of instruction as private and public detectives and investigators to cease misrepresenting that there is a great demand for its graduates, that many of its graduates have obtained employment at desirable wages, misrepresenting the placement service of the school, that the school has a shooting range, that students will receive training in the use of handguns, and placing with any debt collection agency any contract which has been deceptively procured. The order also requires that respondent's contract contain a notice that it may be canceled by a student within 7 days, and also forbids respondents to deceptively induce a prospective student to sign an installment contract.

The order to cease and desist, is as follows:

It is ordered, That respondents Eastern Detective Academy, Inc., a corporation, and its officers, and Earl M. Leven, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of any course of instruction or any other service or product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that there is a great demand for individuals who have completed respondents' course of instruction as detectives, investigators, undercover agents, or in other similar positions, or that employment in such positions is available upon completion of respondents' course of instruction; or misrepresenting, in any manner, the demand or opportunities for employment of individuals who complete any course of instruction.

2. Representing, directly or by implication, that several hundred persons who attended respondents' course obtained employment in investigative work or in any other position within 1 year; or otherwise misrepresenting the number of persons attending any course who have obtained employment through the training afforded, or the nature of such employment.

3. Representing, directly or by implication, that persons who complete respondents' course of instruction are thereby qualified for employment as detectives, investigators, undercover agents, or in any other similar position; or otherwise misrepresenting the positions for which the graduates of any course will qualify.

4. Representing, directly or by implication, that persons who complete respondents' course of instruction will thereby be qualified for employment at wages commensurate with those paid detectives, investigators, or undercover agents; or otherwise misrepresenting the wages or compensation available to graduates of any course of instruction.

5. Representing, directly or by implication, that respondents' provide a placement service which places a significant number of graduates or students in positions for which they have been trained by respondents; or misrepresenting, in any manner, their capabilities or facilities for assisting graduates or students of any course in finding employment, or the assistance actually afforded graduates in obtaining employment.

6. [Deleted by Final Order]

7. Representing, directly or by implication, that respondents operate a shooting range or have polygraph instruments, unless such is the fact; or misrepresenting, in any manner, the facilities or equipment which respondents have and make available for the training of students.

8. Misrepresenting that students will receive training in the firing of handguns on a shooting range or that students will receive practical training in the use of polygraph instruments; or misrepresenting, in any manner, the nature or extent of training students will receive.

9. [Deleted by Final Order]

10. Using photographs or any other promotional device to misrepresent the training facilities or equipment available to students of respondents' academy.

11. (a) Failing to disclose orally or in writing or to otherwise inform prospective customers in a manner that is clearly understood by them that the terms and conditions of the contract or other instrument of indebtedness are not cancelable except in accordance with the cancellation provision included in this order, when it is respondents' business practice to offer contracts which may not be canceled before completed.

(b) Failing to disclose on all contracts or other instruments of indebtedness as described in paragraph (a) above, clearly and conspicuously above the space provided for the customer's signature, the following notice:

NOTICE

You are signing a contract. You have 7 business days during which you may cancel this contract for any reason. To cancel, use the cancellation form provided with this contract, and mail it to the address on the form. If you do not cancel within this 7-day period, the contract will become final, you may be asked to pay the full amount of the contract price whether or not you complete the course.

Nothing in this notice shall be construed to limit any of the customer's rights under any Federal law or the law of the State where the contract is made.

(c) Failing to disclose orally and in writing or to otherwise inform the prospective customers in a manner that is clearly understood by them, when it is respondents' regular business practice to permit cancellation of contracts with refunds before said contract is completed, the terms and conditions of such policy, including the form of notice that the customer must give and the method or criteria used to determine the amount of money to be refunded or the amount of the unpaid obligation to be remitted.

12. (a) Using the caption heading "Enrollment for Private Detective Training," "Enrollment Application," "Application for Admission" or any similar term or terms to name, caption, title, or otherwise describe any document which is or may be treated as an installment contract or any other evidence of indebtedness.

(b) Inducing or causing prospective customers to execute installment contracts or any other instrument of indebtedness by falsely representing that such contracts, or other instruments of indebtedness are nonbinding enrollment agreements, or that such contracts or other instruments are cancelable at the discretion of the customers, or that such contracts or other instruments are cancelable in any manner other than the manner described in this order; or otherwise inducing or causing customers or prospective customers to execute installment contracts or other instruments by misrepresenting the true nature and effect of the instrument.

13. Placing in the hands of a debt collection agency for the purpose of obtaining satisfaction of an alleged debt, any agreement, contract, or other instrument of indebtedness which has been procured through any of the deceptive acts and practices prohibited by paragraphs 1 through 12 hereof.

14. Seeking to enforce or obtain a judgment on any contract or other instrument executed after the final date of this order between respondents and any party, or the transferring of any such contract or other instrument to a third party for the purpose of enforcing or obtaining a judgment on said contract or instrument, where the respondents or their employees misrepresented the nature or the terms of said contract or instrument at the time or prior to the time the contract or instrument was signed.

15. Failing to deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the same of respondents' courses or services, and failing to secure from each such salesman or other person a signed statement acknowledging receipt of said order.

It is further ordered, That the respondents Eastern Detective Academy, Inc., a corporation, and its officers, and Earl M. Leven, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of any course of instruction or any other service or product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Entering into any contract which shall become binding on the customer prior to midnight of the seventh day, excluding Sundays and legal holidays, after date of execution.

(2) Failing to disclose orally, prior to execution of the contract, and in writing on any trade acceptance, conditional sales contract, promissory note, or other instrument executed by the customer, with sufficient conspicuousness and clarity to be observed and read by such customer, that the customer may rescind or cancel the contract by directing or mailing a notice of cancellation to respondents' address prior to midnight of the seventh day, excluding Sundays and legal holidays, after the date of the sale.

(3) Failing to provide a separate and clearly understandable form which the customer may use as notice of cancellation. This form must also state clearly the address to which said form must be mailed to make the cancellation operative.

(4) Negotiating any trade acceptance, conditional sales contract, promissory note, or other instrument or indebtedness to a finance company or other third party prior to midnight of the ninth day, excluding Sundays and legal holidays, after the date of execution by the customer.

(5) *Provided, however*, That nothing contained in this portion of the order shall relieve respondents of any additional obligations respecting contracts required by Federal law or the law of the State in which the contract is made. When such obligations are inconsistent, respondents can apply to the Commission for relief from this provision with respect to contracts executed in the State in which such different obligations are required. The Commission, upon proper showing, shall make such modifications as may be warranted in the premises.

By "Final Order" further order requiring report of compliance, is as follows:

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

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

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

It is further ordered, That the hearing examiner's initial decision and order to cease and desist, as above modified and as modified by the accompanying opinion,[1] be, and they hereby are, adopted as the decision and order of the Commission.

Issued: June 30, 1971.

By the Commission.

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

[FR Doc.71-13158 Filed 9-7-71;8:47 am]

[Docket No. C-1997]

PART 13—PROHIBITED TRADE PRACTICES

Edward S. Reitano, Inc., and Victor C. Reitano

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

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Edward S. Reitano, Inc., et al., Mt. Vernon, N.Y., Docket No. C-1997, Aug. 3, 1971]

In the Matter of Edward S. Reitano, Inc., a Corporation, and Victor C. Reitano, Individually and as an Officer of Said Corporation

Consent order requiring a Mt. Vernon, N.Y., manufacturer and distributor of wearing apparel, including disposable face masks and disposable operating room hats, to cease violating the Flammable Fabrics Act by importing and selling any fabric which fails to conform to the standards of said Act.

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

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

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

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

It is further ordered, That the respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission a special report in writing setting forth the respondents' intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the products which gave rise to the complaint, (2) the number of said products in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect the recall of said products from customers, and of the results thereof, (4) any disposition of said products since January 16, 1970, and (5) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products and the results of such action. Such report shall further inform the Commission as to whether or not respondents have in inventory any product, fabric, or related material having a plain surface and made of paper, silk, rayon and acetate, nylon

[1] Copies of the opinion may be obtained at Federal Trade Commission Building, Room 130, Sixth and Pennsylvania Avenue NW.

and acetate, rayon, cotton, or any other material or combinations thereof in weight of 2 ounces or less per square yard, or any product, fabric or related material having a raised fiber surface. Respondents shall submit samples of not less than 1 square yard in size of any such product, fabric, or related material with this report.

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

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

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

Issued: August 3, 1971.

By the Commission.

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

[FR Doc.71-13159 Filed 9-7-71;8:47 am]

[Docket No. C-2001]

PART 13—PROHIBITED TRADE PRACTICES

Hairnet Corporation of America et al.

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

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Hairnet Corporation of America et al., New York, N.Y., Docket No. C-2001, Aug. 4, 1971]

In the Matter of Hairnet Corporation of America, a Corporation Doing Business Under its own Name and Under the Trade Name Jacobi Accessories Co., a Division of Said Corporation, and Edward Gard, Individually and as an Officer of Said Corporation

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

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

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

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

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

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

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

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

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

Issued: August 4, 1971.

By the Commission.

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

[FR Doc.71-13160 Filed 9-7-71;8:47 am]

[Docket No. C-1998]

PART 13—PROHIBITED TRADE PRACTICES

India Industrial Products, Inc., and Harvinder Singh

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

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, India Industrial Products, Inc., et al., New York City, Docket No. C-1998, Aug. 3, 1971]

In the Matter of India Industrial Products, Inc., a Corporation, and Harvinder Singh, Individually and as an Officer of Said Corporation

Consent order requiring a New York City importer and seller of Indian-made goods, including ladies' scarves, to cease violating the Flammable Fabrics Act by importing and selling any fabric which fails to conform to the standards of said Act.

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

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

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

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

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

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

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

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

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

Issued: August 3, 1971.

By the Commission.

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

[FR Doc.71-13162 Filed 9-7-71;8:47 am]

[Docket No. C-1995]

PART 13—PROHIBITED TRADE PRACTICES

International Sales Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.50 *Dealer or seller assistance;* § 13.60 *Earnings and profits.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1608 *Dealer or seller assistance;* § 13.1615 *Earnings and profits.* Subpart—Securing agents or representatives by misrepresentation: § 13.2120 *Dealer or seller assistance.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, International Sales Co. et al., St. Louis, Mo., Docket No. C-1995, Aug. 2, 1971]

In the Matter of International Sales Co., a Corporation, and Boyd Cohen, Individually and as an Officer of Said Corporation; and Automotive Marketing, Inc., a Corporation, and Boyd Cohen, Individually and as an Officer of said Corporation

Consent order requiring a St. Louis, Mo., seller of automotive products, brushes, and electrical accessories and franchises for sale of such products to cease misrepresenting that investors in respondents' franchises will receive any stated amount of money, profitable locations, training and other assistance, aid in resale of their dealerships, a return on their investment, exclusive sales territories, and that they need only service the locations chosen by the respondents. Respondents are also required to write into their contracts a provision that the contracts may be canceled within 3 days and all moneys be refunded to customers who cancel.

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

It is ordered, That respondents, International Sales Co., a corporation, and Boyd Cohen, individually and as an officer of said corporation; and Automotive Marketing, Inc., a corporation, and Boyd Cohen, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, or distribution of automotive accessories, glue products, brushes, electrical accessories, or of any other products or of any franchises or dealerships, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that:

(a) Persons investing in respondents' products, franchises, or dealerships will receive any stated amount of income or gross or net profits or other earnings.

(b) Any stated sums of money can be earned by investors or purchasers of respondents' products unless in fact the earnings represented are those of a substantial number of purchasers and accurately reflect the average earnings of these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

(c) Persons investing in respondents' franchises, dealerships, or products are assured of profitable income from the franchises, dealerships, or products.

(d) Persons investing in respondents' franchises, dealerships, or products can expect an average sale of a certain specified amount of merchandise a day, or any other period of time, unless in fact the average number of sales represented is that of a substantial number of franchisees, dealers, or purchasers.

(e) Respondents, their agents, representatives, or employees will obtain profitable locations for their merchandise: *Provided, however,* That nothing herein shall be construed to prohibit respondents from truthfully representing the monetary returns realized by a substantial number of purchasers from locations obtained by respondents.

(f) Persons investing in respondents' franchises, dealerships, or products will receive training, or other advice and assistance in the operation of their dealerships or franchises unless in fact the respondents furnish the training, advice, and assistance to each purchaser in conformity with the representations being made to that investor or purchaser.

(g) Selling, soliciting, or experience is not required in order to operate respondents' franchises or dealerships.

(h) Respondents or their representatives will repurchase their franchises, dealerships, and merchandise, or will assist in the resale of dealerships, franchises, or merchandise sold by them.

(i) Persons investing in respondents' franchises, dealerships, or merchandise will receive the return of their investments in any specified period of time.

(j) Persons investing in respondents' franchises, dealerships, or merchandise will be granted an exclusive territory in which to sell products purchased from respondents unless respondents actually give the exclusive territory to each customer as represented.

(k) A purchaser's or prospective purchaser's investment is secured.

(l) Purchasers or prospective purchasers need only service the locations secured by respondents in order to make a profit.

2. *It is further ordered,* That respondents:

(a) Deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale of respondents' products or services, franchises, or dealerships and secure from each such salesman or other person a signed statement acknowledging receipt of said order.

(b) After the acceptance by the Commission of respondents' initial report of compliance, submit to the Commission on June 1st of each of the succeeding 3 years a report: (1) Describing every complaint involving the acts and practices prohibited by this order received by respondents from or on behalf of their customers during the twelve (12) months preceding the date of the report, and respondents' disposition of each such complaint.

(c) Provide in writing in all contracts that (1) the contract may be canceled for any reason by notification to respondents in writing within 3 days from the date of execution, and (2) that the contract is not final and binding until respondents have completely performed their obligations thereunder by placing the merchandise in locations satisfactory to the customer.

(d) Refund immediately all monies to customers who have requested contract cancellation in writing within 3 days from the execution thereof.

(e) Notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of successor corporations, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

(f) File, within sixty (60) days after service upon them of this order, with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: August 2, 1971.

By the Commission.

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

[FR Doc.71-13163 Filed 9-7-71;8:47 am]

[Docket No. C-2000]

PART 13—PROHIBITED TRADE PRACTICES

Henri F. Kaplan and Benjamin Kaplan and Co.

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

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Henri P. Kaplan et al., North Hollywood, Calif., Docket No. C-2000, Aug. 4 1971]

In the Matter of Henri K. Kaplan, an Individual Trading and Doing Business as Benjamin Kaplan and Co.

Consent order requiring a North Hollywood, Calif., importer and seller of women's and misses' wearing apparel, including ladies' scarves, to cease violating the Flammable Fabrics Act by importing and selling any fabric which fails to conform to the standards of said Act.

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

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

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

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

It is further ordered, That the respondent herein shall, within ten (10) days after service upon him of this order, file with the Commission a special report in writing setting forth the respondent's intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the products which gave rise to the complaint, (2) the number of said products in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect the recall of said products from customers, and of the results thereof, (4) any disposition of said products since August 31, 1970, and (5) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products, and the results of such action. Such report shall further inform the Commission as to whether or not respondent has in inventory any product, fabric, or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton or any other material or combinations thereof in a weight of two ounces or less per square yard, or any product, fabric, or related material having a raised fiber surface. Respondent shall submit samples of not less than one square yard in size of any such product, fabric, or related material with this report.

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

Issued: August 4, 1971.

By the Commission.

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

[FR Doc.71-13161 Filed 9-7-71;8:47 am]

[Docket No. C-1993]

PART 13—PROHIBITED TRADE PRACTICES

McCann-Erickson, Inc.

Subpart—Advertising falsely or misleadingly: § 13.45 *Content;* § 13.170 *Qualities or properties of product or service:* 13.170-52 Medicinal, therapeutic, healthful, etc.; 13.170-70 Preventive or protective. Subpart—Misrepresenting oneself and goods—Goods: § 13.1605 *Content;* §13.1710 *Qualities or properties.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, McCann-Erickson, Inc., New York, N.Y., Docket No. C-1993, Aug. 2, 1971]

In the Matter of McCann-Erickson, Inc., a Corporation

Consent order requiring a New York City advertising agency handling the promotion of Swift's baby foods to cease misrepresenting that any such product is a "health food" because it contains B vitamin or adequate iron content or prevents colds or is as important as milk in the diets of babies.

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

It is ordered, That the respondent McCann-Erickson, Inc., a corporation, and its directors, officers, agents, representatives, employees, successors, and assigns, directly, or indirectly, or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of Swift's Strained Meats, Junior Meats, Strained High Meat Dinners, Junior High Meat Dinners, collectively referred to in various promotional materials as Swift's Meats for Babies, or any other food product labeled or advertised specifically as a baby food, in commerce, as "commerce" is defined in the Federal Trade Commission Act, shall forthwith cease and desist from representing, directly or by implication, unless respondent neither knew nor had reason to know the falsity of any such representation, in any advertisements or promotional materials, or on the labeling, that:

(1) Any such product is a "health food" with special and exclusive dietary

qualities necessary to promote health; provided that this provision should not deem to prevent a representation that any such product is a healthy food.

(2) Because of its B Vitamin content, any such product has a direct, substantial, necessary and essential relationship with strong bones and teeth;

(3) Any such product contains adequate iron, when consumed in normal or average quantities, to meet a baby's minimum daily iron requirements, or to prevent anemia;

(4) Any such product prevents germs and infections from entering the body, prevents colds, or possesses qualities or ingredients that are uniquely effective in promoting a baby's appetite or sleep;

(5) Any such product is as important as milk in the diets of babies;

(6) Any such product contains 100 percent meat, if water has been added.

(7) Any such product to which water has been added contains as much vitamins, minerals, and proteins as an equivalent quantity of a product which is all meat.

It is further ordered, That respondent McCann-Erickson, Inc., deliver a copy of this order to cease and desist to all present and future personnel of respondent having final and supervisory authority over all advertising copy for any such product and to the corporate officer signing this order and to secure from each of them a signed statement acknowledging receipt by them of a copy of this order.

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

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

Issued: August 2, 1971.

By the Commission.

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

[FR Doc.71-13164 Filed 9-7-71;8:47 am]

[Docket No. C-1990]

PART 13—PROHIBITED TRADE PRACTICES

Ozark Mattress Co., Inc., and Pete Reynolds

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-80 Textile Fiber Products Identification Act; § 13.1265 *Old, secondhand, reclaimed, or reconstructed product as new.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1590 *Composition;* § 13.1695 *Old, secondhand, reclaimed or reconstructed as new.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-70 Textile Fiber Products Identification Act; § 13.1880 *Old, used, or reclaimed as unused or new.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Ozark Mattress Co., Inc., et al., Springfield, Mo., Docket No. C-1990, July 26, 1971]

In the Matter of Ozark Mattress Co., Inc., a Corporation, and Pete Reynolds, Individually and as an Officer of the Said Corporation

Consent order requiring a Springfield, Mo., manufacturer and distributor of mattresses and box springs to cease misrepresenting the number of coil springs or other component parts in its products, misbranding the textile fiber products in its mattresses and cushions, and failing to properly label previously used material in its products.

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

I. *It is ordered,* That respondents Ozark Mattress Co., Inc., a corporation, and its officers, and Pete Reynolds, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the manufacture, advertising, offering for sale, sale, or distribution of mattresses or box springs in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing directly or by implication that respondents' mattresses and box springs contain any specific coil count or number of coils except the true and correct number of coils actually contained in such mattresses and box springs.

2. Misrepresenting in any manner the design, construction of, or the component parts and materials used in the manufacture of respondents' mattresses and box springs.

II. *It is further ordered,* That respondents Ozark Mattress Co., Inc., a corporation, and its officers, and Pete Reynolds, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Product Identification Act, do forthwith cease and desist from:

1. Misbranding textile fiber products by falsely or deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying mattresses and box springs as containing all new materials when such products contain stuffing previously used in other upholstered products, mattresses, or cushions.

2. Failing to affix in a conspicuous manner, to mattresses and box springs containing stuffing previously used in other upholstered products, mattresses, or cushions, a stamp, tag, or label approved by the Commission indicating in words plainly legible that each such mattress and box spring contains reused or previously used stuffing as required by section 4(h) of the Textile Fiber Products Identification Act.

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

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

Issued: July 26, 1971.

By the Commission.

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

[FR Doc.71-13165 Filed 9-7-71;8:48 am]

[Docket No. C-1996]

PART 13—PROHIBITED TRADE PRACTICES

Perle-Youdene Co., Inc., and Arthur Cohen

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

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Perle-Youdene Co., Inc., et al., Los Angeles, Calif., Docket No. C-1996, Aug. 3, 1971]

In the Matter of Perle-Youdene Co., Inc., a Corporation, and Arthur Cohen, Individually and as an Officer of Said Corporation

Consent order requiring a Los Angeles, Calif., seller and distributor of various fabrics and materials, including sheer

fabrics of approximately 80 percent acetate and 20 percent nylon, to cease violating the Flammable Fabrics Act by importing and selling any fabric which fails to conform to the standards of said Act.

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

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

It is further ordered, That the respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission an interim special report in writing setting forth the respondents' intention as to compliance with this order. This interim special report shall also advise the Commission fully and specifically concerning the identity of the fabric which gave rise to the complaint, (1) the amount of such fabric in inventory, (2) any action taken to notify customers of the flammability of such fabric and the results thereof, and (3) any disposition of such fabric since September 9, 1969. Such report shall further inform the Commission whether respondents have in inventory any fabric, product or related material having a plain surface and made of silk, rayon or cotton or combinations thereof in a weight of 2 ounces or less per square yard or with a raised fiber surface and made of cotton, rayon, acetate, and nylon or combinations thereof. Respondents will submit samples of any such fabric, product or related material with this report. Samples of the fabric, product, or related material shall be of no less than 1 square yard of material.

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

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

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

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

Issued: August 3, 1971.

By the Commission.

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

[FR Doc.71-13166 Filed 9-7-71;8:48 am]

[Docket No. C-1994]

PART 13—PROHIBITED TRADE PRACTICES

Suncrest Household Furnishings, Inc., and Gary Harriman

Subpart—Advertising falsely or misleadingly: § 13.71 *Financing:* 13.71-10 Truth in Lending Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73-92 Truth in Lending Act; § 13.155 *Prices:* 13.155-95 Terms and conditions: 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements:* 13.1623-95 Truth in Lending Act; Misrepresenting oneself and goods—Prices: § 13.1823 *Terms and conditions:* 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-75 Truth in Lending Act; § 13.1905 *Terms and conditions:* 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, Suncrest Household Furnishings, Inc., et al., Rochester, N.Y., Docket No. C-1994, Aug. 2, 1971]

In the Matter of Suncrest Household Furnishings, Inc., a Corporation, and Gary Harriman, Individually and as an Officer of Said Corporation

Consent order requiring a Rochester, N.Y., retail distributor of household furniture and other merchandise to cease violating the Truth in Lending Act by failing to use on its installment contracts the terms cash downpayment, total downpayment, unpaid balance of cash price, amount financed, finance charge, annual percentage rate, total of payments, and other terms required by Regulation Z of said Act.

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

It is ordered, That respondents Suncrest Household Furnishings, Inc., a corporation, and its officers, and Gary Harriman, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with any extension of consumer credit or any advertisement to aid, promote, or assist directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90-321, 15 U.S.C. 1601 et seq., do forthwith cease and desist from:

1. Failing to use the term "cash downpayment" to describe any downpayment in money, as required by § 226.8(c)(2) of Regulation Z.

2. Failing to use the term "total downpayment" to describe the sum of the "cash downpayment" and the "trade-in", in any transaction in which a trade-in is accepted as part of the downpayment, as required by § 226.8(c)(2) of Regulation Z.

3. Failing to use the term "unpaid balance of cash price" to describe the difference between the "cash price" and the "total downpayment", as required by § 226.8(c)(3) of Regulation Z.

4. Failing to use the term "amount financed" to describe the amount financed, as required by § 226.8(c)(7) of Regulation Z.

5. Failing to use the term "finance charge" to describe the finance charge as required by § 226.8(c)(8)(i) of Regulation Z, in print more prominent than the other prescribed terminology, as required by § 226.6(a) of Regulation Z.

6. Failing to disclose the rate of the finance charge and to state it as an "annual percentage rate", as required in § 226.8(b)(2) of Regulation Z, in print more prominent than the other prescribed terminology, as required by § 226.6(a) of Regulation Z.

7. Failing to disclose the sum of the cash price, all other charges which are included in the amount financed but which are not part of the finance charge, and the finance charge, using the term "deferred payment price", as required by § 226.8(c)(8)(ii) of Regulation Z.

8. Failing to use the term "total of payments" to describe the sum of the payments scheduled to repay their indebtedness, as required by § 226.8(b)(3) of Regulation Z.

9. Failing to disclose the due date of the first payment, or otherwise failing to disclose the number, amount, and due dates or periods of payments scheduled to repay the indebtedness, prior to the consummation of the transaction, as required by § 226.8(b)(3) of Regulation Z.

10. Failing, in any consumer credit transaction or advertisement, to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form, and amount required by §§ 226.6, 226.7, 226.8, 226.9, and 226.10 of Regulation Z.

It is further ordered, That respondent deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and

that respondent secure a signed statement acknowledging receipt of said order from each such person.

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

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

Issued: August 2, 1971.

By the Commission.

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

[FR Doc.71-13167 Filed 9-7-71;8:48 am]

[Docket No. C-1992]

PART 13—PROHIBITED TRADE PRACTICES

Swift & Co.

Subpart—Advertising falsely or misleadingly: § 13.45 *Content;* § 13.170 *Qualities or properties of product or service:* 13.170-52 Medicinal, therapeutic, healthful, etc. Subpart—Misrepresenting oneself and goods—Goods: § 13.1605 *Content;* § 13.1710 *Qualities or properties.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Swift & Co., Chicago, Ill., Docket No. C-1992, Aug. 2, 1971]

In the Matter of Swift & Co., a Corporation

Consent order requiring a major meat packing company with headquarters in Chicago, Ill., which also markets baby food to cease misrepresenting that any such product is a "health food" because it contains B vitamin or adequate iron content, or prevents colds or is as important as milk in the diets of babies.

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

It is ordered, That the respondent Swift & Co., a corporation, and its directors, officers, agents, representatives, employees, successors, and assigns, directly or indirectly, or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of Swift's Strained Meats, Junior Meats, Strained High Meat Dinners, Junior High Meat Dinners, collectively referred to in various promotional materials as Swift's Meats for Babies, or any other food product labeled or advertised specifically as a baby food, in commerce, as "commerce" is defined in the Federal Trade Commission Act, shall forthwith cease and desist from representing, directly or by implication, in any advertisements or promotional materials, or on the labeling, that:

(1) Any such product is a "health food" with special and exclusive dietary qualities necessary to promote health; provided that this provision shall not be deemed to prevent a representation that any such product is a healthy food;

(2) Because of its B Vitamin content, any such product has a direct, substantial, necessary and essential relationship with strong bones and teeth;

(3) Any such product contains adequate iron, when consumed in normal or average quantities, to meet a baby's minimum daily iron requirements, or to prevent anemia;

(4) Any such product prevents germs and infections from entering the body, prevents colds, or possesses qualities or ingredients that are uniquely effective in promoting a baby's appetite or sleep;

(5) Any such product is as important as milk in the diets of babies;

(6) Any such product contains 100 percent meat, if water has been added;

(7) Any such product to which water has been added contains as much vitamins, minerals and proteins as an equivalent quantity of product which is all meat.

It is further ordered, That respondent Swift & Co., deliver a copy of this order to cease and desist to all present and future personnel of respondent having final and supervisory authority over all advertising copy for any such product and to the corporate officer signing this order and to secure from each of them a signed statement acknowledging receipt by them of a copy of this order.

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

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

Issued: August 2, 1971.

By the Commission.

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

[FR Doc.71-13168 Filed 9-7-71;8:48 am]

[Docket No. C-1975]

PART 13—PROHIBITED TRADE PRACTICES

Telex Corp.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15-195 Nature: § 13.75 *Free goods or services;* § 13.170 *Qualities or properties of product or service:* 13.170-22 Corrective, orthopedic, etc. Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1490 *Nature;* Misrepresenting oneself and goods—Goods: § 13.1625 *Free goods or services;* § 13.1710 *Qualities or properties.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, the Telex Corp., Tulsa, Okla., Docket No. C-1975, July 20, 1971]

In the Matter of the Telex Corp., a Corporation

Consent order requiring a Tulsa, Okla., distributor of hearing aids to cease misrepresenting that its hearing aid is a new invention, is invisible when worn, will benefit all persons with hearing difficulty, failing to disclose that respondent or its salesmen are engaged in selling hearing aids, or misrepresenting in any manner the nature of respondent's business and the merits of its hearing aids.

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

PART I

It is ordered, That respondent the Telex Corp., a corporation, and its officers, and respondent's representatives, agents, and employees, directly or through any corporate or other device in connection with the offering for sale, sale or distribution of hearing aids, forthwith cease and desist from:

1. Disseminating or causing the dissemination of any advertisement by means of the U.S. mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which represents directly or by implication, that:

(a) Respondent merchandises a hearing aid which is a new invention or involves a new mechanical or scientific principle.

(b) Respondent's hearing aids are either invisible or indiscernible when worn.

(c) Respondent's hearing aids will be beneficial to individuals with hearing problems unless in immediate conjunction therewith it is clearly and conspicuously disclosed that not all individuals suffering from a hearing loss will benefit from use of a hearing aid.

(d) Use of respondent's hearing aids will enable an individual with a hearing disability to consistently distinguish and understand sounds in group situations or when background noise is present, unless in immediate conjunction therewith it is clearly and conspicuously disclosed that many individuals with a hearing disability will not receive such benefits from the use of a hearing aid.

2. Disseminating or causing the dissemination of any advertisement by means of the U.S. mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act,

which fails to clearly and conspicuously disclose that:

(a) Respondent is engaged in the manufacture and distribution of hearing aids for sale to the public.

(b) Persons who reply to advertisements may be contacted by salesmen, or otherwise, for the purpose of inducing them to purchase a hearing aid.

3. Disseminating or causing to be disseminated, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of hearing aids in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisment which contains any of the representations prohibited in paragraph 1 of Part I of this order or fails to comply with the affirmative requirements of paragraph 2 of Part I hereof.

PART II

It is ordered, That respondent the Telex Corp. and its officers, and respondent's agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of hearing aids in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Misrepresenting in any manner:

(a) The nature or purpose of respondent's business.

(b) The merits and effectiveness of respondent's hearing aids.

2. Supplying or placing in the hands of any franchised dealer, distributor, or any salesman, representative, or agent thereof, sales manuals, brochures, advertising mats, or any other advertising, or sales aid materials for the purpose of inducing or which are likely to induce, directly or indirectly, the purchase of respondent's devices, and which contain any of the false, misleading, or deceptive representations prohibited in this order, or which are designed for use, or could be used to carry out or enhance the practices prohibited in this order.

3. Failing to deliver a copy of this order to cease and desist to all operating divisions of the corporate respondent and to all officers, managers, and salesmen, both present and future, and any other person now engaged or who becomes engaged in the sale of hearing aids as respondent's agent, representative, or employee; and failing to secure a signed statement from each of said persons acknowledging receipt of a copy thereof.

4. Failing to notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may effect compliance obligations arising out of the order.

It is further ordered, That respondent shall, within sixty (60) days after service of this order, file with the Commission a written report setting forth in detail the manner and form of its compliance with this order.

Issued: July 20, 1971.

By the Commission.

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

[FR Doc.71-13169 Filed 9-7-71;8:48 am]

[Docket No. 8811]

PART 13—PROHIBITED TRADE PRACTICES

Union Carbide Corp.

Subpart—Advertising falsely or misleadingly: § 13.20 *Comparative data or merits;* § 13.35 *Condition of goods;* § 13.170 *Qualities or properties of product or service:* 13.170–8 Antifreeze. Subpart—Using deceptive techniques in advertising: § 13.2275 *Using deceptive techniques in advertising:* 13.2275–70 Television depictions.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Union Carbide Corp, New York, N.Y., Docket No. 8811, July 26, 1971]

In the Matter of Union Carbide Corporation, a Corporation

Consent order requiring a New York City manufacturer and seller of an automobile antifreeze described as "Prestone" antifreeze to cease advertising such product by presenting a demonstration which is performed unfairly or deceptively exaggerates or distorts the normal condition of use.

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

It is ordered, That respondent Union Carbide Corp., a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of Prestone antifreeze or any other retail consumer product in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Advertising any such product by presenting a demonstration, including a test or experiment, that appears or purports to be proof of any fact that is material to inducing the sale of the product, but which does not prove such fact because the conditions under which said demonstration is performed unfairly or deceptively exaggerate or distort normal conditions of use.

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

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

It is further ordered, That respondent shall, within sixty (60) days after service of the order upon it, file with the Commission a report in writing setting forth in detail the manner and form of its compliance with the order to cease and desist.

Issued: July 26, 1971.

By the Commission.

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

[FR Doc.71-13170 Filed 9-7-71;8:48 am]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER A—BUREAU OF ACCOUNTS

PART 202—DEPOSITARIES AND FINANCIAL AGENTS OF THE GOVERNMENT

Acceptable Collateral Security

In order to clarify the status of obligations issued by certain Government-sponsored corporations as securities acceptable for pledging as collateral for deposits of public money, the Department of the Treasury finds that it is necessary to amend its regulations governing the designation of Depositaries and Financial Agents of the Government at 31 CFR Part 202 (also appearing as Department Circular No. 176, Second Revision). The amendment adds to the list of acceptable securities in 31 CFR 202.6(b) obligations of Government-sponsored corporations which under specific statute may be accepted as security for public funds; the corporations now include the Federal National Mortgage Association; the Federal Home Loan Banks; the Federal intermediate credit banks; the Federal banks for cooperatives, and the Federal land banks.

The Department also finds, in accord with 5 U.S.C. 553, that notice and public procedure are impractical and unnecessary since the amendment is designed to implement provisions of existing law.

Accordingly, Part 202, Chapter II of Title 31 of the Code of Federal Regulations is amended by revising § 202.6(b)(1) to read:

§ 202.6 Collateral security.

* * * * *

(b) *Acceptable securities.* * * *

(1) Obligations issued or fully insured or guaranteed by the United States or any U.S. Government agency, and obligations of Government-sponsored corporations which under specific statute may be accepted as security for public funds: At face value.

* * * * *

(12 U.S.C. 265)

Dated: September 1, 1971.

[SEAL] S. S. SOKOL,
Deputy Fiscal Assistant Secretary.

[FR Doc.71-13175 Filed 9-7-71;8:51 am]

PART 203—SPECIAL DEPOSITARIES OF PUBLIC MONEY

Acceptable Collateral Security

In order to clarify the status of obligations issued by certain Government-sponsored corporations as securities acceptable for pledging as collateral for deposits to a Treasury Tax and Loan Account, the Department of the Treasury finds that it is necessary to amend its regulations governing the designation of Special Depositaries of Public Money at 31 CFR Part 203 (also appearing as Department Circular No. 92, Second Revision). The amendment adds to the list of acceptable securities in 31 CFR 203.8 (b) obligations of Government-sponsored corporations which under specific statute may be accepted as security for public funds; the corporations now include the Federal National Mortgage Association; the Federal Home Loan Banks; the Federal intermediate credit banks; the Federal banks for cooperatives, and the Federal land banks.

The Department also finds, in accord with 5 U.S.C. 553, that notice and public procedure are impractical and unnecessary since the amendment is designed to implement provisions of existing law.

Accordingly, Part 203, Chapter II of Title 31 of the Code of Federal Regulations is amended by revising § 203.8(b)(1) to read:

§ 203.8 Collateral security.

* * * * *

(b) *Acceptable securities.* * * *

(1) Obligations issued or fully insured or guaranteed by the United States or any U.S. Government agency, and obligations of Government-sponsored corporations which under specific statute may be accepted as security for public funds: At face value.

* * * * *

(31 U.S.C. 771)

Dated: September 1, 1971.

[SEAL] S. S. SOKOL,
Deputy Fiscal Assistant Secretary.

[FR Doc.71-13176 Filed 9-7-71;8:51 am]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary

SUBCHAPTER G—CIVIL DEFENSE

PART 186—EMPLOYMENT OF MILITARY RESOURCES IN NATURAL DISASTER EMERGENCIES WITHIN THE UNITED STATES, ITS TERRITORIES AND POSSESSIONS

Discontinuance of Part

Codification of Part 186 is discontinued. DoD Directive 3025.1, November 18, 1965, upon which this Part 186 was based, has been canceled.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[FR Doc.71-13183 Filed 9-7-71;8:52 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 208—FLOOD CONTROL REGULATIONS

Yellowtail Dam and Bighorn Lake, Bighorn River, Big Horn County, Mont.

Pursuant to the provisions of section 7 of the Act of Congress approved December 22, 1944 (58 Stat. 890, 891; 33 U.S.C. 709), the following regulations are hereby prescribed to govern the use of storage capacity allocated for flood control purposes in Bighorn Lake by the operation of Yellowtail Dam on the Bighorn River, in Big Horn County, Mont.

§ 208.53 Yellowtail Dam and Bighorn Lake, Bighorn River, Big Horn County, Montana.

The Bureau of Reclamation, Department of the Interior, represented by the Regional Director in charge of the locality, hereinafter referred to as the Regional Director, shall regulate Yellowtail Dam and Bighorn Lake in the interest of flood control in accordance with instructions furnished by the Department of the Army, represented by the District Engineer in charge of the locality, hereinafter referred to as the District Engineer, as follows:

(a) The exclusive flood control storage space between elevation 3,640 and 3,657 and that portion of the joint use storage space between elevations 3,614 and 3,640 required for flood control from May 1 through July 31, shall be regulated for flood control on the Bighorn and Yellowstone Rivers. Any water temporarily stored in this space shall be released as rapidly as practicable. The objectives of the flood control operation are to limit, insofar as practicable, the flow in the Bighorn River to 20,000 c.f.s. and/or a stage of 14.2 feet at St. Xavier, Mont., and the flow in the Yellowstone River to 65,000 c.f.s. and/or a stage of 13 feet at Miles City, Mont.

(b) The flood control operation will be coordinated with other projects in the Bighorn and Yellowstone River basins and releases will be modified as necessary to satisfy the above stated conditions for flood control.

(c) Joint use storage space, normally used for conservation purposes, shall be evacuated by the Regional Director on the basis of reservoir inflow forecasts and outflow estimates determined by procedures mutually agreeable to the Regional Director and the District Engineer. The amount of space evacuated for flood control should be no more than that which can be assured of subsequent refill prior to July 31 from inflows in excess of scheduled conservation releases. The evacuation releases shall be in such amounts and during such time periods as prescribed by the District Engineer, so as to have the required flood control space available during the May 1 through July 31 flood season.

(d) When the river below the dam is frozen or partly frozen, releases will be held to a minimum consistent with projects purposes, unless otherwise requested by the District Engineer in the interest of flood control. Releases will be made in such a manner to minimize the possibility of ice jamming.

(e) The discharge characteristics of the river outlet tunnels and the spillway (combined capacity of 58,000 c.f.s. with reservoir level at elevation 3,640), shall be maintained in accordance with the as-constructed drawings (Bureau of Reclamation Drawings No. 459-D-881 and No. 459-D-882 dated May 27, 1963, revised October 8, 1964, and No. 459-D-1380 dated January 25, 1965).

(f) Proposed schedules of conservation releases and storage changes, if available, and current operating data shall be provided to the District Engineer by the Regional Director. Operating data shall be tabulated daily and furnished periodically as required and shall include such items as: Reservoir elevation, reservoir storage, inflow, discharge, and other pertinent available hydrologic data.

(g) Oral instructions issued by the District Engineer to the Regional Director and the Damtender for flood control regulation shall be confirmed in writing under date of the day issued.

(h) Nothing in the regulations of this section shall be construed to require that releases shall be made at rates or in a manner inconsistent with requirements protecting the dam and reservoir from major damage, or inconsistent with the safe routing of the spillway design flood. All elevations stated in this section are at the Yellowtail Dam and are referred to a datum giving 3,593 ft. m.s.l. as the elevation of the spillway crest.

[Regs., Aug. 6, 1971] (Sec. 7, 58 Stat. 890, 33 U.S.C. 709)

For the Adjutant General.

LEONARD S. LEE,
Colonel, U.S. Army,
Comptroller, TAGO.

[FR Doc.71-12683 Filed 9-7-71;8:49 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 114—Department of the Interior

PART 114-26—PROCUREMENT SOURCES AND PROGRAMS

Use of GSA Supply Sources by Grantees and Contractors

Pursuant to the authority of the Secretary of the Interior contained in 5

U.S.C. 301 (Supp. V, 1965–69) and sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c), Subpart 114–26.7 is amended as set forth below.

This amendment shall become effective on the date of its publication in the FEDERAL REGISTER (9–8–71).

WARREN F. BRECHT,
Deputy Assistant Secretary of the Interior.

SEPTEMBER 1, 1971.

Subpart 114–26.7—Use of GSA Supply Sources by Grantees and Contractors

Sec.
114–26.700 Scope of subpart.
114–26.701 Applicability.
114–26.702 Policy on use of GSA supply sources.
114–26.703 Agency determinations.
114–26.704 Agency authorizations.
114–26.705 Preparing the authorization.
114–26.707 Acquisition of GSA stock.

AUTHORITY: The provisions of this Subpart 114–26.7 issued under 5 U.S.C. 301, Supp. V 1965–1969, sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 114–26.7—Use of GSA Supply Sources by Grantees and Contractors

§ 114–26.700 Scope of subpart.

This subpart prescribes the Department's policy regarding the use of GSA supply sources by grantees and cost-reimbursement type contractors, including subgrantees and subcontractors as authorized in FPMR 101–26.7.

§ 114–26.701 Applicability.

The provisions of this subpart are applicable to all Bureaus and Offices of the Department of the Interior.

§ 114–26.702 Policy on use of GSA supply sources.

(a) It is the policy of the Department that grantees and subgrantees shall be authorized to use GSA supply sources when it is in the best interest of the Government and not prohibited by law.

(b) It is the policy of the Department that, pursuant to the provisions of Federal Procurement Regulation Subpart 1-5.9, cost-reimbursement type contractors and subcontractors shall be authorized to use GSA supply sources when such use is in the best interest of the Government and is not prohibited by law.

§ 114–26.703 Agency determinations.

In making a determination to authorize the use of GSA supply sources as set forth in this subpart, consideration must be given to all of the factors set forth in FPMR 101–26.703 and any other relevant factors which may exist. The volume of procurement involved and the savings to be realized must be sufficient to warrant the administrative workload required by the exercise of this authority.

§ 114–26.704 Agency authorizations.

(a) (1) In addition to other limitations and conditions set forth in FPMR 101–26.704, each authorization shall specify that the issuing office will not be liable for any obligations incurred through the use of the authorization to use GSA supply sources.

(2) Authorizations shall also be limited to purchases within approved budgetary limitations, with a requirement for the prompt payment of bills upon receipt of billing.

(3) Each issuing office shall be responsible for monitoring the purchases made under each authorization, and for requiring the maintenance of procurement records needed for audit purposes.

(b) (1) Public Law 85–934 (72 Stat. 1793; 42 U.S.C. 1892) authorizes the vesting of title to equipment purchased with Federal funds pursuant to grants or contracts for the conduct of basic or applied scientific research at nonprofit institutions of higher education or at nonprofit organizations whose primary purpose is the conduct of scientific research (205 DM 9).

(2) This authority to vest title to scientific research equipment shall be used to reduce the Government's cost and administrative burden of accounting, shipment, storage, disposition, and otherwise treating the equipment as Government property.

(3) Office of Management and Budget Circular No. A–101, dated January 9, 1971, recognizes the need for reducing such costs and burden while furthering the overall Government objective of strengthening the scientific capability of educational institutions. The policy set forth in OMB Circular No. A–101 shall be used to determine when title to equipment should be vested in such institutions. This policy applies to educational institutions only.

§ 114–26.705 Preparing the authorization.

The following is a suggested form for preparing the written authorization required by FPMR 101–26.704:

LETTER OF AUTHORIZATION

GRANT NO. ------

(Name and address of grantee)

GENTLEMEN: The Property Management Officer for (name of appropriate office) has been given the responsibility to serve as the property administrator for your grant. He will, in this capacity, be able to provide advice and guidance concerning the physical control, maintenance of accountability records, and disposition of property. For the duration of your grant and any extension thereof, the services of the General Services Administration (GSA) are available for assistance in the procurement of equipment and supplies. As a general rule, the use of GSA sources of supply is voluntary for grantees, but there may be occasions when you will be required to use Government sources of supply. The sources of supply authorized for your use are: (1) GSA's Stores Stock, (2) Federal Supply Schedule contracts, (3) GSA Shelf-Service Stores, and (4) other available GSA contracts. A copy of this letter is being sent to the GSA regional office in your geographic area since it constitutes your authority to deal directly with that office. Please contact that office for information on how to place orders. GSA and Federal Supply Schedule contractors will bill you directly, and you are obligated for the payment of such bills. This authorization may be used only for equipment and supplies purchased directly by your organization for the purpose of carrying out the above cited grant program.

Any question about procurement procedures, maintenance of accountable property records, and disposition of property should be directed to the Property Management Officer, (name, address, and telephone number).

Your grant number is to be cited prominently on all correspondence.

Sincerely yours,

(Appropriate official)

§ 114–26.707 Acquisition of GSA stock.

(a) Grantees and contractors, including subgrantees and subcontractors, should obtain FEDSTRIP system orientation from the GSA Regional Supply Service Officer.

[FR Doc.71–13118 Filed 9–7–71;8:45 am]

Title 50—WILDLIFE AND FISHERIES

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

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

On March 30, 1971, notice of proposed rule making regarding an amendment to CFR 25.1, 26.12, 26.14, 29.3, 31.16, and 33.1 was published in the FEDERAL REGISTER (F.R. Doc. 71–4341). The purpose of the amendment is to conform to recently enacted laws and to improve management practices within the National Wildlife Refuge System. After consideration of all such relevant matter as was presented by interested persons, the amendment as so proposed is hereby adopted, subject to the following changes:

1. In § 25.1 a new paragraph is added to define wildlife management areas.

2. In the second paragraph of § 25.1, the words "including those" are deleted.

3. In the third paragraph of § 25.1, the words "except wildlife management areas" are added immediately following the words "National Wildlife Refuge System."

4. In the sixth paragraph of § 25.1, "section 3" is changed to "section 4(c)."

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER (9–8–71).

J. P. LINDUSKA,
Acting Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 31, 1971.

PART 25—GENERAL PROVISIONS

Section 25.1 is amended as follows:

§ 25.1 Definitions.

As used in the rules and regulations in this subchapter:

"National Wildlife Refuge System" means all lands, waters, and interests therein administered by the Bureau of Sport Fisheries and Wildlife as national wildlife refuges, wildlife ranges, game ranges, wildlife management areas, waterfowl production areas, and areas

for the protection and conservation of fish and wildlife, that are threatened with extinction.

"Wildlife refuge area" means any area of the National Wildlife Refuge System except wildlife management areas.

"Wildlife management areas" (sometimes referred to as coordination areas) means any area of acquired land or public land withdrawn by the Bureau of Sport Fisheries and Wildlife and made available to the various States, or instrumentatilities thereof, by cooperative agreement for management of wildlife resources in accordance with the Act of March 10, 1934 (48 Stat. 401), as amended.

"Wildlife range" means any area of public land administered by the Bureau of Sport Fisheries and Wildlife for the protection and management of wildlife resources under the terms of an Executive or Public Land Order establishing a specific area.

"Game range" means any area of public land administered jointly by the Bureau of Sport Fisheries and Wildlife and the Bureau of Land Management for the protection and management of wildlife resources and for the grazing of domestic livestock under the terms of an Executive or Public Land Order establishing a specific area.

"Waterfowl production area" means any small wetland or pothole area acquired pursuant to section 4(c) of the amended Migratory Bird Hunting Stamp Act (72 Stat. 487; 16 U.S.C. 718b), owned or controlled by the United States and administered by the Bureau of Sport Fisheries and Wildlife as a part of the National Wildlife Refuge System.

"Big game" means large game mammals, including moose, elk, caribou, reindeer, musk ox, deer, big horn sheep, mountain goat, pronghorn, bear, wild hogs, and peccary.

"Migratory bird" means and refers to those species of birds listed under § 1.11 of this chapter.

PART 26—RESTRICTED OR PROHIBITED ACTS

Section 26.12 is amended as follows:

§ 26.12 Firearms, fireworks, and explosives.

Carrying, possessing, or discharging firearms, fireworks, or explosives is prohibited except as may be authorized under the provisions of Part 28 of this chapter.

Section 26.14 is amended as follows:

§ 26.14 Vehicles.

Travel in or use of any motorized vehicle, including land, water, ice, snow, and aircraft types is prohibited on areas within the National Wildlife Refuge System except on specific routes of travel or in designated areas posted for public use by the officer in charge.

PART 29—LAND USE MANAGEMENT

Subpart A—General Rules

Section 29.3 is amended as follows:

§ 29.3 Nonprogram uses.

Uses of wildlife refuge areas that make no contribution to the primary objective of the program for an individual area or are in no way related to the objectives of the National Wildlife Refuge System are classed as nonprogram uses. Permission for such uses will be granted only when compatible with the major purposes for which such areas are established.

PART 31—WILDLIFE SPECIES MANAGEMENT

Subpart A—Surplus Wildlife

Section 31.16 is amended as follows:

§ 31.16 Trapping program.

Except as hereafter noted, persons trapping animals on wildlife refuge areas where trapping has been authorized shall secure and comply with the provisions of a Federal permit issued for that purpose. This permit shall specify the terms and conditions of trapping activity and the rates of charge or division of pelts, hides, and carcasses. Lands acquired as "waterfowl production areas" shall be open to public trapping without Federal permit provided that trapping on all or part of individual areas may be temporarily suspended by posting upon occasions of unusual or critical conditions affecting land, water, vegetation, or wildlife populations. Each person trapping on any wildlife refuge area shall possess the required State license or permit and shall comply with the provisions of State laws and regulations.

PART 33—SPORT FISHING

Section 33.1 is amended as follows:

§ 33.1 Public fishing authorization.

Except as hereafter noted, the opening or closing of wildlife refuge areas to sport fishing shall be in accordance with the rulemaking requirements of the Administrative Procedure Act (5 U.S.C. 553). However, wildlife refuge areas will be opened to sport fishing only when a determination has been made that such activity is not detrimental to the objectives for which the area was established. Lands acquired as "waterfowl production areas" shall be open to sport fishing subject to the provisions of State laws and regulations and that pertinent provisions of Parts 25 through 31 of this subchapter; provided, that fishing on all or any part of individual areas may be temporarily suspended by posting upon occasions of unusual or critical conditions of, or affecting, land, water, vegetation, or wildlife populations.

[FR Doc.71-13130 Filed 9-7-71;8:50 am]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Emergency Preparedness

[OEP Economic Stabilization Reg. 1; Circular No. 10]

SUPPLEMENTARY GUIDANCE FOR APPLICATION

Economic Stabilization Circular No. 10

This circular is designed for general information only. The statements herein are intended solely as general guides drawn from OEP Economic Stabilization Regulation No. 1 and from specific determination by the Cost of Living Council and do not constitute legal rulings applicable to cases which do not conform to the situations clearly intended to be covered by such guides.

NOTE: Provisions of this and subsequent circulars are subject to clarification, revision, or revocation.

This 10th circular covers determinations by the Council through September 4, 1971.

APPENDIX I

ECONOMIC STABILIZATION CIRCULAR No. 10

100. *Purpose.* (a) On August 15, 1971, President Nixon issued Executive Order No. 11615, as amended, providing for stabilization of prices, rents, wages, and salaries and establishing the Cost of Living Council, a Federal agency. The order delegated to the Council all of the powers conferred on the President by the Economic Stabilization Act of 1970, as amended. The effective date of the order was 12:01 a.m., August 16, 1971.

(b) By its order No. 1 the Council delegated to the Director of the Office of Emergency Preparedness authority to administer the program for the stabilization of prices, rents, wages, and salaries as directed by section 1 of Executive Order No. 11615, as amended.

(c) The purpose of this circular, the 10th in a series to be issued, is to furnish further guidance to Federal officials and the public in order to promote the program.

200. *Authority.* Relevant legal authority for the program includes the following:

The Constitution.
Economic Stabilization Act of 1970, Public Law 91-379, 84 Stat. 799; Public Law 92-15, 85 Stat. 38.
Executive Order No. 11615, as amended, 36 F.R. 15127, August 17, 1971.
Cost of Living Council Order No. 1, 36 F.R. 16215, August 20, 1971.
OEP Economic Stabilization Regulation No. 1, as amended, 36 F.R. 16515, August 21, 1971.

300. *General guidelines.* (a) The guidance provided in this circular is in the nature of additions to or clarifications of previous determinations of the Cost of

Living Council covered in previous OEP Economic Stabilization Circulars.

(b) The numbering system used in this circular corresponds to that used in previous OEP Circulars.

400. *Price guidelines.*

401. *General guidelines.* (a) If the shipment price on a contract, made prior to the freeze calling for delivery during the freeze is above the ceiling price, the seller may not perform at a contract price above the ceiling price. He may decline to perform at all if he wishes, but may not force the buyer to accept shipment deferred to a date after the freeze. If the seller does make delivery, the buyer is obligated to pay no more than the ceiling price.

(b) On long-term purchase contracts where shipment will occur after the freeze, related sales and other commissions may be paid as usual during the freeze, subject to the ceilings determined from commissions paid during the base period.

(c) Sales by auction are governed by the same rules applicable to other sales transactions.

On auction sales of ordinary commercial goods by a regular dealer at auction or otherwise, the ceiling is the highest price at which the owner delivered or furnished such commodities to purchasers in a substantial number of transactions during the base period.

The ceiling price at auction sales of commodities for which no established market prices exist, and which are sold by or for the account of persons not ordinarily engaged in the business of selling such merchandise, is the highest price for comparable commodities in the base period.

Auction sales under court order are governed by the above paragraph.

Auctioneers' fees and commissions are frozen at base period levels.

403. *Prices on imports.* (a) A foreign manufacturer sells finished products, such as an automobile, in the United States through a wholly owned subsidiary. It then resells to distributors who in turn resell to dealers. The wholly owned subsidiary has customarily added a fixed percentage mark-up to the c.i.f. price of the vehicles. The distributors add their own percentage mark-ups, which may vary. If the foreign price to the importer increases, neither the subsidiary of a foreign manufacturer, the distributors, nor the dealers may increase their mark-ups. They may only pass on the import price increase, cent for cent.

405. *Government-regulated industries.* (a) States may estimate the date at which old inventory will run out for purposes of establishing a uniform date for passing on an increase due to the supplemental tariff on imported alcoholic beverages. This is good faith compliance with issued policy on the inventory problem. However, the burden of proving the validity of the inventory estimate shall be upon the State.

(b) Although utilities are regulated on a cost of service basis, rates cannot be adjusted above the ceiling to reflect the actual cost of gas, oil, or coal which suppliers are permitted to charge them under the Executive order.

406. *Commodities and services.* (a) A labor contract provides for increased payments after August 15, 1971, but this increase is prevented by the wage-price freeze. A company operating under this labor agreement has contracted to provide services after August 15, 1971, at a price that was based on the projected increase in wages. The company is not allowed to charge this price. The price is frozen at the price received for substantial transactions for the service during the base period.

408. *Exemptions.* (a) Transactions involving the sale of corporate stock (including an equity interest in a going concern) are not covered by the freeze. However, the use of such transactions to violate the intent of the freeze is not permitted.

500. *Wage and salary guidelines.*

502. *Specific guidelines.* (a) Pay increases retroactive to August 9 were proposed by management and formally accepted by the union prior to August 15, but management did not formally sign the contract until August 16. The pay increase can take effect as long as the parties involved can document that the agreement had been reached and work performed or wages accrued prior to August 15.

(b) Certain California counties are chartered in such a way that State law requires a 30-day passage of time before county boards of supervisors' resolutions and ordinances become operative. At least one county board of supervisors, San Joaquin, passed an ordinance prior to August 15, 1971, placing wage and salary rates in effect for the county's employees prior to August 15. However, the 30-day time period requirement carried past the August 15 date. The raises can be paid since the ordinance was passed prior to the freeze, to be retroactive to the date it was passed.

(c) Piece rates in the California raisin harvest have in past years been determined by the abundance and condition of the crop, with higher rates when sparse crop conditions prevailed because of the greater effort required to harvest. This factor can be considered in setting rates for this year's harvest which will occur during the period covered by the wage freeze. The difficulty of harvesting varies with the abundance of the crop. The piece rate set should be consistent with the historical pattern for a similar crop.

600. *Rent guidelines.*

602. *Specific guidelines.* (a) All provisions relating to prices, rents, and improvements apply equally to residential and commercial property.

(b) An increase in rent may be charged for property which undergoes a substantial capital improvement if the following criteria are met:

(1) The capital improvement must equal at least 3 months' rent (with a minimum of $250) on items that would be classified as capital improvements by the Internal Revenue Service.

(2) If condition (1) is met the unit may be treated as a new rental unit, such as an apartment or commercial establishment, with rent to be no higher than the rent charged on comparable apartments in the market area, but in no event shall the increase per month exceed 1½ percent of the amount spent for capital improvement.

NOTE: This paragraph supersedes paragraph 602(d) in OEP Economic Stabilization Circular No. 1 and paragraph 602(b) of Circular No. 5.

(c) Some leases for use of farms provide for cash rent; some provide for a share of the crop to be paid in lieu of rent. A shift from one system to the other can be made effective during the freeze period. If the shift is from cash rent to crop sharing, the formula used to compute shares must be consistent with established formulas in the area. If the shift is from crop sharing to cash rent, then the amount of the rent should be consistent with comparable rents in the area during the period.

1001. *Effective date.* This circular, unless modified, superseded or revoked, is effective on the date of publication for a period terminating at midnight of November 13, 1971.

Dated: September 7, 1971.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.71-13300 Filed 9-7-71;1:27 pm]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 725]

FLUE-CURED TOBACCO

Notice of Determination To Be Made Regarding Farm Acreage Allotments and Marketing Quotas for 1971–72 and Subsequent Marketing Years

Pursuant to the authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended, the Department is preparing to amend the regulations pertaining to the identification of marketings of tobacco and the records and reports incident thereto for flue-cured tobacco.

This amendment is necessary to insure proper proper recordkeeping and reporting and to eliminate the possibility of tobacco that would otherwise be penalty tobacco from being sold as penalty-free tobacco.

The purpose of amending the regulations is to require: (1) Determination by actual weighing of "producer tobacco" reported on hand by warehousemen and dealers at the end of the season, and to have such weight so obtained considered as the official weight for determination of any penalty that may be due, and (2) prior inspection by ASCS employees, or other designated representatives of the Department, of dealer purchases of "damaged producer tobacco" where such tobacco is to be resold in form normally marketed by producers.

The proposed changes are set forth as follows:

1. Section 725.99(g)(14) would be amended to read as follows:

§ 725.99 Warehouseman's records and reports.

* * * * *

(g) *Daily warehouse sales summary.* * * *

(14) At the end of the season, each warehouseman shall: (i) Report on his final MO–80 for the season the quantity of leaf account tobacco and floor sweeping tobacco, if any, on hand and its location, and (ii) permit its inspection and weighing by a representative of ASCS, and furnish him at that time a certification as to the actual weight of such tobacco. After the weight of such tobacco has been so obtained in subdivision (ii) of this subparagraph, it shall be considered as the official weight for comparing purchases and resales for the purpose of determining the amount of penalty, if penalty is due.

* * * * *

2. Section 725.100(c)(4) would be amended to read as follows:

§ 725.100 Dealer's records and reports.

* * * * *

(c) *Record and report of purchases and resales.* * * *

(4) At the end of the dealer's marketing operations, but not later than March 1, he shall for each kind of tobacco: (i) Show the word "final" on his final report, MO–79 for the season, (ii) report on such final MQ–79 for the season the quantity of tobacco on hand and its location, and (iii) permit its inspection and weighing by a representative of ASCS, and at that time furnish him a certification as to the actual weight of such tobacco. After the weight of such tobacco has been so determined in subdivision (ii) of this subparagraph, it shall be considered as the official weight for camparing purchases and resales for the purpose of determining the amount of penalty, if penalty is due.

* * * * *

3. A new § 725.100a would be added as follows:

§ 725.100a Dealer purchases of damaged tobacco for later resale.

Any dealer, warehouseman, or other person who plans to purchase tobacco in the form normally marketed by producers for resale that was damaged by such things as, but not limited to, fire and water shall prior to purchase report such plans to the State ASCS office issuing MQ–79, Dealer Record book. Such report shall be timely made so as to allow prior inspection for the marketable value of such damaged tobacco, and the weighing and removal of such tobacco to be witnessed by representatives of the State ASCS office. Any damaged tobacco purchased prior to reporting such plans to the State ASCS office and subsequent inspection by an ASCS representative shall be considered excess tobacco if later resold.

Prior to issuance of the proposed changes in the regulations, data, views, or recommendations pertaining thereto which are submitted to the Director, Commodity Stabilization Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, will be given consideration. To be sure of consideration, such submissions should be postmarked not later than 10 days after 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 such times and places and in the manner convenient to the public business (7 CFR 1.27(b)).

Signed at Washington, D.C., on September 1, 1971.

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

[FR Doc.71–13148 Filed 9–7–71;8:49 am]

Commodity Exchange Authority

[17 CFR Part 1]

FUTURES COMMISSION MERCHANTS

Proposed Abolition of Certain Exemptions

Notice is hereby given that the Secretary of Agriculture, pursuant to the authority of sections 4, 4f(2), 4g, 4i, 5, 5a, and 8a(5) of the Commodity Exchange Act as amended (7 U.S.C. 6, 6f(2), 6g, 6i, 7, 7a, and 12a(5)) is considering amending the general regulations under the Commodity Exchange Act by revoking § 1.31a, by revoking the paragraphs in §§ 1.10 and 1.17 which refer to applicants for registration as futures commission merchant to operate in accord with the provisions of § 1.31a and registrants who are authorized so to operate and who in fact so operate, and by revoking the sentences and clauses in other sections which refer to such applicants and registrants.

Certain futures commission merchants are exempt from the minimum financial requirements found in § 1.17, from certain reporting requirements necessary to enforce such minimum financial requirements, and from the recordkeeping requirements of §§ 1.32–1.36, inclusive. Such futures commission merchants transmit all customers' commodity futures orders, together with all money, securities, and property received to margin, guarantee, or clear the trades or contracts of such customers, to other futures commission merchants for execution or clearance, where the latter merchants render confirmations and statements of purchase and sale, and transmit remittances, direct to such customers. Such merchants, in the language of the business, are said to be "carrying" such accounts with such other merchants "on a disclosed basis," and are known as "1.31a brokers."

The experience of the Commodity Exchange Authority has been that most of such "1.31a brokers" are in fact agents acting in behalf of the merchants with whom they "carry" such accounts, but that such "principal" merchants often deny responsibility for the acts of such "1.31a brokers" when customers complain about the handling of their accounts. This practice leaves such customers unable to obtain satisfactory

disposition of their claims and complaints. In view of this and the fact that the exemptions in question benefit no one except the "1.31a brokers," the exemptions are believed to be in conflict with the objectives of the Act.

1. Section 1.7 would be revised to read as follows:

§ 1.7 Registration required of futures commission merchants.

No person shall engage as futures commission merchant in the solicitation or acceptance of orders for the purchase or sale of any commodity for future delivery, or involving any contracts of sale of any commodity for future delivery, on or subject to the rules of any contract market, unless such person shall have been registered as futures commission merchant under the Commodity Exchange Act by the Secretary of Agriculture and such registration shall not have expired, been suspended, or been revoked. Such registration shall be required of every person engaged as described in this subpart irrespective of whether accounting records relating to such orders and trades and contracts resulting therefrom are maintained by other futures commission merchants to whom such orders are transmitted for execution or clearance.

2. Paragraph (e) of § 1.10 would be revoked and paragraphs (b), (c), and (f) thereof would be revised to read as follows:

§ 1.10 Applications for registration and financial reports.

* * * * *

(b) Every person who files an application for registration as futures commission merchant, and who is not so registered at the time of such filing, shall, concurrently with the filing of such application, file on Form 1–FR a report of the applicant's financial condition as of a date not more than 3 months prior to the date on which such report is filed. Each such financial report shall be executed in accordance with the instructions accompanying the prescribed form.

* * * * *

(c) Except as provided in paragraph (d) of this section, every person registered as futures commission merchant under the Act shall file on Form 1–FR a report of his financial condition as of each June 30 and each December 31, unless the registrant's records are kept on a fiscal year basis, in which case he shall file on Form 1–FR such a report as of the midpoint and the end of each fiscal year. Each such report shall be executed and filed in accordance with the instructions accompanying the prescribed form, and shall be filed not more than 3 months after the date as of which it reports the registrant's financial condition.

* * * * *

(e) [Revoked]

(f) Every person registered as futures commission merchant under the Act shall prepare a written computation of his net worth at least once each month and retain it in accordance with § 1.31. Whenever any such computation shows, or any registrant knows or has reason to believe, that the registrant's net worth has declined 20 percent or more from his net worth as shown in the report of his financial condition, referred to in this section, which he most recently filed with the Commodity Exchange Authority, or whenever any registrant knows or has reason to believe that he is not in compliance with the requirements prescribed in § 1.17, such registrant shall immediately notify the Commodity Exchange Authority thereof.

3. Item 3 of subparagraph (1) of paragraph (a) of § 1.14 would be revised to read as follows:

§ 1.14 Deficiencies, inaccuracies, and changes, to be reported by futures commission merchants and floor brokers.

(a) Each registrant shall file promptly with the Commodity Exchange Authority a statement on Form 3–R to correct any deficiency or inaccuracy in the registrant's application for registration, or any supplemental statement thereto, and report any change which renders no longer accurate and current the information contained in any of the following items of such application or supplemental statement:

(1) *With respect to a futures commission merchant.* The following items of Form 1–R "Application for Registration as Futures Commission Merchant":

Item 2—address of principal office;
Item 3—location of books and records;

* * * * *

4. Paragraph (c) of § 1.17 would be revoked and paragraph (a) thereof would revised to read as follows:

§ 1.17 Minimum financial requirements.

(a) Except as provided in paragraph (b) of this section, no person applying for registration as futures commission merchant shall be so registered unless he has adjusted working capital equal to or in excess of whichever of the following is greater: (1) $10,000, or (2) the sum of the safety factors hereinafter prescribed in this section with respect to both proprietary accounts and customers' accounts plus 5 percent of the applicant's aggregate indebtedness; and each person registered as futures commission merchant shall at all times continue to meet such financial requirements.

* * * * *

(c) [Revoked]

* * * * *

§ 1.31a [Revoked]

5. Section 1.31a would be revoked.

Notice is hereby given that an oral public hearing on this proposed amendment will be held commencing at 10 a.m., local time, on September 30, 1971, in Room 2–W of the Administration Building, U.S. Department of Agriculture, 14th Street and Independence Avenue SW., Washington, DC, at which all interested persons will be given adequate opportunity to express their views. The Presiding Officer at the hearing will be a hearing examiner from the Office of Hearing Examiners of the Department designated for that purpose.

Any interested person may present any views, facts, or arguments he wishes to offer at the hearing. It will facilitate the hearing if persons who wish to testify at it will notify the Administrator of the Commodity Exchange Authority as soon as possible to that effect, stating how much time they would like to have to present their testimony. However, any person who wishes to testify at the hearing will be afforded an opportunity to do so, whether he has given such advance notice or not. The hearing will be open to the public. A stenographic transcript will be made of the hearing.

Any person who wishes, in addition to or in lieu of testimony at the oral hearing, to submit written data, views, or arguments on the proposed amendment, may do so by filing them with the Administrator, Commodity Exchange Authority, U.S. Department of Agriculture, Washington, D.C. 20250, on or before the date of the hearing. All written submissions made pursuant to this notice, and the transcript of the above hearing, will be available for public inspection in the office of the Administrator, Commodity Exchange Authority, U.S. Department of Agriculture, Washington, D.C. 20250, between the hours of 8:30 a.m. and 5 p.m. on any business day.

After the hearing, the Department will evaluate all relevant material presented at the hearing, submitted in writing, or otherwise in its possession, and will determine what action should be taken on the proposed amendment.

Issued: September 1, 1971.

ALEX C. CALDWELL,
Administrator,
Commodity Exchange Authority.

[FR Doc.71–13149 Filed 9–7–71;8:49 am]

Consumer and Marketing Service

[7 CFR Part 906]

ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Proposed Limitation of Handling

Consideration is being given to the following proposal, which would limit the handling of oranges by establishing grades and sizes recommended by the Texas Valley Citrus Committee, established pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

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 10th day after the publication of this

notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed grade and size requirements are the same as those currently in effect under § 906.346 *Orange Regulation 22*, published August 22, 1970, in the FEDERAL REGISTER (35 F.R. 13453), to be effective for the period September 14, 1970, through October 15, 1971. The proposed requirements would be effective for the period October 16, 1971, through October 15, 1972.

Such proposal reads as follows:

§ 906.348 Orange Regulation 23.

(a) Order:

(1) During the period October 16, 1971, through October 15, 1972, no handler shall handle:

(i) Any oranges of any variety, grown in the production area, unless such oranges grade U.S. Fancy, U.S. No. 1, U.S. No. 1 Bright, U.S. No. 1 Bronze, U.S. Combination, with not less than 60 percent, by count, of the oranges in each container thereof grading at least U.S. No. 1 grade and the remainder grading U.S. No. 2; or U.S. No. 2;

(ii) Any oranges of any variety, grown as aforesaid, which are of a size smaller than $2^{5}/_{16}$ inches in diameter, except that not more than 10 percent, by count, of such oranges in any lot of containers, and not more than 15 percent, by count, of such oranges in any individual container in such lot may be of a size smaller than $2^{5}/_{16}$ inches in diameter; or

(iii) Any oranges of any variety, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment.

(b) All oranges of any variety, grown as aforesaid, handled during the period specified in this section are subject to all applicable container and pack requirements which are in effect pursuant to the aforesaid marketing agreement and order during such period.

(c) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; and terms relating to grade and diameter, when used herein, have the same meaning as is given to the respective term in the U.S. Standards for Oranges (Texas and States other than Florida, California, and Arizona) (§§ 51.680–51.712 of this title).

Dated: September 2, 1971.

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

[FR Doc.71-13193 Filed 9-7-71;8:52 am]

[7 CFR Part 948]

[Area 2]

IRISH POTATOES GROWN IN COLORADO

Notice of Proposed Expenses and Rate of Assessment

Consideration is being given to the approval of the expenses and rate of assessment, hereinafter set forth, which were recommended by the Area Committee for Area No. 2 established pursuant to Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR Part 948).

This marketing order program regulates the handling of Irish potatoes grown in the State of Colorado and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals may file the same, in quadruplicate, with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 15th 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)).

The proposals are as follows:

§ 948.266 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Area Committee for Area No. 2 to enable such committee to perform its functions, pursuant to the provisions of Marketing Agreement No. 97, as amended, and this part, during the fiscal period ending June 30, 1972, will amount to $13,250.

(b) The rate of assessment to be paid by each handler pursuant to Marketing Agreement No. 97, as amended, and this part, shall be $0.0025 per hundredweight of potatoes grown in Area No. 2 handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending June 30, 1972, may be carried over as a reserve.

(d) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

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

Dated: September 1, 1971.

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

[FR Doc.71-13192 Filed 9-7-71;8:52 am]

DEPARTMENT OF COMMERCE

Patent Office

[37 CFR Part 2]

TRADEMARK APPLICATION AND DRAWING REQUIREMENTS, INTERFERENCES, AND INTER PARTES PROCEDURE

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority contained in section 41 of the Act of July 5, 1946 (60 Stat. 440, 15 U.S.C. 1123) and section 6 of the Act of July 19, 1952 (66 Stat. 793, 35 U.S.C. 6), the Patent Office proposes to amend Title 37 of the Code of Federal Regulations by revoking § 2.124a, adding §§ 2.83 and 2.117, and revising, amending and/or redesignating §§ 2.21—2.23, 2.27, 2.52, 2.56, 2.80–2.82, 2.91, 2.92, 2.98, 2.99, 2.101, 2.103, 2.104, 2.112, 2.116, 2.119, 2.120, 2.122—2.125, and 2.127—2.129.

All persons are invited to present their views, objections, recommendations, or suggestions in connection with the proposed changes to the Commissioner of Patents, Washington, D.C. 20231, on or before October 22, 1971, on which date a hearing will be held at 2:30 p.m., e.d.s.t., in Room 8006, Building 2, 2011 Jefferson Davis Highway, Arlington, VA. All persons wishing to be heard orally at the hearing are requested to notify the Commissioner of Patents of their intended appearance. Any written comments or suggestions may be inspected by any person upon written request a reasonable time after the closing date for submitting comments.

Trademark application and drawing requirements. Revised § 2.21 specifies the requirements for a complete application. The Patent Office proposes to reduce the requirements for a complete application, thereby making most applications entitled to a filing date when received. Informalities which require correction under present practice, however, would continue to require correction at an appropriate time.

Section 2.22 is amended by deleting the first sentence of the existing section and changing the title.

Section 2.23 provides for numbering of all applications as received, whether or not entitled to a filing date.

Section 2.52 requires the size of sheets on which drawings are made to be 8 inches wide and 11 inches long, in order to standardize drawing size and expedite handling in the Patent Office.

Section 2.56 is amended to make clear that five specimens must still be submitted, although not required in order to obtain a filing date under § 2.21.

Trademark interferences. Under section 16 of the Trademark Act of 1946, the Patent Office proposes to restrict interference practice to rare cases in which a party might be able to prove

that he would suffer irrevocable harm if his only recourse was to file an opposition or a petition for cancellation. It is believed that opposition and cancellation proceedings are the most expeditious means of determining the rights of parties with respect to conflicting marks. The proposed changes are expected virtually to eliminate interferences in trademark cases. The Patent Office is not presently aware of any interference situation in which the rights of the parties cannot be determined fairly in an opposition or cancellation proceeding. However, to provide an opportunity for a party to request an interference if such a situation should arise, proposed § 2.91 would provide for petitions to the Commissioner for the declaration of interferences under extraordinary circumstances.

Section 2.80, formerly § 2.81, is provided with a more descriptive title, and the reference to interferences in the last sentence is deleted.

New § 2.83 provides that when the marks in two or more applications are in conflict, the application with the earliest filing date will be published for opposition.

Section 2.91 provides that interferences will not be declared except upon petition to the Commissioner and upon a showing of extraordinary circumstances.

Existing § 2.92(b) is revoked, existing § 2.92(c) is redesignated as § 2.61(c), and part of the last sentence of existing § 2.98 is deleted, since interferences will no longer be instituted by the Examiner of Trademarks.

Trademark inter partes procedure. The changes in the sections concerning inter partes procedure are intended to reflect the current practice of the Trademark Trial and Appeal Board, and to expedite the handling of inter partes proceedings from institution to final hearing. They are designed, at the same time, to further incorporate into the inter partes proceedings the general principles embodied in the Federal Rules of Civil Procedure insofar as they may be applicable to Patent Office proceedings, and thereby provide a uniform practice and body of law as guidelines to both attorneys and the Patent Office. The amendments incorporate portions of the rules of practice in Patent Cases (37 CFR Part 1) pertaining largely to the procedure for taking testimony. In incorporating these provisions, those portions which are not applicable to the inter partes trademark proceedings have been deleted.

The proposed change in § 2.99 authorizes publication or allowance of applications for concurrent registration without a concurrent use proceeding when there has been a prior court determination of the rights of the parties.

Section 2.104 is changed to adopt language from the Federal Rules by requiring a "short and plain statement" showing why an opposer would be damaged. The change is intended to make clear that a lengthy pleading is not required. An analogous change is made in § 2.112 with respect to petitions for cancellation.

Section 2.116, formerly § 2.117, is amended to make clear that subsequent amendments to the Federal Rules of Civil Procedure will be applicable.

Proposed new § 2.117 would provide for proceedings before the Trademark Trial and Appeal Board to be suspended when the parties are engaged in a civil action which might be dispositive of the case.

Section 2.119 is changed by adding a paragraph identical to § 1.248, regarding manner of service of papers.

A number of amendments are proposed for § 2.120. The discovery provisions of the Federal Rules of Civil Procedure are adopted for inter partes trademark proceedings except where different provisions are contained in the Patent Office regulations.

Section 2.120(a) would permit discovery depositions either upon oral examination or upon written questions.

Section 2.120(b) concerning requests for admission is changed by increasing the period of 15 days for responding to requests for admission to 30 days, in line with the amendments to the Federal Rules of Civil Procedure effective July 1, 1970.

Section 2.120(c), as amended, specifies 11 subjects for written interrogatories, in lieu of the more general provision for interrogatories in Rule 33 of the Federal Rules of Civil Procedure.

Section 2.120(d) permits application to the Trademark Trial and Appeal Board for an order requiring discovery, and allows the Board to impose sanctions for failure to comply with such orders.

Section 2.122(b) provides for a registration pleaded in an opposition or petition for cancellation to be received in evidence and made part of the record if two status copies of the printed registration or an order for such copies is submitted.

Present § 2.123(c), relating to printed publications and official records, is redesignated as § 2.122(c) and revised to incorporate the substance of § 1.282 (Patent Rule 282).

New § 2.122(d) incorporates the substance of § 1.283 (Patent Rule 283).

New § 2.123 incorporates the provisions of §§ 1.273–1.281, 1.285, and 1.286 (Patent Rules 273 to 281, 285 and 286). In certain instances references are made to provisions of the Federal Rules of Civil Procedure. Portions of the Patent Rules which are not applicable to trademark practice have been omitted.

Section 2.124(b) is amended to require testimony by written questions to be prepared with each answer immediately preceded by its corresponding question. A requirement also is added for testimony under § 2.124 to be certified.

Section 2.124a, concerning testimony taken in foreign countries, is revoked. Testimony in foreign countries would be taken by depositions upon written questions in accordance with new § 2.124(d).

Reference numbers in § 2.125 have been changed in accordance with the renumbering.

Section 2.127(a) provides that the Trademark Trial and Appeal Board may treat a motion as conceded when a party fails to file a brief in opposition to the motion. Sections 2.127(b) and 2.129(c) are amended by adding a sentence requiring briefs in opposition to petitions for reconsideration to be filed within 15 days.

Section 2.128(b) includes certain changes with respect to the form required for briefs.

The proposed amendments are as follows:

1. Revise § 2.21 to read as follows:

§ 2.21 Requirements for a complete application and filing date.

(a) An application will not be considered complete unless all of the following elements are received:

(1) A name and address to which communications can be directed;

(2) A drawing or other identification of the mark sought to be registered;

(3) An identification of goods or services;

(4) At least one specimen of the mark as actually used;

(5) A date of first use of the mark in commerce, or a certification or certified copy of a foreign registration if the application is based on such foreign registration pursuant to section 44(e) of the act, or a claim of the benefit of a prior foreign application in accordance with section 44(d) of the act;

(6) The required filing fee for at least one class of goods or services.

Compliance with one or more of the rules relating to the elements specified above may be required before the application is further processed.

(b) The filing date of the application is the date on which the complete application is received in the Patent Office in acceptable form.

2. Revise § 2.22 to read as follows:

§ 2.22 Incomplete application.

If the papers are incomplete or so defective that they cannot be accepted, the applicant will be notified and the papers and fee held 6 months for completion. If the application is not completed within such time, the papers and fee will be returned to the applicant or otherwise disposed of; the drawing or fee of an unaccepted application may be transferred to a later application.

3. Revise § 2.23 to read as follows:

§ 2.23 Serial number.

Applications will be numbered as received and the applicant will be informed of the serial number and date of receipt of the application. When an application has been determined to be complete, the applicant will be informed of the filing date of the application.

§ 2.27 [Amended]

4. Amend § 2.27 by changing "2.81" in the second sentence of paragraph (a) to read "2.80."

5. Amend § 2.52 by revising paragraph (c) to read as follows:

§ 2.52 Requirements for drawings.

* * * * *

(c) *Size of paper and margins.* The size of the sheet on which a drawing is made must be 8 inches wide and 11 inches long. One of the shorter sides of the sheet should be regarded as its top. When the figure is longer than the width of the sheet, the sheet should be turned on its side with the top at the right. The size of the mark must be such as to leave a margin of at least 1 inch on the sides and bottom of the paper and at least 1 inch between it and the heading.

* * * * *

6. Revise § 2.56 to read as follows:

§ 2.56 Specimens.

The application must be accompanied by five specimens of the trademark as actually used on or in connection with the goods in commerce. The specimens shall be duplicates of the actually used labels, tags, or containers, or the displays associated therewith or portions thereof, when made of suitable material and capable of being arranged flat and of a size not larger than the size of the drawing.

7. Redesignate § 2.81 as § 2.80 and revise to read as follows:

§ 2.80 Publication for opposition.

If, on examination or reexamination of an application for registration on the Principal Register, it appears that the applicant is entitled to have his mark registered, the mark will be published in the Official Gazette for opposition. The mark will also be published in the case of an application to be placed in concurrent use proceedings, if otherwise registrable.

§§ 2.81, 2.82 [Redesignated]

8. Redesignate §§ 2.82 and 2.83 as §§ 2.81 and 2.82, respectively.

9. Add a new § 2.83 to read as follows:

§ 2.83 Conflicting marks.

(a) Whenever an application is made for registration of a mark which so resembles another mark pending registration as to be likely to cause confusion or mistake or to deceive, the mark with the earliest effective filing date will be published in the Official Gazette for opposition if eligible for the Principal Register, or issued a certificate of registration if eligible for the Supplemental Register. A notice will be sent, if practicable, to the later filed applicant informing him of the publication or issuance of the earlier filed mark.

(b) In situations in which conflicting applications are filed on the same date, the application with the earliest date of execution will be published in the Official Gazette or issued a certificate of registration. A notice will be sent, if practicable, to the applicant with the later date of execution informing him of the publication or issuance of the earlier executed application.

(c) The conflicting application which is not published in the Official Gazette for opposition or not issued a certificate of registration will be suspended by the Examiner of Trademarks until the published or issued application is registered or abandoned.

10. Revise the heading for §§ 2.91—2.99 entitled "Interferences" to read "Interferences and Concurrent Use Proceedings".

11. Revise § 2.91 to read as follows:

§ 2.91 Interferences.

(a) An interference will not be declared between two applications or between an application and a registration except upon petition to the Commissioner. Interferences will be declared by the Commissioner only upon a showing of extraordinary circumstances which would result in a party being unduly prejudiced without an interference. In ordinary circumstances, the availability of an opposition or cancellation proceeding to the party will be deemed to remove any undue prejudice.

(b) Registrations and applications to register on the Supplemental Register, registrations under the Act of 1920, and registrations of marks the right to use of which has become incontestable are not subject to interference.

12. Revise § 2.92 to read as follows:

§ 2.92 Preliminary to interference.

Before the declaration of an interference, the marks which are to form the subject matter of the controversy must have been decided to be registrable by each party except for the interfering mark.

§ 2.61 [Amended]

13. Redesignate § 2.92(c) as § 2.61(c).

14. Revise § 2.98 to read as follows:

§ 2.98 Adding party to interference.

If, during the pendency of an interference, another case appears involving substantially the same registrable subject matter, the Examiner of Trademarks may request the suspension of the interference for the purpose of adding said case. Such suspension will be granted as a matter of course if no testimony has been taken. If any testimony has been or is about to be taken, the case will not be added except upon approval of a member of the Trademark Trial and Appeal Board. If the case is not added, the Examiner of Trademarks may suspend action on such case pending termination of the interference proceeding.

15. Amend § 2.99 by adding a new paragraph (d) to read as follows:

§ 2.99 Application to register as concurrent user.

* * * * *

(d) When concurrent registration is sought on the basis of a court determination of the rights of the parties to use the marks in commerce, the application shall be examined by the Examiner of Trademarks. If the applicant is entitled to registration subject only to the concurrent lawful use of a party to the court proceeding, the Examiner of Trademarks may publish or allow the application, provided the court decree specifies the rights of the parties.

§ 2.101 [Amended]

16. Amend § 2.101 by changing "2.81" to read "2.80."

§ 2.103 [Amended]

17. Amend § 2.103 by changing "2.81" in the second sentence to read "2.80."

18. Revise § 2.104 to read as follows:

§ 2.104 Contents of opposition.

The opposition must set forth a short and plain statement tending to show why the opposer would be damaged by the registration of the opposed mark and state the specific grounds for opposition. A duplicate copy of the opposition including exhibits shall be filed.

19. Revise § 2.112 to read as follows:

§ 2.112 Petition for cancellation.

The petition to cancel, which must be verified, or include a declaration in accordance with § 2.20, must set forth a short and plain statement tending to show why the petitioner believes he is or will be damaged by the registration, state the specific grounds for cancellation, and indicate the respondent party to whom notice shall be sent. A duplicate copy of the petition, including exhibits, shall be filed with the petition. Applications to cancel different registrations owned by the same party may be joined in one petition when appropriate, but the fee for each application to cancel a registration must accompany the petition.

20. Redesignate § 2.117 as § 2.116 and revise paragraph (a) to read as follows:

§ 2.116 Federal Rules of Civil Procedure.

(a) Except as otherwise provided and wherever considered applicable or appropriate, procedure and practice in inter partes proceedings shall be governed by the Federal Rules of Civil Procedure effective on July 30, 1970 or as subsequently amended.

* * * * *

21. Add a new § 2.117 to read as follows:

§ 2.117 Suspension of proceedings.

Whenever it shall come to the attention of the Trademark Trial and Appeal Board that parties to a pending case are engaged in a civil action which may be dispositive of the case, proceedings before the Board will be suspended until termination of the civil action.

22. Revise § 2.119 to read as follows:

§ 2.119 Service of papers.

(a) Every paper filed in the Patent Office in inter partes cases, including appeals, must be served upon the other parties except the notices of interference (§ 2.93), the notice of opposition (§ 2.105), the petition for cancellation (§ 2.113) and the notices of a concurrent use proceeding (§ 2.99), which are mailed by the Patent Office. Proof of such service must be made before the paper will be considered by the Office. A statement signed by the attorney or agent, attached to or appearing on the original paper when filed, clearly stating the time and manner in which service was made will be accepted as prima facie proof of service.

(b) Service of papers must be on the attorney or agent of the party if there

be such or on the party if there is no attorney or agent, and may be made in either of the following ways: (1) By delivering a copy of the paper to the person served; (2) by leaving a copy at the usual place of business of the person served with someone in his employment; (3) when the person served has no usual place of business, by leaving a copy at his residence, with a member of his family over 14 years of age and of discretion; (4) transmission by first class mail, which may also be certified or registered. Whenever it shall be satisfactorily shown to the Commissioner that none of the above modes of obtaining or serving the paper is practicable, service may be by notice published in the Official Gazette.

(c) When service is made by mail, the date of mailing will be considered the date of service. Whenever a party is required to take some action within a prescribed period after the service of a paper upon him by another party and the paper is served by mail, 5 days shall be added to the prescribed period.

23. Revise § 2.120 to read as follows:

§ 2.120 Discovery procedure.

The provisions of the Federal Rules of Civil Procedure relating to discovery, effective on July 30, 1970 or as subsequently amended, shall apply where appropriate in inter partes trademark cases except as otherwise provided in this section. The period in which discovery may be taken will be specified by the Trademark Trial and Appeal Board.

(a) *Depositions for discovery*—(1) *Manner of taking.* Depositions may be taken upon oral examination in the manner prescribed by § 2.123 (c), (d) and (e), or upon written questions in the manner prescribed by § 2.124. The responsibility for securing the attendance of a proposed deponent other than a party or anyone who at the taking of the deposition was an officer, director or managing agent of a party, or a person designated under Rule 30(b)(6) or 31(a) of the Federal Rules of Civil Procedure to testify on behalf of a public or private corporation, partnership or association or governmental agency which is a party rests wholly with the interested party. See 35 U.S.C. 24.

(2) *Discovery of foreign party.* The discovery of a party or an officer, director, or managing agent of a party, or a person designated under Rule 30(b)(6) or 31(a) of the Federal Rules of Civil Procedure to testify on behalf of a party domiciled in a foreign country, may be taken in the manner prescribed by §§ 2.123 and 2.124.

(3) *Use of discovery depositions.* Discovery depositions may be used in accordance with Rule 32(a) (1), (2), (4), and (c) of the Federal Rules of Civil Procedure provided the party offering the deposition, or any part thereof, in evidence files the same before the close of his testimony period and also files a notice of reliance thereon. Objections, including any made during the examination, will be considered only if made or renewed at the hearing.

(b) *Request for admission.* (1) Any party to an opposition, interference, cancellation or concurrent use proceeding may, within the time specified for taking depositions for discovery, serve upon any adverse party two copies of a written request for admission by the letter of the genuineness of any relevant document described in and attached to the request (a photocopy may be attached provided the original thereof is made available for inspection), or of the truth of any facts which are material and relevant to the issues and which are believed to be within the knowledge of both the parties serving and the parties served. Each matter in respect of which an admission is requested shall be considered as admitted unless, within 30 days after service thereof, the party to whom the request is directed serves upon the party requesting the admission a sworn statement denying specifically the matter in respect of which admission is requested, or setting forth in detail the reasons why he cannot truthfully either admit or deny the same, or files objections thereto together with one copy of the request for admission. Any reply to such objection shall be due within 10 days after service thereof.

(2) No admission shall be considered as part of the record in the case unless a party files, before the close of his testimony period, a notice of reliance thereon and a copy of the admission and request therefor.

(c) *Interrogatories.* (1) Any party to an opposition, interference, cancellation or concurrent use proceeding may, during the period for discovery specified by the Trademark Trial and Appeal Board, serve upon any adverse party two copies of written interrogatories limited to inquiries with respect to the following:

(i) The issues of abandonment, nonuse, title, or fraud.

(ii) Date of first use of any mark involved in the proceeding.

(iii) In a concurrent use proceeding, the geographical area by States in which the mark has been used.

(iv) A description of all goods to which the mark has been applied.

(v) Annual sales in units and dollars of all goods sold under the mark during the past 5 years.

(vi) A description of advertising and promotion of the mark.

(vii) Annual expenditure for advertising and promotion of the mark during the past 5 years.

(viii) A description of channels of distribution by which all goods sold under the mark reach ultimate purchasers.

(ix) All known instances of actual confusion of goods or of source between the pleaded marks of adversary parties, stating as to each the date and place of such instance, the name and address of the confused person or organization, the names and addresses of all witnesses to such instance of confusion, and a statement of the particular circumstances.

(x) Representative samples of packaging, advertisements, and promotions of all goods sold under the mark.

(xi) Names and addresses of persons having knowledge of the facts contained in the pleading of the adverse party.

Answers to interrogatories may understate sales dollars and units and advertising and promotional expenditures by employing the form "in excess of * * *" but no evidence of greater amounts shall thereafter be offered by the answering party during the proceeding. The party upon whom the interrogatories have been served shall serve a copy of the answers, and objections if any, on the interrogating party within 30 days after the service of the interrogatories.

(2) Interrogatories and answers thereto shall not be considered as part of the record in the case unless the interrogating party files, before the close of his testimony period, a notice of reliance thereon, setting forth in said notice each interrogatory and answer thereto relied upon.

(d) *Failure to make discovery: Sanctions.* If any party fails or refuses to answer any proper question in taking discovery depositions or fails or refuses to answer any proper question propounded by interrogatories or fails or refuses to comply with an order to produce and permit the inspection and copying of designated things, the party seeking discovery may apply to the Trademark Trial and Appeal Board for an order compelling discovery. If a party or an officer, director, or managing agent of a party, or a person designated under Rule 30(b)(6) or 31(a) of the Federal Rules of Civil Procedure fails to obey an order to provide or permit discovery, the Trademark Trial and Appeal Board may strike out all or any part of any pleading of that party, dismiss the action or proceeding, or deny any part thereof, enter judgment as by default against that party, or take any such other action as may be deemed appropriate.

24. Amend § 2.122 by revising paragraph (b) and adding new paragraphs (c) and (d) to read as follows:

§ 2.122 Matters in evidence.

* * * * *

(b) A registration of the opposer or petitioner pleaded in an opposition or petition to cancel will be received in evidence and made part of the record if two status copies (showing title in the party) of the printed registration or an order for such copies accompany the opposition or petition.

(c) Printed publications, such as books and periodicals, available to the general public in libraries or of general circulation, and official records, if competent evidence and pertinent to the issue, may be introduced in evidence by filing in the Patent Office a notice to that effect during the period for the taking of the testimony of the party (during the period for taking of testimony-in-chief if such matters are not in rebuttal), specifying the record or the printed publication, the page or pages to be used, indicating generally its relevance, and accompanied by the record or authenticated copy or the printed publication or

a copy. When a copy of an official record of the Patent Office is filed, it need not be a certified copy. The notice and copy of the record or publication must be served on each of the other parties.

(d) Upon motion duly made and granted, testimony taken in another proceeding, or testimony taken in a suit between the same parties or those in interest, may be used in a proceeding, so far as relevant and material, subject, however, to the right of any contesting party to recall or demand the recall of witnesses whose testimony has been taken, and to take other testimony in rebuttal of the testimony.

25. Revise § 2.123 to read as follows:

§ 2.123 Testimony in inter partes cases.

(a) *Manner of taking testimony.* Testimony of witnesses in inter partes cases may be taken (1) by depositions upon oral examination as provided by this section, or (2) by depositions upon written questions as provided by this section and § 2.124.

(b) *Stipulations.* If the parties so stipulate in writing, depositions may be taken before any person authorized to administer oaths, at any place, upon any notice, and in any manner, and when so taken may be used like other depositions. By agreement of the parties, the testimony of any witness or witnesses of any party, may be submitted in the form of an affidavit by such witness or witnesses. The parties may stipulate what a particular witness would testify to if called, or the facts in the case of any party may be stipulated.

(c) *Notice of examination of witnesses.* Before the depositions of witnesses shall be taken by a party, due notice in writing shall be given to the opposing party or parties, as provided in § 2.119(b), of the time when and place where the depositions will be taken, of the cause or matter in which they are to be used, and the name and address of each witness to be examined; if the name of a witness is not known a general description sufficient to identify him or the particular class or group to which he belongs, together with a satisfactory explanation, may be given instead. Neither party shall take depositions in more than one place at the same time, nor so nearly at the same time that reasonable opportunity for travel from one place of examination to the other is not available.

(d) *Persons before whom depositions may be taken.* Depositions may be taken before persons designated by Rule 28 of the Federal Rules of Civil Procedure.

(e) *Examination of witnesses.* (1) Each witness before testifying shall be duly sworn according to law by the officer before whom his deposition is to be taken.

(2) The deposition shall be taken in answer to questions, with the questions and answers recorded in their regular order by the officer, or by some other person (who shall be subject to the provisions of Rule 28 of the Federal Rules of Civil Procedure) in the presence of the officer except when his presence is waived on the record by agreement of the parties. The testimony shall be taken stenographically and transcribed, unless the parties present agree otherwise. In the absence of all opposing parties and their attorneys or agents, depositions may be taken in longhand, typewriting, or stenographically.

(3) The opposing party shall have full opportunity to cross-examine the witnesses. If the opposing party shall attend the examination of witnesses not named in the notice, and shall either cross-examine such witnesses or fail to object to their examination, he shall be deemed to have waived his right to object to such examination for want of notice.

(4) All objections made at the time of the examination to the qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented, or to the conduct of any party, and any other objection to the proceedings, shall be noted by the officer upon the deposition. Evidence objected to shall be taken subject to the objections.

(5) When the deposition has been transcribed, the deposition shall be carefully read over by the witness, or by the officer to him, and shall then be signed by the witness in the presence of the officer unless the reading and the signature be waived on the record by agreement of all parties.

(f) *Certification and filing by officer.* The officer shall annex to the deposition his certificate showing:

(1) Due administration of the oath by the officer to the witness before the commencement of his deposition;

(2) The name of the person by whom the deposition was taken down, and whether, if not taken down by the officer, it was taken down in his presence;

(3) The presence or absence of the adverse party;

(4) The place, day, and hour of commencing and taking the deposition;

(5) That the deposition was read by or to the witness before he signed the same, and that he signed the same in the presence of the officer; and

(6) The fact that the officer was not disqualified as specified in Rule 28 of the Federal Rules of Civil Procedure.

If any of the foregoing requirements are waived, the certificate shall so state. The officer shall sign the certificate and affix thereto his seal of office, if he has such a seal. Unless waived on the record by agreement, he shall then, without delay, securely seal in an envelope all the evidence, notices, and paper exhibits, inscribe upon the envelope a certificate giving the number and title of the case, the name of each witness, and the date of sealing, address the package, and forward the same to the Commissioner of Patents. If the weight or bulk of an exhibit shall exclude it from the envelope, it shall, unless waived on the record by agreement of all parties, be authenticated by the officer and transmitted in a separate package marked and addressed as provided in this section.

(g) *Form of deposition.* (1) The pages of each deposition must be numbered consecutively, and the name of the witness plainly and conspicuously written at the top of each page. The deposition may be written on legal-size or letter-size paper, with a wide margin on the left hand side of the page, and with the writing on one side only of the sheet. The questions propounded to each witness must be consecutively numbered and each question must be followed by its answer.

(2) Exhibits must be numbered or lettered consecutively and each must be marked with the number and title of the case and the name of the party offering the exhibit. Entry and consideration may be refused to improperly marked exhibits.

(h) *Depositions must be filed.* All depositions which are taken must be duly filed in the Patent Office. On refusal to file, the Office at its discretion will not further hear or consider the contestant with whom the refusal lies; and the Office may, at its discretion, receive and consider a copy of the withheld deposition, attested by such evidence as is procurable.

(i) *Inspection of depositions.* After the depositions are filed in the Office, they may be inspected by any party to the case, but they cannot be withdrawn for the purpose of printing. They may be printed by someone specially designated by the Office for that purpose, under proper restrictions.

(j) *Effect of errors and irregularities in depositions.* Notice will not be taken or merely formal or technical objections which shall not appear to have wrought a substantial injury to the party raising them; and in case of such injury it must be made to appear that, as soon as the party became aware of the ground of objection, he gave notice thereof. Rule 32(d) (1), (2), (3)(a) and (3)(b) of the Federal Rules of Civil Procedure shall apply to errors and irregularities in depositions.

(k) *Objections to admissibility.* Subject to the provisions of paragraph (j) of this section, objection may be made to receiving in evidence any deposition or part thereof, or any other evidence, for any reason which would require the exclusion of the evidence according to the established rules of evidence, which will be applied strictly by the Office.

(l) *Evidence not considered.* Evidence not obtained and filed in compliance with these sections will not be considered.

26. Amend § 2.124 by revising paragraphs (a) and (b) and adding a new paragraph (d) to read as follows:

§ 2.124 Testimony by depositions upon written questions.

(a) A party may take the testimony of a witness by written questions to be propounded by an officer before whom depositions may be taken. See Rule 28 of the Federal Rules of Civil Procedure. The questions shall be served upon the other party within 10 days after the opening date set for taking the testimony of the party submitting the questions, together with a notice stating the name and address of the person who is to answer them and the name or descriptive title and address of the officer before whom the

deposition is to be taken. Within 10 days thereafter, a party so served may serve cross questions upon the party proposing to take the deposition. Within 5 days thereafter, the latter may serve redirect questions upon a party who has served cross questions. Within 3 days after being served with redirect questions a party may serve recross questions upon the party proposing to take the depositions. Written objections to questions may be served on the party propounding the questions, and in response thereto substitute questions may be served, within 3 days.

(b) A copy of the notice and copies of all questions served shall be delivered by the party taking the testimony to the officer designated in the notice, who shall proceed to take the testimony of the witness in response to the questions and to prepare each answer immediately preceded by its corresponding question, then certify, and file the deposition, attaching thereto the copy of the notice and the questions received by him. Such depositions are subject to the same rulings for filing and serving copies as other depositions.

* * * * *

(d) Testimony in foreign countries shall be taken only by depositions upon written questions unless the parties stipulate otherwise in writing. Rule 28(b) of the Federal Rules of Civil Procedure shall apply to the taking of testimony in foreign countries.

§ 2.124a [Revoked]

27. Revoke § 2.124a.

28. Revise § 2.125 to read as follows:

§ 2.125 Copies of testimony.

(a) One copy of the transcript of testimony (taken in accordance with § 2.123 (e) through (h) or § 2.124), together with copies of documentary exhibits, shall be served on each adverse party within 30 days after completion of the taking of such testimony. The original transcript and exhibits and one copy of the transcript shall be filed in the Patent Office as promptly as possible.

(b) Each transcript and the copies thereof shall comply with § 2.123(g) as to arrangement, indexing and form.

29. Amend § 2.127 by revising paragraphs (a) and (b) to read as follows:

§ 2.127 Motions.

(a) Motions shall be made in writing and shall contain a full statement of the grounds therefor. Any brief or memorandum in support of a motion shall accompany or be embodied in the motion. Briefs in opposition to a motion shall be filed within 15 days from the date of service of the motion unless another time is specified by the Trademark Trial and Appeal Board or the time is extended on request. Where a party fails to file a brief in opposition to a motion, the Trademark Trial and Appeal Board may treat the motion as conceded. Oral hearings will not be held on motions except on order of the Trademark Trial and Appeal Board.

(b) Any petition for reconsideration or modification of a decision, if it is not appealable, must be filed within 10 days after the decision or, if the decision is appealable, within the time specified in § 2.129(c). Any brief in opposition shall be filed within 15 days after service of the petition.

* * * * *

30. Amend § 2.128 by revising paragraph (b) to read as follows:

§ 2.128 Final hearing and briefs.

* * * * *

(b) Briefs may be submitted in typewritten form. They shall be the same in size and the same as to page and print as is specified for printed copies of testimony. Typewritten briefs shall conform to the requirements for typewritten copies of testimony, except that legal-size paper may be used and the binding and covers specified are not required. Without leave of the Trademark Trial and Appeal Board, no brief shall contain more than 50 pages of argument and, in case of the reply brief, the entire brief shall not exceed 25 pages. Each brief shall contain an alphabetical index of cases therein.

* * * * *

31. Amend § 2.129 by revising paragraph (c) to read as follows:

§ 2.129 Oral argument.

* * * * *

(c) Any petition for rehearing, reconsideration, or modification of a decision must be filed within 30 days from the date thereof. Any brief in opposition shall be filed within 15 days after service of the petition.

Dated: August 26, 1971.

ROBERT GOTTSCHALK,
Acting Commissioner of Patents.

Approved:

JAMES H. WAKELIN, JR.,
Assistant Secretary for Science and Technology.

[FR Doc.71-13116 Filed 9-7-71;8:49 am]

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Part 12]

FINANCIAL ASSISTANCE TO PERSONS DISPLACED BY GOVERNMENTAL ACQUISITION OF REAL PROPERTY

Notice of Proposed Rule Making

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 84 Stat. 1894, 42 U.S.C. 4601 et seq., provides for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal or federally assisted programs, and for uniform and equitable land acquisition policies for Federal and federally assisted programs. To implement this law there is proposed to be added to Title 29 a new Part 12 entitled "Financial Assistance to Persons Displaced from their Homes, Businesses, and Farms by Governmental Acquisition of Real Property."

Interested persons are invited to submit written comments, suggestions, or arguments regarding the proposal to the Secretary of Labor, U.S. Department of Labor, Washington, D.C. 20210, within 30 days after publication of this proposal in the FEDERAL REGISTER.

A new Part 12 is proposed to be added to Title 29, reading as follows:

PART 12—FINANCIAL ASSISTANCE TO PERSONS DISPLACED FROM THEIR HOMES, BUSINESSES, AND FARMS BY GOVERNMENTAL ACQUISITION OF REAL PROPERTY

AUTHORITY: The provisions of this Part 12 issued under 84 Stat. 1894, 42 U.S.C. 4601 et seq.

Subpart A—General

§ 12.1 Purpose.

(a) This part prescribes policies and procedures for the U.S. Department of Labor in implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 84 Stat. 1894, 42 U.S.C. 4601 (hereinafter called the Act), and are applicable to all acquisitions or displacements occurring on or after January 2, 1971. The Act provides for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and establishes uniform and equitable land acquisition policies for Federal and federally assisted programs.

(b) The provisions contained in this part are based upon consideration of the following:

(1) House Report No. 91–1656, A Report to Accompany S.1, Committee on Public Works, House of Representatives, 91st Congress, second session, December 2, 1970; and

(2) Provisions of existing law, including but not limited to, title VIII of the Civil Rights Act of 1968 (Public Law 90–284), and principles of equity, including but not limited to, good faith and reasonableness.

§ 12.2 Secretary.

As used in the part "Secretary" means the Secretary of Labor, U.S. Department of Labor, or his authorized representatives. Such representatives shall include Assistant Secretaries or other officials responsible for the project which requires land acquisition or displacement, and any individual authorized to act for them in implementing the regulations in this part.

§ 12.3 General instructions.

(a) Officials responsible for programs under this Act shall give written notice of displacement to each individual family, business, or farm to be displaced. Such notice shall be served personally or by first-class mail.

(b) In order to qualify for benefits under this Act as a displaced person, either of two conditions must be fulfilled:

(1) The person must have received a written notice to vacate which notice may be given before or after initiation of negotiations for acquisition of the property as prescribed by regulations issued by the Department; or

(2) The subject real property must in fact have been acquired, and the person must have moved as a result of its acquisition.

(c) Multiple occupancy shall be treated as single occupancy in the case of individuals, not families, in regulations and procedures dealing with benefits for replacement housing. However, each individual displaced may receive benefits authorized under section 202(a) of the Act and in the case of families each family shall be considered separately.

(d) For real property acquisitions under Federal law, contracts or options to purchase real property shall not incorporate payments for relocation costs and related items in title II of the Act. Appraisers shall not give consideration to or include in their appraisals any allowances for the benefits provided by title II of the Act. In the event of condemnation with a declaration of taking, the estimated compensation shall be determined solely on the basis of the appraised value of the real property with no consideration being given to or reference contained therein to the payments to be made under title II of the Act.

§ 12.4 Solicitor.

The Solicitor of Labor or his authorized representative will provide legal advice and assistance to the Secretary with regard to questions regarding the application or interpretation of this part and the resolution of disputes concerning claims for benefits arising pursuant to the Act.

Subpart B—Assurance of Adequate Replacement Housing Prior to Displacement

§ 12.10 Determination.

In the implementation of sections 205(c)(3) and 206(b) of the Act, the following criteria shall be observed:

(a) *Availability.* The Secretary shall not proceed with the phase of any project or authorize a State agency to proceed with the phase of any project which phase will cause the displacement of any person until he has determined, or received satisfactory assurance from the displacing State agency, that within a reasonable period of time prior to displacement, there will be available on a basis consistent with the requirements of title VIII of the Civil Rights Act of 1968 (Public Law 90–284), in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means (including supplements provided by law) of the families and individuals displaced, decent, safe, and sanitary dwellings, as described in paragraph (d) of this section, equal in number to the number of, and available to, such displaced persons who require such dwellings reasonably accessible to their places of employment.

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

(c) *Waiver.* The Secretary may, upon making findings of emergency or other extraordinary situations where immediate possession of real property is of crucial importance, waive the requirements of paragraphs (a) and (b) of this section, as authorized by section 205(c)(3) of the Act. Determintion so made shall be included in the annual report required by section 214 of the Act.

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

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

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

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

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

(e) *Absence of local standards.* In those instances where there is no local housing code or a local housing code does not contain certain minimum standards or the standards are inadequate, the Department will establish the standards.

§ 12.11 Housing provided as a last resort.

In determining when it is necessary to take action to construct replacement housing as authorized by section 206(a) of the Act the Secretary will be guided by criteria and procedures developed by the Secretary of Housing and Urban Development.

§ 12.12 Loans for planning and preliminary expenses.

The Secretary will be guided by criteria and procedures for implementing section 215 of the Act concerning loans for planning and other preliminary expenses for additional housing as are developed by the Secretary of Housing and Urban Development.

Subpart C—Moving and Related Expenses

§ 12.20 Actual reasonable expenses in moving.

In the implementation of section 202(a) of the Act, the following provisions shall serve as guides:

(a) There shall be allowed:

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

(2) The cost of packing and crating of personal property.

(3) The cost of advertising for packing, crating, and transportation when the displacing agency determines that it is desirable.

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

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

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

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

(8) Such other reasonable expenses determined to be eligible under regulations issued by the Department.

(b) The following limitations shall apply:

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

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

(3) When personal property which is used in connection with any business or farm operation to be moved is of low value and high bulk, and the cost of moving would be disproportionate in relation to the value, in the judgment of the Secretary (and any other agency involved), the allowable reimbursement for the expense of moving the personal property shall not exceed the difference between the amount which would have been received for such item on liquidation and the cost of replacing the same with a comparable item available on the market. This provision will be applicable in the case of moving of junkyards, stockpiled sand, gravel, minerals, metals, and similar type items of personal property.

§ 12.21 Actual direct losses by business or farm operation.

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

(b) When personal property is sold and the business or farm operation reestablished, the displaced person is entitled to payment provided in §12.20(b)(2).

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

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

§ 12.22 Exclusions on moving expenses and losses.

There shall be excluded from payment:

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

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

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

(d) Interest on loans to cover moving expenses.

(e) Loss of good will.

(f) Loss of profits.

(g) Loss of trained employees.

(h) Personal injury.

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

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

(k) Such other items as the Secretary determines should be excluded.

§ 12.23 Expenses in searching for replacement business or farm.

(a) The following items shall be allowed:

(1) Travel costs.

(2) Extra costs for meals and lodging.

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

(4) Broker or realtor fees to locate a replacement business or farm operation under circumstances prescribed in this part, excluding however realtor and brokerage fees which should normally be paid by the seller if it were not for this subparagraph. The total amount which a displaced person may be paid for searching expenses shall not exceed $500, unless the Secretary determines that a greater amount is justified based on the circumstances involved.

Subpart D—Payments in Lieu of Moving and Related Expenses

§ 12.30 Dwellings—schedules.

Section 202(b) of the Act provides that agencies may pay a moving expense allowance based on established schedules. These schedules shall be based on moving allowance schedules maintained by the respective State highway department, shall be current and shall provide for adequacy of reimbursement in every locality.

§ 12.31 Businesses.

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

(b) Loss of existing patronage: Section 202(c) of the Act provides that an agency may make a fixed payment to a business if it determines that: (1) The business is not part of a commercial enterprise having another establishment not being acquired, engaged in a similar business, and (2) The business cannot be relocated without a substantial loss of existing patronage.

(c) The determination of loss of existing patronage shall be made by the Secretary only after consideration of all pertinent circumstances, including the following factors:

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

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

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

§ 12.32 Farms—partial taking.

In the case where an entire farm operation is not acquired, the payment provided by section 202(c) of the Act shall be made only if the Secretary determines that the farm met the definition of a farm operation (section 101(8)) prior to the acquisition and that the property remaining after the acquisition is no longer an economic unit.

Subpart E—Replacement Housing Payments for Homeowners

§ 12.40 Eligibility.

In the implementation of section 203(a) of the Act the following provisions shall serve as guides:

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

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

(2) If other eligibility requirements of section 203 of the Act are met.

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

§ 12.41 Comparable replacement dwelling.

A comparable replacement dwelling is one which is:

(a) Decent, safe and sanitary.

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

(1) Number of rooms.
(2) Area of living space.
(3) Age.
(4) State of repair.

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

(d) In areas not generally less desirable than the dwelling to be acquired in regard to:
(1) Public utilities.
(2) Public and commercial facilities.
(3) Reasonably accessible to the relocatee's place of employment.

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

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

§ 12.42 Computation of replacement housing payment.

(a) *Differential payment for replacehousing.* The Secretary may determine the amount necessary to purchase a comparable replacement dwelling by either establishing a schedule or by using a comparative method.

(1) *Schedule method.* The Secretary may establish a schedule of reasonable acquisition costs for comparable replacement dwellings in the various types of dwellings to be acquired and available on the private market. The schedule should be based on a current analysis of the market to determine an amount for each type of dwelling to be acquired. When more than one Federal agency is causing the displacement in a community or an area, the Secretary shall cooperate with the other agency or agencies on the method for computing the replacement housing payment. The unform schedule of sale housing in the community or areas shall be used in that cooperative effort.

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

(3) *Alternate to subparagraphs (1) and (2) of this paragraph.* When neither method is feasible, the Secretary shall develop criteria for computing the payment.

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

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

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

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

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

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

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

(iii) FHA application fee.

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

(v) Credit report.

(vi) Title policies or abstracts of title.

(vii) Escrow agent's fee.

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

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

§ 12.43 Mortgage insurance. [Reserved]

Subpart F—Replacement Housing for Tenants and Certain Others

§ 12.50 Eligibility.

In the implementation of section 204 of the Act, the Secretary shall be guided by the following provisions:

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

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

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

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

§ 12.51 Computation of replacement housing payment for displaced tenants.

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

(b) Rental replacement housing payment: The Secretary may determine the amount necessary to rent a comparable replacement dwelling by either establishing a schedule or by using a comparative method.

(1) *Schedule method.* There may be established a rental schedule for renting comparable replacement dwellings as described in § 12.41, in the various types of dwellings to be acquired and available on the private market. The payment shall be computed by determining the amount necessary to rent a comparable replacement dwelling for 4 years (the average monthly cost from the schedule) and subtracting from such amount 48 times the average month's rent paid by the displaced tenant in the last 3 months prior to initiation of negotiation if such rent was reasonable. For purposes of this part economic rent is defined as the amount of rent the displaced tenant would have had to pay for a similar dwelling unit in areas not generally less desirable than the dwelling unit to be acquired. The schedule shall be based on current analysis of the market to determine an amount for each type of dwelling required. When more than one Federal agency including the Department is causing the displacement in a community or an area, the Secretary shall cooperate with the other agencies on the method for computing the replacement housing payment and shall use uniform schedules of average rental housing in the community or area; the Department's official affected will be immediately notified.

(2) *Comparative method.* The average month's rent may be determined by selecting one or more dwellings most representative of the dwelling unit acquired, which is available to the displaced person and meets the definition of a comparable replacement dwelling as described in § 12.41. The payment should be computed by determining the amount necessary to rent a comparable replacement dwelling for 4 years and subtracting from such amount 48 times the average month's rent paid by the displaced tenant in the last 3 months prior to initiation of negotiations, if such rent was reasonable. The use of economic rather than actual rent paid by the displaced tenant will be discretionary with the Secretary.

(3) *Exceptions.* The average month's rent may be established by using more than 3 months, if deemed advisable. If rent is being paid to the Department and/or another displacing agency, economic rent shall be used in determining the amount of the payment to which the displaced tenant is entitled.

(4) *Alternate to subparagraphs (1) and (2) of this paragraph.* When neither method is feasible, other criteria for computing the payment shall be developed.

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

(c) Purchases—replacement housing payment: If the tenant elects to purchase instead of renting, the payment shall be determined by combining the amount necessary to enable him to make a downpayment and the amount necessary to cover incidental expenses on the purchase of replacement housing.

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

(2) Incidental expenses of closing the transaction are those as described in § 12.42(c).

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

(d) If the displaced person cannot be paid or payment computed under paragraph (c) of this section, payment should be computed as provided under § 12.52.

§ 12.52 Computation of replacement housing payments for certain others.

(a) A displaced owner-occupant not eligible under Subpart E because he elects not to purchase a replacement dwelling, but wishes to rent may receive a rental replacement housing payment not to exceed $4,000. The payment shall be computed in the same manner as shown in § 12.51(b) with the following additional criteria:

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

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

(b) A displaced owner-occupant who does not qualify for a replacement housing payment under Subpart E because of the 180 day occupancy requirement and elects to rent is eligible for a rental replacement housing payment not to exceed $4,000. The payment will be computed in the same manner as shown in § 12.51, except that the present rental rate for the acquired dwelling shall be economic rent as determined by market data.

(c) A displaced owner-occupant who does not qualify for a replacement housing payment under Subpart E because of the 180 day occupancy requirement and elects to purchase a replacement dwelling is eligible for a replacement housing downpayment and closing costs not to exceed $4,000. The payment will be computed in the same manner as shown in § 12.51(c).

Subpart G—Relocation Assistance Advisory Services

§ 12.60 Coordination of Relocation Assistance Advisory Services.

Section 205 of the Act requires the head of a Federal agency to provide a relocation assistance advisory program for persons displaced as a result of Federal programs or projects. When more than one Federal agency is causing displacement in a community or an area, the Secretary shall take positive action to assure the maximum coordination of relocation activities with the other agency or agencies. To assure simplification and coordination in administering relocation activities, the Departmet should contract with a single agency if feasible to assume full responsibility for providing relocation services and assistance in a given community or area. Officials responsible for programs that displace persons, businesses and farms shall contact State and local government agencies in the community to determine the availability of housing resources and to assure coordination of all relocation activities in the community.

Subpart H—Federally Assisted Programs

§ 12.70 Assurances.

(a) *Information.* The assurances required by sections 210 and 305 of the Act should include a statement that the affected persons will be adequately informed of the benefits, policies and procedures described in the assurances.

(b) *Inability to provide assurances.* A State agency's assurances shall be accompanied by a statement in which it specifies any provision of the assurances required by sections 210 and 305 of the Act, which it is unable to provide in whole or in part, under its laws. In the event a State agency maintains that it is legally unable to provide all or any part of the required assurances, its statement shall be supported by an opinion of the chief legal official of the State agency. The opinion shall contain a full discussion of the issues involved, and shall cite legal authority in support of the conclusion of legal inability to provide any part of the required assurances.

(c) *Compliance with sections 301 and 302 of the Act.* A State agency shall provide a statement indicating the extent to which it can comply with the provisions of sections 301 and 302 of the Act. If the State agency indicates that it is unable to comply fully with any of such policies, its statement shall be supported by an opinion of the chief legal officer of the State agency. The opinion shall contain a full discussion of the issues involved, and shall cite legal authority in support of the conclusion of legal inability to comply with any of the provisions set forth in sections 301 and 302 of the Act.

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

§ 12.71 Administration—relocation assistance programs.

(a) *Approval.* If a State agency elects to contract for services pursuant to section 212 of the Act, it shall enter into a written contract which shall be consistent with regulations of the Department of Labor while it is administering the project or program causing the displacement. The Secretary shall take necessary action to assure that the contract will assist in providing a uniform and effective relocation program consistent with this part.

(b) *Contents.* Any such contract shall include, but is not limited to the following provisions:

(1) That payments or services shall be provided in accordance with Departmental regulations.

(2) That records required by Department of Labor regulations will be retained for a period of at least 3 years and shall be available for inspection by representatives of the Department.

(3) Clauses required by Departmental regulations implementing Title VI of the Civil Rights Act of 1964 (Public Law 88-352).

Subpart I—Annual Report

§ 12.80 Frequency.

The report required by section 214 of the Act, shall be submitted to the Office of Management and Budget on a fiscal year basis, with the first report covering the period January 2, 1971, through June 30, 1971.

§ 12.81 Preparation.

The annual report will be prepared in accordance with standards to be issued by the Office of Management and Budget which will include:

(a) Format for reporting statistics on relocation.

(b) Narrative requirements for comments, and recommendations under section 214 of the Act.

(c) Summary statements on the waiver of assurances under section 205 of the Act; and

(d) A statement of the administrative costs incident to the disbursement of rental payments under Subpart F of this part.

Subpart J—Uniform Real Property Acquisition Policy

§ 12.90 Acquisition practice.

Section 301 of the Act requires that before initiation of negotiations for acquisition of real property, the agency concerned shall establish an amount believed to be just compensation therefor. When negotiations are initiated, the owner of such real property shall be provided with a written statement of, and summary of the basis for the amount estimated as the just compensation. The summary statement of the basis for the Department's determination of just compensation will include, as a minimum, the following:

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

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

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

Signed at Washington, D.C., this 31st day of August 1971.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.71-13123 Filed 9-7-71;8:49 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 295]

CERTAIN LIQUID FURNITURE POLISH

Proposed Child Protection Packaging Standards

Through investigations by the Food and Drug Administration and from other available information, the Commissioner of Food and Drugs has learned that preparations containing 10 percent or more of mineral seal oil and/or other petroleum distillates, and having a viscosity of less than 100 S.U.S. at 100° F., are a significant cause of fatalities and hospitalizations of children under 5 years of age. Approximately 15 percent of fatal poisonings in children less than 5 years of age in the United States are caused by petroleum distillates.

The accidental ingestion of furniture polishes, particularly those consisting predominately of mineral seal oil, is a serious concern in the medical community.

Although furniture polishes containing mineral seal oil represent only a small proportion of petroleum distillate products ingested by children, they cause the highest percentage of pulmonary complications. Children ingesting this type of polish have been reported to have more severe clinical cases and to be hospitalized much longer. Aspiration of as little as 4 milliliters of these polishes can cause serious or fatal chemical pneumonitis.

Data on accidental ingestion of furniture polish containing mineral seal oil by children under five obtained from the National Clearinghouse for Poison Control Centers show 306 ingestions and 79 hospitalizations in 1968, 339 ingestions and 94 hospitalizations in 1969, and 249 ingestions and 63 hospitalizations in 1970. Data from the same source on children under five regarding accidental ingestion of all types of furniture polish show 782 ingestions and 178 hospitalizations in 1968 and 780 ingestions and 105 hospitalizations in 1969. Since 1965, eight or more deaths annually of children under five have been attributed to furniture polish. Fifty-four deaths of children under five have been attributed to furniture polish in the 1965–70 period.

The technical advisory committee established under section 6 of the Poison Prevention Packaging Act of 1970 having been consulted in accordance with section 3 of that act, the Commissioner of Food and Drugs finds that the accessibility of these products to children and their toxicity upon aspiration require that special child-resistant packaging be used to protect children from serious personal injury or serious illness resulting from ingesting such substances. Furthermore, the Commissioner finds that the special packaging to be required is technically feasible, practicable, and appropriate for such substances.

Furniture polish containing 10 percent or more mineral seal oil and/or other petroleum distillates and packaged in aerosol containers are not included in the packaging standard proposed herein, but will be dealt with separately.

Accordingly, pursuant to provisions of said act (secs. 2(4), 3, 5, 84 Stat. 1670–72; 15 U.S.C. 1471–74) and under authority delegated to him (21 CFR 2.120) the Commissioner proposes to add to Part 295—Regulations Under the Poison Prevention Packaging Act of 1970 (36 F.R. 13335) two new sections as follows (other portions of these sections regarding other substances are being proposed in separate documents):

§ 295.2 Substances requiring "special packaging."

(a) The Commissioner has determined that special packaging within the meaning of section 2(4) of the act and as specified in this part is required to protect children from serious personal injury or serious illness and that such packaging is feasible, practicable, and appropriate for the following substances:

* * * * *

(2) Nonemulsion type liquid furniture polishes containing 10 percent or more of mineral seal oil and/or other petroleum distillates and having a viscosity of less than 100 Saybolt universal seconds at 100° F., other than those packaged in aerosol containers, shall be packaged in accordance with the provision of § 295.3 (a) (1) and (2).

(b) None of the substances listed under any subparagraph of paragraph (a) of this section shall be distributed in a noncomplying package under the exemption provided in section 4(a) of the act unless the manufacturer or packer first provides the Commissioner of Food and Drugs with a sample of such intended noncomplying package. A sample of each size package of each substance which a manufacturer or packer distributes in "special packaging" shall also be submitted. Sample packages should be sent to: Food and Drug Administration, Attention: Bureau of Product Safety, 200 C Street SW., Washington, DC 20204.

§ 295.3 Poison prevention packaging standards.

(a) To protect children from serious personal injury or serious illness resulting from handling, using, or ingesting household substances, the Commissioner has determined that packaging designed and constructed to meet the following standards shall be regarded as "special packaging" within the meaning of section 2(4) of the act. Specific application of these standards to substances requiring special packaging is in accordance with § 295.2.

(1) Special packaging which when tested by the method described in § 295.10 meets the following specifications:

(i) Child-resistant effectiveness not less than 85 percent without a demonstration and not less than 80 percent after a demonstration of the proper means of opening such special packaging.

(ii) Adult-use effectiveness not less than 90 percent.

(2) Special packaging from which the flow of liquid is so restricted that not more than 2 milliliters of the contents can be obtained when the inverted opened container is shaken or squeezed once.

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

Dated: August 30, 1971.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.71-13178 Filed 9-7-71;8:51 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Parts 1, 13]

INCOME TAX

Treatment of Property Transferred in Connection With Performance of Services; Notice of Hearing

Proposed regulations under sections 61, 83, 162, 402(b), 403(c), 403(d), 404(a)(5), 421, and 721 of the Internal Revenue Code of 1954, relating to the treatment of property transferred in connection with the performance of services, appear in the FEDERAL REGISTER for June 3, 1971 (36 F.R. 10787).

A public hearing on the provisions of these proposed regulations will be held on Wednesday, November 3, 1971, at 10 a.m., e.s.t., in Room 3313, Internal

Revenue Service Building, 1111 Constitution Avenue NW., Washington, D.C. 20224.

The rules of § 601.601(a)(3) of the Statement of Procedural Rules (26 CFR Part 601) shall apply with respect to such public hearing. Copies of these rules may be obtained by a request directed to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, or by telephoning (Washington, D.C.) 202-964-3935. Under such § 601.601 (a)(3), persons who have submitted written comments or suggestions within the time prescribed in the notice of proposed rule making and who desire to present oral comments should by October 20, 1971, submit an outline of the topics and the time they wish to devote to each topic. Such outlines should be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224.

Persons who desire a copy of such written comments or suggestions or outlines and who desire to be assured of their availability on or before the beginning of such hearing should notify the Commissioner, in writing, at the above address by October 27, 1971. In such a case, unless time and circumstances permit otherwise, the desired copies are deliverable only at the above address. The charge for copies is twenty-five cents ($0.25) per page, subject to a minimum charge of $1.

K. MARTIN WORTHY,
Chief Counsel.

[FR Doc.71-13258 Filed 9-7-71;8:53 am]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

ALUMINUM CHLORIDE (ANHYDROUS) FROM CANADA

Determination of Sales at Not Less Than Fair Value

AUGUST 30, 1971.

On June 29, 1971, there was published in the FEDERAL REGISTER a "Notice of Tentative Negative Determination" that aluminum chloride (anhydrous) from Canada was not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)) (referred to in this notice as the "Act").

The statement of reasons for the tentative determination was published in the above-mentioned notice, and interested parties were afforded an opportunity to make written submissions and to present oral views in connection with the tentative determination.

No written submissions or requests to present oral views having been received, I hereby determine that, for the reasons stated in the tentative determination, aluminum chloride (anhydrous) from Canada is not being, nor likely to be, sold at less than fair value (section 201 (a) of the Act; 19 U.S.C. 160(a)).

This determination is published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)) and § 153.33(c), Customs Regulations (19 CFR 153.33(c)).

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

[FR Doc.71-13083 Filed 9-7-71;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

CHEMEHUEVI INDIAN RESERVATION, CALIF.

Ordinance Legalizing Introduction, Sale, or Possession of Intoxicants

SEPTEMBER 1, 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 Congress, first session (67 Stat. 586), I certify that the following ordinance relating to the application of the Federal Indian Liquor Laws on the Chemehuevi Indian Reservation, Calif., was adopted on April 24, 1971, by Chemehuevi Tribal Council of the Chemehuevi Indian Reservation, which has jurisdiction over the area of Indian Country included in the ordinance, reading as follows:

Whereas, title 18, section 1161 of the United States Code provides that certain laws prohibiting the sale and consumption of alcoholic beverages on Indian country, are not applicable to an act or transaction which is in conformity both with the laws of the State of California and with an ordinance duly adopted by the Tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior and published in the FEDERAL REGISTER; and

Whereas, this Tribal Council wishes to take such steps as are necessary to legalize the sale of alcoholic beverages by the Tribe on the reservation;

Now therefore, the following ordinance is hereby enacted:

The sale of alcoholic beverages to adult persons on the reservation by persons duly authorized by the Tribal Council, and on Premises designated by the Tribal Council as proper for such purpose, shall be lawful;

The purchase and consumption by adult persons of alcoholic beverages so sold, shall be lawful on the reservation.

Further resolved, that the Chairman instruct legal counsel to submit the foregoing ordinance to the Superintendent of the Colorado River Agency for submission to the Secretary of the Interior for certification and publication in the FEDERAL REGISTER;

Further resolved, that the Chairman instruct legal counsel to submit the appropriate application to the San Bernardino area Licensing Supervisor of the California Beverage Control Department for an off sale alcoholic beverage license applicable to sales by the Tribe on the reservation;

Further resolved, that the officers of this Tribal Council be authorized and directed to execute such documents as may be necessary or desirable to effectuate the foregoing ordinance and resolutions.

JOHN O. CROW,
Deputy Commissioner of Indian Affairs.

[FR Doc.71-13186 Filed 9-7-71;8:52 am]

Bureau of Land Management

[Colorado 13447]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 31, 1971.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial No. Colorado 13447, for the withdrawal of the lands described below, from prospecting, location and entry under the General Mining Laws only, subject to valid existing rights.

The applicant desires the lands for public purposes for the Lower Rampart Range Scenic Zone.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Colorado State Office, 700 Colorado State Bank Building, 1600 Broadway, Denver, CO 80202.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN

PIKE NATIONAL FOREST

T. 11 S., R. 67 W.,
Sec. 6, lots 1, 2, S½NE¼, W½SE¼;
Sec. 7, lots 3, 4, NE¼, E½NW¼, E½SW¼, W½SE¼, SE¼SE¼;
Sec. 17, W½NW¼, S½N½NE¼SW¼, S½NE¼SW¼, W½SW¼, SE¼SW¼;
Sec. 18, E½;
Sec. 19, E½E½;
Sec. 20, NW¼NE¼, N½NW¼, W½SW¼NW¼, SE¼SW¼NW¼, W½NE¼SW¼, N½NE¼NE¼SW¼, S½SE¼NE¼SW¼, NW¼SW¼, S½SW¼;
Sec. 29, NW¼, W½SW¼;
Sec. 30, E½E½.
T. 13 S., R. 67 W.,
Sec. 4, lots 2, 3, and 4, SW¼NW¼, SW¼, W½SE¼, SE¼SE¼;
Sec. 5, All;
Sec. 6, All;
Sec. 7, All;
Sec. 8, All;
Sec. 9, N½NW¼NE¼, SW¼NW¼NE¼, W½SW¼NE¼, W½, NW¼NW¼SE¼, NE¼NE¼SE¼, S½N½SE¼, S½SE¼;
Sec. 17, All;
Sec. 18, lots 1, 2, 3, and 4, NE¼, E½W½, N½SE¼, N½SW¼SE¼, N½S½SW¼SE¼, SE¼SE¼;
Sec. 19, lots 1, 2, 3, and 4, E½NE¼NE¼, SW¼NW¼NE¼, S½NE¼, E½W½, SE¼;

Sec. 20, NW¼NE¼, NE¼NW¼, W½W½;
Sec. 29, W½NW¼, NE¼SW¼;
Sec. 30, lots 1, 2, 3, and 4, NE¼, E½W½, W½SE¼, NE¼SE¼, less Mineral Patent Survey No. 12760, containing 8.342 acres;
Sec. 31, lot 1, NW¼NE¼, NE¼NW¼.
T. 13 S., R. 68 W.,
Sec. 1, SE¼SE¼;
Sec. 11, lot 14;
Sec. 12, lots 1, 2, 3, 4, 5, 6, 7, and 8, NE¼NE¼, S½NE¼;
Sec. 13, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13 (except the east 10 chains), 14 (except the west 10 chains), 15, and 16;
Sec. 14, lots 1, 2, 7, 8, west 10 chains lot 10, 13, and 14;
Sec. 23, NE¼NE¼;
Sec. 24, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14;
Sec. 25, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, E½NW¼SW¼, N½NW¼NW¼SW¼.
T. 14 S., R. 68 W.
Sec. 1, lots 3 and 4, S½N½, SW¼, W½SE¼;
Sec. 2, lots 1 and 2.

The areas described aggregate approximately 11,485 acres.

J. ELLIOTT HALL,
Chief,
Division of Technical Services.

[FR Doc.71-13139 Filed 9-7-71;8:49 am]

Geological Survey

[Power Site Cancellation 249]

GREAT SALT LAKE BASIN, UTAH

Partial Revocation of Power Site Classifications

Pursuant to authority under the act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31) and 220 Departmental Manual 6.1, Power Site Classifications 21, 84, 90, 95, 105, 106, 154, 194, 226, 277, 299, and 312 are hereby revoked insofar as and to the extent that they affect the following described land:

SALT LAKE MERIDIAN, UTAH

Power Site Classification 21 of December 30, 1921:

T. 8 N., R. 2 W.,
Sec. 24, NW¼SE¼.

Area—40 acres.

Power Site Classification 84 of November 1, 1924:

"All lands within 50 feet of the marginal limits of the canals, conduits, pole lines, diverting dams, backwater, or other power structures of the Columbus Consolidated Mining Company within the following described tracts, as shown on the two right-of-way maps entitled, respectively, 'Map and Field Notes of Pipe Line and Power Plant Owned and Operated by Columbus Consolidated Mining Company,' filed in the United States Land Office at Salt Lake City, February 15, 1907, and 'Map and Field Notes Electrical Distributing Line for the Columbus Consolidated Mining Company,' filed in the United States Land Office at Salt Lake City on February 2, 1907:"

T. 3 S., R. 2 E.,
Sec. 10, N½;
Sec. 11, N½;
Sec. 12, N½.
T. 3 S., R. 3 E.,
Sec. 5, unsurveyed;
Sec. 6, unsurveyed;
Sec. 7, unsurveyed.

Area—63 acres.

Power Site Classification 90 of March 12, 1925:

T. 12 N., R. 2 E.,
Sec. 22, SE¼SW¼ and SE¼;
Sec. 23, S½N½, SW¼, and N½SE¼;
Sec. 24, NE¼, S½NW¼, and N½S½;
Sec. 27, N½NE¼, NW¼, and NW¼SW¼;
Sec. 28, NE¼, SE¼NW¼, N½SW¼, and NW¼SE¼;
Sec. 29, SE¼;
Sec. 32, NW¼NW¼.
T. 12 N., R. 3 E.,
Sec. 4, lots 3, 4, 5, and 12;
Sec. 5, lots 1, 2, 7, 8, 9, 10, and 11, SW¼, and W½SE¼;
Sec. 6, lot 19 and S½SE¼;
Sec. 7, lots 1, 5, 6, 7, 8, and 12, and E½;
Sec. 8, N½NW¼ and SW¼SW¼;
Sec. 17, W½NW¼ and NW¼SW¼;
Sec. 18, lots 1, 6, 7, 8, 9, 10, 11, and 12, NE¼, N½SE¼, and SW¼SE¼;
Sec. 19, lots 2, 3, 4, 5, and 9.
T. 13 N., R. 3 E.,
"Every smallest legal subdivision in sections 1, 2, 11, 12, 13, 14, 15, 22, 23, 24, 26, 27, 28, 33, 34, and 35, any portion of which, when surveyed shall lie within one-half mile of Logan River or Tony Grove, Little Bear, West Hodges, or Twin Creeks."

Area—10,183 acres.

Power Site Classification 95 of May 2, 1925:

T. 7 N., R. 3 E.,
Sec. 26, E½NW¼.

Area—80 acres.

Power Site Classification 105 of June 26, 1925:

T. 2 S., R. 2 E.,
Sec. 13, lots 1, 2, 3, 4, 5, 6, and 7, S½NW¼, and N½SE¼;
Sec. 14, lots 4, 5, and 6, NE¼SW¼, S½SW¼, and SW¼SE¼;
Sec. 16, S½S½;
Sec. 21, NE¼NE¼, S½NE¼, N½NW¼, NW¼SW¼, and SW¼SW¼;
Sec. 22, N½ and E½SW¼;
Sec. 23, NW¼ and NE¼SW¼.
T. 2 S., R. 3 E.,
Sec. 7, lot 4, SE¼SW¼, and S½SE¼;
Sec. 17, lot 2 and NW¼NW¼;
Sec. 18, lots 5 and 6, N½NE¼, and SE¼NE¼.

Area—2,017.68 acres.

Power Site Classification 106 of June 19, 1925:

T. 10 S., R. 2 E.,
Sec. 19, lots 1 and 2, E½W½, and SE¼;
Sec. 29, SE¼NW¼, W½NW¼, SW¼, W½SE¼, and SE¼SE¼;
Sec. 30, E½ and E½NW¼;
Sec. 32, N½, N½SE¼, and SE¼SE¼;
Sec. 33, W½NW¼, SE¼NW¼, and SW¼.

Area—1,900.45 acres.

Power Site Classification 154 of October 25, 1926: (As construed by Modification No. 86 of November 20, 1926, and Interpretation No. 124 of November 1, 1928.)

T. 3 S., R. 4 W.,
Sec. 1, lot 6.
T. 3 S., R. 5 W.,
Sec. 13, NW¼NE¼.
T. 4 S., R. 6 W.,
Sec. 5, lot 3;
Sec. 6, lots 1, 2, and 3, and NE¼SW¼.

Area—309.15 acres.

Power Site Classification 194 of November 22, 1927:

T. 5 S., R. 3 E.,
Sec. 13, lot 1 and SW¼NE¼.
T. 5 S., R. 4 E.,
Sec. 6, NE¼SW¼.
T. 3 S., R. 7 E.,
Sec. 1, lots 5, 6, 7, and 8;
Sec. 2, lots 1, 2, and 3, S½N½, and NW¼SW¼;
Sec. 3, SE¼SE¼;
Sec. 7, S½SE¼;
Sec. 8, S½SW¼;
Sec. 10, W½E½, E½W½, and W½SW¼;
Sec. 11, SW¼NW¼ and NW¼SW¼;
Sec. 15, NE¼NW¼;
Sec. 16, SW¼SW¼;
Sec. 17, S½NE¼ and N½NW¼;
Sec. 20, NE¼NE¼;
Sec. 21, SW¼NE¼ and NW¼.

Area—1,778 acres.

Power Site Classification 226 of April 20, 1929:

"All lands lying within 20 feet of the centerlines of the transmission lines of the Utah Power and Light Company, within the following described tracts as shown on maps filed with General Land Office cases, Salt Lake-013256, 016078, 018058, and 018479:"

T. 7 N., R. 1 E.,
Sec. 18, E½SW¼;
Sec. 30, lot 1.
T. 8 N., R. 1 E.,
Sec. 4, SE¼SE¼;
Sec. 10, W½NW¼;
Sec. 28, NW¼NE¼, NE¼NW¼, N½SW¼, and SW¼SW¼.
T. 12 N., R. 1 E.,
Sec. 25, W½NE¼.
T. 4 N., R. 3 E.,
Sec. 24, lots 11, 13, and 15;
Sec. 26, lots 1 and 2;
Sec. 30, lot 4, SE¼SW¼, and NE¼SE¼.
T. 1 N., R. 5 E.,
Sec. 8, W½SE¼.
T. 4 S., R. 1 W.,
Sec. 7, lots 1 and 2, and E½NW¼;
Sec. 8, lot 4.
T. 5 S., R. 1 W.,
Sec. 28, NE¼SW¼, S½SW¼, and NW¼SE¼;
Sec. 31, lot 7 and SE¼NE¼;
Sec. 33, NW¼NW¼.
T. 6 S., R. 1 W.,
Sec. 5, lots 7, 11, 12, 15, 16, 19, and 20;
Sec. 8, lots 7 and 8, and E½W½;
Sec. 11, E½NE¼ and NE¼SE¼;
Sec. 17, W½W½;
Sec. 18, SE¼SE¼;
Sec. 19, E½E½;
Sec. 24, lots 1, 2, 3, 4, 5, and 6;
Sec. 25, lots 1, 2, 3, and 4, and E½W½;
Sec. 31, NE¼NW¼;
Sec. 36, lots 2, 3, 6, 7, 10, and 13, and E½SW¼.
T. 7 S., R. 1 W.,
Sec. 1, lots 3, 8, 13, and 19;
Sec. 12, lots 3, 4, 9, and 10;
Sec. 13, lots 3, 4, 9, and 10, and SE¼SW¼;
Sec. 23, lots 1, 7, 8, 9, and 10;
Sec. 24, lot 11 and NW¼;
Sec. 26, NW¼NW¼;
Sec. 27, NE¼NE¼.
T. 8 S., R. 1 W.,
Sec. 8, lot 4, E½NE¼, and NE¼SE¼;
Sec. 9, W½W½;
Sec. 17, lot 1.
T. 9 S., R. 1 W.,
Sec. 17, N½NW¼ and SW¼NW¼;
Sec. 18, NE¼NE¼, S½NE¼, SE¼SW¼, N½SE¼, and SW¼SE¼;
Sec. 25, S½NE¼, SE¼NW¼, NE¼SW¼, and NW¼SE¼;
Sec. 26, SW¼ and N½SE¼.
T. 3 S., R. 2 W.,
Sec. 7, NE¼NE¼, S½NE¼, SE¼SW¼, and W½SE¼;
Sec. 18, lot 5.
T. 4 S., R. 2 W.,
Sec. 12, NE¼NE¼.
T. 5 S., R. 2 W.,
Sec. 35, NE¼SE¼ and S½SE¼.
T. 7 S., R. 2 W.,
Sec. 25, W½NW¼.
T. 8 S., R. 2 W.,
Sec. 11, E½NW¼;
Sec. 19, E½W½;
Sec. 22, SE¼;
Sec. 27, W½E½;
Sec. 30, W½E½;
Sec. 31, lot 3, NW¼NE¼, and NE¼SW¼.

T. 9 S., R. 2 W.,
Sec. 3, lots 14 and 15;
Sec. 7, E½E½;
Sec. 9, NE¼SE¼ and S½SE¼;
Sec. 17, W½W½;
Sec. 18, E½E½;
Sec. 20, W½W½;
Sec. 21, E½NW¼ and SW¼;
Sec. 24, SE¼NE¼, SE¼SW¼, N½SE¼, and SW¼SE¼;
Sec. 25, lots 1, 2, and 3, NW¼NE¼, and E½NW¼;
Sec. 26, SE¼NE¼, SE¼SW¼, and SE¼;
Sec. 28, W½W½;
Sec. 29, W½W½ and E½SE¼;
Sec. 32, lots 1 and 2, E½NE¼, and W½NW¼;
Sec. 34, lot 10, SE¼NE¼, N½SE¼, and SW¼SE¼;
Sec. 35, NW¼NE¼ and NW¼.

T. 10 S., R. 2 W.,
Sec. 2, lots 1, 2, 3, 6, 7, 8, 9, 10, 11, 12, 15, 16, and 17, and SW¼NE¼;
Sec. 3, SE¼SE¼;
Sec. 5, lots 1, 2, 4, 6, 9, 10, 12, and 14, SE¼SW¼, and NW¼SE¼;
Sec. 8, lot 5;
Sec. 10, NE¼, S½NW¼, N½SW¼, SW¼SW¼, and N½SE¼;
Sec. 17, lots 1, 3, 4, 5, 7, 8, and 9, NW¼NE¼, W½SW¼, and W½SE¼.
Sec. 18, lots 9 to 25, inclusive;
Sec. 30, lots 4, 12, 13, 16, 17, 18, and 20.

T. 8 S., R. 3 W.,
Sec. 1, NW¼NE¼, N½NW¼, and SW¼NW¼;
Sec. 3, lots 5 and 6, SW¼NE¼, SE¼NW¼, N½SW¼, and NW¼SE¼;
Sec. 4, lot 7, SE¼SW¼, and SE¼;
Sec. 5, N½SE¼ and SE¼SE¼;
Sec. 35, S½SW¼ and SE¼.

T. 9 S., R. 3 W.,
Sec. 3, lots 1 and 2, S½NE¼, S½NW¼, and N½SW¼;
Sec. 4, SE¼SW¼ and SE¼;
Sec. 8, lot 6 and NE¼SE¼;
Sec. 9, lot 1, NW¼NE¼, and N½NW¼.

T. 5 S., R. 1 E.,
Sec. 27, lot 3, unsurveyed portion along shore of Utah Lake;
Sec. 28, unsurveyed portion along shore of Utah Lake;
Sec. 29, lots 1 and 2.

T. 9 S., R. 1 E.,
Sec. 10, SE¼SE¼;
Sec. 11, W½SW¼;
Sec. 15, SE¼NW¼, N½SW¼, and SW¼SW¼;
Sec. 19, SE¼SE¼;
Sec. 20, SE¼NE¼, NE¼SW¼, and S½SW¼.

T. 4 S., R. 2 E.,
Sec. 29, NW¼SW¼.

T. 9 S., R. 3 E.,
Sec. 1, S½SW¼;
Sec. 12, NW¼NE¼ and NW¼NW¼.

T. 1 S., R. 4 E.,
Sec. 26, W½NE¼.

T. 2 S., R. 4 E.,
Sec. 10, lots 2, 3, 9, and 13, and E½NE¼;
Sec. 11, N½NW¾.

T. 9 S., R. 4 E.,
Sec. 18, NE¼NE¼ and NE¼SE¼;
Sec. 26, S½SW¼ and SW¼SE¼;
Sec. 27, W½SW¼, SE¼SW¼, and SW¼SE¼;
Sec. 28, SE¼NW¼.

T. 1 S., R. 5 E.,
Sec. 8, S½SE¼;
Sec. 18, SE¼SE¼;
Sec. 20, NW¼NW¼.

T. 2 S., R. 5 E.,
Sec. 6, lot 7 and SE¼SW¼;
Sec. 7, W½NE¼, NE¼NW¼, and NW¼SE¼.

T. 9 S., R. 5 E.,
Sec. 29, SW¼SW¼;
Sec. 33, S½N½, N½SE¼, and SE¼SE¼;
Sec. 34, SW¼SE¼ and SW¼.

T. 10 S., R. 5 E.,
Sec. 1, S½SW¼;
Sec. 2, E½SE¼;
Sec. 12, NW¼NE¼.

T. 10 S., R. 6 E.,
Sec. 7, lots 5, 6, 7, 9, 10, 11, and 12, E½SW¼, and SE¼;
Sec. 8, lots 1, 2, 3, and 4;
Sec. 9, lots 1, 2, 3, and 4;
Sec. 10, lots 4, 5, 6, and 7;
Sec. 11, SW¼SW¼;
Sec. 13, NE¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 14, SW¼NE¼ and NW¼NW¼;
Sec. 15, NE¼NE¼.

T. 10 N., R. 7 E.,
Sec. 18, SW¼SE¼;
Sec. 19, N½NE¼;
Sec. 20, SE¼NE¼, N½NW¼, and SW¼NW¼;
Sec. 21, S½SE¼;
Sec. 22, NE¼SW¼ and N½SE¼;
Sec. 23, S½SW¼ and SW¼SE¼.

T. 10 N., R. 8 E.,
Sec. 31, lots 2, 3, and 4, and E½SW¼.

T. 11 S., R. 8 E.,
Sec. 25, S½SW¼ and SW¼SE¼;
Sec. 26, NE¼SW¼ and SE¼;
Sec. 27, NE¼NW¼.

T. 15 S., R. 8 E.,
Sec. 1, lots 13 and 14, and SW¼SE¼;
Sec. 12, W½NE¼, SE¼NW¼, and SW¼;
Sec. 13, W½NW¼;
Sec. 14, E½NE¼ and SE¼;
Sec. 23, NW¼NE¼ and E½W½;
Sec. 35, SW¼SW¼.

T. 16 S., R. 8 E.,
Sec. 11, W½NE¼, SE¼NE¼, and NE¼SE¼;
Sec. 12, SW¼SW¼;
Sec. 13, E½SW¼;
Sec. 24, W½E½ and E½W½;
Sec. 25, W½E½ and E½NW¼.

T. 17 S., R. 8 E.,
Sec. 1, lot 2, SW¼NE¼, and W½SE¼;
Sec. 12, NW¼NE¼.

T. 11 S., R. 9 E.,
Sec. 31, S½NE¼;
Sec. 33, N½SW¼, W½SE¼, and SE¼SE¼;
Sec. 34, SW¼SW¼.

T. 12 S., R. 9 E.,
Sec. 2, SW¼SW¼;
Sec. 3, lot 4, N½SW¼, W½SE¼, and SE¼SE¼;
Sec. 4, lot 1 and NE¼SE¼;
Sec. 11, NW¼NE¼, S½NE¼, and N½NW¼;
Sec. 12, lot 4, S½NW¼, N½SW¼, and W½SE¼.

T. 13 S., R. 9 E.,
Sec. 14, SE¼NE¼, SW¼SW¼, NE¼SE¼, and S½SE¼;
Sec. 26, W½W½;
Sec. 27, E½SE¼;
Sec. 34, NE¼, E½SW¼, and W½SE¼.

T. 14 S., R. 9 E.,
Sec. 3, lots 3 and 4, S½NW¼, and W½SW¼;
Sec. 4, SE¼SE¼;
Sec. 9, NE¼NE¼, S½NE¼, SE¼SW¼, and W½SE¼;
Sec. 20, NE¼NE¼, S½NE¼, SE¼SW¼, and W½SE¼;
Sec. 29, SW¼SW¼;
Sec. 30, SE¼SE¼;
Sec. 31, N½NE¼, SW¼NE¼, SE¼NW¼, E½SW¼, and NW¼SE¼.

T. 15 S., R. 9 E.,
Sec. 6, lots 3, 4, 5, and 6, and SE¼NW¼.

T. 12 S., R. 10 E.,
Sec. 18, lot 1, NE¼SW¼ and SW¼SE¼;
Sec. 19, NE¼NE¼;
Sec. 20, W½NW¼, SE¼NW¼, E½SW¼, and W½SE¼;
Sec. 29, NW¼NE¼.

Area—523 acres.

Power Site Classification 277 of November 15, 1933:

"All public lands within 50 feet of the centerline of the transmission line of the Utah Power and Light Company within the following described tracts:"

T. 8 N., R. 2 W.,
Sec. 16, lot 1;
Sec. 28, lot 1.

T. 3 S., R. 4 W.,
Sec. 1, lots 1 and 2.

T. 5 S., R. 4 W.,
Sec. 20, SE¼NE¼.

Area—14 acres.

Power Site Classification 299 of August 14, 1937:

T. 5 S., R. 3 E.,
Sec. 13, NE¼SW¼;
Sec. 14, SE¼NW¼ and E½SW¼;
Sec. 23, SE¼SE¼;
Sec. 24, SW¼NW¼;
Sec. 34, NW¼SW¼.

Area—280 acres.

Power Site Classification 312 of March 2, 1939:

T. 2 S., R. 7 E.,
Sec. 35, SW¼NE¼ and SE¼NW¼;
Sec. 36, N½S½ and SE¼SE¼.

T. 3 S., R. 7 E.,
Sec. 1, lot 1;
Sec. 2, lot 4;
Sec. 3, NE¼SE¼ and SW¼SE¼.

T. 3 S., R. 8 E.,
Sec. 1, lots 2 and 3;
Sec. 2, lots 1 and 2, and W½SW¼;
Sec. 3, S½NE¼ and SE¼;
Sec. 6, lots 3 and 4;
Sec. 9, SW¼NE¼ and NE¼SE¼;
Sec. 10, N½N½, SW¼NE¼, SE¼NW¼, and N½SW¼;
Sec. 11, NW¼NW¼.

Area—1,474 acres.

The lands in this notice aggregate about 18,662 acres.

E. L. HENDRICKS,
Acting Director.

AUGUST 28, 1971.

[FR Doc.71-13055 Filed 9-7-71;8:45 am]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Additions, Deletions, or Corrections

By notice in the FEDERAL REGISTER of February 20, 1971, Part II, there was published a list of the properties included in the National Register of Historic Places. This list has been amended by a notice in the FEDERAL REGISTER of March 2 (pp. 3930–31), April 6 (pp. 6526–28), May 4 (pp. 8333–36), June 3 (pp. 10811–13), July 8 (pp. 12868–70), and August 3 (pp. 14275–76). Further notice is hereby given that certain amendments or revisions, in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. 470.

The following properties have been added since August 3:

ALABAMA

Barbour County

Eufaula, *Wellborn (Welborn) House*, Livingston Avenue.

Tuscaloosa County

Tuscaloosa, *Collier-Overby House*, southeast corner of Ninth Street and 21st Avenue.

Tuscaloosa, *Gorgas-Manly Historic District*, bounded approximately by Seventh and Eighth Avenues, Capstone Drive, and the street 1 block south of Third.

ALASKA

Interior District

City of Eagle and vicinty, *Eagle Historic District*, secs. 24, 25, 36, T. 1 S., R. 32 E.; secs. 19, 30, 31, T. 1 S., R. 33 E.; sec. 1, T. 2 S., R. 32 E.; secs. 4, 5, 6, T. 2 S., R. 33 E.

ARIZONA

Navajo County

Snowflake, *Flake, James M., Home*, southwest corner of Stinson and Hunt Streets.

Snowflake, *Smith, Jesse N., Home (Pioneer Memorial Home)*, 203 West Smith Avenue.

CALIFORNIA

Alameda County

Fremont (Mission San José District), *Mission San José*, Mission Boulevard at Washington Boulevard.

Los Angeles County

Los Angeles, *Bradbury Building*, 304 South Boadway.

Los Angeles, *Schindler House*, 833 North Kings Road.

Los Angeles, *Sowden, John, House*, 5121 Franklin Avenue.

San Fernando, *San Fernando Mission*, 15151 San Fernando Mission Boulevard.

Nevada County

French Corral vicinity, *Bridgeport Covered Bridge*, across the South Fork of the Yuba River on the road between French Corral and Smartville.

Sacramento County

Sacramento vicinity, *Bennett Mound*, 9 miles northwest of Sacramento on the Garden Highway.

San Luis Obispo County

San Miguel, *Caledonia Adobe*, 0.5 mile south of 10th Street.

San Miguel, *Mission San Miguel*, U.S. 101.

Shasta County

Cottonwood vicinity, *Reading Adobe Site*, Adobe Lane, 5 miles east of the center of Cottonwood.

Sonoma County

Bodega Bay vicinity, *The Ranch Site*, 2 miles west of Bodega Bay.

Ventura County

Oxnard, *Oxnard Public Library (Oxnard Chamber of Commerce—Art Club of Oxnard)*, 424 South C Street.

CONNECTICUT

Litchfield County

Colebrook, *Phelps, Arah, Inn*, east side of Connecticut 183 at its junction with Prock Hill Road.

Middlesex County

East Haddam, *The Goodspeed Opera House*, Norwich Road.

New Haven County

New Haven, *Wooster Square Historic District*, includes Wooster Square; all structures facing the square from Chapel, Academy, and Greene Streets and Wooster Place; those which face each other on Court Street between Academy and Olive; those facing south on Chapel from Olive to Interstate 91; those which face north on Chapel from Olive to Chestnut; and a few structures facing south on Wooster and north on Columbus Streets.

Windham County

Willimantic, *Jillson, William, Stone House*, 561 Main Street.

FLORIDA

Citrus County

Crystal River vicinity, *Crystal River Indian Mounds*, 2 miles northwest of Crystal River on U.S. 19–98.

Dade County

Cape Florida, *Cape Florida Lighthouse*, southeastern tip of Key Biscayne off U.S. 1.

Manatee County

Ellenton, *Gamble, Robert, House (Judah P. Benjamin Memorial)*, on U.S. 301.

GEORGIA

Baldwin County

Milledgeville, *Old Governor's Mansion*, 120 South Clark Street.

Bibb County

Macon, *Anderson, Judge Clifford, House*, 642 Orange Street.

Macon, *Christ Episcopal Church*, 538–566 Walnut Street.

Macon, *Green-Poe House*, 841–845 Popular Street.

Macon, *Lee, W. G., Alumni House (Bartlett House)*, 1270 Ash (Coleman) Street.

Macon, *St. Joseph's Catholic Church*, 812 Popular Street (533 New Street).

Chatham County

Savannah, *Sturges, Oliver, House*, 27 Abercorn Street.

Glynn County

Jekyll Island, *Faith Chapel*, Old Plantation Road.

Jekyll Island, *Rockefeller Cottage*, 331 Riverview Drive.

Wilkes County

Washington, *Campbell-Jordan House*, 208 Liberty Street.

ILLINOIS

Massac County

Metropolis vicinity, *Fort Massac*, southeast of Metropolis on the Ohio River.

INDIANA

Dearborn County

Aurora, *Hillforest (Forest Hill)*, 213 Fifth Street.

Tippecanoe County

Lafayette, *Fowler, Moses, House*, corner of 10th and South Streets.

Vanderburgh County

Evansville, *Evansville Post Office*, 100 block northwest Second Street.

IOWA

Mills County

Glenwood vicinity, *Pony Creek Park*, northeast of Glenwood on Pony Creek.

LOUISIANA

Orleans Parish

New Orleans, *Big Oak—Little Oak Islands*, northeast part of New Orleans; Big Oak is on of the east side of Roger's Lagoon, 1.7 miles east of Little Woods; Little Oak is 2.6 miles east of Little Woods.

New Orleans, *The Garden District*, bounded by properties fronting on Carondelet Street on the north, Josephine Street on the east, Magazine Street on the south, and Louisiana Avenue on the west.

Rapides Parish

Alexandria vicinity, *Kent Plantation House*, west of Alexandria on Bayou Rapides.

MAINE

Cumberland County

Brunswick, *Massachusetts Hall, Bowdoin College*, Bowdoin College campus.

Sagadahoc County

Bath, *Percy and Small Shipyard*, 451 Washington Street.

Bath, *Winter Street Church*, corner of Washington and Winter Streets.

York County

Eliot vicinity, *Frost Garrison and House*, Frost's Hill.

MASSACHUSETTS

Barnstable County

Barnstable, *Old Jail*, Main Street and Old Jail Lane.

Middlesex County

Cambridge, *Fuller, Margaret, House*, 71 Cherry Street.

Cambridge, *Mason, Josiah, House*, 79 Moore Street.

Plymouth County

Plymouth, *Plymouth Rock*, Water Street.

MICHIGAN

Charlevoix County

Charlevoix vicinity, *O'Neill Site*, south of Charlevoix off U.S. 31.

Houghton County

Calumet, *Calumet Theatre*, 340 Sixth Street.

NEBRASKA

Kearney County

Newark vicinity, *Fort Kearney*, 2 miles west of Newark on Nebraska 10.

NEW HAMPSHIRE

Rockingham County

Portsmouth, *Wentworth, Joshua, House*, 119 Hanover Street.

NEW JERSEY

Atlantic County

Margate City, *Lucy, the Margate Elephant*, Decatur and Atlantic Avenues.

Bergen County

Washington Township (Westwood), *Seven Chimneys (Zabriskie-Vanemburgh House)*, 25 Chimney Ridge Court.

NEW YORK

Albany County

Albany, *Ten Broeck Mansion*, 9 Ten Broeck Place.

Altamont, *Delaware & Hudson Railroad Passenger Station (Altamont Village Hall)*, Main Street and the Delaware and Hudson Railroad.

Watervliet, *Watervliet Side Cut Locks (Double Lock)*, 23d Street at the Hudson River.

Chemung County

Elmira, *Chemung County Courthouse Complex*, 210–228 Lake Street.

Monroe County

Rochester, *Ely, Hervey, House*, 11 Livingston Park.

Ontario County

Geneva, *Parrott Hall (Denton House)*, West North Street between Castle Street and Preemption Road.

Ulster County

Kingston, *Senate House*, northwest side of Clinton Avenue near the intersection of North Front Street.

NORTH CAROLINA

Orange County

Hillsborough, *Ruffin-Roulhac House*, northeast corner of Churton and Orange Streets.

Union County

Monroe, *Monroe City Hall*, 102 West Jefferson Street.

OKLAHOMA

Johnston County

Emet vicinity, *White House of the Chickasaws*, northwest of Emet.

Love County

Marietta vicinity, *Washington, Bill, Ranch House*, about 4 miles southwest of Marietta.

Mayes County

Pensacola vicinity, *Cabin Creek Battlefield*, about 3 miles north of Pensacola near Cabin Creek.

Payne County

Stillwater, *Old Central, Oklahoma State University*, Oklahoma State University campus.

Washita County

Colony, *Seger Indian Training School (Colony School)*, east edge of Colony.

RHODE ISLAND

Bristol County

Warren, *Warren United Methodist Church (First Methodist Church)*, 27 Church Street.

Newport County

Newport, *Shiloh Church (Trinity Schoolhouse)*, 25 School Street.

Providence County

Providence, *Dexter, Edward, House*, 72 Waterman Street.

Providence, *Russell, Joseph and William, House*, 118 North Main Street.

Washington County

Westerly, *U.S. Post Office*, High and Broad Streets.

OREGON

Polk County

Willamina vicinity, *Fort Yamhill Site*, at the confluence of Cosper Creek and the South Fork of the Yamhill River.

PENNSYLVANIA

Allegheny County

Pittsburgh, *Allegheny Post Office (Old North Post Offices)*, Allegheny Center.

Chester County

Birmingham, *Birmingham Friends Meetinghouse*, 1245 Birmingham Road.

Marshallton, *Bradford Friends Meetinghouse*, east side of Northbrook Road.

Delaware County

Chadds Ford vicinity, *Painter, William, Farm*, 2 miles northeast of Chadds Ford on U.S. 1.

TENNESSEE

Montgomery County

Clarksville, *Emerald Hill (Eagle's Nest)*, North Second Street.

Roane County

Kingston, *Roane County Courthouse*, Kentucky Avenue.

Sumner County

Castalian Springs, *Castalian Springs (Bledsoe's Lick)*, Gallatin-Hartsville Pike (Tennessee 25).

TEXAS

Cameron County

Port Isabel vicinity, *Brazos Santiago Depot*, off Port Isabel, north end of Brazos Island.

Chambers County

Cove vicinity, *Site 41 CH 110*, east of Cove and north of U.S. 10.

Wallisville vicinity, *Orcoquisac Archeological District*, north of Wallisville on Lake Miller.

Comal County

New Braunfels, *First Protestant Church (United Church of Christ)*, 296 South Sequin Street.

El Paso County

El Paso vicinity, *Hueco Tanks*, 22 miles northeast of El Paso off U.S. 62.

Galveston County

Galveston, *Trueheart-Adriance Building*, 212 22d Street.

Galveston, *Williams, Samuel May, House*, 3601 Avenue P.

Liberty County

Dayton vicinity, *Site 41 LB 4*, 12 miles southeast of Dayton.

Menard County

Fort McKavett, *Fort McKavett Historic District*, south bank of the San Saba River.

Real County

Camp Wood, *Mission San Lorenzo de la Santa Cruz*, on the west side of Texas 55 at the north edge of the city.

San Patricio County

San Patricio vicinity, *McGloin, James, Homestead*, 1 mile northwest of San Patricio on FM 666.

UTAH

Box Elder County

Collinston vicinity, *Hampton's Ford Stage Stop and Barn*, northwest of Collinston on Utah 154 at the Bear River.

Salt Lake County

Salt Lake City vicinity, *Little Dell Station*, west of Salt Lake City in Mountain Dell Canyon, near the intersection of Utah 239 and 65.

San Juan County

Blanding vicinity, *Edge of the Cedars Indian Ruin*, 0.25 mile west of Fourth North and Fourth West Streets.

Sanpete County

Manti, *Manti Temple*, U.S. 89, north edge of town.

Tooele County

Iosepa, *Iosepa Settlement Cemetery*, Skull Valley (NW¼ SE¼ SE¼ sec. 22, T. 3 S., R. 8 W.).

VIRGINIA

Albemarle County

Keene vicinity, *Christ Church Glendower*, on Route 713, 0.4 mile southwest of its intersection with Route 712.

Botetourt County

Fincastle, *Botetourt County Courthouse*, northwest corner of Main and Roanoke Streets.

Madison County

Madison vicinity, *Hebron Lutheran Church*, northeast side of Routes 638 and 653, 1 mile northeast of the intersection of Routes 638 and 231.

Norfolk (independent city)

St. Paul's Church, 201 St. Paul's Boulevard.

Prince William County

Woodbridge vicinity, *Rippon Lodge*, 0.8 mile north of the intersection of Routes 1 and 642.

Richmond (independent city)

Tredegar Ironworks, bounded on the north by the James River and Kanawha Canal, on the south by the James River, on the west by Route 1 (301), and thence extending 0.4 mile east.

Rockbridge County

Lexington, *Alexander-Withrow House*, north corner of Main and Washington Streets.

Rockingham County

Broadway, *Tunker House (Yount-Zigler House)*, 0.2 mile east of the intersection of Routes 736 and 42.

WEST VIRGINIA

Ohio County

Wheeling, *Wheeling Suspension Bridge*, across the Ohio River from 10th Street, Wheeling, to Virginia Street, Wheeling Island.

WISCONSIN

Brown County

Green Bay, *Fort Howard Hospital*, northeast corner of Kellogg Street and north Chestnut Avenue.

Iowa County

Mineral Point, *Mineral Point Historic District*, within a rectangle the coordinates of which are on the northwest latitude 42°-52'22" N., longitude 90°11'29" W.; on the northeast latitude 42°52'22" N., longitude 90°9'44" W.; on the southeast 42°51'26" N., longitude 90°9'44" W.; on the southwest 42°51'26" N., longitude 90°11'29" W.

Rock County

Janesville, *Wright-Amato House*, 923 Mineral Point Avenue.

WYOMING

Carbon County

Saratoga vicinity, *Platte River Crossing (Bennett's Crossing)*, 17 miles west of Saratoga, SE¼ sec. 33, T. 19 N., R. 85 W.

Natrona County

Casper, *Fort Caspar*, 14 Fort Caspar Road.
Casper vicinity, *Pathfinder Dam*, 45 miles southwest of Casper.

Park County

Cody vicinity, *Buffalo Bill Dam (Shoshone Dam)*, 7 miles west of Cody.

Sheridan County

Ranchester, *Connor Battlefield (Tongue River Battlefield)*, City Park on the Tongue River.

Sublette County

Big Piney vicinity, *Wardell Buffalo Trap*, 6 miles east and 2 miles north of Big Piney.

ERNEST ALLEN CONNALLY,
Director, Office of Archeology and Historic Preservation.

[FR Doc.71-13122 Filed 9-7-71;8:45 am]

Office of the Secretary

UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970

Interim Regulations and Procedures for Implementation

The Interim regulations and procedures of this Department for implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, 84 Stat. 1894, were published in the FEDERAL REGISTER on April 16, 1971, 36 F.R. 7265. The following amendments are made to these regulations and procedures in order to establish a time period within which claims for reimbursement under the Act must be filed by displaced persons.

Although it is the policy of the Department of the Interior to give notice of proposed rule making and to invite the public to participate in the rule making process (see Statement of Policy, 36 F.R. 8336), public participation in this notice would be unnecessary and contrary to the public interest because the proposed amendment to the notice covers minor technical matters, and the amendments relate to interim provisions prior to the adoption of final regulations.

Paragraph 4 is amended to read as follows:

4. *Qualifications.* A. In order to qualify for benefits under the Act as a displaced person, either of two conditions must be fulfilled:

(1) The person must have received a written notice to vacate which notice may be given before or after initiation of negotiations for acquisition of the property as prescribed by regulations issued by the head of the Bureau or Office; or

(2) The subject real property must in fact have been acquired, and the person must have moved as a result of its acquisition (except in those instances covered by sections 217 and 219 of the Act).

B. Filing of claims:

(1) *General.* All claims under the Act of a displaced person shall be submitted to the land acquiring agency of the Department, and supported by such documentation as may be required by the specific provisions of these regulations and by the departmental form applicable to the payment claimed. In the case of a project or program undertaken with Federal financial assistance, all claims of a displaced person shall be submitted to the State agency, and supported by such documentation as may be required by the State.

(2) *Time for filing claims.* Any claim under the Act of a displaced person shall be submitted to the acquiring agency of the Department within a period of 18 months after such person was required to move from the property in accordance with paragraph 4A, or within 6 months after the publication of this notice, whichever is later. In the case of a project or program undertaken with federal financial assistance any claim of a displaced person shall be submitted to the State agency within a period of 18 months after such person was required to move from the property in accordance with paragraph 4A, or within 6 months after the publication of this notice, whichever is later.

WARREN F. BRECHT,
Deputy Assistant Secretary of the Interior.

SEPTEMBER 1, 1971.

[FR Doc.71-13119 Filed 9-7-71;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 10849; Docket No. FDC-D-244; NDA 10-849, etc.]

CERTAIN LONG-ACTING SYSTEMIC SULFONAMIDES

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. Kynex Acetyl Pediatric Suspension containing acetyl sulfamethoxypyridazine equivalent to 250 mg. of sulfamethoxypyridazine per 5 ml. (NDA 11-389), and

2. Kynex Tablets containing 0.5 gm. sulfamethoxypyridazine per tablet (NDA 10-849); both marketed by Lederle Laboratories, Division American Cyanamid Co., West Middletown Road, Pearl River, New York 10956.

3. Midicel Acetyl Suspension containing acetyl sulfamethoxypyridazine equivalent to 250 mg. of sulfamethoxypyridazine per 5 ml. (NDA 11-892), and

4. Midicel Tablets containing 0.5 gm. sulfamethoxypyridazine per tablet (NDA 11-305); both marketed by Parke, Davis and Co., Joseph Campaus Avenue at the River, Detroit, Michigan 48232.

5. Madribon Chewable Tablets containing 250 mg. sulfadimethoxine per tablet (NDA 11-625),

6. Madribon Pediatric Drops containing 250 mg. sulfadimethoxine per ml. (NDA 11-766),

7. Madribon Suspension containing 250 mg. sulfadimethoxine per 5 ml. (NDA 11-625), and

8. Madribon Tablets containing 0.5 gm. sulfadimethoxine per tablet (NDA 11-625); all marketed by Roche Laboratories, Division Hoffmann-LaRoche, Inc., Kingsland Road, Nutley, New Jersey 07110.

The 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 drugs without approval.

The Food and Drug Administration is prepared to approve new drug applications and supplements to previously approved new drug applications under conditions described in this announcement.

SULFADIMETHOXINE, SULFAMETHOXYPYRIDAZINE AND ACETYL SULFAMETHOXYPYRIDAZINE

A. *Effective classification.* The Food and Drug Administration has considered the Academy reports, as well as other available evidence, and concludes that:

1. These drugs are effective in chancroid; trachoma; inclusion conjunctivitis; nocardiosis; urinary tract infections (primarily pyelonephritis, pyelitis and cystitis) due to susceptible organisms (usually *Escherichia coli, Klebsiella*, the enterobacter, *Staphylococcus aureus, Proteus mirabilis* and less frequently *Proteus vulgaris*), in the absence of obstructive uropathy or foreign bodies; toxoplasmosis, as adjunctive therapy with pyrimethamine; malaria due to chloroquine-resistant strains of *Plasmodium falciparum*, when used as adjunctive therapy; acute otitis media due to *Haemophilus influenzae* when used concomitantly with adequate doses of penicillin; and for the prophylaxis of rheumatic fever as an alternative to penicillin.

2. These drugs are probably effective in recurrent and chronic infections of the urinary tract.

3. These drugs are possibly effective for the treatment of pneumococcal infections; gas gangrene; lymphogranuloma venereum; shigellosis; for suppressive therapy in patients with indwelling catheters, ureterostomies, urinary stasis, cord bladder, and before and after genitourinary surgery and instrumentation; and in acute and chronic otitis media except when caused by *H. influenzae*, as qualified under "effective" indications.

4. Except as noted above, these drugs lack substantial evidence of effectiveness as therapeutic agents in common infections; actinomycosis; gonococcal, streptococcal, staphylococcal, salmonella, and pseudomonas infections; infections other than acute otitis media as described above due to *H. influenzae;* infections due to *Klebsiella pneumoniae* and the meningococci bacterial upper respiratory infections; or acne vulgaris.

B. *Conditions for approval and marketing.* 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.* Preparations of sulfamethoxypyridazine or its acetyl derivative and sulfadimethoxine are in tablet, suspension or chewable tablet form suitable for oral administration and contain per dosage unit an amount appropriate for administration in the dosage ranges described in the labeling conditions in this announcement.

2. *Labeling conditions.* a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the Act and regulations promulgated thereunder and those parts of its labeling indicated below are substantially as follows:

WARNING

Fatalities Have Occurred Due to the Development of Stevens-Johnson Syndrome (Erythema Multiforme Exudativum) Following the Use of _____. Therefore, the Patient Must Be Closely Observed, and Should a Rash Develop During Therapy With _____ the Drug Should Be Discontinued Immediately.

_____ Is a Sulfonamide Which Maintains a Long-Lasting Blood Level Due to Slow Excretion. Because of the Long-Lasting Blood Levels, a Smaller Dosage Than Is Normally Employed With Shorter-Acting Sulfonamides Should Be Administered.

Less Toxic, Shorter-Acting Sulfonamides Are Effective for All Indications Listed for This Drug. Use of Shorter-Acting Sulfonamides Should Be Ruled Out Before the Long-Acting Sulfonamides Are Employed.

DESCRIPTION

A statement should be included that these sulfonamides exist in the blood in various forms and that the "free" form is considered to be the therapeutically active form. Data should be included giving "free" and "total" sulfonamide levels in the blood from an average dose of the drug. (Additional descriptive information to be included by the manufacturer or distributor should be confined to an appropriate description of the physical and chemical properties of the drug and the formulation.)

ACTIONS

The systemic sulfonamides are bacteriostatic agents having a similar spectrum of activity. Sulfonamides competitively inhibit bacterial synthesis of folic acid (pteroylglutamic acid) from aminobenzoic acid. Resistant strains are capable of utilizing folic acid precursors or preformed folic acid.

INDICATIONS

Chancroid.
Trachoma.
Inclusion conjunctivitis.
Nocardiosis.

Urinary tract infections (primarily pyelonephritis, pyelitis and cystitis) due to susceptibile organisms (usually *E. coli, Klebsiella,* the enterobacter, *S. aureus, P. mirabilis,* and less frequently, *P. vulgaris*) in the absence of obstructive uropathy or foreign bodies.

Toxoplasmosis as adjunctive therapy with pyrimethamine.

Malaria due to chloroquine-resistant strains of *P. falciparum* when used as adjunctive therapy.

In acute otitis media due to *H. influenzae* when used concomitantly with adequate doses of penicillin.

Prophylaxis of rheumatic fever as an alternative to penicillin.

These long-acting sulfonamides may also be effective in recurrent and chronic infections of the urinary tract.

IMPORTANT NOTE: In vitro sulfonamide sensitivity tests are not always reliable. The test must be carefully coordinated with bacteriologic and clinical response. When the patient is already taking a sulfonamide, followup cultures should have aminobenzoic acid added to the culture media.

The currently increasing frequency of resistant organisms is a limitation of the usefulness of antibacterial agents including the sulfonamides.

Wide variation in blood levels may result with identical doses. Blood levels should be measured in patients receiving sulfonamides for serious infections. Free sulfonamide blood levels of 5–15 mg. per 100 ml. may be considered therapeutically effective for most infections with blood levels of 12–15 mg. per 100 ml. optimal for serious infections; 20 mg. per 100 ml. should be the maximum total sulfonamide level as adverse reactions occur more frequently above this level.

CONTRAINDICATIONS

Hypersensitivity to sulfonamides.

Infants less than 2 months of age (except in the treatment of congenital toxoplasmosis as adjunctive therapy with pyrimethamine).

Pregnancy at term and during the nursing period because sulfonamides pass the placenta and are excreted in the milk and may cause kernicterus.

WARNING: USE IN PREGNANCY

The safe use of sulfonamides in pregnancy has not been established. The teratogenicity potential of most sulfonamides has not been thoroughly investigated in either animals or humans. However, a significant increase in the incidence of cleft palate and other bony abnormalities of offspring has been observed when certain sulfonamides of the short-, intermediate-, and long-acting types were given to pregnant rats and mice at high oral doses (7 to 25 times the human therapeutic dose).

WARNING—SEE BOX WARNING

Sulfonamides will not eradicate group A streptococci and have not been demonstrated to prevent such sequelae of these infections as rheumatic fever and glomerulonephritis.

Deaths associated with the administration of sulfonamides have been reported from hypersensitivity reactions, agranulocytosis, aplastic anemia, and other blood dyscrasias.

The presence of clinical signs such as sore throat, fever, pallor, purpura, or jaundice may be early indications of serious blood disorders.

Complete blood counts should be done frequently in patients receiving sulfonamides.

The frequency of renal complications is considerably lower in patients receiving the more soluble sulfonamides. Urinalysis with careful microscopic examination should be obtained frequently in patients receiving sulfonamides.

PRECAUTIONS

Sulfonamides should be given with caution to patients with impaired renal or hepatic function and to those with severe allergy or bronchial asthma.

In glucose-6-phosphate dehydrogenase deficient individuals, hemolysis may occur. This reaction is frequently dose-related.

Adequate fluid intake must be maintained in order to prevent crystalluria and stone formation.

ADVERSE REACTIONS

Blood dyscrasias. Agranulocytosis, aplastic anemia, thrombocytopenia, leukopenia, hemolytic anemia, purpura, hypoprothrombinemia, methemoglobinemia.

Allergic reactions. Erythema multiforme (Stevens-Johnson Syndrome), generalized skin eruptions, epidermal necrolysis, urticaria, serum sickness, pruritis, exfoliative dermatitis, anaphylactoid reactions, periorbital edema, conjunctival and scleral injection, photosensitization, arthralgia, and allergic myocarditis.

Gastrointestinal reactions. Nausea, emesis, abdominal pains, hepatitis, diarrhea, anorexia, pancreatitis, and stomatitis.

C.N.S. reactions. Headache, peripheral neuritis, mental depression, convulsions, ataxia, hallucinations, tinnitus, vertigo, and insomnia.

Miscellaneous reactions. Drug fever, chills, and toxic nephrosis with oliguria and anuria. Periarteritis nodosum and L. E. phenomenon have occurred.

The sulfonamides bear certain chemical similarities to some goitrogens, diuretics (acetazolamide and the thiazides), and oral hypoglycemic agents. Goiter production, diuresis, and hypoglycemia have occurred rarely in patients receiving sulfonamides. Cross-sensitivity may exist with these agents.

DOSAGE AND ADMINISTRATION

Systemic Sulfonamides are Contraindicated in infants under 2 months of age, except in treatment of congenital toxoplasmosis as adjunctive therapy with pyrimethamine.

A. *Sulfamethoxypyridazine.—Usual dose.* Adults: 1 gm. the first day, then 0.5 gm. daily.

Children: 30 mg./kg. the first day, then 15 mg./kg. daily.

B. *Sulfadimethoxine.—Usual dose.* Adults: 2 gm. the first day, then 1 gm. daily.

Children: 60 mg./kg. the first day, then 30 mg./kg. daily.

Therapy should continue until the patient is asymptomatic for 48 to 72 hours. Adequate fluid intake must be maintained during and for at least 24 to 48 hours after treatment.

3. *Marketing status.* Marketing of such 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 updating information, and adequate data to show the biologic availability of the drug in the formulation which is marketed as described in paragraph (a)(1)(i), (ii), and (iii) of the notice of July 14, 1970. For preparations claiming sustained action, timed release or other delayed or prolonged effect, such data should show that the drug is available at a rate of release which will be safe and effective.

b. For any person who does not hold an approved or effective new drug application, the submission of abbreviated new drug application, to include adequate data 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. For preparations claiming sustained action, timed release or other delayed or prolonged effect, such data should show that the drug is available at a rate of release which will be safe and effective.

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.

d. 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), continued use as described in paragraphs (c), (d), (e), and (f) of that notice.

D. *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 indications for which substantial evidence of effectiveness is lacking as described in paragraph A.4 of this announcement. An order withdrawing approval of the applications will not issue if such applications are supplemented, in accord with this notice, to delete such indications. Promulgation of the proposed order would cause any drug for human use offered for the indications 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. 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 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 § 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. 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.

Representatives of the Administration are willing to meet with any interested person who desires to have a conference concerning proposed changes in the labeling set forth herein. Requests for such meetings should be made to the Office of Scientific Evaluation (BD-100), at the address given below, within 30 days after the publication of this notice in the FEDERAL REGISTER.

A copy of the Academy's report has been furnished to each firm referred to above. Any other interested person may obtain a copy by request to the appropriate office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 10849, directed to the attention of the appropriate office listed below, and addressed (unless otherwise specified) to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 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.

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: August 16, 1971.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.71-13143 Filed 9-7-71;8:51 am]

[DESI 7871]

CERTAIN OTC TOPICAL ANTIHISTAMINES

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 for topical use:

1. Benadryl Cream containing diphenhydramine hydrochloride; Parke, Davis & Co., Joseph Campau at the River, Detroit, Mich. 48232. (NDA 5-845).

2. Ziradryl Lotion containing diphenhydramine hydrochloride, zirconium carbonate and camphor; Parke, Davis & Co. (NDA 5-845).

3. Ziradryl Cream containing diphenhydramine hydrochloride and zirconium carbonate; Parke, Davis & Co. (NDA 5-845).

4. Caladryl Cream containing diphenhydramine hydrochloride and calamine; Parke, Davis & Co. (NDA 5-845).

5. Caladryl Lotion containing diphenhydramine hydrochloride, calamine, and camphor; Parke, Davis & Co. (NDA 5-845).

6. Pyribenzamine Cream and Ointment containing tripelennamine hydrochloride; Ciba Pharmaceutical Co., 556 Morris Avenue, Summit, N.J. 07901 (NDA 5-914).

7. Thephorin Ointment and Lotion containing phenindamine tartrate; Roche Laboratories, Division of Hoffmann-LaRoche, Inc., 340 Kingsland Avenue, Nutley, N.J. 07110 (NDA 6-303).

8. Perazil Cream containing chlorcyclizine hydrochloride; Burroughs Wellcome & Co., Inc., 3030 Cornwallis Road, Research Triangle Park, N.C. 27709 (NDA 7-871).

9. Bristamin Lotion containing phenyltoloxamine dihydrogen citrate; Bristol Laboratories, Inc., Division Bristol-Myers Co., Thompson Road, Syracuse, N.Y. (NDA 8-084).

10. Pyribenzamine Cream with zirconium containing tripelennamine hydrochloride and zirconium oxide; Ciba Pharmaceutical Co. (NDA 8-418).

11. Prantal Cream containing diphemanil methylsulfate; Schering Corp., 1011 Morris Avenue, Union, N.J. 07083 (NDA 8-961).

12. Dermaval Cream containing calamine, zinc oxide, camphor, phenol, menthol, and pyrilamine maleate; The Vale Chemical Co., Inc., 1201 Liberty Street, Allentown, Pa. 18102 (NDA 8-981).

13. Histacalma Cream containing zinc oxide, methapyrilene hydrochloride, benzocaine, and camphor: Rexall Drug Co., Rexall Square, Beverly at La Cienega, Los Angeles, Calif. 90054 (NDA 9-075).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that:

1. There is a lack of substantial evidence that these drugs are effective for prophylaxis against dermatitis due to poison ivy, poison oak, poison sumac, and other plants of the Rhus genus.

2. These drugs are possibly effective for other labeled indications for dermatologic use.

B. *Marketing status.* 1. Within 60 days of the date of publication of this announcement in the FEDERAL REGISTER, the holder of any approved new-drug application for a drug which is classified in paragraph A above as lacking substantial evidence of effectiveness is requested to submit a supplement to his application, as needed, to provide for revised labeling which deletes those indications for which substantial evidence of effectiveness is lacking. Such a 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. Failure to do so may result in a proposal to withdraw approval of the new-drug application.

2. If any such preparation is on the market without an approved new-drug application, its labeling should be revised if it includes those claims for which substantial evidence of effectiveness is lacking as described in paragraph A above. Failure to delete such indications and put the revised labeling into use within 60 days after the date of publication hereof in the FEDERAL REGISTER may cause the drug to be subject to regulatory proceedings.

3. The notice "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the FEDERAL REGISTER, July 14, 1970 (35 F.R. 11273), describes in paragraphs (d), (e), and (f) the marketing status of a drug labeled with those indications for which it is regarded as possibly effective.

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 7871, 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 new-drug applications: Office of Scientific Evaluation (BD-100), Bureau of Drugs.
Request for the Academy's report: Drug Efficacy Study Information Control (D-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, 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: August 18, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-13142 Filed 9-7-71;8:51 am]

[DESI 6615]

DEODORANT/ANTIPERSPIRANT

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 antiperspirant/deodorant drugs for topical use:

1. Ice-Blue Secret Cream Deodorant and Antiperspirant containing zirconium oxychloride, aluminum chlorhydroxide, and hexachlorophene; Procter and Gamble, Winton Hill Technical Center, 6000 Center Hill Road, Cincinnati, Ohio 45224 (NDA 12-984).

2. Ice-Blue Secret Roll-On Deodorant and Antiperspirant containing, zirconium oxychloride, aluminum chlorhydroxide, and hexachlorophene; Procter and Gamble (NDA 12-983).

3. Old Spice Spray Deodorant containing dibromsalan and aluminum chlorhydroxide; Shulton, Inc., 697 Route 46, Clifton, New Jersey 07015 (NDA 12-760).

4. Veto Cream Deodorant containing aluminum sulfamate; Colgate-Palmolive Co., 300 Park Avenue, New York, New York 10022 (NDA 6-615).

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 preparations containing zirconium oxychloride, aluminum chlorhydroxide, and hexachlorophene; dibromsalan and aluminum chlorhydroxide; or aluminum sulfamate are effective as deodorant/antiperspirants.

B. *Conditions for approval and marketing.* 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.* These preparations are in a form suitable for topical application.

2. *Labeling conditions.* a. The drug is labeled to comply with all requirements of the Act and regulations promulgated thereunder, and its labeling bears adequate directions and warnings under which a layman can use the drug safely and for the purpose for which it is intended.

b. The statement of identity, which includes the general pharmacological category or the principal intended action, required by § 1.102a (21 CFR 1.102a), appears in bold face type on the principal display panel.

c. The indications for use are: "Antiperspirant and deodorant" or "As an aid in the reduction of underarm odors and sweating."

3. *Marketing status.* Marketing of such 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 and an abbreviated supplement for updating information as described in paragraph (a)(1)(i) and (iii) of the notice of July 14, 1970.

b. For any person who does not hold an approved or effective new drug application, the submission of an abbreviated new drug application as described in paragraph (a)(3)(i) of that notice.

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.

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 6615, 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.
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 the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: August 18, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-13140 Filed 9-7-71;8:51 am]

[DESI 7322]

TETRACYCLINE AND CERTAIN OTHER DRUGS FOR SYSTEMIC USE

Drugs for Human Use; Drug Efficacy Study Implementation

In a notice (DESI 7322) published in the FEDERAL REGISTER of September 2, 1970 (35 F.R. 13897) and amended on April 20, 1971 (36 F.R. 7473), the Commissioner of Food and Drugs announced his conclusions pursuant to evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group on the following antiinfective drugs for oral and parenteral use:

I. Tetracycline for oral administation: marketed as:

1.a Tetrex Pediatric Drops (NDA 60-049),

b. Tetrex Syrup (NDA 60-049),

c. Bristacycline Capsules (NDA 60-211),

d. Tetracycline Phosphate Complex Capsules (NDA 50–212),
e. Tetrex Capsules (NDA 50–212), and
f. Polycycline for Suspension (NDA 60–032); Bristol Laboratories, Post Office Box 657, Syracuse, N.Y. 13201.
2.a. Tetramed Capsules (NDA 60–103),
b. Tetramed Syrup (NDA 60–117),
c. Tetracycline Hydrochloride Tablets (NDA 60–118),
d. Tetracycline Hydrochloride Capsules (NDA 60–103), and
e. Tetracycline Capsules (NDA 60–103); Continental Vitamin Corp., 150 South Dean Street, Englewood, N.J. 07631.
3. Tetracycline Hydrochloride Capsules; Davis-Edwards Pharmacal Corp., 432 Austin Place, Bronx, N.Y. 10455 (NDA 60–351).
4.a. Tetracycline Hydrochloride Tablets (NDA 90–048),
b. Tetracycline Syrup (NDA 60–275), and
c. Tetracycline Hydrochloride Capsules (NDA 60–059); Ketchum Laboratories, Inc., 800 Hinsdale Road, Brooklyn, N.Y. 11207.
5.a. Achromycin V Pediatric Drops (NDA 50–263),
b. Achromycin for Oral Suspension (NDA 50–269),
c. Achromycin Syrup (NDA 50–263),
d. Tetracycline Hydrochloride Capsules; Davis-Edwards Pharmacal Corp.,
e. Achromycin Soluble Tablets (NDA 50–264),
f. Achromycin (Film Coated) Tablets (NDA 50–264),
g. Achromycin V Syrup (NDA 50–263),
h. Achromycin Pediatric Drops (NDA 50–263),
i. Achromycin V Capsules (NDA 60–432),
j. Achromycin V Capsules with Sodium Metaphosphate (NDA 50–278), and
k. Achromycin Spersoids Dispersible Powder (NDA 50–271); Lederle Laboratories Division, American Cyanamid Co., Pearl River, N.Y. 10965.
6. a. Tetracyn (Film Coated) Tablets (NDA 60–077),
b. Tetracycline Hydrochloride Capsules (NDA 60–082),
c. Tetracyn Capsules (NDA 60–082),
d. Tetracyn Syrup (NDA 60–095),
e. Tetracycline Syrup (NDA 60–095), and,
f. Tetracyn Pediatric Drops (NDA 60–095); Chas. Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y. 10017.
7. a. Tetracycline Hydrochloride Tablets (NDA 60–422),
b. Premocycline Syrup (NDA 60–423), and
c. Premocycline Aqueous Pediatric Drops (NDA 60–423); Premo Pharmaceutical Laboratories, Inc., 111 Leuning Street, South Hackensack, N.J. 07606.
8. a. Tetrachel Pediatric Drops and Tetracycline Pediatric Drops (NDA 60–432).
b. Tetrachel Syrup and Tetracycline Syrup (NDA 60–342),
c. Tetrachel Capsules and Tetracycline Hydrochloride Capsules (NDA 60–343), and
d. Tetrachel (Film Coated) Tablets (NDA 60–344): Rachelle Laboratories, Inc., 700 Henry Ford Avenue, Long Beach, Calif. 90810.
9. a. Tetracycline Hydrochloride Capsules (NDA 90–290), and
b. Tetracycline Syrup (NDA 60–291); Rondex Laboratories, Inc., 68 69th Street, Guttenberg, N.J. 07093.
10. a. Tetracycline Hydrochloride Film-coated Tablets (NDA 60–048),
b. Tetracycline Hydrochloride Tablets (NDA 60–048),
c. Tetracycline Hydrochloride Capsules (NDA 60–057), and
d. Tetracycline Phosphate Complex Capsules (NDA 90–481); Societa Prodotti Antibiotici, Milan, Via Biella 8, Italy.
11. a. Steclin Capsules,
b. Sumycin Capsules,
c. Sumycin Aqueous Drops, and
d. Sumycin Syrup; E. R. Squibb and Sons, Inc., Georges Road, New Brunswick, N.J. 08903 (NDA 60–429).
12. a. Panmycin Capsules (NDA 60–347),
b. Panmycin KM Syrup (NDA 60–278),
c. Panmycin Syrup (NDA 60–278),
d. Panmycin Phosphate Capsules (NDA 60–428), and
e. Panmycin Aqua Drops (NDA 60–278): The Upjohn Co., 7171 Portage Road, Kalamazoo, Mich. 49002.

II. Tetracycline for intramuscular use, marketed as:
1. a. Tetrex Powder for Intramuscular Injection (NDA 50–215),
b. Polycycline Powder for Intramuscular Injection (NDA 60–044); Bristol Laboratories.
2. Achromycin Powder for Intramuscular Injection (NDA 50–276); Lederle Laboratories.
3. Tetracyn Powder for Intramuscular Injection (NDA 60–285); Chas. Pfizer & Co.
4. Tetrachel Powder for Intramuscular Injection (NDA 60–346); Rachelle Laboratories.
5.a. Steclin Powder for Intramuscular Injection, and
b. Sumycin Powder for Intramuscular Injection; E. R. Squibb & Sons, Inc. (NDA 60–396).
6. Panmycin Powder for Aqueous Injection (NDA 60–333); The Upjohn Co.

III. Tetracycline for intravenous use, marketed as:
1. Bristacycline Sterile Powder for Injection (NDA 60–024); Bristol Laboratories.
2. Achromycin Powder for Intravenous Injection (NDA 50–273); Lederle Laboratories.
3. Tetracyn Powder for Intravenous Injection (NDA 60–096); Chas. Pfizer & Co.
4. Tetrachel Powder for Intravenous Injection (NDA 60–345); Rachelle Laboratories.
5. Steclin Powder for Intravenous Injection (NDA 60–396); E. R. Squibb & Sons, Inc.
6. Panmycin Powder for Intravenous Injection (NDA 60–279); The Upjohn Co.

IV. Oxytetracycline for Oral Administration, marketed as:
1.a. Terramycin Capsules (NDA 7–322),
b. Terramycin Soluble Tablets (NDA 7–966),
c. Terramycin Syrup (NDA 12–050 and 10–501),
d. Terramycin Pediatric Drops (NDA 12–074), and
e. Oxytetracycline Powder for Oral Suspension (NDA 8–257); Chas. Pfizer & Co.
2. Oxytetracycline Tablets (NDA 60–190); Zenith Laboratories, Inc., 150 South Dean Street, Englewood, N.J. 07631.

V. Oxytetracycline for intravenous administration, marketed as:
1. Terramycin Powder for Intravenous Injection; Chas. Pfizer & Co. (NDA 7–651).

VI. Oxytetracycline for intramuscular administration, marketed as:
1. Terramycin Intramuscular Solution; Chas. Pfizer & Co. (NDA 11–375).

VII. Chlortetracycline for oral administration, marketed as:
1.a. Aureomycin Capsules (NDA 50–251),
b. Aureomycin Soluble Tablets (NDA 50–250),
c. Aureomycin Oral Drops (NDA 50–249),
d. Aureomycin Syrup (NDA 50–249), and
e. Aureomycin Spersoids Dispersible Powder (NDA 50–253); Lederle Laboratories.
2. Chlortetracycline Hydrochloride Capsules (NDA 60–104; Zenith Laboratories, Inc.

VIII. Chlortetracycline for intravenous administration, marketed as:
1. Aureomycin Powder for Intravenous Injection; Lederle Laboratories (NDA 50–245).

IX. Demeclocycline for oral administration, marketed as:
1.a. Declomycin Capsules (NDA 50–262),
b. Declomycin (Film Coated) (NDA 50–261),
c. Declomycin Pediatric Drops (NDA 50–257),
d. Declomycin Syrup (NDA 50–257), and
e. Declomycin Powder for Oral Suspension (NDA 50–255); Lederle Laboratories.

X. Rolitetracycline for intravenous and intramuscular administration, marketed as:
1.a. Syntetrin Powder for Intravenous Injection (NDA 50–132), and
b. Syntetrin Powder for Intramuscular Injection (NDA 50–139); Bristol Laboratories.

The notice stated that the drugs were regarded as effective, possibly effective, and lacking substantial evidence of effectiveness for the various labeled indications. The possibly effective indications have been reclassified as lacking substantial evidence of effectiveness in that no new evidence of effectiveness of these drugs has been submitted pursuant to the notice of September 2, 1970.

Under the heading Tetracycline for Intravenous Administration, the possibly effective indication of "C. diphtheriae, as adjunctive therapy with antitoxin" was inadvertently placed in the

indications section of the labeling guidelines. This indication should be deleted from the guidelines.

Batches of such drugs with labeling bearing indications for which substantial evidence of effectiveness is lacking are no longer acceptable for certification or release.

Any person who will be adversely affected by the deletion from labeling of the indications for which the drug has been reclassified from possibly effective to lacking substantial evidence of effectiveness may, within 30 days after the date of publication of this notice in the FEDERAL REGISTER, petition for the issuance of a regulation providing for other certification of the drug for such indications. The petition must be supported by a full factual and well documented medical analysis which shows reasonable grounds for the issuance of such regulation.

A petition for issuance of said regulation should be filed (preferably in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Maryland 20852.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: August 25, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-13141 Filed 9-7-71;8:51 am]

E. I. DU PONT DE NEMOURS AND CO.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 2B2708) has been filed by E. I. du Pont de Nemours and Co., 1007 Market Street, Wilmington, Del. 19898, proposing that § 121.2524 *Polyethylene terephthalate film* (21 CFR 121.2524) be amended to provide for the additional safe use of polyethylene terephthalate as articles or components of articles intended for use in contact with food.

Dated: August 26, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.71-13144 Filed 9-7-71;8:50 am]

NATIONAL MARINE FISHERIES SERVICE

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1A2671) has been filed by National Marine Fisheries Service, U.S. Department of Commerce, Interior Building, Washington, D.C. 20235, proposing that § 121.1230 *Sodium nitrite used in processing smoked chub* (21 CFR 121.1230) be amended (1) by deleting the temperature 160° F. in subparagraph (c) and replacing it with 150° F. as the continuous temperature prescribed to be maintained throughout each fish during the heating process when sodium nitrite is used as a food additive, and (2) by extending said regulation to allow the addition of sodium nitrite under the same conditions of use in the processing of smoked whitefish.

Dated: August 26, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.71-13145 Filed 9-7-71;8:51 am]

NOVO ENZYME CORP.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 2A2712) has been filed by Novo Enzyme Corp., Post Office Box 189, Mamaroneck, N.Y. 10543, proposing that §121.1199 *Fermentation-derived, milk-clotting enzyme* (21 CFR 121.1199) be amended to provide for the safe use of a milk-clotting enzyme derived from *Mucor miehei*, Cooney et Emerson, in cheese production.

Dated: August 26, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.71-13146 Filed 9-7-71;8:51 am]

STEIN, HALL & CO., INC.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1J2702) has been filed by Stein, Hall & Co., Inc., 605 Third Avenue, New York, N.Y. 10016, proposing that § 121.1009 *Polysorbate 80* be amended to provide for the safe use of polysorbate 80 as a defoaming agent in the preparation of the creaming mixture for creamed cottage cheese.

Dated: August 26, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.71-13147 Filed 9-7-71;8:51 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-293]

BOSTON EDISON CO.

Notice of Change of Date and Location of Prehearing Conference

In the matter of Boston Edison Co. (Pilgrim Nuclear Power Station).

On July 12, 1971 the AEC issued a notice of hearing on a facility operating license in the above-entitled matter (36 F.R. 13287). The notice authorized the Atomic Safety and Licensing Board designated therein to set the date and place of a Prehearing Conference.

On August 19, this Board announced that a Prehearing Conference would be held on October 6, 1971. It has become necessary for good cause to defer the conference for one week, which in turn has necessitated a change in location.

Pursuant to the authority delegated to this Board therefore, notice is hereby given that the Prehearing Conference in the above-entitled proceeding will be held at 10 a.m. on Wednesday, October 13, 1971 in the:

Memorial Hall, 83 Court Street, Plymouth, MA 02360.

Dated this 1st day of September 1971, at Washington, D.C.

ATOMIC SAFETY AND LICENSING BOARD,
NATHANIEL H. GOODRICH,
Chairman.

[FR Doc.71-13121 Filed 9-7-71;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23780; Order 71-9-3]

INTERNATIONAL STUDENT AND YOUTH FARES APPLYING TO U.S. RESIDENTS

Order of Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of September 1971.

By tariffs filed pursuant to orders from various governments, special fares are now available for students and/or youths for travel between the United States and various foreign points. These special fares apply in air transportation between the United States and numerous points in Europe, various South American countries, Mexico, the Dominican Republic, and Taiwan. The transatlantic fares are available in most instances to persons 12 years and older. The upper age limit, however, varies from 23 to 30 years. Discounts range up to 72 percent from normal economy fares. For example, these special fares between New York and London are $210 and $190 in peak and offpeak periods, respectively, and, when compared with the normal economy fares of $552 and $452 applicable in such periods, represent discounts of 62 and 58 percent. The youth fare on file with the Board for round-trip transportation between New York and Rome is $199 and is available throughout the year. This fare represents discounts of 72 and 66 percent from the peak and offpeak normal economy fares of $704 and $604, respectively. Fares between the United States and Mexico established pursuant to an order from the Mexican Government are generally a uniform $150 round trip for all passengers between the ages of 12 through 25 and represent discounts of up to 50 percent from normal fares.

Complaints have been filed by the National Air Carrier Association (NACA)[1] directed at the student- and youth-fare tariffs filed by various carriers for transatlantic travel.[2] As regards student fares, NACA contends that these fares are unjustly discriminatory and therefore unlawful under section 404(b) of the Act and urges the Board to initiate promptly expedited proceedings with a view toward the early issuance of an order directing the carriers to discontinue these fares. NACA cites prior actions in which the Board held that special discount fares available solely to students violate the basic statutory prohibition against unjust discrimination. In its complaint regarding youth fares NACA asserts that these fares are unjustly discriminatory and, in addition, that these fares constitute an unfair method of competition in violation of section 411 of the Act. NACA contends that the youth fares are set at an unreasonable level far below carrier costs and have been implemented as a competitive weapon against supplemental air carriers.

Answers to the complaints have been received from a number of carriers. As regards student fares, both KLM and Sabena state that the Board over the years has permitted student fares in air transportation and that orders by a foreign government are an exercise of the sovereign rights by that government and should be honored by the Government of the United States. These carriers deny that the student fares violate the Act in that they are not unjustly discriminatory but are proper and lawful. Sabena refers to the terms of the bilateral agreement between the United States and Belgium which prescribes procedures for protesting rates. Inasmuch as no protest was filed within the prescribed period pursuant to the rate article in the bilateral agreement, Sabena contends that the Board is now estopped from taking action. Pan American World Airways makes the observation that student fares are now available for youths and that any investigation would have to encompass the question of possible discrimination in favor of student or youth organizations in charter tariffs. Trans World Airlines argues that student fares have been in effect for a number of years and that the Board should not interfere in this matter absent extraordinary circumstances, and none have been shown. Generally, the carriers indicate that no basis has been shown to warrant an expedited proceeding.

Essentially the same arguments are presented with respect to the complaint about youth fares. SAS refers to the procedures established by the bilateral agreements and indicates that since no authorities posed objections to these fares the rates are lawful. Lufthansa and Swissair state that a government order removes any possibility that the discrimination is "undue"; that youth fares are prevelant in all forms of transportation in Europe and that the governments involved ordered these fares to be consistent with the youth movement and to compete with charters; that the rates are comparable to prices charged by the complainants and are consistent with the terms of the bilateral agreements and that NACA, in attacking on the basis of discrimination, is in fact attacking the level of the fares, which is not within the competence of the Board.

Several carriers cite the Board's prior determination that domestic youth fares are not discriminatory and in fact promote air transportation, that these fares constitute competition between the supplemental and the scheduled segments of the industry, and that the best forum for protest is to those governments ordering the fares. TWA states that the issue of legality of youth fares is presently before the Board in the Domestic Passenger-Fare Investigation, and there is no significant difference between international and domestic youth fares requiring the Board to institute a new proceeding to determine whether or not international youth fares are unjustly discriminatory.

The Department of Transportation in a communication dated August 5, 1971, opposes both the youth and student fares, both on the grounds of unjust discrimination and their level. The Department requests the Board proceed with an investigation of these fares on an expeditious basis, and that the presentation of evidence, including cross-examination, be limited to matters that cannot be reasonably dealt with by written statements and rebuttals.

After considering the complaints and responses, we conclude that an investigation of the fares in question should be instituted in order to determine if the youth and student fares at issue do constitute an unjust discrimination. The limitation of these special fares to persons within specified age groups or to those who are students is an obvious discrimination against persons not coming within those categories. The question is whether that discrimination can be justified.

We do not accept the contention made by several carriers that the Board is estopped from any action herein because no action was taken within the framework of the bilateral agreements. The Board is empowered in section 1002 of the Act to investigate any fares or rates which may constitute an unjust discrimination and, if as a result of the investigation unjust discrimination is found to exist, to take whatever action, including possible intergovernmental action, it finds necessary to correct the situation.

It is true that special fares for students have been in effect in air transportation for a number of years, instituted as a consequence of orders from foreign governments, and that no action has been taken by the Board as now contemplated. However, these earlier-filed fares have been applicable only in limited geographical areas and, as regards travel to and from Taiwan, are limited to the nationals of that country.[3] The fares now published, however, affect a broad segment of the U.S. traveling public on prime international routes, and are available to all persons within given age limits and with minimum restrictions on the travel. In these circumsances, exercise of the Board's statutory authority seems wholly appropriate.

The fact that the tariffs governing the fares were duly filed and are in effect does not satisfy the question of the lawfulness of the fares at issue. The tariffs were duly and lawfully filed and, as a consequence of the Board's lack of authority to suspend the tariffs, the fares became effective. In no sense were such tariffs authorized by the Board as KLM and Sabena suggest. The effectiveness of the tariffs does not render the fares lawful, as against a claim of unjust discrimination, however, but merely reflects the fact that the filings were accomplished in a lawful manner. The contention is also made that because these fares were filed in response to government orders, there can be no question of unjust discrimination. We recognize that governmental policies in this regard differ from country to country. However, we do not believe that it follows from this that the Board can or should waive its statutory authority to resolve such question insofar as air transportation is concerned. Further, we are not persuaded by the contention that our tentative determination that domestic youth fares are not unjustly discriminatory is dispositive of the lawfulness of the fares here at issue. The international youth fares involve significant differences from the domestic youth fares; they encompass a broader age span, are subject to different conditions of travel, are set at different levels in relation to normal fares, and in a few instances include children of the youth fare traveler.[4]

The Board therefore finds that the youth and student fares applicable in foreign air transportation, as described in the attached appendix, may be or will be unjustly discriminatory, unduly prefer-

[1] An additional complaint was filed by Mr. Harry L. Sawyer requesting an investigation of the legality of youth fares.

[2] NACA's youth fare complaint is specifically directed to Air France, Air India, Alitalia, British Overseas Airline Corp., Lufthansa, Pan American World Airways, SABENA, SAS, Swissair, and Trans World Airlines. The student fare complaint is directed against KLM, Pan American World Airways, SABENA, and Trans World Airlines.

[3] In domestic air transportation, the Board has found fares limited in availability to students to be unjustly discriminatory. Capital Group Student Fares, 25 CAB 280, 285 (1957).

[4] The domestic youth fares are available to persons between the ages of 12 through 21 and provide discounts from normal fares of 20 percent for confirmed reservations service and 33 percent for standby service.

ential, unduly prejudicial, or otherwise unlawful, and should be investigated.[5]

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002(f) thereof:

It is ordered, That:

1. An investigation is instituted to determine whether the fares and provisions described in Appendix A attached hereto,[6] including subsequent revisions and reissues thereof, and classifications, rules, regulations, and practices affecting such fares and provisions, are or will be unjustly discriminatory, unduly preferential, or unduly prejudicial, and if found to be unjustly discriminatory, unduly preferential, or unduly prejudicial, to determine how such fares and provisions and classifications, rules, regulations, and practices should be altered to correct such discrimination, preference, or prejudice, and what order should be made to the carriers to remove such discrimination, preference, or prejudice.

2. This investigation be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

3. A copy of this order will be served upon the carriers listed in Appendix B attached hereto,[6] the National Air Carrier Association, the Department of Transportation, and Harry L. Sawyer, who are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-13190 Filed 9-7-71;8:52 am]

[Docket No. 27380; Order 71-9-3]

INTERNATIONAL STUDENT AND YOUTH FARES APPLYING TO U.S. RESIDENTS

Order of Investigation; Correction

In Order 71-9-3 dated September 1, 1971:

I. Footnote 1 should be corrected to read as follows:

[1] An additional complaint was filed by Mr. Harry L. Langer requesting an investigation of the legality of youth fares.

II. Ordering paragraph 3 should be corrected and renumbered paragraph 4, and a new paragraph 3 should be inserted, as follows:

[5] In the event the carrier members of the International Air Transport Association reach an agreement which includes youth and/or student fares, the Board may broaden the instant investigation to include such agreements. Pan American urges that any investigation ordered include the issue of charter rates for youth and student travel. Pan American is, of course, free to argue its contentions that the youth and student tariffs are a competitive response to charter rates during the course of the hearing. However, we will not include this as an issue since the charter tariffs themselves do not limit the application of stated rates to particular categories of groups.

[6] Appendices A and B filed as part of original document.

3. The complaints in Dockets 23490 and 23534 are consolidated in this proceeding.

4. A copy of this order will be served upon the carriers listed in Appendix B attached hereto, the National Air Carrier Association, the Department of Transportation, and Harry L. Langer, who are hereby made parties to this proceeding.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

SEPTEMBER 2, 1971.

[FR Doc.71-13264 Filed 9-7-71;10:29 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 559]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

AUGUST 30, 1971.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix as set forth below, if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

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

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign, and nature of application

880-C2-P-(2)72—Contact-Colorado Springs, Inc. (KAF241), C.P. to replace the transmitter operating on 152.030 MHz and change the antenna system at location No. 1: 1226 North Prairie Road, Colorado Springs, CO, and change the antenna system and relocate facilities operating on 152.180 MHz at location No. 2 to: Manitou Springs, Cheyenne Mountain, Colo.

881-C2-P-72—RAM Broadcasting of Arkansas, Inc. (New), C.P. for a new two-way station to be located on Highway No. 1, at 1.25 miles north of Forrest City, Ark., to operate on frequency 152.21 MHz.

882-C2-P-72—RAM Broadcasting of Arkansas, Inc. (New), C.P. for a new two-way station to be located at approximately 1 mile south of Blytheville, Ark., to operate on frequency 152.21 MHz.

883-C2-P-72—Telecom (New), C.P. for a new one-way station to be located on Highway No. 75, 5 miles north of Sherman, Tex., to operate on frequency 152.240 MHz.

884-C2-P-72—Atlas Security Service, Inc. (New), C.P. for a new one-way station to be located at 833 East Elm Street, Springfield, MO, to operate on frequency 152.240 MHz.

885-C2-P-72—Telanswer Radiophone Service (KOA739), C.P. for additional facilities to operate on 152.21 MHz at station located at 3 miles east of Boise, Idaho.

886-C2-P-(3)72—Tel-Car, Inc. (KRM969), C.P. for additional facilities to operate on 152.21 MHz base and 459.075 MHz repeater at location No. 1: 7 miles south-southwest of Albion, Idaho, and add 454.075 MHz at a new site described as location No. 3: 408 Sixth Avenue West, Twin Falls, ID.

891-C2-P-72—Cahill Answering Services, Inc. (New), C.P. for a new one-way station to be located at 1496 Highway M-32, Alpena, MI, to operate on frequency 152.24 MHz.

892-C2-P-72—Cahill Answering Services, Inc. (New), C.P. for a new one-way station to be located at 1 mile south of Mount Pleasant, Mich., on Mission Road, to operate on frequency 152.24 MHz.

894-C2-AL-72—Jerry D. Vaughan. Consent to assignment of license from Jerry D. Vaughan, Assignor, to Autophone of Gainesville, Inc., Assignee, Station KQZ797, Walker Mountain, Ga.

895-C2-AL-72—Gainesville Mobile Telephone Co. Consent to assignment of license from Gainesville Mobile Telephone Co., Assignor, to Autophone of Gainesville, Inc., Assignee, Station KQZ737, Gainesville, Ga.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE—continued

911-C2-P-72—Mobilfone Communications, Inc. C.P. to replace the transmitter operating on 152.24 MHz and change the antenna system located at 1 mile west of city limits of Austin, Tex.

912-C2-P-(2)72—Cameron Telephone Co. (KKO357), C.P. to add frequency 152.81 MHz; replace the transmitter operating on 152.69 MHz and change the antenna system located at 0.2 mile north of State Highway No. 82 and 1.3 miles east of Cameron, La.

913-C2-P-72—Blue Earth Valley Telephone Co. (KBM521), C.P. to change the antenna system and relocate facilities operating on 152.750 MHz to Route No. 169, 3.78 miles northwest of Blue Earth, Minn.

1011-C2-P-72—Page Boy Inc. (KEA860), C.P. for additional facilities to operate on 35.22 MHz at a new site described as location No. 2: 1 Strawberry Hill Court, Stamford CT.

558-C2-R-72—Michigan Bell Telephone Co. (KQM40), Renewal of license expiring Sept. 28, 1971. Term: Sept. 28, 1971, to Sept. 28, 1972.

1033-C2-P-(9)72—Chalfont Communications (KMD995), C.P. to change the repeater frequencies to 75.50, 75.58, and 75.68 MHz; replace the transmitters operating on same and change the antenna system located at location No. 1: 5 miles northeast from Palm Springs, Edom Hill, Calif., and change the control frequencies to 72.28, 72.36, and 72.46 MHz; replace transmitters operating on same, change the antenna system and relocate facilities to a new location No. 2: 73-680 Highway 111, Palm Desert, CA, also, to establish standby facilities at the same location to operate on frequencies 152.06, 152.15, and 152.21 MHz.

1034-C2-P-(2)72—Chalfont Communications (KMM581), C.P. to change the antenna system; relocate facilities operating on 35.22 MHz at location No. 2 to: Via Miraleste and Tachevah, Palm Springs, Calif.; replace the transmitter operating on 74.02 MHz control, change the antenna system and relocate facilities to 73-680 Highway No. 111, Palm Desert, Calif.

Major Amendment

575-C2-P-72—Interelectronics Corp. (New), Amended to add: Base frequency 454.175 MHz. All other particulars remain the same, see Public Notice dated Aug. 9, 1971, Report No. 556.

842-C2-P-72—Robert E. Minton (New), Amended to add: Base frequency 158.70 MHz. All other particulars remain the same, see Public Notice dated Aug. 23, 1971, Report No. 558.

INFORMATIVE: It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reasons of potential electrical interference.

MARYLAND AND THE DISTRICT OF COLUMBIA

Andrew Hawkins, doing business as KWIK KALL Communication (New), 5999-C2-P-71.
Andrew Hawkins, doing business as KWIK KALL Communication (New), 6000-C2-P-71.
Radio Communications Inc. (KGI277), 6909-C2-P-71.

RURAL RADIO SERVICE

916-C1-P-72—Louisiana Offshore Telephone Co. (WAD31), C.P. to change the antenna system and relocate facilities to West Cameron Area Block 192, Platform A, Gulf of Mexico.

1035-C1-P-72—The Mountain States Telephone & Telegraph Co. (New), C.P. for a new rural subscriber station to be located at Hospah, N. Mex., to operate on frequency 158.01 MHz communicating with Station KKH476, Farmington, N. Mex.

1036-C1-P-72—The Mountain States Telephone & Telegraph Co. (New), C.P. for a new rural subscriber station to be located at 38.7 miles southwest of Casper, Wyo., to operate on frequency 157.77 MHz communicating with Station KPQ20, Casper, Wyo.

1037-C1-P-72—South Central Bell Telephone Co. (New), C.P. for a new rural subscriber station to be located at 5.5 miles west-southwest of Pilottown, La., communicating with Station KLB509, Buras, La.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

887-C1-P-72—New Jersey Bell Telephone Co. (KEL55), C.P. to add frequency 6286.2 MHz toward Hamilton Township, N.J., a new point of communication. Station location: 701 Federal Street, Camden, N.J.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

888-C1-P-72—New Jersey Bell Telephone Co. (New), C.P. for a new station to be located at White Horse Hamilton Square Road, 2 miles southwest of Hamilton Square, N.J. Frequency: 6123.1 MHz toward Camden, N.J.

914-C1-P-72—United Telephone Co. of Florida (KJC40), C.P. to change polarization on frequency 5974.8 MHz from horizontal to vertical, and change transmitter to Farinon, SS6000-YC-02. Station location: Estero Boulevard, Fort Myers Beach, Fla.

915-C1-P-72—United Telephone Co. of Florida (KSH57), C.P. to change polarization from horizontal to vertical on frequency 6226.9 MHz toward Fort Myers Beach, Fla., and change transmitter to Farinon, SS6000YC-02. Station location: Sanibel Island, State Route No. 867, 2.16 miles northwest of Ybel, Fla.

5075-C1-R-72—Indiana Bell Telephone Co. (KYS50), Renewal of a developmental license expiring Sept. 12, 1971. Term: Sept. 12, 1971, to Sept. 12, 1972.

889-C1-P-72—Nebraska Consolidated Communications Corp. (New), C.P. for a new fixed station at Glendale, Ill., at latitude 41°55'08'' N. and longitude 88°06'26'' W. Frequency 6226.9 MHz on azimuth of 314°23' toward Elgin and 6226.9 MHz on azimuth 96°19' toward Chicago.

890-C1-P-72—Nebraska Consolidated Communications Corp. (New), C.P. for a new fixed station at Tilden, Miss., at latitude 34°11'53'' N. and longitude 88°22'28'' W. Frequency 5974.8 MHz on azimuth 143°43' toward Sulligent and 10,715 MHz on azimuth 285°16' toward Tupelo.

(INFORMATIVE: Applicant proposes to operate these stations in conjunction with Applications Files Nos. 6185 through 6314-C1-P-70, Public Notice Report No. 488, Apr. 20, 1970.)

1038-C1-P-72—West Texas Telephone Co. (New), C.P. for a new station located at one-quarter mile northwest of railroad station, Valentine, Tex. Frequency: 11,175 MHz toward Lobo, Tex.

1039-C1-P-72—West Texas Telephone Co. (New), C.P. for a new station located at 200 Ash Street, Van Horn, TX. Frequency: 11,015 MHz toward Lobo, Tex.

1040-C1-P-72—West Texas Telephone Co. (New), C.P. for a new station located at 10.7 miles south of Van Horn, Tex. (Lobo). Frequency: 11,385 MHz toward Sierra Blanca, Tex., and 11,625 MHz toward Van Horn, Tex., and 11,305 MHz toward Valentine, Tex.

1041-C1-P-72—West Texas Telephone Co. (New), C.P. for a new station located at the intersection of FM Road 1111 and Pat Avenue, Sierra Blanca, TX. Frequency 10,775 MHz toward Lobo, Tex.

1045-C1-P-72—Indiana Bell Telephone Co. (KSP57), C.P. to delete frequencies 6360.3 and 11,325 MHz toward Haubstadt, Ind., and 6271.4 and 11,565 MHz toward Stanley, Ind., and add frequencies 6197.2, 6256.5, 6315.9, and 11,565 MHz toward Elberfeld, Ind. Station location: 133 Northwest Fifth Street, Evansville, IN.

1046-C1-P-72—Indiana Bell Telephone Co. (New), C.P. for a new station to be located 2.3 miles northwest of Elberfeld, Ind. Frequencies: 5945.2, 6063.8, 6004.5, and 11,155 MHz toward Arthur, Ind. Frequency 6049.0 and 10,835 MHz toward Princeton, Ind., and 5974.8, 6093.5, 6034.2, and 11,115 MHz toward Evansville, Ind.

1047-C1-P-72—Indiana Bell Telephone Co. (KSP95), C.P. to change point of communication from Haubstadt, Ind., to Elberfeld, Ind. Frequencies: 6330.7 and 11,285 MHz. Station location: 224 West Emerson Street, Princeton, Ind.

1048-C1-P-72—Indiana Bell Telephone Co. (KTQ49), C.P. to delete frequencies 6271.4 and 11,405 MHz and add 6197.2 and 6315.9 MHz toward Monroe City, Ind., and delete frequencies 6301.0 and 11,605 MHz toward Stanley, Ind., add 6226.9, 6345.5, 6286.2, and 11,605 MHz toward Elberfeld, Ind.

1049-C1-P-72—Indiana Bell Telephone Co. (KTQ47), C.P. to delete frequencies 6019.4 and 10,955 MHz and add 5974.8 and 6093.5 MHz toward Arthur, Ind., and delete 6049.0 and 10,755 MHz and add 5945.2 and 6063.8 MHz toward Westphalia, Ind., and add 10,795 and 11,115 MHz toward Vincennes, Ind., a new point of communication. Station location: 0.6 mile west of Monroe City, Ind.

1050-C1-P-72—Indiana Bell Telephone Co. (New), C.P. for a new station to be located 2.2 miles east-southeast of Vincennes, Ind. Frequencies: 11,285 and 11,685 MHz toward Monroe City, Ind.

1051-C1-P-72—Indiana Bell Telephone Co. (KTQ46), C.P. to delete frequencies 6271.4 and 11,405 MHz and add 6197.2 and 6315.9 MHz toward Bloomfield, Ind., and delete frequencies 6301.0 and 11,685 MHz and add 6226.9 and 6345.5 MHz toward Monroe City, Ind.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

1052–C1–P–72—Indiana Bell Telephone Co. (KSL97), C.P. to delete frequencies 6049.0 and 10,755 MHz and add 5945.2, 6063.8, and 6004.5 MHz toward Kirksville, Ind., and delete frequencies 6019.4 and 10,955 MHz and add 5974.8 and 6093.5 MHz toward Westphalia, Ind.

1053–C1–P–72—Indiana Bell Telephone Co. (KSL96), C.P. to delete frequencies 6271.4 and add 6197.2, 6256.5, and 6315.9 MHz toward Bloomington, Ind., and delete 6301.0 MHz and add 6226.9, 6286.2, and 6345.5 MHz toward Bloomfield, Ind. Station location: 1.5 miles southeast of Kirksville, Ind.

1054–C1–P–72—Indiana Bell Telephone Co. (KSL95), C.P. to delete frequency 6019.3 MHz and add 6034.2, 5974.8, and 6093.5 MHz toward Kirksville, Ind., and delete 5989.6 and 6108.3 MHz and add 5974.8 and 6093.5 MHz toward North Unionville, Ind. Station location: 119 East Seventh Street, Bloomington, IN.

1055–C1–P–72—Indiana Bell Telephone Co. (KTG61), C.P. to delete frequencies 6241.7 and 6360.3 MHz and add 6226.9 and 6345.5 MHz toward Bloomington, Ind. Station location: 1 mile southwest of New Unionville, Ind.

Major Amendments

4287–C1–P–70—Western Tele-Communications, Inc., (New), Change geographical coordinates to latitude 46°15'18" N., longitude 122°50'55" W.; change azimuth to Capitol Peak to 347°37'. Location: Silver Lake, 3 miles east-southeast of Castle Rock, Wash.

4289–C1–P–70—Western Tele-Communications, Inc., (New), Change geographical coordinates to latitude 47°37'55" N., longitude 122°20'59" W. Location: Seattle, Wash.

All other particulars are the same as reported on Public Notice dated Feb. 16, 1970, Report No. 479.

Major Amendments

INFORMATIVE: Applicant Nebraska Consolidated Communications Corp. is amending 133 applications for new point-to-point microwave facilities for specialized services in a 14-State area in the mid-United States with service to Minneapolis, Chicago, Omaha, Kansas City, St. Louis, Memphis, Dallas, Atlanta, and intermediate points to conform with new engineering standards stemming from the Commission's First Report and Order in Docket No. 18920, effective July 15, 1971. In addition, two new sites are proposed in order to meet the Docket 18920 standards.

NEBRASKA CONSOLIDATED COMMUNICATIONS CORP.

6185–C1–P–70, Minneapolis, Minn., Site No. 1: Delete frequency 6152.8H toward Shakopee, Minn., and correct azimuth to 222°02'.

6186–C1–P–70, Shakopee, Minn., Site No. 2: Delete frequency 6345.5H toward Le Sueur, Minn., and correct azimuth to 215°03' and delete frequencies 6226.9V and 6345.5V toward Minneapolis and correct azimuth to 41°51' and add frequency 6301.0H toward Minneapolis.

6187–C1–P–70, Le Sueur, Minn., Site No. 3: Correct coordinates to 44°27'22" latitude and 93°50'16" longitude., delete frequency 6093.5H toward Mankato, Minn., and correct azimuth to 215°25'; delete frequency 6093.5V toward Shakopee and correct azimuth to 34°49'.

6188–C1–P–70, Mankato, Minn., Site No. 4: Delete frequency 6345.5H toward Winnebago, Minn., and correct azimuth to 187°00', and delete frequency 6404.8V toward Le Sueur and correct azimuth to 35°14' and correct frequency designation toward Le Sueur to 6286.2H.

6189–C1–P–70, Winnebago, Minn., Site No. 5: Correct coordinates to 43°45'35" latitude and 94°10'03" longitude, delete frequency 6093.5H toward Sherburn, Minn., and correct azimuth to 255°11' and delete frequency 6093.5V toward Mankato and correct azimuth to 6°57' and correct frequency designation toward Mankato to 5974.8H.

6190–C1–P–70, Sherburn, Minn., Site No. 6: Correct coordinates to 43°38'50" latitude and 94°44'45" longitude, delete frequency 6345.5H toward Spirit Lake, Iowa, and correct azimuth to 242°17' and delete frequency 6345.5V toward Winnebago, Minn., and correct azimuth to 74°47' and correct frequency designation toward Winnebago to 6226.9H.

6191–C1–P–70, Spirit Lake Iowa, Site No. 7: Delete frequency 6093.5H toward Worthington, Minn.; delete frequency 6093.5V toward Sherburn and correct azimuth to 61°59'.

NEBRASKA CONSOLIDATED COMMUNICATIONS CORP.—continued

6192–C1–P–70, Worthington, Minn., Site No. 8: Delete frequencies 6226.9H and 6345.5H toward Luverne, Minn., and add frequency 6226.9V toward Luverne; delete frequency 6345.5V toward Spirit Lake, Iowa.

6193–C1–P–70, Luverne, Minn., Site No. 9: Delete frequency 6093.5H toward Sioux Falls, S. Dak., and correct azimuth to 238°14'; delete frequency 6093.5V toward Worthington, Minn.

6194–C1–P–70, Sioux Falls, S. Dak., Site No. 10: Correct coordinates to 43°29'20" latitude and 96°44'06" longitude, delete frequency 6345.5H toward Beresford, S. Dak., and correct azimuth to 183°50' and delete frequency 6345.5V toward Lu Verne, Minn., and correct azimuth to 57°53'.

6195–C1–P–70, Beresford, S. Dak., Site No. 11: Delete frequency 6093.5H toward Vermillion; delete frequencies 5974.8V and 6093.5V toward Sioux Falls, S. Dak., and correct azimuth to 3°48' and correct frequency designation toward Sioux Falls to 5974.8H.

6196–C1–P–70, Vermillion, S. Dak., Site No. 12: Delete frequency 6375.2H toward Sioux City and delete frequency 6375.2V toward Beresford.

6197–C1–P–70, Sioux City, Iowa, Site No. 13: Delete frequencies 5974.8H and 6093.5H toward Wakefield, Nebr., and correct frequency designation toward Wakefield to 5960.0H and delete frequency 6093.5V toward Vermillion.

6198–C1–P–70, Wakefield, Nebr., Site No. 14: Delete frequency 6345.5H toward Stanton, Nebr., and correct azimuth to 219°32' and delete frequency 6345.5V toward Sioux City, Iowa.

6199–C1–P–70, Stanton, Nebr., Site No. 15: Delete frequency 6093.5H toward Humphrey, Nebr., and correct azimuth to 217°00' and delete frequency 6093.5V toward Wakefield, Nebr., and correct azimutht to 39°20'.

6200–C1–P–70, Humphrey, Nebr., Site No. 16: Delete frequency 6345.5H toward Columbus, Nebr., and delete frequency 6345.5V toward Stanton, Nebr., and correct azimuth to 36°48'.

6201–C1–P–70, Columbus, Nebr., Site No. 17: Delete frequencies 5974.8H and 6093.5H toward Rogers, Nebr., and add frequency 5989.7H toward Rogers; delete frequency 6093.5V toward Humphrey.

6202–C1–P–70, Rogers, Nebr., Site No. 18: Delete frequency 6345.5H toward Fremont, Nebr., and delete frequency 6345.5V toward Columbus, Nebr.

6203–C1–P–70, Fremont, Nebr., Site No. 19: Delete frequency 6093.5H toward Gretna, Nebr., and correct azimuth to 135°28'; delete frequency 6093.5V toward Rogers, Nebr.

6204–C1–P–70, Gretna, Nebr., Site No. 20: Delete frequencies 10,955V and 11,115V toward Greenwood and correct azimuth to 208°16' and correct frequency designation toward Greenwood to 11,345V; delete frequencies 10,755H and 10,915H toward Omaha and correct azimuth to 61°00' and correct frequency designation toward Omaha to 11,385H; delete frequency 6226.9V and 6345.5V toward Fremont and correct azimuth to 316°40' and correct frequency designation toward Fremont to 6241.7H; delete frequency 6345.5V toward Avoca, Nebr., and correct azimuth to 167°46'.

6205–C1–P–70, Omaha, Nebr., Site No. 21: Delete frequency 6093.5H toward Bentley, Iowa; delete frequency 11,685H toward Gretna, Nebr., and correct azimuth to 241°13'.

6206–C1–P–70, Bentley, Iowa, Site No. 22: Delete frequency 6345.5V toward Omaha and delete frequency 6345.5H toward Lewis, Iowa, and correct azimuth to 105°32'.

6207–C1–P–70, Lewis, Iowa, Site No. 23: Correct coordinates to 41°18'00" latitude and 95°00'00" longitude, delete frequency 6093.5V toward Bentley, Iowa, and correct azimuth to 285°53'; delete frequency 6093.5H toward Casey, Iowa, and correct azimuth to 70°04'.

6208–C1–P–70, Casey, Iowa, Site No. 24: Delete frequency 6345.5V toward Lewis, Iowa, and correct azimuth to 250°24'; delete frequency 6345.5H toward Adel, Iowa, and correct azimuth to 63°24'.

6209–C1–P–70, Adel, Iowa, Site No. 25: Delete frequency 6093.5V toward Casey, Iowa, and correct azimuth to 243°41'; delete frequency 6093.5H toward Des Moines and correct azimuth to 88°21'.

6210–C1–P–70, Des Moines, Iowa, Site No. 26: Correct coordinates to 41°36'51" latitude and 93°29'05" longitude, delete frequency 6345.5V toward Adel, Iowa, and correct azimuth to 268°43'; delete frequency 6345.5H toward Reasoner, Iowa, and correct azimuth to 90°55'.

6211–C1–P–70, Reasoner, Iowa, Site No. 27: Delete frequency 6093.5V toward Des Moines and correct azimuth to 271°14'; delete frequency 6093.5H toward Malcolm, Iowa.

6212–C1–P–70, Malcolm, Iowa, Site No. 28: Delete frequency 6345.5V toward Reasoner, Iowa; delete frequency 6345.5H toward Williamsburg, Iowa.

6213–C1–P–70, Williamsburg, Iowa, Site No. 29: Delete frequency 6093:5V toward Malcolm, Iowa; delete frequency 6093.5H toward Iowa City, Iowa, and correct azimuth to 82°52'.

6214–C1–P–70, Iowa City, Iowa, Site No. 30: Correct coordinates to 41°40'24" latitude and 91°28'31" longitude, delete frequency 6345.5V toward Williamsburg, Iowa, and correct azimuth to 263°17'; delete frequency 6345.5H toward Muscatine, Iowa, and correct azimuth to 121°59'.

6215–C1–P–70, Muscatine, Iowa, Site No. 31: Delete frequency 6093.5V toward Iowa City, Iowa, and correct azimuth to 301°18'; delete frequency 6093.5H toward Davenport, Iowa.

6216–C1–P–70, Davenport, Iowa, Site No. 32: Delete frequency 6345.5V toward Muscatine, Iowa; delete frequency 6345.5H toward Clinton, Iowa.

6217–C1–P–70, Clinton, Iowa, Site No. 33: Delete frequency 6093.5V toward Davenport, Iowa; delete frequency 6093.5H toward Sterling, Ill.

6218–C1–P–70, Sterling, Ill., Site No. 34: Delete frequencies 6226.9V and 6345.5V toward Clinton, Iowa, and correct frequency designation toward Clinton to 6241.7V; delete frequencies 6226.9H and 6345.5H toward Oregon, Ill., and correct azimuth to 59°19' and correct frequency designation toward Oregon, Ill., to 6241.7H.

6219–C1–P–70, Oregon, Ill., Site No. 35: Correct coordinates to 42°02'25" latitude and 89°18'50" longitude, delete frequencies 5974.8V and 6093.5V toward Sterling, Ill., and correct azimuth to 239°36' and correct frequency designation toward Sterling to 5974.8H; delete frequency 6093.5H toward De Kalb, Ill., and correct azimuth to 112°59'.

6220–C1–P–70, De Kalb, Ill., Site No. 36: Delete frequency 6345.5V toward Oregon, Ill., and correct azimuth to 293°20'; delete frequency 6345.5H toward Elgin, Ill., and correct azimuth to 68°46'.

6221–C1–P–70, Elgin, Ill., Site No. 37: Delete frequencies 5974.8V and 6093.5V toward De Kalb, Ill., and correct azimuth to 249°08' and correct frequency designation toward De Kalb to 6019.3V; delete frequency 6093.5H toward Glendale, Ill., and correct azimuth to 134°17'.

6222–C1–P–70, Chicago, Ill., Site No. 38: Correct coordinates to 41°52'45" latitude and 87°38'21" longitude and delete frequencies 6226.9V and 6345.5V toward Elgin, Ill., and correct azimuth to 276°38' and correct frequency designation toward Elgin to 5974.8H.

6223–C1–P–70, Lincoln, Nebr., Site No. 39: Delete frequencies 10,955H and 11,115H toward Seward, Nebr., and correct frequency designation toward Seward to 11,345H; delete frequencies 10,755V and 10,915V toward Greenwood, Nebr., and correct azimuth to 67°40' and correct frequency designation toward Greenwood to 11,385V.

1090–C1–P–71, Greenwood, Nebr., Site No. 39–A: Correct coordinates to 40°54'54" latitude and 96°22'10" longitude, delete frequencies 11,685V and 11,365V toward Lincoln and correct azimuth to 247°53' and correct frequency designation toward Lincoln to 10,975V; delete frequencies 11,405V and 11,565V toward Gretna, Nebr., and correct azimuth to 28°09' and correct frequency designation toward Gretna to 10,775V.

6224–C1–P–70, Seward, Nebr., Site No. 40: Delete frequency 6404.8H toward York, Nebr., and delete frequencies 11,405H and 11,565H toward Lincoln, Nebr., and correct azimuth to 109°58' and correct frequency designation toward Lincoln to 10,775H.

6225–C1–P–70, York, Nebr., Site No. 41: Delete frequencies 6034.2V and 6152.8V toward Aurora, Nebr., and correct frequency designation toward Aurora to 6034.2H; delete frequency 6152.8V toward Seward, Nebr.

6226–C1–P–70, Aurora, Nebr., Site No. 42: Delete frequency 6404.8H toward Hastings, Nebr.; delete frequencies 6286.2V and 6404.8V toward York, Nebr., and correct frequency designation toward York to 6286.2H.

6227–C1–P–70, Hastings, Nebr., Site No. 43: Delete frequency 6063.8H toward Minden, Nebr., and delete frequencies 6034.2V and 6152.8V toward Aurora, Nebr., and correct frequency designation toward Aurora to 6034.2H.

6228–C1–P–70, Minden, Nebr., Site No. 44: Delete frequency 6404.8H toward Holdrege, Nebr.; delete frequencies 6197.2V and 6315.9V toward Hastings, Nebr., and correct frequency designation toward Hastings to 6197.2H.

6229–C1–P–70, Holdrege, Nebr., Site No. 45: Delete frequencies 6043.2V and 6152.8V toward Johnson Lake, Nebr., and correct frequency designation toward Johnson Lake to 6034.2V; delete frequency 6152.8H toward Minden, Nebr.

6230–C1–P–70, Johnson Lake, Nebr., Site No. 46: Delete frequency 6404.8H toward Gothenburg, Nebr.; delete frequency 6404.8V toward Holdrege, Nebr.

6231–C1–P–70, Gothenburg, Nebr., Site No. 47: Delete frequency 6152.8H toward Fort McPherson, Nebr.; delete frequencies 6034.2V and 6152.8V toward Johnson Lake and correct frequency designation toward Johnson Lake to 6034.2H.

6232–C1–P–70, Fort McPherson, Nebr., Site No. 48: Delete frequency 6404.8H toward Wellfleet, Nebr., and correct azimuth to 249°42'; delete frequency 6404.8V toward Gothenburg, Nebr.

6233–C1–P–70, Wellfleet, Nebr., Site No. 49: Delete frequency 6152.8H toward Paxton, Nebr., and correct azimuth to 278°15'; delete frequencies 6034.2V and 6152.8V toward Fort McPherson, Nebr., and correct azimuth to 69°33' and correct frequency designation toward Fort McPherson to 6034.2H.

6234–C1–P–70, Paxton, Nebr., Site No. 50: Delete frequency 6375.2H toward Ogallala, Nebr.; delete frequencies 6286.2V and 6404.8V toward Wellfleet, Nebr., and correct azimuth to 97°55' and correct frequency designation toward Wellfleet to 6286.2H.

6235–C1–P–70, Ogallala, Nebr., Site No. 51: Delete frequency 6123.1H toward Brule, Nebr.; delete frequency 6123.1V toward Paxton, Nebr.

6236–C1–P–70, Brule, Nebr., Site No. 52: Delete frequency 6345.5H toward Lodge Pole, Nebr.; delete frequencies 6226.9V and 6345.5V toward Ogallala, Nebr., and correct frequency designation toward Ogallala to 6226.9H.

6237–C1–P–70, Lodgepole, Nebr., Site No. 53; Delete frequency 6093.5H toward Gurley, Nebr.; delete frequencies 5974.8V and 6093.5V toward Brule, Nebr., and correct frequency designation toward Brule to 5974.8H.

6238–C1–P–70, Gurley, Nebr., Site No. 54: Delete frequencies 6226.9H and 6345.5H toward Dalton and correct frequency designation toward Dalton, Nebr., to 6256.5H; delete frequencies 6226.9V and 6345.5V toward Lodgepole, Nebr., and correct frequency designation toward Lodgepole to 6256.5H.

6239–C1–P–70, Dalton, Nebr., Site No. 55: Delete frequency 6093.5H toward Big Horn, Nebr.; delete frequency 6093.5V toward Gurley, Nebr.

6240–C1–P–70, Big Horn, Nebr., Site No. 56: Delete frequency 6345.5H toward Scottsbluff, Nebr.; delete frequency 6345.5V toward Dalton, Nebr.

6241–C1–P–70, Scottsbluff, Nebr., Site No. 57: Delete frequency 6093.5V toward Big Horn, Nebr.

6242–C1–P–70, Avoca, Nebr., Site No. 58: Delete frequency 6093.5V toward Peru, Nebr., and correct azimuth to 144°12'; delete frequency 6093.5H toward Gretna, Nebr., and correct azimuth to 347°50'.

6243–C1–P–70, Peru, Nebr., Site No. 59: Correct coordinates to 40°27'39" latitude and 95°48'00" longitude, delete frequencies 6226.9V and 6345.5V toward Falls City, Nebr., and correct azimuth to 152°57' and correct frequency designation toward Falls City to 6226.9H; delete frequency 6345.5H toward Avoca, Nebr., and correct azimuth to 324°24'.

6244–C1–P–70, Falls City, Nebr., Site No. 60: Correct coordinates to 40°07'01" latitude and 95°34'17" longitude, delete frequency 6093.5V toward Troy, Kans., and correct azimuth to 137°03'; delete frequency 6093.5H toward Peru, Nebr., and correct azimuth to 333°05'.

6245–C1–P–70, Troy, Kans., Site No. 61: Delete frequency 6345.5V toward Dearborne, Mo., and correct azimuth to 134°35'; delete frequency 6345.5H toward Falls City, Nebr., and correct azimuth to 317°18'.

6246–C1–P–70, Dearborne, Mo., Site No. 62: Delete frequencies 5974.8V and 6093.5V toward Kansas City, Mo., and delete frequency 6093.5H toward Troy, Kans., and correct frequency designation toward Kansas City, Kans., to 5974.8H.

6247–C1–P–70, Kansas City, Mo., Site No. 63: Delete frequency 6345.5V toward Hillsdale, Kans., and correct azimuth to 202°25'; delete frequency 6345.5H toward Dearborne, Mo.

6248–C1–P–70, Hillsdale, Kans., Site No. 64: Correct coordinates to 38°40'17" latitude and 94°47'35" longitude, delete frequencies 5974.8V and 6093.5V toward Pleasanton, Kans., and correct azimuth to 176°37' and correct frequency designation toward Pleasanton to 5974.8H; delete frequency 6093.5H toward Kansas City, Mo., and correct azimuth to 22°17'.

NEBRASKA CONSOLIDATED COMMUNICATIONS CORP.—continued

6249–C1–P–70, Pleasanton, Kans., Site No. 65: Delete frequencies 6226.9V and 6345.5V toward Fort Scott, Kans., and correct frequency designation toward Fort Scott to 6226.9H; delete frequency 6345.5H toward Hillsdale, Kans., and correct azimuth to 357°38'.

6250–C1–P–70, Fort Scott, Kans., Site No. 66: Delete frequencies 5974.4V and 6093.5V toward Lamar, Mo., and correct azimuth to 133°30' and correct frequency designation toward Lamar to 5974.8V; delete frequency 6093.5H toward Pleasanton, Kans.

6251–C1–P–70, Lamar, Mo., Site No. 67: Correct coordinates to 37°31'02" latitude, delete frequency 6345.5V toward Everton, Mo., and correct azimuth to 117°44'; delete frequencies 6226.9H and 6345.5H toward Fort Scott, Kans., and correct azimuth to 313°45' and correct frequency designation toward Fort Scott to 6241.7H; delete frequencies 6226.9V and 6345.5V toward Joplin, Mo., and correct azimuth to 209°42' and correct frequency designation toward Joplin to 6226.9H.

6252–C1–P–70, Everton, Mo., Site No. 68: Delete frequency 6093.5V toward Springfield, Mo.; delete frequency 6093.5H toward Lamar, Mo., and correct azimuth to 298°04'.

6253–C1–P–70, Springfield, Mo., Site No. 69: Delete frequency 6345.5V toward Marshfield, Mo., and correct azimuth to 70°11"; delete frequency 6345.5H toward Everton, Mo.

6254–C1–P–70, Marshfield, Mo., Site No. 70: Correct coordinates to 37°19'23" latitude and 92°52'17" longitude, delete frequency 6093.5V toward St. George, Mo., and correct azimuth to 80°51'; delete frequency 6093.5H toward Springfield, Mo., and correct azimuth to 250°26'.

6255–C1–P–70, St. George, Mo., Site No. 71: Delete frequency 6345.5V toward Mountain Grove, Mo., and correct azimuth to 138°13'; delete frequency 6345.5H toward Marshfield, Mo., and correct azimuth to 261°06'; delete frequencies 6226.9V and 6345.5V and correct azimuth to 33°27' and correct frequency designation toward Fort Leonard Wood, Mo., to 6226.9H.

6256–C1–P–70, Fort Leonard Wood, Mo., Site No. 72: Correct coordinates to 37°48'58" latitude and 92°06'07" longitude; delete frequency 6152.8V toward St. James, Mo., and correct azimuth to 66°41'; delete frequency 6152.8H toward St. George, Mo., and correct azimuth to 213°40'.

6257–C1–P–70, St. James, Mo., Site No. 73: Correct coordinates to 37°57'57" latitude and 91°39'39" longitude; delete frequencies 6286.2H and 6404.8H toward Owensville, Mo., and correct azimuth to 13°24' and correct frequency designation toward Owensville to 6286.2V; delete frequency 6345.5H toward Fort Leonard Wood, Mo., and correct azimuth to 246°57'.

6258–C1–P–70, Owensville, Mo., Site No. 74: Delete frequency 6093.5V toward Washington, Mo.; delete frequency 6152.8H toward St. James, Mo., and correct azimuth to 193°28'.

6259–C1–P–70, Washington, Mo., Site No. 75: Delete frequency 6345.5V toward St. Charles, Mo.; delete frequency 6345.5H toward Owensville, Mo.

6260–C1–P–70, St. Charles, Mo., Site No. 76: Delete frequencies 6034.2H and 6152.8H toward St. Louis, Mo., and correct frequency designation toward St. Louis to 6004.5V; delete frequencies 5989.7H and 6108.3H toward Washington, Mo., and correct frequency designation toward Washington to 5974.8H.

6261–C1–P–70, St. Louis, Mo., Site No. 77: Delete frequency 6404.8V toward St. Charles, Mo.

6262–C1–P–70, Mountain Grove, Mo., Site No. 78: Correct coordinates to 37°07'55" latitude and 92°12'03" longitude; delete frequencies 5974.8V and 6093.5V toward West Plains, Mo., and correct azimuth to 149°04' and correct frequency designation toward West Plains to 5974.8H; delete frequency 6093.5H toward St. George, Mo., and correct azimuth to 318°22'.

6263–C1–P–70, West Plains, Mo., Site No. 79: Correct coordinates to 36°43'24" latitude and 91°53'49" longitude; delete frequency 6345.5V toward Thayer, Mo., and correct azimuth to 114°19'; delete frequency 6345.5H toward Mountain Grove, Mo., and correct azimuth to 329°15'.

6264–C1–P–70, Thayer, Mo., Site No. 80: Correct coordinates to 36°32'52" latitude and 91°25'05" longitude; delete frequency 6093.5V toward Imboden, Ark., and correct azimuth to 155°19'; delete frequency 6093.5H toward West Plains, Mo., and correct azimuth to 294°36'.

6265–C1–P–70, Imboden, Ark., Site No. 81: Delete frequency 6345.5V toward Jonesboro, Ark.; delete frequency 6345.5H toward Thayer, Mo., and correct azimuth to 335°28'.

6266–C1–P–70, Jonesboro, Ark., Site No. 82: Delete frequencies 5974.8V toward Lepanto and correct frequency designation toward Lepanto, Ark., to 5974.8H; delete frequency 6093.5H toward Imboden, Ark.

6267–C1–P–70, Lepanto, Ark., Site No. 83: Delete frequency 6375.2H toward Memphis, Tenn.; delete frequency 6345.5H toward Jonesboro, Ark.

NEBRASKA CONSOLIDATED COMMUNICATIONS CORP.—continued

6268–C1–P–70, Memphis, Tenn., Site No. 84: Delete frequencies 6019.3H and 6137.9H toward Cockrum, Miss., and correct frequency designation toward Cockrum to 5974.8V; delete frequency 6123.1V toward Lepanto, Ark., and correct azimuth to 340°46'.

6269–C1–P–70, Cockrum, Miss., Site No. 85: Delete frequency 6345.5H toward Waterford, Miss.; delete frequency 6390.0V toward Memphis, Tenn., and correct azimuth to 331°36'.

6270–C1–P–70, Waterford, Miss., Site No. 86: Delete frequency 6123.1H toward Keel, Miss.; delete frequency 6152.8H toward Cockrum, Miss.

6271–C1–P–70, Keel, Miss., Site No. 87–A: Delete frequency 6345.5V toward Wallfield, Miss.; delete frequencies 6226.9H and 6345.5H toward Waterford, Miss., and correct azimuth to 336°01' and correct frequency designation toward Waterford to 6197.2H.

1091–C1–P–71, Wallfield, Miss., Site No. 87–B: Delete frequency 6093.5V toward Tupelo, Miss.; delete frequency 6093.5H toward Keel, Miss., and correct azimuth to 320°57'.

6272–C1–P–70, Tupelo, Miss., Site No. 88: Add new frequency 11,565H toward Tilden, Miss., and add azimuth 106°06'; delete frequencies 6226.9H and 6345.5H toward Wallfield, Miss., and correct azimuth to 240°36' and correct frequency designation toward Wallfield to 6241.7V.

6274–C1–P–70, Sulligent, Ala., Site No. 90: Delete frequency 6345.5H toward Winfield, Ala.; add new frequency 6256.5H toward Tilden, Miss., and add new azimuth 323°52'.

6275–C1–P–70, Winfield, Ala., Site No. 91: Delete frequencies 5974.8V and 6093.5V toward Oakman, Ala., and correct azimuth to 128°44' and correct frequency designation toward Oakman to 5974.8H; delete frequency 6093.5H toward Sulligent, Ala.

6276–C1–P–70, Oakman, Ala., Site No. 92–A: Delete frequency 6345.5V toward Hopkins, Ala., and correct azimuth to 130°38'; delete frequency 6345.5H toward Winfield, Ala.

1092–C1–P–71, Hopkins, Ala., Site No. 92–B: Delete frequency 6093.5V toward Birmingham, Ala., and correct azimuth to 68°47'; delete frequency 6093.5H toward Oakman, Ala., and correct azimuth to 310°47'.

6277–C1–P–70, Birmingham, Ala., Site No. 93: Delete frequencies 6301.0V and 6419.6V toward Bald Rock Mountain, Ala., and correct frequency designation toward Bald Rock Mountain to 10,975H; delete frequency 6345.5H toward Hopkins, Ala., and correct azimuth to 249°01'.

6278–C1–P–70, Bald Rock Mountain, Ala., Site No. 94: Delete frequency 6123.1H toward Cheaha, Ala.; delete frequencies 5945.2V and 6123.1V toward Birmingham, Ala., and correct frequency designation toward Birmingham to 11,385H.

6279–C1–P–70, Cheaha, Ala., Site No. 95: Delete frequency 6404.8V toward Oak Grove, Ala.; delete frequency 6404.8H toward Bald Rock Mountain, Ala., and correct azimuth to 282°57'.

6280–C1–P–70, Oak Grove, Ala., Site No. 96: Delete frequency 6152.8V toward Bremen, Ga.; delete frequency 6093.5H toward Cheaha, Ala.

6281–C1–P–70, Bremen, Ga., Site No. 97: Delete frequencies 6286.2V and 6404.8V toward Yorkville and correct frequency designation toward Yorkville, Ga., to 6286.2H; delete frequency 6404.8H toward Oak Grove, Miss.

6282–C1–P–70, Yorkville, Ga., Site No. 98: Delete frequencies 6049.0V and 6167.6V toward Douglasville, Ga., and correct frequency designation toward Douglasville to 6034.2V; delete frequency 6152.8H toward Bremen, Ga.

6283–C1–P–70, Douglasville, Ga., Site No. 99: Delete frequency 6404.8V toward Atlanta, Ga.; delete frequency 6345.5H toward Yorkville, Ga.

6284–C1–P–70, Atlanta, Ga., Site No. 100: Delete frequencies 5945.2V and 10,715H toward Douglasville, Ga., and correct azimuth to 270°12' and correct frequency designation toward Douglasville to 5945.2H.

6285–C1–P–70, Joplin, Mo., Site No. 101: Delete frequency 6093.5H toward Lamar, Mo., and correct azimuth to 29°31'; delete frequencies 5974.8V and 6093.5V toward Miami, Okla., and correct azimuth to 240°57' and correct frequency designation toward Miami, Okla., to 5989.7V.

6286–C1–P–70, Miami, Okla., Site No. 102: Correct coordinates to 36°52'49" latitude and 94°59'27" longitude, delete frequencies 6226.9V and 6345.5V toward Vinita, Okla., and correct azimuth to 216°41' and correct frequency designation toward Vinita to 6226.9H; delete frequency 6345.5H toward Joplin, Mo., and correct azimuth to 60°41'.

6287–C1–P–70, Vinita, Okla., Site No. 103: Correct coordinates to 36°33'54" latitude and 95°16'54" longitude; delete frequencies 5974.8V and 6093.5V toward Claremore, Okla., and correct azimuth to 220°16' and correct frequency designation toward Claremore to 5974.8H; delete frequency 6093.5H toward Miami, Okla., and correct azimuth to 36°31'.

6288–C1–P–70, Claremore, Okla., Site No. 104: Correct coordinates to 36°17'18" latitude and 95°34'15" longitude; delete frequencies 6226.9V and 6345.5V toward Sand Springs, Mo., and correct azimuth to 257°00' and correct frequency designation toward Sand Springs to 6226.9H; delete frequency 6345.5H toward Vinita and correct azimuth to 40°06'.

6289–C1–P–70, Sand Springs, Mo., Site No. 105: Correct coordinates to 36°11'17" latitude and 96°05'38" longitude; delete frequency 6093.5V toward Bristow, Okla., and correct azimuth to 214°44' and delete frequency 6093.5H toward Claremore, Okla., and correct azimuth to 76°32'.

6290–C1–P–70, Bristow, Okla., Site No. 106: Correct coordinates to 96°22'06" longitude; delete frequency 6345.5V toward Cushing, Okla., and correct azimuth to 285°58'; delete frequency 6360.3H toward Sand Springs, Mo., and correct azimuth to 34°35'.

6291–C1–P–70, Cushing, Okla., Site No. 107: Delete frequencies 5982.3V and 6093.5V toward Luther, Okla., and correct azimuth to 222°12' and correct frequency designation toward Luther to 5974.8H; delete frequency 6152.8H toward Bristow, Okla., and correct azimuth to 106°43'.

6292–C1–P–70, Luther, Okla., Site No. 108: Correct coordinates to 35°39'13" latitude and 97°08'57" longitude; delete frequency 6226.9V and 6345.5V toward Oklahoma City, Okla., and correct azimuth to 239°01' and correct frequency designation toward Oklahoma City to 6226.9H; delete frequency 6345.5H toward Cushing, Okla., and correct azimuth to 42°00'.

6293–C1–P–70, Oklahoma City, Okla., Site No. 109: Correct coordinates to 35°30'58" latitude and 97°25'43" longitude; delete frequency 6093.5H toward Blanchard, Okla., and correct azimuth to 202°15' and delete frequency 6093.5H toward Luther, Okla., and correct azimuth to 58°51'.

6294–C1–P–70, Blanchard, Okla., Site No. 110: Delete frequencies 6241.7V and 6360.3V toward Pauls Valley, Okla., and correct azimuth to 131°51' and correct frequency designation toward Pauls Valley to 6226.9H; delete frequencies 6226.9H and 6345.5H toward Oklahoma City, Okla., and correct azimuth to 22°08' and correct frequency designation toward Oklahoma City to 6226.9V.

6295–C1–P–70, Pauls Valley, Okla., Site No. 111: Delete frequency 6093.5H toward Sulphur, Okla., and correct azimuth to 137°32'; delete frequency 6093.5H toward Blanchard, Okla., and correct azimuth to 312°06'.

6296–C1–P–70, Sulphur, Okla., Site No. 112: Correct coordinates to 34°31'16" latitude and 96°55'21" longitude; delete frequency 6345.5V toward Ardmore, Okla., and correct azimuth to 215°21'; delete frequency 6345.5H toward Pauls Valley, Okla., and correct azimuth to 317°42'.

6297–C1–P–70, Ardmore, Okla., Site No. 113: Correct coordinates to 34°10'46" latitude and 97°12'50" longitude; delete frequencies 5974.8V and 6093.5H toward Gainesville, Tex., and correct azimuth to 179°53' and correct frequency designation toward Gainesville to 5974.8H; delete frequency 6093.5H toward Sulphur, Okla., and correct azimuth to 35°12'.

6298–C1–P–70, Gainesville, Tex., Site No. 114: Correct coordinates to 33°34'24" latitude and 97°12'46" longitude; delete frequencies 6241.7V and 6360.3V toward Aubrey, Tex., and correct azimuth to 154°45' and correct frequency designation toward Aubrey to 6226.9H; delete frequency 6345.5H toward Ardmore, Okla., and correct azimuth to 359°53'.

6299–C1–P–70, Aubrey, Tex., Site No. 115: Correct coordinates to 33°19'28" latitude and 96°59'20" longitude; delete frequencies 5989.7V and 6108.3V toward Dallas, Tex., and correct azimuth to 160°53' and correct frequency designation toward Dallas to 5974.8H; delete frequency 6108.3H toward Gainesville, Tex., and correct azimuth to 334°53'.

6300–C1–P–70, Dallas, Tex., Site No. 116: Delete frequencies 6219.5V and 6338.1V toward Alvarado, Tex., and correct azimuth to 215°49' and correct frequency designation toward Alvarado to 6219.5H; delete frequencies 6219.5H and 6360.3H toward Aubrey, Tex., and correct azimuth to 340°00' and correct frequency designation toward Aubrey to 6226.9V.

6301–C1–P–70, Alvarado, Tex., Site No. 117: Correct coordinates to 32°25'07" latitude and 97°10'49" longitude; delete frequency 6093.5V toward Hillsboro, Tex., and correct azimuth to 168°40' delete frequency 6093.5H toward Dallas, Tex., and correct azimuth to 35°37'.

6302–C1–P–70, Hillsboro, Tex., Site No. 118: Correct coordinates to 31°59'05" latitude and 97°04'42" longitude; and delete frequency 6345.5V toward Waco, Tex., and correct azimuth to 192°47'; delete frequency 6345.5H toward Alvarado, Tex., and correct azimuth to 12°44'.

6303–C1–P–70, Waco, Tex., Site No. 119: Delete frequencies 5974.8V and 6093.5V toward Temple, Tex., and correct azimuth to 193°14' and correct frequency designation toward Temple to 5974.8H; delete frequency 6093.5H toward Hillsboro, Tex., and correct azimuth to 13°11'.

6304–C1–P–70, Temple, Tex., Site No. 120: Correct coordinates to 31°08'08" latitude and 97°18'24" longitude; delete frequencies 6226.9V and 6345.5V toward Theon, Tex., and correct azimuth to 216°32' and correct frequency designation toward Theon to 6226.9H; delete frequency 6345.5H toward Waco, Tex., and correct azimuth to 36°22'.

6305–C1–P–70, Theon, Tex., Site No. 121: Correct coordinates to 30°45'24" latitude and 97°37'53" longitude; delete frequencies 5974.8V and 6093.5V toward Austin, Tex., and correct azimuth to 198°35' and correct frequency designation toward Austin to 5974.8H; delete frequencies 5974.8H and 6093.5H toward Temple, Tex., and correct azimuth to 18°30' and correct frequency designation toward Temple to 6004.5H.

6306–C1–P–70, Austin, Tex., Site No. 122: Delete frequency 6345.5V toward Bastrop, Tex., and correct azimuth to 111°35'; delete frequency 6345.5H toward Theon, Tex., and correct azimuth to 17°55'; delete frequency 6345.5H toward San Marcos, Tex., and correct azimuth to 203°13'.

6307–C1–P–70, Bastrop, Tex., Site No. 123: Correct coordinates to 97°18'09" longitude; delete frequencies 5974.8V and 6093.5V toward La Grange, Tex., and correct azimuth to 123°28' and correct frequency designation toward La Grange to 5974.8H; delete frequency 6093.5H toward Austin, Tex., and correct azimuth to 291°51'.

6308–C1–P–70, La Grange, Tex., Site No. 124: Correct coordinates to 29°52'45" latitude and 96°52'37" longitude; delete frequencies 6226.9V and 6345.5V toward Cat Springs, Tex., and correct azimuth to 94°41' and correct frequency designation toward Cat Springs to 6226.9H; delete frequency 6345.5H toward Bastrop, Tex., and correct azimuth to 274°58'.

6309–C1–P–70, Cat Springs, Tex., Site No. 125: Correct coordinates to 29°50'19" latitude and 96°19'34" longitude; delete frequency 6093.5V toward Katy, Tex., and correct azimuth to 91°54'; delete frequency 6093.5H toward LaGrange, Tex., and correct azimuth to 272°09'.

6310–C1–P–70, Katy, Tex., Site No. 126. Correct coordinates to 29°49'23" latitude and 95°49'18" longitude; delete frequency 6345.5V toward Houston, Tex., and correct azimuth to 99°05' delete frequency 6345.5H toward Cat Springs, Tex., and correct azimuth to 280°47'.

6311–C1–P–70, Houston, Tex., Site No. 127: Correct coordinates to 29°45'32" latitude and 95°22'03" longitude; delete frequency 6093.5H toward Katy, Tex., and correct azimuth to 279°19'.

6312–C1–P–70, San Marcos, Tex., Site No. 128: Correction coordinates to 29°54'24" latitude and 98°00'07" longitude; delete frequency 6093.5H toward New Braunfels, Tex., and correct azimuth to 226°28'; delete frequency 6093.5V toward Austin, Tex., and correct azimuth to 23°07'.

6313–C1–P–70, New Braunfelds, Tex., Site No. 129: Correct coordinates to 29°42'56" latitude and 98°13'56" longitude; delete frequency 6345.5H toward San Antonio, Tex., and correct azimuth to 217°10' and delete frequencies 6226.9V and 6345.5V toward San Marcos and correct azimuth to 47°21' and correct frequency designation toward San Marco to 6226.9H.

6314–C1–P–70, San Antonio, Tex., Site No. 130: Delete frequencies 5974.8V and 6093.5V toward New Braunfels, Tex., and correct azimuth to 37°02' and correct frequency designation toward New Braunfels to 5974.8H.

(All other particulars are the same as reported in Public Notices Report No. 488 dated dated Apr. 20, 1970, and Report No. 507 dated Aug. 31, 1970.)

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

878-C1-AP/AL-(12)-72—Minnesota Microwave, Inc. Consent to assignment of license from Minnesota Microwave, Inc. Assignor, to American Television & Communications Corp. Assignee. Stations:

KAY61, Willmar, Minn.
KYC43, Brainard, Minn.
KYC44, Ben Draper, Minn.
KYC45, Beauty Lake, Minn.
KCM71, East Rockford, Minn.
KCM72, Cold Springs, Minn.
KCM73, Little Falls, Minn.
KCM74, Benson, Minn.
KCM75, Montevideo, Minn.
KZS97, Morris, Minn.
KOC70, Elbow Lake, Minn.
WBO98, Toronto, S. Dak.

879-C1-AL-(2)-72—Southeastern Television & Communications Corp. Consent to assignment of license from Southeastern Microwave Co. Assignor, to American Television & Communications Corp. Assignee. Stations: (KJE52) Fort Pierce, Fla.; (KJE51) Stuart, Fla.

The following applicants propose to establish omnidirectional facilities for the provision of common carrier "Subscriber-Programmed" television service.

896-C1-P-72—Microband Corp. of America (New), C.P. for a new station to be located at Union Bank Building, B Street and Fifth Avenue, San Diego, CA. Frequencies 2152.325 MHz (visual) 2150.20 MHz (aural) toward various receiving points of system and frequencies 2158.50 and 2154.00 MHz toward various receiving points of system.

1042-C1-P-72—Microvideo, Inc. (KLJ73), C.P. to delete existing two frequencies and add frequencies 5974.8, 6034.2, 6093.5, and 6152.8 MHz on azimuth 12°00'. Location: 2 miles southeast of Coldspring, Tex., at latitude 30°34'25" N., longitude 95°06'18" W.

1043-C1-P-72—Microvideo, Inc. (KLJ74), C.P. to delete existing two frequencies and add frequencies 6375.2, 6315.9, 6256.5, and 6197.2 MHz on azimuth 40°00'. Location: 3 miles west-northwest of Carmona, Tex., at latitude 31°00'33" N., longitude 95°00'00" W.

(INFORMATIVE: Applicant proposes to provide the television signals of KHTV and KUHT of Houston, Tex., to Community Cablevision of Odessa in Lufkin, Tex.)

Major Amendment

3654-C1-P-67—American Television Relay, Inc. (KKT84), Application amended (a) to change frequency from 6108.3 to 6049.0 MHz toward Santa Fe, N. Mex., on azimuth 41°38'; and (b) to change location of receiving station at Santa Fe to latitude 35°40'09" N., longitude 105°57'03" W. Station location: Sandia Crest, 8.1 miles southeast of Bernalillo, N. Mex.

3649-C1-P-69—American Television Relay, Inc. (KKT84), Application amended (a) to change frequency from 6108.3 to 6049.0 MHz toward Albuquerque, N. Mex., on azimuth 215°50'; and (b) to change location of receiving station at Albuquerque to latitude 35°-04'40" N., longitude 106°34'04" W. Station location: Sandia Crest, 8.1 miles southeast of Bernalillo, N. Mex.

Major Amendment

700-C1-P-71—American Microwave & Communications, Inc. (New), Application amended (a) to change station location to 645 Griswald Street, Detroit, MI (latitude 42°19'49" N., longitude 83°02'51" W.); (b) to delete Clarkston, Mich., as point of communication; and (c) to add new point of communication at Holly, Mich., on new frequency 6404.8 MHz and azimuth of 321°45'.

701-C1-P-71—American Microwave & Communications, Inc. (New), Application amended (a) to change station location to Holly, Mich. (latitude 42°47'03" N., longitude 83°31'58" W.); and (b) to change azimuth toward Flint, Mich., to 331°15'.

See Public Notices dated August 10, 1970; October 16, 1970; and March 15, 1971.

[FR Doc.71-13005 Filed 9-7-71;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-7650]

CAMBRIDGE ELECTRIC LIGHT CO.

Notice of Proposed Changes in Rates and Charges

SEPTEMBER 1, 1971.

Take notice that on August 18, 1971, Cambridge Electric Light Co. (Cambridge) filed a change in rate schedule pursuant to § 35.13 of the Commission's regulations under the Federal Power Act. The proposed change would increase billings to the town of Belmont on FPC Electric Rate Schedule No. 2 by $48,038 a 4.3-percent increase in rates, based on the 12 months' period preceding October 1, 1971. The only change proposed in the rate is an increase in the demand charge from $1.50 per Kv.-a. to $1.75 per Kv.-a. All other rate characteristics would remain unchanged.

Cambridge states that this rate increase will yield a rate of return of 3.64 percent on its net plant, and requests that the 60-day requirement of § 35.13 (b) (4) (i) be waived as the requested October 1, 1971, effective date has been agreed to by the town of Belmont.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 15, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

The application is on file with the Commission and available for public inspection.

Any order or orders issued in these proceedings will be subject to the Commission's Statement of Policy Implementing the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38) and Executive Order 11615, including such amendments as the Commission may require.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-13179 Filed 9-7-71;8:48 am]

[Docket No. CS72-115, etc.]

GROVER C. ELLISOR ET AL.

Notice of Applications for "Small Producer" Certificates [1]

AUGUST 31, 1971.

Take notice that each of the applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before September 27, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No.	Date filed	Name of applicant
CS72-115	8-16-71	Grover C. Ellisor, 8609 Northwest Plaza Dr., Suite 307, Dallas, TX 75225.
CS72-130	8-16-71	Donald E. Trott, 8609 Northwest Plaza Dr., Suite 307, Dallas, TX 75225.
CS72-131	8-16-71	Lab Oil Co. (Operator) et al., Post Office Box 1391, Corpus Christi, TX 78403.
CS72-132	8-16-71	Fred Bowman, Post Office Box 1391, Corpus Christi, TX 78403.
CS72-133	8-16-71	K. C. Hawkinson et al., 3233 Westover Rd., Topeka, KS 66604.
CS72-134	8-16-71	Margaret Ammermann, Executrix of the Estate of Walter T. Ammermann, 2306 21st St., Astoria, NY 11105.
CS72-135	8-16-71	Jack Corman, 2230 Republic Bank Tower, Dallas, Tex. 75201.
CS72-136	8-16-71	W. Russell Birdwell, Post Office Box 1837, McAllen, TX 78501.
CS72-137	8-16-71	J. Blair Cherry, Jr., Trustee, J. Blair Cherry, Jr., 1208 13th St., Lubbock, TX 79401.
CS72-138	8-18-71	Boydston & Franzen Well Service, R.F.D. No. 1, Cody, WY 82414.
CS72-139	8-18-71	A. N. Norwood, Inc., Post Office Box 1687, Midland, TX 79701.
CS72-140	8-18-71	Arvin Norwood Drilling Co., Post Office Box 1687, Midland, TX 79701.
CS72-141	8-18-71	Frederick J. Sigur, c/o Hugh A. Hawthorne, Box 52429 OCS, Lafayette, LA 70501.
CS72-142	8-18-71	Robert F. Morrow, c/o Hugh A. Hawthorne, Box 52429 OCS, Lafayette, LA 70501.
CS72-143	8-18-71	Arcade Enterprises, Inc., c/o Hugh A. Hawthorne, Box 52429 OCS, Lafayette, LA 70501.
CS72-144	8-18-71	William B. Burkenroad, Jr., c/o Hugh A. Hawthorne, Box 52429 OCS, Lafayette, LA 70501.
CS72-145	8-17-71	Seymour G. Hootkins, 3420 Republic National Bank Bldg., Dallas, Tex. 75201.
CS72-146	8-18-71	Independent Gas & Oil Producers, Inc., 2820 North Atlantic Blvd., Fort Lauderdale, FL 33308.

[FR Doc.71-13180 Filed 9-7-71;8:48 am]

[Docket No. E-7172]

SOUTHWESTERN POWER ADMINISTRATION

Order Temporarily Extending Confirmation and Approval of Rates and Charges

AUGUST 31, 1971.

The Secretary of the Interior (Secretary), acting on behalf of Southwestern Power Administration (SWPA) and pursuant to section 5 of the Flood Control Act of 1944 (Act), 58 Stat. 887, 890, filed a request in the above-entitled proceeding on March 15, 1971, for confirmation and approval of proposed System Rate Schedules F-1, P-2 (Revised), IC, EE, and ES and proposed increases in the contractual rates and charges contained in (1) SWPA's contract with Oklahoma Gas and Electric Co. and Public Service Company of Oklahoma (Oklahoma companies), designated as Contract Ispa-356, and (2) SWPA's contract with Southwestern Electric Power Co. (SWEPCO), designated as Contract 14-02-001-782, all applicable to the sale by SWPA of electric power and energy generated at those federally owned and operated hydroelectric projects which are included in SWPA's interconnected system. Approval of the proposed rate schedules and proposed increases in the contractual rates and charges is requested for a 3-year period commencing June 1, 1971, and ending May 31, 1974.

By order issued May 28, 1970, in Docket No. E-7172, 43 FPC 804, we approved all the rate schedules and contractual rates and charges of SWPA described above except Rate Schedule ES, which was approved by Commission letter to Assistant Secretary of the Interior James R. Smith, dated December 4, 1970, Docket No. E-7579, all for the period terminating not later than May 31, 1971, which period of approval was extended to and including August 31, 1971, by Commission orders issued May 10 and July 30, 1971, Docket No. E-7172.

Written notice of the Secretary's request was given to affected customers of SWPA, State officials and other interested persons. Notice of the request was also published in the FEDERAL REGISTER on April 24, 1971 (36 F.R. 7766). The time for submitting comments or suggestions was extended to June 1, 1971, by the Commission's order issued May 10, 1971, referred to above.

Comments objecting to the proposed increase in contractual rates and charges have been submitted by SWEPCO and the Oklahoma companies. Responses to these comments have been filed by the Secretary of the Interior.

In its order of May 28, 1970, the Commission took note of SWPA's financial difficulties, indicating that in a large measure they were the result of contractual agreements. The Commission noted the need to modify present contract conditions or make substitute arrangements and cited the deficits resulting from the marketing arrangements SWPA had made with Southwestern Electric Power Co. and the two Oklahoma companies.

Rate increases for electric service are generally prohibited until about November 15, 1971, by our Statement of Policy Implementing the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38) and Executive Order No. 11615, and by regulations promulgated thereunder by the Cost of Living Council, the agency of the United States established by the President to carry out the purposes of his order. Accordingly, we will continue our prior approval of SWPA's rate schedules and its contractual rates and charges for a period to and including November 30, 1971. In taking this action we of course do so without prejudice to the Secretary's request or to the objections thereto submitted by SWPA's customers.

The Commission further finds: The extension of approval of current rates and charges, as hereinafter provided, will not be incompatible with the public interest.

The Commission orders:

(A) The confirmation and approval of SWPA's Rate Schedules F-1, P-2 (Revised), IC, EE, and ES and the contractual rates and charges contained in (1) SWPA's contract with Oklahoma Gas and Electric Co. and Public Service Company of Oklahoma (Contract No. Ispa-356), and (2) SWPA's contract with Southwestern Electric Power Co. (Contract No. 14-02-001-782), as set forth in the Commission's order issued May 28, 1970, Docket No. E-7172 and the Commission's letter to the Assistant Secretary of the Interior, dated December 4, 1970, Docket No. E-7579, referred to above, are hereby temporarily extended to and including November 30, 1971, or to such earlier date as the Commission may act.

(B) This order is subject to our Statement of Policy Implementing the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38) and Executive Order No. 11615, including such amendments as the Commission may require.

By the Commission.[1]

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.71-13181 Filed 9-7-71;8:48 am]

FEDERAL RESERVE SYSTEM

CNB BANCORPORATION

Order Approving Action To Become Bank Holding Company

In the matter of the application of CNB Bancorporation, Wilmington, Del., for approval of action to become a bank holding company through the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Central National Bank of Cleveland, Cleveland, and at least 97 percent of the voting shares of The American Bank of Commerce, Akron, both in Ohio.

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 CNB Bancorporation, Wilmington, Del. (Applicant), for the Board's prior approval of action whereby Applicant would become a bank holding company through the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Central National Bank of Cleveland, Cleveland (Central Bank), and at least 97 percent of the voting shares of The American Bank of Commerce, Akron (American Bank), both in Ohio.

As required by section 3(b) of the Act, the Board gave written notice of receipt

[1] Commissioner O'Connor not participating.

of the application to the Comptroller of the Currency and the Ohio Superintendent of Banks, and requested their views and recommendations. Neither the Comptroller nor the Superintendent offered any objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on July 3, 1971 (36 F.R. 12712), 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 banks concerned, and the convenience and needs of the communities to be served, and finds that:

Applicant is a newly organized corporation. Consummation of the proposal herein would result in Applicant controlling $1.146 billion in deposits, representing 5.4 percent of total commercial bank deposits in the State, and Applicant would become the fourth largest banking organization and the second largest multibank holding company in Ohio. (All banking data are as of December 31, 1970, adjusted to reflect holding company formations and acquisitions approved by the Board through July 31, 1971.)

Central Bank ($1 billion deposits), the fifth largest banking organization in Ohio, has 49 banking offices and operates throughout Cuyahoga County. Central Bank controls 15.1 percent of the commercial bank deposits in the Cleveland banking market, which is approximated by Cuyahoga, Geauga, Lake, and Lorain Counties, and, on the basis of deposits, is the third largest of the 27 banks in that market.

American Bank ($146 million), formerly the Evans Savings Association, has 17 banking offices located primarily in the southern portion of Summit County. American Bank controls 10.6 percent of the commercial bank deposits in the Akron banking market, which is approximated by Summit and Portage Counties and Wadsworth, Ohio, and, on the basis of deposits, is fourth largest of the 14 banking organizations in that market.

Central Bank and American Bank do not compete with each other to any significant extent, and the development of such competition in the future appears unlikely. The nearest offices of the two banks are 10 miles apart, and Ohio law prohibits either bank from branching into the county in which the other is located. Furthermore, in light of its earlier history as a savings institution, American Bank has not been an aggressive competitor to other commercial banks, limiting itself primarily to savings-mortgage loan activity. Central, on the other hand, operates as a full service banking organization, actively seeking the larger commercial accounts available in the area. It appears that the affiliation of the two banks in a holding company would not have any adverse effects on other banks in the Cleveland or Akron markets, and may promote competition in the Akron area by enabling the American Bank to become a more effective competitor. On the basis of the record before it, the Board concludes that consummation of the proposal would not have a significant adverse effect on competition in any relevant area.

The financial condition of each bank appears satisfactory. Central Bank has competent management and its prospects are favorable. American Bank's management and prospects are considered satisfactory, but as a subsidiary of the holding company, American Bank would be able to draw on the commercial bank expertise of Applicant and thus enhance its prospects in the Akron market. It appears that Applicant will begin operations in satisfactory condition and with competent management; its prospects, which are largely dependent upon those of its two proposed subsidiaries, also appear favorable. The convenience and needs of the areas served by Central Bank and American Bank are presently being met by existing banking institutions. Applicant proposes to introduce several new services at American Bank which should benefit the residents of the Akron area by providing an additional source of full service banking. It is the Board's judgment that the proposed transaction is 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, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,[1] August 31, 1971.

[SEAL] TYNAN SMITH, *Secretary.*

[FR Doc.71-13124 Filed 9-7-71;8:46 am]

CENTRAL BANCORPORATION, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of The Central Bancorporation, Inc., Cincinnati, Ohio, for approval of acquisition of 100 percent of the voting shares (less directors' qualifying shares) of The Home Banking Co., St. Marys, Ohio.

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 The Central Bancorporation, Inc. (Applicant), Cincinnati, Ohio, a registered bank holding company, for the Board's prior approval of the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of The Home Banking Co. (Bank), St. Marys, Ohio.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Ohio Superintendent of Banks, and requested his views and recommendation. The Superintendent offered no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on July 17, 1971 (36 F.R. 13300), 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 banks concerned, and the convenience and needs of the communities to be served, and finds that:

Applicant, the 11th largest banking organization and the fifth largest multibank holding company in the State, controls three banks which hold combined deposits of approximately $569.8 million, representing 2.6 percent of the total commercial bank deposits in the State. (All banking data are as of December 31, 1970, and reflect holding company formations and acquisitions approved through July 31, 1971.) Upon acquisition of The Home Banking Co. ($22.5 million deposits), Applicant would increase its share of deposits in the State by only 0.1 percentage point, representing no significant increase in Applicant's control of deposits in the State, or change in its present ranking.

Bank operates its main office in St. Marys and one branch office 2 miles west of the main office. Bank is the second largest of the six banks in Auglaize County (Bank's relevant market), holding 26.5 percent of county deposits. The largest area bank holds more than 30 percent of such deposits, and is a subsidiary of the fourth largest bank holding company in the State. Consummation of Applicant's proposed acquisition would enable Bank to compete more effectively with the larger bank holding company subsidiary in the area, and it does not appear that there would be any detrimental effect on other competing banks, the three smallest of which serve one-bank towns six or more miles from St. Marys.

Applicant's subsidiary office closest to Bank is located 110 miles south of St. Marys. There is no meaningful existing competition between Bank and this office,

[1] Voting for this action: Vice Chairman Robertson and Governors Daane, Maisel, and Brimmer. Absent and not voting: Chairman Burns and Governors Mitchell and Sherrill.

or any of Applicant's other offices. It also appears unlikely that consummation of that proposal would preclude potential competition because of Ohio's restrictive branching laws, the wide separation between Applicant's offices and Bank, and the presence of many other banking offices in the intervening area. Based on the foregoing, and the record before it, the Board concludes that consummation of the proposed acquisition would not have an adverse effect on competition in any relevant market.

The banking factors, as they relate to Applicant, its subsidiaries, and Bank are satisfactory and consistent with approval of the application. Considerations relating to the convenience and needs of the area lend some weight toward approval. Although the more important banking needs of the area are being served at the present time, Applicant plans to assist Bank in making more complex industrial and construction loans through participations, provide trust and investment service through its lead bank, and enable Bank to offer education loans and single statement banking. Applicant's proposed improvement in Bank's various services would benefit the convenience of the community and better serve its needs. It is the Board's judgment that consummation of 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 Cleveland pursuant to delegated authority.

By order of the Board of Governors,[1] August 31, 1971.

[SEAL] TYNAN SMITH, *Secretary.*

[FR Doc.71-13134 Filed 9-7-71;8:50 am]

FBT CORP.

Order Approving Action To Become Bank Holding Company

In the matter of the application of FBT Corp., South Bend, Ind., for approval of action to become a bank holding company through the acquisition of 100 percent (less directors' qualifying shares) of the voting shares of First Bank and Trust Company of South Bend, South Bend, Ind.[2]

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 FBT Corp., South Bend, Ind., for the Board's prior approval of action whereby applicant would become a bank holding company through the acquisition of 100 percent (less directors' qualifying shares) of the voting shares of First Bank and Trust Company of South Bend, South Bend, Ind.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Indiana Director of Financial Institutions and requested his views and recommendation. The Director recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on June 23, 1971 (36 F.R. 11960), 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.

It is hereby ordered, For the reasons set forth in the Board's Statement of this date, that said application be and hereby is approved, provided that the action 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 31, 1971.

[SEAL] TYNAN SMITH, *Secretary.*

[FR Doc.71-13126 Filed 9-7-71;8:46 am]

FIRST NATIONAL CHARTER CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by First National Charter Corp., which is a bank holding company located in Kansas City, Mo., for prior approval by the Board of Governors of the acquisition by applicant of 80 percent or more of the voting shares of North Side Bank, Jennings, Mo.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Kansas City.

Board of Governors of the Federal Reserve System, September 1, 1971.

[SEAL] TYNAN SMITH, *Secretary.*

[FR Doc.71-13189 Filed 9-7-71;8:52 am]

FIRST VIRGINIA BANKSHARES CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by First Virginia Bankshares Corp., which is a bank holding company located in Arlington, Va., for prior approval by the Board of Governors of the acquisition by applicant of 100 percent of the voting shares (less directors' qualifying shares) of Westmoreland County Bank, Colonial Beach, Va.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks

[1] Voting for this action: Vice Chairman Robertson and Governors Daane, Maisel, and Brimmer. Absent and not voting: Chairman Burns and Governors Mitchell and Sherrill.

[2] Filed as part of the original document.

[1] Voting for this action: Vice Chairman Robertson and Governors Daane, Maisal, and Brimmer. Absent and not voting: Chairman Burns and Governors Mitchell and Sherrill.

concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Richmond.

Board of Governors of the Federal Reserve System, September 1, 1971.

[SEAL] TYNAN SMITH, *Secretary.*

[FR Doc.71-13187 Filed 9-7-71;8:52 am]

FIRST VIRGINIA BANKSHARES CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by First Virginia Bankshares Corp., which is bank holding company located in Arlington, Va., for prior approval by the Board of Governors of the acquisition by applicant of 100 percent of the voting shares (less directors' qualifying shares) of First Commercial Bank, Orange, Va.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Richmond.

Board of Governors of the Federal Reserve System, September 1, 1971.

[SEAL] TYNAN SMITH, *Secretary.*

[FR Doc.71-13188 Filed 9-7-71;8:52 am]

NORTHWEST OHIO BANCSHARES, INC.

Amended Order Approving Action To Become Banking Holding Company

In the matter of the application of Northwest Ohio Bancshares, Inc., Toledo, Ohio, for approval of action to become a bank holding company through the acquisition of 80 percent or more of the voting shares of The Toledo Trust Co., Toledo, Ohio, and The First National Bank of Findlay, Findlay, Ohio.

There has come before the Board of Governors a request by Northwest Ohio Bancshares, Inc., Toledo, Ohio, that the Board's order of September 29, 1970, published in the FEDERAL REGISTER of October 6, 1970 (35 F.R. 15660), approving the application of Northwest Ohio Bancshares, Inc., to become a bank holding company through the acquisition of 80 percent or more of the voting shares of The Toledo Trust Co., Toledo, Ohio, and the First National Bank of Findlay, Findlay, Ohio, be amended to exclude any reference to the latter bank.

The Board's order of September 29, 1970, was contingent upon Applicant's acquisition of 80 percent or more of the voting shares of each bank. Applicant has acquired more than 80 percent of the voting shares of The Toledo Trust Co. but was offered less than 80 percent of the voting shares of The First National Bank of Findlay, and, under the plan of reorganization between applicant and the banks, the tender offer has been declared ineffective as to shareholders of the latter bank. Applicant now seeks to retain the shares of The Toledo Trust Co. that were tendered to it.

It is the Board's judgment after reconsideration of the factors set forth in section 3(c) of the Act, that applicant's request raises no significant public interest issues and that it should be approved.

It is hereby ordered, That applicant's request for amendment of the Board's September 29, 1970 order to exclude any reference to The First National Bank of Findlay be, and hereby is, granted; and, accordingly, that applicant may retain the shares of The Toledo Trust Co. acquired in accordance with that order.

By order of the Board of Governors,[1] August 31, 1971.

TYNAN SMITH, *Secretary.*

[FR Doc.71-13125 Filed 9-7-71;8:46 am]

[1] Voting for this action: Vice Chairman Robertson and Governors Daane, Maisel, and Brimmer. Absent and not voting: Chairman Burns and Governors Mitchell and Sherrill.

PALMER BANK CORP.

Order Approving Action To Become Bank Holding Company

In the matter of the application of Palmer Bank Corp., Sarasota, Fla., for approval of action to become a bank holding company through the acquisition of 80 percent or more of the voting shares of Palmer First National Bank and Trust Co. of Sarasota, St. Armands Palmer Bank, and Siesta Key Palmer Bank, all in Sarasota, Fla.

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 of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Palmer Bank Corp., Sarasota, Fla., for the Board's prior approval of action whereby applicant would become a bank holding company through the acquisition of 80 percent or more of the voting shares of Palmer First National Bank and Trust Co. of Sarasota (Palmer First), St. Armands Palmer Bank (St. Armands), and Siesta Key Palmer Bank (Siesta Key), all in Sarasota, Fla.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and the Florida Commissioner of Banking, and requested their views and recommendations. Both the Comptroller and the Florida Commissioner of Banking recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on July 3, 1971 (36 F.R. 12713), 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 banks concerned, and the convenience and needs of the communities to be served, and finds that:

Applicant was organized for the purpose of acquiring the three proposed subsidiary banks, all of which are affiliated under common stock ownership. Upon acquisition of Palmer First (deposits of $91.1 million), St. Armands (deposits of $21.2 million), and Siesta Key (deposits of $3.1 million), applicant would assume the affiliated group's position as the largest banking organization (deposits of $115.4 million) within the relevant market approximated by the city of Sarasota and the surrounding areas. (Banking data are as of December 31, 1970; and reflect holding company formations and acquisitions approved through June 30, 1971.) Although applicant would have 36.5 percent of the commercial bank deposits in its market area, there would be

no increase in market concentration and less than 1 percent of the total commercial bank deposits in Florida would be held by applicant's proposed subsidiaries.

The directors and officers of Palmer First were instrumental in the formation and subsequent operations of St. Armands which opened in 1961 and Siesta Key which opened in 1969. The affiliation among the three banks appears to be strong and unlikely to be broken. Consequently, there is no meaningful existing competition. It appears unlikely that such competition will develop in the reasonably foreseeable future or that competing banks would be adversely affected by the holding company formation.

The financial and managerial resources of applicant and the proposed subsidiaries are believed to be consistent with approval. It appears that consummation of the proposal would not have any significant immediate effects on the convenience and needs of the community, although the improvement and expansion of services in the future may be facilitated by the operational structure of a holding company. Considerations related to the convenience and needs of the community as well as the financial and managerial resources and prospects of the proposed subsidiaries and applicant are consistent with approval. 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, 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, unless such period is 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 31, 1971.

[SEAL] TYNAN SMITH,
Secretary.

[FR Doc.71-13127 Filed 9-7-71;8:46 am]

SHOREBANK, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Shorebank, Inc., which is a bank holding company located in Quincy, Mass., for prior approval by the Board of Governors of the acquisition by applicant of 80 percent or more of the voting shares of Attleboro Trust Co., Attleboro, Mass.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are closely outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Boston.

Board of Governors of the Federal Reserve System, September 1, 1971.

TYNAN SMITH,
Secretary.

[FR Doc.71-13128 Filed 9-7-71;8:46 am]

SOUTHEAST BANKING CORP.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Southeast Banking Corp., Miami, Fla., for approval of acquisition of 80 percent or more of the voting shares of Southeast Bank of Dadeland, Miami, 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 Southeast Banking Corp. (Applicant), Miami, Fla., a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of Southeast Bank of Dadeland (Bank), Miami, Fla., 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 Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on July 7, 1971 (36 F.R. 12814), 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 Applicant and the banks concerned, and the convenience and needs of the communities to be served, and finds that:

Applicant presently controls 13 banks with aggregate deposits of $1,050 million, representing 7.5 percent of the total commercial bank deposits held by Florida's banks, and is the second largest banking organization in the State. (All banking data are as of December 31, 1970, and reflect holding company formations and acquisitions approved through June 30, 1971.) Since Bank is a proposed new bank, consummation of the proposal will not immediately increase Applicant's share of total deposits in any market nor affect deposit concentration.

The 69 banks in the Miami banking market, including those in seven bank holding company systems, hold collectively over $3.2 billion in commercial bank deposits. Bank would be located in the southern sector of the city of Miami and would serve an unincorporated area of Dade County, the major portion of the city of South Miami, and a small section of the city of Coral Gables.

In its projected service area, Bank would compete principally with eight banks, the deposits of which range from $51 million to $10 million, and the most distant of which is located approximately 4½ miles from Bank's proposed site. Applicant's subsidiaries closest to Bank are located seven, nine, and 14 miles, respectively, from Bank's proposed site. It appears that none of Applicant's subsidiary banks derives a significant amount of banking business from the area to be served by Bank. No existing competition would be eliminated by consummation of this proposal since Bank would be organized as a new institution; and it appears that Bank's entry into the Miami area would not have a significant adverse effect on potential competition or other banks competing in the area, nor constitute a barrier to entry into the area.

On the basis of the record before it, the Board concludes that consummation of the proposed acquisition would not adversely affect competition in any relevant area. The financial and managerial resources of Applicant and its subsidiary banks are generally satisfactory and the prospects for the group appear favorable. Prospects for Bank appear favorable since it would have capable and experienced management and would be adequately capitalized. Bank would be able to provide an additional source of full banking services for an area which has

[1] Voting for this action: Vice Chairman Robertson and Governors Daane, Maisel, and Brimmer. Absent and not voting: Chairman Burns and Governors Mitchell and Sherrill.

almost doubled in population during the last 10 years. However, there is no evidence that existing needs of the area are not being served adequately. Considerations relating to the convenience and needs of the area to be served lend slight support to, and are consistent with, approval of the application. It is the Board's judgment that consummation of 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 and reasons 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) Southeast Bank of Dadeland shall be opened for business not later than 6 months after the date of this order. Each of 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 31, 1971.

[SEAL] TYNAN SMITH, *Secretary.*

[FR Doc.71-13129 Filed 9-7-71;8:46 am]

SECURITIES AND EXCHANGE COMMISSION

[812-2820]

GENERAL HOST CORP.

Notice of Filing of Application Declaring That Company Has Ceased To Be an Investment Company

AUGUST 27, 1971.

Notice is hereby given that General Host Corp. (Applicant), 245 Park Avenue, New York, NY 10017, has filed an application pursuant to section 8(f) of the Investment Company Act of 1940 (Act) for an order of the Commission declaring that Applicant is not an investment company as defined by section 3(a) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Applicant was incorporated in 1911 under the laws of the State of New York as General Baking Co., and since incorporation has engaged in the manufacture and sale of bakery items. Applicant states it is presently engaged through its divisions in the manufacture and sale of baked goods; in the processing and sale of frozen convenience foods; in the operation of self-service extended hour grocery stores; and through two wholly owned subsidiaries in the operations of inns, lodges, restaurants, gasoline service stations and recreational facilities at Yellowstone National Park in Wyoming and Everglades National Park in Florida under long-term concession contracts with the U.S. National Park Service. Applicant states that for the fiscal year ending December 31, 1970, its net sales on a consolidated basis were $143 million with a net loss, before extraordinary items, of $5,384,000.

Applicant states that in August 1968, it purchased 150,000 shares of the common stock of Armour and Co. (Armour) and an option to acquire an additional 600,000 shares, which option was exercised in October 1968. In November and December, 1968, Applicant purchased an additional 252,000 shares of Armour stock, and, in order to engage in the business of Armour, determined to attempt to gain control of Armour by an exchange offer to Armour's stockholders. As a result of this exchange offer, Applicant acquired 55 percent of Armour's outstanding common stock. However, The Greyhound Corp. (Greyhound), through a competing cash tender offer, acquired 32 percent of Armour's outstanding common stock.

Applicant states that despite its holdings, it was unable to obtain either operating control of Armour or significant tax benefits because it was precluded from filing consolidated tax returns. Moreover, Applicant could not negotiate immediately to purchase Greyhound's holdings by reason of section 16 of the Securities Exchange Act of 1934. Applicant states that for these reasons, and in order to obtain financing for its existing indebtedness, it began consideration of selling its holdings in Armour to Greyhound. Applicant states that in considering this possibility it wanted to receive as consideration cash or assets readily convertible into cash to allow it to service its indebtedness and be in a position to continue its historical record of acquiring operating assets.

Applicant states that pursuant to an agreement of October 27, 1969, the sale of its Armour holdings to Greyhound was consummated on May 14, 1970, in consideration of payment by Greyhound of: (1) $77 million in cash; (2) a 5-year promissory note in the principal amount of $36,500,000, bearing interest at 8 percent; (3) 800,000 shares of a $5 convertible preference stock of Greyhound convertible into 4 million shares of Greyhound common stock (Preference Stock); and (4) 10-year warrants to purchase an aggregate of 4,250,000 shares of Greyhound common stock at a price of $23.50 per share (Warrants). As a result of this sale Applicant's investment securities constituted 59 percent of its assets less cash items.

On May 15, 1970, Applicant registered under the Act by filing a notification of registration, and on August 13, 1970, it filed its Form N-8B-1 Registration. Both the notification of registration and registration statement state that Applicant's filing does not constitute an admission that Applicant is an investment company within the meaning of the Act and set forth a disclaimer that Applicant is an investment company. Applicant's disclaimer rested upon section 3(b)(2) of the Act.

Applicant states that at a shareholders' meeting held on August 13, 1970, in compliance with section 13(a)(4) of the Act, a majority of its shareholders approved a proposal that Applicant cease to be an investment company.

Applicant asserts that it has been primarily engaged in a business other than that of investing, reinvesting, owning, holding, or trading in securities; that historically it has been an operating company primarily engaged in the baking industry and has expanded and diversified its activities through the acquisition of operating entities; that in making its exchange offer to acquire Armour securities its sole purpose was to obtain operating control of such company which, while of a much greater magnitude than anything previously undertaken, was consistent with its historical record of growth through acquisitions; that its decision to sell its Armour holdings to Greyhound resulted from an unanticipated deterioration of the money market which made it difficult to acquire the financing necessary to obtain operating control of Armour; that the Greyhound securities issued to it as partial consideration in the sale were viewed, both by it and Greyhound, as a temporary substitute for liquid assets and were liquidated as rapidly as practical in order to provide financing to expand its operating activities; and that Applicant is not an investment company as defined in section 3(a)(1) of the Act since Applicant is not and does not hold itself out as being engaged primarily, and does not propose to engage primarily, in the business of investing, reinvesting, and trading in securities.

Applicant further states that on February 9, 1971, it sold all of the Preference Stock and Warrants received from Greyhound for $102,811 in cash.

Applicant states that on June 25, 1971, it made a cash tender offer for all of the outstanding shares of common stock and of $1.25 Series A Cumulative Convertible Preferred Stock (Preferred Stock) of Cudahy Co. (Cudahy). The purpose of that offer was to acquire control of Cudahy and preferably to acquire all of the outstanding voting stock of Cudahy. At the close of the offer, approximately 2,203,000 shares of common and approximately 373,000 shares of Preferred Stock had been tendered, constituting approximately 85 percent of the combined outstanding voting securities of Cudahy. The funds used to purchase the tendered shares were derived from the proceeds of Applicant's sale on February 9, 1971, of Preference Stock and Warrants of Greyhound Corp. which had been placed temporarily in cash items having a maturity of less than 1 year.

Applicant states that as of June 12, 1971, its investment securities constituted approximately 26 percent of its noncash assets and that, accordingly it is not an investment company within the meaning of section 3(a)(3) of the Act. In support of such balance sheet as of June 12, 1971.

[1] Voting for this action: Vice Chairman Robertson and Governors Daane, Maisel, and Brimmer. Absent and not voting: Chairman Burns and Governors Mitchell and Sherrill.

GENERAL HOST CORP. AND SUBSIDIARIES PRO FORMA CONSOLIDATED BALANCE SHEET

JUNE 12, 1971

Assets	General Host Corp. (Historical)	Pro Forma Adjustments	Pro Forma General Host Corp.
Current assets:			
Cash and short term marketable securities	$140,046,000	[1] ($56,000,000)	$84,046,000
Other	19,299,000		19,299,000
Total current assets	159,345,000	(56,000,000)	103,345,000
Investments:			
Investment in majority-owned subsidiary—Cudahy Corp.		[1] 60,000,000	60,000,000
5 percent note receivable from the Greyhound Corp. due May 14, 1975	36,500,000		36,500,000
Notes receivable from the Goldfield Corp. and Tantalum Mining Corp. of Canada Ltd.	5,326,000		5,326,000
Total investments	41,826,000	60,000,000	101,826,000
Property and plant	37,108,000		37,108,000
Other assets	4,953,000		4,953,000
Total assets	243,232,000	4,000,000	247,232,000
LIABILITIES AND SHAREHOLDERS' EQUITY			
Current liabilities	$18,641,000	[1] $4,000,000	$22,641,000
Long term debt	188,968,000		188,968,000
Reserves and deferred credits	4,824,000		4,824,000
Shareholder's equity:			
Common stock	2,644,000		2,644,000
Capital in excess of par value	86,892,000		86,892,000
Deficit	(51,734,000)		(51,734,000)
	37,802,000		37,802,000
Less—cost of treasury stock	7,003,000		7,003,000
Total shareholders' equity	30,799,000		30,799,000
Total liabilities and shareholders' equity	243,232,000	4,000,000	247,232,000

[1] On July 15, 1971, General Host Corp., by means of a cash tender offer, acquired 85 percent of the outstanding stock of Cudahy Co. for approximately $60 million. The funds for such acquisition were derived from $56 million of the company's cash and short term marketable securities and $4 million of short term bank borrowings.

Applicants state that six present directors of Cudahy have agreed to resign, to be replaced by six nominees of Applicant all of whom are directors of Applicant, and include: Applicant's board chairman and chief executive officer; Applicant's president and chief operating officer; and Applicant's secretary. Pursuant to its tender offer, Applicant, through merger of Cudahy with a wholly owned subsidiary, may acquire 100 percent of Cudahy and, in any event, will engage in the operation of Cudahy's business, which is not that of an investment company.

Section 3(a)(1) of the Act defines an investment company to be any issuer which is or holds itself out as being engaged primarily or proposes to engage primarily in the business of investing, reinvesting, or trading in securities.

Section (a)(3) of the Act defines an investment company as any issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 percentum of the value of such issuer's total assets (exclusive of Government securities and cash items) or an unconsolidated basis. Section 3(a)(3) further defines "investment securities" to include all securities except Government securities, securities issued by employees' securities companies and securities issued by majority-owned subsidiaries of the owner which are not investment companies.

Section 8(f) of the Act provides that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than September 20, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time later than said date as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-13059 Filed 9-7-71;8:45 am]

[811-1953]

C & S INVESTMENT FUND

Notice of Filing of Application Declaring That Company Has Ceased To Be an Investment Company

AUGUST 31, 1971.

Notice is hereby given that the C & S Investment Fund (Applicant), 35 Broad Street, Atlanta, GA 30303, an open-end, diversified management investment company registered under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Applicant was established pursuant to a resolution adopted August 12, 1969, by the Board of Directors of The Citizens and Southern National Bank (Bank), a national banking association in Atlanta, Ga., and proposed to operate as a collective investment account. Applicant registered under the Act and filed a registration statement under the Securities Act of 1933 on October 9, 1969. The application states that, to date, Applicant has not commenced its proposed operations and has engaged only in organizational activities.

Applicant states that on April 5, 1971, the U.S. Supreme Court ruled, with respect to an action which challenged the legality of a bank-operated collective investment fund similar to the type contemplated by Applicant, that such arrangements are violative of certain provisions of the Federal banking laws. In light of this court decision, Applicant has determined to abandon its proposed operations and has withdrawn its registration statement under the Securities Act of 1933 and its application requesting certain exemptions under the Act. Applicant represents that it has not offered or sold any units of participation to the public, has no investors and has no assets. Applicant further represents that the Committee charged with conducting its operations, has, by resolution dated July 15, 1971, authorized the termination of Applicant.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than September 20, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted or he may request he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time later than said date as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-13131 Filed 9-7-71;8:50 am]

[812-2811]

F-D CAPITAL FUND

Notice of Rescission of Prior Order

AUGUST 31, 1971.

The Commission on August 28, 1970 granted an order (Investment Company Act Release No. 6178), pursuant to section 22(e)(3) of the Investment Company Act of 1940 (Act), on an application by F-D Capital Fund (Fund), 89 Devonshire Street, Boston, MA 02109, permitting Fund to (1) suspend the right of redemption of its outstanding redeemable securities, and (2) postpone the date of payment for shares submitted for redemption but upon which payment had not been made as of the date and time of the order, until either 10 days after Fund gave the Commission notice of intention to resume redemptions and payments therefor, or (3) the Commission on its own initiative rescinded the order.

Fund stated in support of its application for the order that the Commission had sought to enjoin First Devonshire Corporation (First Devonshire), the former principal underwriter of Fund and parent of Pedulum Investment Management Corp., Fund's former investment adviser, from violations of various provisions of the Securities Exchange Act of 1934. Fund further stated that until it ascertained how much money First Devonshire owed to Fund and whether any such money was collectable, it was not reasonably practicable for Fund fairly to determine the value of its net assets. First Devonshire was later adjudged a bankrupt.

By letter dated August 20, 1971, Fund has notified the Commission that the Fund's Board of Governors, acting in good faith, has determined the fair value of the remaining amounts due to Fund from First Devonshire. Accordingly, Fund has notified the Commission of its intention to resume redemptions and payments therefor as soon as possible, but in no event earlier than a time to be determined by the Commission. Notes to financial statements proposed to accompany a letter to be mailed to Fund shareholders indicate that at December 31, 1970, Fund had a receivable due from First Devonshire of $100,100, of which $65,600 represented the balance in the Fund's customer account, and $34,500 represents an amount payable in accordance with Fund's prior underwriting agreement with First Devonshire. The notes also disclose that on June 25, 1971, the New York Stock Exchange agreed, subject to confirmation of the plan of arrangement for First Devonshire under chapter XI of the Bankruptcy Act, to pay on behalf of First Devonshire approximately $65,000 in settlement of Fund's customer account. The Fund's Board of Governors determined that a fair value of the customer account, after collection expenses, is $58,700. In addition, the Board of Governors determined that a fair value of the receivable of $34,500 due from First Devonshire in accordance with the underwriting agreements and other miscellaneous amounts was approximately $6,000. As of December 31, 1970, and June 30, 1971, Fund had net assets amounting to $1,267,520 and $1,350,744, respectively.

On August 17, 1971, the Fund received $68,782.67 from agents of the Trustees of the Special Trust Fund of the New York Stock Exchange on behalf of First Devonshire Corp. in settlement of the aforementioned customer account.

Section 38(a) of the Act provides, in pertinent part, that the Commission shall have authority to rescind such orders as are necessary or appropriate to the exercise of the powers conferred upon the Commission in the Act.

Accordingly, pursuant to section 38(a) of the Act, the prior order of the Commission granted pursuant to section 22(e)(3) of the Act on August 28, 1970, is hereby rescinded, effective at the end of the 10th day following the date of this notice.

By the Commission.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-13132 Filed 9-7-71;8:50 am]

[811-1120]

M. A. HANNA CO.

Notice of Application for Order Declaring That Company Has Ceased To Be an Investment Company

AUGUST 31, 1971.

Notice is hereby given that The M. A. Hanna Co. (Applicant), 100 Erieview Plaza, Cleveland, OH 44114, an Ohio corporation registered as a closed-end, nondiversified investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant represents that on November 23, 1965, its shareholders adopted a plan of complete liquidation of Applicant. Applicant filed its certificate of dissolution with the Secretary of State of Ohio on December 18, 1965, and on December 27, 1965, made its first and principal liquidating distribution to shareholders in cash and securities in kind. A second liquidating distribution of $1.70 per share was made to shareholders of record on August 12, 1966, and on September 26, 1966. Applicant transferred all its remaining assets to The National City Bank of Cleveland as trustee for distribution to shareholders of any balance after payment of all Applicant's liabilities and expenses. The bank on December 23, 1968, made a final liquidating distribution in the amount of $0.16455 per share.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may not later than September 21, 1971 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles

from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71–13133 Filed 9–7–71;8:50 am]

[812–2847]

NORRIS GRAIN CO.

Memorandum Opinion and Order

AUGUST 31, 1971.

Norris Grain Co. (Norris), 141 West Jackson Boulevard, Chicago, IL 60604, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (Act) for an order exempting from the provisions of section 17(a) of the Act the purchase by Norris (a) from New England Merchants National Bank of Boston (acting on behalf of Waltham Resources Corp. (Resources), pursuant to an irrevocable power of attorney under a pledge agreement) of 690,000 shares of common stock of Waltham Industries Corp. (Industries) for the price of $2,518,500 ($3.65 a share), and (b) from Chemical Bank of New York (acting on behalf of Resources pursuant to an irrevocable power of attorney under a pledge agreement) of 10,000 shares of common stock of Industries for the price of $36,500 ($3.65 a share). The terms of the various agreements between the parties are described in the notice of the filing of the application issued by the Commission in this proceeding (Investment Company Act Release No. 6659). The purchases by Norris were consummated without first obtaining an exemptive order under section 17(b) of the Act after the parties requested and obtained a "no-action" letter from our staff and in accordance with conditions specified therein.

Our primary concern with respect to the section 6(c) application was the adequacy of the sale price in view of the fact that prior to and around the time of the negotiations the market price of Industries stock on the American Stock Exchange was considerably higher than the negotiated price. The record shows that the sale price of $3.65 a share was arrived at in arm's length negotiations between the bank and Norris. The application indicates that at the time of the negotiations Industries was a financially troubled concern. About 10 months later Industries filed a voluntary petition for reorganization under Chapter X of the Bankruptcy Act. We note that Norris owned 12 percent of the outstanding common stock of Industries prior to the negotiations and was represented on the board of directors of Industries and that the parties were aware that Industries was in financial difficulty. Under these circumstances, and in the light of the financial information relating to Industries contained in the record, and in view of the fact that Norris is a privately owned corporation, we conclude that the transactions as negotiated are fair and should be exempted as requested. In reaching this conclusion, we do not determine the value of Industries common stock. The question of the value of such stock will be considered by the Chapter X court if and when a plan of reorganization is filed.

The Commission finds ,pursuant to the provisions of section 6(c) of the Act, that the granting of the requested exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

It is hereby ordered, Pursuant to the provisions of section 6(c) of the Act, that the transactions as described in the application are exempted from the provisions of section 17(a) of the Act, effective forthwith.

By the Commission.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71–13135 Filed 9–7–71;8:50 am]

[811–1650]

SCHOONER CAPITAL CORP.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

AUGUST 31, 1971.

Notice is hereby given that Schooner Capital Corp. (Applicant), a Massachusetts corporation, c/o Studley, Shupert & Co., Inc. of Boston, 155 Berkeley Street, Boston, MA., registered as a closed end nondiversified investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of representations contained therein which are summarized below.

Applicant, formerly Boston Capital Small Business Investment Corp., was incorporated under Massachusetts law on November 21, 1967, and is operating as a small business investment company pursuant to the Small Business Investment Company Act of 1958. Applicant registered under the Act on June 19, 1968. On March 31, 1971, all of the outstanding capital stock of Applicant was sold by its former parent, Boston Capital Corp., a registered closed end, nondiversified investment company under the Act, to Asset, Purchase and Management Co. (APM) a Massachusetts limited partnership, subject to the approval of the Small Business Administration. On April 21, 1971, the Small Business Administration approved the transfer of Applicant's capital stock to APM and the sale became final.

Applicant states that as a result of the sale of its capital stock to APM, it will, pursuant to the provisions of section 3(c)(1) of Act, cease to be an investment company, inasmuch as it is not making and does not presently propose to make a public offering of its securities and its outstanding securities are now beneficially owned by less than 100 persons.

Section 3(c)(1) of the Act excepts from the definition of investment company any issuer whose outstanding securities are beneficially owned by not more than 100 persons, and which is not making and does not presently propose to make a public offering of its securities. For section 3(c)(1) purposes, beneficial ownership by a company shall be deemed to be beneficial ownership by one person; except that, if such company owns 10 per centum or more of the voting securities of the issuer, the beneficial ownership shall be deemed to be that of the holders of such company's outstanding securities.

Applicant represents that it has and presently contemplates having outstanding 1,000 shares of common stock entitled to one vote per share, all of which are owned by APM, and long term indebtedness to the Small Business Administration in the aggregate principal amount of $1,700,000, evidenced by notes and debentures having no voting rights. Applicant further represents that the sole general partner of APM is Studley, Shupert Appraisals, Inc. (SSA), a wholly owned subsidiary of Studley, Shupert & Co., Inc. of Boston (SSB), a registered investment adviser. The capital stock of SSB is owned by five persons. APM also has five limited partners, including Memorial Drive Trust (MDT), a tax-exempt profit sharing trust under section 501 of the Internal Revenue Code established for the benefit of the employees of Arthur D. Little, Inc., a Massachusetts business corporation, G. H. Walker & Co. Inc., (GHW), an investment banking firm, and three individuals. Applicants state that MDT and GHW presently have invested less than 5 percent of their respective total assets in APM, and that APM will not receive from MDT and GHW, and MDT and GHW have represented to APM that they will not make any additional contributions to the capital of APM or any loans to APM or any other investments which will cause their respective interests in APM to exceed 5 percent of the value of their respective total assets.

Applicant further represents that at the time of the purchase on March 31, 1971 by APM from Boston Capital Corp. of all the outstanding capital stock of

Applicant, no person affiliated with Boston Capital Corp. or affiliated with an affiliated person of Boston Capital Corp. was an affiliated person of SSA, SSB, MDT or any of the four other limited partners of APM.

Section 8(f) of the Act provides, in pertinent part, that when the Commission upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect. If necessary for the protection of investors, an order under this subsection may be made upon appropriate conditions.

Notice is further given that any interested person may, not later than September 20, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in the case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time later than said date as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] THEODORE L. HUMES, *Associate Secretary.*

[FR Doc.71–13136 Filed 9–7–71;8:50 am]

[811–1932]

VALLEY FORGE FUND, INC.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

AUGUST 31, 1971.

Notice is hereby given that Valley Forge Fund, Inc. (Applicant), 1375 Anthony Wayne Drive, Wayne, PA 19087, a Pennsylvania corporation registered as an open-end diversified management investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that the Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein which are summarized below.

Applicant represents that it registered under the Act on August 11, 1969, by filing a notification of registration on Form N–8A.

Applicant states that on December 31, 1968, the Pennsylvania Securities Commission approved an intrastate Offering Circular for the sale of shares of the Fund to residents of the Commonwealth of Pennsylvania. Applicant further states that it sold its shares from that date until July 1969, to 166 residents of the Commonwealth of Pennsylvania for total consideration of $69,855.78 without registration under the Federal securities laws. Applicant contends it did not utilize a prospectus meeting the requirements of the Securities Act of 1933, as amended, in reliance upon the belief that the intrastate offering exemption set forth in section 3(a)(11) of the Securities Act of 1933 was available. On or about February 1, 1970, Applicant was advised that it had not complied with the requirements of the Investment Company Act of 1940 and the Securities Act of 1933.

Subsequently, a meeting of shareholders of Applicant was held on May 26, 1970 at which a resolution of dissolution was adopted and the shareholders were advised of rights of rescission under the Federal securities laws. Those shareholders not present were also individually so advised. In furtherance of the instructions of the shareholders at the May 26, 1970 meeting, all of the assets of the Applicant have been liquidated and distributed to the shareholders who have exchanged their certificates of stock in the fund for the liquidation value thereof. As a result, Applicant no longer has either assets or shareholders. For this reason the Applicant has requested that its registration under the Investment Company Act of 1940 be withdrawn.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than September 20, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted or he may request he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] THEODORE L. HUMES, *Associate Secretary.*

[FR Doc.71–13137 Filed 9–7–71;8:50 am]

[70–5069]

WESTERN MASSACHUSETTS ELECTRIC CO.

Notice of Proposed Issue and Sale of Preferred Stock at Competitive Bidding

AUGUST 31, 1971.

Notice is hereby given that Western Massachusetts Electric Co. (WMECO), 174 Brush Hill Avenue, West Springfield, MA 01089, an electric utility subsidiary company of Northeast Utilities, a registered holding company, has filed a declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6 and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

WMECO proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 200,000 shares of its ------ percent preferred stock, Series B. The dividend rate of the preferred stock (which will be a multiple of 0.04 percent) and the price, exclusive of accrued dividends, to be paid to WMECO (which will be not less than $100 nor more than $102.75 per share) will be determined by the competitive bidding. The terms of the preferred stock include a prohibition against refunding the preferred stock prior to October 1, 1976, directly or indirectly, with funds derived from the issuance of debt securities at a lower effective interest cost or preferred stock at a lower dividend cost.

On August 2, 1971, WMECO amended its bylaws to increase the authorized number of shares of its cumulative preferred stock, par value $100 per share, from 150,000 shares to 350,000 shares. WMECO presently has 150,000 shares of preferred stock outstanding.

It is stated that the net proceeds from the issue and sale of the preferred stock will be used to repay short-term borrowings incurred in financing WMECO's construction program and which are expected to aggregate $35 million at the time of the proposed sales. Northeast Utilities plans to make a $5 million capital contribution to further reduce short-term borrowings (Holding Company Act Release No. 16979). WMECO's construction program for 1971–72 is estimated to total approximately $83,200,000.

The fees and expenses incident to the proposed transaction will be filed by amendment. The filing states that the issue and sale of the preferred stock is subject to the jurisdiction of the Department of Public Utilities of the Commonwealth of Massachusetts, the State commission of the State in which WMECO is organized and doing business. The approval of the Connecticut Public Utilities Commission is also required. It is further stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than September 27, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant 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. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-13138 Filed 9-7-71;8:50 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 844; Class B]

NEW JERSEY

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of August 1971, because of the effects of certain disasters, damage resulted to residences and business property located in the State of New Jersey;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property, situated in all areas affected by tropical storm Doria in the aforesaid State, suffered damage or destruction resulting from heavy rains and floods beginning on August 27, 1971.

OFFICE

Small Business Administration District Office, 970 Broad Street, Room 1635, Newark, NJ 07102.

2. Temporary offices will be established at such areas as are necessary, addresses to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to February 29, 1972.

Dated: August 30, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-13117 Filed 9-7-71;8:45 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

SEPTEMBER 2, 1971.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC-111545 Sub 147, Home Transportation Co., Inc., now being assigned for hearing on October 28, 1971, in Room 174, New Federal Office Building, 316 North Robert Street, St. Paul, MN.

MC-C 6810, J. W. Allen, a partnership Composed of J. W. Allen, Wayne Allen and Jimmie Allen, Investigation of Operations and Practices, now being assigned October 26, 1971, in Room 577 Federal Office Building, 300 East Eighth Street, Austin, TX.

FD-26447, Burlington Northern Inc., Abandonment Between Park Rapids and Cass Lake, Minn., now being assigned for hearing on October 26, 1971, in Room 210, Federal Office Building, U.S. Post Office, Fifth and Laurel Street, Brainerd, MN.

MC-61592 Sub 203, Jenkins Truck Line, Inc., and MC 117765 Sub 115, Hahn Truck Line, Inc., now assigned September 16, 1971, will be held at the Sheraton-Jefferson Hotel, 415 North 12th Street, St. Louis, instead of the Court of Appeals Court Room No. 2, Courthouse and Customhouse, 1114 Market Street.

MC-110581 Sub 5, G & H Motor Freight Lines, Inc., assigned September 13, 1971, at Des Moines, Iowa, canceled and application dismissed.

MC-106398 Sub 308, National Trailer Convoy, Inc., now assigned September 27, 1971, at Washington, D.C., postponed indefinitely.

MC-F-11082, Arrow Motor Freight Line, Inc.—Control and Merger—Rite-Way Trucking Co., Inc.; Purchase—Amburn Freight Line, Inc., the portion of this application in which the control and merger of Rite-Way Trucking Co., was sought, has been dismissed.

MC 1931 Sub 12, Von Der Ahe Van Lines, Inc., now assigned September 20, 1971, at St. Louis, Mo., will be held at The Chase-Park Plaza, 212 North Kingshighway, instead of the Court of Appeals Courtroom No. 2, U.S. Courthouse and Customhouse, 1114 Market Street.

MC-128273 Sub 85, Midwestern Express, Inc., now assigned September 20, 1971, at Washington, is canceled and reassigned to October 13, 1971, at Washington, D.C.

MC-115904 Sub 24, Louis Grover, now assigned September 27, 1971, at Salt Lake City, Utah, has been postponed indefinitely.

MC-73165 Sub 289, Eagle Motor Lines, Inc., MC-83539 Sub 315, C & H Transportation Co., Inc., MC-105045 Sub 27, R. L. Jeffries Trucking Co., Inc., MC-106497 Sub 57, Parkhill Truck Co., MC-106644 Sub 114, Superior Trucking Co., Inc., MC-111545 Sub 154, Home Transportation Co., Inc., MC-112304 Sub 42, Ace Doran Hauling & Rigging Co., MC-116915 Sub 8, Eck Miller Transportation Corp., and MC-119777 Sub 197, Ligon Specialized Haulers, Inc., now assigned September 27, 1971, at Louisville, Ky., are postponed indefinitely.

MC-114818 Sub 14, Barton Truck Line, Inc., assigned October 4, 1971, at Carson City, Nev., has been postponed indefinitely.

MC-134082 Sub 5, K. H. Transport, Inc., now assigned October 27, 1971, at Washington, D.C., is canceled and application dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-13198 Filed 9-7-71;8:53 am]

FOURTH SECTION APPLICATION FOR RELIEF

SEPTEMBER 2, 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. 42271—*Paper and paper boxes to points in southern territory.* Filed by Southwestern Freight Bureau, agent (No. B-257), for interested rail carriers. Rates on boxes, fiberboard, pulpboard, or strawboard, also paper, pulpboard, or fiberboard, in carloads, as described in the application, from points in southwestern territory, to points in southern territory.

Grounds for relief—Market competition.

Tariff—Supplement 26 to Southwestern Freight Bureau, agent, tariff I.C.C. 4891. Rates are published to become effective on October 7, 1971.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-13199 Filed 9-7-71;8:53 am]

[Notice 358]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 1, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 7228 (Sub-No. 40 TA), filed August 20, 1971. Applicant: COAST TRANSPORT, INC., 1906 Southeast 10th Avenue, Portland, OR 97214. Applicant's representative: Nick I. Goyak, 404 Oregon National Building, 610 Southwest Alder Street, Portland, OR 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from points on the international boundary line between the United States and Canada to points in Oregon and Washington, for 180 days. Supporting shipper: Chiquita Brands, Inc., 620 Newport Center Drive, Newport Beach, Calif. 92660. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 114106 (Sub-No. 86 TA), filed August 23, 1971. Applicant: MAYBELLE TRANSPORT COMPANY, Box 849, 1820 South Main Street, Lexington, NC 27292. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alumina, hydrated*, in bags, and in bulk, from Kings Creek, S.C., to points in Georgia, North Carolina, South Carolina, and Virginia, for 150 days. Supporting shipper: A. B. Wood Chemical Co., Inc., Post Office Box 11255, Charlotte, NC 28209. Send protests to: District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building), Charlotte, NC 28202.

No. MC 114284 (Sub-No. 53 TA), filed August 23, 1971. Applicant: FOX-SMYTHE TRANSPORTATION CO., 1700 South Portland Avenue, Post Office Box 82307, Stockyards Station, Oklahoma City, OK 75108. Applicant's representative: Carl Smythe (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from the plantsite of Missouri Beef Packers, Inc., at or near Plainview, Tex., to points in Oklahoma, Arkansas, Missouri, Kansas, Nebraska, South Dakota, and New Mexico. Restriction: The authority granted herein is restricted to the transportation of traffic originating at the plantsite of Missouri Beef Packers, Inc., and destined to the above named States, for 180 days. Supporting shipper: Missouri Beef Packers, Inc., Norman L. Cummins, Amarillo, Tex. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 114290 (Sub-No. 59 TA), filed August 23, 1971. Applicant: EXLEY EXPRESS, INC., 2610 Southeast Eighth Avenue, Portland, OR 97202. Applicant's representative: James T. Johnson, 1610 IBM Building, 1200 Fifth Avenue, Seattle WA 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meat*, from Wallula, Wash., to Los Angeles, Oakland, San Francisco, San Leandro, San Jose, and Yuba City, Calif., for 180 days. Supporting shipper: Cudahy Co., Wallula, Wash. 99363. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 114457 (Sub-No. 117 TA), filed August 23, 1971. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, MN 55104. Applicant's representative: Donald Oren (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potato products*, moving in mechanically refrigerated vehicles, from Minneapolis, Minn., to points in New York, Ohio, Pennsylvania, and Virginia, for 180 days. Supporting shipper: Northern Star Co., Minneapolis, Minn. Send protests to: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 115379 (Sub-No. 38 TA), filed August 23, 1971. Applicant: JOHN D. BOHR, INC., Post Office Box 217, Annville, PA 17003. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared animal and poultry feed*, from Delmar, Del., Camp Hill, Pa., and Lewiston, Pa., to points in Delaware, Maryland, Virginia, Pennsylvania, New Jersey, and New York, for 180 days. Supporting shipper: Ralston Purina Co., Wilmington, Del. Send protests to: Robert W. Ritenour, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 508 Federal Building, Post Office Box 869, Harrisburg, PA 17108.

No. MC 116038 (Sub-No. 30 TA), filed August 20, 1971. Applicant: NORTHERN MOTOR CARRIERS, INC., Route 9, Saratoga Road, Fort Edward, NY 12828. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium carbonate*, in bulk, in pneumatic tank trailers, from Swanton, Vt., to Adams Center and Canton, N.Y., and return of *rejected material*, for 150 days. Supporting shipper: Swanton Lime Works, Inc., Swanton, Vt. 05488. Send protests to: Charles F. Jacobs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Building, Albany, N.Y. 12207.

No. MC 117231 (Sub-No. 2 TA), filed August 20, 1971. Applicant: G & B TRUCKING, INC., 607 West Water, Rushville, IN 46173. Applicant's representative: Walter Jones, Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, and in bags, from Rushville, Ind., to Fostoria, Ohio, for 180 days. Supporting shipper: Kerr-McGee Corp., Kerr-McGee Building, Oklahoma City, Okla. 73102. Send protests to: District Supervisor James W. Habermehl, Bureau of Operations, Interstate Commerce Commission, Room 802 Century Building, 36 South Pennsylvania Street, Indianapolis, IN 46204.

No. MC 117565 (Sub-No. 43 TA), filed August 20, 1971. Applicant: MOTOR SERVICE COMPANY, INC., Route 3, Post Office Box 448, Coshocton, OH 43812.

Applicant's representative: John R. Hafner (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor homes*, in truckaway service, from Evergreen, Ala., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: MobiLux Corp., Post Office Box 489, Evergreen, Ala. 36401. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 255 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

No. MC 120309 (Sub-No. 2 TA) (Amendment), filed August 4, 1971, published FEDERAL REGISTER August 14, 1971, amended and republished as amended this issue. Applicant: R. G. DUDLEY AND C. C. WESTFALL, a partnership, doing business as MISTLETOE TRANSIT COMPANY, 2407 West First Street, Lubbock, TX 79415. Applicant's representative: Austin Hatchell, Suite 1102, Perry Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods, as defined by the Commission, commodities in bulk, and commodities requiring special equipment) restricted so that no service shall be rendered in the transportation of any parcels, packages, or articles weighing in the aggregate more than one hundred (100) pounds from one consignor at one location to one consignee at one location on any one day, over the following routes: (1) State Highway 114 and 121 between Dallas and Fort Worth; (2) State Highway 199 between Fort Worth and Jacksboro; (3) State Highway 24 between Jacksboro and Rule; (4) State Highways 277, 83, and 83 between Wichita Falls and Abilene; (5) State Highway 222 between Munday and Knox City; (6) State Highway 283 between Quanah and Rule; (7) U.S. Highway 83 between Anson and Aspermont; (8) U.S. Highway 180 between Anson and Roby; (9) State Highway 70 between Roby and Rotan, and between Spur and Turkey; (10) State Highway 92 between Rotan and its intersection with U.S. Highway 277 near Stamford; (11) U.S. Highway 380 and 70 between Aspermont and Spur;

(12) U.S. Highways 70 and 62 between Vernon and Earth; (13) U.S. Highways 82 and 62 between Dickens and Lubbock; (14) State Highway 86 between Turkey and Tulia; (15) U.S. Highway 87 between Lubbock and Amarillo; (16) U.S. Highway 385 between Springlake and Hereford; (17) U.S. Highway 62 between Floydada and Ralls; (18) F. M. Road 54 between its intersection with U.S. Highway 62 and its intersection with U.S. Highway 87; (19) U.S. Highway 380 and U.S. Highway 180 between Aspermont and Albany; (20) U.S. Highway 62 and U.S. Highway 83 between Childress and Paducah; (21) U.S. Highway 80, and State Highway 183 and Interstate Highway 20 between Dallas and Fort Worth; (22) Interstate Highway 35W and U.S. 81 between Fort Worth and Itasca; (23) F. M. Road 66 and 934 between Itasca and Osceola; (24) State Highway 171 between Osceola and Cleburne; (25) State Highway 174 between Burleson and Cleburne; (26) U.S. Highway 67 between Cleburne and its intersection with State Highway 220, thence over State Highway 220 to Hico; (27) U.S. Highway 281 between Hico and Hamilton; (28) State Highway 36 between Hamilton and Gatesville; (29) U.S. Highway 84 between Gatesville and McGregor; (30) State Highway 317 between McGregor and Valley Mills; (31) State Highway 6 between Valley Mills and Meridian; (32) State Highway 144 between Meridian and Glen Rose serving all intermediate points along said routes, except as herein after restricted, and coordinating this service with service presently being rendered under existing authority and interlining with other carriers at appropriate points.

Restriction: (2) The holder of this authority is prohibited from (a) transporting any shipments originating at and destined to Amarillo, Childress, Vernon, Wichita Falls, Quanah, Fort Worth, Dallas, Albany, and Abilene; (b) performing and serving any intermediate point between Fort Worth and Dallas; (c) serving any intermediate point between Fort Worth and Throckmorton on State Highway 24 and 199 except Lake Worth, Azle and Springtown. Applicant also proposes to operate over the following alternate routes without service to any intermediate points thereon except as otherwise authorized: (1) U.S. Highway 67 between Cleburne and Alvarado; (2) U.S. Highway 82 and F. M. Road 143 between Knox City and Dickens; (3) State Highway 207 between Silverton and Floydada; (4) State Highway 283 between Rule and its intersection with U.S. Highway 380; (5) State Highway 194 between Dimmitt and Plainview; (6) State Highway 199 between Jacksboro and Seymour; (7) State Highway 174 between Meridian and Cleburne; (8) State Highway 22 between Hamilton and Meridian; (9) U.S. Highway 80 between Fort Worth and Weatherford; U.S. Highway 180 between Weatherford and its intersection with U.S. Highway 380 at Albany, for 180 days. NOTE: Applicant does intend to tack the authority at Amarillo, Lubbock, Dallas and Wichita Falls, Tex., supported by: There are approximately 73 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395, Herring Plaza, Amarillo, Tex. 79101. NOTE: The purpose of this republication is to correct set forth the authority in the route description in (12) and (13) above.

No. MC 124111 (Sub-No. 30 TA) (Amendment), filed July 26, 1971, published FEDERAL REGISTER August 6, 1971, corrected and republished as corrected this issue. Applicant: OHIO EASTERN EXPRESS, INC., 302 West Perkins Avenue, Sandusky, OH 44127. Applicant's representatives: A. Charles Tell and J. P. McMahon, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen and perishable foodstuffs*, in vehicles equipped with mechanical refrigeration, from Solon, Ohio, to points in Pennsylvania, New York, Virginia, Massachusetts, Michigan, West Virginia, Connecticut, Washington, D.C., commercial zone, New Jersey, and to points in Maine, Vermont, New Hampshire, Rhode Island, Delaware, and Maryland, for 180 days. Supporting shipper: Stouffer Foods, 5750 Harper Road, Solon, OH 44139. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5234 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604. NOTE: The purpose of this republication is to reflect the correct territory description underlined above.

No. MC 124129 (Sub-No. 5 TA), filed August 20, 1971. Applicant: KAPRI TRANSPORTATION CO., 1222 W.O.W. Building, Omaha, Nebr. 68102. Applicant's representative: Marshall D. Becker, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crushed limestone and limestone products* (except cement), from Weeping Water, Nebr., to points in Atchison County, Mo., for 150 days. Supporting shipper: George E. Kerford, President, Kerford Limestone Co., Post Office Box 434, Weeping Water, NE. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 126102 (Sub-No. 11 TA), filed August 23, 1971. Applicant: ANDERSON MOTOR LINES, INC., 86 Washington Street, Post Office Box 1808, Plainville, MA 02762. Applicant's representative: Sanford A. Kowal, 73 Tremont Street, Boston, MA 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are used are sold in retail department stores of King's Department Stores, Inc., between points in Connecticut, Indiana, Florida, North Carolina, Pennsylvania, New York, Vermont, Virginia, West Virginia, Kentucky, Tennessee, Maine, Massachusetts, New Jersey, Michigan, New Hampshire, Ohio, Maryland, and Rhode Island of the account of King's Department Stores, Inc., for 180 days. Supporting shipper: King's Department Stores, 150 California Street, Newton, MA 02158. Send protests to: Gerald H. Curry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 187 Westminster Street, Providence, RI 02903.

No. MC 126489 (Sub-No. 11 TA), filed August 23, 1971. Applicant: GASTON FEED TRANSPORTS, INC., 1203 West

Fourth St., Post Office Box 1066, Hutchinson, KS 67501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, (1) from Garden City, Dodge City, Emporia, Zenda, Liberal, and Kansas City, Kans., to points in Missouri, Nebraska, Oklahoma, Iowa, and Texas; (2) from Kansas City, St. Louis, and St. Joseph, Mo., to points in Arkansas, Iowa, Kansas, Nebraska, and Oklahoma; (3) from Darr, Lincoln, Lexington, Omaha, Rushville, and Scottsbluff, Nebr., to points in Missouri, Minnesota, Iowa, Kansas, South Dakota, Oklahoma, and Texas; (4) from Albuquerque, Clovis, and Roswell, N. Mex., to points in Arkansas, Iowa, Kansas, Minnesota, Missouri, Oklahoma, and Texas; (5) from Collinsville, and Oklahoma City, Okla., to points in Arkansas, Kansas, Missouri, and Nebraska; and (6) from Amarillo, Dalhart, Fort Worth, Tampa, and Waco, Tex., to points in Arkansas, Iowa, Missouri, and Nebraska, for 180 days. Supporting shipper: Wellens & Co., Inc., 6950 France Avenue South, Minneapolis, MN 55435. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 128247 (Sub-No. 15 TA), filed August 20, 1971. Applicant: BURSAL TRANSPORT, INC., Mailing: Post Office Box 565, Office: 107 Broadway, Bunker Hill, IN 46914. Applicant's representative: Warren C. Moberly, 777 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fence, netting, hardware cloth, barbed wire, stockade panels, posts, angles and ends, metal and combination metal and wooden gates and fittings, nails, wire, welded fabric, rods, and staples*, from the plantsites of Mid-States Steel & Wire Co., Crawfordsville, Ind., to points in Florida, Illinois (except Chicago and points in Illinois within 50 miles thereof), Iowa, New York, Louisiana, Maryland, Minnesota, Mississippi, Missouri, Kentucky, North Carolina, Ohio, Pennsylvania, Tennessee (except Memphis, Tenn., and points in Tennessee on and south of Interstate Highway 40), Virginia, and West Virginia, for 180 days. Supporting shipper: Mid-States Steel & Wire Co., Crawfordsville, Ind. Send protests to: Acting District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, IN 46802.

No. MC 128527 (Sub-No. 19 TA), filed August 23, 1971. Applicant: MAY TRUCKING COMPANY, Post Office Box 398, Payette, ID 83661. Applicant's representative: Kenneth G. Bergquist, Post Office Box 1775, Boise, ID 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials*, from plantsites of Celotex Corp., Los Angeles, Calif., and Fiberglass Corp., Santa Clara, Calif., to Boise, Idaho, for 180 days. NOTE: Applicant herein states it does not intend to tack authority or interline with other carriers. Supporting shipper: Western Wholesale & Supply, Inc., 2717 Fletcher Street, Boise, ID 83076. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 455 Federal Building and U.S. Courthouse, 550 West Fort Street, Boise, ID 83702.

No. MC 128813 (Sub-No. 5 TA), filed August 23, 1971. Applicant: C. R. ENGLAND & SONS, INC., 975 West 2100 South Street, Salt Lake City, UT 84119. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dressed lambs*, from Ogden, Utah, to points in New York, New Jersey, and Boston, Mass., under a continuing contract with Wilson Beef & Lamb Co., for 180 days. Supporting shipper: Wilson Beef & Lamb Co., Post Office Box 1189, Ogden, UT 84402. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5239 Federal Building, Salt Lake City, Utah 84111.

No. MC 135046 (Sub-No. 4 TA), filed August 23, 1971. Applicant: ARLINGTON J. WILLIAMS, INC., Rural Delivery No. 2, South Dupont Highway, Smyrna, DE 19977. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic bowls*, in cartons, from the plantsite of Hasken Plastic Products Division, Middletown, Del.; to Avon, N.Y.; Lafayette, Ind.; Waseca, Minn.; and Modesta, Calif., for 180 days. Supporting shipper: Hasken Plastic Products Division, Post Office Box 257, Middletown Industrial Park, Middletown, DE 19709. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814–B Federal Building, Baltimore, Md. 21201.

No. MC 135542 (Sub-No. 1 TA), filed August 23, 1971. Applicant: TIMOTHY D. SHAW, Rural Delivery No. 1, Sweet Valley, PA 18656. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Scrap aluminum*, from Scranton, Pa., to Dayton, N.J.; and (2) *aluminum bars, rods, tubing and shapes;* (a) from Mountaintop, Pa., and Dayton, N.J., to points in Bronx, Nassau, New York, Queens, Richmond, and Suffolk Counties, N.Y.; Kent and New Castle Counties, Del.; Baltimore, Baltimore City, and Wicomico Counties, Md.; Fairfield, Hartford, Litchfield, Middlesex, New Haven, New London, Tolland, and Windham Counties, Conn.; Middlesex, Norfolk, Suffolk, and Worcester Counties, Mass.; (b) from Mountaintop, Pa., to points in Bergen, Burlington, Camden, Essex, Hudson, Hunterdon, Mercer, Middlesex, Passaic, Somerset, Sussex, and Union Counties, N.J.; and (d) from Dayton, N.J.; to points in Bucks, Carbon, Cumberland, Dauphin, Delaware, Lackawanna, Lehigh, Luzerne, Lycoming, Montgomery, Northampton, Perry, Philadelphia, Wyoming, and York Counties, Pa., for 180 days. Supporting shipper: Mideast Aluminum Industries Corp., U.S. Route 130, South Brunswick, Dayton, NJ 08810. Send protest to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, 309 U.S. Post Office Building, Sranton, Pa. 18503.

No. MC 135712 (Sub-No. 2 TA), filed August 23, 1971. Applicant MANUFACTURERS' TRANSPORT CORPORATION, 1499 Lissner Avenue, Savannah, GA 31408. Applicant's representative: Ariel V. Conlin, 53 Sixth Street NE., Atlanta, GA 30308. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Waste paper*, from points in Georgia, South Carolina, and Tennessee, to Union Camp Corp. mill and storage facility at or near Montgomery, Ala.; and (2) *paper and paper products*, from Union Camp Corp. mill in Autuaga County, Ala., to points in Georgia, South Carolina, and Tennessee, under a continuing contract with Union Camp Corp., for 180 days. Supporting shipper: Union Camp Corp., 1600 Valley Road, Wayne, NJ 07470. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 135749 (Sub-No. 1 TA), filed August 23, 1971. Applicant: D'ANTONI MOTOR LINES, INC., 1333 Jefferson Highway, New Orleans, LA 70121. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, LA 70130. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products and frozen desserts*, from the plantsite of Sealtest Foods Division of Kraftco Corp., in New Orleans, La., to Woodville, Magnolia, and Bay St. Louis and Liberty, Miss., and Vidalia, La., for 180 days. Supporting shipper: Sealtest Foods, Division of Kraftco Corp., 3400 South Carrollton, New Orleans, La. 70150. Send protests to: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room T–4009, Federal Building, 701 Loyola Avenue, New Orleans, LA 70113.

No. MC 135846 (Sub-No. 1 TA), filed August 23, 1971. Applicant: D & L TOW SERVICE, INC., Route 3, Box 167, Los Lunas, NM 87031. Applicant's representative: Jerry R. Murphy, 708 La Veta Drive NE., Albuquerque, NM 87108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Modular buildings and modular buildings in sections*, moving on trailers, or undercarriages, from Albuquerque, N. Mex., to points in Utah and Colorado, for 180 days. Supporting shipper: Kenneth Mount and Associates, Inc., 10026 Second Street NW., Albuquerque, NM 87114. Send protests to: William R. Murdoch, District Supervisor, Interstate

Commerce Commission, Bureau of Operations, 10515 Federal Building, U.S. Courthouse, Albuquerque, N. Mex. 87101.

No. MC 135913 TA, filed August 23, 1971. Applicant: BREEN TRUCKING, INC., 8459 Church Road, Grosse Isle, MI 48138. Applicant's representative: Theodore Polydoroff, 1140 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Coated foundry sand*, from the plant of C–E Cast Shell Products at or near Rockwood, Mich., to points in Kentucky, Illinois, Wisconsin, Indiana, Ohio, and points in Pennsylvania on and west of U.S. Highway 220, and return; and (2) *materials and supplies* used in the manufacture of coated foundry sand, from points in the above-described territory to the plant of C-E Cast Shell Products at or near Rockwood, Mich. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract with C–E Cast Shell Products, for 180 days. Supporting shipper: C–E Cermatec, Division of Combustion Engineering, Inc., 443 South Gulph Road, King of Prussia, PA 19406. Send protests to: District Supervisor Melvin F. Kirsch, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, MI 48226.

No. MC 135914 TA, filed August 23, 1971. Applicant: BENTON & HOLDEN, INC., 864 North Avenue, Elizabeth, NJ 07201. Applicant's representatives: Brodsky, Linett and Altman, 1776 Broadway, New York, NY 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in New Jersey, New York City, Nassau, Suffolk, Orange, and Rockland Counties, N.Y., and Fairfield County, Conn. Restriction: The service authorized herein is restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shipper: Smythe Worldwide Movers, Inc., 11616 Aurora Avenue North, Seattle, WA 98133. Send protests to: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-13195 Filed 9-7-71;8:53 am]

[Notice 359]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 2, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 730 (Sub-No. 331 TA), filed August 19, 1971. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Post Office Box 958, 94612, Oakland, CA 94612. Applicant's representative: Alfred G. Krebs (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from the port of entry on the international boundary line between the United States and Canada, at or near Blaine, Wash., to Seattle, Wash., for 150 days. NOTE: Applicant states it does intend to tack in Docket MC 730 at Seattle, Wash. Supporting shippers: Japan Line (U.S.A.), Ltd., 2220 Pacific Building, Seattle, Wash. 91804; American Mail Line, 1010 Washington Building, Seattle, Wash. 98101; Arthur J. Fritz & Co., 1606 Pacific Building, Seattle, Wash. 98104; Olympic Steamship Co., Inc., 1000 Second Avenue, Seattle, WA 98104. Send protests to: District Supervisor Wm. E. Murphy, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, CA 94102.

No. MC 2193 (Sub-No. 6 TA), filed August 20, 1971. Applicant: NEBRASKA CITY TRANSFER, 1215 Sixth Corsa, Box 532, Nebraska City, NE 68410. Applicant's representative: Charles J. Kimball, Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over *regular and irregular routes*, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Nebraska City, Nebr., and Omaha, Nebr., serving the intermediate points of Plattsmouth and La Platte, Nebr., and the off-route points of Carter Lake, Iowa, and Union, Murray, and Naynard, Nebr., from Nebraska City over U.S. Highway 75 to Omaha, and return over the same route, for 150 days. NOTE: Applicant seeks herein authority to operate between Carter Lake, Iowa, and the Nebraska points it serves under its present certificate of registration pending final action on permanent authority application docketed in Sub 5. Applicant also seeks herein permission to tack its regular and irregular routes authorities to permit service between Carter Lake, Iowa, and points it frequently serves which are not on its regular routes in its primary operating territory. Supporting shippers: Paxton & Vierling Steel Co., Carter Lake, Iowa.; Grothaus Express, Carter Lake, Iowa.; Takin Bros. Freight Line, Inc., Waterloo, Iowa.; Premier Trucking Service Co., Omaha, Nebr.; Sioux Transportation Co., Inc., Sioux City, Iowa. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building and Courthouse, Lincoln, Nebr. 68508.

No. MC 2860 (Sub-No. 102 TA), filed August 23, 1971. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, NJ 08360. Applicant's representative: Robert W. Gerson, 15th Floor, Candler Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt liquors, beer, advertising materials and supplies ordinarily used by malt beverage distributors*, from New Orleans, La., to points in Alabama, Florida, Mississippi, and Texas, and (2) return of *empty containers*, from points in Alabama, Florida, Mississippi, and Texas, to New Orleans, La., for 180 days. Supporting shipper: Jackson Brewing Co., 620 Decatur Street, New Orleans, LA 70130. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Trenton, NJ 08608.

No. MC 59640 (Sub-No. 23 TA), filed August 23, 1971. Applicant: PAULS TRUCKING CORPORATION, 3 Commerce Drive, Cranford, NJ 07016. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, NJ 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail and chain grocery and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, for the account of Supermarkets General Corp., between Woodbridge Township and Cranford, NJ, on the one hand, and, on the other, Manchester, Conn., for 180 days. Supporting shipper: Supermarkets General Corp., 3 Commerce Drive, Cranford, NJ 07016. Send protests to: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 105566 (Sub-No. 52 TA), filed August 20, 1971. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 1119, 1507 Independence, Cape

Girardeau, MO 63701. Applicant's representative: Thomas F. Kilroy, 2111 Jefferson Davis Highway, Room 405-S, Arlington, VA 22202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter*, from Effingham and Sparta, Ill., to points in Montana, Utah, Arizona, California, Oregon, and Washington, for 180 days. Supporting shipper: World Color Press, Inc., Spartan Printing Co. Division, Second and Dickey, Sparta, IL 62286. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 North 12th Street, St. Louis, MO 63101.

No. MC 108207 (Sub-No. 325 TA), filed August 23, 1971. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street 75207, Post Office Box 5888, Dallas, TX 75222. Applicant's representative: J. B. Ham (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vitamins, containing chocolate*, and (2) *drugs*, moving in mixed shipments with (1), all requiring refrigeration in transit, from Dallas, Tex., Des Plaines, Ill., and San Leandro, Calif., to points in Arizona, Arkansas, California, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, Texas, and Wisconsin, for 150 days. NOTE: Carrier does not intend to tack authority. Supporting shipper: Hoffmann-La Roche, Inc., Nutley, N.J. 07110. Send protests to: District Supervisor E. K. Willis, Jr., Bureau of Operations, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 109689 (Sub-No. 225 TA), filed August 20, 1971. Applicant: W. S. HATCH CO., 643 South 800 West Street, Woods Cross, UT 84087. Mail: Post Office Box 1825, Salt Lake City, UT 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible tallow, grease, and feed fats*, in bulk, from Ogden, Utah; Idaho Falls, Twin Falls, and Nampa, Idaho, to points in Los Angeles, Orange, San Mareo, Marin, Contra Costa, and Alameda Counties, Calif., and Kingsburg, Calif., for 180 days. Supporting shipper: Utah By-Products Co., 463 South Third West Street, Salt Lake City, UT 84101 (Eric F. Teutsch, Manager). Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5239 Federal Building, Salt Lake City, Utah 84111.

No. MC 115212 (Sub-No. 20 TA) (Correction), filed August 12, 1971, published FEDERAL REGISTER August 25, 1971, corrected and republished in part as corrected this issue. Applicant: H. M. H. MOTOR SERVICE, Route 130, Cranbury, N.J. 08512. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. NOTE: The purpose of this partial republication is to show the correct spelling of the origin point as Clair Mel City, Fla., in lieu of Clair Mel City, Fla., shown erroneously in previous publication. The rest of the the notice remains the same.

No. MC 116314 (Sub-No. 18 TA), filed August 20, 1971. Applicant: MAX BINSWANGER TRUCKING, 13846 Alondra Boulevard, Santa Fe Springs, CA 90670. Applicant's representative: Russell & Schureman, 1545 Wilshire Boulevard, Los Angeles, CA 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash and bottom ash*, in bulk, from the plantsite of Southern California Edison Co., Mohave Steam Electric Generating Plant, located in Clark County, Nev., near Bullhead City, Ariz., to points in California and Arizona, for 180 days. Supporting shipper: Associated Southern Investment Co., 100 Long Beach Boulevard, Long Beach, Calif. 90802. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 126291 (Sub-No. 13 TA), filed August 20, 1971. Applicant: QUIRION TRANSPORT, INC., La Guadeloupe (Frontenac), Quebec. Applicant's representative: Frank J. Weiner, 6 Beacon Street, Boston, MA 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Woodpulp board*, from Manchester, Conn., to ports of entry on the international boundary between the United States and Canada at Rouses Point, N.Y., for 150 days. Supporting shipper: Graphic Finishers, Inc., 905 Munck Industrial Park, Chomedey East, Laval, PQ. Send protests to: District Supervisor Ross J. Seymour, Bureau of Operations, Interstate Commerce Commission, 424 Federal Building, Concord, N.H. 03301.

No. MC 127137 (Sub-No. 1 TA), filed August 20, 1971. Applicant: T. C. ASHLEY OF FREETOWN, INC., 181 Dr. Braley Road, East Freetown, Mass. 02717. Applicant's representative: Russell B. Curnett, 36 Circuit Drive, Edgewood Station, Providence, RI 02905. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal feed*, in packages; *fertilizer*, in packages or in bulk; between Albany, N.Y., on the one hand, and, on the other, points in New London and Windham Counties, Connecticut, Massachusetts, and Rhode Island; (2) *fertilizer*, in packages or in bulk, *limestone*, in packages or in bulk, from Freetown, Mass., to points in New London, and Windham Counties, Connecticut, and Rhode Island and; (3) *animal feed*, in packages; from Bridgewater, Mass., to points in New London and Windham Counties, Connecticut, and Rhode Island, for 180 days. Supporting shipper: Agway Inc., 333 Butternut Drive, Dewitt, NY Box 1333, Syracuse, N.Y. 13201. Send protests to: Gerald H. Curry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 187 Westminster Street, Providence, R.I. 02903.

No. MC 127304 (Sub-No. 11 TA) (Correction), filed August 20, 1971, published FEDERAL REGISTER August 20, 1971, corrected and republished in part as corrected this issue. Applicant: CLEAR WATER TRUCK COMPANY, INC., 9101 Northwest Street, Valley Center, KS 67147. Applicant's representative: Gailey L. Larsen, 521 South 14th Street, Lincoln, NE 68501. NOTE: The purpose of this partial republication is to set forth the correct MC No. 127304 (Sub-No. 11 TA), in lieu of MC 135872 TA, shown erroneously in previous publication. The rest of the notice remains the same.

No. MC 127505 (Sub-No. 47 TA) (Correction) filed August 16, 1971, published FEDERAL REGISTER August 28, 1971, corrected and republished as corrected this issue. Applicant: RALPH H. BOELK, doing business as BOELK TRUCK LINES, Route 2, Mendota, IL 61342. Applicant's representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, IL 60174. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum plate, rod and sheet*, from Amax Aluminum Mill Products, Inc., near Channahon, Ill., to Little Falls, Minneapolis, and New York Mills, Minn., Stoughton, Edgerton, Marshfield, and Medford, Wis., and Elkhart, Monon, and Rochester, Ind., for 180 days. Supporting shipper: Amax Aluminum Mill Products, Inc., Post Office Box 143, Morris, IL 60450. Send protests to: William J. Gray, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, IL 60604. NOTE: The purpose of this republication is to include Minneapolis, Minn., to the destination territory.

No. MC 133318 (Sub-No. 1 TA), filed August 23, 1971. Applicant: VAN DE HOGEN CARTAGE LIMITED, Route 4, Chatham, ON., Canada. Applicant's representative: William J. Hirsch, Suite 444, 35 Court Street, Buffalo, NY 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick* on self-unloading trailers, from Clearfield, Lewis Run, and Summerville, Pa., to ports of entry on the international boundary line between the United States and Canada on the Detroit and Niagara Rivers, and *returned shipments* on return, for the account of Windsor Builders Supply, Ltd., for 150 days. Supporting shipper: Windsor Builders Supply, Ltd., doing businses as Canadian Builders Supply, 2595 Dougall Avenue, Windsor, ON, Canada. Send protests to: District Supervisor, Melvin F. Kirsch, Interstate Commerce Commission, Bureau of Operations, 1110 Broaderick Tower, 10 Witherell, Detroit, MI 48226.

No. MC 133883 (Sub-No. 3 TA), filed August 20, 1971. Applicant: Gerald Evenson, Post Office Box 328, Pelican Rapids, MN 56572. Applicant's representative: Gene P. Johnson, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies* used in the manufacture of kitchen and bathroom cabinets, from points in

the United States (except Alaska, Arkansas, Hawaii, Kentucky, Mississippi, Missouri, and Tennessee), to Fergus Falls, Minn., for 180 days. Supporting shipper: Medallion Kitchen, Inc., 302 East Washington, Fergus Falls, MN 56537. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 2340, Fargo, N. Dak. 58102.

No. MC 133966 (Sub-No. 10 TA), filed August 20, 1971. Applicant: North East Express, Inc., Post Office Box 61, Mountaintop, PA 18707. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes*, equipped with pintel hook or ball connectors, from Taylor and Old Forge, Pa., to New York, Maine, Connecticut, Vermont, Massachusetts, New Hampshire, Maryland, New Jersey, Delaware, West Virginia, and Ohio, for 150 days. Supporting shipper: Mark IV Homes, Inc., Moosic Road at Honey Lane, Old Forge, PA 18518. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 134209 (Sub-No. 1 TA), filed August 24, 1971. Applicant: FRED F. CLASSEY, doing business as AIRPORT SERVICE, Post Office Box 151, Hickory, NC 28601. Applicant's representatives: York, Boyd and Flynn, Post Office Box 180, Greensboro, NC 27402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring equipment), between the Douglas Municipal Airport in Mecklenburg County, N.C., on the one hand, and, on the other, all points in Mitchell, Wilkes, and Yancey Counties, N.C. Restriction: Restricted to the transportation of shipments having a prior or subsequent movement by air, for 180 days. Supporting shippers: Pacemaker Manufacturing Corp., Post Office Box 498, Spruce Pine, NC 28777; Carolina Mirror Corp., North Wilkesboro, N.C. 28659; Ellen Knitting Mills, Inc., Post Office Box 528, Spruce Pine, NC 28777; Nancy King Textiles, Inc., Post Office Box 848, North Wilkesboro, NC 28659. Send protests to: District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building), Charlotte, NC 28202.

No. MC 134387 (Sub-No. 5 TA), filed August 20, 1971. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Avenue, South Gate, CA 90280. Applicant's representative: W. Knapp, 825 City National Bank Building, 606 South Olive Street, Los Angeles, CA 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty used glass containers*, broken or unbroken, for recycling only, from Phoenix and Tucson, Ariz., to points in Los Angeles and Orange Counties, Calif., for 180 days. Supporting shipper: Phoenix Coca-Cola Bottling Co., Post Office Box 20008, 2225 East Buckeye Road, Phoenix, AZ 85036. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 134816 (Sub-No. 1 TA), filed August 24, 1971. Applicant: EDWARD C. WARD, Route 1, Box 107, Tyner, NC 27980. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fishmeal*, in bulk: (1) between Reedville and Cape Charles, Va., on the one hand, and, on the other Wildwood, N.J., and Morehead City, N.C.; and (2) from Reedville and Cape Charles, Va., and Wildwood, N.J., to Baltimore, Md., for 180 days. Supporting shipper: Haynie Products, Inc., 5010 York Road, Baltimore, MD 21212. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 26896, Raleigh, NC 27611.

No. MC 135034 (Sub-No. 2 TA), filed August 20, 1971. Applicant: KAPE EXPRESS, INC., Post Office Box 5773, Toledo, OH 43613. Applicant's representatives: Keith F. Henley and Paul F. Beery, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Laboratory and museum furniture, fixtures and equipment, and parts and accessories* for the same, from Adrian, Mich., to points in the United States which include Philadelphia, Pa.; Flushing, Nyack and Tarrytown, N.Y.; Newark, N.J.; Durham, Kinston, and Roanoke Rapids, N.C.; Greer, S.C.; and Crookeville, Tenn. for 30 days. Supporting shipper: Kewaunee Scientific Equipment Corp., Adrian, Mich. 49221. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5234 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

No. MC 135789 (Sub-No. 1 TA), filed August 24, 1971. Applicant: GASOLINE TANK SERVICE, INC., 1424 Washington Building, Seattle, WA 98101. Applicant's representative: George R. Labissoniere (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk asphalt and residual fuel oils*, from Spokane, Wash., to points in Idaho, north of the southern boundaries of Idaho and Lemhi Counties, Idaho, for 150 days. Supporting shippers: Inland Asphalt Co., Post Office Box 36, Parkwater Station, Spokane, WA 99211; Tristate Oil And Asphalt Sales, Inc., North 705 Washington Street, Spokane, WA 99210; Chevron Asphalt Co., 5501 Northwest Front Avenue, Portland, OR 97208; Blackline Asphalt Sales, Inc., Post Office Box 6116, Hillyard Station, Spokane, WA 99207. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 61330 Arcade Building, Seattle, Wash. 98101.

No. MC 135861 (Sub-No. 1 TA), filed August 20, 1971. Applicant: LISA MOTOR LINES, INC., 28th and Main Streets, Fort Worth, TX 76106. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as defined in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsites and storage facilities utilized by Missouri Beef Packers, Inc., at or near Friona and Plainview, Tex., to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania (except Pittsburgh), Rhode Island, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Missouri Beef Packers, Inc., 630 Amarillo Building, Amarillo, Tex. 79101. Send protests to: H. C. Morrison, Sr., Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, Room 9A27 Federal Building, Fort Worth, Tex. 76102.

No. MC 135912 TA, filed August 20, 1971. Applicant: ATLANTIC & PACIFIC FREIGHT SERVICE, INC., 4008 North Mississippi, Portland, OR 97227. Applicant's representative: Nick I. Goyak, 404 Oregon National Building, 610 Southwest Alder Street, Portland, OR 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Restaurant equipment, stainless steel, formica and wood counters, and other miscellaneous stainless steel or commercial equipment including refrigeration units*, from Portland, Oreg.; to Detroit, Mich.; Atlanta, Ga.; Shaunber, Ill.; Denver, Colo.; Mesquite, Tex.; Hialeah, Fla.; Sacramento, Calif.; and Granthaven, Mich.; and from Granthaven, Mich.; to Fort Lewis, Wash., for 180 days. Supporting shipper: Atlas Hotel Supply Co., 4215 North Williams Avenue, Portland, OR 97217. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-13196 Filed 9-7-71;8:53 am]

[Notice 745]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 2, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations

prescribed thereunder (49 CFR Part 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-72700. By order of August 26, 1971, the Motor Carrier Board approved the transfer to John T. Harriger and Ruth B. Harriger, a partnership, doing business as T. C. Harriger Trucking, Falls Creek, Pa., of the operating rights in Certificate No. MC-128054 (Sub-No. 1), issued May 21, 1969 to Edward I. Jury, doing business as Edward I. Jury Trucking, Karthaus, Pa., authorizing the transportation of malt and brewed beverages from DuBois, Pa. to points in Delaware, Maryland, New Jersey, New York, North Carolina, Ohio, Virginia, and West Virginia. William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219, attorney for applicants.

No. MC-FC-73004. By order of August 31, 1971, the Motor Carrier Board approved the transfer to Emanuel's Express, Inc., Kirklyn, Pa., of the operating rights in Certificate No. MC-128498 (Sub-No. 1), issued January 30, 1967 to Robert Emanuel, doing business as Emanuel's Express, Kirklyn, Pa., authorizing the transportation of household goods and billiard tables between Philadelphia, Pa., on the one hand, and, on the other, points in New York, New Jersey, Delaware, Maryland, and the District of Columbia. Byron R. LaVan, Suite 400, 117 South 17th Street, Philadelphia, PA 19103, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-13197 Filed 9-7-71;8:53 am]

CUMULATIVE LIST OF PARTS AFFECTED—SEPTEMBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during September.

3 CFR

Page

PROCLAMATIONS:
4077 ... 17557
4078 ... 17559

EXECUTIVE ORDERS:
11615 (amended by EO 11617) ... 17813
11617 ... 17813

5 CFR

213 ... 17483, 17484, 17561, 17815, 17816, 17979
550 ... 17816

7 CFR

354 ... 17484
718 ... 17485
775 ... 17643
792 ... 17561
908 ... 17563
910 ... 17485, 17816, 17979
945 ... 17816
958 ... 17817
1004 ... 17491
1050 ... 17492
1079 ... 17817
1106 ... 17492
1802 ... 17818
1803 ... 17832
1863 ... 17833
1864 ... 17833
1865 ... 17840
1866 ... 17841
1867 ... 17843

PROPOSED RULES:
101 ... 17579
725 ... 18000
729 ... 17872
906 ... 18001
910 ... 17579
929 ... 17875
946 ... 17875
948 ... 18002
993 ... 17579
1001 ... 17580
1002 ... 17580
1004 ... 17580
1015 ... 17580, 17586
1133 ... 17588
1464 ... 17874

9 CFR

Page

76 ... 17844

10 CFR

70 ... 17573
140 ... 17979

12 CFR

524 ... 17564
545 ... 17564, 17980

PROPOSED RULES:
222 ... 17514

13 CFR

121 ... 17492

PROPOSED RULES:
121 ... 17514

14 CFR

39 ... 17493, 17494, 17847-17849
61 ... 17495
63 ... 17495
71 ... 17495, 17496, 17575, 17643, 17644, 17849
75 ... 17849
91 ... 17495
97 ... 17575
121 ... 17495
123 ... 17495
127 ... 17495
135 ... 17495
208 ... 17644

PROPOSED RULES:
39 ... 17512
71 ... 17513, 17588, 17589, 17653-17655, 17876
73 ... 17876
207 ... 17655
208 ... 17655
212 ... 17655
214 ... 17655
372 ... 17655

16 CFR

13 ... 17982-17995

17 CFR

Page

PROPOSED RULES:
1 ... 18000

18 CFR

2 ... 17576

PROPOSED RULES:
260 ... 17665

19 CFR

PROPOSED RULES:
1 ... 17579
24 ... 17653

21 CFR

141a ... 17644
141c ... 17645
146a ... 17644
146c ... 17645
191 ... 17645
420 ... 17646

PROPOSED RULES:
146a ... 17653
146e ... 17653
295 ... 17512, 18012

22 CFR

41 ... 17496

24 CFR

4 ... 17496
241 ... 17506
1914 ... 17647
1915 ... 17648

26 CFR

PROPOSED RULES:
1 ... 17863, 18012
13 ... 18012

28 CFR

21 ... 17506

LIST OF FEDERAL REGISTER PAGES AND DATES—SEPTEMBER

Pages	*Date*	*Pages*	*Date*
17477–17549	Sept. 1	17807–17972	Sept. 4
17551–17636	2	17973–18051	8
17637–17805	3		