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List of CFR Parts Affected

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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.

Presidential Documents

Title 3—The President

PROCLAMATION 4090

American Education Week, 1971

By the President of the United States of America

A Proclamation

Historian Henry Steele Commager has written that "No other people ever demanded so much of education as have the Americans. None other was ever served so well by its schools and educators."

What has been a characteristic of our history is even more dominant in our lives today. A system of education that has conferred inestimable benefits upon generation after generation of American citizens—that has contributed in large measure to the spirit and character of the American nation itself—continues to bring reality to the ideals of freedom, serving our people with the same dedication that it has always displayed and with an ever greater measure of effectiveness.

Yet it must be acknowledged that the challenge to our educational system is not diminishing, but mounting. For we recognize that our success in meeting unprecedented social, scientific, and physical change, and in directing its forces to positive ends, will be determined essentially by the quality of our schools, colleges, and universities, by the wisdom with which we develop and employ new educational techniques and technologies, and above all, by the compassion and understanding with which we reach out to all people—especially the young—and impart to each the intellectual and occupational enrichment which every American deserves.

After a period of uncertainty in educational matters, we are surer now of how that challenge shall be met. Our country is moving purposefully and effectively to strengthen and develop the great partnership of interests—Federal, State, local and private—through which we can accomplish our educational aims. Our educational leaders are not acting independently but with a new sense of cooperative unity, determined to use all resources, explore all initiatives, and recast the laws, if necessary, in order to serve our national needs. This is not an easy task, and if we

are to succeed, we must call upon the assistance and support of all the American people.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the period of October 24 through October 30, 1971 as American Education Week.

I urge all my fellow Americans to make known during this week their appreciation for the truly heroic efforts of our teachers and all our education professionals upon whose humane skills so much of our greatness as a people depends. I ask moreover that we focus upon education as the central task of a democracy and the indispensable ally of liberty. Let the clarity of our vision and the boldness of our actions match the magnitude of our cause.

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

Richard Nixon

[FR Doc.71-15278 Filed 10-15-71;4:42 pm]

Rules and Regulations

Title 7—AGRICULTURE

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

1972 Crop of Extra Long Staple Cotton; Acreage Allotments and Marketing Quotas

The provisions of §§ 722.558 to 722.561 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.) (referred to as the "act") with respect to the 1972 crop of extra long staple cotton (referred to as "ELS cotton"). The purpose of these provisions is to (1) proclaim a national marketing quota and national acreage allotment for the 1972 crop of ELS cotton; (2) apportion the national acreage allotment to States; and (3) fix the period for holding the national marketing quota referendum. The latest available statistics of the Federal Government have been used in making determinations under these provisions.

Notice that the Secretary was preparing to make determinations with respect to these provisions was published in the FEDERAL REGISTER on September 14, 1971 (36 F.R. 18412), in accordance with 5 U.S.C. 553. The views and recommendations received in response to such notice have been duly considered.

It is essential that these provisions be made effective as soon as possible since the proclamation of the quota and the national allotment is required to be made not later than October 15, 1971. Accordingly, it is hereby found and determined that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest, and §§ 722.558 to 722.561 shall be effective upon filing this document with the Director, Office of the Federal Register. The material previously appearing in these sections under centerhead "1971 Crop of Extra Long Staple Cotton; Acreage Allotments and Marketing Quotas" remain in full force and effect as to the crop to which it was applicable.

§ 722.558 National Marketing quota for the 1972 crop of ELS cotton.

The marketing quota for the 1972 crop of ELS cotton is hereby proclaimed to be an amount of 115,800 standard bales determined in accordance with the formula prescribed under section 347(b)(1) of the act. For the 1971 and succeeding crops of ELS cotton, it has been determined that the minimum quota of 82,481 standard bales under section 347(b)(2) of the act shall not be required to be a maximum quota under section 347(b)(3) of the act. See § 722.558 published in the FEDERAL REGISTER of October 17, 1970 (35 F.R. 16312). The marketing quota for the 1972 crop is not less than the minimum quota prescribed under section 347(b)(2) of the act. The quota is based on the following data:

(1) Estimated domestic consumption, 1972–73	[1] 100,000
(2) Estimated exports, 1972–73	[1] 15,000
(3) Adjustment to assure adequate stocks	[1] 20,800
(4) Estimated imports, 1972–73	[2] 20,000
Total	115,800

[1] Running bales.
[2] Equivalent running bales.

§ 722.559 National acreage allotment for the 1972 crop of ELS cotton.

It is hereby determined and proclaimed that a national acreage allotment shall be in effect for the crop of ELS cotton produced in the calendar year 1972. The amount of such national allotment is 117,763 acres calculated by multiplying the national quota in bales by 480 pounds (net weight of a standard bale) and dividing the result by the national average yield of 472 pounds per planted acre of ELS cotton for the 4 calendar years 1967, 1968, 1969, and 1970.

§ 722.560 Apportionment of national acreage allotment to the States.

The national acreage allotment of 117,763 acres is apportioned to the States in accordance with section 344(b) of the act as follows:

State	State allotment (acres)
Arizona	51,109
California	782
Florida	194
Georgia	159
New Mexico	23,914
Texas	41,605

§ 722.561 National marketing quota referendum for the 1972 crop of ELS cotton.

The national marketing quota referendum for the 1972 crop of ELS cotton shall be held during the referendum period December 6 to 10, 1971, each inclusive, by mail ballot in accordance with Part 717 of this chapter (33 F.R. 18345, 34 F.R. 12940, 36 F.R. 12730).

(Secs. 301, 343, 344, 347, 375, 52 Stat. 38, as amended; 63 Stat. 670, as amended; 63 Stat. 675, as amended; 52 Stat. 66, as amended; 7 U.S.C. 1301, 1343, 1344, 1347, 1375.)

Effective date. Date of filing this document with the Director, Office of the Federal Register.

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

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[FR Doc.71-15227 Filed 10-15-71;9:43 am]

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

[Orange Reg. 69, Grapefruit Reg. 71, Tangerine Reg 42, Tangelo Reg. 42, Export Reg. 20]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Notice was published in the FEDERAL REGISTER on October 9, 1971 (36 F.R. 19702), that consideration was being given to proposals relative to limitation of shipments of oranges, including Navel oranges, but not including Temple oranges, Murcott Honey oranges, and Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type, grapefruit, tangerines, and tangelos handled between the production area and any point outside thereof in the continental United States, Canada, or Mexico; and oranges (except Navel oranges, Temple oranges, and Murcott Honey oranges), grapefruit, and tangelos handled to any destination outside the continental United States, other than to Canada or Mexico, recommended by the Growers Administrative Committee, established under the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice provided a period of 5 days after publication thereof in the FEDERAL REGISTER during which interested persons could file written data, views, or arguments pertaining thereto. None were received.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice and other available information, it is hereby found that the regulations, as hereinafter set forth, are in accordance with said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

In accordance with § 905.50(c) of the said amended marketing agreement and order, the Shippers Advisory Committee and Growers Administrative Committee have adopted a marketing policy for the 1971–72 shipping season setting forth a schedule of proposed regulations for each specified variety of fruit. The recommendations by the Growers Administrative Committee for regulation of shipments of the specified varieties of oranges, grapefruit, tangerines, and tangelos by grade and size correspond with said schedule of proposed regulations and reflect the available supply and the current and propsective demand for such fruits.

The minimum grade and size requirements specified for Early and Midseason type oranges are prescribed during the present stage of maturity and deveopment of such oranges to guard against the shipment of lower quality fruit which could adversely affect the overall price structure for better quality fruit. The U.S. No. 1 Golden grade requirement specified herein for Navel oranges is consistent with the fact that when the Navel orange attains maturity the fruit often does not possess the color required for the U.S. No. 1 grade.

The distinction between the U.S. No. 1 grade requirement for seedless grapefruit grown in Regulation Area I and the Improved No. 2 grade requirement for seedless grapefruit grown in Regulation Area II is based on the differences in grading practices between the two grapefruit production areas. In Regulation Area II, grapefruit is separated and packed by degrees of discoloration; whereas in Regulation Area I, only U.S. No. 1 grade grapefruit is generally packed. Regulation Area II produces practically no seeded type of grapefruit. The specified size limitations for shipments of seeded and seedless grapefruit are imposed to insure the handling of fruit sizes preferred by the trade.

The size and grade requirements specified herein for tangerines and tangelos are necessary during the early part of the season to prevent the handling of such fruits that are of a lower grade or smaller size in order to provide good quality fruit to consumers and improve returns to producers.

The specified grade and size requirements for export shipments of oranges, other than Navel, Temple, and Murcott Honey oranges, grapefruit and tangelos are necessary to assure the exportation of good quality fruit and thereby aid the expansion of export markets.

It is hereby further found that good cause exists for not postponing the effective date of these regulations until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) notice of proposed rule making concerning these regulations, with an effective date of October 18, 1971, was published in the FEDERAL REGISTER on October 9, 1971 (36 F.R. 19702), and no objection to these regulations or such effective date was received; (2) the recommendation and supporting information for regulation of the aforesaid fruits during the period specified herein were submitted to the Department after an open meeting of the Growers Administrative Committee on September 9, 1971, which was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; (3) the provisions of these regulations including the effective time hereof, are identical with the aforesaid recommendation of the committee; (4) information concerning such provisions and effective time has been disseminated among handlers of such fruits; and (5) compliance with the regulations will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 905.535 Grapefruit Regulation 71.

(a) *Order.* During the period October 18, 1971, through October 1, 1972, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(1) Any seeded grapefruit, grown in the production area, which do not grade at least U.S. No. 1;

(2) Any seeded grapefruit, grown in the production area, which are smaller than $3^{15}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. Standards for Florida Grapefruit;

(3) Any seedless grapefruit, grown in Regulation Area I, which do not grade at least U.S. No. 1;

(4) Any seedless grapefruit, grown in Regulation Area II, which do not grade at least Improved No. 2; or

(5) Any seedless grapefruit, grown in the production area, which are smaller than $3^{5}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the United States Standards for Florida Grapefruit.

§ 905.536 Orange Regulation 69.

(a) *Order.* During the period October 18, 1971, through October 1, 1972, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(1) Any oranges, except Navel, Temple, Murcott Honey oranges, and Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type, grown in the production area, which do not grade at least U.S. No. 1;

(2) Any oranges, except Navel, Temple, Murcott Honey oranges, and Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type, grown in the production area, which are of a size smaller than $2^{5}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. Standards for Florida Oranges and Tangelos: *Provided,* That in determining the percentage of oranges in any lot which are smaller than $2^{5}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size $2^{1}/_{16}$ inches in diameter or smaller;

(3) Any Navel oranges, grown in the production area, which do not grade at least U.S. No. 1 Golden; or

(4) Any Navel oranges, grown in the production area, which are of a size smaller than $2^{5}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. Standards for Florida Oranges and Tangelos.

§ 905.537 Tangerine Regulation 42.

(a) *Order.* During the period October 18, 1971, through October 1, 1972, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(1) Any tangerines, grown in the production area, which do not grade at least U.S. No. 1; or

(2) Any tangerines, grown in the production area, which are of a size smaller than $2^{1}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. Standards for Florida Tangerines.

§ 905.538 Tangelo Regulation 42.

(a) *Order.* During the period beginning October 18, 1971, through October 1, 1972, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(1) Any tangelos, grown in the production area, which do not grade at least U.S. No. 1; or

(2) Any tangelos, grown in the production area, which are of a size smaller than $2^{5}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. Standards for Florida Oranges and Tangelos.

§ 905.539 Export Regulation 20.

(a) *Order.* During the period October 18, 1971, through October 1, 1972, no handler shall ship to any destination outside the continental United States other than to Canada or Mexico:

(1) Any oranges, other than Naval, Temple, and Murcott Honey oranges, grown in the production area, which do not grade at least U.S. No. 1;

(2) Any grapefruit, grown in the production area, which do not grade at least Improved No. 2;

(3) Any tangelos, grown in the production area, which do not grade at least U.S. No. 1;

(4) Any oranges, except Navel, Temple, Murcott Honey oranges, grown in the production area, which are of a size smaller than $2^{5}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the amended U.S. Standards for Florida Oranges and Tangelos;

(5) Any grapefruit, grown in the production area, which are of a size smaller than 3 5/16 inches in diameter, except that a tolerance of 10 percent, by count, of grapefruit smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the revised United States Standards for Florida Grapefruit; or

(6) Any tangelos, grown in the production area, which are of a size smaller than 2 5/16 inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said amended U.S. Standards for Florida Oranges and Tangelos.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meanings as are given to the respective terms in said amended marketing agreement and order; and terms relating to grade and diameter, as used in §§ 905.535 through 905.539, shall have the same meanings as are given to the respective terms in the following U.S. Standards, as applicable: U.S. Standards for Florida Oranges and Tangelos (7 CFR 51.1140–51.1178), the revised U.S. Standards for Florida Grapefruit (7 CFR 51.750–51.783), or the U.S. Standards for Florida Tangerines (7 CFR 51.1810–51.1834).

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

Dated: October 15, 1971.

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

[FR Doc.71–15253 Filed 10–15–71;12:08 pm]

[Lemon Reg. 502, 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 growns in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(b) *Order, as amended.* The provision in paragraph (b)(1) of § 910.802 (Lemon Regulation 502, 36 F.R. 19668) during the period October 10, through October 16, 1971, is hereby amended to read as follows:

§ 910.802 Lemon Regulation 502.

* * * * *

(b) * * *

(1) * * * 210,000 cartons.

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

Dated: October 14, 1971.

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

[FR Doc.71–15181 Filed 10–18–71;8:47 am]

PART 932—OLIVES GROWN IN CALIFORNIA

Modified Grade Requirements for Specified Styles of Canned Ripe Olives

Notice was published in the FEDERAL REGISTER issued of October 1, 1971 (36 F.R. 19265), that the Department was giving consideration to a proposed amendment of § 932.149 of the rules and regulations (Subpart—Rules and Regulations; 7 CFR 932.108–932.161; 36 F.R. 16185, 19113) currently effective pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932), regulating the handling of olives grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The amendment reestablishes, through a new effective date, certain provisions which modify the grade requirements for chopped or minced style of canned ripe olives. The modification is in the form of certain requirements, as hereinafter set forth, which would be added to the specifications contained in U.S. Grade C for such style. Shipments of chopped or minced style olives produced before December 21, 1970 (the date when the provisions of the current § 932.149(d) became effective), would be exempt from such additional requirements. In effectuation thereof the effective date of the exemption (December 21, 1970), specified by reference in the current provisions of § 932.149(e) is inserted therein and combined with a new paragraph (d).

Shipments of whole, pitted, and broken pitted styles of canned ripe olives produced prior to September 1, 1970, would not be affected by this amendment. Thus the effective date (September 1, 1970) of the applicable provisions as referenced by the current paragraph (f) is inserted therein and the paragraph is redesignated as paragraph (e). Certain provisions currently contained in paragraph (g) of the section are obsolete and are deleted as is the reference to paragraph (g) currently contained in the introductory language.

The amendment was submitted as a proposal by the Olive Administrative Committee, established pursuant to said marketing agreement and order as the agency to administer the provisions thereof. No written data, views, or arguments were filed with respect to said proposal during the period specified therefor in the notice.

After consideration of all relevant matter presented, including that in the notice, it is hereby found that amendment, as hereinafter set forth, of said rules and regulations is in accordance with said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

Therefore, § 932.149, except paragraphs (a), (b), and (c) thereof, is amended to read as follows:

§ 932.149 Modified grade requirements for specified styles of canned olives of the ripe type.

The grade requirements prescribed in § 932.52(a)(1) are modified as follows with respect to specified styles of olives of the ripe type:

* * * * *

(d) On and after October 20, 1971, chopped or minced style of canned ripe olives, as set forth in § 52.3753(f) of this title (U.S. Standards for Grades of Canned Ripe Olives) shall grade at least U.S. Grade C and shall be practically free from identifiable units of pit caps, end slices, and slices ("practically free from identifiable units" means that not more than 5 percent, by weight, of the units of chopped or minced style of olives may be identifiable pit caps, end slices, or slices): *Provided,* That packaged olives of the chopped or minced style produced prior to December 21, 1970, may be shipped if such packaged olives comply with the applicable requirements in effect, under this part, immediately prior to such date.

(e) With respect to the provisions of paragraphs (a), (b), and (c) of this section, any packaged olives of the specified styles, produced prior to September 1, 1970, may be shipped if such packaged olives comply with the applicable requirements in effect, under this part, immediately prior to such date.

(f) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; "U.S. Grade B," "U.S. Grade C," and the terms "uniformity of size," "character," "absence of defects," and "ripe type" shall have the same meaning as when used in the U.S. Standards for Grades of Canned Ripe Olives (§§ 52.3751–52.3766 of this title; 36 F.R. 16567).

It is hereby found that good cause exists for not postponing the effective

date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the use, by handlers, of processed olives from the 1971–72 crop in the production of packaged olives is expected to begin on or about October 20, 1971—the effective date hereof—and this amendment of the rules and regulations should be effective on such date so as to apply to such handling of processed olives to effectuate the declared policy of the act, (2) the modified grade requirements of this amendment were in effect during the 1970–71 crop year and such requirements are well known to handlers of canned ripe olives, (3) this amendment relieves restrictions on the handling of chopped or minced style of canned ripe olives that were produced prior to December 21, 1970, and which meet the requirements in effect immediately prior to that date, (4) this amendment relieves restrictions on the handling of whole, pitted, and broken pitted styles of canned ripe olives produced prior to September 1, 1970, and which meet the requirements in effect immediately prior to that date, (5) notice of proposed rule making concerning this amendment was published in the FEDERAL REGISTER (36 F.R. 19265) and no objection to the amendment or its effective date was received, and (6) compliance with this amendment will not require of handlers any preparation therefor that cannot be completed by the effective time hereof.

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

Dated: October 14, 1971.

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

[FR Doc.71-15219 Filed 10-18-71;8:49 am]

PART 971—LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

Expenses and Rate of Assessment

Notice of rule making regarding the proposed expenses and rate of assessment to be effective under Marketing Agreement No. 144 and Order No. 971 (7 CFR Part 971) regulating the handling of lettuce grown in the Lower Rio Grande Valley in South Texas, was published in the FEDERAL REGISTER September 23, 1971 (36 F.R. 18870). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to submit data, views, or arguments pertaining thereto not later than 15 days following its publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters, including the proposals set forth in the aforesaid notice which were recommended by the South Texas Lettuce Committee, established pursuant to said marketing agreement and order, it is hereby found and determined that:

§ 971.211 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period August 1, 1971, through July 31, 1972, by the South Texas Lettuce Committee for its maintenance and functioning and for such purposes as the Secretary determines to be appropriate will amount to $23,500.00.

(b) The rate of assessment to be paid by each handler in accordance with the marketing agreement and this part shall be one cent ($0.01) per carton of lettuce handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending July 31, 1972, may be carried over as a reserve.

(d) Terms used in this section have the same meaning as when used in the said marketing agreement and this part.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the relevant provisions of said marketing agreement and this part require that the rate of assessment for a particular fiscal period shall be applicable to all assessable lettuce from the beginning of such period, and (2) the current fiscal period began on August 1, 1971, and the rate of assessment herein fixed will apply to all assessable lettuce beginning with such date.

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

Dated: October 14, 1971.

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

[FR Doc.71-15218 Filed 10-18-71;8:49 am]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 94]

PART 1094—MILK IN THE NEW ORLEANS, LOUISIANA, MARKETING AREA

Order Suspending Certain Provisions

This suspension order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the New Orleans, La., marketing area.

It is hereby found and determined that for the month of October 1971 the following provisions of the order do not tend to effectuate the declared policy of the Act:

1. In § 1094.14(b), "during any month(s) of December and February through August"; and

2. In § 1094.14, all of paragraph (c).

STATEMENT OF CONSIDERATION

This suspension will remove the present limitation on the amount of milk that may be diverted during the month of October by a handler or a cooperative association to nonpool plants as producer milk.

Milk production in this market has been running substantially ahead of a year ago. Because of the limited manufacturing facilities of the pool plants, it has been necessary to divert substantial quantities of milk to nonpool manufacturing plants. The order sharply limits the amount of milk which may be diverted as producer milk during the month of October. If this limitation on diversion is not suspended for the month of October, there is a likelihood that handlers will be unable to pool all the milk of producers who regularly supply the market. This would work a severe hardship on those producers whose milk was affected.

This suspension was requested by Dairymen, Inc., a cooperative association which is the major source of supply for the market.

A proposal to ease the restrictions on diversions was considered at a hearing held in New Orleans, La., on August 11 and 12, 1971. A decision on the record of that hearing is expected to be issued shortly.

The suspension action taken here will afford the necessary relief pending amendment of the order as a result of the aforementioned hearing.

It is hereby found and determined that notice of proposed rule making, public procedure thereon, and 30 days' notice of the effective date hereof are impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that it will facilitate more economical and efficient disposal of surplus milk;

(b) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) A proposal to ease the restrictions on diversions was considered at a hearing held in New Orleans, La., on August 11 and 12, 1971. A decision on the record of that hearing is expected to be issued shortly. The suspension action taken here will afford the necessary relief pending amendment of the order as a result of the aforementioned hearing.

Therefore, good cause exists for making this order effective October 1, 1971.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the month of October 1971.

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

Effective date: October 1, 1971.

Signed at Washington, D.C. on October 13, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-15178 Filed 10-18-71;8:47 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 71-EA-121; Amdt. 39-1309]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Piper PA 23-250 type aircraft.

A review of the type certification data of the PA 23-250 established that the alternate air flexible duct between the firewall magnetic valve and turbocompressor inlet had not been manufactured from fireproof material. This failure was contrary to the requirements of section 23.1191 of Part 23 of the Federal Aviation Regulations which requires separation by firewall of the engine compartment from other parts of the aircraft.

Since the foregoing deficiency exists in certain serials of the PA 23-250 type aircraft, an airworthiness directive is being issued which will require replacement of the existing duct with one made of fireproof material.

The foregoing situation requires expeditious adoption of the amendment and therefore notice and public procedure thereon are impractical and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

PIPER. Applies to Turbocharged Type PA 23-250 airplanes Serial Nos. 27-4053, 27-4326 through 27-4563 inclusive, 27-4565 through 27-4579 inclusive, 27-4581 through 27-4617 inclusive, 27-4619 through 27-4627 inclusive, 27-4630 through 27-4636 inclusive.

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

To preclude the possibility of fire passing through the engine firewall, in the event of a powerplant fire, replace the existing alternate air flexible duct, P/N 22502-65, with new alternate air duct P/N 48076-02 (fireproof), in accordance with Piper Service Bulletin No. 334 dated March 17, 1971, or later approved revision, or replace with an equivalent alternate air duct approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

Upon request with substantiating data submitted through an FAA maintenance inspector, the compliance time specified in this AD may be increased by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

This amendment is effective October 12, 1971.

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

Issued in Jamaica, N.Y., on September 24, 1971.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.71-15172 Filed 10-18-71;8:46 am]

[Airspace Docket No. 71-RM-12]

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

Alteration of Control Zone and Transition Area

On September 2, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 17588) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Jamestown, N. Dak., control zone and transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendments are hereby adopted without change.

Effective date. These amendments shall be effective 0901 G.m.t., December 9, 1971.

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

Issued in Aurora, Colo., on October 7, 1971.

I. H. HOOVER,
Acting Director,
Rocky Mountain Region.

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

JAMESTOWN, N. DAK.

Within a 5-mile radius of Jamestown Municipal Airport (latitude 46°55'55" N., longitude 98°40'40" W.); within 3 miles each side of the Jamestown VORTAC 140° radial, extending from the 5-mile-radius zone to 7.5 miles southeast of the VORTAC; and within 3 miles each side of the Jamestown VORTAC 308° radial, extending from the 5-mile-radius zone to 8 miles northwest of the VORTAC.

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

JAMESTOWN, N. DAK.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Jamestown Municipal Airport (latitude 46°55'55" N., longitude 98°40'40" W.); and that airspace extending upward from 1,200 feet above the surface within a 17-mile radius of Jamestown Municipal Airport; and within 4.5 miles southwest and 9.5 miles northeast of the Jamestown VORTAC 140° radial, extending from the 17-mile-radius area to 18.5 miles southeast of the VORTAC; and within 4.5 miles northeast and 9.5 miles southwest of the Jamestown VORTAC 308° radial, extending from the 17-mile-radius area to 18.5 miles northwest of the VORTAC.

[FR Doc.71-15173 Filed 10-18-71;8:46 am]

Chapter V—National Aeronautics and Space Administration

PART 1204—ADMINISTRATIVE AUTHORITY

Subpart 1204.13—Cost Sharing on Research Grants and Contracts

1. New Subpart 1204.13 added:

Sec.
1204.1300 Scope.
1204.1301 Basic guidelines.

AUTHORITY. The provisions of this Subpart 1204.13 are issued pursuant to 42 U.S.C. 2473.

§ 1204.1300 Scope.

This Subpart 1204.13 sets forth the National Aeronautics and Space Administration (NASA) basic policy guidelines governing cost sharing on research grants and contracts with non-Federal organizations.

§ 1204.1301 Basic guidelines.

(a) *When cost sharing is applicable.* (1) Except as provided in paragraph (b)(3) of this section, cost sharing by non-Federal organizations is mandatory in any grant or contract for basic or applied research which results from an unsolicited proposal.

(2) Cost sharing by non-Federal organizations shall be encouraged in any grant or contract for basic or applied research which does not result from an unsolicited proposal but in which the parties nevertheless have considerable mutual interest in the research (e.g., when it is probable that the performing organization or institution will receive significant future benefits from the research, such as: increased technical knowledge useful in future operations; additional technical or scientific expertise or training for its personnel; opportunity to benefit through patent rights; and the use of background knowledge in future production contracts).

(3) Cost sharing by non-Federal organizations which is not otherwise appropriate under subparagraph (1) or (2) of this paragraph may nevertheless be accepted when voluntarily offered by a performing organization.

(b) *When cost sharing is not applicable.* (1) Except when cost sharing is mandatory pursuant to paragraph (a)(1) of this section, it is not applicable to grants or contracts as to which the grants officer or contracting officer has determined that:

(i) The research effort has only minor relevance to the non-Federal activities of the performing organization, which is proposing to undertake the research primarily as a service to the Government; or

(ii) The performing organization has little or no non-Federal sources of funds from which to make a cost contribution; or

(iii) The performing organization is predominantly engaged in research and development and has little or no production or other service activities and is, therefore, not in a favorable position to make a cost contribution; or

(iv) Payment of the full cost of the project is necessary in order to obtain

the services of the particular organization.

(2) Except when specifically directed by the procurement officer of the installation concerned, or when voluntarily offered by the performing organization, cost sharing is not applicable to:

(i) Contracts for projects whose particular research objective or scope of effort is specified by NASA rather than proposed by the performing organization. This will usually include any formal solicitation for a specific contractual requirement.

(ii) Contracts in which the principal purpose is the production of, or design, testing or improvement of products, materials, devices, systems, or methods.

(3) Cost sharing is not applicable to contracts for basic or applied research resulting from an unsolicited proposal when the proposer certifies in writing to to the contracting officer that it has no commercial, production, educational, or service activities on which to use the results of the research; and that it has no means of recovering any cost sharing on such projects. In this situation, where there is no measurable gain to the performing organization, there is, therefore, no mutuality of interest, and it would not be equitable for the Government to require cost sharing.

(c) *Amount of cost sharing*—(1) *Educational institutions and affiliated not for profit institutions.* Cost sharing for such institutions normally may vary from 1 percent to as much as 5 percent of the costs of the project. However, amounts greater than 5 percent may be accepted when voluntarily offered by the institution.

(2) *Other performing organizations.* Cost sharing for other organizations may vary from less than 1 percent to 50 percent or more of the costs of the research.

(3) *Additional considerations.* (i) The amount of cost sharing which is appropriate in a given instance is independent of whether cost sharing is mandatory or merely encouraged.

(ii) Mutuality of interest in the results of the work being performed should be of primary significance in assessing the appropriateness of any particular level of cost sharing within the foregoing ranges.

Effective date. The provisions of Subpart 1204.13 are effective October 20, 1971.

BERNARD MORITZ,
Acting Associate Administrator for Organization and Management.

[FR Doc.71-15182 Filed 10-18-71;8:47 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 71-266]

PART 153—ANTIDUMPING

Publication of Antidumping Proceeding Notices

It has been decided to provide that antidumping proceeding notices in dumping cases as now issued by the Commissioner of Customs under § 153.30, Customs Regulations, will in the future be prepared for the approval of the Secretary of the Treasury in addition to signature by the Commissioner. To accomplish this, the phrase "with the approval of the Secretary" is added, in the appropriate place, to the first sentence of § 153.30.

The first sentence of § 153.30 accordingly is amended to read:

153.30 Antidumping Proceeding Notice.

If the case has not been closed under section 153.29, the Commissioner, with the approval of the Secretary, shall publish a notice in the FEDERAL REGISTER that information in an acceptable form has been received pursuant to § 153.25 or § 153.26.* * *

* * * * *

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

This amendment involves a matter relating to agency management and, therefore, is excepted from the requirements for notice and public procedure by 5 U.S.C. 553(a)(2).

Effective date. This amendment shall become effective on the date of its publication in the FEDERAL REGISTER (10-19-71).

[SEAL] LEONARD LEHMAN,
Acting Commissioner of Customs.

Approved: October 8, 1971.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-15202 Filed 10-18-71;8:49 am]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Open Season

By virtue of the authority vested in the sec. 8913 and in accordance with 5 U.S.C. sec. 553 (b)(B) and (d)(3) for good cause found and stated herein, § 890.301 (d) of the health benefits regulations is hereby amended to provide for an extension of the 1971 health benefits open season through December 31, 1971. This extension has become necessary because the need to await the nationwide economic stabilization program guidelines has resulted in a delay in 1972 contract negotiations, and consequently, in preparing open-season material needed to enable Federal employees to exercise an informed choice as to their health benefits coverage.

Accordingly, effective on publication in the FEDERAL REGISTER (10-19-71), § 890.301(d) is amended as set out below.

§ 890.301 Opportunities to register, to enroll and change enrollment.

* * * * *

(d) *Open season.* During the period November 15 through December 31, 1971, and the period November 15 through 30 of each year thereafter, an employee who is not registered to be enrolled may register to be enrolled, and any enrolled employee or annuitant may change his enrollment from one plan or option to another, or from self only to self and family, or both.

* * * * *

(5 U.S.C. sec. 8913)

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

[FR Doc.71-15258 Filed 10-18-71;8:50 am]

Title 23—HIGHWAYS AND VEHICLES

Chapter I—Federal Highway Administration, Department of Transportation

PART 15—REGULATIONS FOR ADMINISTERING FOREST HIGHWAYS

The Federal Highway Administrator is issuing this revision to reflect the changes required by the Federal-Aid Highway Act of 1970, approved December 31, 1970, Public Law 91-605, 84 Stat. 1713.

The signficant changes by section are as follows:

1. Section 15.1 *Definitions.* The forest highway definition has been changed to require that these roads must be on Federal-aid systems, and that forest highway funds may also come from the Highway Trust Fund.

2. Section 15.3 *The forest highway system.* Class 3 forest highways have been eliminated from the system.

3. Section 15.4(b) *The forest highway program.* The requirement for the joint conference has been relaxed to permit accomplishment by correspondence for States where the annual apportionment is less than $500,000.

4. Section 15.7(a) *Construction.* The public hearings requirement has been added.

Effective date. This revision shall become effective on the date of its publication in the FEDERAL REGISTER (10-19-71).

This revision of Part 15 of the regulations relating to the Federal Highway Administration, Department of Transportation, is issued under the authority of 23 U.S.C. 204; section 6 of the Department of Transportation Act, 49 U.S.C. 1655, and the delegation of authority at 49 C.F.R. 1.48(b)(1).

ALFRED L. EDWARDS,
Deputy Assistant Secretary of Agriculture.

FRANCIS C. TURNER,
Federal Highway Administrator.

JOHN R. MCGUIRE,
Associate Chief, Forest Service, Department of Agriculture.

PART 15—REGULATIONS FOR ADMINISTERING FOREST HIGHWAYS

Sec.
15.1 Definitions.
15.2 Apportionment.
15.3 The forest highway system.
15.4 The forest highway program.
15.5 Cooperative agreements and project agreements.
15.6 Surveys.
15.7 Construction.
15.8 Maintenance.
15.9 Records and accounting.
15.10 Administrator's report.
15.11 Application of regulations.

AUTHORITY: The provisions of this Part 15 are issued under the authority of 23 U.S.C. 204; section 6 of the Department of Transportation Act, 49 U.S.C. 1655; and the delegation of authority by the Secretary of Transportation in 49 C.F.R. 1.48(b)(1).

§ 15.1 Definitions.

(a) *Administrator.* The Federal Highway Administrator, Department of Transportation.

(b) *Chief.* The Chief of the Forest Service, Department of Agriculture.

(c) *State.* Any State or insular possession eligible to receive forest highway funds.

(d) *State Highway Department.* That department, commission, board or officials of any State charged by its law with the responsibility of highway construction.

(e) *County.* Any local government unit vested with jurisdiction over local highways including corresponding units of government under any other name in States which do not have county organizations.

(f) *Cooperator.* The State highway department or county as previously defined.

(g) *Regional administrator.* The Regional Federal Highway Administrator of the Federal Highway Administration.

(h) *Division engineer.* The division engineer of the Federal Highway Administration.

(i) *Regional forester.* The regional forester of the Forest Service.

(j) *Federal-aid highway.* A highway located on one of the Federal-aid systems.

(k) *Federal-aid systems.* Those systems as described in 23 U.S.C. 103.

(l) *Forest roads.* Roads wholly or partly within or adjacent to and serving the national forest and other areas administered by the Forest Service.

(m) *Forest highway.* A forest road which is of primary importance to the States, counties, or communities within, adjoining, or adjacent to the national forest, and which is on a Federal-aid system.

(n) *Forest highway fund.* Any authorization or appropriation of Federal funds for forest highways either from the general fund of the Treasury or the Highway Trust fund.

(o) *Forest highway program.* Those forest highway projects for surveys, right-of-way acquisition, construction, and maintenance scheduled to be accomplished within the limit of available authorizations or appropriations and formally approved by the Administrator and the Chief or their duly authorized representatives.

(p) *Construction.* The supervising, inspecting, actual building, and all expenses incidental to the construction or reconstruction of a highway, including locating, surveying, mapping (including the establishment of temporary and permanent geodetic markers in accordance with specifications of the Coast and Geodetic Survey in the Department of Commerce), acquisition of rights-of-way, relocation assistance, elimination of hazards of railway grade crossings, acquisition of replacement housing sites, and acquisition, and rehabilitation, relocation, and construction of replacement housing, adjacent vehicular parking areas, and sanitary, water, and fire control facilities.

(q) *Highway planning survey.* The engineering and economic investigations of highways and highway transportation conducted by the highway departments of the States and the Federal Highway Administration.

(r) *Maintenance.* The preservation of the entire highway, including surface, shoulders, roadsides, structures, and such traffic control devices as are necessary for its safe and efficient utilization, and of adjacent vehicular parking areas and sanitary, water, and fire control facilities.

§ 15.2 Apportionment.

On or before January 1, of each year, the Secretary of Transportation shall apportion among the States the forest highway funds authorized for the next succeeding fiscal year as follows:

(a) In the same percentage as the amounts apportioned for forest highways for the fiscal year ending June 30, 1958, which percentage is based upon a determination of the area and value of the land owned by the United States within the national forests, as certified to the Secretary of Commerce by the Secretary of Agriculture as of June 30, 1955.

(b) Ten percent of the amount so apportioned to each State shall be placed in a reserve and the balance shall be made available, immediately after apportionment, for the forest highway program. Reductions will be made from the reserve to cover administrative requirements of the Federal Highway Administration including purchase of equipment, administration by the Forest Service and, in special cases, to provide additional funds for programed projects. Any balances in the reserve will be released for programing not later than the date of the apportionment of the succeeding fiscal year authorization.

§ 15.3 The forest highway system.

(a) The forest highway system shall comprise those roads defined under § 15.1(m).

(b) Forest highways shall be classified as follows:

Class 1. On the Federal-aid primary system (includes Interstate).

Class 2. On the Federal-aid secondary system.

(c) Proposed modifications, when jointly agreed upon and recommended by the State highway department, regional forester, division engineer and regional administrator, shall be forwarded, together with necessary supporting data including revised sketch maps and route descriptions to the Administrator and the Chief for approval.

§ 15.4 The forest highway program.

(a) For each apportionment of funds authorized by Congress for forest highways, the division engineer shall request the State highway department to submit a list of forest highway projects proposed for financing with such funds, supported by a map showing the location of such projects. Included therein shall be those projects proposed by counties, other political subdivisions, or agencies together with the State highway department's recommendation thereon, also supported by a map showing the location of those projects. Copies of these data shall be furnished the regional administrator who shall furnish a copy to the regional forester. The regional administrator shall make any investigations necessary to obtain further information on any projects proposed for financing with each annual apportionment.

(b) Following receipt of the maps, list of projects and recommendations required by paragraph (a) of this section the regional administrator shall arrange for a joint conference with the State highway department, the regional forester and the division engineer for final consideration of projects to be included in the program to be financed with funds currently authorized, and for consideration of a planning program of other projects in priority order to be included in one or more subsequent annual programs. For those States where the annual apportionment of forest highway funds is less than $500,000 the consideration of projects to be included in a program may be accomplished by correspondence if such procedure is agreed upon by the above parties. Projects included in the forest highway program shall be based upon the following considerations:

(1) The completion of necessary surveys.

(2) Findings of the highway planning survey.

(3) Benefit to protection, development, management, and multiple use of the national forest.

(4) Construction correlation with military requirements and with adjacent Federal and State road programs.

(5) The economy of continuity of operations.

(6) Ability of cooperators to adequately maintain the improvement.

(7) Provision for the maintenance of forest highways existing or under construction.

(c) A joint report of the conference, or conclusion reached by correspondence, and a recommended program of projects to be financed with currently available funds shall be prepared and submitted to the Administrator and the Chief or

their duly authorized representatives for approval. The report of the planning program as agreed upon shall be submitted to the Administrator and the Chief for record purposes.

(d) The program amount for any project may be increased by the Administrator or his duly authorized representative by an amount not to exceed 25 percent. The additional funds required in connection with cost increases shall be obtained from the unprogramed balance or in special cases, from the reserve. A construction project substantially deviating from the project as approved in the program or for which the cost will exceed by more than 25 percent the amount as authorized therein, shall constitute a major program revision to be approved by the Administrator and Chief or their duly authorized representative.

§ 15.5 Cooperative agreements and project agreements.

(a) A cooperative agreement, statewide, route or project type shall be entered into between the Federal Highway Administration and each State highway department or county having jurisdiction. Such agreement shall be entered into prior to advertising, authorization to advertise or authorization to proceed by force account. Negotiations for cooperative agreements shall be conducted by the regional administrator or his dutly authorized representative. Approval of the cooperative agreement shall be by the Administrator.

(b) A project agreement implementing the cooperative agreement shall be entered into under the following conditions:

(1) Cooperator's funds are to be made available to the Federal Highway Administration for the work.

(2) Federal funds are to be made available on a reimbursable basis to the cooperator for the work.

(3) Special circumstances exist which make a project agreement necessary for other payment purposes or to clarify any aspect of the approved program. The implementing project agreement required for those projects supervised by the State shall be entered into as soon as practicable following approval of the plans, specifications, and estimate. The division engineer shall conduct negotiations for and approve such project agreements. Negotiations for and approval of project agreements for projects under Federal Highway Administration supervision shall be in accordance with delegated authority. Payment of the reimbursable Federal share of funds shall not be made in the absence of an executed project agreement.

§ 15.6 Surveys.

(a) Surveys, and the preparation of construction plans, specifications and cost estimates, may be made for any improvement that is to be considered for inclusion in a future forest highway program. Such surveys may be made on routes that ultimately may become a part of the forest highway system as well as present forest highway routes.

(b) Before the completion of a survey, the regional forester shall be notified in writing so that he shall have the opportunity to examine the surveyed line or the location map and to indicate any details of location desirable for the protection, development or multiple use of the national forest.

(c) Before the completion of a survey undertaken by the Federal Highway Administration for a project to be constructed under its supervision the cooperator shall be notified in writing and shall have opportunity to examine the surveyed line or the location map to indicate any details of location desirable from the standpoint of the operation and maintenance of the highway. Opportunity also shall be provided the cooperator to examine the plans, specifications and estimate before the project is advertised for bids.

§ 15.7 Construction.

(a) No construction shall be undertaken upon any designated part of the forest highway system until 23 U.S.C. 128 has been complied with and a survey and cost estimate have been approved by the regional administrator and the State highway department, unless specifically authorized by the Administrator. The Forest Service may, however, at its expense make temporary repairs on forest highways or construct utilization roads on the forest highway system. Such temporary repairs and construction of utilization roads shall follow as closely as practicable surveys made or authorized by the Federal Highway Administration at the request of the Forest Service.

(b) Approval of plans, specifications and estimates shall be by the regional administrator.

(c) Upon fulfillment of the requirements set forth in these regulations, projects included in the approved forest highway program may be advertised for bids if within the limit of funds avalable for obligation.

(d) The construction of forest highways will be performed by the contract method unless, as prescribed in 23 U.S.C. 204(c), the estimated cost exclusive of bridges is less than $5,000 per mile or after proper advertising no acceptable bid is received or the bids are deemed excessive in which event the Administrator may construct on his own account.

(e) Construction work on any project shall not be considered as completed until the project has been inspected and approved by the cooperating agency and the regional administrator or his duly authorized representative, nor until the regional forester has approved the clearing and disposal of refuse.

§ 15.8 Maintenance.

Maintenance of completed forest highway projects shall be the responsibility of the cooperating agency unless otherwise provided in a formally approved cooperative agreement.

§ 15.9 Records and accounting.

(a) The Administrator shall keep all forest highway records which he deems necessary of survey, right-of-way acquisition, construction, and maintenance costs for projects under his supervision.

(b) Records for forest highway projects constructed under State supervision shall be maintained by the State in the same manner as those required for Federal-aid projects by the regulations for the administration of Federal-aid for highways.

(c) Equipment depots under the jurisdiction of the Federal Highway Administration shall be operated on a self-sustaining basis. Work done in equipment depots will be charged on an actual cost basis, including overhead. Projects on which equipment is used will be charged with the cost of such equipment on a depreciation or appropriate rental basis.

(d) Cooperative funds provided by any cooperator in advance shall be deposited in the Treasury of the United States to the credit of "Cooperative Work, Forest Highways, Federal Highway Administration." If cooperative funds are to be made available on a reimbursable basis, the Federal Highway Administration will bill the cooperator either on completion of the project or as the work progresses, in accordance with the terms of the project agreement.

§ 15.10 Administrator's report.

Not later than December 15 of each year, the Administrator shall submit to the Secretary of Transportation and to the Secretary of Agriculture a report covering the operations on the forest highway system for the preceding fiscal year, including the current status of surveys, construction and maintenance, and with such recommendations as he shall consider desirable.

§ 15.11 Application of regulations.

The regulations in this part shall become effective on the date of its publication in the FEDERAL REGISTER and shall supersede all prior rules and regulations heretofore in effect for administering forest highways.

[FR Doc.71-15170 Filed 10-18-71;8:46 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

RIFAMPIN

Certification, Tests and Methods of Assay

Pursuant to provisions of the Federal Food, Drug, and Cosmetic (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120) Parts 141, 145, and 147 are amended and a new Part 151a is established as follows to provide for certification of the antibiotic refampin:

PART 141—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

1. Part 141 is amended:

a. In § 141.5(b) by alphabetically inserting a new item in the table as follows:

§ 141.5 **Safety test.**

* * * * * * *

(b) * * *

Antibiotic drug	Test dose: Diluent (diluent number as listed in § 141.3)	Test dose: Concentration in units or milligrams of activity per milliliter	Test dose: Volume in milliliters to be administered to each mouse	Route of administration as described in paragraph (c) of this section
* * *	* * *	* * *	* * *	* * *
Rifampin	10	6 mg	1.0	Oral.
Rolitetracycline	* * *	* * *	* * *	Intravenous.
* * *	* * *	* * *	* * *	* * *

b. In § 141.110 (a) and (b) by alphabetically inserting a new item in the respective tables, as follows:

§ 141.110 **Microbiological agar diffusion assay.**

* * * * * * *

(a) * * *

Antibiotic	Media to be used (as listed by medium number in § 141.103(b)): Base layer	Media to be used (as listed by medium number in § 141.103(b)): Seed layer	Milliliters of media to be used in the base and seed layers: Base layer	Milliliters of media to be used in the base and seed layers: Seed layer	Test organism	Suggested volume of standardized inoculum to be added to each 100 milliliters of seed agar	Incubation temperature for the plates
						Milliliters	*Degrees C.*
* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *
Rifampin	2	2	21	4	H	0.1	30
* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *

(b) * * *

Antibiotic	Working standard stock solutions: Drying conditions (method number as listed in § 141.501)	Working standard stock solutions: Initial solvent	Working standard stock solutions: Diluent (solution number as listed in § 141.102(a))	Working standard stock solutions: Final concentration units or milligrams per milliliter	Working standard stock solutions: Storage time under refrigeration	Standard response line concentrations: Diluent	Standard response line concentrations: Final concentrations, units or micrograms of antibiotic activity per milliliter
* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *
Rifampin	Not dried	Methyl alcohol	1 mg	1 day	1	3.20, 4.00, 5.00, 6.25, 7.81, μg./ml.	
* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *

PART 145—ANTIBIOTIC DRUGS; DEFINITIONS AND INTERPRETATIVE REGULATIONS

2. Part 145 is amended:

a. In § 145.2 by adding a new subparagraph to paragraph (a), as follows:

§ 145.2 **Definitions of antibiotic substances.**

(a) * * *

(37) *Rifamycin.* Each of the several antibiotic substances (e.g., rifamycin A, rifamycin B, rifamycin SV) produced by the growth of *Streptomyces mediterranei*, and each of the same substances produced by any other means, is a kind of rifamycin.

b. In § 145.3 by adding a new subparagraph to paragraph (a) and another to paragraph (b), as follows:

§ 145.3 **Definitions of master and working standards.**

(a) * * *

(45) *Rifampin.* The term "rifampin master standard" means a specific lot of rifampin designated by the Commissioner as the standard of comparison in determining the potency of the rifampin working standard.

(b) * * *

(45) *Rifampin.* The term "rifampin working standard" means a specific lot of a homogeneous preparation of rifampin.

c. In § 145.4(b) by adding a new subparagraph, as follows:

§ 145.4 **Definitions of the terms "unit" and "microgram" as applied to antibiotic substances.**

* * * * *

(b) * * *

(48) *Rifampin.* The term "microgram" applied to rifampin means the rifampin activity (potency) contained in 1.0101 micrograms of the rifampin master standard.

PART 147—ANTIBIOTICS INTENDED FOR USE IN THE LABORATORY DIAGNOSIS OF DISEASE

3. Part 147 is amended:

a. In § 147.1 (c)(3) and (d) by alphabetically adding a new item to the respective tables, as follows:

§ 147.1 **Antibiotic sensitivity discs; tests and methods of assay; potency.**

* * * * *

(c) * * *

(3) * * *

Antibiotic	Volume of suspension added to each 100 ml. of seed agar used for test	Suspension number	Medium: Base layer	Medium: Seed layer
	Ml.			
* * *	* * *	* * *	* * *	* * *
Rifampin	1.0	5	E	A
* * *	* * *	* * *	* * *	* * *

(d) * * *

Antibiotic	Solvent	Standard curve (antibiotic concentration per disc)
* * *	* * *	* * *
Rifampin	Methyl alcohol	3.0, 6.0, 12.0, 24.0, 48.0 μg.
* * *	* * *	* * *

b. In § 147.2(a) by adding a new subparagraph, as follows:

§ 147.2 **Antibiotic sensitivity discs; certification procedure.**

(a) * * *

(37) Rifampin; 5 μg.

4. A new Part 151a is established consisting at this time of two sections, as follows:

PART 151a—RIFAMPIN

Sec.
151a.1 Rifampin.
151a.11 Rifampin capsules.

AUTHORITY: The provisions of this Part 151a issued under sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357.

§ 151a.1 **Rifampin.**

(a) *Requirements for certification.*—(1) *Standards of identity, strength, quality, and purity.* Rifampin is a red-brown powder. It is 3-(4-methylpiperazinylimi-nomethyl) rifamycin SV. It is very slightly soluble in water, soluble in ethyl acetate and in methyl alcohol, and freely soluble in chloroform. It is so purified and dried that:

(i) Its potency is not less than 900 micrograms per milligram.

(ii) It passes the safety test.

(iii) Its loss on drying is not more than 2 percent.

(iv) Its pH is not less than 4.0 and not more than 6.0 in a 1 percent aqueous suspension.

(v) When calculated on the anhydrous basis, its absorptivity at 475 nanometers is 100±4 percent of that of the rifampin working standard, similarly treated.

(vi) It passes the identity test.

(vii) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3(b) of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, loss on drying, pH, absorptivity, identity, and crystallinity.

(ii) Samples required: 10 packages, each containing approximately 300 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient methyl alcohol to give a stock solution containing 1.0 milligram of rifampin per milliliter (estimated). Further dilute an aliquot of the stock solution with 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to the reference concentration of 5.0 micrograms of rifampin per milliliter (estimated).

(2) *Safety.* Proceed as directed in § 141.5 of this chapter.

(3) *Loss on drying.* Proceed as directed in § 141.501(b) of this chapter, except dry the sample for 4 hours.

(4) *pH.* Proceed as directed in § 141.503 of this chapter, using a 1 percent aqueous suspension.

(5) *Absorptivity.* Determine the absorbance of the sample and standard solutions in the following manner: Dissolve approximately 100 milligrams each of the sample and standard in a 100-milliliter volumetric flask containing 50 milliliters of absolute methyl alcohol, and dilute to volume with absolute methyl alcohol. Transfer a 2-milliliter aliquot to a 100-milliliter volumetric flask, and dilute to volume with 1 percent potassium phosphate buffer, pH 6.0, as listed in § 141.102(a)(1) of this chapter. Using a suitable spectrophotometer equipped with a 1-centimeter cell, immediately determine the absorption of each solution at 475 nanometers with the blank containing the same proportion of solution 1 and methyl alcohol as the sample and standard solutions. Calculate the absorptivity as follows:

$$\text{Percent relative absorptivity} = \frac{\text{Absorbance of sample} \times \text{milligrams standard} \times (100 - m_1)}{\text{Absorbance of standard} \times \text{milligrams sample} \times (100 - m_2)} \times 100$$

where

m_1 = percent moisture in standard;
m_2 = percent moisture in sample.

(6) *Identity.* Proceed as directed in § 141.521 of this chapter, using the sample preparation method described in paragraph (b)(3) of that section, except use a 4 percent solution of the sample in chloroform and 0.1-millimeter matched absorption cells.

(7) *Crystallinity.* Proceed as directed in § 141.504(a) of this chapter.

§ 151a.11 Rifampin capsules.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Rifampin capsules are gelatin capsules containing rifampin with a suitable and harmless filler and with or without binders, lubricants, and stabilizers. Each capsule contains 300 milligrams of rifampin. Its potency is satisfactory if it is not less than 90 percent and not more than 130 percent of the number of milligrams of rifampin that it is represented to contain. Its loss on drying is not more than 3.0 percent. The rifampin used conforms to the standards prescribed by § 151a.1(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The rifampin used in making the batch for potency, safety, loss on drying, pH, absorptivity, identity, and crystallinity.

(*b*) The batch for potency and loss on drying.

(ii) Samples required:

(*a*) The rifampin used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 30 capsules.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Place a representative number of capsules into a high-speed glass blender jar containing 200 milliliters of methyl alcohol and blend for 3 minutes. Add 300 milliliters of 1 percent potassium phosphate buffer, pH 6.0 (solution 1), and blend for 3 to 5 minutes. Remove an aliquot and further dilute with solution 1 to the reference concentration of 5.0 micrograms of rifampin per milliliter (estimated).

(2) *Loss on drying.* Proceed as directed in § 141.501(b) of this chapter.

Data supplied by the manufacturer concerning the subject antibiotic have been evaluated. Since the conditions prerequisite to providing for its certification have been complied with and since not delaying in so providing is in the public interest, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (10–19–71).

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: October 1, 1971.

H. E. SIMMONS,
Director, Bureau of Drugs.

[FR Doc.71-15103 Filed 10-18-71;8:45 am]

Title 24—HOUSING AND HOUSING CREDIT

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Eligible Communities

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

§ 1914.4 List of eligible communities.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
California	Kern	Taft				Oct. 15, 1971.
Colorado	Las Animas	Unincorporated areas.				Do.
Do.	do.	Trinidad				Do.
Indiana	Clark	Clarksville				Do.
Do.	Marshall	Plymouth				Do.
Louisiana	Orleans Parish		I 22 071 0000 02 through I 22 071 0000 30	State Department of Public Works, Post Office Box 44155, Capitol Station, Baton Rouge, LA. 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, LA 70804.	City Planning Commission, Room 4W04 City Hall, 1300 Perdido St., New Orleans, LA 70112.	Do.
Massachusetts	Norfolk	Randolph				Do.
Missouri	Jackson	Independence				Do.
Do.	Crawford	Steelville				Do.
North Carolina	Brunswick	Sunset Beach				Do.
Pennsylvania	Lehigh	Allentown				Do.
Do.	Cumberland	Mechanicsburg				Do.
South Carolina	Horry	Myrtle Beach				Do.

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

Issued: October 13, 1971.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.71–15158 Filed 10–18–71;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

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

§ 1915.3 List of communities with special hazard areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
* * *	* * *	* * *	* * *	* * *	* * *	* * *
California	Kern	Taft				Oct. 15, 1971.
Colorado	Las Animas	Unincorporated areas.				Do.
Do.	do.	Trinidad				Do.
Indiana	Clark	Clarksville				Do.
Do.	Marshall	Plymouth				Do.
Louisiana	Orleans Parish		H 22 071 0000 02 through H 22 071 0000 30	State Department of Public Works, Post Office Box 44155, Capitol Station, Baton Rouge, LA 70804 Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, LA 70804.	City Planning Commission, Room 4W04 City Hall, 1300 Perdido St., New Orleans, LA 70112.	Mar. 6, 1970, July 11, 1970, and Oct. 15, 1971.
Massachusetts	Norfolk	Randolph				Oct. 15, 1971.
Missouri	Jackson	Independence				Do.
Do.	Crawford	Steelville				Do.
North Carolina	Brunswick	Sunset Beach				Do.
Pennsylvania	Lehigh	Allentown				Do.
Do.	Cumberland	Mechanicsburg				Do.
South Carolina	Horry	Myrtle Beach				Do.

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

Issued: October 13, 1971.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.71–15159 Filed 10–18–71;8:45 am]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER F—ENROLLMENT

PART 43g—PREPARATION OF A ROLL TO SERVE AS THE BASIS FOR THE DISTRIBUTION OF JUDGMENT FUNDS AWARDED TO THE PEMBINA BAND OF CHIPPEWA INDIANS

OCTOBER 13, 1971.

This notice is published in the exercise of rule-making authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 F.R. 13938). The authority to issue regulations on Indian affairs is vested in the Secretary of the Interior by sections 161, 463, and 465 of the Revised Statutes (5 U.S.C. 301; 25 U.S.C. 2 and 9).

Subchapter F, Chapter I, Title 25 of the Code of Federal Regulations is amended by the addition of a new Part 43g. The regulations contained in the new Part 43g govern the preparation of a roll to serve as the basis for distributing judgment funds awarded the Pembina Band of Chippewa Indians as authorized by the Act of July 29, 1971 (85 Stat. 158).

Since these regulations impose a deadline for filing enrollment applications, advance notice and public procedure thereon would curtail the filing period and are deemed contrary to the public interest. Therefore, advance notice and public procedure are dispensed with under the exception provided in subsection (b)(B) of 5 U.S.C. 553 (1970).

Since the regulations impose a deadline for filing enrollment applications, the 30-day deferred effective date would shorten the amount of time applicants could apply and may result in some eligible Indians not receiving benefits. Therefore, the 30-day deferred effective date is dispensed with under the exception provided in subsection (d)(3) of 5 U.S.C. 553 (1970). Accordingly, these regulations will become effective upon the date of publication in the FEDERAL REGISTER.

Subchapter F, Chapter I, Title 25 of the Code of Federal Regulations is amended by adding a new Part 43g reading as follows:

Sec.

AUTHORITY: The provisions of this Part 43g issued under R.S. 161; 5 U.S.C. 301, R.S. 463 and 465; 25 U.S.C. 2 and 9, and sec. 8, 85 Stat. 158.

§ 43g.1 Definitions.

(a) "Act" means the Act of Congress approved July 29, 1971 (85 Stat. 158), which authorizes and directs the Secretary to prepare a roll of the Pembina Band of Chippewa Indians and to distribute certain judgment funds to such persons.

(b) "Secretary" means the Secretary of the Interior or his authorized representative acting under delegated authority.

(c) "Commissioner" means the Commissioner of Indian Affairs or his authorized representative acting under delegated authority.

(d) "Director" means the Area Director, Aberdeen Area Office, Bureau of Indian Affairs, or his authorized representative acting under delegated authority.

(e) "Lineal descendant" means a person in direct line of descent, as child, grandchild, great-grandchild, etc. It does not include collateral relationships, examples of which are brother, sister, nephew, niece, cousin, etc.

(f) "Living" means born on or before and living on July 29, 1971.

(g) "Sponsor" means a person who filed an application for enrollment on behalf of another person; e.g., parent, recognized guardian, next friend, next of kin, spouse, executor, or administrator of estate, or other person.

§ 43g.2 Purpose.

(a) The regulations in this Part 43g are to govern the compilation of a roll of persons who meet the enrollment requirements specified in section 2 of the Act to serve as a basis for and the distribution of certain judgment funds awarded the Pembina Band of Chippewa Indians.

§ 43g.3 Qualifications for enrollment.

The roll shall contain the names of persons who:

(a) File an application for enrollment within the time specified in § 43g.5, and

(b) Were born on or prior to and were living on the date of the Act, and

(c) Are lineal descendants of members of the Pembina Band as it was constituted in 1863, except that persons in the following categories shall not be so enrolled:

(1) Those who are not citizens of the United States;

(2) Those who are members of the Red Lake Band of Chippewa Indians; and

(3) Those who participated in the Mississippi, Pillager, and Lake Winnibigoshish Chippewa Band awards under the provisions of the Act of September 27, 1967 (81 Stat. 230).

§ 43g.4 Application forms.

(a) Application forms will be furnished by the Director or other designated persons upon written or verbal request. Each person furnishing application forms shall keep a record of the names of the individuals to whom applications are given, as well as the number of forms and the dates furnished.

(b) Among other information applications shall contain:

(1) The deadline for filing the application with the Director.

(2) If the application is filed by a sponsor, the name, address and relationship of sponsor to the applicant.

(c) An application filed by a person who has never been enrolled must contain a certification that the applicant is a relative by blood of the person or persons through whom eligibility for enrollment is claimed.

(d) Instructions for completing and filing application forms shall be furnished with each form.

§ 43g.5 Filing of applications and deadline for filing.

(a) Any person who desires to be enrolled pursuant to the Act must file, or have filed in his behalf, a completed application form with the Director, Bureau of Indian Affairs, Aberdeen Area Office, 820 South Main Street, Aberdeen, SD 57401. Applications must be postmarked no later than midnight on March 29, 1972.

(b) Written applications for minors, mentally incompetent persons or other persons in need of assistance, members of the Armed Services or other services of the U.S. Government and/or any eligible members of their immediate families stationed in Alaska or Hawaii or elsewhere outside the Continental United States, or a person who died after July 29, 1971, may be filed by a sponsor on or before the deadline specified in this section.[1]

§ 43g.6 Burden of proof.

(a) The burden of proof rests upon the applicant to establish his eligibility for enrollment. Documentary evidence such as birth certificates, death certificates, marriage certificates, baptismal and other church records, copies of probate findings or affidavits may be used to support the claim for enrollment. Records of the Bureau of Indian Affairs may also be used to establish eligibility.

§ 43g.7 Action by the Director.

(a) The Director shall consider each application. Upon making a determination, the Director shall notify in writing the applicant or sponsor of his decision. If such decision is favorable, the name of the applicant shall be placed on the roll. If the decision is adverse, the notification to the applicant or sponsor shall be made by certified mail, to be received by addressee only, return receipt requested, and shall contain a full explanation of the reasons therefor, and of the right to appeal to the Secretary. If an individual files applications on behalf of more than one person, one notice of eligibility or rejection may be addressed to the person who filed the applications. However, said notice must list the names of each person involved.

(b) To avoid hardship or gross injustice, the Director may waive technical

[1] Criminal penalties are provided by statute for knowingly filing false information in such statements (18 U.S.C. 1001).

deficiencies in applications or other submissions.

§ 43g.8 Appeals.

(a) Appeals from rejected applications must be in writing and filed pursuant to Part 42 of this subchapter, a copy of which will be furnished with the notice of each rejection.

§ 43g.9 Preparation of roll.

(a) In developing the roll of Pembina descendants the Secretary shall determine which enrollees are members of the Minnesota Chippewa, the Turtle Mountain Band of Chippewas of North Dakota, or the Chippewa-Cree Tribe of Montana.

(b) The Director shall prepare the roll of persons determined to be eligible for enrollment. In addition to other information which may be shown, the completed roll shall contain for each person a roll number, name, address, sex, date of birth, and in the remarks column the name and relationship of the ancestor through whom eligibility is claimed.

§ 43g.10 Certification and approval of roll.

(a) A certificate shall be attached to the roll by the Director certifying that to the best of his knowledge and belief the roll contains only the names of those persons who were determined to meet the requirements for enrollment. The Commissioner shall approve the roll.

§ 43g.11 Apportioning and distributing judgment funds.

(a) Subsequent to the establishment of the descendancy roll the Secretary shall apportion funds to the three cited tribes on the basis of the numbers of enrolled descendants having membership with these tribes.

(b) The remaining funds shall be distributed in equal shares to those enrolled descendants who are not members of the three cited tribes.

§ 43g.12 Establishment of Pembina Descendants Committee, Turtle Mountain.

(a) The Secretary shall call a meeting of known Pembina descendants who are affiliated with the Turtle Mountain Band for the purpose of electing a Pembina Descendants Committee to work in concert with the tribal governing body for the purpose of making recommendations to the Secretary. Notice of the meeting will be given in local news media and posted at places frequented by the members of the band.

(b) A temporary chairman will be elected and will preside at the meeting. He shall entertain nominations for committee members from the floor. Committee members will be elected by a majority vote of those attending the meeting and casting ballots.

(c) The Superintendent shall furnish the ballots and following the election shall certify the results of the election reflecting the sentiments of the majority of the Pembina descendants attending the meeting.

§ 43g.13 Tribal use of judgment funds.

(a) The funds apportioned to the Minnesota Chippewa Tribe, the Turtle Mountain Band, and the Chippewa-Cree Tribe may be advanced, expended, invested, or reinvested for any purpose authorized by the respective tribal governing bodies and approved by the Secretary: *Provided*, That the governing body of the Minnesota Chippewa Tribe shall act in concert with the General Council of the Pembina Band of Chippewa Indians of the White Earth Reservation for the purpose of making recommedations to the Secretary; *And provided further*, That the Turtle Mountain tribal governing body shall be required to work in concert with the Pembina Descendants Committee elected as provided in § 43g.12 for the purpose of making recommendations to the Secretary and only those members of the three cited tribes who are enrolled as Pembina descendants under the provisions of this Act shall be permitted to share in any per capita distribution of the funds accruing to the tribes.

§ 43g.14 Special instructions.

(a) To facilitate the work of the Director, the Commissioner may issue special instructions not inconsistent with the regulations in this Part 43g.

LOUIS R. BRUCE,
Commissioner.

[FR Doc.71-15165 Filed 10-18-71;8:46 am]

Title 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

SUBCHAPTER O—COAL MINE HEALTH AND SAFETY

PART 75—MANDATORY SAFETY STANDARDS, UNDERGROUND COAL MINES

Amendments Deleting Lists of Approved Equipment

Part 75, promulgated on November 20, 1970 (35 F.R. 17890-17929), pursuant to section 101(a) and 301(d) of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91-173) requires in various standards that certain specified equipment used in coal mines be approved by the Secretary for such use. In two such cases equipment which has been approved by the Secretary for use in mines pursuant to Bureau of Mines testing and approval schedules is specifically listed in Part 75 by manufacturer. Such lists of approved equipment are not health or safety standards and their incorporation in Part 75 necessitates an awkward and time-consuming amendment process each time a list must be revised to reflect an addition or deletion. To simplify the revision and amendment process for such lists the Department has decided to delete them from Part 75.

Henceforth, current lists of specific types of equipment approved by the Secretary for use in mines will periodically appear in the "Notices" section of the FEDERAL REGISTER. The first such publication under "Notices" appears in this issue of the FEDERAL REGISTER and reflects revisions in the list of approved methane monitors.

The Department finds that it is impractical, unnecessary and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the amendments made herein are not substantive nor regulatory in nature. Therefore, these amendments are effective upon publication in the FEDERAL REGISTER.

HOLLIS M. DOLE,
Assistant Secretary of the Interior.

OCTOBER 12, 1971.

Part 75, Subchapter O of Chapter I, Title 30, Code of Federal Regulations is amended by deleting §§ 75-313-2 and 75-604-1.

[FR Doc. 71-15166 Filed 10-18-71;8:46 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER J—BRIDGES

[CGFR 71-63a]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Pequonnock River, Conn.

This amendment changes the regulations for the East Washington Avenue bridge across the Pequonnock River at Bridgeport, to require at least 24 hours' notice at all times. This amendment was circulated as a public notice dated July 1, 1971 by the Commander, First Coast Guard District, and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGFR 71-63) on July 10, 1971 (36 F.R. 12988). The only affected business above this bridge stated that this change would present no problem.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by adding a new subparagraph (2-a) to paragraph (c) of § 117.130 to read as follows:

§ 117.130 Pequonnock and Johnsons Rivers, Conn., bridges (highway and railroad) at Bridgeport.

* * * * *

(c) * * *

(2-a) *Exceptions for East Washington Avenue Highway Bridge.* The draw shall open on signal if at least 24 hours' notice has been given, except during closed periods in paragraph (c)(2) of this section.

* * * * *

(Sec. 5, 28, Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revision shall become effective on November 20, 1971.

Dated: October 12, 1971.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.71-15188 Filed 10-18-71;8:47 am]

[CGFR 71-45a]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Myakka River, Fla.

This amendment changes the regulations for the Seaboard Coast Line railroad bridge across the Myakka River at El Jobean to require that the draw open on signal from 7 a.m. to 7 p.m. At least 6 hours' notice is required from 7 p.m. to 7 a.m. This amendment was circulated as a public notice dated June 4, 1971, by the Commander, Seventh Coast Guard District and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGFR 71-45) on June 8, 1971 (36 F.R. 11045). Eighteen letters supporting the change were received. Three letters suggested that the draw be maintained in the open position except when a train is crossing the bridge.

Accordingly, Part 117 of Title 33, Code of Federal Regulations is amended by revising § 117.245(i)(3) to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including the Chesapeake Bay into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(i) * * *

(3) Myakka River, Seaboard Coast Line railroad bridge near Charlotte Beach. From 7 a.m. to 7 p.m. the draw shall open on signal. From 7 p.m. to 7 a.m. the draw shall open on signal if at least 6 hours notice has been given.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revision shall become effective on March 1, 1972.

Dated: October 12, 1971.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.71-15187 Filed 10-18-71;8:47 am]

[CGFR 71-64a]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Matanzas Pass, Fla.

This amendment changes the regulations for the Florida State Road Department bridge (State Road 865) across Matanzas Pass between Fort Myers and Fort Myers Beach to permit additional times in which the draw may remain closed to the passage of vessels. This amendment was circulated as a public notice dated July 13, 1971 by the Commander, Seventh Coast Guard District and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGFR 71-64) on July 10, 1971 (36 F.R. 12988). Three letters received in response to the public notice supported the change. One letter recommended that the regulations remain unchanged. Three letters recommended varying opening times. The Coast Guard feels that this change will not unduly restrict passage of vessels at this time.

Accordingly, Part 117 of Title 33, Code of Federal Regulations, is amended by revising paragraphs (a) and (b) of § 117.432a to read as follows:

§ 117.432a Matanzas Pass, Fla., State Road Department bridge (State Road 865) at Fort Myers Beach.

(a) The owner of or agency controlling the bridge shall not be required to open the draw from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m. except at 8 a.m. and 5 p.m. to allow accumulated vessels to pass. From 9 a.m. to 4 p.m., the draw shall open on the hour and half hour to allow accumulated vessels to pass. From 6 p.m. to 7 a.m. the draw shall open on signal.

(b) Public vessels of the United States, tugs with tows, or vessels in distress shall pass the draw at any time. The signal for these vessels is 4 blasts of a whistle or horn.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revision shall become effective on November 20, 1971.

Dated: October 12, 1971.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.71-15189 Filed 10-18-71;8:48 am]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 58, 4th Rev., Amdt. 2]

PART 221—DOCUMENTATION, TRANSFER OF CHARTER OF VESSELS

Effective November 1, 1971, § 221.6 of this part is hereby amended to read as follows:

§ 221.6 Exceptions to approvals granted by §§ 221.4 and 221.5.

(a) Approval granted by and defined in §§ 221.4 and 221.5 shall not apply to transactions involving nationals of country group countries X, Y, and Z, unless—

(1) Such nationals have been lawfully admitted into, and reside in, the United States;

(2) Such nationals do not transfer such vessel to, or place it under, any foreign registry or flag; and

(3) Such nationals do not remove such vessel from the territorial limits of the United States.

(b) Approval granted by and defined in §§ 221.4 and 221.5 shall not apply to any transactions involving nationals of country group countries X, Y, and Z, who do not meet the conditions set out in paragraph (a) of this section.

(c) Country group X countries are: Hong Kong and Macao; Country group Y countries are: Albania, Bulgaria, Czechoslovakia, East Germany (Soviet Zone of Germany and the Soviet Sector of Berlin), Estonia, Hungary, Latvia, Lithuania, Outer Mongolia, and the Union of Soviet Socialist Republics; country group Z countries are: China, including Manchuria (and excluding Taiwan (Formosa) (includes Inner Mongolia; the provinces of Tsinghai and Sikang; Sinkiang; Tibet; the former Kwantung Leased Territory, the present Port Arthur Naval Base Area and Liaoning Province), North Korea, Communist-controlled area of Vietnam, and Cuba.

(d) Approval granted by and defined in §§ 221.4 and 221.5 shall not apply to any transactions involving the export of vessels to country group countries X, Y, and Z.

(§ 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

Dated: October 12, 1971.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.
Secretary.

[FR Doc.71-15277 Filed 10-18-71;8:51 am]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5133]

[Idaho 3823]

IDAHO

Withdrawal for Natural Area

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

1. Subject to valid existing rights and provisions of existing withdrawals, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the

general mining laws (30 U.S.C. Ch. 2) but not from leasing under the mineral leasing laws, for the Snake River Birds of Prey Natural Area:

BOISE MERIDIAN, IDAHO

T. 1 S., R. 1 W.,
Sec. 26, S½S½;
Sec. 27, SW¼, NW¼SE¼, S½SE¼;
Sec. 28, S½;
Sec. 29, SE¼;
Sec. 31, lots 1, 2, 3, 4, 5, 6, SE¼NE¼, SE¼NW¼, NE¼SW¼, N½SE¼, SW¼SE¼;
Sec. 32, lots 2, 3, 4, 5, 6, 7, N½NE¼, SW¼NE¼, NE¼NW¼, S½NW¼;
Sec. 33, lots 1, 2, 5, 6, 7, 8, NW¼NE¼, S½NE¼, E½NW¼, S½S½;
Sec. 34, lots 1, 2, 5, 6, 7, 8, NE¼NW¼, N½SE¼, S½S½;
Sec. 35, All.

T. 1 S., R. 2 W.,
Sec. 25, SW¼SE¼.

T. 2 S., R. 1 W.,
Sec. 1, lots 1, 2, 3, 6, 7, 8, 9, 12, 13, SW¼NW¼, W½SW¼;
Sec. 2, lots 1, 2, 3, 4, S½NE¼, SE¼NW¼, NE¼SE¼;
Sec. 3, lots 1, 2, 3, 4, S½NW¼;
Sec. 4, lots 1, 2, 3, 4, S½N½, NE¼SW¼, S½SW¼, W½SE¼;
Sec. 5, lots 1, 2, 3, 4, S½N½, NW¼SW¼;
Sec. 6, lots 1, 2, 3, 4, 5, 6, 7, 8, SE¼NW¼, E½SW¼, N½SE¼;
Sec. 8, NE¼NE¼;
Sec. 9, NW¼NW¼;
Sec. 12, lots 1, 2, 4, 6, 9, 10, W½W½, SE¼SW¼;
Sec. 13, lots 1, 2, 3, 4, W½E½, N½NW¼;
Sec. 24, lots 1, 2, 3, 4, W½E½, SE¼SW¼;
Sec. 25, lots 1, 2, NW¼NE¼, NE¼NW¼.

T. 2 S., R. 2 W.,
Sec. 1, lot 1, SE¼NE¼, E½SE¼.

T. 2 S., R. 1 E.,
Sec. 6, lots 5, 6, 7, E½SW¼;
Sec 7, lots 1, 2, 5, SW¼NE¼, E½W½, SE¼;
Sec. 8, SW¼SW¼;
Sec. 17, SW¼NE¼, W½, W½SE¼;
Sec. 18, lots 2, 3, 4, 7, 8, 9, N½NE¼, SE¼NE¼, SE¼SW¼;
Sec. 19, lots 3, 4, 5, 6, 11, 12, 13, 14, 15, E½W½;
Sec. 20, W½E½, W½.

T. 2 S., R. 1 E.,
Sec. 28, SW¼SW¼;
Sec. 29, W½NE¼, W½, SE¼;
Sec. 30, lots 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 15, SE¼NE¼, E½SE¼;
Sec. 31, lots 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 15, E½E½;
Sec. 32, All;
Sec. 33, W½W½.

T. 3 S., R. 1 W.,
Sec. 1, lots 1, 2, S½NE¼, SE¼NW¼.

T. 3 S., R. 1 E.,
Sec. 4, lot 4, SW¼NW¼, W½SW¼;
Sec. 5, All;
Sec. 6, lots 1, 2, 3, 4, 5, 8, 9, 11, SE¼NE¼, SE¼SW¼;
Sec. 7, lot 1, NW¼NE¼, S½NE¼, NE¼NW¼;
Sec. 8, All;
Sec. 9, S½N½, NW¼NW¼, S½;
Sec. 10, S½N½, S½;
Sec. 15, E½, NW¼, E½SW¼;
Sec. 17, lots 1, 2, 3, SW¼NE¼, NE¼NW¼, E½SE¼;
Sec. 21, lots 1, 2, E½SE¼;
Sec. 22, lots 3, 4, 5, 6, 7, 8, 9, NE¼, E½NW¼, SW¼SW¼;
Sec. 23, S½N½, S½;
Sec. 24, S½N½, S½;
Sec. 25, All;
Sec. 26, lots 1, 2, 3, 4, 6, 7, E½, E½NW¼;
Sec. 27, lots 1, 2, 3, W½NE¼, E½SE¼;
Sec. 34, E½NE¼;
Sec. 35, lots 2, 3, 4, N½NE¼.

T. 3 S., R. 2 E.,
Sec. 30, lots 3, 4, SE¼SW¼;
Sec. 31, lots 1, 2, 3, 6, NE¼, E½NW¼, N½SE¼, SE¼SE¼;
Sec. 32, S½N½, S½;
Sec. 33, S½.

T. 4 S., R. 2 E.,
Sec. 2, S½SW¼;
Sec. 3, lots 3, 4, S½N½, S½;
Sec. 4, lots 1, 2, 3, 4, S½N½, NE¼SW¼, N½SE¼, SE¼SE¼;
Sec. 5, lots 1, 2, 3, 4, SE¼NE¼;
Sec. 6, lots 2, 5, 6, 9, 10, SE¼SW¼;
Sec. 7, lot 1, NW¼NE¼, S½NE¼, NE¼NW¼;
Sec. 8, lots 2, 4, SW¼NE¼, S½NW¼, E½SE¼;
Sec. 9, lots 1, 2, 5, 6, 7, 8, S½;
Sec. 10, lots 2, 3, 4, 7, 8, E½NE¼, SW¼, SW¼SE¼;
Sec. 11, lot 1, S½NE¼, NW¼, SE¼SW¼, SE¼;
Sec. 12, SW¼;
Sec. 13, NW¼;
Sec. 14, lots 1, 3, NE¼, SE¼NW¼, SW¼, W½SE¼;
Sec. 15, lots 3, 4, N½NE¼, SW¼NE¼, NW¼, SE¼SE¼;
Sec. 22, lots 1, 4, 5, 8, E½E½;
Sec. 23, W½E½, W½, SE¼SE¼;
Sec. 24, SW¼SW¼;
Sec. 25, N½, NW¼SW¼;
Sec. 26, lot 5, NE¼, N½NW¼, SE¼NW¼.

The areas described aggregate 26,310.92 acres in Ada, Canyon, Elmore, and Owyhee Counties.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of any of the lands under lease, license, easement, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws. However, leases, licenses, easements, or permits will be issued only if the use of the lands will minimize conflict or interference with existing nests. As a guide to achieve this end, access areas or other facilities will, to the extent possible, be located at least 100 yards from such nests.

3. The withdrawal made by this order is subject to the rights of the licensee for Power Project No. 503 and also subject to the rights of any licensee of the Federal Power Commission for construction and development of a project, including all necessary rights of access for construction, operation, and maintenance along the Grandview-Guffey reach of the Snake River in Ada, Canyon, Elmore, and Owyhee Counties.

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

OCTOBER 12, 1971.

[FR Doc.71-15164 Filed 10-18-71;8:46 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 71-1023]

PART 0—COMMISSION ORGANIZATION

Authority Concerning Extension of Time and Waivers

Order. In the matter of part 0, § 0.303 (f) of the Commission's rules.

1. On February 4, 1971, the Commission issued a public notice (FCC 71-106) reminding common carriers that the requirements of titles II and III of the Communications Act are applicable even though service is rendered only to an agency of the U.S. Government over radio facilities utilizing Government frequencies. As a result of that notice the Commission has received a number of radio applications involving the use of Government frequencies.

2. Section 0.303(f) of the Commission's rules does not now delegate to the Chief, Common Carrier Bureau authority to act on regular applications for the use of frequencies not in conformance with the Table of Frequency Allocations. Since the use of frequencies in the Government portion of the radio spectrum could have impact only on Government users and each use is coordinated with the Interdepartment Radio Advisory Committee, we believe the Commission's business would be expedited and the public interest served by authorizing the bureau chief to act on such applications consistent, of course, with the limitations of § 0.291 of the rules.

3. Therefore, Part 0 of the Commission's rules relative to delegated authority will be amended as contained in the attached appendix below. Authority for the rule change adopted herein is contained in sections 4(i) and 5(d) of the Communications Act of 1934 as amended. Since this change involves only a matter of internal Commission organization, the prior notification requirement of 5 U.S.C. 553 is not applicable.

4. *Accordingly, it is hereby ordered,* That the rules contained in the appendix attached below are adopted effective October 22, 1971.

(Secs. 4, 5, 48 Stat., as amended, 1066, 1068; 47 U.S.C. 154, 155)

Adopted: October 6, 1971.

Released: October 8, 1971.

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

Part 0 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

Section 0.303(f) is revised to read:

§ 0.303 Authority concerning extensions of time and waivers.

* * * * *

(f) For waivers of or exception to any rule, regulation or requirement relating to the services under his jurisdiction. However, any such action which involves the assignment of frequencies not in accordance with the Table of Frequency Allocations may be taken only under one of the following circumstances:

(1) When action is required under § 2.102 of this chapter (exclusive of paragraph (c)) of this chapter and the operation for which permission is sought (i) is of a nonrecurring nature and does not warrant a rule making proceeding with a view to establishing it on a regular basis, (ii) will not exceed 90

days, and (iii) will cause no harmful interference to any service operating in accordance with the Table of Frequency Allocations. This delegation does not apply to requests for renewals of any authority to operate granted hereunder.

(2) When action is required under § 2.102(c) of this chapter involving frequencies allocated exclusively for Government stations.

* * * * *

[FR Doc.71-15208 Filed 10-18-71;8:48 am]

[FCC 71-1022]

PART 1—PRACTICE AND PROCEDURE

Initial and Recommended Decisions

Order. In the matter of amendment of § 1.267(c) of the Commission's rules.

1. Section 1.267(c) of the Commission's rules presently provides that the authority of the presiding officer, in respect to a proceeding shall cease when he has filed his initial or recommended decision, or when he has certified the case to the Commission when he does not file a decision.

2. The certification and the correction of the transcript are substantially ministerial acts and are accomplished, essentially for the purpose of insuring the preservation of an accurate and precise record for review on appeal. We are unaware of any situation where such action was material as an essential precedent to the preparation and release of the presiding officer's decision or his certification of a case to the Commission for decision.

3. Under the existing rule, experience has shown that cases involving relatively short records, or uncomplicated issues, can be the subject of early release of the presiding officer's decision or certification to the Commission if he can avoid the additional artificial delay occasioned by a need to await certification of the transcript and correction of the transcript. On the other hand, if the presiding officer avails himself of such early action, having lost authority thereafter to effect certification of, and corrections to, the transcript, the burden of such action is cast upon either the Review Board or the Commission, as the case may require. The latter, not having first hand familiarity with what transpired at the hearing, are not as well qualified as the presiding officer properly and efficiently to effect such certification and corrections.

4. Accordingly, § 1.267(c) of the rules will be amended, as set forth below, so as to reserve to the presiding officer the authority to perform the ministerial acts of effecting certification of the transcript and making corrections to the transcript, as provided in §§ 1.260 and 1.261 of our rules, respectively, regardless as to whether the occasion for such actions occurs before or after the release of his decision or certification of the record to the Commission.

5. Authority for the amendment set forth in the attached appendix is contained in sections 4 (i) and (j) and 303 (r) of the Communications Act of 1934, as amended, 47 U.S.C. 154 (i) and (j) and 303(r), and the Public Information Act of 1966, 5 U.S.C. 552. Because the amendment relates to matters of procedure, the procedural and effective date provisions of 5 U.S.C. 553 do not apply.

6. In view of the foregoing, *It is ordered*, Effective October 22, 1971, that § 1.267(c) of the rules and regulations is amended as set forth in the appendix below.

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

Adopted: October 6, 1971.

Released: October 8, 1971.

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

In Part 1 of Chapter I of Title 47 of the Code of Federal Regulations, § 1.267 (c) is revised to read as follows:

§ 1.267 Initial and recommended decisions.

* * * * *

(c) The authority of the Presiding Officer over the proceedings shall cease when he has filed his Initial or Recommended Decision, or, if it is a case in which he is to file no decision, when he has certified the case for decision: *Provided, however,* That he shall retain limited jurisdiction over the proceeding for the purpose of effecting certification of the transcript and corrections to the transcript, as provided in §§ 1.260 and 1.261, respectively.

[FR Doc.71-15209 Filed 10-18-71;8:46 am]

[Docket No. 18397; FCC 71-1035]

PART 0—COMMISSION ORGANIZATION

PART 74—EXPERIMENTAL, AUXILIARY, SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

Community Antenna Television Systems

Third report and order. In the matter of amendment of Part 74, Subpart K, of the Commission's rules and regulations relative to Community Antenna Television Systems; and inquiry into the development of communications technology and services to formulate regulatory policy and rule making and/or legislative proposals.

1. On December 13, 1968, the Commission issued its notice of proposed rule making and notice of inquiry, 15 FCC 2d 417, 33 F.R. 19028, in this proceeding. In paragraphs 27 and 28 of the cited action it proposed that CATV operators be required to file annual reports which would provide current information on such matters as the location of the CATV systems, number of subscribers, channel capacity, broadcast signals carried, extent and nature of program originations, any other operations conducted on the system, financial data, ownership, and interests in other CATV systems, broadcast media, and other businesses.[1] The present action concerns FCC Form 325 and FCC Form 326, which are being adopted at this time as an "Annual Report of CATV Systems" and a "CATV Annual Financial Report," respectively. A third form, to be entitled "CATV Program Originations Report," was previously under consideration, but its essential contents have been incorporated into Form 325 so that it is now unnecessary.

2. In the cited Notice, we indicated that periodic filings by CATV operators are necessary to enable the Commission to keep abreast of CATV developments, fulfill its regulatory responsibilities in this field, and assist Congress in its consideration of related legislative proposals. The importance of up-to-date information on program originations was reaffirmed in the "First Report and Order in Docket No. 18397," 20 FCC 2d 201, in which we concluded that program originations on CATV systems are in the public interest and adopted rules regulating CATV "cabelcasting." In paragraph 25 of the "First Report and Order," supra, the Commission indicated that, except in a few instances, the record contained no data concerning such pertinent matters as the kinds and amounts of originations, cost of facilities, annual operating costs, advertising, and the response of the public to origination efforts. This lack of information was also noted in paragraph 3 of the reconsideration of the "First Report and Order in Docket No. 18397," 23 FCC 2d 825. Likewise, it has been 5 years since the Commission obtained any substantial CATV ownership information, and the Commission has never gathered CATV financial data on a broad basis.

3. With few exceptions, the comments filed recognize the general propriety of the Commission's gathering of ownership, financial, program origination, and other CATV data; however, a sharper division exists concerning how much information should be requested and how detailed it should be. We conclude that sections 4 (i), (j), and (k), 303, and 403 of the Communications Act of 1934, as amended, provide adequate authority for us to request the basic kinds of information sought in FCC Forms 325 and 326, which, as already explained, are needed to make possible further informed regulatory judgments in this area.

FCC FORM 325

4. In the December 13, 1968, Notice, comments were sought on appropriate modifications of FCC Form 325, the one-time CATV questionnaire issued in 1966. In its revised format, Form 325 has three

[1] Comments were due on the reporting requirement on May 12, 1969, and reply comments, on July 2, 1969. Subsequently, the Commission released three draft reporting forms for further comment. These drafts were the subject of a special informal conference on Mar. 16, 1970 (Public Notice, FCC 70-193), to which all interested parties were invited. Additional comments on the draft forms were submitted Apr. 13, May 6, and May 20, 1970. Appendix B (filed as part of original document) lists the parties who filed comments on the drafts or on the general reporting requirement proposed in the Dec. 13, 1968, Notice.

sections: General information; CATV services; and ownership information. The incorporation of additional program origination questions into the CATV services section has obviated the need for a separate program origination form, thereby eliminating many duplicative questions. Furthermore, several questions which were formulated for the proposed one-time program origination survey, such as equipment listings, have been deleted as inappropriate for regular reporting.

5. A number of comments were critical of the proposed annual filing requirement for Form 325. Some suggested semi-annual or even quarterly reporting, while others asserted that anything less than reporting once in three years was burdensome and discriminatory; hardly any comments concerned the possibility of an abbreviated form for smaller systems or an appropriate cutoff standard. We reject suggestions that Form 325 be filed any more frequently than annually, even at the outset, since it seems unlikely that pertinent facts could change enough to justify the effort. Accordingly, we have deleted instructions which would have required interim undating of parts of the form. On the other hand, we believe that annual reporting is necessary. See paragraph 2, supra. Likewise, since excusing small systems from filing certain data would deprive the Commission of the very information which it lacks, we do not propose to do so. Presumably systems which might have qualified for such an exception will not have a significant amount of ownership or CATV services data to report. Only nonoperating systems will be exempt from the Form 325 filing requirement.

6. Several comments objected to the requirement that a separate Form 325 be filed for each CATV system, defined as each separate and distinct community or municipal entity, and to the proposed prohibition on any incorporation by reference. We have modified the instructions to permit incorporation by reference in the ownership section, so long as the referenced source is sufficiently identified, and we will also permit the filing of composite reports where CATV systems are under common ownership and all of the services and ownership information requested by the form is identical for each of them.

7. Although the Commission indicated in paragraph 30 of the "First Report and Order," supra, and paragraph 4 of the reconsideration thereof, supra, that it would refrain from initial regulation of cablecasting programing categories, it is clear that programing information is basic to an understanding of the practicalities of CATV originations.[3] Hence, the CATV services section of the form inquires about program sources (e.g., local, automated, video tape), types of programing, and number of hours of each during the specified week for reporting. This "specified week" is defined as the 7-day period commencing at 12:01 a.m. on December 1, 1971, and ending at midnight on December 7, 1971. If it is not possible for filing systems to use the specified week, they may use any 7 consecutive days of the 60-day period immediately preceding the date of filing of Form 325, so long as they explain the reasons for not using the specified week and indicate the dates which are being used instead. In the notice of proposed rule making in Docket No. 19128, 27 FCC 2d 18, we invited comments on a proposal that CATV systems be required to maintain program logs. Such a requirement will permit future reporting to be based on a composite week. Since reporting predicated on a typical week would have a nonuniform basis, we have adopted the "specified week" as the best alternative presently available.

8. A number of comments have been directed at specific programing questions. We have modified the form to delete "public service" and "children's" programing categories; however, we believe that the remaining categories, which are basically the same as those used in the Commission's broadcast forms, are appropriate and identify well-recognized subject areas for programing information. Suggestion was made that questions be added relating to ascertainment of community needs and interests, measuring demand by local citizens for channel time, and determining the extent to which cablecasters coordinate their educational and public affairs programing with local educational organizations. Inquiry into these matters appears unwarranted at this time since information about these matters would not appear to assist significantly in policy formulation. On the other hand, we recognize a present need for information concerning the number of hours of various types of programing and program sources, and have modified the form to gain this information.

9. Since we concluded in the "First Report and Order," supra, that commercial advertising is an important economic basis for originations (see also § 74.1117 of the Commission's rules) and have concluded in our August 5, 1971, policy statement, FCC 71-787, that free public access channels and educational, government, and leased channels are in the public interest, we believe that questions relating to these areas are timely and necessary.[4] We wish to make clear that our request for information is not intended to limit the experimentation and innovation which we seek to encourage, and that originations may well embrace categories not listed in the form.

10. Some comments suggest that we delete all questions relating to subscriber fees, while others urge that we add questions pertaining to per program charges, if any, to subscribers. We have modified Form 325 to omit all references to fees; questions of this type are included in Form 326, where the answers will be accorded confidentiality. See paragraph 15, infra. We have also modified the question pertaining to the filing of franchises, so that a copy need only be filed with Form 325 if none has previously been filed or if changes have occurred in the franchise since the prior filing. Finally, we have deleted the question asking whether CATV systems are located within certain specified zones, since it appears that community, county, and State identification of systems is sufficient for present purposes.

11. It has been suggested that the question concerning what television stations are carried by a CATV system be broadened to inquire about compliance with the carriage and program exclusivity requirements of § 74.1103 of the rules. Since the applicability of these rules in specific situations is a complex matter, which is frequently the subject of litigation before the Commission, we do not consider it appropriate matter for a reporting form which is intended to be basically statistical in purpose.

12. Turning to the ownership section of Form 325, we have previously indicated (paragraph 6) that incorporation by reference will be permitted. We have also modified the instructions for the CATV ownership question (Question 4) to raise the cutoff for inquiry into holdings to 3 percent of the voting stock. This cutoff provides a fair balance between the 1 percent proposed and the 5 percent used in old Form 325. Likewise, we have raised the cutoff for inquiry into holdings in other communications media (Question 7) to 5 percent. This provides a balance between the 1 percent proposed and the 10 percent used in old Form 325. And in both questions, we have deleted reference to "de facto control". We believe that these new cutoffs will provide ample ownership information for present needs.

13. Some comments suggest that it is inappropriate to inquire into noncommunications interests of CATV stockholders, officers, directors, or systems. We have modified Question 7 to limit it to communications interests of 5 percent or more; however, we believe that a complete ownership profile requires information on all of the businesses in which a CATV system has a 25 percent or more interest, and the subsidiaries of these businesses (Question 1(d)). Likewise, we believe that our regulatory responsibilities require retention of Questions 8 and 9, concerning felony convictions and alien ownership, both of which were part of old Form 325, since this is information which could be pertinent in proposing legislation to the Congress.

FCC Form 326

14. Form 326 embodies a number of substantial modifications of the March 1970, draft financial reporting form,

[3] This judgment remains true even though the mandatory cablecasting requirement of § 74.1111 of the rules is currently being stayed. See Public Notice, FCC 71-577, released May 27, 1971. In the meantime, a large number of CATV systems are voluntarily cablecasting, and information about these activities will be beneficial to the Commission's continuing examination of program originations as a communications mode.

[4] Responses to these questions will serve as the starting point for the development of whatever further rulemaking proposals may be warranted in this rapidly evolving area of CATV services. See FCC 71-787, pp. 26-39.

designed to make it comprehensive but no more detailed than necessary. The previously proposed balance sheet and program origination operating statement have been deleted, and several of the line items in schedule 1 have been removed. On the other hand, line items concerning tariff (leaseback) charges have been added to schedule 1 and a new schedule 4 (Nonrecurring Telephone Company Charges) has been added to complement schedule 3 (Tangible and Intangible Property) for CATV systems which operate under a telephone company tariff.

15. Many comments urge that responses to Form 326 be given confidential treatment. This accords with Commission policy under § 0.457(d) of the rules, and we are amending that section to make it clear that CATV annual financial reports will not be routinely available for public inspection. As with other annual financial reports submitted to the Commission, Form 326 requests information from new CATV systems (see below) on a calendar year basis, and will be due on or before April 1, for the preceding calendar year. The calendar year approach will insure a uniform reporting base, and the April 1 filing date is appropriate, since only pretax financial statistics are sought. A CATV system which commenced operations prior to December 1, 1971, may report on a fiscal year basis, in which case the form shall be filed annually not more than ninety (90) days after the close of the system's fiscal year. Responses to Form 325 will be due on or before March 1 of each year.

16. Finally, several comments objected to the requirement that a separate Form 326 be filed for each CATV system. We have modified the instructions to provide that where CATV systems are under common ownership and normally keep a consolidated set of bookkeeping records, one fully completed copy of the form may be filed for all of the systems, with a completed copy of the first page of the form attached for each of the communities or municipal entities covered by the composite report.

17. We believe that the annual reporting requirement which we are adopting herein should be implemented as promptly as possible. Hence, we will release this report and order immediately, even though the forms themselves will not be ready for several weeks. Copies will be mailed to all known CATV operators early in November, so that they may be studied well in advance of the filing deadlines. For both forms, the first reporting period will be calendar year 1971; if a CATV operator is using a fiscal year basis for Form 326, his first report should cover the fiscal year which commenced on or after January 1, 1971.

18. In view of the foregoing, we conclude that the public interest would be served by adoption of FCC Forms 325 and 326, subject to the approval of the Office of Management and Budget. Authority for adoption of these forms is contained in sections 4 (i), (j), and (k), 303, and 403 of the Communications Act of 1934, as amended. The amendments to Part 0 and Part 74 of the Commission's rules necessary to implement Forms 325 and 326 are set forth below.

Accordingly, it is ordered, That

(a) Effective November 22, 1971, FCC Forms 325 and 326 are adopted as modified herein.

(b) The "specified week" for purposes of completing FCC Form 325 shall be the 7-day period commencing at 12:01 a.m. on December 1, 1971, and ending at midnight on December 7, 1971, unless it is not possible for a CATV system filing the form to use the specified week, in which case it shall use any seven (7) consecutive days out of the 60-day period immediately preceding the date of filing of Form 325, and shall indicate the dates used.

(c) Part 0 and Part 74 of the Commission's rules and regulations are amended as set forth below.

(d) All comments, to the extent they have not been accepted herein, are denied.

(Secs. 4, 303, 403, 47 Stat., as amended, 1066, 1082, 1094; 47 U.S.C. 154, 303, 403)

Adopted: October 6, 1971.

Released: October 14, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[4]

[SEAL] BEN F. WAPLE,
Secretary.

[4] See statement of Commissioner Robert E. Lee, which is filed as part of original document. Commissioner Robert E. Lee concurring and issuing a statement; Commissioner Johnson dissenting.

Part 0 and Part 74 of Chapter 1 of Title 47 of the Code of Federal Regulations are amended as follows:

* * * * *

1. Section 0.455(i) is revised to read as follows:

§ 0.455 Other locations at which records may be inspected.

* * * * *

(i) *Cable Television Bureau.* (1) CATV petitions, requests and related files.

(2) Annual reports submitted for CATV systems pursuant to § 74.1123 of this chapter.

2. Section 0.457(d)(1) is amended by adding subparagraph (iii) as follows:

§ 0.457 Records not routinely available for public inspection.

(d) * * *

(1) * * *

(iii) Financial reports submitted for CATV systems pursuant to § 74.1124 of this chapter.

3. Section 74.1123 is added to Part 74, to read as follows:

§ 74.1123 Annual report of CATV systems.

An "Annual Report of CATV Systems" (FCC Form 325) shall be filed with the Commission for each CATV system, as defined in § 74.1101, on or before March 1 of each year, for the preceding calendar year.

4. Section 74.1124 is added to Part 74, to read as follows:

§ 74.1124 CATV annual financial report.

A "CATV Annual Financial Report" (FCC Form 326) shall be filed with the Commission for each CATV system, as defined in § 74.1101, on or before April 1 of each year, for the preceding calendar year: *Provided, however,* That a CATV system which commences operations prior to December 1, 1971, may report on a fiscal year basis, in which case Form 326 shall be filed annually no more than ninety (90) days after the close of the system's fiscal year.

[FR Doc.71-15210 Filed 10-18-71;8:49 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Parts 1, 15]

INCOME TAX

Exploration Expenditures in the Case of Mining

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commisioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR T, Washington, D.C. 20224, by November 19, 1971. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by November 19, 1971. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be based under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

The following regulations are hereby prescribed in order to conform the Income Tax Regulations (26 CFR Part 1) to the amendments made by the act of September 12, 1966 (Public Law 89-570, 80 Stat. 759), and the Tax Reform Act of 1969 (83 Stat. 487), relating to the income tax treatment of exploration expenditures in the case of mining. The regulations set forth below supersede part 15 of the regulations in this chapter, Temporary Income Tax Regulations Relating to Exploration Expenditures in the Case of Mining (26 CFR Part 15). Section 1.615-9 of the regulations supersedes the provisions of T.D. 7032, approved March 11, 1970 (35 F.R. 4330), as they apply to elections under section 504(d)(2) of the Tax Reform Act of 1969.

PARAGRAPH 1. Section 1.615 is amended by revising the heading, by adding subsections (e), (f), (g), and (h) to section 615 and by adding to the historical note. These amended, revised, and added provisions read as follows:

§ 1.615 Statutory provisions; pre-1970 exploration expenditures.

SEC. 615. *Pre-1970 exploration expenditures.* * * *

(e) *Election to have section apply.* This section (other than subsections (f) and (g)) shall apply only if the taxpayer so elects in such manner as the Secretary or his delegate may by regulations prescribe. Such election shall be made before the expiration of 3 years after the time prescribed by law (determined without any extension thereof) for filing the return for the first taxable year ending after the date of the enactment of this subsection in which expenditures described in subsection (a) are paid or incurred after such date. Such election may not be revoked after the expiration of such 3 years.

(f) *Section 615 and section 617 elections to be mutually exclusive.* A taxpayer who has made an election under subsection (e) (which he has not revoked) may not make an election under section 617(a). A taxpayer who has made an election under section 617(a) (which he has not revoked) may not make an election under subsection (e) of this section.

(g) *Effect of transfer of mineral property—*
(1) *Transfer before election.* If—

(A) Any person transfers any mineral property to another person in a transaction as a result of which the basis of such property in the hands of the transferee is determined by reference to the basis in the hands of the transferor, and

(B) The transferor has not, at the time of the transfer, made an election under either subsection (a) of section 617 or subsection (e) of this section,

Then no election by the transferor under either such subsection shall apply with respect to expenditures which are made by the transferor after the date of the enactment of this subsection and before the date of the transfer and which are properly chargeable to such property. For purposes of the preceding sentence, a transferor of mineral property who made an election under subsection (a) of section 617 or subsection (e) of this section before the transfer but who revokes such election after the transfer shall be treated with respect to such property as not having made an election under either such subsection.

(2) *Effect of election by transferee under section 617.* If—

(A) The taxpayer receives mineral property in a transaction described in paragraph (1)(A),

(B) An election made by the transferor under subsection (e) applies with respect to expenditures which are made by him after the date of the enactment of this subsection and before the date of the transfer and which are properly chargeable to such property, and

(C) The taxpayer has made or makes an election under section 617(a),

Then in applying section 617 with respect to the transferee, the amounts allowed as deductions under this section to the transferor, which (but for the transferor's election) would be reflected in the adjusted basis of such property in the hands of the transferee, shall be treated as expenditures allowed as deductions under section 617(a) to the transferor. Notwithstanding subsections (b) and (d) of this section (and section 381(c)(10)), any deferred expenses described in subsection (b) which are not allowed as deductions to the transferor for a period before the transfer may not be deducted by the transferee and in his hands shall be charged to capital account.

(h) *Termination.* The provisions of this section shall not apply with respect to expenditures paid or incurred after December 31, 1969.

[Sec. 615 as amended by sec. 1, Act of Sept. 14, 1960 (Public Law 86-779, 74 Stat. 1002); sec. 2(a), Act of Sept. 12, 1966 (Public Law 89-570, 80 Stat. 762); sec. 504(a)(2), Tax Reform Act 1969 (83 Stat. 487)]

PAR. 2. Section 1.615-1 is amended by revising the heading and paragraph (a) to read as follows:

§ 1.615-1 Pre-1970 exploration expenditures.

(a) *General rule.* Section 615 prescribes rules for the treatment of expenditures (paid or incurred before January 1, 1970) for ascertaining the existence, location, extent, or quality of any deposit of ore or other mineral (other than oil or gas) paid or incurred by the taxpayer before the beginning of the development stage of the mine or other natural deposit. Such expenditures hereinafter in the regulations under section 615 will be referred to as exploration expenditures. The development stage of the mine or other natural deposit will be deemed to begin at the time when, in consideration of all the facts and circumstances (including the actions of the taxpayer), deposits of ore or other mineral are shown to exist in sufficient quantity and quality to reasonably justify commercial exploitation by the taxpayer. A taxpayer who elects under section (e) may treat exploration expenditures under either section 615(a) or section 615(b). See § 1.615-6 for the method of making the election to treat exploration expenditures under section 615. Under section 615(a), a taxpayer may, at his option, deduct exploration expenditures paid or incurred in an amount not to exceed $100,000 for any taxable year. Under section 615(b) and § 1.615-2, he may elect to defer any part of such amount and deduct such part on a ratable basis as the units of produced minerals benefited by such expenditures are sold. If the taxpayer does not treat exploration expenditures under either section 615 (a) or (b) in any year for which his election under section 615(e) is effective, the expenditures for such year will be charged to depletable capital account. The option to deduct under section 615(a) and the election to defer under section 615(b), however, are subject to the limitation provided in section 615(c) and § 1.615-4. In the case of certain corporations which are members of an affiliated group which has elected the 100 percent dividends received deduction under section 243(b), see section 243(b)(3) and § 1.243-5 for limitations on the option to deduct under section 615(a) and the election to defer under section 615(b).

* * * * *

PAR. 3. Section 1.615–2 is amended by revising the heading, and by revising paragraphs (a)(1) and (a)(2) to read as follows:

§ 1.615–2 Deduction of pre-1970 exploration expenditures in the year paid or incurred.

(a) *In general.* (1) If the election to treat exploration expenditures under section 615 has been made or is deemed made under § 1.615–6(b) subject to the total limitation of $100,000, a taxpayer who has made exploration expenditures prior to January 1, 1970, with respect to more than one mine or other natural deposit may deduct for a taxable year for which such election is effective any portion of such expenditures attributable to each mine or deposit. With respect to a particular mine or other natural deposit, a taxpayer who has made the election described in the preceding sentence may deduct under section 615(a) a portion of the exploration expenditures and may defer and deduct under section 615 (b) the balance of such expenditures. For any taxable year for which the election to treat exploration expenditures under section 615 is effective, the taxpayer must charge any amount of exploration expenditures in excess of of $100,000 to capital account and must charge to capital account whatever amount has not been deducted currently or deferred. For example, taxpayer A who has elected under section 615(e) has three mines, X, Y, and Z. In the taxable year 1967, A makes exploration expenditures of $75,000 with respect to each mine. The total allowable deduction for exploration expenditures is $100,000. A deducts $50,000 and defers $25,000 with respect to X. He deducts $25,000, and charges to capital account $50,000 with respect to Y, and charges to capital account the entire $75,000 paid with respect to Z. Thus, A has deducted or deferred $100,000 and capitalized the excess.

(2) Except as provided in section 615 (e) and § 1.615–6, a taxpayer cannot change his treatment of exploration expenditures for a taxable year after the due date (including extensions of time) for filing the return for the taxable year except where it is subsequently determined that any part of such exploration expenditures deducted under section 615 (a) or deferred under section 615(b) are not exploration expenditures for the taxable year. Where the taxpayer has made the election to treat exploration expenditures under section 615 and it is subsequently determined that part of the expenditures deducted under section 615 (a) or deferred under section 615(b), for a taxable year, were not exploration expenditures for such taxable year, the exploration expenditures required to be charged to capital account for such taxable year by reason of the limitation may be deducted or deferred (to the extent of the subsequent determination) and proper adjustment made to capital account. A taxpayer claiming a deduction under section 615(a) shall indicate clearly on his income tax return the amount of the deduction claimed under such section with respect to each mine or other natural deposit. Such mine or deposit shall be identified by an adequate description.

PAR. 4. Section 1.615–3 is amended by revising the heading and by revising paragraph (a) to read as follows:

§ 1.615–3 Election to defer pre-1970 exploration expenditures.

(a) *General rule.* A taxpayer who makes the election provided in section 615(e) may defer any portion of the exploration expenditures made before January 1, 1970, with respect to each mine or other natural deposit, subject to the limitations described in section 615(c) and § 1.615–4. The amounts so deferred shall be deducted ratably as the units of produced ores or minerals discovered or explored by reason of such expenditures are sold.

* * * * *

PAR. 5. Section 1.615–4 is amended by revising paragraph (b) to read as follows:

§ 1.615–4 Limitation of amount deductible.

(b) *Taxable years beginning after July 6, 1960.* For any taxable year beginning after July 6, 1960 (including taxable years of less than 12 months), a taxpayer who is otherwise eligible may deduct or defer exploration expenditures paid or incurred before January 1, 1970, in the lesser of the following amounts:

(1) The amount paid or incurred in the taxable year,

(2) $100,000, or

(3) $400,000 minus all amounts deducted or deferred for taxable years ending after December 31, 1950.

For purposes of this paragraph, the number of taxable years for which the taxpayer availed himself of the provisions of section 615 or the corresponding provisions of prior law is immaterial.

* * * * *

PAR. 6. There are inserted immediately after § 1.615–5 the following new sections:

§ 1.615–6 Election to deduct under section 615.

(a) *General rule.* The election to deduct or defer exploration expenditures under section 615 shall be made in a statement filed with the director of the Internal Revenue service center with whom the taxpayer's income tax return is required to be filed. If the election is made within the time period prescribed for filing an income tax return (including extensions thereof) for the first taxable year ending after September 12, 1966, during which the taxpayer pays or incurs expenditures which are within the scope of section 615 and which are paid or incurred by him after September 12, 1966, this statement shall be attached to the taxpayer's income tax return for such taxable year. If the election is made after the time prescribed for filing such return but before the expiration of the period (described in paragraph (e) of this section) for making the election under section 615(e), the statement must be signed by the taxpayer or his authorized representative. The statement shall be filed even though the taxpayer charges to capital account all such expenditures paid or incurred by him during such taxable year after such date. The statement shall clearly indicate that the taxpayer elects to have section 615 apply to all amounts deducted or deferred by him with respect to exploration expenditures paid or incurred after September 12, 1966, and before January 1, 1970. If the taxpayer desires, he may file this statement by attaching it to his return for a taxable year prior to the first taxable year ending after September 12, 1966, in which he pays or incurs exploration expenditures. Except as provided in paragraph (b) of this section, if the taxpayer does not file such a statement within the period prescribed by section 615(e) and paragraph (e) of this section, any amounts deducted by him with respect to exploration expenditures paid or incurred after September 12, 1966, will be deemed to have been deducted pursuant to an election under section 617(a).

(b) *Exception.* The last sentence of paragraph (a) of this section shall not apply if all exploration expenditures paid or incurred by the taxpayer after September 12, 1966, and before January 1, 1970, and deducted by him on his income tax return for the first taxable year ending after September 12, 1966, during which he pays or incurs such expenditures are outside the scope of section 617(a) (as it existed before its amendment by section 504(b) of the Tax Reform Act of 1969). For example, assume that, in his return for his taxable year ending December 31, 1966, a calendar-year taxpayer deducts exploration expenditures paid or incurred after September 12, 1966, and does not attach to his return the statement described in paragraph (a) of this section. However, all of the exploration expenditures paid or incurred by the taxpayer after September 12, 1966, and before the end of the taxable year were paid or incurred with respect to minerals located neither in the United States nor on the Outer Continental Shelf. The taxpayer will be deemed to have made an election under section 615(e) by deducting all or part of those expenditures as expenses in his income tax return.

(c) *Information to be furnished.* A taxpayer who makes or has made an election under section 615(e) with respect to expenditures paid or incurred after September 12, 1966, and before January 1, 1970, shall indicate clearly on his income tax return for each taxable year for which he deducts any such expenditures the amount of the deduction claimed under section 615 (a) or (b) with respect to each property or mine. The property or mine shall be identified by a description adequate to permit application of the rules of section 615(g) (relating to effect of transfer of mineral property).

(d) *Effect of election*—(1) *In general.* A taxpayer who has made or is deemed to have made an election under section 615(e) may not make an election under section 617(a) with respect to expenditures made before January 1, 1970, unless, within the period set forth in section 615(e), he revokes his election under section 615(e). Except as provided in paragraph (a)(2) of § 1.615–2, a taxpayer who makes an election under section 615(e) may not change his treatment of exploration expenditures deducted, deferred, or capitalized pursuant to such election unless he revokes the election made under section 615(e).

(2) *Transfer of mineral property.* The binding effect of a taxpayer's election under section 615(e) shall not be affected by his receiving property with respect to which deductions have been allowed under section 617(a). However, see section 615(g)(2) and § 1.615–7 for rules under which amounts deducted under section 615 by a transferor may be subject to recapture in the hands of a transferee who has made an election under section 617(a). See § 1.617–3(d)(2)(ii) for rules under which amounts deducted under section 617(a) by a transferor may be subject to recapture in the hands of a transferee who has made an election under section 615(e).

(e) *Time for making election under section 615 (e).* A taxpayer may not make an election under section 615(e) after the expiration of the 3-year period beginning with the date prescribed by section 6072 or other provision of law for filing the taxpayer's income tax return for the first taxable year ending after September 12, 1966, in which the taxpayer pays or incurs expenditures to which section 615(a) would apply if an election were made under section 615(e). This 3-year period shall be determined without regard to any extension of time for filing the taxpayer's income tax return for such year. An election under section 615(e) may not be made after the expiration of the 3-year period even though the taxpayer charged to capital account, or erroneously deducted as development expenditures under section 616, all exploration expenditures paid or incurred by him after September 12, 1966, and before the end of his first taxable year ending after September 12, 1966, in which he paid or incurred such expenditures.

(f) *Revocation of section 615(e) election*—(1) *Manner of revoking election.* A taxpayer may revoke an election made by him under section 615(e) by filing with the director of the Internal Revenue service center with whom the taxpayer's income tax return is required to be filed, within the period set forth in subparagraph (2) of this paragraph, a statement, signed by the taxpayer or his authorized representative, which sets forth that the taxpayer is revoking the election previously made by him with respect to exploration expenditures paid or incurred after September 12, 1966, and states with whom and where the document making the election was filed. Such revocation shall be a revocation for all taxable years for which the taxpayer's election was in effect and the taxpayer revoking such an election shall file amended income tax returns, reflecting any increase or decrease in tax attributable to the revocation of election. In applying the revocation of election to the years affected there shall be taken into account the effect that any adjustments resulting from the revocation of election shall have on other items affected thereby (such as the deduction for charitable contributions, the foreign tax credit, net operating loss, and other deductions or credits the amount of which is limited by the taxpayer's income) and the effect that adjustments of any such items have on items in other taxable years.

(2) *Time for revoking election under section 615(e).* An election under section 615(e) may be revoked at any time before the expiration of the 3-year period described in paragraph (e) of this section. Such an election may not be revoked after the expiration of the 3-year period.

(3) *Additional information to be furnished by a transferor of mineral property.* If, before revoking his election, the taxpayer has transferred any mineral property with respect to which he deducted exploration expenditures paid or incurred after September 12, 1966, and before January 1, 1970, to another person in a transaction as a result of which the basis of such property in the hands of the transferee is determined by reference to the basis in the hands of the transferor, the statement submitted pursuant to subparagraph (1) of this paragraph shall state that such property has been so transferred and shall identify the transferee, the property transferred, and the date of the transfer. The preceding sentence shall not apply in the case of any mineral property transferred after December 31, 1969.

(g) *Taxable years beginning before September 13, 1966, and ending after September 12, 1966*—(1) *In general.* An election made under section 615(e) applies only to expenditures paid or incurred after September 12, 1966. The income tax treatment of exploration expenditures paid or incurred before September 13, 1966, will be determined in accordance with the provisions of section 615 prior to its amendment by the Act of September 12, 1966 (Public Law 89–570, 80 Stat. 759). If a taxpayer makes an election under section 615(e) in his income tax return for a taxable year which begins before September 13, 1966, and which ends after September 12, 1966, amounts deducted and amounts deferred under section 615 with respect to expenditures paid or incurred during such taxable year but before September 13, 1966, will be taken into account in determining whether the $100,000 limitation set forth in section 615(a) is reached during the taxable year. Similarly, a taxpayer who makes an election under section 615(e) shall take into account expenditures deducted or deferred under section 615 for the period prior to September 13, 1966, in determining when the $400,000 overall limitation set forth in section 615(c) is reached. The fact that a taxpayer deducts or defers under section 615 exploration expenditures paid or incurred prior to September 13, 1966, shall not affect his right to make an election under section 617(a) to deduct under section 617 expenditures paid or incurred after September 12, 1966.

(2) *Allocation in case of inadequate records.* If a taxpayer pays or incurs exploration expenditures during a taxable year beginning before September 13, 1966, and ending after September 12, 1966, but his records as to any mine or property are inadequate to permit a determination of the amount paid or incurred during the portion of the year ending after September 12, 1966, and the amount paid or incurred on or before such date, the exploration expenditures, as to which the records are inadequate, paid or incurred with respect to the mine or property during the taxable year shall be allocated to each part year (that is, the part occurring before September 13, 1966, and the part occurring after September 12, 1966) in the same ratio which the number of days in each such part year bears to the number of days in the entire taxable year. For example, if the records of a calendar year taxpayer for 1966 are inadequate to permit a determination of the amount of exploration expenditures paid or incurred with respect to a certain mine or property after September 12, 1966, and the amount paid or incurred before September 13, 1966, 255/365 of the total exploration expenditures paid or incurred by the taxpayer with respect to the mine or property during 1966 shall be allocated to the period beginning January 1, 1966, and ending September 12, 1966, and 110/365 of the total exploration expenditures paid or incurred with respect to the mine or property during 1966 shall be allocated to the period beginning September 13, 1966, and ending December 31, 1966.

(3) *Partnership elections.* With respect to exploration expenditures paid or incurred by a partnership before September 13, 1966, the option to deduct under section 615(a) and the election to defer under section 615(b) shall be made by the partnership, rather than by the individual partners. With respect to exploration expenditures paid or incurred by a partnership after September 12, 1966, all elections under sections 615 and 617 as to the tax treatment of a partner's distributive share of exploration expenditures paid or incurred by a partnership of which he is a member shall be made by the individual partner, rather than by the partnership. See section 703(b) and the regulations thereunder.

§ 1.615–7 Effect of transfer of mineral property.

(a) *Transfer before election by transferor.* (1) If mineral property is transferred in a transaction as a result of which the basis of the property in the hands of the transferee is determined in whole or in part by reference to the basis in the hands of the transferor and the transferor had not made an election under either section 615(e) or 617(a) at the time of the transfer, no election

made by the transferor after the transfer shall apply with respect to expenditures properly chargeable to the transferred property which were paid or incurred before the date of the transfer.

(2) For purposes of subparagraph (1) of this paragraph, a transferor of mineral property who made an election under section 617(a) or section 615(e) before the transfer but who revokes such election after such transfer and does not make an election under either section before the expiration of the 3-year period prescribed by section 6072 or other provision of law for filing his income tax return for the taxable year in which such transfer occurred shall be treated with respect to such property as not having made an election under either section.

(b) *Transfer after election by transferor.* If a transferee who at the time of the transfer of a mineral property has not made an election under section 617(a) receives property in a transaction in which the basis of such property in his hands is determined in whole or in part by reference to its basis in the hands of the transferor and with respect to such property the transferor has deducted expenditures under section 617(a), the adjusted exploration expenditures properly chargeable to the property immediately after the transfer shall be treated as expenditures allowed as deductions under section 617(a) to the transferee. See section 617 and the regulations thereunder.

(c) *Transfer after election by transferee.* (1) If a transferee who makes an election under section 617(a) receives before January 1, 1970, mineral property in a transaction in which the basis of such property in his hands is determined in whole or in part by reference to the basis of the property in the hands of the transferor and the transferor had in effect at the time of the transfer an election under section 615(e), an amount equal to the total of the amounts allowed as deductions to the transferor under section 615 with respect to the transferred mineral property shall be treated as expenditures allowed as deductions under section 617(a) to the transferee. The preceding sentence shall not apply to expenditures which would not have been reflected in the basis of the property in the hands of the transferor had the transferor not made the section 615(e) election.

(2) Any expenditures with respect to the transferred property deferred by the transferor under section 615(b) which are not allowed as deductions to him prior to transfer of the property may not be deducted by the transferee and in his hands shall be charged to capital account.

§ 1.615–8 Termination of section 615.

(a) *In general.* The provisions of section 615 shall not apply to exploration expenditures paid or incurred after December 31, 1969. Expenditures paid or incurred before January 1, 1970, which were deferred under section 615(b) will be deductible under such section after such date as the units of ore or mineral discovered or explored by reason of such expenditures are sold. An election under section 615(e) with respect to expenditures paid or incurred prior to January 1, 1970, shall remain in effect with respect to such expenditures unless it is revoked under section 615(e) and § 1.615–6. See § 1.615–9 for treatment of a section 615(e) election with respect to expenditures paid or incurred after December 31, 1969.

(b) *Taxable years beginning before January 1, 1970, and ending after December 31, 1969*—(1) *In general.* The termination of section 615 applies to expenditures paid or incurred after December 31, 1969. The income tax treatment of exploration expenditures paid or incurred before January 1, 1970, will be determined in accordance with the provisions of sections 615 and 617 prior to their amendment by the Tax Reform Act of 1969 (83 Stat. 487). The fact that on his income tax return for a taxable year beginning before January 1, 1970, and ending after December 31, 1969, a taxpayer deducts under section 615 expenditures paid or incurred before January 1, 1970, shall not affect his right to deduct under section 617(a) expenditures paid or incurred during such taxable year after December 31, 1969.

(2) *Allocation in case of inadequate records.* If a taxpayer pays or incurs exploration expenditures during a taxable year beginning before January 1, 1970, and ending after December 31, 1969, but his records are inadequate to permit a determination of the amount paid or incurred during the portion of the year ending after December 31, 1969, and the amount paid or incurred on or before such date, the exploration expenditures as to which the records are inadequate paid or incurred with respect to the mine or property during the taxable year shall be allocated to each part of the year (that is, the part before January 1, 1970, and the part occurring after December 31, 1969) in the same ratio which the number of days in each such part year bears to the number of days in the entire taxable year.

§ 1.615–9 Notification under Tax Reform Act of 1969.

(a) *In general.* An election under section 615(e) with respect to exploration expenditures paid or incurred prior to January 1, 1970, shall be treated as an election under section 617(a) with respect to exploration expenditures paid or incurred after December 31, 1969.

(b) *Exception.* Paragraph (a) of this section shall not apply to an election under section 615(e) if the taxpayer files the notice described in paragraph (c) of this section or the taxpayer revokes his election under section 615(e) before the date prescribed for the filing of notice under paragraph (c)(2) of this section.

(c) *Filing of notice*—(1) *In general.* The notice not to have a section 615(e) election treated as a section 617(a) election shall be made in a statement filed with the Director of the Internal Revenue service center with whom the taxpayer's income tax return is required to be filed. If the election is made within the time period prescribed for filing an income tax return (including extensions thereof) for the first taxable year during which the taxpayer pays or incurs, after December 31, 1969, expenditures which would be deductible by the taxpayer under section 617(a) if he made a valid election to deduct exploration expenditures under such section, the statement shall be attached to the taxpayer's income tax return for such year. If the statement is filed after the time prescribed for filing such return but before the expiration of the period (described in paragraph (e) of this section) for filing the notice, the statement must be signed by the taxpayer or his authorized representative. The statement shall be filed even though the taxpayer charges to capital account all such expenditures paid or incurred by him after December 31, 1969. If the taxpayer desires, he may file this statement by attaching it to his return for a taxable year prior to the first taxable year in which he pays or incurs after December 31, 1969, expenditures which would be deductible by him under section 617(a) if at such time he had in effect a valid election under such section.

(2) *Information to be furnished.* The notice shall clearly state that the taxpayer elects not to have his section 615(e) election treated as an election under section 617(a). The notice shall state the first taxable year for which the section 615(e) election was effective and with whom and where the election was filed.

(d) *Effect of notification.* A taxpayer who has filed notice pursuant to this section may make an election under section 617(a) with respect to exploration expenditures paid or incurred after December 31, 1969, without revoking either his section 615(e) election or his notice under this section.

(e) *Time for filing notice.* A taxpayer may not file the notice described in paragraph (c)(1) of this section after the expiration of the 3-year period beginning with the date prescribed by section 6072 or other provision of law for filing the taxpayer's income tax return for the first taxable year in which the taxpayer pays or incurs after December 31, 1969, expenditures which would be deductible by him if he made the election under section 617(a). This 3-year period shall be determined without regard to any extension of time for filing the taxpayer's income tax return.

PAR. 7. There are inserted immediately after § 1.616–3 the following new sections:

§ 1.617 Statutory provisions; deduction and recapture of certain mining exploration expenditures.

SEC. 617. *Deduction and recapture of certain mining exploration expenditures*—(a) *Allowance of deduction*—(1) *General rule.* At the election of the taxpayer, expenditures paid or incurred during the taxable year for the purpose of ascertaining the existence, location, extent, or quality of any deposit of ore or other mineral, and paid or

incurred before the beginning of the development stage of the mine, shall be allowed as a deduction in computing taxable income. This subsection shall apply only with respect to the amount of such expenditures which, but for this subsection, would not be allowable as a deduction for the taxable year. This subsection shall not apply to expenditures for the acquisition or improvement of property of a character which is subject to the allowance for depreciation provided in section 167, but allowances for depreciation shall be considered, for purposes of this subsection, as expenditures paid or incurred. In no case shall this subsection apply with respect to amounts paid or incurred for the purpose of ascertaining the existence, location, extent, or quality of any deposit of oil or gas or of any mineral with respect to which a deduction for percentage depletion is not allowable under section 613.

(2) *Elections*—(A) *Method.* Any election under this subsection shall be made in such manner as the Secretary or his delegate may by regulations prescribe.

(B) *Time and scope.* The election provided by paragraph (1) for the taxable year may be made at any time before the expiration of the period prescribed for making a claim for credit or refund of the tax imposed by this chapter for the taxable year. Such an election for the taxable year shall apply to all expenditures described in paragraph (1) paid or incurred by the taxpayer during the taxable year or during any subsequent taxable year. Such an election may not be revoked after the last day of the third month following the month in which the final regulations issued under the authority of this subsection are published in the FEDERAL REGISTER, unless the Secretary or his delegate consents to such revocation.

(C) *Deficiencies.* The statutory period for the assessment of any deficiency for any taxable year, to the extent such deficiency is attributable to an election or revocation of an election under this subsection, shall not expire before the last day of the 2-year period beginning on the day after the date on which such election or revocation of election is made; and such deficiency may be assessed at any time before the expiration of such 2-year period, notwithstanding any law or rule of law which would otherwise prevent such assessment.

(b) *Recapture on reaching producing stage*—(1) *Recapture.* If, in any taxable year, any mine with respect to which expenditures were deducted pursuant to subsection (a) reaches the producing stage, then—

(A) If the taxpayer so elects with respect to all such mines reaching the producing stage during the taxable year, he shall include in gross income for the taxable year an amount equal to the adjusted exploration expenditures with respect to such mines, and the amount so included in income shall be treated for purposes of this subtitle as expenditures which (i) are paid or incurred on the respective dates on which the mines reach the producing stage, and (ii) are properly chargeable to capital account.

(B) If subparagraph (A) does not apply with respect to any such mine, then the deduction for depletion under section 611 with respect to the property shall be disallowed until the amount of depletion which would be allowable but for this subparagraph equals the amount of the adjusted exploration expenditures with respect to such mine.

(2) *Elections*—(A) *Method.* Any election under this subsection shall be made in such manner as the Secretary or his delegate may by regulations prescribe.

(B) *Time and scope.* The election provided by paragraph (1) for any taxable year may be made or changed not later than the time prescribed by law for filing the return (including extensions thereof) for such taxable year.

(c) *Recapture in case of bonus or royalty.* If an election has been made under subsection (a) with respect to expenditures relating to a mining property and the taxpayer receives or accrues a bonus or a royalty with respect to such property, then the deduction for depletion under section 611 with respect to the bonus or royalty shall be disallowed until the amount of depletion which would be allowable but for this subsection equals the amount of the adjusted exploration expenditures with respect to the property to which the bonus or royalty relates.

(d) *Gain from dispositions of certain mining property*—(1) *General rule.* Except as otherwise provided in this subsection, if mining property is disposed of the lower of—

(A) The adjusted exploration expenditures with respect to such property, or

(B) The excess of—

(i) The amount realized (in the case of a sale, exchange, or involuntary conversion), or the fair market value (in the case of any other disposition), over

(ii) The adjusted basis of such property, shall be treated as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231. Such gain shall be recognized notwithstanding any other provision of this subtitle.

(2) *Disposition of portion of property.* For purposes of paragraph (1)—

(A) In the case of the disposition of a portion of a mining property (other than an undivided interest), the entire amount of the adjusted exploration expenditures with respect to such property shall be treated as attributable to such portion to the extent of the amount of the gain to which paragraph (1) applies.

(B) In the case of the disposition of an undivided interest in a mining property (or a portion thereof), a proportionate part of the adjusted exploration expenditures with respect to such property shall be treated as attributable to such undivided interest to the extent of the amount of the gain to which paragraph (1) applies.

This paragraph shall not apply to any expenditure to the extent the taxpayer establishes to the satisfaction of the Secretary or his delegate that such expenditure relates neither to the portion (or interest therein) disposed of nor to any mine, in the property held by the taxpayer before the disposition, which has reached the producing stage.

(3) *Exceptions and limitations.* Paragraphs (1), (2), and (3) of section 1245(b) (relating to exceptions and limitations with respect to gain from disposition of certain depreciable property) shall apply in respect of this subsection in the same manner and with the same effect as if references in section 1245(b) to section 1245 or any provision thereof were references to this subsection or the corresponding provisions of this subsection and as if references to section 1245 property were references to mining property.

(4) *Application of subsection.* This subsection shall apply notwithstanding any other provision of this subtitle.

(e) *Basis of property*—(1) *Basis.* The basis of any property shall not be reduced by the amount of any depletion which would be allowable but for the application of this section.

(2) *Adjustments.* The Secretary or his delegate shall prescribe such regulations as he may deem necessary to provide for adjustments to the basis of property to reflect gain recognized under subsection (d)(1).

(f) *Definitions.* For purposes of this section—

(1) *Adjusted exploration expenditures.* The term "adjusted exploration expenditures" means, with respect to any property or mine—

(A) The amount of the expenditures allowed for the taxable year and all preceding taxable years as deductions under subsection (a) to the taxpayer or any other person which are properly chargeable to such property or mine and which (but for the election under subsection (a)) would be reflected in the adjusted basis of such property or mine, reduced by

(B) For the taxable year and for each preceding taxable year, the amount (if any) by which (i) the amount which would have been allowable for percentage depletion under section 613 but for the deduction of such expenditures, exceeds (ii) the amount allowable for depletion under section 611, properly adjusted for any amounts included in gross income under subsection (b) or (c) and for any amounts of gain to which subsection (d) applied.

(2) *Mining property.* The term "mining property" means any property (within the meaning of section 614 after the application of subsections (c) and (e) thereof) with respect to which any expenditures allowed as a deduction under subsection (a) (1) are properly chargeable.

(3) *Disposable of coal or domestic iron ore with a retained economic interest.* A transaction which constitutes a disposal of coal or iron ore under section 631(c) shall be treated as a disposition. In such a case, the excess referred to in subsection (d)(1)(B) shall be treated as equal to the gain (if any) referred to in section 631(c).

(g) *Special rules relating to partnership property*—(1) *Property distributed to partner.* In the case of any property or mine received by the taxpayer in a distribution with respect to part or all his interest in a partnership, the adjusted exploration expenditures with respect to such property or mine include the adjusted exploration expenditures (not otherwise included under subsection (f)(1)) with respect to such property or mine immediately prior to such distribution, but the adjusted exploration expenditures with respect to any such property or mine shall be reduced by the amount of gain to which section 751(b) applied realized by the partnership (as constituted after the distribution) on the distribution of such property or mine.

(2) *Property retained by partnership.* In the case of any property or mine held by a partnership after a distribution to a partner to which section 751(b) applied, the adjusted exploration expenditures with respect to such property or mine shall, under regulations prescribed by the Secretary or his delegate, be reduced by the amount of gain to which section 751(b) applied realized by such partner with respect to such distribution on account of such property or mine.

(h) *Limitation*—(1) *In general.* Subsection (a) shall apply to any amount paid or incurred after December 31, 1969, with respect to any deposit of ore or other mineral located outside the United States, only to the extent that such amount, when added to the amounts which are or have been deducted under subsection (a) and section 615(a) and the amounts which are or have been treated as deferred expenses under section 615(b), or the corresponding provisions of prior law, does not exceed $400,000.

(2) *Amounts taken into account.* For purposes of paragraph (1), there shall be taken into account amounts deducted and amounts treated as deferred expenses by—

(A) The taxpayer, and

(B) Any individual or corporation who has transferred to the taxpayer any mineral property.

(3) *Application of paragraph (2)(B).* Paragraph (2)(B) shall apply with respect to all amounts deducted and all amounts treated

as deferred expenses which were paid or incurred before the latest such transfer from the individual or corporation to the taxpayer. Paragraph (2)(B) shall apply only if—

(A) The taxpayer acquired any mineral property from the individual or corporation under cirumstances which make paragraph (7), (8), (11), (15), (17), (20), or (22) of section 113(a) of the Internal Revenue Code of 1939 apply to such transfer;

(B) The taxpayer would be entitled under section 381(c)(10) to deduct expenses deferred under section 615(b) had the distributor or transferor corporation elected to defer such expenses; or

(C) The taxpayer acquired any mineral property from the individual or corporation under circumstances which make section 334(b), 362 (a) and (b), 372(a), 373(b)(1), 1051, or 1082 apply to such transfer.

(Sec. 617 added by sec. 1(a) of the Act of Sept. 12, 1966 (Public Law 89-570, 80 Stat. 759); amended by sec. 504 of the Tax Reform Act 1969 (83 Stat. 632))

§ 1.617-1 Exploration expenditures.

(a) *General rule.* Section 617 prescribes rules for the treatment of expenditures paid or incurred after September 12, 1966, for ascertaining the existence, location, extent, or quality of any deposit of ore or other mineral for which a deduction for depletion is allowable under section 613 (other than oil or gas) paid or incurred by the taxpayer before the beginning of the development stage of the mine or other natural deposit. Such expenditures hereinafter in the regulations under section 617 will be referred to as exploration expenditures. For example, core drilling expenditures paid or incurred by the taxpayer to ascertain the existence of commercially marketable ore are exploration expenditures within the meaning of this section. Also, expenditures for exploratory drilling from within a producing mine to ascertain the existence of what appears (on the basis of all of the facts and circumstances known at the time of the expenditure) to be a different ore deposit are exploration expenditures within the meaning of this section. The development stage of the mine or other natural deposit will be deemed to begin at the time when, in consideration of all the facts and circumstances (including the actions of the taxpayer), deposits of ore or other mineral are disclosed in sufficient quantity and quality to reasonably justify commercial exploitation by the taxpayer. Under section 617(a), a taxpayer may deduct exploration expenditures paid or incurred for the exploration of any deposit of ore or other mineral subject to the limitation of section 617(h). Under section 617(b), a taxpayer shall recapture the exploration expenditures previously deducted under section 617(a) either through including in income an amount equal to the amount of the adjusted exploration expenditures (as defined in section 617(f)) or through disallowance of the deduction for depletion under section 611. Certain rules are provided in section 617(c) for recapture of exploration expenditures made with respect to property for which the taxpayer later receives a bonus or royalty. Under section 617(d), gain from dispositions of mining property, with respect to which exploration expenditures have been previously deducted, is to be recognized notwithstanding certain other provisions of the Code.

(b) *Expenditures to which section 617 is not applicable.* (1) Section 617 is not applicable to expenditures which would be allowed as deductions for the taxable year without regard to section 617.

(2) Section 617 is not applicable to expenditures which are reflected in improvements subject to allowances for depreciation under sections 167 and 611. However, allowances for depreciation of such improvements which are used in the exploration of ores or minerals are considered exploration expenditures under section 617. If such improvements are used only in part for exploration during the taxable year, an allocable portion of the allowance for depreciation shall be treated as an exploration expenditure.

(3) Section 617 is applicable to exploration expenditures paid or incurred by a taxpayer in connection with the acquisition of a fractional share of the working or operating interest to the extent of the fractional interest so acquired by the taxpayer. The expenditures attributable to the remaining fractional share shall be considered as the cost of his acquired interest and shall be recovered through depletion allowances. For example, taxpayer A owns mineral leases on unexplored mineral lands and agrees to convey an undivided three-fourths (¾) interest in such leases to taxpayer B provided B will pay all of the expenses for ascertaining the existence, location, extent, or quality of any deposit of ore or other mineral which will be incurred before the beginning of the development stage. B may elect to treat three-fourths of such amount under section 617. B must treat one-fourth of such amount as part of the cost of his interest, recoverable through depletion.

(4) Section 617 is not applicable to costs of exploration which are reflected in the amount which the taxpayer paid or incurred to acquire the property. Section 617 applies only to costs paid or incurred by the taxpayer for exploration undertaken directly or through a contract by the taxpayer. See, however, sections 381(a) and 381(c)(10) for special rules with respect to deferred exploration expenditures in certain corporate acquisitions.

(5) Section 617 is not applicable to amounts paid or incurred for the purpose of ascertaining the existence, location, extent, or quality of any deposit of oil or gas or of any mineral with respect to which a deduction for percentage depletion is not allowable under section 613. The purpose of the expenditure shall be determined by reference to the facts and circumstances at the time the expenditure is paid or incurred.

(c) *Elections*—(1) *Election to deduct under section 617(a).*

(i) The election to deduct exploration expenditures under section 617(a) may be made by deducting such expenditures in the taxpayer's income tax return for his first taxable year ending after September 12, 1966, for which the taxpayer desires to deduct exploration expenditures which are paid or incurred by him during such taxable year and after September 12, 1966. This election may be exercised by deducting such exploration expenditures either in the taxpayer's return for such taxable year or in an amended return filed before the expiration of the period for filing a claim for credit or refund of income tax for such taxable year. Where the election is made in an amended return for a taxable year prior to the most recent year for which the taxpayer has filed a return, the taxpayer shall file amended income tax returns, reflecting any increase or decrease in tax attributable to the election, for all subsequent taxable years affected by the election for which he has filed income tax returns before making the election. See section 617(a)(2)(C) and subparagraph (4) of this paragraph for provisions relating to extension of the period of limitations for the assessment of any deficiency for any taxable year to the extent the deficiency is attributable to an election or revocation of an election under section 617(a). In applying the election to the years affected, there shall be taken into account the effect that any adjustments resulting from the election shall have on other items affected thereby (such as the deduction for charitable contributions, the foreign tax credit, net operating loss, and other deductions or credits the amount of which is limited by the taxpayer's income) and the effect that adjustments of any such items have on items of other taxable years. Amended returns filed for taxable years subsequent to the taxable year for which the election under section 617(a) is made by amended return shall, where appropriate, apply the recapture rules of subsections (b), (c), and (d) of section 617. See §§ 1.617-3 and 1.617-4.

(ii) A taxpayer who makes or has made an election under section 617(a) shall state clearly on his income tax return for each taxable year for which he deducts exploration expenditures the amount of the deduction claimed under section 617(a) with respect to each property or mine. Such property or mine shall be identified by a description adequate to permit application of the recapture rules of section 617 (b), (c), and (d).

(iii) A taxpayer who has made an election under section 617(a) may not make an election under section 615(e) unless, within the period set forth in section 615(e), he revokes his election under section 617(a). A taxpayer who has made and has not revoked an election under section 617(a) may not, in his return for the taxable year for which the election is made or for any subsequent taxable year, charge to capital account any exploration expenditures which are deductible by him under section 617(a); and he must deduct all such expenditures as expenses in computing adjusted gross income. Any exploration expenditures paid or incurred after December 31, 1969, which are not deductible by the taxpayer under section 617(a) solely because of the application of section 617(h) shall be charged to capital account.

(2) *Time for making elections.* The election under section 617(a) may be

made at any time before the expiration of the period prescribed for filing a claim for credit or refund of the tax imposed by chapter 1 for the first taxable year for which the taxpayer desires to deduct exploration expenditures under section 617(a).

(3) *Revocation of election to deduct.* (i) A taxpayer may revoke an election made by him under section 617(a) by filing with the Internal Revenue service center with which the taxpayer's income tax return is required to be filed, within the period set forth in subdivision (ii) of this subparagraph, a statement, signed by the taxpayer or his authorized representative, which sets forth that the taxpayer is revoking the section 617(a) election previously made by him and states with whom and where the document making the election was filed. A taxpayer revoking a section 617(a) election shall file amended income tax returns which reflect any increase or decrease in tax attributable to the revocation of election for all taxable years affected by the revocation of election for which he has filed income tax returns before revoking the election. See section 617(a)(2)(C) and subparagraph (4) of this paragraph for provisions relating to extension of the period of limitations for the assessment of any deficiency attributable to an election or revocation of an election under section 617(a). In applying the revocation of election to the years affected, there shall be taken into account the effect that any adjustments resulting from the revocation of election shall have on other items affected thereby (such as the deduction for charitable contributions, the foreign tax credit, net operating loss, and other deductions or credits the amount of which is limited by the taxpayer's income) and the effect that adjustments of any such items have on items of other taxable years.

(ii) An election under section 617(a) may be revoked before the expiration of the last day of the third month following the month in which the final regulations under section 617(a) are published in the FEDERAL REGISTER. After the expiration of this period, a taxpayer who has made an election under section 617(a) may not revoke that election unless he obtains the prior consent of the Commissioner of Internal Revenue. Consent will not be granted where a principal purpose for the revocation of the election is to circumvent the recapture provisions of section 517 (b), (c), or (d). The request for consent shall be made in writing to the Commissioner of Internal Revenue, Attention T:I:E, Washington, D.C. 20224. The request shall include in detail:

(a) The reason or reasons for the revocation of election under section 617(a);

(b) An itemization of the taxpayer's deductions under section 617(a);

(c) A description of all properties and detailed information of the exploration activities with respect to which the taxpayer has taken deductions under section 617(a);

(d) A description of any development or production activities on all properties with respect to which exploration expenditures were deducted under section 617(a); and

(e) A recomputation of the tax for each prior taxable year affected by the revocation. A letter setting forth the Commissioner's determination will be mailed to the taxpayer. If consent is granted, a copy of the letter granting such consent shall be filed with the director of the Internal Revenue service center with which the taxpayer's income tax return is required to be filed and shall be accompanied by an amended return or returns, if necessary.

(iii) If, before revoking his election, the taxpayer has transferred any mineral property with respect to which he deducted exploration expenditures under section 617(a), to another person in a transaction as a result of which the basis of such property in the hands of the transferee is determined in whole or in part by reference to the basis in the hands of the transferor, the statement submitted pursuant to subdivision (i) of this paragraph shall state that such property has been so transferred, shall identify the transferee, the property transferred, the date of the transfer, and shall indicate the amount of the adjusted exploration expenditures with respect to such property on such date.

(4) *Deficiency attributable to election or revocation of election.* The statutory period for the assessment of any deficiency for any taxable year, to the extent such deficiency is attributable to an election or revocation of an election under section 617(a), shall not expire before the last day of the 2-year period which begins on the day after the date on which such election or revocation of election is made; and such deficiency may be assessed at any time before the expiration of such 2-year period, notwithstanding any law or rule which would otherwise prevent such assessment.

§ 1.617–2 Limitation on amount deductible.

(a) *Expenditures paid or incurred before January 1, 1970.* In the case of expenditures paid or incurred before January 1, 1970, a taxpayer may deduct exploration expenditures paid or incurred during the taxable year with respect to any deposit of ore or other mineral for which a deduction for percentage depletion is allowable under section 613 (other than oil or gas) in the United States or on the Outer Continental Shelf (within the meaning of section 2 of the Outer Continental Shelf Lands Act, as amended and supplemented; 43 U.S.C. 1331).

(b) *Expenditures paid or incurred after December 31, 1969.* In the case of exploration expenditures paid or incurred after December 31, 1969, with respect to any deposit of ore or other mineral for which a deduction for percentage depletion is allowable under section 613 (other than oil or gas), a taxpayer may deduct—

(1) The amount of such expenditures paid or incurred during the taxable year with respect to any such deposit in the United States (as defined in section 638 and the regulations thereunder), and

(2) With respect to any such deposit located outside the United States (as defined in section 638 and the regulations thereunder) the lesser of:

(i) The amount of the exploration expenditures paid or incurred with respect to such deposits during the taxable year, or

(ii) $400,000 minus the sum of the amount to be deducted under subparagraph (1) of this paragraph for the taxable year and all amounts deducted or treated as deferred expenses during all preceding taxable years under section 617 and section 615 of the Internal Revenue Code of 1954 and section 23(ff) of the Internal Revenue Code of 1939. See paragraph (d) of this section for application of the limitation in the case of a transferee of a mining property.

(c) *Examples.* The application of the provisions of paragraphs (a) and (b) of this section may be illustrated by the following examples:

Example (1). A, a calendar-year taxpayer who has claimed the benefits of section 615, expended $100,000 for exploration expenditures during the year 1966. For each of the years 1967, 1968, 1969, and 1970 A had exploration costs of $80,000 all with respect to coal deposits located within the United States. A deducted or deferred the maximum amounts allowable for each of the years 1966 ($100,000), 1967 ($80,000), 1968 ($80,000), and 1969 ($80,000). The $80,000 of exploration expenditures for 1970 may be deducted under section 617 by A.

Example (2). B, a calendar-year taxpayer claimed deductions of $100,000 per year under section 615 for the years 1968 and 1969. In 1970, B deducted $150,000 under section 617 for exploration conducted with respect to coal deposits in the United States. In 1971, B paid $150,000 with respect to exploration of tin deposits outside the United States. The maximum amount B may deduct with respect to the foreign exploration in 1971 is $50,000 computed as follows:

(a) Add all amounts deducted or deferred for exploration expenditures by B for all years:

Year	Expenditures	Deducted or deferred
1968	$100,000	$100,000
1969	100,000	100,000
1970	150,000	150,000
Total		350,000

(b) Subtract from $400,000 (the maximum amount allowable to B for deduction of foreign exploration expenditures) the sum of the amounts obtained in (a) $350,000:

Maximum amount allowable to taxpayer	$400,000
Sum of amounts obtained in (a)	350,000
	50,000

Example (3). Assume the same facts as in example (2) except that in 1971 in addition to the $150,000 paid with respect to exploration outside the United States, B paid $100,000 with respect to exploration within the United States. As the following computation indicates, B may not deduct any amount with respect to the foreign exploration:

(a) Add all amounts deducted or deferred for exploration expenditures in prior years

and the exploration expenditures with respect to exploration in the United States to be deducted in 1971:

Year	Expenditures	Deducted or deferred
1968	$100,000	$100,000
1969	100,000	100,000
1970	150,000	150,000
1971	250,000	[1] 100,000
Total		450,000

[1] Domestic.

(b) Because the sum of the amounts obtained in (a), $450,000, exceeds $400,000 no deduction would be allowable to B with respect to foreign exploration expenditures for 1971.

(d) *Transferee of mineral property.* (1) Where an individual or corporation transfers any mining property to the taxpayer, the taxpayer shall take into account for purposes of the $400,000 limitation described in paragraph (b) (ii) of this section all amounts deducted and amounts treated as deferred expenses by the transferor if—

(i) The taxpayer acquired any mineral property from the transferor in a transaction described in section 23(ff)(3) of the Internal Revenue Code of 1939, excluding the reference therein to section 113(a)(13),

(ii) The taxpayer acquired any mineral property by reason of the acquisition of assets of a corporation in a transaction described in section 381(a) as a result of which the taxpayer succeeds to and takes into account the items described in section 381(c),

(iii) The taxpayer acquired any mineral property under circumstances which make applicable any of the following sections of the Internal Revenue Code:

(*a*) Section 334(b)(1), relating to the liquidation of a subsidiary where the basis of the property in the hands of the distributee is the same as it would be in the hands of the transferor.

(*b*) Section 362 (a) and (b), relating to property acquired by a corporation as paid-in surplus or as a contribution to capital, or in connection with a transaction to which section 351 applies.

(*c*) Section 372(a), relating to reorganization in certain receiverships and bankruptcy proceedings.

(*d*) Section 373(b)(1), relating to property of a railroad corporation acquired in certain bankruptcy or receivership proceedings.

(*e*) Section 1051, relating to property acquired by a corporation that is a member of an affiliated group.

(*f*) Section 1082, relating to property acquired pursuant to a Securities Exchange Commission order.

(2) For purposes of applying the limitations imposed by section 617(h):

(i) The partner, and not the partnership, shall be considered as the taxpayer (see paragraph (a)(8)(iii) of § 1.702–1), and

(ii) An electing small business corporation, as defined in section 1371(b), and not its shareholders, shall be considered as the taxpayer.

(3) For purposes of subparagraph (1)(iii)(*b*) of this paragraph, relating to a transaction to which section 362 (a) and (b) applies or to which section 351 applies:

(i) If mineral property is acquired from a partnership, the transfer shall be considered as having been made by the individual partners, so that the amounts which each partner has deducted or deferred under sections 615 and 617 of the Internal Revenue Code of 1954 and section 23(ff) of the Internal Revenue Code of 1939 shall be taken into account, or

(ii) If an interest in a partnership having mineral property is transferred, the transfer shall be considered as a transfer of mineral property by the partner or partners relinquishing an interest, so that the amounts which each such partner has deducted or deferred under sections 615 and 617 of the Internal Revenue Code of 1954 and section 23(ff) of the Internal Revenue Code of 1939 shall be taken into account.

(e) *Examples.* The application of the provisions of this section may be illustrated by the following examples:

Example (1). A calendar year taxpayer (who has never claimed the benefits of section 617) received in 1970 a mineral deposit from X Corporation upon a distribution in complete liquidation of the latter under conditions which make the provisions of section 334(b)(1) applicable in determining the basis of the property in the hands of the taxpayer. During the year 1969, X Corporation expended $60,000 for exploration expenditures which it elected to treat under section 615(b) as deferred expenses. Subsequent to the transfer the taxpayer made similar expenditures for domestic exploration of $250,000 and $140,000, for the years 1970, and 1971, respectively, which the taxpayer elected to deduct. In 1972, the taxpayer made expenditures for domestic exploration of $100,000 and for foreign exploration of $50,000. The taxpayer may deduct the $100,000 domestic exploration expenditures but may not deduct any portion of the $50,000 of foreign exploration expenditures because the $400,000 limitation of section 617(h) applies.

Example (2). In 1971, A and B transfer assets to a corporation in a transfer to which section 351 applied. Among the assets transferred by A is a mineral lease with respect to certain coal lands. A has deducted exploration expenditures under section 615 for the years 1968 and 1969 in the amounts of $50,000 and $100,000, respectively, made with respect to other deposits not included in the transfer to the corporation. The corporation is required to take into account the deductions previously made by A for purposes of applying the $400,000 limitation on deduction of foreign exploration expenditures. Thus, if in 1970 the corporation incurred $400,000 of foreign exploration expenditures, the maximum which it could deduct under section 617(a) is $250,000.

§ 1.617–3 Recapture of exploration expenditures.

(a) *In general.* (1) (i) Except as provided in subparagraphs (2) and (3) of this paragraph, if in any taxable year any mine (as defined in paragraph (c) of this section) with respect to which deductions have been allowed under section 617(a) reaches the producing stage (as defined in paragraph (c) of this section) the deduction for depletion under section 611 (whether determined under § 1.611–2 or under section 613) with respect to the property shall be disallowed for the taxable year and each subsequent taxable year until the aggregate amount of depletion which would be allowable but for section 617(b)(1)(B) and this subparagraph equals the amount of the adjusted exploration expenditures (determined under section 617(f)(1) and paragraph (d) of this section) attributable to the mine. The preceding sentence shall apply notwithstanding the fact that such mine is not in the producing stage at the close of such taxable year. In the case of a taxpayer who owns more than one property in a mine with respect to which he has been allowed deductions under section 617(a), the depletion deduction described in the second preceding sentence shall be disallowed with respect to all of the properties until the aggregate amount of depletion disallowed under section 617(b)(1)(B) is equal to the adjusted exploration expenditures with respect to the mine. In the case of a taxpayer who elects under section 614(c)(1) to aggregate a mine, with respect to which he has been allowed deductions under section 617(a), with another mine, no deduction for depletion will be allowable under section 611 with respect to the aggregated property until the amount of depletion disallowed under section 617(b)(1)(B) equals the adjusted exploration expenditures attributable to all of the producing mines included in the aggregated property.

(ii) If a taxpayer who has made an election under section 617(a) receives or accrues a bonus or royalty with respect to a mining property with respect to which deductions have been allowed under section 617(a), the deduction for depletion under section 611 with respect to such bonus or royalty (whether determined under § 1.611–2 or under section 613) shall be disallowed for the taxable year of receipt or accrual and each subsequent taxable year until the aggregate amount of the depletion disallowed under section 617(c) and this section equals the amount of the adjusted exploration expenditures with respect to the property to which the bonus or royalty relates. The preceding sentence shall not apply if the bonus or royalty is paid with respect to a mineral for which a deduction is not allowable under section 617(a). In the case of the disposal of coal or domestic iron ore with a retained economic interest, see paragraph (a)(2) of § 1.617–4.

(2) If the taxpayer so elects with respect to all mines as to which deductions have been allowed under section 617(a) and which reach the producing stage during the taxable year, he shall include in gross income (but not "gross income from the property" for purposes of section 613) for such taxable year an amount equal to the adjusted exploration expenditures (determined under section 617(f)(1) and paragraph (d) of this section) with respect to all of such mines. The amount so included in income shall be treated for purposes of

subtitle A of the Internal Revenue Code as expenditures which are paid or incurred on the respective dates on which the mines reach the producing stage and which are properly chargeable to capital account. The fact that a taxpayer does not make the election described in this subparagraph for a taxable year during which mines with respect to which deductions have been allowed under section 617(a) reach the producing stage shall not preclude the taxpayer from making the election with respect to other mines which reach the producing stage during subsequent taxable years. However, the election described in this subparagraph may not be made for any taxable year with respect to any mines which reached the producing stage during a preceding taxable year.

(3) The provisions of section 617(b)(1) and subparagraphs (1) and (2) of this paragraph do not apply in the case of any deposit of oil or gas. For example, A in exploring for sulphur incurred $500,000 of exploration expenditures which he deducted under section 617(a). In the following year, A did not find sulphur but on the same mineral property located commercially marketable quantities of oil and gas. In computing the depletion allowance with respect to the oil and gas, no depletion would be disallowed because of section 617(b)(1).

(4) In the case of exploration expenditures which are paid or incurred with respect to a mining property which contains more than one mine, the provisions of subparagraphs (1) and (2) of this paragraph shall apply only to the amount of the adjusted exploration expenditures properly chargeable to the mine or mines which reach the producing stage during the taxable year. For example, A owns a mining property which contains mines X, Y, and Z. For 1970, A deducted under section 617(a), $250,000 with respect to X, $100,000 with respect to Y and $70,000 with respect to Z. In 1971, mine X reaches the producing stage. At that time, A will only have to recapture the $250,000 attributable to mine X.

(b) *Manner and time for making election.* (1) A taxpayer will be deemed not to have elected pursuant to section 617(b)(1)(A) and paragraph (a)(2) of this section unless he clearly indicates such election on his income tax return for the taxable year in which the mine with respect to which deductions were allowed under section 617(a) reaches the producing stage.

(2) The election described in paragraph (a)(2) of this section may be made (or changed) not later than the time prescribed by law for filing the return (including extensions thereof) for the taxable year in which the mine with respect to which deductions were allowed under section 617(a) reaches the producing stage.

(c) *Definitions.*—(1) *Mine.* The term "mine" includes all quarries, pits, shafts, and wells, and any other excavations or workings for the purpose of extracting any known deposit of ore or other mineral.

(2) *Producing stage.* A mine will be considered to have reached the producing stage when (i) the major portion of the mineral production is obtained from workings other than those opened for the purpose of development, or (ii) the principal activity of the mine is the production of developed ores or minerals rather than the development of additional ores or minerals for mining.

(3) *Mining property.* The term "mining property" means any property (as the term is defined in section 614(a) after the application of subsections (c) and (e) thereof) with respect to which any expenditures allowed as deductions under section 617(a) are properly chargeable.

(d) *Adjusted exploration expenditures*—(1) *In general.* The term "adjusted exploration expenditures" means, with respect to any property or mine—

(i) The aggregate amount of the expenditures allowed as deductions under section 617(a) for the taxable year and all preceding taxable years to the taxpayer or any other person which are properly chargeable to such property or mine and which (but for the election under section 617(a)) would be reflected in the adjusted basis of such property or mine, reduced by

(ii) The excess, if any, of the amount which would have been allowable for all taxable years under section 613 but for the deduction of such expenditures over the amount allowable for depletion under section 611 (determined without regard to section 617(b)(1)(B)). The amount determined under the preceding sentence shall be reduced by the aggregate of the amounts included in gross income for the taxable year and all preceding taxable years under section 617 (b) or (c) and the amount treated under section 617(d) as gain from the sale or exchange of the property which is neither a capital asset nor property described in section 1231.

(iii) (*a*) For purposes of paragraph (a)(1) of this section, the aggregate amount of the adjusted exploration expenditures is determined as of the close of the taxpayer's taxable year.

(*b*) For purposes of section § 1.617–4, the aggregate amount of the adjusted exploration expenditures is determined as of the date of the disposition of the mining property or portion thereof.

(2) *Adjustments for certain expenditures of other taxpayers or in respect of other property.* (i) For purposes of subparagraph (1) of this paragraph, the exploration expenditures which must be taken into account in determining the adjusted exploration expenditures with respect to any property or mine are not limited to those expenditures with respect to the property disposed of or which entered the production stage nor are such expenditures limited to those deducted by the taxpayer. For the manner of determining the amount of adjusted exploration expenditures immediately after certain dispositions, see subparagraph (4) of this paragraph.

(ii) If a transferee who at the time of the transfer has not made an election under section 617(a) (including a transferee who has made an election under section 615(e)) receives mineral property in a transaction in which the basis of such property in his hands is determined in whole or in part by reference to its basis in the hands of the transferor and with respect to such property the transferor has deducted exploration expenditures under section 617(a), the adjusted exploration expenditures immediately after such transfer shall be treated as exploration expenditures allowed as deductions under section 617(a) to the transferee.

(iii) If a transferee who makes an election under section 617(a) receives mineral property in a transaction in which the basis of such property in his hands is determined in whole or in part by reference to the basis of such property in the hands of the transferor and the transferor had in effect at the time of the transfer an election under section 615(e), an amount equal to the total of the amounts allowed as deductions to the transferor under section 615 with respect to the transferred property shall be treated as expenditures allowed as deductions under section 617(a) to the transferee. The preceding sentence shall not apply to expeditures which could not have been reflected in the basis of the property in the hands of the transferee had the transferor not made the section 615(e) election.

(iv) The provisions of this subparagraph may be illustrated by the following examples:

Example (1). On July 14, 1969, A purchased mineral property Z for $10,000. After deducting exploration expenditures of $20,000 under section 617(a), A transferred the property to his son as a gift on July 9, 1970. Since the exception for gifts in section 617(d)(3) (by incorporation by reference of the provisions of section 1245(b)(1) applies), A does not recognize gain under section 617(d). On September 30, 1972, after deducting exploration expenditures of $150,000 under section 617(a), the son transfers the mineral property to corporation X in a transaction under which no gain is recognized by the son under section 351. Since the exception of section 617(d)(3) (by incorporation by reference of the provisions of section 1245(b)(3) applies), the son does not recognize gain under section 617(d). On November 14, 1972, corporation X sells the mineral property. No deductions for exploration expenditures were taken by corporation X. The amount of the adjusted exploration expenditures with respect to mineral property Z to be recaptured by corporation X upon such sale is $170,000 (the total amount deducted by A and the son).

Example (2). Assume the same facts as in example (1) except that A deducted the $20,000 of exploration expenditures under section 615(a). The amount of the adjusted exploration expenditures with respect to mineral property Z in corporation X's hands is $170,000 (the $20,000 deducted under section 615(a) by A plus the $150,000 deducted under section 617(a) by the son).

(3) *Allocation of certain expenditures.* In the case of exploration expenditures which are paid or incurred with respect to an area which includes more than one area of interest or an area of interest which contains more than one mine or

deposit such expenditures shall be allocated (i) if only one mine or deposit is located or identified, entirely to such mine or deposit, or (ii) if more than one mine or deposit is located or identified, equally among the various mines or deposits located. For purposes of this subparagraph, the term "area of interest" means each separable, noncontiguous portion of the original geographical area which is identified as possessing sufficient mineral-producing potential to merit further exploration. The provisions of this subparagraph may be illustrated by the following example: A pays $50,000 for the exploration of an area of interest in which he locates mineral deposit X and mineral deposit Y. With respect to the exploration of deposit X he incurs an additional $100,000 and with respect to deposit Y he incurs an additional $200,000. The exploration expenditures properly attributable to deposit X would be $125,000 ($100,000 plus ½ of $50,000) and the exploration expenditures properly attributable to deposit Y would be $225,000 ($200,000 plus ½ of $50,000).

(4) *Partnership distributions.* The adjusted exploration expenditures with respect to any property or mine received by a taxpayer in a distribution with respect to all or part of his interest in a partnership (i) include the adjusted exploration expenditures (not otherwise included under section 617(f)(1)) with respect to such property or mine immediately prior to such distribution and (ii) shall be reduced by the amount of gain to which section 751(b) applies realized by the partnership (as constituted after the distribution) on the distribution of such property or mine. In the case of any property or mine held by a partnership after a distribution to a partner to which section 751(b) applies, the adjusted exploration expenditures with respect to such property or mine shall be reduced by the amount of gain (if any) to which section 751(b) applies realized by such partner with respect to such distribution on account of such property or mine.

(5) *Amount of transferee's adjusted exploration expenditures immediately after certain acquisitions*—(i) *Transactions in which basis is determined by reference to the cost or fair market value of the property transferred.* (a) If on the date a person acquires mining property his basis for the property is determined solely by reference to its cost (within the meaning of section 1012), then on such date the amount of the adjusted exploration expenditures for the mining property in such person's hands is zero.

(b) If on the date a person acquires mining property his basis for the property is determined solely by reason of the application of section 301(d) (relating to basis of property received in corporate distribution) or section 334(a) (relating to basis of property received in a liquidation in which gain or loss is recognized), then on such date the amount of the adjusted exploration expenditures for the mining property in such person's hands is zero.

(c) If on the date a person acquires mining property his basis for the property is determined solely under the provisions of section 334(b)(2) or (c) (relating to basis of property received in certain corporate liquidations), then on such date the amount of the adjusted exploration expenditures for the mining property in such person's hands is zero.

(d) If on the date a person acquires mining property from a decedent such person's basis is determined, by reason of the application of section 1014(a), solely by reference to the fair market value of the property on the date of the decedent's death or on the applicable date provided in section 2032 (relating to alternate valuation date), then on the date of acquisition the amount of the adjusted exploration expenditures for the mining property in such person's hands is zero.

(ii) *Gifts and certain tax-free transactions.* (a) If mining property is disposed of in a transaction described in (b) of this subdivision (ii), then the amount of the adjusted exploration expenditures for the mining property in the hands of a transferee immediately after the disposition shall be an amount equal to—

(1) The amount of the adjusted exploration expenditures with respect to the mining property in the hands of the transferor immediately before the disposition, minus

(2) The amount of any gain taken into account under section 617(d) by the transferor upon the disposition.

(b) The transactions referred to in (a) of this subdivision (ii) are—

(1) A disposition which is in part a sale or exchange and in part a gift, or

(2) A disposition which is described in section 617(d) through the incorporation by reference of the provisions of section 1245(b)(3) (relating to certain tax free transactions).

(iii) *Property acquired from a decedent.* If mining property is acquired in a transfer at death to which section 617(d) applies through incorporation by reference of the provisions of section 1245(b)(2), the amount of the adjusted exploration expenditures with respect to the mining property in the hands of the transferee immediately after the transfer shall include the amount, if any, of the exploration expenditures deducted by the transferee before the decedent's death, to the extent that the basis of the mining property (determined under section 1014(a)) is required to be reduced under the second sentence of section 1014(b)(9) (relating to adjustments to basis where the property is acquired from a decedent prior to his death).

(6) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). A owns the working interest in a large tract of land located in the United States. A's interest in the entire tract of land constitutes one property for purposes of section 614. In the northwest corner of this tract is an operating mine, X, producing an ore of beryllium, which is entitled to a percentage depletion rate of 22 percent under section 613(b)(2)(B). During 1971, A conducts an exploration program in the southeast corner of this same tract of land, and he incurs $400,000 of expenditures to which section 617(a)(1) applies in connection with this exploration program. A elects to deduct this amount as expenses under section 617(a). During 1971, A's "gross income from the property" computed under section 613 was $1 million, with respect to the property encompassing mine X and the area in which exploration was conducted. A's "taxable income from the property" computed under section 613, before adjustment to reflect the deductions taken with respect to the property during the year under section 617, was $400,000. The cost depletion deduction allowable and deducted with respect to the property during 1971 was $50,000. The amount of adjusted exploration expenditures chargeable to the exploratory mine (hereinafter referred to as mine Y) at the close of 1971 is $250,000, computed as follows:

Expenditures allowed as deductions under sec. 617(a)		$400,000
Gross income from the property	$1,000,000	
22 percent thereof	220,000	
Taxable income from the property, before adjustment to reflect deductions allowed under sec. 617 during year	400,000	
50 percent thereof—tentative deduction	200,000	
Taxable income from the property after adjustment to reflect deductions allowed under sec. 617 during year ($400,000 minus $400,000)		0
Cost depletion allowed for year	50,000	
Amount by which allowance for depletion under sec. 611 was reduced on account of deductions under sec. 617 ($200,000 minus $50,000)		150,000
Adjusted exploration expenditures at end of 1971		250,000

Example (2). Assume the same facts as in example 1. Assume further that mine Y, with respect to which exploration expenditures were deducted in 1971, enters the producing stage in 1972, and that no deductions were taken under section 617 with respect to that mine after 1971. A does not make an election under section 617(b)(1)(A) during 1972. Assume that the depletion deduction which would be allowable for 1972 with respect to the property (which includes both mines) but for the application of section 617(b)(1)(B) is $100,000. Pursuant to section 617(b)(1)(B), this depletion deduction is disallowed. Therefore, the amount of adjusted exploration expenditures with respect to mine Y at the end of 1972 is $150,000 ($250,000 less $100,000).

§ 1.617–4 Treatment of gain from disposition of certain mining property.

(a) *In general.* (1) In general, section 617(d)(1) provides, that, upon a disposition of mining property, the lower of (i) the "adjusted exploration expenditures" (as defined in section 617(f)(1) and paragraph (d) of § 1.617–3) with respect to the property, or (ii) the amount, if any, by which the amount realized on the sale, exchange, or involuntary conversion (or the fair market

value of the property on any other disposition including abandonment), exceeds the adjusted basis of the property, shall be treated as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231 (that is, shall be recognized as ordinary income). However, any amount recognized under the preceding sentence shall not be included by the taxpayer in his "gross income from the property" for purposes of section 613. Generally, the ordinary income treatment applies even though in the absence of section 617(d) no gain would be recognized under any other provision of the Code. For example, if a corporation distributes mining property as a dividend, gain may be recognized as ordinary income to the corporation even though, in the absence of section 617, section 311(a) would preclude any recognition of gain to the corporation. For an exception to the recognition of gain with respect to dispositions which involve mineral production payments, see section 636 and the regulations thereunder. For the definition of the term "mining property", see section 617(f)(2) and paragraph (c)(3), of § 1.617–3. For exceptions and limitations to the application of section 617(d)(1), see section 617(d)(3) and paragraph (c) of this section.

(2) In the case of a sale, exchange, or involuntary conversion of mining property, the gain to which section 617(d)(1) applies is the lower of the adjusted exploration expenditures with respect to such property or the excess of the amount realized upon the disposition of the property over the adjusted basis of the property. In the case of a disposition of mining property other than by a manner described in the preceding sentence, the gain to which section 617(d)(1) applies is the lower of the adjusted exploration expenditures with respect to such property or the excess of the fair market value of the property on the date of disposition over the adjusted basis of the property. In the case of a disposal of coal or domestic iron ore subject to a retained economic interest to which section 631(c) applies, the excess of the amount realized over the adjusted basis of the mining property shall be treated as equal to the gain, if any, referred to in section 631(c). For determination of the amount realized upon a disposition of mining property and nonmining property, see paragraph (c)(3)(i) of this section.

(3) The provisions of this paragraph may be illustrated by the following examples:

Example (1). On July 14, 1970, A purchased undeveloped mining property for $100,000. During 1970, A incurred with respect to the property, $50,000 of exploration expenditures which he deducts under section 617(a). In 1971, A incurred $150,000 of exploration expenditures with respect to the property which he deducts on his income tax return. On January 2, 1972, A sells the mining property to B for $250,000. A's gain on the sale is $150,000 ($250,000 amount realized minus $100,000 basis). Since the excess of the amount realized over the adjusted basis of the mining property is less than the adjusted exploration expenditures with respect to the property ($200,000), the entire gain is treated as ordinary income under section 617(d)(1).

Example (2). Assume the same facts as in example (1) except that A sells the mining property to B for $400,000, thereby realizing gain of $300,000 ($400,000 minus $100,000 basis). Since the amount of adjusted exploration expenditures with respect to the mining property ($200,000) is less than the amount realized upon its disposition ($300,000), an amount equal to the amount of adjusted exploration expenditures is treated as ordinary income under section 617(d)(1). The remaining $100,000 is treated by A without regard to section 617(d)(1).

(4) Section 617(d) does not apply to losses. Thus, section 617(d) does not apply if a loss is realized upon a sale, exchange, or involuntary conversion of mining property, nor does section 617(d) apply to a disposition of mining property other than by way of sale, exchange, or involuntary conversion if at the time of the disposition the fair market value of such property is not greater than its adjusted basis.

(b) *Disposition of portion of mining property.* (1) For purposes of section 617(d)(1) and paragraph (a) of this section, except as provided in subparagraph (3) of this paragraph, in the case of the disposition of a portion of a mining property (other than an undivided interest), the entire amount of the adjusted exploration expenditures with respect to such property shall be treated as attributable to such portion to the extent of the amount of the gain to which section 617(d)(1) applies. If the amount of the gain to which section 617(d)(1) applies is less than the amount of the adjusted exploration expenditures with respect to the property, the balance of the adjusted exploration expenditures shall remain subject to recapture in the hands of the taxpayer under the provisions of section 617 (b), (c), and (d). The disposition of a portion of a mining property (other than an undivided interest) includes the disposition of a geographical portion of a mining property. For example, assume that A owns an 80-acre tract of land with respect to which he has deducted exploration expenditures under section 617(a). If A were to sell the north 40 acres, the entire amount of the adjusted exploration expenditures with respect to the 80-acre tract would be treated as attributable to the 40-acre portion sold (to the extent of the amount of the gain to which section 617(d)(1) applies).

(2) For purposes of section 617(d)(1), except as provided in subparagraph (3) of this paragraph, in the case of the disposition of an undivided interest in a mining property (or portion thereof) a proportionate part of the adjusted exploration expenditures with respect to such property shall be treated as attributable to such undivided interest to the extent of the amount of the gain to which section 617(d)(1) applies. For example, assume that A owns an 80-acre tract of land with respect to which he has deducted exploration expenditures under section 617(a). If A were to sell an undivided 40 percent interest in such tract, 40 percent of the adjusted exploration expenditures with respect to the 80-acre tract would be treated as attributable to the 40 percent of the 80-acre tract disposed of (to the extent of the amount of the gain to which section 617(d)(1) applies).

(3) Section 617(d)(2) and subparagraphs (1) and (2) of this paragraph shall not apply to any expenditure to the extent that the taxpayer establishes to the satisfaction of the Commissioner of Internal Revenue that such expenditure relates neither to the portion (or interest therein) disposed of nor to any mine, in the property held by the taxpayer before the disposition, which has reached the producing stage. In any case where a taxpayer desires to establish that exploration expenditures relate neither to the portion (or interest therein) disposed of nor to any mine, in the property held by the taxpayer before the disposition, which has reached the producing stage, the taxpayer shall file with the Commissioner of Internal Revenue, Attention: T:I:E, Washington, D.C. 20024 a statement which includes:

(i) A description of the portion (or interest therein) disposed of;

(ii) A description of the mineral property which included the portion (or interest therein) disposed of;

(iii) An itemization of all expenditures deducted under sections 617 and 615 with respect to such mineral property; and

(iv) A description of the location of all producing mines on such mineral property. A letter setting forth the Commissioner's determination will be mailed to the taxpayer. In any case in which the taxpayer has not sought the Commissioner's determination pursuant to this subparagraph, the district director is authorized to determine that the exploration expenditures relate neither to the portion (or interest therein) disposed of nor to any mine, in the property held by the taxpayer before the disposition, which has reached the producing stage.

(c) *Exceptions.* (1)(i) Section 617(d)(3) provides, through incorporation by reference of the provisions of section 1245(b)(1), that no gain shall be recognized under section 617(d) upon a disposition by gift of mining property. For purposes of this subparagraph, the term "gift" means, except to the extent that subdivision (ii) of this subparagraph applies, a transfer of mining property which, in the hands of the transferee, has a basis determined under the provisions of section 1015 (a) or (d) (relating to basis of property acquired by gift). For reduction in amount of the charitable contribution in case of a gift of section 617 property, see section 170(e) and paragraph (c)(3) of § 1.170–1.

(ii) Where a disposition of mining property is in part a sale or exchange and in part a gift, the gain to which section 617(d) applies is the lower of the adjusted exploration expenditures with respect to such property or the excess of the amount realized upon the disposition of the property over the adjusted basis of such property.

(2) Section 617(d)(3) provides, through incorporation by reference of the provisions of section 1245(b)(2), that, except as provided in section 691 (relating to

income in respect to a decedent), no gain shall be recognized under section 617(d) upon a transfer at death. For purposes of this paragraph, the term "transfer at death" means a transfer of mining property which property, in the hands of the transferee, has a basis determined under the provisions of section 1014(a) (relating to basis of property acquired from a decedent) because of the death of the transferor.

(3) (i) Section 617(d) provides, through incorporation by reference of the provisions of section 1245(b)(3), that upon a transfer of property described in subdivision (ii) of this subparagraph, the amount of gain taken into account by the transferor under section 617(d) shall not exceed the amount of gain recognized to the transferor on the transfer (determined without regard to section 617). For purposes of this subdivision, in case of a transfer of mining property and nonmining property in one transaction, the amount realized from the disposition of the mining property shall be deemed to be equal to the amount which bears the same ratio to the total amount realized as the fair market value of the mining property bears to the aggregate fair market value of all of the property transferred. The preceding sentence shall be applied solely for purposes of computing the portion of the total gain (determined without regard to section 617) which shall be recognized as ordinary income under section 617(d). Section 617(d)(3) does not apply to a disposition of mining property to an organization (other than a cooperative described in section 521) which is exempt from the tax imposed by chapter 1 of the Code.

(ii) The transfers referred to in subdivision (i) of this subparagraph are transfers of mining property in which the basis of the mining property in the hands of the transferee is determined by reference to its basis in the hands of the transferor by reason of the application of any of the following provisions:

(a) Section 332 (relating to distributions in complete liquidation of an 80-percent-or-more controlled subsidiary corporation). See subdivision (iii) of this subparagraph.

(b) Section 351 (relating to transfer to a corporation controlled by transferor).

(c) Section 361 (relating to exchanges pursuant to certain corporate reorganizations).

(d) Section 371(a) (relating to exchanges pursuant to certain receivership and bankruptcy proceedings).

(e) Section 374(a) (relating to exchanges pursuant to certain railroad reorganizations).

(f) Section 721 (relating to transfers to a partnership in exchange for a partnership interest).

(g) Section 731 (relating to distributions by a partnership to a partner).

(iii) In the case of a distribution in complete liquidation of an 80-percent-or-more controlled subsidiary to which section 332 applies, the limitation provided in section 617(d)(3), through incorporation by reference of the provisions of section 1245(b)(3), is confined to instances in which the basis of the mining property in the hands of the transferee is determined under section 334(b)(1), by reference to its basis in the hands of the transferor. Thus, for example, the limitation may apply in respect of a liquidating distribution of mining property by an 80-percent-or-more controlled corporation to the parent corporation, but does not apply in respect of a liquidating distribution of mining property to a minority shareholder. Section 617(d)(3) does not apply to a liquidating distribution of property by an 80-percent-or-more controlled subsidiary to its parent if the parent's basis for the property is determined, under section 334(b)(2), by reference to its basis in the stock of the subsidiary.

PAR. 8. Paragraph (a)(8) of § 1.702–1 is amended by revising subdivisions (i) and (iii) thereof to read as follows:

§ 1.702–1 Income and credits of partner.

(a) *General rule.* * * *

(8)(i) Each partner shall take into account separately, as part of any class of income, gain, loss, deduction, or credit, his distributive share of the following items: recoveries of bad debts, prior taxes, and delinquency amounts (section 111); gains and losses from wagering transactions (section 165(d)); soil and water conservation expenditures (section 175); nonbusiness expenses as described in section 212; medical, dental, etc., expenses (section 213); expenses for care of certain dependents (section 214); alimony, etc., payments (section 215); amounts representing taxes and interest paid to cooperative housing corporations (section 216); intangible drilling and developments costs (section 263(c)); pre-1970 exploration expenditures (section 615); certain mining exploration expenditures (section 617); income, gain, or loss to the partnership under section 751(b); and any items of income, gain, loss, deduction, or credit subject to a special allocation under the partnership agreement which differs from the allocation of partnership taxable income or loss generally.

* * * * *

(iii) Each partner shall aggregate the amount of his separate deductions or exclusions and his distributive share of partnership deductions or exclusions separately stated in determining the amount allowable to him of any deduction or exclusion under subtitle A of the Code as to which a limitation is imposed. For example, partner A has individual domestic exploration expenditures of $300,000. He is also a member of the AB partnership which in 1971 in its first year of operation has foreign exploration expenditures of $400,000. A's distributable share of this item is $200,000. However, the total amount of his distributable share that A can deduct as exploration expenditures under section 617(a) is limited to $100,000 in view of the limitation provided in section 617(h). Therefore, the excess of $100,000 ($200,000 minus $100,000) is not deductible by A.

* * * * *

PAR. 9. Section 1.703 is amended by revising section 703(b) and adding to the historical note. These amended provisions read as follows:

§ 1.703 Statutory provisions; partnership computations.

SEC. 703. *Partnership computations.* * * *

(b) *Elections of the partnership.* Any election affecting the computation of taxable income derived from a partnership shall be made by the partnership, except that the election under section 901, relating to taxes of foreign countries and possessions of the United States, and any election under section 615 (relating to pre-1970 exploration expenditures) or under section 617 (relating to deduction and recapture of certain mining exploration expenditures), shall be made by each partner separately.

(Sec. 703 as amended by sec. 3(b), Act of Sept. 12, 1966 (Public Law 89-570, 80 Stat. 762); sec. 504(c)(3), Tax Reform Act 1969 (83 Stat. 487))

PAR. 10. Section 1.703–1 is amended by revising paragraph (b) (1) and (2) to read as follows:

§ 1.703–1 Partnership computations.

* * * * *

(b) *Elections of the partnership*—(1) *General rule.* Any elections (other than those described in subparagraph (2) of this paragraph) affecting the computation of income derived from a partnership shall be made by the partnership. For example, elections of methods of accounting, of computing depreciation, of treating soil and water conservation expenditures, and the option to deduct as expenses intangible drilling and development costs, shall be made by the partnership and not by the partners separately. All partnership elections are applicable to all partners equally, but any election made by a partnership shall not apply to any partner's nonpartnership interests.

(2) *Exceptions.* (i) Each partner shall add his distributive share of taxes described in section 901 paid or accrued by the partnership to foreign countries or possessions of the United States (according to its method of treating such taxes) to any such taxes paid or accrued by him (according to his method of treating such taxes), and may elect to use the total amount either as a credit against tax or as a deduction from income.

(ii) Each partner shall add his distributive share of expenses described in section 615 or section 617 paid or accrued by the partnership to any such expenses paid or accrued by him and shall treat the total amount according to his method of treating such expenses, notwithstanding the treatment of the expenses by the partnership.

* * * * *

PAR. 11. Paragraph (c) of § 1.1502–12 is amended to read as follows:

§ 1.1502–12 Separate taxable income.

* * * * *

(c) The limitation on deductions provided in section 615(c) or section 617(h) shall be taken into account as provided in § 1.1502–16;

* * * * *

PAR. 12. Section § 1.1502–16 is amended to read as follows:

§ 1.1502–16 Mine exploration expenditures.

(a) *Section 617—(1) In general.* If the aggregate amount of the expenditures to which section 617(a) applies, paid or incurred with respect to mines or deposits located outside the United States (as defined in section 638 and the regulations thereunder), does not exceed—

(i) $400,000 minus

(ii) All amounts deducted or deferred during the taxable year and all preceding taxable years under section 617 or section 615 of the Internal Revenue Code of 1954 and section 23(ff) of the Internal Revenue Code of 1939 by corporations which are members of the group during the taxable year (and individuals or corporations which have transferred any mineral property to any such member within the meaning of section 617(g)(2)(B)) for taxable years ending after December 31, 1950 and prior to the taxable year, then the deduction under section 617 with respect to such foreign expenditures and paragraph (c) of § 1.1502–12 for each member shall be no greater than an allocable portion of such amount hereinafter referred to as the "consolidated foreign exploration limitation." Such allocable portion shall be determined under subparagraph (2) of this paragraph. If the amount of such expenditures exceeds the consolidated foreign exploration limitation, no deduction shall be allowed with respect to such excess.

(2) *Allocable portion of limitation.* A member's allocable portion of the consolidated foreign exploration limitation for a consolidated return year shall be—

(i) The amount allocated by the common parent pursuant to an allocation plan adopted by the consolidated group, but in no event shall a member be allocated more than the amount it could have deducted had it filed a separate return. Such allocation plan must include a statement which also contains the total foreign exploration expenditures of each member which could have been deducted under section 617 if the member had filed a separate return. Such plan must be attached to a consolidated return filed on or before the due date of such return (including extensions of time), and may not be changed after such date, or

(ii) If no plan is filed in accordance with subdivision (i) of this subparagraph, then the portion of the consolidated foreign exploration limitation allocable to each member incurring such expenditures is an amount equal to such limitation multiplied by a fraction, the numerator of which is the amount of foreign exploration expenditures which could have been deducted under section 617 by such member had it filed a separate return and the denominator of which is the aggregate of such amounts for all members of the group.

(b) *Section 615—(1) In general.* If the aggregate amount of the expenditures, to which section 615(a) applies, which are paid or incurred by the members of the group during any consolidated return year exceeds the lesser of—

(i) $100,000, or

(ii) $400,000 minus all such expenditures deducted (or deferred) by corporations which are members of the group during the taxable year (and individuals or corporations which have transferred any mineral property to any such member within the meaning of section 615(c)(2)(B)) for taxable years ending after December 31, 1950, and prior to the taxable year, then the deduction (or amount deferrable) under section 615 and paragraph (c) of § 1.1502–12 for each member shall be no greater than an allocable portion of such lesser amount, hereinafter referred to as the "consolidated exploration limitation". Such allocable portion shall be determined under subparagraph (2) of this paragraph.

(2) *Allocable portion of limitation.* A member's allocable portion of the consolidated exploration limitation for a consolidated return year shall be—

(i) The amount allocated by the common parent pursuant to an allocation plan adopted by the consolidated group, but in no event shall a member be allocated more than the amount it could have deducted (or deferred) had it filed a separate return. Such allocation plan must include a statement which also contains the total exploration expenditures of each member for the taxable year, and the expenditures of each member which could have been deducted (or deferred) under section 615 if the member had filed a separate return. Such plan must be attached to a consolidated return filed on or before the due date of such return (including extensions of time), and may not be changed after such date, or

(ii) If no plan is filed in accordance with subdivision (i) of this subparagraph, then the portion of the consolidated exploration limitation allocable to each member incurring such expenditures is an amount equal to such limitation multiplied by a fraction, the numerator of which is the amount which could have been deducted (or deferred) under section 615 by such member had it filed a separate return and the denominator of which is the aggregate of such amounts for all members of the group.

(c) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). Corporation X and its wholly owned subsidiaries, corporations Y and Z, file a consolidated return for the calendar year 1971. None of the corporations have incurred exploration expenditures described in section 617 in previous years. During 1971, X incurred foreign exploration expenditures of $30,000, Y of $20,000, and Z of $40,000. The amount of foreign exploration expenditures deductible under section 617 for purposes of computing separate taxable income under § 1.1502–12 will be the amount actually expended by each corporation.

Example (2). Assume the same facts as in example (1) except that prior to 1971, X, Y, and Z had deducted (or deferred) under section 615 and 617 a total of $300,000 of exploration expenditures. During 1971, with respect to deposits located outside the United States X incurred exploration expenditures of $25,000, Y of $75,000, and Z of $125,000. The consolidated exploration limitation under paragraph (a) of this section with respect to the foreign deposits (there is no limitation with respect to the domestic expenditures) is $100,000. X may allocate the $100,000 in any manner among the three members, except that X may not be allocated more than $25,000 nor Y more than $75,000, the amount actually expended by X and Y and which they could have deducted had they each filed a separate return. If the allocation is not made in accordance with paragraph (a)(2)(i) of this section, the $100,000 limitation will be allocated under paragraph (a)(2)(ii) of this section as follows:

Corporation	Expenditure	Fraction	Limitation	Allocable portion
X	$25,000	$\frac{25,000}{200,000}$	× $100,000 =	$12,500
Y	$75,000	$\frac{75,000}{200,000}$	× $100,000 =	$37,500
Z	$125,000	$\frac{100,000}{200,000}$	× $100,000 =	$50,000

The denominator of $200,000 was calculated as follows:

X = $25,000
Y = $75,000
Z = $100,000 (maximum amount allowed if filed separately)
Total $200,000.

Example (3). Assume the same facts as in example (2) and that on January 1, 1971, X acquired all of the stock of corporation T which prior to its taxable year beginning January 1, 1971, had previously deducted (or deferred) $310,000 of exploration expenditures. Assume further that in 1971 X incurred $25,000 of foreign exploration expenditures, Y $50,000, T $50,000, and Z none. A consolidated return is filed for 1971. None of the expenditures may be deducted under section 617 since the consolidated exploration limitation is zero. The limitation is zero since the aggregate amount of previously deducted (or deferred) exploration expenditures by the members of the group exceeds $400,000. (The total of such expenditures is $410,000, of which $310,000 is attributable to T and, assuming the allocation of the limitation in example (2) is made under paragraph (a)(2)(ii) of this section, $12,500 is attributable to X, $37,500 to Y, and $50,000 to Z.

Example (4). Assume the same facts as in example (3) except that on December 31, 1971, X sold all of the stock in Z to an unrelated party. The consolidated exploration limitation for 1972 will be $40,000, computed by subtracting from $400,000, the aggregate amount of previously deducted (or deferred) exploration expenditures incurred by the members of the group prior to 1972. (The total of such expenditures is $360,000, of which $12,500 is attributable to X, $37,500 to Y and $310,000 to T.) Amounts previously deducted (or deferred) by Z are not taken into account since it was not a member of the group at any time during 1972. Amounts previously deducted (or deferred) by Z shall be taken into account by it for subsequent separate return years.

[FR Doc.71–15083 Filed 10–18–71;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 815]

PUERTO RICO

1972 Direct-Consumption Portion of Mainland Sugar Quota; Notice of Hearing on Proposed Allotment

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter called the "Act", and in accordance with the applicable rules of practice and procedure (7 CFR 801.1 et seq.), and on the basis of information before me, I do hereby find that the allotment of the direct-consumption portion of the 1972 mainland quota for Puerto Rico is necessary to prevent disorderly marketing of such sugar and to afford all interested persons an equitable opportunity to market such sugar in the continental United States, and hereby give notice that a public hearing will be held at Santurce, P.R., in Conference Room, Seventh Floor, Segarra Building, Stop 20 on October 28, 1971 at 9:30 a.m.

The findings made above are in the nature of preliminary findings based on the best information now available. The quantity of direct-consumption sugar which will be permitted to be brought into the continental United States within the 1972 quota is still unknown. However, the capacity of Puerto Rican refineries to produce direct-consumption sugar far exceeds the quantity of such sugar which may be marked in the continental United States and for local consumption in Puerto Rico within probable 1972 quotas.

Under such circumstances it is imperative that provision be made for the allotment of the direct-consumption portion of the mainland quota to avoid disorderly marketing and to afford all interested persons an equitable opportunity to market direct-consumption sugar in the continental United States.

It will be appropriate to present evidence at the hearing on the basis of which the Administrator, Agricultural Stabilization and Conservation Service may affirm, modify, or revoke such preliminary findings and make or withhold allotment of the direct-consumption portion of the mainland quota in accordance therewith.

The purpose of such hearing is to receive evidence to enable the Administrator, Agricultural Stabilization and Conservation Service to make fair, efficient, and equitable allotments of the direct-consumption portion of the 1972 mainland quota among persons who produce or refine and market direct-consumption sugar to be brought into the continental United States for consumption therein.

In addition, the subject and issues of this hearing also include (1) the manner in which the statutory factors of "processings," "past marketings," and "ability to market," as provided in section 205(a) of the Act, should be measured; and (2) the relative weightings which should be given to these factors.

Notice also is given hereby that it will be appropriate at the hearing to present evidence on the basis of which the Administrator may revise or amend the allotment of the direct-consumption portion of the mainland quota for the purposes of (1) allotting any increase, or decrease in the direct-consumption portion of the mainland quota; (2) allotting any deficit in the allotment for any allottee, and (3) substituting revised estimates of data or final actual data for estimates of such data wherever estimates are used in the formulation of an allotment of this portion of the quota.

Signed at Washington, D.C., on October 15, 1971.

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

[FR Doc.71-15281 Filed 10-18-71;9:20 am]

Rural Electrification Administration

[7 CFR Part 1701]

CONSTRUCTION OF STEEL POLE STRUCTURES FOR TRANSMISSION LINE

Notice of New REA Specifications

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to issue a supplement to REA Bulletin 44-1, Specifications and Standards for Materials and Equipment, providing for new REA Specification No. T-9. The new specifications cover steel pole structures with arms to support suspension insulators, for use on 34.5 kv. through 230 kv. transmission lines.

Persons interested in the new specifications may submit written data, views, or comments to the Director, Power Supply, Management and Engineering Standards Division, Room 3313, South Building, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 30 days from 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 Director, Power Supply, Management and Engineering Standards Division during regular business hours.

The proposed supplement to REA Bulletin 44-1 covering the new REA specification T-9 is as follows:

SUPPLEMENT TO REA BULLETIN 44-1

(REA Specification No. T-9)

Scope. These specifications cover steel pole structures, with arms to support suspension insulators, for use on 34.5 kv. through 230 kv. transmission lines.

General. The structures furnished under these specifications shall conform to the requirements hereinafter stated. The text and the drawings [1] supplement each other and shall be considered as parts of these specifications.

Design and fabrication—Structures. All materials selected for design and fabrication shall conform to the latest revision of applicable American Society for Testing and Materials (ASTM) Specifications.

Design may incorporate any cross-sectional shape or shapes.

Strength. As a minimum, the complete structure shall be designed to withstand National Electrical Safety Code (NESC) loadings. Where loadings in excess of NESC loadings are required, the structure shall be designed to withstand the specified loadings with appropriate overload and/or safety factors.

Welding. All welding shall conform to the latest standards and specifications of the American Welding Society (AWS) and the American Institute of Steel Construction (AISC).

Bolting. Bolts, bolted connections, and fasteners shall conform to applicable ASTM Standards and AISC Specifications.

Step bolts. Poles shall have steps, step bolts, or other means for climbing, starting no less than 15 feet above ground. The devices shall be steel and shall be removable from the pole.

Pole base. Pole base plate shall be designed to be fitted on an anchor bolt cluster in its concrete foundation. The pole base shall be welded to the pole at the factory.

Grounding. A ground nut shall be welded to the top side of the base plate of the pole.

Surface protection. All structures and structural components shall be hot-dip galvanized after fabrication in accordance with ASTM-A123 and ASTM-A153 or shall be weathering-type steel. In areas where severe corrosion may be expected, the weight of zinc specified in ASTM-A123 and ASTM-A153 shall be modified accordingly.

When painting and galvanizing is specified as the protective coating, the paint used shall be suitable for the intended application. Preparations of surfaces and applications of paint shall be in strict conformance with the paint manufacturer's recommendations. The coating shall consist of one or more finished coats as specified. When wood arms are used, treatment of the arms shall conform to REA Specification DT-B5.

Test requirements. The manufacturer shall develop adequate test information on the structure type to be furnished to determine that the complete structure assembly furnished under these specifications conforms in every respect with the requirements herein and all nonconforming material shall be rejected from shipment.

Rejection. It is expected that the manufacturer will furnish steel pole structures in strict accordance with these specifications. Any deviation therefrom without prior approval by REA will be sufficient cause for rejection and removal of the item by the REA Technical Standards Committee from the "List of Materials Acceptable for Use

[1] Drawings filed as part of original document.

on Systems of REA Electrification Borrowers."

Dated: October 13, 1971.

JAMES N. MYERS,
Assistant Administrator-Electric.

[FR Doc71-15214 Filed 10-18-71;8:50 am]

[7 CFR Part 1701]

FENCE MATERIAL APPLICABLE TO REA FINANCED ELECTRIC SYSTEMS

Notice of Revised REA Specification

Notice is hereby given that, pursuant to the Rural Electrification Act as amended (7 U.S.C. 901 et seq.), REA proposes to issue a supplement to REA Bulletin 65-1 to provide for a revision of Specification S-1, REA Specification for Fence Material.

Persons interested in the revised specification may submit written data, views, or comments to the Director, Power Supply, Management and Engineering Standards Division, Room 3313, South Building, Rural Electrification, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 30 days from 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 Director, Power Supply, Management and Engineering Standards Division during regular business hours.

A copy of the proposed revision of REA Specification S-1 may be secured in person or by written request from the Director, Power Supply, Management and Engineering Standards Division.

The text of the proposed supplement to REA Bulletin 65-1 explaining and summarizing the proposed changes in this specification is as follows:

SUPPLEMENT TO REA BULLETIN 65-1

Subject. REA Specification for Fence Material Applicable to REA-financed Electric Systems.

I. *Purpose.* This supplement announces and explains the revision of REA Specification S-1 covering the conditions and requirements applicable to fencing for REA-financed systems. REA Specification S-1 is included by reference in Bulletin 65-1, Guide for the Design of Substations.

II. *Principal changes in revised specification S-1.* Revised Specification S-1 includes the following changes from the specification dated January 1956.

A. The use of aluminum and polyvinylchloride coated fabric is included in addition to galvanized fabric. The p.v.c. coated fabric is limited to areas not crossed by overhead lines since grounding it is impractical.

B. The use of rolled formed sections in the structural members in addition to pipe is provided for in the specification.

Dated: October 13, 1971.

JAMES N. MYERS,
Assistant Administrator-Electric.

[FR Doc.71-15215 Filed 10-18-71;8:50 am]

Forest Service

[36 CFR Part 212]

ADMINISTRATION OF FOREST DEVELOPMENT TRANSPORTATION SYSTEM

Notice of Proposed Trail System Operation

Pursuant to the authority contained under sec. 1, 30 Stat. 35, as amended; 16 U.S.C. 551, sec. 205, 72 Stat. 907, 23 U.S.C. 205 and 82 Stat. 919, 16 U.S.C. 1241, et seq., the Forest Service, Department of Agriculture, has under consideration the issuance of regulations governing the use of the Pacific Crest Trail and of the National Forest Development Trail System which includes segments of the National Trails System on lands, or interests in lands, of the United States within the exterior boundaries of the National Forests.

Sections 212.20 and 212.21 of Title 36, CFR are proposed to be added to read as follows:

§ 212.20 National Forest Development Trail System Operation.

(a) *Applicability and scope.* The regulations in this section prescribe the use and protection of, and maintenance of good conduct on the National Forest Development Trail System on lands, or interest in lands, of the United States, including Forest Service administered segments of the National Trails System within the exterior boundaries of the National Forests.

(b) *National Forest Development Trails.* National Forest Development Trails shall be designated on a map or plan available to the public at the offices of the Forest Supervisors and District Rangers and shall be delineated on the ground by appropriate signs which reasonably bring their location to the attention of the public.

(c) *Use and protection of National Forest Development Trails.* Foot travel or use of motorized vehicles or of stock on trails may be restricted for public safety and for the protection of the trails and resources. Public notices shall be posted in such locations as will reasonably bring such restrictions to the attention of the public. A copy of such restrictions shall be kept available to the public in the offices of the District Rangers and Forest Supervisors.

(d) *Maintenance of good conduct.* The following acts are prohibited on all National Forest Development Trails:

(1) The willful tearing down or defacing of any sign, marker, or notice of the Forest Service.

(2) Multilating, defacing, disturbing, removing, or destroying objects of natural beauty or of scenic value.

(3) Destroying, damaging, or removing any living tree or plant, except brushing during maintenance operations.

(4) Creating an unsanitary condition by leaving refuse, debris, garbage, or other wastes exposed, or permitting the discharge of harmful pollutants or objectionable wastes into streams, lakes, or other water sources.

§ 212.21 Pacific Crest Trail.

The Pacific Crest Trail as defined by the National Trails System Act, 82 Stat. 919, shall be administered primarily as a footpath and horseback riding trail by the Forest Service in consultation with the Secretary of the Interior. The use of motorized vehicles along the Pacific Crest Trail shall be prohibited, except when, in the judgment of the Forest Supervisor, such vehicles are necessary to meet emergencies or to enable adjacent landowners or land users to have reasonable access to their lands or timber rights.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed regulations to U.S. Department of Agriculture, Forest Service, Division of Engineering, 1621 North Kent Street, Arlington, VA 22209, within 30 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 in the Division of Engineering, Room 1101-D, Rosslyn Plaza, during regular business hours. (7 CFR 1.27(b).)

CLIFFORD M. HARDIN,
Secretary of Agriculture.

OCTOBER 14, 1971.

[FR Doc.71-15220 Filed 10-18-71;8:50 am]

NATIONAL CREDIT UNION ADMINISTRATION

[12 CFR Part 700]

PROPOSED DEFINITION OF RISK ASSETS

Extension of Time for Comments

Notice is hereby given that the Administrator, National Credit Union Administration has extended the time for receipt of comments on the proposed definition of risk assets to November 5, 1971. The proposed definition of risk assets was originally published in the FEDERAL REGISTER, Vol. 36, No. 187, pp. 19041-19042, dated September 25, 1971.

HERMAN NICKERSON, Jr.,
Administrator.

OCTOBER 13, 1971.

[FR Doc.71-15169 Filed 10-18-71;8:46 am]

ENVIRONMENTAL PROTECTION AGENCY

[45 CFR Part 1201]

CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Termination of Proposed Rule Making; Standard and Test Procedures Applicable to 1973 and 1974 Light-Duty Vehicles

On July 2, 1971, a notice of proposed rule making was published (36 F.R. 12664) which indicated that the Administrator was considering making the Federal motor vehicle emissions test procedures promulgated for applicability to 1975 and later model year light-duty vehicles applicable to 1973 and 1974 model year light-duty vehicles as well. The standards for 1973 and 1974 would have been adjusted to reflect the same degree of stringency as the standards adopted on July 2, 1971 (36 F.R. 12652) applicable to those years. Comment was invited on the issue of whether there was adequate lead time to make this change.

A substantial number of comments were received from domestic and foreign motor vehicle manufacturers. Objections to the proposal were based upon the lack of adequate time to:

(1) Make necessary modifications to the sampling and analytical equipment;

(2) Obtain new carbon monoxide analysis equipment;

(3) Familiarize test personnel with the revised procedures;

(4) Evaluate the performance of 1973 control systems with the new procedure and make necessary adjustments;

(5) Expand test facilities to accommodate the increased test time required by the 1975 procedure.

Based upon an evaluation of these comments, it has been determined that inadequate lead time exists to implement the proposal and the notice of proposed rule making is hereby terminated.

The procedures applicable to new 1973 and 1974 model year light-duty vehicles will be the procedures adopted on November 10, 1970 (35 F.R. 17288), as amended on March 20, 1971 (36 F.R. 5342), July 2, 1971 (36 F.R. 12652), and August 26, 1971 (36 F.R. 16905).

Dated: October 13, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-15161 Filed 10-18-71;8:45 am]

Notices

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 347]

DOME PIPELINE CORP.

Notice of Application for Pipeline Permit

The Department of State has received an application dated September 17, 1971, from the Dome Pipeline Corp., a Delaware corporation having its registered office at Wilmington, Del., for a permit to construct, connect, operate and maintain a pipeline for liquid hydrocarbons at certain points at the border between the United States and Canada.

Notice is hereby given pursuant to section 2(a) of Executive Order 11423 of August 16, 1968, that copies of this application are available to the public and that written comments thereon will be received by the Department of State for 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Dated: October 7, 1971.

For the Secretary of State.

[SEAL] CHARLES N. BROWER,
Deputy Legal Adviser.

[FR Doc.71-15175 Filed 10-18-71;8:47 am]

DEPARTMENT OF THE TREASURY

Bureau of Customs

FISH NETS AND NETTING FROM JAPAN

Withholding of Appraisement Notice

Information was received on September 2, 1970, that fish nets and netting from Japan were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of October 14, 1970, on page 16093. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price (section 203 of the Act; 19 U.S.C. 162) of fish nets and netting from Japan is less, or likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

Statement of reasons. The information currently before the Bureau tends to indicate that the probable basis of comparison will be between purchase price and home market price of such or similar merchandise.

Preliminary analysis suggests that purchase price will probably be calculated on either a c.i.f., duty paid, delivered, or a c.i.f., packed price, with deductions for cash discounts, inland freight charges, ocean freight, marine insurance and duty, as applicable.

It appears that home market price will be based on delivered prices with deductions for inland freight charges. Adjustments are likely to be made for packing, credit terms and selling expenses.

Using the above criteria, there are reasonable grounds to believe or suspect that purchase price will be lower than home market price.

Customs officers are being directed to withhold appraisement of fish nets and netting from Japan, in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs Regulations (19 CFR 153.32(b), 153.37), interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20226, in time to be received by his office not later than 10 calendar days from the date of publication of this notice in the FEDERAL REGISTER.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This notice, which is published pursuant to § 153.34(b), Customs Regulations, shall become effective upon publication in the FEDERAL REGISTER (10-19-71). It shall cease to be effective at the expiration of 6 months from the date of this publication, unless previously revoked.

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

Approved: October 7, 1971.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-15201 Filed 10-18-71;8:49 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR 8008 (Wash.)]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Land

OCTOBER 8, 1971.

The Corps of Engineers, U.S. Department of the Army, has filed application, Serial No. OR 8008 (Wash.), for the withdrawal of the land described below, from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C. Ch. 2) and mineral leasing laws.

The applicant desires to use the land for construction of a dam, navigation lock and reservoir, and to provide power, navigation benefits, and flood control in connection with the Lower Monumental Lock and Dam Project on the Snake River.

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, 729 Northeast Oregon Street (Post Office Box 2965), Portland, OR 97208.

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 land and its 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 land for purposes other than the applicant's, to eliminate land needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the land and its resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land 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 it, a public hearing will be held at a convenient time and place which will be announced.

The land involved in the application is:

WILLAMETTE MERIDIAN

T. 13 N., R. 37 E.,
Sec. 18, W½E½NE¼.

The area described contains 40 acres.

VIRGIL O. SEISER,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.71-15177 Filed 10-18-71;8:46 am]

Bureau of Mines

RESPIRABLE COAL MINE DUST

Approval of Sampling and Evaluation Training Programs

Section 70.202 of Part 70, Subchapter O of Chapter I, Title 30, Code of Federal Regulations requires in part:

"The dust sampling required by this Part 70 shall be done by, or as directed by, a person * * * (e) Who has satisfactorily completed a course approved by the Secretary in sampling and evaluation of respirable coal mine dust concentrations * * *."

Notice is hereby given that the Bureau of Mines will approve respirable coal mine dust sampling and evaluation training programs established and maintained by any operator, coal mine industry group, labor organization representing miners, or any other person where such programs are conducted by persons certified by the Bureau as qualified to conduct respirable coal mine dust sampling and evaluation programs, and where such programs include instruction in the following subject matter:

(a) The basic concept of respirable dust size;

(b) The nature of coal worker's pneumoconiosis;

(c) The respirable dust requirements of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91-173) and the pertinent subsequent mandatory health standards and regulations;

(d) The design, construction, and use of instrumentation for sampling of respirable dust;

(e) The techniques and procedures employed in conducting sampling of respirable dust;

(f) The procedures for instrument calibration; and

(g) The handling and weighing of respirable dust samples.

Persons satisfactorily completing a respirable coal mine dust sampling and evaluation training program approved by the Bureau of Mines will be qualified by the Bureau as meeting the requirements of 30 CFR 70.202(e).

Approval of programs. Applications for approval or respirable coal mine dust sampling and evaluation training programs should be submitted to:

Director, Bureau of Mines, Department of the Interior, Washington, D.C. 20240.

Such applications shall contain the following information:

(a) The name, address, and title of the applicant;

(b) The name and address of the instructors;

(c) The address of the facility where the training will be conducted;

(d) The physical capacity of the training facility and the nature of educational aids provided;

(e) The approximate number of persons to be trained;

(f) The format of the training program and the time assigned to each topic;

(g) A general description of the source material to be employed by the instructor and the material to be supplied to each trainee; and

(h) A general description of the practical training to be provided in the use of instrumentation for sampling respirable dust, including techniques and procedures employed in conducting sampling, and procedures for instrument calibration.

The Bureau of Mines shall certify as approved any respirable coal mine dust sampling and evaluation training program which meets the minimum requirements set forth in this notice. However, the Bureau reserves the right to withdraw such certification where the applicant fails to provide the training set forth in his application for approval.

Instructors. Applications for certification as an instructor in respirable coal mine dust sampling and evaluation training programs should be submitted to:

Director, Bureau of Mines, Department of the Interior, Washington, D.C. 20240.

Such applications shall include the following information:

(a) The name and address of the applicant; and

(b) Information showing that the applicant meets at least one of the following criteria:

(1) He is an industrial hygienist currently certified by the American Industrial Hygiene Association Board;

(2) He is an industrial hygienist with a minimum of 10 years practical experience in the mining industry;

(3) He has acquired by education, training, and experience in the mining industry, a thorough working knowledge of respirable dust criteria, experience in the operation of the instruments employed in conducting respirable dust studies, and has satisfactorily completed educational training courses in the measurement and control of respirable dust, or has published articles relating to the measurement and control of respirable dust which reflect his knowledge of the subject; or

(4) He has conducted or is currently conducting a course in respirable dust sampling and evaluation in a recognized institution of higher learning or in a vocational training program.

Qualified persons. Applications for qualification as a person meeting the requirements of 30 CFR 70.202(e) should be submitted to:

Director, Bureau of Mines, Department of the Interior, Washington, D.C. 20240.

Such applications shall include the following information:

(a) The name and address of the applicant; and,

(b) Information showing the applicant is certified as an instructor in respirable coal mine dust sampling and evaluation training programs or has satisfactorily completed a respirable coal mine dust sampling and evaluation training program conducted or approved by the Bureau of Mines.

HOLLIS M. DOLE,
Assistant Secretary of the Interior.

OCTOBER 12, 1971.

[FR Doc.71-15167 Filed 10-18-71;8:46 am]

METHANE MONITORS

List Approved for Use in Mines

In this issue of the FEDERAL REGISTER under rules and regulations is an amendment to Part 75 (Mandatory Safety Standards, Underground Coal Mines), 30 CFR which deletes from Part 75 lists of equipment approved by the Secretary for use in mines. The notice published with the amendment also announces that henceforth such lists will appear under "Notices" to reflect changes in such lists as required from time to time. This is the first such notice. The list of methane monitors approved by the Secretary as reliable for detecting concentrations of methane is amended as set forth below.

Methane monitors approved as reliable for detecting concentrations of methane:

Manufacturer	Part No.	Type of power
Bacharach Instrument Co.	23-7062	120v. AC.
Do.	23-7090	240v. AC.
Do.	23-7091	440v. AC.
Do.	23-7092	480v. AC.
Do.	23-7093	550v. AC.
Do.	23-7053	200-350v. DC.
Do.	23-7167 (low profile).	250-300v. DC and 120-550v. AC.
Do.	23-7168 (low profile).	4v. battery power supply.
General Monitors, Inc.	Model 420 (low profile).	12-14v. AC or DC.
Mine Safety Appliance Co.	08-95100	110-120v. AC 50-60 Hz., 220-240v. AC 50-60 Hz., 440-480v. AC 50-60 Hz., 500-600v. AC 50-60 Hz., 275v. DC to be used with "Mine Spot" cap lamp battery. 550v. DC to be used with "Mine Spot" cap lamp battery.
Do.	08-456100	Do.
Do.	08-450960	Do.

HOLLIS M. DOLE,
Assistant Secretary of the Interior.

OCTOBER 12, 1971.

[FR Doc.71-15168 Filed 10-18-71;8:46 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[Docket No. SH-298]

PUERTO RICO

Notice of Hearing on Sugarcane Fair Prices and Designation of Presiding Officers

Pursuant to the authority contained in subsection (c)(2) of section 301 of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U.S.C. 1131), and in accordance

with the rules of practice and procedure applicable to price proceedings (7 CFR 802.1 et seq.), notice is hereby given that a public hearing will be held in Santurce, P.R., in the Conference Room, Seventh Floor, Segarra Building, Stop 20, on October 28, 1971, beginning at 10:30 a.m.

The purpose of this hearing is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining pursuant to the provisions of section 301(c)(2) of the act, fair and reasonable prices for the 1971–72 crop of Puerto Rican sugarcane.

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

To obtain the best possible information, the Department requests that all interested parties appear at the hearing to express their views and to present appropriate data with respect to the subject matter involved.

The hearing, after being called to order at the time and place mentioned herein, may be continued from day to day within the discretion of the presiding officers, and may be adjourned to a later day or a different place without notice other than the announcement thereof at the hearing by the presiding officers.

Robert R. Stansberry, Jr., Charles F. Denny, James E. Agnew, Jr., and Carlos Troche are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearing.

Signed at Washington, D.C. on October 15, 1971.

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

[FR Doc.71-15282 Filed 10-18-71;9:21 am]

Consumer and Marketing Service

ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Order Designating and Directing Referendum

Pursuant to the applicable provisions of Marketing Agreement No. 84, as amended, and Order No. 906, as amended (7 CFR Part 906), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among the producers who, during the period August 1, 1970, through July 31, 1971 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the counties of Cameron, Hidalgo, and Willacy in the State of Texas, in the production of oranges and grapefruit for market to determine whether such producers favor the termination of said marketing agreement and order. Mr. David B. Fitz of the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Commercial Arts Building, Room 13, 2217 North 10th Street, McAllen, TX 78501, is designated as the referendum agent to conduct said referendum.

The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (7 CFR 900.400 et seq.).

Copies of the text of the aforesaid marketing order may be examined in the office of the referendum agent or of the Director, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Ballots to be cast in the referendum may be obtained from the referendum agent and any appointee hereunder.

Dated: October 13, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-15180 Filed 10-18-71;8:47 am]

Office of the Secretary

ARKANSAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) and section 232 of the Disaster Relief Act of 1970 (Public Law 91-606), it has been determined that in the following counties in the State of Arkansas natural disasters have caused a general need for agricultural credit:

COUNTIES	
Boone.	Fulton.
Carroll.	

Emergency loans will not be made in the above-named counties under this designation pursuant to applications received after June 30, 1972, except subsequent loans to qualified borrowers who received initial loans under this designation.

The urgency of the need for emergency loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 14th day of October 1971.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[FR Doc.71-15221 Filed 10-18-71;8:49 am]

NEBRASKA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) and section 232 of the Disaster Relief Act of 1970 (Public Law 91-606), it has been determined that in the following counties in the State of Nebraska natural disasters have caused a general need for agricultural credit:

COUNTIES	
Gage.	Johnson.

Emergency loans will not be made in the above-named counties under this designation pursuant to applications received after June 30, 1972, except subsequent loans to qualified borrowers who received initial loans under this designation.

The urgency of the need for emergency loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 14th day of October 1971.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[FR Doc.71-15222 Filed 10-18-71;8:49 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs., Temporary Reg. F-125]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the Federal Government in a telecommunications service rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the interests of the Federal Government before the Georgia Public Service Commission in a proceeding involving the rates for telecommunications service provided by the Southern Bell Telephone and Telegraph Co.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: October 12, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71-15213 Filed 10-18-71;8:49 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 71-111]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting, and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the Outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from November 16, 1970, to December 11, 1970 (Lists Nos. 28-70 and 29-70). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b) (35 F.R. 4954)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 and 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner canceled or suspended by proper authority.

Lifeboat Winches for Merchant Vessels

Approval No. 160.015/98/1, Type WCL-5875 survival capsule launching winch; approved as an alternate to a lifeboat winch for a maximum lowering load of 11,000 lbs. on a single fall; identified by general arrangement drawing WCL-5875 (sheet 1 of 4) revision F dated October 20, 1970, and drawing list dated October 26, 1970, approved for use on non-self-propelled drilling rigs, artificial islands and fixed structures with the Whittaker survival capsule, manufactured by Speco Division, Kelsey-Hayes Co., Springfield, Ohio 45501, effective December 4, 1970. (It supersedes Approval No. 160.015/98/0 dated August 21, 1970 to show minor changes in design.)

Ladders, Embarkation—Debarkation (Flexible), for Merchant Vessels

Approval No. 160.017/40/0, Model 12 PL-S, Type II embarkation-debarkation ladder, chain suspension (8-0 lock link chain), steel ears, dwg. dated January 16, 1970, approval limited to ladders 75 feet or less in length, manufactured by H. K. Metalcraft Manufacturing Corp., 35 Industrial Road, Post Office Box 275, Lodi, NJ 07644, effective November 30, 1970. (It supersedes Approval No. 160.017/40/0 dated February 12, 1970 to show increase in allowable length.)

Lifeboats

Approval No. 160.035/102/8, 24.0' x 8.0' x 3.5' steel, motor-propelled lifeboat without radio cabin or searchlight (Class 1), 37-person capacity, identified by general arrangement and construction dwg. No. 24-002-04, Rev. A dated November 12, 1970. This boat is built with a wooden or fibrous glass reinforced plastic (FRP) removable interior, 46 CFR 160.035-13(c) Marking. Weights: Condition "A"=4,390 pounds; Condition "B"=11,420 pounds, manufactured by Lane Lifeboat Division of Lane Marine Technology, Inc., 150 Sullivan Street, Brooklyn, NY 11231, effective December 9, 1970. (It supersedes Approval No. 160.035/102/7 dated October 28, 1966, to show change in name and construction.)

Approval No. 160.035/464/1, 24.0' x 8.0' x 3.5' aluminum, motor-propelled, Class 1 lifeboat, 37-person capacity, identified by general arrangement and construction dwg. No. 24-002-02, Rev. A dated November 12, 1970. This boat is built with a wooden or fibrous glass reinforced plastic (FRP) removable interior, 46 CFR 160.035-13(c) Marking. Weights: Condition "A"=3,600 pounds; Condition "B"=10,620 pounds, manufactured by Lane Lifeboat Division of Lane Marine Technology, Inc., 150 Sullivan Street, Brooklyn, NY 11231, effective December 7, 1970. (It supersedes Approval No. 160.035/464/0 dated June 24, 1969, to show change in name and construction.)

Buoyant Vests, Kapok, or Fibrous Glass

For motorboats of classes A, 1 or 2 not carrying passengers for hire.

Approval No. 160.047/595/0, Model 1G-191, "Super-Buoyant" adult kapok buoyant vest, drawing No. 1 and Bill of Materials dated December 3, 1965, manufactured by Stearns Manufacturing Co., Division Street at 30th, St. Cloud, MN 56301, effective December 10, 1970. (It is an extension of Approval No. 160.047/595/0 dated February 18, 1966.)

Buoyant Cushions, Kapok, or Fibrous Glass

For motorboats of classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/46/0, group approval for rectangular and trapezoidal kapok buoyant cushions, USCG Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.-048-4(c)(1)(i), manufactured by Billy Boy Products Division, Crotty Corp., Quincy, Mich. 49082, Plant: Montgomery, Mich., effective December 10, 1970. (It is an extension of Approval No. 160.048/46/0 dated February 28, 1966.)

Buoys, Life, Ring, Unicellular Plastic

Approval No. 160.050/77/0, 20-inch unicellular plastic ring life buoy, USCG Specification Subpart 160.050 and Taylortec, Inc., dwg. No. 160.050-TAL dated October 15, 1970, and Bill of Materials dated November 24, 1970, buoys bodies made by B. F. Goodrich Co., Sponge Products Division, Post Office Box 2737, Church Street Station, New York, NY 10008, manufactured by Taylortec, Inc., 2549 Hickory Avenue, Metairie, LA 70003, effective November 24, 1970.

Approval No. 160-050/78/0, 24-inch unicellular plastic ring life buoy, USCG Specification Subpart 160.050 and Taylortec, Inc., dwg. No. 160.050-TAL dated October 15, 1970, and Bill of Materials dated November 24, 1970, buoy bodies made by B. F. Goodrich Co., Sponge Products Division, Post Office Box 2737, Church Street Station, New York, NY 10008, manufactured by Taylortec, Inc., 2549 Hickory Avenue, Metairie, LA 70003, effective November 24, 1970.

Approval No. 160.050/79/0, 30-inch unicellular plastic ring life buoy, USCG Specification Subpart 160.050 and Taylortec, Inc., dwg. No. 160.050-TAL dated October 15, 1970, and Bill of Materials dated November 24, 1970, buoy bodies made by B. F. Goodrich Co., Sponge Products Division, Post Office Box 2737, Church Street Station, New York, NY 10008, manufactured by Taylortec, Inc., 2459 Hickory Avenue, Metairie, LA 70003, effective November 24, 1970.

Life Preservers, Unicellular Plastic Foam, Adult and Child for Merchant Vessels

Approval No. 160.055/54/1, Type II, Model 8130, adult molded vinyl dip coated unicellular plastic foam life preserver, dwg. No. 22000, Rev. 2, dated October 14, 1970, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, effective November 24, 1970. (It supersedes Approval No. 160.055/54/1 dated September 13, 1966, to show change in reference drawing.)

Approval No. 160.055/55/1, Type II, Model 8131, child molded vinyl dip coated unicellular plastic foam life preserver, dwg. No. 22000, Rev. 2, dated October 14, 1970, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, effective November 24, 1970. (It supersedes Approval No. 160.055/55/1 dated September 13, 1966, to show change in reference drawing.)

Desalter Kits, Sea Water, for Merchant Vessels

Approval No. 160.058/3/0, desalter kit, sea water; cylindrical container and contents identified by dwg. B-0010, dated October 20, 1965, and Bill of Materials (sheets 1 to 5), dated December 13, 1965,

manufactured by Ionac Chemical Co., Birmingham Road, Birmingham, N.J. 08011, effective December 11, 1970. (It is an extension of Approval No. 160.058/3/0 dated February 16, 1966.)

PROTECTING COVER FOR LIFEBOATS

Approval No. 160.065/1/0, "Gentex Catenary Lifeboat Cover", Type I, protecting cover for the occupants of all types of aluminum, steel, and fibrous glass reinforced plastic (FRP) lifeboats, for lengths of 16 feet through 37 feet lifeboats, identified by general arrangement dwg. No. 65H1544, dated June 18, 1965, modifications to the cover and supports may be necessary in the case of some motor-propelled lifeboats equipped with vertical (dry) exhaust lines, radio cabins and antenna masts, manufactured by Gentex Corp., Carbondale, Pa. 18407, effective December 4, 1970. (It is an extension of Approval No. 160.065/1/0 dated January 10, 1966.)

SAFETY VALVES (POWER BOILERS)

Approval No. 162.001/286/0, Style HNP-MS-35-6 drum pilot safety valve, carbon steel body, maximum pressure of 900 p.s.i., maximum temperature 650° F., dwg. No. D-40015-2, approved for sizes 1½ inches and 2 inches, formerly covered by USCG Approval No. 162.001/194/1, terminated on December 22, 1966, for reasons unknown, manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective November 16, 1970.

SAFETY RELIEF VALVES, LIQUEFIED COMPRESSED GAS

Approval No. 162.018/32/2, Style JO-25 safety relief valve for liquefied petroleum gas and anhydrous ammonia service, full nozzle type metal to metal seat, 150 p.s.i. primary service pressure rating, dwg. No. HV-60 dated September 3, 1954, revised October 20, 1970, approved for inlet diameters of 1 inch through 6 inches for a maximum set pressure of 300 p.s.i.g., dwg. HV-60 revised to delete orifice S and include orifice R, manufactured by Crosby Valve and Gage Co., Wrentham, Mass. 02093, effective November 18, 1970. (It is an extension of Approval No. 162.018/32/2 dated January 21, 1966.)

Approval No. 162.018/59/0, Crosby style JB-25 safety relief valve for liquefied compressed gas service, dwg. No. HV-207 dated December 14, 1965, revised October 20, 1970, approved for inlet diameters of 1½ inch through 6 inches for a maximum set pressure of 165 p.s.i. for orifices F, G, H, J, K, L, M, N, P, and Q, and a maximum set pressure of 100 p.s.i. for orifice R, with a maximum temperature of 450° F., manufactured by Crosby Valve and Gage, Co., Wrentham, Mass. 02093, effective November 18, 1970. (It is an extension of Approval No. 162.018/59/0 dated January 21, 1966.)

Approval No. 162.018/60/0, Crosby style JB-25-3 safety relief valve for liquefied compressed gas service, dwg. HV-209 dated December 14, 1965, revised October 20, 1970, approved for inlet diameters of 1½ inch through 6 inches inclusive, for a maximum set pressure of 275 p.s.i. for orifices F, G, H, J, K, L, M, N, and P; 165 p.s.i. for orifice Q; and 100 p.s.i. for orifice R, with a maximum temperature of 450° F., manufactured by Crosby Valve and Gage Co., Wrentham, Mass. 02093, effective November 18, 1970. (It is an extension of Approval No. 162.018/60/0 dated January 21, 1966.)

Approval No. 162.018/61/0, Crosby style JB-26 safety relief valve for liquefied compressed gas service, dwg. HV-208 dated December 14, 1965, revised October 20, 1970, approved for inlet diameters of 1½ inch through 6 inches inclusive, for a maximum set pressure of 92 p.s.i., with a maximum temperature of 800° F., manufactured by Crosby Valve and Gage Co., Wrentham, Mass. 02093, effective November 18, 1970. (It is an extension of Approval No. 162.018/61/0 dated January 21, 1966.)

Approval No. 162.018/62/0, Crosby style JB-26-3 safety relief valve for compressed gas service, dwg. HV-210 dated December 14, 1965, revised October 20, 1970, approved for inlet diameters of 1½ inches through 6 inches for a maximum set pressure of 275 p.s.i. for orifices F, G, H, J, K, L, M, N, and P; 165 p.s.i. for orifice Q; and 100 p.s.i. for orifice R, with a maximum temperature of 800° F., manufactured by Crosby Valve and Gage Co., Wrentham, Mass. 02093, effective November 18, 1970. (It is an extension of Approval No. 162.018/62/0 dated January 21, 1966.)

BACKFIRE FLAME CONTROL, GASOLINE ENGINES; FLAME ARRESTERS; FOR MERCHANT VESSELS AND MOTORBOATS

Approval No. 162.041/129/0, Barbron Model No. 57213B flame arrester with brass elements; Model No. 57213A with aluminum elements, identical to Model No. 57212B, USCG Approval No. 162.041/128/0, except for indentation shown on base, manufactured by Barbron Corp., 14580 Lesure Avenue, Detroit, MI 48227, effective November 24, 1970.

Approval No. 162.041/130/0, Bendix flame arrester assembly B175-57 with C177-16 aluminum element strips and three-fourths-inch thick Scott filter foam air cleaner over the arrester inlet held by a stamped sheet metal frame, flame arresting elements identical to those in Bendix Assembly B175-46, USCG Approval No. 162.041/119/0, manufactured by Bendix Corp., Fuel Devices Division, 696 Hart Avenue, Detroit, MI 48214, effective December 8, 1970.

Approval No. 162.041/131/0, Bendix flame arrester assembly B175-58 with C177-15 aluminum element strips and three-fourths-inch thick Scott filter foam air cleaner over the arrester inlet held by a stamped sheet metal frame, flame arresting elements identical to those in Bendix Assembly B175-45, USCG Approval No. 162.041/121/0, manufactured by Bendix Corp., Fuel Devices Division, 696 Hart Avenue, Detroit, MI 48214, effective December 8, 1970.

Approval No. 162.041/132/0, Bendix flame arrester assembly B175-59 with C177-15 aluminum element strips and three-fourths-inch thick Scott filter foam air cleaner over the arrester inlet held by a stamped sheet metal frame, flame arresting elements identical to those in Bendix Assembly B175-47, USCG Approval No. 162.041/120/0, manufactured by Bendix Corp., Fuel Devices Division, 696 Hart Avenue, Detroit, MI 48214, effective December 8, 1970.

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

Approval No. 164.009/88/1, "American Bestoglas" woven combination Grade AAA asbestos and fibrous glass (2.5 percent lubricant or less) cloth type incombustible material identical to that described in American Asbestos Textile Corp. letters dated 9 and 17 September 1965, approved in weights of ½ through 2½ pounds/square yard, manufactured by American Asbestos Textile Corp., 1032 Stanbridge Street, Norristown, PA 19404, Plant: Meredith, N.H., effective December 10, 1970. (It is an extension of Approval No. 164.009/88/1 dated February 23, 1966.)

Approval No. 164.009/135/0, "M-1000, Type 1", fibrous glass insulation incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210-2197:FR3734 dated September 22, 1970 and Owens-Corning letter dated May 15, 1970, approved in a density of 1.08 pounds per cubic foot and a thickness of 1-4 inches inclusive, manufactured by Owens-Corning Fiberglas Corp., Toledo, Ohio 43601, effective December 3, 1970.

Approval No. 164.009/136/0, "M-1000, Type 2", fibrous glass insulation incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210-2197:FR 3734 dated September 22, 1970, and Owens-Corning letter dated May 15, 1970, approved in a density of 2.4 pounds per cubic foot and thickness from 1-3 inches inclusive, manufactured by Owens-Corning Fiberglas Corp., Toledo, Ohio 43601, effective December 3, 1970.

Approval No. 164.009/137/0, "Intermediate Service Board (I-S Board)", fibrous glass insulation incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210-2197:FR3734 dated September 22, 1970, and Owens-Corning letter dated May 15, 1970, approved in a density of 3 pound per cubic foot in a thickness from 1-2½ inches inclusive, manufactured by Owens-Corning Fiberglas Corp., Toledo, Ohio 43601, effective December 3, 1970.

Dated: October 5, 1971.

W. F. REA III,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.71-15184 Filed 10-18-71;8:47 am]

[CGFR 71-112]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of

lifesaving, firefighting, and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the Outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein-described during the period from December 30, 1970, to January 13, 1971 (List No. 1–71). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b) (35 F.R. 4954). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner canceled or suspended by proper authority.

LAMPS, SAFETY, FLAME, FOR MERCHANT VESSELS

Approval No. 160.016/2/3, Koehler Model 289–1A, naphtha burning, key lock, flame safety lamp, dwg. Nos. 289–1A dated November 10, 1960, 257–42 dated February 26, 1963, and 257–30A dated August 12, 1964, manufactured by Koehler Manufacturing Co., Marlboro, Mass. 01752, effective January 4, 1971. (It supersedes Approval No. 160.016/2/2 dated March 15, 1966 to show minor design change.)

SEA ANCHORS, LIFEBOAT

Approval No. 160.019/12/0, Sea Anchor, USCG drawing No. MMI–562, and specification dated November 1, 1943, revised August 24, 1944, and company specification dated February 28, 1961, each sea anchor shall be legibly marked, with indelible ink, with the manufacturer's name, address, and type designation and with the above approval number, manufactured by Jacksonville Ship Chandlery & Awning Co., 835 East Bay Street, Post Office Box 395, Jacksonville, FL 32202, effective January 6, 1971. (It is an extension of Approval No. 160.019/12/0 dated February 23, 1966.)

LIFEFLOATS FOR MERCHANT VESSELS

Approval No. 160.027/69/0, 7.0' x 9.0' x 4'' rectangular, laminated fabric covered, unicellular plastic foam buoyant mat life float; 15-person capacity, Vorenkamp dwg. No. 1 revision 1 dated January 2, 1966, and specifications dated January 4, 1966, manufactured by Salerco, Inc., c/o Pan Air Corporation, Post Office Box 26425, New Orleans, LA 70126, effective December 30, 1970. (It is an extension of Approval No. 160.027/69/0 dated January 21, 1966.)

BUOYANT CUSHIONS, KAPOK, OR FIBROUS GLASS

For motorboats of classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/58/0, group approval for rectangular and trapezoidal kapok buoyant cushions, USCG Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.-048–4(c)(1)(i), manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, for James Bliss & Co., Inc., Route 128 at Exit 61, Dedham, Mass. 02026, effective January 11, 1971. (It is an extension of Approval No. 160.048/58/0 dated March 6, 1966, and change of address.)

Approval No. 160.048/226/1, special approval for 14'' x 17'' x 2'' rectangular ribbed-type kapok buoyant cushions, 21-oz. kapok, dwg. No. 160.048–7(c) dated January 6, 1966, manufactured by Buddy Schoellkopf Products, Inc., 148 Fordyce Street, Dallas, TX 75207, Plant: Mineola, Tex., effective January 11, 1971. (It is an extension of Approval No. 160.-048/226/1 dated March 7, 1966.)

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM

NOTE: For motorboats of classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.052/50/0, Type II, Model JPB–2, adult unicellular plastic foam buoyant vest, assembly dwg. No. 55J633 dated July 23, 1959, and Bill of Materials dated October 27, 1965, manufactured by Gentex Corp., Carbondale, Pa. 18407, effective January 8, 1971. (It is an extension of Approval No. 160.052/50/0 dated January 10, 1966.)

Approval No. 160.052/131/1, Type II, Model "A", adult unicellular plastic foam buoyant vest, dwg. Nos. 11 and 12 dated March 3, 1961, Rev. 1 dated June 1, 1963, and Bill of Materials dated September 29, 1965, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond, VA 23212, 12th and Graham Streets, Emporia, KS 66801, and 5550 Paramount Boulevard, Long Beach, CA 90805, effective January 13, 1971. (It is an extension of Approval No. 160.052/131/1 dated March 16, 1966.)

Approval No. 160.052/132/1, Type II, Model "M", child medium unicellular plastic foam buoyant vest, dwg. Nos. 11 and 13 dated March 3, 1961, Rev. 1 dated June 1, 1963, and Bill of Materials dated September 29, 1965, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond, VA 23212, 12th and Graham Streets, Emporia, KS 66801, and 5550 Paramount Boulevard, Long Beach, CA 90805, effective January 13, 1971. (It is an extension of Approval No. 160.052/132/1 dated March 16, 1966.)

Approval No. 160.052/133/1, Type II, Model "S", child small unicellular plastic foam buoyant vest, dwg. Nos. 11 and 14 dated March 3, 1961, Rev. 1 dated June 1, 1963, and Bill of Materials dated September 29, 1965, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond, VA 23212, 12th and Graham Streets, Emporia, KS 66801, and 5550 Paramount Boulevard, Long Beach, CA 90805, effective January 13, 1971. (It is an extension of Approval No. 160.052/133/ dated March 16, 1966.)

WORK VESTS, UNICELLULAR PLASTIC FOAM

Approval No. 160.053/7/1, unicellular plastic foam work vest as per military specification MIL–17653A, USCG Specification Subpart 160.053, dwg. No. 21975 dated August 6, 1965, and dwg. No. 8211–2 dated December 15, 1965, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, effective January 11, 1971. (It is an extension of Approval No. 160.053/7/1 dated March 10, 1966.)

SAFETY VALVES (POWER BOILERS)

Approval No. 162.001/287/0, Style HNP–MS–55 carbon steel body pilot safety valve, nozzle type, exposed spring fitted with spring cover, 1500 p.s.i. primary service pressure rating, 650° F. maximum temperature, dwg. No. D–46182 issued April 16, 1963, approved for sizes 1½ inches and 2 inches, previously issued as USCG Approval No. 162.001/259/0, given new approval number because of confusion arising from both styles HNP–MS–55 and HNP–MS–75 being covered by USCG Approval No. 162.-001/259/1, manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective January 11, 1971.

RELIEF VALVES (HOT WATER HEATING BOILERS)

Approval No. 162.013/8/1, Type No. D175 dual unit relief valve for hot water heating boiler, relieving capacity 175,000 B.t.u. per hour at maximum set pressure of 30 p.s.i., dwg. No. RRP2–14, dated November 10, 1955, approved for ¾-inch inlet size, manufactured by Bell & Gossett Co., 8200 North Austin Avenue, Morton Grove, IL 60053, effective January 5, 1971. (It is an extension of Approval No. 162.013/8/1 dated February 16, 1966.)

Approval No. 162.013/9/1, Type No. D250 dual unit relief valve for hot water heating boiler, relieving capacity 250,000 B.t.u. per hour at maximum set pressure of 30 p.s.i., dwg. No. RRP2–14, dated November 10, 1955, approved for ¾-inch inlet size, manufactured by Bell & Gossett Co., 8200 North Austin Avenue, Morton Grove, IL 60053, effective January 5, 1971. (It is an extension of Approval No. 162.031/9/1 dated February 16, 1966.)

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

Approval No. 164.009/93/0, "Calsilite" asbestos-hydrous calcium silicate type incombustible material without covering, identical to that described in Ruberoid letter dated March 10, 1966, and USCG letter dated March 29, 1966, manufactured by GAF Corp., 114 Canal Street, South Bound Brook, NJ 08880, Plant:

Charles and Water Streets, Gloucester City, NJ, formerly the Ruberoid Co., effective January 12, 1971. (It is an extension of Approval No. 164.009/93/0 dated March 29, 1966, and change of name and address of manufacturer.)

Dated: October 6, 1971.

W. F. REA III,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.71-15185 Filed 10-18-71;8:47 am]

[CGFR 71-113]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Termination of Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the Outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been terminated as herein described during the period from October 11, 1967 to February 10, 1971 (Lists Nos. 2-71 and 3-71). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b) (35 F.R. 4954)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR parts 160 to 164.

3. Notwithstanding the termination of approval listed in this document, the equipment affected may be used as long as it remains in good serviceable condition.

LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE), MODELS 3 AND 5

NOTE: Approved for use on all vessels and motorboats.

The International Cushion Co., 1110 Northeast Eighth Avenue, Fort Lauderdale, FL 33311, no longer manufactures certain kapok life preservers and Approval No. 160.002/55/1 was therefore terminated effective January 21, 1971.

The International Cushion Co., 1110 Northeast Eighth Avenue, Fort Lauderdale, FL 33311, Approval No. 160.002/56/1 expired and was terminated effective January 21, 1971.

BUOYANT APPARATUS FOR MERCHANT VESSELS

The C. C. Galbraith & Son, Inc., Manchester Avenue and Maple Place, Post Office Box 185, Keyport, NJ 07735, Approval No. 160.010/21/0 expired and was terminated effective December 20, 1970.

The Style-Crafters, Inc., Post Office Box 8277, Station A, Greenville, SC 29604 no longer manufactures certain buoyant apparatus and Approval Nos. 160.010/65/2 and 160.010/66/2 were therefore terminated effective December 3, 1970.

LIGHTS, WATER: SELF-IGNITING (CALCIUM CARBIDE—CALCIUM PHOSPHIDE TYPE), FOR MERCHANT VESSELS

The Coston Supply Co. 44 Hudson Street, New York, NY 10013, Approval No. 160.012/1/1 expired and was terminated effective December 31, 1970.

The Automatic Lite Co., 900 North Iris Avenue, Baltimore, MD 21205. Approval No. 160.012/3/1 expired and was terminated effective December 31, 1970.

LIFEFLOATS FOR MERCHANT VESSELS

The Style-Crafters, Inc., Post Office Box 8277, Station A, Greenville, SC 29604, no longer manufactures certain lifefloats and Approvals Nos. 160.027/67/2 and 160.027/68/2 were therefore terminated effective December 3, 1970.

BUOYANT VESTS, KAPOK, OR FIBROUS GLASS

For motorboats of classes A, 1, or 2 not carrying passengers for hire.

The Liberty Cork Co., Inc., 123 Whitehead Avenue, South River, NJ 08882, Approvals Nos. 160.047/493/0, 160.047/494/0, and 160.047/495/0 expired and were terminated effective January 31, 1971.

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM

NOTE: For motorboats of classes A, 1, or 2 not carrying passengers for hire.

The Stearns Manufacturing Co., Division Street at 30th, St. Cloud, MN 56301, Approvals Nos. 160.052/137/0, 160.052/138/0, and 160.052/139/0 expired and were terminated effective January 14, 1971.

The Acme Products, Inc., 307 Racebrook Road, Orange, CT 06477, Approvals Nos. 160.052/325/0, 160.052/326/0, and 160.052/327/0 expired and were terminated effective January 14, 1971.

LIGHTS (WATER): ELECTRIC, FLOATING, AUTOMATIC (WITH BRACKET FOR MOUNTING) FOR MERCHANT VESSELS

The Sea Light Engineering Co., Post Office Box 409, Silver Spring, MD 20907, Approval No. 161.001/1/1 terminated effective December 31, 1970.

The Galbraith-Pilot Marine Corp., 600 Fourth Avenue, Brooklyn, NY 11215, Approval No. 161.001/2/0 expired and was terminated effective December 31, 1970.

The Coston Supply Co., Inc., 44 Hudson Street, New York, NY 10013, Approval No. 161.001/4/1 terminated effective December 31, 1970.

The Galbraith-Pilot Marine Corp., 600 Fourth Avenue, Brooklyn NY 11215, Approval No. 161.001/5/2 terminated effective December 31, 1970.

The Soderberg Manufacturing Co., Inc., 628 South Palm Avenue, Alhambra, CA 91803, Approval No. 161.001/7/0 terminated effective December 31, 1970.

The Neo Flasher Electronics Inc., 11975 Sherman Road, North Hollywood, CA 91605, Approval No. 161.001/9/0 terminated effective December 31, 1970.

SAFETY VALVES (POWER BOILERS)

The Manning, Maxwell & Moore, Inc., Stratford, Conn., Approval No. 162.001/136/1 expired and was terminated effective December 8, 1969.

BOILERS (HEATING)

The Cyclotherm Division of National-U.S. Radiator Corp., Oswego, N.Y. 13126, Approval No. 162.003/158/0 expired and was terminated effective October 6, 1969.

SAFETY VALVES (STEAM HEATING BOILERS)

The Manning, Maxwell & Moore, Inc., Stratford, Conn., Approval No. 162.012/1/1 expired and was terminated effective December 8, 1969.

The Crane Co., 836 South Michigan Avenue, Chicago, IL 60605, Approval No. 162.012/9/0 expired and was terminated effective October 11, 1967.

The J. E. Lonergan Co., 2d and Race Streets, Philadelphia, PA 19106, Approval No 162.012/20/0 expired and was terminated effective April 1, 1970.

FLAME ARRESTERS FOR TANK VESSELS

The Protectoseal Co., 1920 South Western Avenue, Chicago, IL 60608, Approval No. 162.016/34/0 expired and was terminated effective April 27, 1970.

GAUGING DEVICES, LIQUID LEVEL LIQUEFIED COMPRESSED GAS

The Shand and Jurs Co., 2600 Eighth Street, Berkeley, CA 94710, Approval No. 162.019/11/1 expired and was terminated effective January 8, 1968.

APPLIANCES, LIQUEFIED PETROLEUM GAS CONSUMING

The Magic Chef, Inc., 4931 Daggett Avenue, St. Louis, MO 63110, Approval Nos. 162.020/28/2, 162.020/29/2, 162.020/30/2, 162.020/42/2, 162.020/43/2, 162.020/44/2, 162.020/46/1, 162.020/91/0, 162.020/92/0, 162.020/93/0, and 162.020/94/0 expired and were terminated effective May 3, 1970.

The Vulcan-Hart Manufacturing Co., 3600 North Point Boulevard, Baltimore, MD 21222, Approval No. 162.020/57/0 expired and was terminated effective March 3, 1969.

The Malleable Steel Range Manufacturing Corp., South Bend, IN 46621, Approval Nos. 162.020/83/0, 162.020/84/0, 162.020/85/0, 162.020/86/0, 162.020/87/0, 162.020/88/0, 162.020/89/0, and 162.020/90/0 expired and were terminated effective January 18, 1970.

INDICATORS, BOILER WATER LEVEL, SECONDARY TYPE

The Clark-Reliance Corp., 15901 Industrial Parkway, Cleveland, OH 44135,

Approval Nos. 162.025/57/1–59/1, 162.025/60/1–62/1, 162.025/66/1–68/1, and 162.025/77/0–79/0 expired and were terminated effective May 27, 1969.

The Clark-Reliance Corp., 15901 Industrial Parkway, Cleveland, OH 44135, Approvals Nos. 162.025/80/0–82/0 expired and were terminated effective June 5, 1969.

The Clark-Reliance Corp., 15901 Industrial Parkway, Cleveland, OH 44135, Approvals Nos. 162.025/93/0–95/0 expired and were terminated effective May 6, 1969.

BACKFIRE FLAME CONTROL, GASOLINE ENGINES; FLAME ARRESTERS; FOR MERCHANT VESSELS AND MOTORBOATS

The Kiekhaefer Corp., Fond du Lac, Wis., Approval No. 162.041/15/0 expired and was terminated effective November 30, 1970.

The Fisher Corp., 1625 West Maple Road, Troy, MI 48084, Approvals Nos. 162.041/19/0, 162.041/20/0, 162.041/21/0, 162.041/22/0, 162.041/23/0, 162.041/24/0, 162.041/25/0, 162.041/26/0, 162.041/27/0, and 162.041/28/0 expired and were terminated effective February 9, 1971.

The Fisher Corp., 1625 West Maple Road, Troy, MI 48084, Approvals Nos. 162.041/29/0, 162.041/30/0, 162.041/31/0, 162.041/32/0, 162.041/33/0, 162.041/34/0, 162.041/35/0, 162.041/36/0, 162.041/37/0, 162.041/38/0, 162.041/39/0, 162.041/40/0, 162.041/41/0, 162.041/42/0, 162.041/43/0, and 162.041/76/0 expired and were terminated effective February 10, 1971.

Dated: October 7, 1971.

W. F. REA III,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.71-15186 Filed 10-18-71;8:47 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 3 (Health Services and Mental Health Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (33 F.R. 15953, October 30, 1968), as amended, is hereby amended with regard to section 3-B, *Organization*, as follows:

Following the final paragraph, entitled *Field Organization*, under the centerhead Federal Health Programs Service (3U00), insert a new centerhead and succeeding paragraphs reading:

HEALTH MAINTENANCE ORGANIZATION SERVICE (3V00)

To improve the Nation's health system, (1) fosters the development of health maintenance organizations (defined as organized systems of health care each of which accepts the responsibility to provide, or otherwise assure the delivery of, an agreed upon plan of comprehensive health maintenance and treatment services for a voluntarily enrolled group of persons in a geographic area, with reimbursement furnished through a prenegotiated and fixed periodic payment made by or on behalf of each person or family unit enrolled in the plan); (2) develops, coordinates, and evaluates DHEW functions relative to the planning and operation of health maintenance organizations; (3) serves as the DHEW clearinghouse for information on HMO's; (4) functions as the "lead" agency with other portions of DHEW in the planning and development of HMO's; (5) acts as an integrating influence among HSMHA's comprehensive health care programs, both at Headquarters and through the national HMO Regional network, focusing primarily upon policy development and interpretation, providing resources and technical assistance, analyzing and evaluating, and giving advice and consultation on administrative, management, policy, and program matters; (6) serves as the referral point for HMO planning and operating grants and contracts administration; (7) prepares guidelines for the staff in the Regional Offices; and (8) performs special studies and in-depth reviews of HMO's, with participation of Regional Office personnel.

Dated: October 12, 1971.

R. H. BRADY,
Assistant Secretary for Administration and Management.

[FR Doc.71-15191 Filed 10-18-71;8:48 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-369A, 50-370A]

DUKE POWER CO.

Notice of Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters

The Commission has received pursuant to section 105c of the Atomic Energy Act of 1954, as amended (the Act), the following advice from the Attorney General of the United, dated September 29, 1971:

You have requested our advice pursuant to the provisions of section 105 of the Atomic Energy Act of 1954, 68 Stat. 919, 42 U.S.C. 2011–2296 as recently amended by Public Law 91-560, 84 Stat. 1472 (December 19, 1970), in regard to the above cited application.

A description of the applicant, its history and structure, conduct with respect to smaller systems and our conclusions based thereon was recently transmitted to you in connection with your request for our advice on Duke Power Co.'s application to operate Oconee Units 1, 2, and 3, AEC Dockets Nos. 50-269, 270, and 50-287. For your convenience we attach a copy. (See 36 F.R. 17892 (September 4, 1971).)

Power from the McGuire units is not proposed to be marketed separately but it is to be added to applicant's integrated system as is the power from the Oconee units. Applicant's answers to the Attorney General's questions indicate an estimated fixed cost for the McGuire units and associated bulk transmission at $34.10 per kw. per year (4.87 mills/kw.-hr.) as compared to $26.75 per kw. per year (3.82 mills/kw.-hr.) for the Oconee units. The production expense estimated for the units in both applications was the same: 1.95 mills/kw.-hr. Except for the higher fixed charges estimated for the McGuire unit, the facts upon which our advice regarding the McGuire units must be based are identical to those stated in our letter on the earlier application. We note that a number of North Carolina municipals who expressed their interest in antitrust issues concerning the Oconee units express identical interests herein.

We therefore recommend that a hearing be held to determine whether the licensee's proposed activities under the subject license will create or maintain a situation inconsistent with the policies of the antitrust laws.

Section 2.716 of your Commission's rules of practices appears to permit consolidation of proceedings in certain circumstances. We believe you may find those circumstances exist with respect to proceedings in connection with the McGuire and Oconee applications.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's rules of practice, 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed within thirty (30) days after publication of this notice in the FEDERAL REGISTER, either (1) by delivery to the AEC Public Document Room at 1717 H Street NW., Washington, DC, or (2) by mail or telegram addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch.

For the Atomic Energy Commission.

LYALL JOHNSON,
Director, Division of State and Licensee Relations.

[FR Doc.71-15163 Filed 10-18-71;8:45 am]

[Docket No. 50-255]

CONSUMERS POWER CO.

Order Convening Evidentiary Hearing

In the matter of Consumers Power Co. (Palisades Plant); Docket No. 50-255.

Take notice that, pursuant to the Atomic Energy Act, as amended, and the rules of practice of the Atomic Energy Commission, an evidentiary hearing in this proceeding to receive oral presentations pertinent to the request for a license

for 20 percent of rated power of this nuclear power facility, shall convene at 2 p.m., local time, on Monday, October 25, 1971, in the Van Deusen Auditorium of the City Library System, 312 South Rose Street, Kalamazoo, MI.

Issued: October 15, 1971, Germantown, Md.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.71-15263 Filed 10-18-71;8:51 am]

CIVIL AERONAUTICS BOARD

[Docket No. 22628; Order 71-10-36]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Issued under delegated authority October 8, 1971.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conference 3-1 of the International Air Transport Association (IATA). The agreement, which was adopted by mail vote, has been assigned the above-designated CAB agreement number.

The agreement amends the existing resolution pertaining to construction rules for passenger fares so as to add routings on North and Central Pacific sectors which will enable operations by TWA in conformance with its route authority.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that Resolution JT31(Mail 203)014a which is incorporated in Agreement CAB 22664 is adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That:

Action on Agreement CAB 22664 be and hereby is deferred with a view toward eventual approval.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-15203 Filed 10-18-71;8:49 am]

[Docket No. 23333; Order 71-10-44]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Rate Matters

Issued under delegated authority October 12, 1971.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA). The agreement, which was adopted by mail vote, has been assigned the above-designated CAB agreement number.

The agreement amends the resolution governing the rounding-off of cargo rates by the inclusion of the currency of Equatorial Guinea.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the following resolutions which are incorporated in Agreement CAB 22725, are adverse to the public interest or in violation of the Act:

IATA Resolution number	
100(Mail 879)023b.	JT123(Mail 673)023b.
200(Mail 119)023b.	JT31(Mail 204)023b.
300(Mail 365)023b.	JT123 (Mail 673) 023b.
JT12(Mail 776)023b.	

Accordingly, it is ordered, That:

Action on Agreement CAB 22725 be and hereby is deferred with a view toward eventual approval.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-15204 Filed 10-18-71;8:50 am]

[Docket No. 20993; Order 71-10-45]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority October 12, 1971.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA) and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated October 4, 1971, names additional specific commodity rates which reflect significant reductions from the general cargo rates, as set forth in the attachment hereto.[1]

[1] Filed as part of the original document.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act, provided that tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on agreement CAB 22332, R-37 through R-46, be and hereby is deferred with a view toward eventual approval, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication; provided further that tariff filings shall be marked to become effective on not less than 30 days notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-15205 Filed 10-18-71;8:50 am]

[Docket No. 23333; Order 71-10-49]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Cargo Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of October 1971.

By Order 71-7-23, dated July 2, 1971, action was deferred, with a view toward eventual approval, on a resolution embodied in agreements adopted for early effectiveness by the Traffic Conferences of the International Air Transport Association (IATA) during the course of the worldwide cargo rate conference held in Singapore, May-June, 1971. The resolution would revalidate and amend IATA Resolution 512b (Air Cargo Rates—Airport-to-Airport) which delineates services that may be provided by carriers at the agreed-upon airport-to-airport rates and requires that charges be imposed for all other services. In deferring action on this resolution, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

The American Importers Association (AIA) has filed a petition for review of Order 71-7-23, supra, insofar as it relates to the proposed revalidation of Resolution 512b's provision governing the free storage of inbound shipments.[1] AIA reasserts its opposition to this provision, which was amended effective October 1, 1969, at the IATA worldwide cargo conference in Athens so as to have the effect of reducing from 3 to 2 days the period

[1] Although this petition was not received within the prescribed 10-day period, we will consider the comments of AIA.

of free storage after arrival of shipments at U.S. airports, and requests that the Board disapprove the proposed revalidation. AIA incorporates by reference its earlier submissions on this matter when it was before the Board in Docket 20993.

With the exception noted below, we will herein finalize the tentative finding set forth in Order 71–7–23. AIA's position with respect to the instant revalidation of the inbound storage provisions is based on its earlier submissions which the Board has reviewed and found to be unpersuasive.[2] To the extent that AIA alleges the Board erred in such findings, this is a matter currently pending before the U.S. Court of Appeals for the District of Columbia Circuit, American Importers Association v. Civil Aeronautics Board, et al., No. 24849. AIA has not attempted at this time to present new facts or issues upon which the Board could determine that the carriers' revalidations, for a further period of effectiveness, of their agreement governing storage of inbound shipments would be adverse to the public interest or in violation of the Act. For example, AIA has not updated or improved the earlier survey among its members, upon which its previous contentions were based and which the Board found did not show (1) that the inbound storage provisions fail to provide an adequate period of free storage, or (2) that the experience of importers under amended storage rules, as conditioned by the Board,[3] differed significantly from prior experience. We would add that with the exception of AIA submissions, the Board has not received any indications of dissatisfaction or difficulty with the IATA inbound storage provisions now sought to be extended for an additional period.

To the extent that the subject resolution would be amended so as to increase from $1.20 to $1.50 the additional fee imposed in the Federal Republic of Germany for air waybills not executed by agents or shippers, the Board will further defer action insofar as it would apply in air transportation to the United States, the District of Columbia, and the Commonwealth of Puerto Rico, consistent with our action in Order 71–9–124, September 30, 1971.

Except to the extent that action is deferred on that portion of Agreement CAB 22460, R–6, which would apply increased charges in air transportation to the United States, the District of Columbia, and the Commonwealth of Puerto Rico for the execution of air waybills by other than agents or shippers in the Federal Republic of Germany, the Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find that the subject agreement is adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That:

1. Action on that portion of agreement CAB 22460, R–6, which provides for an increased charge for the execution of air waybills originating in the Federal Republic of Germany by other than agents or shippers is deferred for a further period of time insofar as it would apply in air transportation to the United States, the District of Columbia, and the Commonwealth of Puerto Rico;

2. Except as ordered in paragraph 1 above, the action of the Chief, Passenger and Cargo Rates Division, Bureau of Economics, in Order 71–7–23 is affirmed, and agreement CAB 22460, R–6, be and hereby is approved; and

3. The petition of the American Importers Association is denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71–15206 Filed 10–18–71;8:50 am]

[Order 71–10–56]

PERFORMANCE OF HOUSEHOLD GOODS SERVICES FOR DEPARTMENT OF DEFENSE

Order Granting Temporary Relief to Unauthorized Indirect Air Carriers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of October 1971.

At the request of the Department of Defense (DOD), the Board has granted temporary relief from provisions of the Federal Aviation Act of 1958 to permit unauthorized indirect air carriers to transport by air used household goods[1] of DOD personnel. The Board has granted this relief to thirty indirect air carriers at the request of DOD. The attached appendix identifies the thirty carriers and cites the order granting authority to each. The relief granted by these orders will expire October 14, 1971.

By letter of September 17, 1971, DOD has requested the Board to extend the temporary relief granted to these carriers. DOD represents that these companies are performing a valuable service, and that termination of such relief would have an extremely detrimental impact upon the Department. DOD requests that this authority be extended pending the Board's final disposition of the Household Goods Air Freight Forwarder Investigation, Docket 20812.

In view of the foregoing circumstances, the Board finds that it is in the public interest to extend the temporary relief from the provisions of the Act for those carriers whose services have been requested by DOD to transport by air used household goods. We will extend the relief until 180 days after final decision in Docket 20812, or until final disposition of a carrier's application for air freight forwarder authority, whichever occurs first.

Accordingly, it is ordered:

1. That pursuant to sections 101(3) and 204 of the Federal Aviation Act of 1958, as amended, the persons listed in the appendix hereto are hereby relieved from the provisions of title IV and section 610(a)(4) of the Act to the extent necessary to transport by air used household goods of personnel of DOD upon tender by that Department;

2. That the relief granted herein shall become effective October 15, 1971, and shall terminate 180 days after the Board's decision in Docket 20812 becomes final or, as to each individual company named in the appendix hereto, upon Board disposition of such company's application for air freight forwarder and/or international air freight forwarder authority, whichever event shall occur first;

3. That this order may be amended or revoked at any time in the discretion of the Board, without hearing; and

4. That copies of this order shall be served on the Military Traffic Management and Terminal Service, U.S. Army, and all persons listed in appendix A.

This order shall be pubilshed in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

APPENDIX

ORDER 69–10–60, OCTOBER 13, 1969

American Ensign Van Service, Inc., 640 Avalon Boulevard, Suite 1, Post Office Box 2270, Wilmington, CA 90744.
Asiatic Forwarders, Inc., 335 Valencia Street, San Francisco, CA 94103.
CTI-Container Transport International, Inc., 17 Battery Place, New York, NY 10004.
Four Winds Forwarding, Inc., 7715 Convoy Court, Post Office Box 2184, San Diego, CA 92111.
HC&D Moving & Storage, 321 Valencia Street San Francisco, CA 94103.
Imperial Household Shipping Co., Inc., Post Office Box 20124, 9675 Fourth Street North, St. Petersburg, FL 33702.
International Sea Van, Inc., 1212 St. George Road, Post Office Box 509, Evansville, IN 47711.
North American Van Lines, Inc., Post Office Box 988, Fort Wayne, IN 46801.

ORDER 70–10–45, OCTOBER 8, 1970

Aero Mayflower Transit Co., Inc., Post Office Box 107, Indianapolis, IN 46206.
Allied Van Lines, Inc., 25th Avenue at Roosevelt Road, Post Office Box 4403, Chicago, IL 60680.
Astron Forwarding Co., 75 Market Street, Post Office Box 161, Oakland, CA 94604.
Davidson Forwarding Co., 3180 V Street NE., Washington, DC 20018.

[2] Order 69–9–90, dated Sept. 15, 1969; Order 70–5–93, dated May 19, 1970; and Order 70–10–53, dated Oct. 9, 1970.

[3] The Board's condition requires that free storage time will not commence until the day following notification to the consignee or his agent that a shipment has arrived and is available for Customs clearance. Pursuant to a basic outstanding Board condition of the IATA traffic conference machinery, this condition on Resolution 512b will be carried forward without a restatement.

[1] The term "used household goods" means personal effects (including unaccompanied baggage) and property used or to be used in a dwelling when a part of the equipment or the supply of such dwelling, but specifically excludes (1) furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals, or other establishments, when a part of the stock, equipment, or supply of such stores, offices, museums, institutions, hospitals, or other establishments, and (2) objects of art (other than personal effects), displays and exhibits.

Fernstrom Storage & Van Co., 5600 North River Road, Rosemont, IL 60018.
Home-Pack Transport, Inc., 5748 49th Street, Maspeth, NY 11378.
King Van Lines, Inc., Box 18268, 7707 East Harry Street, Wichita, KS 67218.
Richardson Transfer & Storage Co., Inc., 246 North Fifth Street, Salina, KS 67401.
Smyth Worldwide Movers, Inc., 11616 Aurora Avenue North, Seattle, WA 98133.

ORDER 71-2-82, FEBRUARY 17, 1971

Air Van Lines, Inc., 135 Post Road, Anchorage, AK 99501.
Burnham Van Service, Inc., 1636 Second Avenue, Box 1125, Columbus, GA 31902.
Suddath Van Lines, Inc., 525 Stevens Street, Post Office Box 6699, Jacksonville, FL 32205.
United Van Lines, Inc., No. 1 United Drive, Fenton Street, St. Louis, MO 63026.
Von der Ahe Van Lines, Inc., 600 Rudder Avenue, Fenton, MO 63026.
Door to Door International, Inc., 308 Northeast 72d Street, Seattle, WA 98115.
Republic Van & Storage Co., Inc., Post Office Box 8615, 9219 Harford Road, Baltimore, MD 21234.
Trans-American Van Service, Inc., 7540 South Western Avenue, Chicago, IL 60620.

ORDER 71-5-66, MAY 13, 1971

American Red Ball Transit Co., 200 Illinois Building, Indianapolis, Ind. 46209.
Getz Bros. and Co., U.S., 640 Sacramento Street, San Francisco, CA 94111.
Neptune Thru-Container Corp., 55 Weyman Avenue, New Rochelle, NY 10805.

ORDER 71-6-114, JUNE 22, 1971

Karevan, Inc., 534 Westlake Avenue North, Post Office Box 9240, Queen Anne Station, Seattle, WA 98109.

ORDER 71-8-116, AUGUST 30, 1971

DeWitt Freight Forwarding, 6060 North Figueroa Street, Los Angeles, CA 90042.

[FR Doc.71-15207 Filed 10-18-71;8:50 am]

ENVIRONMENTAL PROTECTION AGENCY

[I. F. & R. Dockets Nos. 14 and 53]

PHENYLMERCURIC ACETATE PRODUCTS

Determination and Order

In regard Algimycin "200" EPA Reg. No. 7364-6, Algimycin "300" EPA Reg. No. 7364-7, Industrial Algimycin MT-4 EPA Reg. No. 7364-5, Great Lakes Biochemical Co., Inc., Petitioner; I. F. & R. Dockets Nos. 14 and 53.

This proceeding involves a challenge by Great Lakes Biochemical Co., Inc., pursuant to section 4.c. of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 135b(c)), to orders canceling the registration of three phenylmercuric acetate products used as algicides and slimicides in swimming pools and cooling towers. For the reasons that follow, our original determination to cancel the registration of these products is affirmed. Moreover, as explained below, I have also concluded that the evidence now available establishes that the continued registration of these products poses an imminent hazard to the public which should not be permitted to continue during the pendency of any further administrative proceedings. Consequently, I am suspending the registrations of these products immediately.

On July 22, 1969, the Department of Agriculture issued a notice advising Great Lakes that registration of its Algimycin "200" and "300" products would be canceled because of questions which had been raised with respect to the safety of these products.[1] Great Lakes thereupon filed a petition requesting that a scientific advisory committee be convened to investigate the scientific data relevant to the registration of the products.

On August 7, 1970, the Department of Agriculture issued a notice (PR Notice 70-18) advising all registrants of mercury products used for algicidal, slimicidal or laundering purposes that the registration of such products would be canceled. The cancellation notice pointed out that residues of mercury in water and marine life were increasing and stated that mercury bearing compounds whose use resulted in water contamination were potentially injurious to man and his environment. This notice of cancellation affected the registration of Great Lakes "Industrial Algimycin MT-4" as well as the two Great Lakes products affected by the earlier notice of cancellation. Great Lakes then filed a petition requesting that the scientific questions raised by the second notice of cancellation also be referred to a scientific advisory committee.

On July 6, 1971, the Advisory Committee, which was convened at the request of Great Lakes, issued its report and recommended that the cancellation of the subject registrations be sustained. The findings and determination set forth below are based upon my consideration of the views of the Committee and the other data available to me.

FINDINGS OF FACT

A. *Physical properties.* 1. The subject products all contain the primary active ingredient phenylmercuric acetate, a mercury bearing compound. Mercury in all its forms is essentially indestructible.

2. Phenylmercuric acetate is a white compound of mercury which is only slightly soluble in hot or cold water, but is soluble in alcohol, benzene and glacial acetic acid. The compound melts at 149° C.

B. *Translocation and transformation.* 3. 534,000 pounds of phenylmercuric acetate were produced in this country in 1969 for herbicidal and fungicidal use. The toxicity of phenylmercuric acetate to algae is the basis for its use in swimming pools and water cooling towers.

4. Phenylmercuric acetate is readily transported from the point of application. Its use in connection with swimming pools and water cooling towers thus leads to its introduction into the general environment via storm sewers, sewage treatment plants, and by direct discharge into rivers and streams.

5. After its release into the general environment, phenylmercuric acetate settles into bottom sediments of streams and rivers.

6. Bacteria in bottom sediments convert phenylmericuric acetate into various methylmercury compounds.

C. *Toxicological properties of phenylmercuric acetate and methylmercury compound.* 7. Phenylmercuric acetate is a highly toxic chemical with an acute oral LD_{50} for rabbits, rats, and mice ranging from 5 to 25 milligrams per kilogram and a 24-hour LC_{50} for rainbow trout of 0.005 p.p.m.

8. Phenylmercuric acetate is stored in the human body, especially in the kidneys and liver, and contributes to the total body burden of heavy metals. Over extended periods of exposure, as little as 0.5 parts per million in the diet of female rats have caused renal lesions. Any chronic effects may be aggravated in persons suffering from kidney disease.

9. High residues of mercury in the hair of elementary schoolchildren (reflecting internal exposure) have been traced to the use by the children of an institutional pool treated with phenylmercuric acetate as an algicide.

10. The lack of long-term studies leaves many unanswered questions of safety concerning the exposure of all age groups to phenylmercuric acetate through its use in swimming pools.

11. Man absorbs from ingested food practically all of the methylmercury present.

12. Methylmercury in man is relatively stable, i.e., it is not converted to other forms of mercury.

13. Because of the slow elimination rate of methylmercury in man (the half life is 70-90 days), the steady state between uptake and elimination is reached approximately 1 year after exposure has started.

14. Methylmercury has a propensity for the human nervous system and about 10 percent of the total body burden lodges in the head and, more specifically, presumably in the brain.

15. Methylmercury is neurotoxic.

16. Postnatal methylmercury poisoning is not easy to diagnose, especially in mild cases.

17. Apart from raised mercury levels in blood and hair, there are no clear and common positive indicators of methylmercury poisoning discernible by clinical laboratory investigation.

[1] Under the Act the agency is obligated to initiate the administrative cancellation process whenever a substantial doubt arises as to the validity of a continued use of a particular economic poison. See EDF v. Ruckelshaus, 439 F. 2d 584 (C.A.D.C.). A registrant may continue to distribute his product in interstate commerce during the pendency of that administrative process. In that connection, the Act gives the agency the authority to suspend the registration of a product immediately—thus precluding its distribution in interstate commerce pending the completion of the administrative proceedings—when an "imminent hazard" to the public exists. The procedures to be followed under the Act are explained in EDF v. Ruckelshaus, supra, and in a policy statement captioned "Reasons Underlying the Registration Decisions Concerning Products Containing DDT, 2,4,5,-T, Aldrin and Dieldrin" issued by the agency on March 18, 1971 (hereinafter referred to as the "March 18 Statement").

18. Diagnosis of methylmercury poisoning is based on neurological symptoms. Brain lesions which cannot be diagnosed by available methods may occur at lower exposures and levels than those which cause neurologic symptoms. Moreover, compensatory mechanisms of the nervous system can delay clinical recognition of methylmercury poisoning, even though brain damage has already occurred.

19. Presently available data are insufficient to establish the severity of the long-term effects of subclinical methylmercury poisoning on man.

20. In nonfatal cases of methylmercury poisoning, disability can persist for an extended period of time.

21. There are no drugs for the treatment of methylmercury poisoning whose value is established.

22. There probably are individual variations in sensitivity to methylmercury.

23. Methylmercury is teratogenic. Prenatal methylmercury poisoning cannot be distinguished from other types of cerebral palsy and diagnosis would have to be done epidemiologically with the support of mercury levels in blood and hair.

24. In man, concentrations of methylmercury in fetal blood are about 20 percent higher than in the mother's blood. There is a greater risk of methylmercury poisoning to the fetus than to the mother. Affected children can be born to mothers showing no clinical symptoms of methylmercury poisoning.

25. Methylmercury has been shown to be mutagenic to test organisms, while a correlation has been shown to exist in man between frequency of chromosome breakage in lymphocytes and mercury level in blood cells. Thus, it must be assumed that man's exposure to methylmercury involves certain genetic risks; however, it is not possible with presently available data to estimate the extent of such risks.

26. An intake by man of 0.8 mg. per day of mercury (as methylmercury), corresponding to a level of 0.8 μg./g. of mercury (as methylmercury) in whole blood, may be fatal.

27. Clinically manifest poisoning of adults sensitive to methylmercury may occur at a level in whole blood of 0.2 μg./g. mercury (as methylmercury) which can be reached on exposure to about 0.3 mg. mercury (as methylmercury) per day.

D. *Environmental aspects.* 28. Mercury in an aquatic environment is utilized by low forms of life. It passes through the steps in the food chain and is eventually consumed by the higher forms of life, including vertebrate species. Mercury tends to concentrate in living tissue once it has been assimilated, and the extent of the concentration may increase with each step in the food chain, from plankton to man. Permanent harm to each organism in the food chain may occur if that organism's threshold for mercury is exceeded.

29. Specific information on the turnover and translocation of mercury in aquatic organisms other than fish is scarce. When mercury in their environment exceeds certain levels, fish cannot eliminate mercury from their muscle tissues faster than it is incorporated and accumulation occurs. Mercury in fish muscle accumulates almost exclusively as methylmercury.

30. Mercury has been identified as the cause of specific fish kills. For example, in Boone Reservoir, Tenn., residues of phenylmercuric acetate killed over 500,000 fish during the period July 9–13, 1968, and over 2,300,000 fish during the period April 9–14, 1969.

31. Mercury contaminated fish constitute a hazard to the survival of predators which may seek them as food.

32. Reproduction of birds is severely reduced by dietary exposure to mercurial compounds.

33. Terrestial food crops, like aquatic organisms, absorb mercury from the soil and water in which they grow.

E. *Alternatives to algimycin products.* 34. As the Advisory Committee has indicated (see Report, pp. 7–8), there are cultural and chemical alternative methods for the control of algae in swimming pools and water cooling towers which are safer than and equally as effective as the subject products. Since these alternatives do exist, there is no public health or environmental cost connected with foregoing the use of Algimycin as an algicide or slimicide. Stated otherwise, no significant positive benefit not otherwise obtainable accrues from the use of Algimycin.

DETERMINATION

The facts found above lead me to conclude that the foreseeable hazards from the use of the subject products outweigh whatever minimal benefits might be conferred by their continued use. Consequently, I determine that they are misbranded within the meaning of sections 2.z(2)(c), 2.z(2)(d), and 2.z(2)(g) of the FIFRA (7 U.S.C. 135(z)(2)(c), (d) and (g)) and that their registrations should be canceled.

Since the use of the subject products involves the direct contamination of water and thus readily contributes to the adverse environmental consequences outlined above, I have determined that the continued registration of these products during the pendency of the administrative review proceedings which the registrant may invoke would result in a steadily increasing danger to the health of man and would involve a serious threat of injury to aquatic organisms, particularly to fish. In the light of the absence of positive benefits accruing from the use of the subject products, and in accordance with the standards articulated in the March 18 Statement, I conclude that their registration constitutes an "imminent hazard to the public" within the meaning of the FIFRA. Accordingly, the subject registrations must be suspended immediately.[3]

ORDER

It is ordered that the cancellations of registrations 7364–5, 7364–6 and 7364–7 are affirmed. It is further ordered that those registrations are suspended immediately.

ROBERT W. FRI,
Deputy Administrator,
Environmental Protection Agency.

OCTOBER 7, 1971.

[FR Doc.71–15162 Filed 10–18–71;8:45 am]

COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST

Notice of Proposed Addition to Initial List

Notice is hereby given pursuant to section 2(a)(2) of the Act to Create a Committee on Purchases of Blind-Made Products, as amended, 85 Stat. 79, of the proposed addition of the following commodities and services to the Initial Procurement List published on pages 16982 through 16997 of the FEDERAL REGISTER of August 26, 1971.

Class 5440:	
Stepladder, aluminum	5440–514–4483
Do	5440–514–4485
Do	5440–514–4487
Class 7210:	
Bedspreads	7210–728–0173
Do	7210–728–0175
Do	7210–728–0176
Do	7210–728–0177
Do	7210–728–0178
Do	7210–728–0179
Do	7210–728–0180
Do	7210–728–0181
Do	7210–728–0182
Do	7210–728–0183
Do	7210–728–0184
Do	7210–728–0185
Do	7210–728–0192
Do	7210–728–0193
Do	7210–728–0194
Do	7210–728–0195
Do	7210–728–0196
Do	7210–728–0197

[3] The Advisory Committee convened to consider the Algimycin products also recommended the reduction in use of other "more extensively used phenylmercurials." (Report, p. 24; see also pp. 25–26). In this connection, this Agency is currently concluding its review of all other pesticidal products containing mercury to determine whether they present imminent hazards or substantial questions of safety which would justify suspension or cancellation of their registrations (see Mar. 18 Statement, p. 22). Action with respect to the registrations of those products will be taken in the near future.

Class 7210—Continued
Bedspreads—Continued
Do ---------- 7210-193-0135
Do ---------- 7210-193-0136
Do ---------- 7210-193-0140
Do ---------- 7210-193-0146
Do ---------- 7210-193-0155
Do ---------- 7210-193-0161
Do ---------- 7210-193-0164
Do ---------- 7210-193-0167
Do ---------- 7210-408-2803
Class 7510:
File backer, paper ---------- 7510-285-2567
Binder, looseleaf, presentation style ---------- 7510-582-5398
Do ---------- 7510-582-5399
Do ---------- 7510-582-5400
Portfolio, double pocket, presentation ---------- 7510-584-2489
Do ---------- 7510-584-2490
Do ---------- 7510-584-2491
Do ---------- 7510-584-2492
Binder, looseleaf, vinyl ---------- 7510-766-4269
Do ---------- 7510-782-2663
Do ---------- 7510-782-2664
Do ---------- 7510-889-3494
Do ---------- 7510-965-2442
Do ---------- 7510-984-5787
Erasure, mechanical ---------- 7510-865-5292
Do ---------- 7510-082-2665
Class 7520:
Stand, calendar, plastic ---------- 7520-162-6153
Do ---------- 7520-162-6156
Pencil, mechanical, china marking ---------- 7520-223-6672
Do ---------- 7520-223-6673
Do ---------- 7520-223-6674
Do ---------- 7520-223-6675
Do ---------- 7520-223-6676
Do ---------- 7520-268-9912
Do ---------- 7520-268-9913
Pad, desk, blotter ---------- 7520-224-7238
Holder, desk, memo ---------- 7520-290-6445
Marker, tube type, felt tip ---------- 7520-973-1059
Do ---------- 7520-973-1060
Do ---------- 7520-973-1061
Do ---------- 7520-973-1062
Do ---------- 7520-079-0285
Do ---------- 7520-079-0286
Do ---------- 7520-079-0287
Do ---------- 7520-079-0288
Class 7530:
Envelope, wallet ---------- 7530-579-9537
Do ---------- 7530-268-3993
Do ---------- 7530-268-3994
Do ---------- 7530-281-4844
Do ---------- 7530-281-4846
Do ---------- 7530-281-4847
Do ---------- 7530-281-5976
Do ---------- 7530-281-5977
Folder, file ---------- 7530-707-8406
Do ---------- 7530-281-5905
Do ---------- 7530-281-5906
Do ---------- 7530-286-6923
Do ---------- 7530-286-6924
Do ---------- 7530-286-6926
Do ---------- 7530-286-7286
Do ---------- 7530-286-7287
Do ---------- 7530-286-8570
Do ---------- 7530-286-8571
Jacket, filing, wallet ---------- 7530-285-2913
Do ---------- 7530-285-2914
Do ---------- 7530-285-2915
Do ---------- 7530-285-2916
Do ---------- 7530-285-2917
Pad, writing paper ---------- 7530-285-3083
Do ---------- 7530-285-3088
Do ---------- 7530-285-3090
Do ---------- 7530-239-8479
Folder, file ---------- 7530-286-6925
Do ---------- 7530-286-7080
Do ---------- 7530-286-7244
Do ---------- 7530-286-7253
Folder, file ---------- 7530-889-3555
Do ---------- 7530-926-8978
Do ---------- 7530-926-8980
Do ---------- 7530-926-8981
Do ---------- 7530-926-8982
Do ---------- 7530-926-8983
Class 7530—Continued
Folder, file—Continued
Do ---------- 7530-926-8984
Do ---------- 7530-281-5907
Do ---------- 7530-281-5908
Do ---------- 7530-559-4512
Class 7920:
Applicator, wax ---------- 7920-633-8744
Pad, wax applicator ---------- 7920-633-9274
Brush, file cleaner ---------- 7920-224-7987
Class 8340:
Tent, shelter half ---------- 8340-577-4168
Class 8345:
Flag, national, U.S., interment ---------- 8345-852-4565
Class 8415:
Headband, soldier's steel helmet liner ---------- 8415-153-6671
Class 8465:
Bag, sleeping, paper ---------- 8465-08R-3020
Carrier, intrenching tool, cotton duck ---------- 8465-144-6024
Field pad, canvas, combat ---------- 8465-823-7622
Marker, tube type, fine tip.
Mat, door: GSA purchase description (unnumbered) molded polyethylene in blade form, pigmented green simulating appearance of natural grass 36" x 22" size.
Pencil, synthetic net ----------

MILITARY RESALE ITEMS

	Item No.
Scrubber, synthetic net	7330-B510-944
Mop, dish and bottle	7330-B510-950
Broom, corn w/plastic cap	7920-B510-904
Broom, whisk, all plastic	7920-B510-910
Applicator, wax, acrylic pad, w/handle	7920-B510-930
Refill, acrylic pad w/wax applicator	7920-B510-938

SERVICES

Data processing services.
Sorting small hardware for jet engines, Oklahoma City, Okla.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed addition may be filed with the Committee. Communications should be addressed to the Executive Director, Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, 1511 K Street NW., Washington, DC 20005.

By the Committee.

L. F. DONAHUE,
Acting Executive Director.

[FR Doc.71-15128 Filed 10-18-71;8:45 am]

FEDERAL MARITIME COMMISSION

AMERICAN EXPORT ISBRANDTSEN LINES, INC., ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 7 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

American Export Isbrandtsen Lines, Inc., Atlantic Container Line, Ltd., Dart Containerline Inc., Hapag-Lloyd Aktiengesellschaft, Sea-Land Service, Inc., Seatrain Lines, Inc., United States Lines, Inc.

Notice of agreement filed by:

Paul J. McElligott, Esq., Ragan & Mason, The Farragut Building, 900 17th Street NW., Washington, DC 20006.

Agreement No. 9899-5, among the above-named parties, requests that the approval of the basic agreement and all amendments thereto be further extended to and including December 23, 1971.

Dated: October 15, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-15249 Filed 10-18-71;8:50 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report 565]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

OCTOBER 12, 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

[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).

domestic public radio services application appearing on the attached list, 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 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.

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File number, applicant, call sign, and nature of application

1773-C2-P-72—Radio Call Co. (KEJ902), Relocate control facilities operating on 454.100 MHz at location No. 3 to 29 Sixth Street, Bristol, TN.

1809-C2-P-72—Jennings Mobilfone (KLF584), Relocate base facilities operating on 152.06 MHz to 2.5 miles southeast of Jennings, La.

1851-C2-MP-(4)-72—The Mountain States Telephone & Telegraph Co. (KAF256), Add facilities to operate on 152.54 MHz, replace the transmitter operating on 152.63 MHz and change antenna system located at 5 miles northeast of Colorado Springs, Colo., and establish auxiliary test facilities to operate on 157.80 MHz and 157.89 MHz to be located at 17 North Weber Street, Colorado Springs, CO.

1853-C2-P-72—Central Mobile Radio Phone Service (KQK595), Replace transmitter operating on 152.15 MHz located at 505 Jefferson Avenue, Toledo, OH.

1854-C2-P-(2)-72—Central Mobile Radio Phone Service (KQD599), Replace transmitters operating on 152.12 MHz and 152.15 MHz located at 2200 Victory Parkway, Cincinnati, OH.

1854-C2-P-(2)-72—Central Mobile Radio Phone Service (KQD599), Replace transmitters operating on 152.03 MHz and 152.21 MHz located at 21 South Belmont Street, Springfield, OH.

1874-C2-AL-(2)-72—Capitol Telephone Co., Consent to assignment of license from Capitol Telephone Co., Assignor, to the Lincoln Telephone & Telegraph Co., Assignee. Stations: KDN403 Hickman, Nebr., and KDN404 Liberty, Nebr.

1875-C2-AL-72—Telephone Answering Exchange of Hempstead, Inc., Consent to assignment of license from Telephone Answering Exchange of Hempstead, Inc., Assignor, to Beep Communication Systems, Inc., Assignee. Station: KEA255 Hempstead, N.Y.

1912-C2-P-72—Mount Vernon Telephone Co. (New), New two-way station to be located at 1.6 miles southeast of Verona, Wisc., to operate on 152.57 MHz.

1913-C2-P-(13)-72—The Mountain States Telephone & Telegraph Co. (KAA811), Add test facilities at location No. 1: 931 14th Street, Denver, CO, to operate on 459.375, 459.400, 459.425, 459.450, 459.475, 459.500, 459.525, 459.550, 459.575, 459.600, 459.625, 459.650 MHz and additional base channels to operate on 454.375, 454.400, 454.425, 454.450, 454.475, 454.500, 454.525, 454.550, 454.575, 454.600, 454.625, 454.650 MHz at a new site location No. 5: 52d Avenue and Zuni Street, Denver, CO.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE—continued

1914-C2-TC-72—Radiofone of Georgia, Inc. (KJU807), Consent to transfer of control from Radio Communications & Electronics Co., Transferor, to Wren Harris, Sr., Wren Harris, Jr., and Hugh D. Davis, Transferees. Station: KJU807 Valdosta, Ga.

1915-C2-AP/AL-(2)-72—Radio Communications & Electronics Co., Consent to assignment of license from Radio Communications & Electronics Co., Assignor to Radiofone of Georgia, Inc., Assignee. Stations: KIR202, Albany, Ga., and KSV958, Albany, Ga. (one-way).

1929-C2-TC-(3)-72—Central Telephone Co. of Illinois, Consent to transfer of control from Central Telephone Co., Transferor, to New Centel, Inc., Transferee. Stations: KRS701, KFQ929, and KSD683.

1930-C2-AL-(2)-72—Virginia Telephone & Telegraph Co., Consent to assignment of license from Virginia Telephone and Telegraph Co., Assignor, to New Virginia Telephone, Inc., Assignee. Stations: KIY771 (two-way) and KQZ725 (one-way), Charlottesville, Va.

1931-C2-TC-(2)-72—Virginia Telephone & Telegraph Co., Consent to transfer of control from Central Telephone Co., Transferor, to New Centel, Inc., Transferee. Stations: KIY771 and KQZ725 Charlottesville, Va.

1932-C2-TC-(2)-72—LaCrosse Telephone Corp., Consent to transfer of control from Central Telephone Co., Transferor, to New Centel, Inc., Transferee. Stations: KRS631 and KSJ806.

1933-C2-TC-72—Western Telephone Co., Consent to transfer of control from Central Telephone Co., Transferor, to New Centel, Inc., Transferee. Station: KLF467, Missouri.

1934-C2-TC-72—Southeastern Telephone Co., Consent to transfer of control from Central Telephone Co., Transferor, to New Centel, Inc., Transferee. Stations: KIN646 and KIY737.

1942-C2-AL-72—Central Telephone Co., Consent to assignment of license from Central Telephone Co., Assignor, to New Centel, Inc., Assignee. Station: KDT213.

1943-C2-AL-72—Central Telephone Co., Consent to assignment of license from Central Telephone Co., Assignor, to New Centel, Inc., Assignee. Station: KFL960, Worthington, Minn.

1944-C2-AL-72—Central Telephone Co., Consent to assignment of license from Central Telephone Co., Assignor, to New Centel, Inc., Assignee. Stations: KFJ882, Biscoe, N.C., KFL926, Wilkesboro, N.C., KIB386, Mount Airy, N.C., KIY598, Asheboro, N.C., KIY735, Hickory, N.C., and KRM956, Roxboro, N.C.

1945-C2-AL-72—Central Telephone Co., Consent to assignment of license from Central Telephone Co., Assignor, to New Centel, Inc., Assignee. Station, KOH273, Las Vegas, Nev.

204-C2-R-72—The Pacific Telephone & Telegraph Co. (KA4326), Renewal of license expiring Oct. 10, 1971. Term: Oct. 10, 1971 to Oct. 10, 1972 (Developmental).

Correction

2423-C2-P-(2)-71—Ram Broadcasting of Washington, Inc., Correct to read: Major amendment to 5317-C2-P-(2)-70 (New), Amend to add base frequency 43.58 MHz. See PN dated Nov. 9, 1970, Report No. 517.

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.

Michigan

166-C2-P-71—Waldo I. Wilson, New.
728-C2-P-71—Radio Dispatch Service, New.

RURAL RADIO SERVICE

1861-C1-P-72—Navajo Communications Co. (WCZ59), Change frequency to 157.86 MHz and replace transmitter. Location: 14 Km. southwest of Gallup, N. Mex.

1862-C1-P-72—Navajo Communications Co. (WCZ62), Change frequency to 157.80 MHz and replace transmitter. Location: Low Mountain School No. 1, 16 Km. northeast of Keams Canyon, Ariz.

1863-C1-P-72—Navajo Communications Co. (New), New rural subscriber station to be located at Low Mountain School No. 2, 16 Km. northeast of Keams Canyon, Ariz., to operate on 157.80 MHz.

RURAL RADIO SERVICE—continued

1864-C1-P-72—Navajo Communications Co. (New), New rural subscriber station to be located at Low Mountain School No. 3, 16 Km. northeast of Keams Canyon, Ariz., to operate on 157.80 MHz.

1865-C1-P-72—Navajo Communications Co. (WCZ60), Change frequency to 157.86 MHz and replace transmitter. Location: Ojo-Encino School No. 1, Ojo-Encino, N. Mex.

1866-C1-P-72—Navajo Communications Co. (New), New rural subscriber station to be located at Ojo-Encino School No. 2, Ojo-Encino, N. Mex., to operate on 157.86 MHz.

1867-C1-P-72—Navajo Communications Co. (WCZ58), Change frequency to 157.80 MHz and replace transmitter. Location: Smoke Signal School, 25 Km. northeast of Keams Canyon, Ariz.

1868-C1-P-72—Navajo Communications Co. (New), New rural subscriber station to be located at Dinnebito Trading Post, 16 Km. north of Hotevila, Ariz., to operate on 157.80 MHz.

1869-C1-P-72—Navajo Communications Co. (New), New rural subscriber station to be located at Rocky Ridge School, 19 Km. north of Hotevila, Ariz., to operate on 157.80 MHz.

1870-C1-P-72—Navajo Communications Co. (WCZ61), Change frequency to 157.80 MHz and replace transmitter. Location: Chilechinbito School, 22 Km. northwest of Rough Rock, Ariz.

1871-C1-P-72—Navajo Communications Co. (New), New rural subscriber station to be located at the Emmanuel Mission, Ariz., to operate on 157.80 MHz.

1872-C1-P-72—Navajo Communications Co. (New), New rural subscriber station to be located at Mexican Water, Ariz., to operate on 157.80 MHz.

1873-C1-P-72—Navajo Communications Co. (New), New rural subscriber station to be located at Low Mountain Store, 16 Km. northeast of Keams Canyon, Ariz., to operate on 157.80 MHz.

1915-C1-AL-72—Radio Communications & Electronics Co., Consent to assignment of license from Radio Communications & Electronics Co., Assignor, to Radiofone of Georgia, Inc., Assignee. Station: KJK71 Temp-Fixed.

1945-C1-AL-(9)-72—Central Telephone Co., Consent to assignment of license from Central Telephone Co., Assignor, to New Centel, Inc., Assignee. Stations: KPR57, KPR58, KPT35, KPT36, KYJ34, KYJ35, KYN94, WAN72 (all in Nevada).

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

1810-C1-P-72—American Telephone & Telegraph Co. (KLN22), Location: 7.6 miles west of Pickens, Miss., latitude 32°52'11" N., longitude 90°06'04" W. To add frequency 4150V MHz toward Durant, Miss.

1811-C1-P-72—American Telephone & Telegraph Co. (KRT27), Location: 1.6 miles northwest of Durant, Miss., latitude 33°05'25" N., longitude 89°52'28" W. To add frequency 4110V MHz toward Pickens and Williamsville, Miss.

1812-C1-P-72—American Telephone & Telegraph Co. (KRT30), Location: 1.6 miles northwest of Williamsville, Miss., latitude 33°01'53" N., longitude 89°28'52" W. To add frequency 4150V MHz toward Durant and Louisville, Miss.

1813-C1-P-72—American Telephone & Telegraph Co. (KRT28), Location: 7.5 miles west of Louisville, Miss., latitude 33°06'13" N., longitude 89°11'29" W. To add frequency 4110V MHz toward Williamsville and Mashulaville, Miss.

1814-C1-P-72—American Telephone & Telegraph Co. (KRT29), Location: 8.1 miles west of Mashulaville, Miss., latitude 33°05'55" N., longitude 88°53'14" W. To add frequency 4150V MHz toward Louisville, and Brooksville, Miss.

1815-C1-P-72—American Telephone & Telegraph Co. (KRT24), Location: 8 miles north of Brooksville, Miss., latitude 33°20'48" N., longitude 88°31'55" W. To add frequency 4110V MHz toward Mashulaville, Miss., and Carrollton, Ala.

1816-C1-P-72—American Telephone & Telegraph Co. (KRR77), Location: 4 miles northwest of Carrollton, Ala., latitude 33°18'12" N., longitude 88°09'04" W. To add frequency 4150V MHz toward Brooksville, Miss., and Gordo, Ala.

1817-C1-P-72—American Telephone & Telegraph Co. (KRS90), Location: 13.5 miles north of Gordo, Ala., latitude 33°31'13" N., longitude 87°53'09" W. To add frequency 4110V MHz toward Carrollton and Berry, Ala.

1818-C1-P-72—American Telephone & Telegraph Co. (KRR76), Location: 5 miles east-southeast of Berry, Ala., latitude 33°38'19" N., longitude 87°30'38" W. To add frequency 4150V MHz toward Gordo and Jasper, Ala.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

1819-C1-72—American Telephone & Telegraph Co. (KRS91), Location: 3.5 miles southwest of Jasper, Ala., latitude 33°47'48" N., longitude 87°20'32" W. To add frequency 4110V MHz toward Berry and 4090H MHz toward Graysville, Ala.

1820-C1-P-72—American Telephone & Telegraph Co. (KSQ55), Location: 2 miles north of Graysville, Ala., latitude 33°39'09" N., longitude 86°58'54" W. To add frequency 4050H MHz toward Jasper and Birmingham, Ala.

1821-C1-P-72—American Telephone & Telegraph Co. (KIS33), Location: 1715 Sixth Avenue North, Birmingham, AL, latitude 33°31'01" N., longitude 86°48'45" W. To add frequency 4090H MHz toward Graysville, Ala.

1850-C1-P-72—Southern Bell Telephone & Telegraph Co. (KIU56), Location: 45 North Magnolia Street, Orlando, FL, latitude 28°32'34" N., longitude 81°22'38" W. To replace transmitter with General Electric, UT-10-B.

1852-C1-P/ML-72—New York Telephone Co. (KEH95), Location: In any location within the territory of the New York Telephone Co. A developmental station to replace transmitters with Western Electric TL2, RCA TVM-6A-F, Misc. Assoc. MA85T7B-2, RCA TVT-3B, RCA TVM-13A, Misc. Assoc. MA85T13B-2.

931-C1-R-72—New York Telephone Co. (KEH95), Renewal of a developmental license expiring Nov. 1, 1971. Term: Nov. 1, 1971, to Nov. 1, 1972.

1916-C1-P/ML-72—South Central Bell Telephone Co. (KZS92), Location: Temporary fixed locations in Alabama, Kentucky, Louisiana, Mississippi, and Tennessee. Frequencies: 2110-2130 MHz, 2160-2180 MHz, 3700-4200 MHz, 5925-6425 MHz, 10,700-11,700 MHz. To add transmitters, Western Electric, TM-1 E/W, TM-A1 amplifier.

1917-C1-P-72—American Telephone & Telegraph Co. (KIK99), Location: 38 Washington Avenue, Montgomery, AL. To add frequency 4190 MHz toward Equality, Ala.

1918-C1-P-72—American Telephone & Telegraph Co. (KIK98), Location: 2.5 miles north of Equality, Ala. To add frequency 4198H MHz toward Montgomery and Ashland, Ala.

1919-C1-P-72—American Telephone & Telegraph Co. (KIK97), Location: 4 miles northwest of Ashland, Ala. To add frequency 4190H MHz toward Equality and Omaha, Ala.

1920-C1-P-72—American Telephone & Telegraph Co. (KIK96), Location: 0.2 mile east of Omaha, Ala. To add frequency 4198H MHz toward Ashland, Ala.

1921-C1-P-72—American Telephone & Telegraph Co. (KJM84), Location: 6.5 miles northwest of Brewton, Ala. To add frequency 4190V MHz toward Dixie, Ala.

1922-C1-P-72—American Telephone & Telegraph Co. (KJM83), Location: 8.2 miles northwest of Dixie, Ala. To add frequency 4198V and 4198H MHz toward Brewton and WING, Ala.

1923-C1-P-72—American Telephone & Telegraph Co. (KJM82), Location: 3.5 miles southeast of Wing, Ala. To add frequency 4190H MHz toward Dixie, Ala., and toward Liberty, Fla.

1924-C1-P-72—American Telephone & Telegraph Co. (KJM81), Location: 6.5 miles south of Lakewood, Fla. To add frequency 4198H MHz toward Wing, Ala.

1925-C1-P-72—American Telephone & Telegraph Co. (KYJ95), Location: 2 miles south-southeast of Paintsville, Ky. To add frequency 4190V MHz toward Missouri Branch, W. Va.

1926-C1-P-72—American Telephone & Telegraph Co. (KYJ94), Location: Missouri Branch, 5.1 miles east-southeast of Webb, W. Va. To add frequency 4198V MHz toward Paintsville, Ky.

1935-C1-TC-72—Central Telephone Co. of Illinois (WDD89), Consent to transfer of control from Central Telephone Co. of Illinois, Transferor to New Centel, Inc., Transferee. Station WDD89, Pekin, Ill.

1936-C1-TC-(15)-72—Southeastern Telephone Co., Consent to transfer of control from Southeastern Telephone Co., Transferor to New Centel, Inc., Transferee. Stations:

KIQ62 Monticello, Fla.
KIQ63 Tallahassee, Fla.
KIQ64 Crestview, Fla.
KIQ65 Gobbler Hill, Fla.
KIQ66 Fort Walton Beach, Fla.
KIT39 Eglin, AFB, Fla.
KJA73 Crestview, Fla.
KJB43 Forrest Beach, Fla.
KJX35 Crawfordville, Fla.
KKU97 Temporary location.
KYC77 Eglin, AFB, Fla.
KYN97 Madison, Fla.
KYN98 Greenville, Fla.
KYC78 De Funiak Springs, Fla.
KYC79 Mossy Head, Fla.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

1937-C1-TC-(6)-72—Virginia Telephone & Telegraph Co., Consent to transfer of control from Virginia Telephone & Telegraph Co., Transferor to New Centel, Inc., Transferee. Stations:

KIS30 Blackstone, Va.
KIS31 Dundas, Va.
KIS32 South Hill, Va.
KJK25 Front Royal, Va.
KJK26 Luray, Va.
WAX79 Shenandoah, Va.

1938-C1-AL-(6)-72—Virginia Telephone & Telegraph Co., Consent to assignment of license from Virginia Telephone & Telegraph Co., Assignor to New Virginia Telephone, Inc., Assignee. Stations:

KIS30 Blackstone, Va.
KIS31 Dundas, Va.
KIS32 South Hill, Va.
KJK25 Front Royal, Va.
KJK26 Luray, Va.
WAX79 Shenandoah, Va.

1939-C1-AL-72—Central Telephone Co., Consent to assignment of license from Central Telephone Co., Assignor to New Centel, Inc., Assignee. Stations:

KBD83 Farmington, Minn.

1940-C1-AL-(7)-72—Central Telephone Co., Consent to assignment of license from Central Telephone Co., Assignor to New Centel, Inc., Assignee. Stations:

KCC73 Grove, N.C.
KJG42 West Jefferson, N.C.
KJG43 Obids, N.C.
KJG44 Elkin, N.C.
KJG45 North Wilkesboro, N.C.
KJW73 Asheboro, N.C.
KJW74 Biscoe, N.C.

1941-C1-AL-(12)-72—Central Telephone Co., Consent to assignment of license from Central Telephone Co., Assignor to New Centel, Inc., Assignee. Stations:

KPQ 53 Las Vegas, Nev.
WAN33 Near Tristate, Nev.
KPY34 Temporary locations.
KPZ46 Mount Potosi, Nev.
KPZ47 Glendale, Nev.
KPZ48 Blue Diamond, Nev.
KYN49 Christmas Tree Pass, Nev.
KYN50 Near Nelson, Nev.
KYN51 Tristate, Nev.
KZS38 Eldorado, Nev.
WAN34 west of Bullhead City, Ariz.
WAN58 Las Vegas, Nev.

Nebraska Consolidated Communications Corp. has proposed a microwave system extending from Omaha, Nebr., to Denver, Colo., with service to intermediate points for the purpose of delivering television broadcast network programing.

1884-C1-P-72—Nebraska Consolidated Communications Corp. (New), C.P. for a new fixed station at 18th and Farnam, Omaha, Nebr., at latitude 41°15'28", longitude 95°56'24". Frequencies 10,895V, 10,815H, 10,735V, 11,055V MHz on azimuth 241°13'.

1885-C1-P-72—Nebraska Consolidated Communications Corp. (New), C.P. for a new fixed station 2 miles east-northeast of Gretna, Nebr., at latitude 41°08'51", longitude 96°12'17". Frequencies 11,585H, 11,665V, 11,425H, 11,505V MHz on azimuth 208°16' and 11,545H MHz on azimuth 61°00'.

1886-C1-P-72—Nebraska Consolidated Communications Corp. (New), C.P. for a new fixed station 4 miles southwest of Greenwood, Nebr., at latitude 40°54'54", longitude 96°22'10". Frequencies 10,895H, 10,815V, 10,735H, 11,055H MHz on azimuth 247°53' and 10,935V MHz on azimuth 28°09'.

1887-C1-P-72—Nebraska Consolidated Communications Corp. (New), C.P. for a new fixed station at southwest corner of 13th and M, Lincoln, Nebr., at latitude 40°48'42", longitude 96°42'10". Frequencies 11,425V, 11,115H, 11,505H, 11,585V MHz on azimuth 290°13' and 11,545V MHz on azimuth 67°40'.

1888-C1-P-72—Nebraska Consolidated Communications Corp. (New), C.P. for a new fixed station 0.5 mile east of Seward, Nebr., at latitude 40°54'56", longitude 97°04'36". Frequencies 6226.9H, 6345.5H, 6256.5V, 6375.2V MHz on azimuth 261°33' and 10,935H MHz on azimuth 109°58'.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

1889-C1-P-72—Nebraska Consolidated Communications Corp. (New), C.P. for a new fixed station 0.5 mile east of York, Nebr., at latitude 40°51'38", longitude 97°33'20". Frequencies 5974.8H, 6004.5V, 6093.5H, 6123.1V MHz on azimuth 269°36' and 6152.8V MHz on azimuth 81°14'.

1890-C1-P-72—Nebraska Consolidated Communications Corp. (New), C.P. for a new fixed station 0.5 mile southwest of Aurora, Nebr., at latitude 40°51'26", longitude 98°00'51". Frequencies 6197.2V, 6256.5V, 6315.9V, 6375.2V MHz on azimuth 224°38' and 6404.8V MHz on azimuth 89°18'.

1891-C1-P-72—Nebraska Consolidated Communications Corp. (New), C.P. for a new fixed station east-northeast city limits of Hastings, Nebr., at latitude 40°35'19", longitude 98°21'41". Frequencies 6004.5H, 6034.2V, 6123.1H, 6152.8V MHz on azimuth 263°24' and 6152.8V MHz on azimuth 44°25'.

1892-C1-P-72—Nebraska Consolidated Communications Corp. (New), C.P. for a new fixed station 4.5 miles east-northeast of Minden, Nebr., at latitude 40°32'32", longitude 98°52'28". Frequencies 6197.2V, 6226.9H, 6256.5V, 6315.9V MHz on azimuth 254°40' and 6315.9V MHz on azimuth 83°04'.

1893-C1-P-72—Nebraska Consolidated Communications Corp. (New), C.P. for a new fixed station at east city limits of Holdrege, Nebr., at latitude 40°26'21", longitude 99°21'42". Frequencies 5945.2H, 6004.5H, 6093.5V, 6123.1H MHz on azimuth 304°49' and 6152.8H MHz on azimuth 74°21'.

1894-C1-P-72—Nebraska Consolidated Communications Corp. (New), C.P. for a new fixed station 6.5 miles north-northeast of Elwood, Johnson Lake, Nebr., at latitude 40°40'53", longitude 99°49'15". Frequencies 6226.9H., 6256.5V, 6345.5H., 6375.2V MHz on azimuth 312°00' and 6404.8V MHz on azimuth 124°31'.

1895-C1-P-72—Nebraska Consolidated Communications Corp. (New), C.P. for a new fixed station 0.25 mile south-southwest of Gothenburg, Nebr., at latitude 40°55'05", longitude 100°10'05". Frequencies 5974.8H, 6004.5V, 6093.5H, 6123.1V MHz on azimuth 286°03' and 6152.8V MHz on azimuth 131°46'.

1896-C1-P-72—Nebraska Consolidated Communications Corp. (New), C.P. for a new fixed station 5.5 miles south-southwest of Maxwell, Fort McPherson, Nebr., at latitude 41°00'06", longitude 100°33'16". Frequencies 6226.9H, 6345.5H, 6256.5V, 6375.2V MHz on azimuth 245°13' and 6404.8V MHz on azimuth 105°48'.

1897-C1-P-72—Nebraska Consolidated Communications Corp., (New), C.P. for a new fixed station 12 miles north-northwest of Wellfleet, Nebr., at latitude 40°56'04", longitude 100°47'36". Frequencies 5974.8H, 6004.5V, 6093.5H, 6123.1V MHz on azimuth 280°46' and 6152.8V MHz on azimuth 65°04'.

1898-C1-P-72—Nebraska Consolidated Communications Corp. (New), C.P. for a new fixed station 10 miles south-southwest of Paxton, Nebr., at latitude 40°59'12", longitude 101°16'42". Frequencies 6226.9V, 6286.2V, 6345.5V., 6404.8H MHz on azimuth 276°01' and 6404.8V MHz on azimuth 100°27'.

1899-C1-P-72—Nebraska Consolidated Communications Corp. (New), C.P. for a new fixed station 6 miles south of Ogalalla, Nebr., at latitude 41°01'18", longitude 101°43'42". Frequencies 5974.8V, 6034.2V, 6093.5V, 6152.8V MHz on azimuth 291°18' and 6123.1V on azimuth 95°43'.

1900-C1-P-72—Nebraska Consolidated Communications Corp. (New), C.P. for a new fixed station 14 miles west-northwest of Brule, Nebr., at latitude 41°09'53", longitude 102°13'03". Frequencies 6256.5V, 6286.2H, 6375.2V, 6404.8H MHz on azimuth 289°59' and 6345.5V MHz on azimuth 110°58'.

1901-C1-P-72—Nebraska Consolidated Communications Corp. (New), C.P. for a new fixed station 9 miles northeast of Lodge Pole, Nebr., at latitude 41°14'57", longitude 102°31'86". Frequencies 6004.5V, 6034.2H, 6123.1V, 6152.8H MHz on azimuth 285°09' and 6093.5V MHz on azimuth 109°47'.

1902-C1-P-72—Nebraska Consolidated Communications Corp. (New), C.P. for a new fixed station 5 miles east of Gurley, Nebr., at latitude 41°19'10", longitude 102°52'25". Frequencies 6256.5V, 6286.2H, 6375.2V, 6404.8H MHz on azimuth 296°32' and 6345.5V MHz on azimuth 104°55'.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

1903–C1–P–72—Nebraska Consolidated Communications Corp. (New), C.P. for a new fixed station 12 miles west-northwest of Dalton, Nebr., at latitude 41°26'22", longitude 103°11'39". Frequencies 6004.5V, 6034.2H, 6123.1V, 6152.8H MHz on azimuth 293°51' and 6093.5V MHz on azimuth 116°19'.

1904–C1–P–72—Nebraska Consolidated Communications Corp. (New), C.P. for a new fixed station 10.5 miles west-southwest of Redington, Big Horn, Nebr., at latitude 41°31'36", longitude 103°27'27". Frequencies 11,425H, 11,505V, 11,545H, 11,585V MHz on azimuth 335°20' and 6345.5V MHz on azimuth 113°41'.

1905–C1–P–72—Nebraska Consolidated Communications Corp. (New), C.P. for a new fixed station 3 miles north-northwest of Scottsbluff, Nebr., at latitude 41°55'10", longitude 103°41'57". Frequencies 6226.9H, 6256.5V, 6315.9V, 6345.5H MHz on azimuth 247°26' and 6093.5V MHz on azimuth 155°10'.

1906–C1–P–72—Nebraska Consolidated Communications Corp. (New), C.P. for a new fixed station near summit of Castle Rock, Wyo., at latitude 41°42'30", longitude 104°22'15". Frequencies 5974.8H, 6004.5V, 6034.2H, 6093.5H MHz on azimuth 216°42' and 6034.2H MHz on azimuth 66°59'.

1907–C1–P–72—Nebraska Consolidated Communications Corp. (New), C.P. for a new fixed station 4 miles north-northeast of Pole Creek Reservoir, Pole Creek, Wyo., at latitude 41°21'50", longitude 104°42'40". Frequencies 6226.9H, 6286.2H, 6345.5H, 6404.8H MHz on azimuth 216°39' and 6197.2V MHz on azimuth 36°28'.

1908–C1–P–72—Nebraska Consolidated Communications Corp. (New), C.P. for a new fixed station approximately 3 miles west-southwest of Cheyenne, Wyo., at latitude 41°07'20", longitude 104°56'55". Frequencies 5974.8V, 6004.5H, 6034.2V, 6152.8H MHz on azimuth 189°05' and 5945.2V MHz on azimuth 36°29'.

1909–C1–P–72—Nebraska Consolidated Communications Corp. (New), C.P. for a new fixed station near summit of Lookout Mountain, Denver, Colo., at latitude 39°43'59", longitude 105°14'11". Frequency 6226.9V MHz on azimuth 8°54'.

Nebraska Consolidated Communications Corp. has proposed a microwave system extending from Dallas, Tex., to San Antonio in the south and to Houston, Beaumont, and Port Arthur to the east with service to intermediate points for the purpose of delivering television broadcast network programing.

1822–C1–P–72—Nebraska Consolidated Communications Corp. (New), C.P. for a new fixed station northeast section of Northwest Highway and Preston Road in Dallas, Tex., at latitude 32°51'56", longitude 96°48'02". Frequencies 6338.1V, 6278.8H, 6367.7V, 6397.4H, 6249.1V MHz on azimuth 215°49'.

1823–C1–P–72—Nebraska Consolidated Communications Corp. (New), C.P. for a new fixed station 1 mile east of Alvarado, Tex., at latitude 32°25'07", longitude 97°10'49". Frequencies 6100.9H, 6011.9V, 6041.6H, 6130.5V, 6160.2H MHz on azimuth 168°40' and 6093.5H MHz on azimuth 35°37'.

1824–C1–P–72—Nebraska Consolidated Communications Corp. (New), C.P. for a new fixed station 3 miles east-southeast of Hillsboro, Tex., at latitude 31°59'05", longitude 97°04'42". Frequencies 6345.5H, 6256.5V, 6286.2H, 6375.2V, 6404.8H MHz on azimuth 212°23' and 6345.5H MHz on azimuth 12°44'.

1825–C1–P–72—Nebraska Consolidated Communications Corp. (New), C.P. for a new fixed station 3 miles east-northeast of Crawford, Tex., Waco, Tex., at latitude 31°33'00", longitude 97°24'00". Frequencies 6004.5H, 6034.2V, 6123.1H, 6093.5V, 6152.8V MHz on azimuth 169°02' and 6093.5H MHz on azimuth 32°13'.

1826–C1–P–72—Nebraska Consolidated Communications Corp. (New), C.P. for a new fixed station 3 miles northeast of Temple, Tex., at latitude 31°06'08", longitude 97°18'24". Frequencies 6345.5V, 6404.8H, 6375.2V, 6286.2H, 6256.5V MHz on azimuth 216°32' and 6345.5H on azimuth 349°05'.

1827–C1–P–72—Nebraska Consolidated Communications Corp. (New), C.P. for a new fixed station 2.5 miles west of Theon, Tex., at latitude 30°45'24", longitude 97°37'53". Frequencies 6093.5V, 6004.5V, 6034.2H, 6123.1V, 6152.8H MHz on azimuth 198°35' and 6093.5H MHz on azimuth 18°30'.

1828–C1–P–72—Nebraska Consolidated Communications Corp. (New), C.P. for a new fixed station 2 miles west of Austin, Tex., at latitude 30°18'00", longitude 97°48'30". Frequencies 6345.5V, 6197.2H, 6286.2V, 6315.9H, 6404.8V MHz on azimuth 111°35' and 6345.5V on azimuth 17°55'.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

1829–C1–P–72—Nebraska Consolidated Communications Corp. (New), C.P. for a new fixed station 2 miles northeast of Bastrop, Tex., at latitude 30°07'30", longitude 97°18'09". Frequencies 6093.5V, 5952.6V, 6034.2H, 6063.8V, 6152.8H MHz on azimuth 123°28' and 6093.5H on azimuth 201°51'.

1830–C1–P–72—Nebraska Consolidated Communications Corp. (New), C.P. for a new fixed station 1 mile south-southeast of La Grange, Tex., at latitude 29°52'45", longitude 96°-52'37". Frequencies 6345.5V, 6197.2V, 6286.2H, 6315.9V, 6404.8H MHz on azimuth 94°41' and 6345.5H on azimuth 274°58'.

1831–C1–P–72—Nebraska Consolidated Communications Corp. (New), C.P. for a new fixed station 1 mile south-southwest of Cat Springs, Tex., at latitude 29°50'19", longitude 96°19'34". Frequencies 6093.5V, 5945.2H, 6034.2V, 6063.8H, 6152.8V MHz on azimuth 91°54' and 6093.5H on azimuth 272°09'.

1832–C1–P–72—Nebraska Consolidated Communications Corp. (New), C.P. for a new fixed station 2 miles north-northwest of Katy, Tex., at latitude 29°49'23", longitude 95°49'18". Frequencies 6345.5V, 6197.2H, 6286.2V, 6315.9H, 6404.8V MHz on azimuth 99°05' and 6345.5H on azimuth 280°47'.

1833–C1–P–72—Nebraska Consolidated Communications Corp. (New), C.P. for a new fixed station 3 miles west-northwest of San Marcos, Tex., at latitude 29°54'24", longitude 98°00'07". Frequencies 6093.5H, 5945.2V, 6034.2H, 6063.8V, 6152.8H MHz on azimuth 226°28' and 6093.5V on azimuth 23°07'.

1834–C1–P–72—Nebraska Consolidated Communications Corp. (New), C.P. for a new fixed station 2.5 miles northwest of New Braunfels, Tex., at latitude 29°42'46", longitude 98°13'56". Frequencies 6345.5H, 6197.2V, 6286.2H, 6315.9V, 6404.8H MHz on azimuth 217°10' and 6345.5V on azimuth 47°21'.

1835–C1–P–72—Nebraska Consolidated Communications Corp. (New), C.P. for a new fixed station Tower of Americas, San Antonio, Tex., at latitude 29°25'23", longitude 98°29'07". Frequency 6093.5V MHz on azimuth 37°02'.

1836–C1–P–72—Nebraska Consolidated Communications Corp. (New), C.P. for a new fixed station 1 Shell Plaza, Houston, Tex., at latitude 29°45'32", longitude 95°22'03". Frequencies 3770V, 3850V, 3930V MHz on azimuth 54°44' and 6093.5H on azimuth 279°19'.

1837–C1–P–72—Nebraska Consolidated Communications Corp. (New), C.P. for a new fixed station 4 miles west-southwest of Dayton, Tex., at latitude 30°00'36", longitude 94°57'31". Frequencies 3730V, 3810V, 3890V MHz on azimuth 67°01' and 3730H on azimuth 234°56'.

1838–C1–P–72—Nebraska Consolidated Communications Corp. (New), C.P. for a new fixed station 6 miles west-northwest of Sour Lake, Tex., at latitude 30°10'36", longitude 94°-30'15". Frequencies 3770V, 3850V, 3930V MHz on azimuth 94°28' and 3770H on azimuth 247°15'.

1839–C1–P–72—Nebraska Consolidated Communications Corp. (New), C.P. for a new fixed station 2.5 miles east-northeast of Vidor, Tex., Beaumont, Tex., at latitude 30°08'24", longitude 93°58'44". Frequencies 3730H MHz on azimuth 274.43.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

1548–C1–P–72—American Microwave & Communications, Inc. (KQL25), Construction permit to transmit frequency 6189.8 MHz, via power-split, toward St. Ignace and Cheboygan, Mich., in lieu of existing frequency 6308.4 MHz. Station location: Mackinaw City, Mich. (NOTE: This application does not involve new service or change of existing service.)

1876–C1–P–72—United Video, Inc. (New), New station 5.5 miles southeast of Bryceland, La., at latitude 32°25'11" N., longitude 92°53'46" W. Frequency 10,915V and 11,075V MHz on azimuth 62°33'.

1877–C1–P–72—United Video, Inc. (New), New station 0.5 mile southwest of Douglas, La., at latitude 32°34'45" N., longitude 92°31'57" W. Frequencies 11,245V and 11,565V MHz on azimuth 03°38'.

1878–C1–P–72—United Video, Inc. (New), New station 2.5 miles southeast of Mount Union, La., at latitude 32°55'23" N., longitude 92°30'24" W. Frequencies 10,915H and 11,075H MHz on azimuth 339°09'.

1879–C1–P–72—United Video, Inc. (New), New station 0.5 mile northeast of El Dorado, Ark., at latitude 33°13'15" N., longitude 92°38'30" W. Frequencies 11,245H and 11,565H MHz on azimuth 329°19'.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NON-TELEPHONE CARRIERS)—Continued

1880-C1-P-72—United Video, Inc. (New). New station 1.5 miles north of Elliott, Ark., at latitude 33°28'44" N., longitude 92°49'28" W. Frequencies 10,915V and 11,075V MHz on azimuth 54°01'.

1881-C1-P-72—United Video, Inc. (New). New station 0.5 mile northeast of Elberta, Ark., at latitude 33°42'09" N., longitude 92°27'18" W. Frequencies 11,245V and 11,565V MHz on azimuth 29°07'.

1882-C1-P-72—United Video, Inc. (New). New station 4.5 miles west-northwest of Rison, Ark., at latitude 33°58'43" N., longitude 92°16'13" W. Frequencies 10,915H and 11,075H MHz on azimuth 12°42'.

1883-C1-P-72—United Video, Inc. (New). New station 3 miles north of Bruce, Ark., at latitude 34°18'21" N., longitude 92°10'53" W. Frequencies 11,245H and 11,565H MHz on azimuth 144°02'. Applicant proposes to provide the television signals of stations KTVT-TV and KERA-TV of Fort Worth-Dallas, Tex., to Pine Bluff Video in Pine Bluff, Ark.

1382-C1-ML-72—West Texas Microwave Co. (KZI25). To provide via audio subcarrier, the signal of station KIXL-FM of Dallas, Tex., to Levelland, Tex.

1383-C1-ML-72—West Texas Microwave Co. (KKT90). To provide, via audio subcarrier, the signal of station KIXL-FM of Dallas, Tex., to Brownfield, Tex.

The following applicants propose to establish omnidirectional facilities for the provision of common carrier "Subscriber-Programed" television service.

1792-C1-P-72—Microband Corp. of America (New). New station, Northern Life Tower, Third Avenue and University Street, Seattle, Wash. Frequencies: 2152.325V (visual) and 2150.20V (aural) directed toward various receiving points of system and 2158.50V (visual) and 2154.00V (aural) directed toward various receiving points of system.

Major Amendments

3144-C1-P-71—American Television Relay, Inc. (KOS63). Application amended to change frequency from 6308.4 MHz to 6397.4 MHz toward Douglas, Ariz., on azimuth 168°53'. Station location: Heliograph Peak, 13.9 miles southwest of Safford, Ariz.

1082-C1-P-72—KHC Microwave Corp. (New). Application amended to add frequencies 11,245 and 11,565 MHz, via power split, toward new point of communication at Driskell Mountain, La. (latitude 32°25'11" N., longitude 92°53'46" W.), on azimuth 75°51'. Station location: 0.5 mile west of Ringgold, La.

[FR Doc.71-15150 Filed 10-18-71;8:45 am]

FEDERAL RESERVE SYSTEM

HAWKEYE BANCORPORATION

Notice of Applications for Approval of Acquisition of Shares of Banks

Notice is hereby given that six separate applications have been made, as listed below, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Hawkeye Bancorporation, which is a bank holding company located in Red Oak, Iowa, as follows:

1. Application 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 Jasper County Savings Bank, Newton, Iowa.

2. Application for prior approval by the Board of Governors of the acquisition by applicant of 80 percent or more of the voting shares of First Federal State Bank, Des Moines, Iowa.

3. Application 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 Kellogg Savings Bank, Kellogg, Iowa.

4. Application for prior approval by the Board of Governors of the acquisition by applicant of 88.5 percent or more of the voting shares of State Bank and Trust, Council Bluffs, Iowa (in part through the acquisition of shares of State Co., Council Bluffs, Iowa, which controls the bank).

5. Application for prior approval by the Board of Governors of the acquisition by applicant of 81.7 percent or more of the voting shares of The Clay County National Bank of Spencer, Spencer, Iowa (in part through the acquisition of shares of Spencer Banshares, Inc., Spencer, Iowa, which controls the bank).

6. Application for prior approval by the Board of Governors of the acquisition by applicant of 50.6 percent or more of the voting shares of Camanche State Bank, Camanche, Iowa.

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 acquisitions 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 applications may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Chicago.

Board of Governors of the Federal Reserve System, October 13, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-15194 Filed 10-18-71;8:48 am]

TRANS TEXAS BANCORPORATION, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by Trans Texas Bancorporation, Inc., El Paso, Tex., for prior approval by the Board of Governors of action whereby applicant would become a bank holding company through the acquisition of 80 percent or more of the voting shares of El Paso National Bank, First State Bank, Northgate National Bank, and Border City Bank, all in El Paso, Tex.

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 Dallas.

Board of Governors of the Federal Reserve System, October 13, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-15193 Filed 10-18-71;8:48 am]

FEDERAL POWER COMMISSION

[Dockets Nos. CS71-447, etc.]

CLARK OIL PRODUCING CO., ET AL.

Findings and Order After Statutory Hearing

OCTOBER 7, 1971.

Each applicant herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for small producer certificates of public convenience and necessity authorizing sales of natural gas in interstate commerce, all as more fully set forth in the applications below.

Certain applicants are presently authorized to sell natural gas pursuant to FPC gas rate schedules on file with the Commission. The temporary and permanent certificates authorizing said sales will be terminated and the related rate schedules will be canceled. Some sales made pursuant to the certificates terminated herein and the canceled FPC Gas Rate Schedules were made at rates in effect subject to refund. There are other rate increases which are suspended. Certain proceedings in which these increased rates are suspended or have been collected subject to refund by any of these applicants and were equal to or below area ceiling rates will be terminated.

Houston Oil & Minerals Corp., applicant in Docket No. CS71-453, proposes to continue in part the sales of natural gas heretofore authorized in Dockets Nos. G-11857, and G-19416, to be made pursuant to Humble Oil & Refining Co. FPC Gas Rate Schedules Nos. 120 and 166, respectively. The rates at the time of the assignment were effective subject to refund in Dockets Nos. RI68-5 and RI71-700 for sales under Humble's FPC Gas Rate Schedule No. 120, and in Dockets Nos. RI68-3, RI71-700 and RI71-751 under Humble's FPC Gas Rate Schedule No. 166. Therefore, applicant will be made co-respondent in said proceedings and the proceedings will be redesignated accordingly.

The Commission's staff has reviewed the applications and recommends each action as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, no petition to intervene, notice of intervention or protest to the granting of the applications was filed.

At a hearing on September 30, 1971, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the application submitted in support of the authorizations sought herein, and upon consideration of the record.

The Commission finds: (1) Each applicant is or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption subject to the jurisdiction of the Commission, and is, therefore, a "natural-gas company" or will be when the initial delivery is made, within the meaning of the Natural Gas Act.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications herein, will be made in interstate commerce subject to the jurisdiction of the Commission, and such sales by applicants are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) Each applicant is an independent producer of natural gas which is not affiliated with a natural gas pipeline company and whose total jurisdictional sales on a nationwide basis, together with sales of affiliated producers, were not in excess of 10 million Mcf at 14.65 p.s.i.a. during the preceding calendar year.

(5) The sales of natural gas by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity, and small producer certificates of public convenience and necessity therefor should be issued as hereinafter ordered and conditioned.

(6) It is necessary and appropriat in carrying out the provisions of the Natural Gas Act that the temporary and permanent certificates of public convenience and necessity heretofore issued to applicants should be terminated and that the related FPC gas rate schedules should be canceled.

(7) The applications pending in Dockets Nos. CI70-1082, CI71-267 and CI71-424 are moot.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Houston Oil & Mineral Corp. should be made a co-respondent in the proceedings pending in Dockets Nos. RI68-3, RI68-5, RI71-700, and RI71-751 and that said proceedings should be redesignated accordingly.

The Commission orders: (A) Small producer certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing the sale for resale and delivery of natural gas in interstate commerce by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission and particularly:

(1) The subject certificates shall be applicable only to all small producer sales as defined in § 157.40(a)(3) of the regulations under the Natural Gas Act; and

(2) Applicants shall file annual statements pursuant to § 154.104 of the regulations under the Natural Gas Act.

(C) The certificates granted in paragraph (A) above shall remain in effect for small producer sales until the Commission on its own motion or on application terminates said certificates because applicants no longer qualify as small producers or fail to comply with the requirements of the Natural Gas Act, the regulations thereunder, or the terms of the certificates. Upon such termination, applicants will be required to file separate certificate applications and individual rate schedules for future sales. To the extent compliance with the terms of this order is observed, the small producer certificates will still be effective as to sales already included thereunder.

(D) The grant of the certificates in paragraph (A) above shall not be construed as a waiver of the requirements of section 7 of the Natural Gas Act or Part 157 of the regulations thereunder and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against applicants. Further, our action in this proceeding shall not foreclose any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. The grant of the certificates aforesaid for service to the particular customers involved, shall not imply approval of all of the terms of the contracts, particularly as to the cessation of service upon the termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales subject to said certificates.

(E) The temporary and permanent certificates heretofore issued to applicants for sales proposed to be continued under small producer certificates are terminated and the related FPC gas rate schedules are canceled as indicated below.

(F) The proceedings in which applicants' increased rates have not been made effective and certain proceedings in which increased rates have been made effective subject to refund and are equal to or below the applicable area base rate are terminated as indicated in the appendix hereto.

(G) The applications pending in Dockets Nos. CI70-1083, CI71-267 and CI71-424 are dismissed.

(H) Houston Oil & Minerals Corp. is made a co-respondent in the proceedings pending in Dockets Nos. RI68-3, RI68-5, RI71-700 and RI71-751 and said proceedings are redesignated accordingly. Houston is not relieved of any refund obligation for sales from January 1, 1971, under the contracts on file as Humble Oil & Refining Co. FPC Gas Rate Schedules Nos. 120 and 166, to May 2, 1971.

(I) This order does not relieve any of the applicants herein of any responsibility imposed by, and is expressly 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), including such amendments as the Commission may require, and Executive Order No. 11615.

By the Commission.

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

APPENDIX

Docket No. and filing date	Applicant		Canceled FPC gas rate schedule	Terminated certificate dockets Nos.	Terminated rate increase dockets Nos.
CS71-447 4-27-71	Clark Oil Producing Co.		1	CI70-619	
	do.		2	CI66-956	
	do.		3	CI71-406	
	do.		4	CI71-453	
CS71-453 4-27-71	Houston Oil & Minerals Corp. (Operator) et al.		2	G-4029	
	do.		3	CI65-1368	
	do.		7	CI67-766	
	do.		8	CI67-767	
	do.		9	CI67-879	
	do.		10	CI67-1152	
	do.		11	CI68-688	
	do.		12	CI71-202	
	do.		13	CI71-621	
	do.		14	CI71-622	
CS71-454 4-27-71	Dorothy Hewit Blakeney et al.		1	G-3614	
	do.		2	G3689	
CS71-458 4-28-71	James Zallea, Sol Zallea & Sidney Laub.		1	CI66-1265	
CS71-461 4-28-71	Bouray Oil Company (Operator), et al.		1	CI60-306	RI61-185, RI65-512.
	do.		2	CI61-463	RI65-513.
	do.		3	CI62-110	RI65-513.
	do.		4	CI62-112	RI65-505.
	do.		5	CI62-993	RI65-518.
CS71-465 4-28-71	G. M. Close Co., Ltd. (Operator), et al.		1	CI65-1348	
CS71-466 4-28-71	G. M. Close (Operator) et al.		2	CI68-505	
	do.		3	CI68-1104	
	do.		4	CI69-758	
	do.		5	CI70-812	
	do.		6	CI70-906	
CS71-467 4-28-71	GMC Oil & Gas Corp. (Operator) et al.		6	CI70-223	
CS71-469 4-28-71	Phil K. Cochran		1	G-3272	
	do.		3	G-5205	
CS71-471 4-28-71	F. W. Strait, Inc. (Operator) et al.		[3] 4	G-18496 [3]	
CS71-472 4-28-71	Kenmore Oil Co., Inc. (Operator) et al.		1	CI71-424 [1]	
	do.		2	G-18963	RI71-1091.
CS71-473 4-28-71	Emerald Oil Co. (Operator) et al.		1	CI70-1082 [1]	
	do.		2	CI71-267 [1]	
CS71-474 4-28-71	Jean Bristol Wakefield		[2] 1	G-5208 [2]	
CS71-475 4-28-71	William V. Montin et al.		2	CI67-1851	RI69-41.
CS71-476 4-28-71	H. W. Perritt		2	G-4086	
	do.		6	G-6702	
	do.		7	G-7316	
CS71-480 4-28-71	Alma McCutchin		1	CI61-1813	
	do.		2	CI70-560	RI70-1648.
CS71-482 4-28-71	Robert W. O'Meara		1	CI60-469	RI65-535.
	do.		2	CI62-479	
	do.		3	CI60-469	RI67-41.
CS71-483 4-28-71	J. Harry Henderson, Jr.		1	CI68-1389	
CS71-485 4-27-71	Dixon Management Corp.		2	G-3554	
	do.		4	G-3556	
	do.		5	G-3557	
	do.		6	G-3558	
	do.		11	G-3563	
	do.		13	G-9467	
	do.		15	CI61-42	

[1] Temporary certificate.
[2] Certificate and rate schedule on file as L. C. Smitherman (Operator) et al.
[3] Certificate and rate schedule on file as Marion J. B. Wakefield.

[FR Doc.71-15136 Filed 10-18-71;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5092]

NEW ENGLAND ELECTRIC SYSTEM AND NEW ENGLAND POWER CO.

Notice of Proposed Cash Capital Contribution to Subsidiary Company

OCTOBER 13, 1971.

Notice is hereby given that New England Electric System (NEES), a registered holding company, and its electric utility subsidiary company, New England Power Co. (NEPCO), 20 Turnpike Road, Westborough, MA 05181, have filed with this Commission a declaration pursuant to the Public Utility Holding Company Act of 1935 (Act), designating Section 12 of the Act and Rule 45 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.

NEES proposes to make a cash capital contribution of $20 million to NEPCO, which amount will be applied toward the payment of a like amount of short-term promissory notes issued to pay for capitalizable expenditures or to reimburse its treasury therefor. NEPCO expects that such notes will aggregate approximately $57 million at the time of the proposed transaction. NEES will charge this amount to its "Investment in Subsidiaries, Consolidated" account and NEPCO will credit the capital contribution to its "Other Paid-in-Capital" account.

The filing states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction. NEES estimates that the fees and expenses in connection with the proposed capital contribution will not exceed an aggregate of $500.

Notice is further given that any interested person may, not later than November 4, 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 declarants 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, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.71-15196 Filed 10-18-71;8:48 am]

DEPARTMENT OF LABOR

Office of the Secretary

WHITTIER MILLS CO.

Notice of Investigation Regarding Certification of Eligibility of Workers To Apply for Adjustment Assistance

The Department of Labor has received a Tariff Commission report containing an affirmative finding under

section 301(c)(2) of the Trade Expansion Act of 1962 with respect to its investigation of a petition for determination of eligibility to apply for adjustment assistance filed on behalf of workers of the Whittier Mills Co., located in Atlanta, Ga. (No. TEA–W–103). In view of the report and the responsibilities delegated to the Secretary of Labor under section 8 of Executive Order 11075 (28 F.R. 473), the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted an investigation, as provided in 29 CFR 90.5 and this notice. The investigation relates to the determination of whether any of the group of workers covered by the Tariff Commission report should be certified as eligible to apply for adjustment assistance, provided for under title III, chapter 3, of the Trade Expansion Act of 1962, including the determinations of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and subdivision of the firm involved to be specified in any certification to be made, as more specifically provided in Subpart B of 29 CFR Part 90.

Interested persons should submit written data, views, or arguments relating to the subjects of investigation to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C., on or before October 22, 1971.

Signed at Washington, D.C., this 14th day of October 1971.

EDGAR I. EATON,
Director,
Office of Foreign Economic Policy.

[FR Doc.71-15223 Filed 10-18-71;8:49 am]

INTERSTATE COMMERCE COMMISSION

[Notice 380]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 14, 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 2860 (Sub-No. 105 TA), filed October 4, 1971. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, NJ 08360. Applicant's representative: Addison Hand (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from Lakewood, N.J., to points in Virginia east of U.S. Highway 1, for 180 days. Supporting shipper: Shelby Brand Frozen Food Co., Inc., Post Office Box 471, Lakewood, NJ 08701. Send protests to: Richard M. Reagan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 6380 (Sub-No. 9 TA), filed October 4, 1971. Applicant: R. F. TRUESDELL, INC., 1616 West 47th Street, Ashtabula, OH 44004. Applicant's representative: E. C. Reminger, 731 Leader Building, Cleveland, OH 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Ashtabula, Ohio, to Winchester, Va., under continuing contract with Inland Container Corp., for 180 days. Supporting shipper: Inland Container Corp., Indianapolis, Ind. Send protests to: District Supervisor G. J. Baccei, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 110525 (Sub-No. 1015 TA), filed October 1, 1971. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, PA 19335. Applicant's representative: Thomas J. O'Brien (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cashew nut shell oil, liquid*, in bulk, in tank vehicles, from Newark, N.J., to Cottage Grove, Minn., for 180 days. Supporting shipper: Minnesota Mining & Manufacturing Co., 3M Center, St. Paul, Minn. 55101. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 111170 (Sub-No. 171 TA), filed October 4, 1971. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, 2811 Nort West Avenue, El Dorado, AK 71730. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt*, in bulk, from El Dorado, Ark., to Gonzales, Fla., for 180 days. Supporting shipper: Lion Oil Co., Hydrocarbons and Polymers Division, Monsanto Co., Lion Oil Building, El Dorado, Ark. 71730. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 112822 (Sub-No. 214 TA), filed October 4, 1971. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little Street, Cushing, OK 74023. Applicant's representative: Joe W. Ballard (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oils*, in bulk, in tank vehicles, from Kansas City, Mo., to points in Texas, for 180 days. Supporting shipper: R. J. Alfrey, vice-President, Chevron Oil Co., 1700 Broadway, Post Office Box 599, Denver, CO 80201. 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. 61 TA), filed October 1, 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: *Bananas*, from ports of entry on the boundary line between the United States and Canada at or near Blaine, Lynden, and Sumas, Wash., to points in Oregon and Washington, for 180 days. Supporting shipper: Chiquita Brands, Inc., 1250 Broadway, New York, NY 10001. 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 114389 (Sub-No. 16 TA), filed October 1, 1971. Applicant: GALE B. ALEXANDER, 120 South Ward Street, Ottumwa, IA 52501. Applicant's representative: Kenneth F. Dudley, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer and malt beverages*, from La Crosse and Sheboygan, Wis., to Ottumwa, Iowa, with *empty containers* on return, for 180 days. Supporting shipper: Camelot Distributing, Inc., 1 Gateway Drive, Ottumwa, IA 52501. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 116073 (Sub-No. 195 TA), filed October 1, 1971. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Post Office Box 919, 1825 Main Avenue, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from Huntsville, Ala., to points in Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi,

Missouri, Ohio, North Carolina, South Carolina, Tennessee, Texas, Virginia, and West Virginia, for 180 days. Supporting shipper: Coburn Industries Inc., 2308 Meridian Street, Huntsville, AL 35804. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 2340, Fargo, ND 58102.

No. MC 124315 (Sub-No. 3 TA), filed October 6, 1971. Applicant: ROBERT LUKENBILL, doing business as J & L CO., 6517 North Smith, Spokane, WA 99207. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods*, from Seattle, Wash., to Lewiston, Idaho, and Spokane, Wash., serving the intermediate points of Yakima, Tri Cities Area (Richland, Kennewick, Pasco) and Walla Walla, Wash., for 180 days. NOTE: Applicant states it does intend to tack the authority in MC 124315. Supporting shipper: Langendorf Bakeries, Inc., 2901 Sixth Avenue South, Seattle, WA 98134. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 126899 (Sub-No. 50 TA), filed October 4, 1971. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, Post Office Box 3051, Paducah, KY 42001. Applicant's representative: W. A. Usher (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in McCracken County, Ky., to a point in Kentucky at the dam construction site at Dog Island, near Smithland, Ky., traversing the State of Illinois in effecting delivery, for 180 days. Supporting shipper: Gulf Oil Co., Post Office Box 7245, Station C, Atlanta, GA 30309. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 933 Federal Office Building, 167 North Main Street, Memphis, TN 38103.

No. MC 128527 (Sub-No. 21 TA), filed October 7, 1971. Applicant: MAY TRUCKING COMPANY, Post Office Box 398, Payette, ID 83661. Applicant's representative: John K. Gatchel, Post Office Box 195, Payette, ID 83661. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles, including structural flats and shapes, angles, bars, reinforcing bars, beams, tubing, sheet, plat, coil, and iron and steel pipe fittings*, from points in Multnomah and Clackamas Counties, Oreg., to points in Idaho south of the southern boundary of Idaho County, for 180 days. NOTE: Applicant states it does not intend to tack or interline authority herein sought. Supporting shippers: Standard Steel Tube Supply, 2211 Northwest Front Avenue, Portland, OR 97209; Northwest Pipe & Casing Co., 9200 Southeast Lawnfield Road, Clackamas, OR 97015; Beall Pipe and Tank Corp., Boise, Idaho 83704; Industrial Export Co., 406 Board of Trade Building, Portland, Oreg. 97204; AG Equipment, Inc., Manufacturing, 2104 Wyoming, Caldwell, ID 83605; Western Steel Manufacturing Co., 2601 Main Street, Boise, ID 83707; Oregon Steel Mills, 5200 Northwest Front Avenue, Portland, OR 97210; Elixir Industries, Box 7986, Boise, ID 83707; Amax Aluminum/Mill Products, Inc., Post Office Box 418, Boise, ID 83707; Gate City Steel, Post Office Box 8005, Boise, ID 83707; Allen Steel Supply Co., 2902 Fletcher Street, Boise, ID 83706. Send protests to: C. W. Campbell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 455 Federal Building & U.S. Court House, Boise, Idaho 83702.

No. MC 133233 (Sub-No. 19 TA), filed October 4, 1971. Applicant: CLARENCE L. WERNER, doing business as WERNER ENTERPRISES, 805 32 Avenue South, Post Office Box 831, Council Bluffs, IA 51501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed ingredients*, from the plantsites and warehouse facilities utilized by Cargill, Inc., at or near Sioux City Iowa; Des Moines, Iowa; Cedar Rapids, Iowa, and Washington, Iowa, to points in Montana, South Dakota, Utah, Idaho, and Wyoming, for 180 days. Supporting shipper: Cargill, Inc., Des Moines, Iowa. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 133436 (Sub-No. 12 TA), filed October 7, 1971. Applicant: DUDDEN ELEVATOR, INC., Post Office Box 60, 121 East Second Street, Ogallala, NE 69153. Applicant's representative: Richard A. Dudden (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Inedible meat byproducts and inedible articles distributed by meat packinghouses* (except hides and commodities in bulk, in tank vehicles), *and feed and feed ingredients*, between points in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming, for 180 days. Supporting Shipper: Wellens & Co., Inc., 6950 France Avenue South, Minneapolis, MN 55435. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building and Courthouse, Lincoln, Nebr. 68508.

No. MC 133966 (Sub-No. 13 TA), filed October 6, 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: *Modular homes*, on semitrailers equipped with pintel hook type device, from Northumberland, Pa., to points in Maryland, New Jersey, Delaware, Virginia, and New York, for 150 days. Supporting shipper: Modular Housing Systems, Inc., Northumberland, Pa. 17857. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 134414 (Sub-No. 3 TA), filed October 4, 1971. Applicant: FRANCIS MOONEY TRUCKING, INC., Post Office Box 441, Dillon, MT 59725. Applicant's representative: J. F. Meglen, Post Office Box 1581, Billings, MT 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and fresh fruit and vegetables*, which are exempt under the provisions of sec. 203(b)(6) of the Interstate Commerce Act if transported in the same vehicle, from points in Los Angeles County, Calif., to Billings, Butte, Great Falls, Havre, and Miles City, Mont., and Casper, Wyo., for 180 days. Supporting shipper: Gamble Robinson Co., 661 Fifth Avenue North, Minneapolis, MN 55405. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 134477 (Sub-No. 15 TA), filed October 4, 1971. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Applicant's representative: Paul Schanno (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packinghouse products*, from South St. Paul, Minn., to New York, N.Y., for 180 days. Supporting shipper: Morris Rifkin & Sons, Inc., South St. Paul, Minn. 55075. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Co: rthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 134534 (Sub-No. 4 TA), filed October 4, 1971. Applicant: LUIS BASTERRECHEA, doing business as BASTERRECHEA DISTRIBUTING, 341 Colorado, Gooding, Idaho 83330. Applicant's representative: Jay L. Depew, Post Office Box 23, Twin Falls, ID. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meat and packinghouse products*, from points in Gooding County, Idaho, to points in Lewis and Clark, and Cascade Counties, Mont., for 180 days. NOTE: Applicant intends to tack the authority herein applied for to other authority held in MC 134534 (Sub-No. 2), Spokane, Wash. Supporting shipper: Magic Valley Packing Co., Gooding, Idaho 83330. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 455 Federal Building and U.S. Courthouse, Boise, Idaho 83702.

No. MC 135725 (Sub-No. 2 TA), filed October 4, 1971. Applicant: FRY TRUCKING, INC., Wilton Junction, Iowa 52778. Applicant's representative: Kenneth F. Dudley, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irreguar routes, transporting: *Feed, feed ingredients, and anmial health products*, from Williamsburg, Iowa, to points in Illinois, Indiana, Kentucky, Missouri, Ohio, Tennessee, and Wisconsin, for 180 days. Supporting shipper: Swift Dairy & Poultry Co., Division of Swift & Co., 115 West Jackson Boulevard, Chicago, IL 60604. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 135971 (Sub-No. 1 TA), filed October 1, 1971. Applicant: LOGISTIC CORPORATION, 109 Dalhousie Street, Quebec, Canada. Applicant's representative: Jacques Beaudet, Post Office Box 879, Upper Town, Quebec 4, Province of Quebec. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from ports of entry on the international boundary line between the United States and Canada located in Maine to points in Maine, for 150 days. Supporting shipper: St. Lawrence Cement Co., Box 1156, Quebec 2, Province of Quebec. Send protests to: District Supervisor Ross J. Seymour, Bureau of Operations, Interstate Commerce Commission, 424 Federal Building, Concord, N.H. 03301.

No. MC 135998 (Sub-No. 1 TA), filed October 4, 1971. Applicant: KEN BLACKMON, Glenwood, Ark. 71943. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Veneer, for plywood*, from Umpire, Ark., to Dodson, Minden, and Ruston, La., for 180 days. Supporting shipper: Umpire Timber Products, Umpire, Ark. 71971. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 136045 (Sub-No. 1 TA), filed October 4, 1971. Applicant: JOHN R. WILLIAMS, 6205 South Second Avenue, Phoenix, AZ 85040. Applicant's representative: A. Michael Bernstein, 1327 United Bank Building, Phoenix, Ariz. 85012. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in cans and bottles, from the plantsite of the National Brewing Co., located at Phoenix, Ariz., to points in Oregon, Washington, Idaho, Montana, Wyoming, Nevada, Utah, and Colorado, and on return, *empty pallets*, for 180 days. Supporting shipper: The National Brewing Co., Western Division, 15C South 12th Street, Phoenix, AZ 85034. Send protests to: A. V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3427 Federal Building, Phoenix, Ariz. 85025.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc. 71-15197 Filed 10-18-71;8:48 am]

[Notice 379]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 13, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 21455 (Sub-No. 26 TA), filed October 4, 1971. Applicant: GENE MITCHELL CO., 1106 Division Street, West Liberty, IA 52776. Applicant's representative: Kenneth F. Dudley, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients, and animal health products*, from Williamsburg, Iowa, to points in Illinois, Indiana, Kentucky, Missouri, Ohio, Tennessee, and Wisconsin, for 180 days. Supporting shipper: Swift Dairy & Poultry Co., division of Swift & Co., 115 West Jackson Boulevard, Chicago, IL 60604. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 24280 (Sub-No. 3 TA), filed October 4, 1971. Applicant: R. A. LANGE AND R. B. LANGE, doing business as LANGE MOVING & STORAGE COMPANY, 615 West Dale, Muskegon, MI 49441. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cosmetics and toilet preparations, and advertising and sales material*, moving in conjunction therewith, from Muskegon, Mich., to points in that part of Muskegon County, Mich., on south and east of a line extending along Michigan Highway 46 to Muskegon County Line. Restriction: No service will be provided in the transportation of packages or articles weighing in the aggregate more than 500 pounds from one consignor at one location to one consignee at one location in any 1 day, for 180 days. Supporting shipper: William K. Walker, Transportation Manager, Avon Products, Inc., Springdale, Ohio 45246. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 29849 (Sub-No. 2 TA), filed October 4, 1971. Applicant: EXCHANGE FURNITURE FORWARDERS, INC., 42 Wilson Street, Brooklyn, NY 11211. Applicant's representative: Arthur J. Piken, Suite 1515, 1 Lefrak City Plaza, Flushing, NY 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *New furniture*, (B) between Hoboken, N.J., on the one hand, and, on the other, points in that part of Connecticut, south and west of a line beginning at the Connecticut-New York State line and extending along U.S. Highway 44 to Hartford, Conn., thence along U.S. Highway 5 to New Haven, Conn., including points on the indicated portions of the highways specified, between Hoboken, N.J., on the one hand, and, on the other, points on U.S. Highway 9W, between Newburgh, N.Y., and the New York-New Jersey State line, and those in New York east of the Hudson River, and south of a line beginning at Poughkeepsie, N.Y., and extending southeasterly through Scott Corners, N.Y., to the New York-Connecticut State line, including the points specified and those on Long Island, N.Y., on and west of New York Highway 112, from Hoboken, N.J., to Mount Vernon, New Rochelle, and Yonkers, N.Y., and points in Bergen, Essex, Hudson, Middlesex, Monmouth, Morris, Passaic, Somerset, and Union Counties, N.J., with no transportation for compensation on return except as otherwise authorized, for 180 days. Supporting shippers: Stanley Furniture, Stanleytown, Va. 24168; Bassett Furniture Industries, Inc., Bassett, Va. 24055. Send protests to: Marvin Kampel, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, Room 1807, New York, NY 10007.

No. MC 30844 (Sub-No. 370 TA), filed October 1, 1971. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Post Office Box 5000, Waterloo, IA 50704. Applicant's representative: Paul Rhodes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats, meat products, and meat byproducts* as described in section A of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite of Swift & Co., at Guymon, Okla., to points in Connecticut, Delaware,

Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, Vermont, West Virginia, and the District of Columbia, restricted to shipments originating at Swift & Co., named plantsite and destined to named States, for 180 days. Supporting shipper: Swift Fresh Meats Co., 115 West Jackson Boulevard, Chicago, IL 60604. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 51146 (Sub-No. 234 TA), filed October 4, 1971. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., Box 54306, 2298, 817 McDonald Street, Green Bay, WI 54303. Applicant's representative: Neil A. DuJardin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concentrated fruit juices, labels*, knocked down fiberboard corrugated boxes, and *fruit juices*, natural other than frozen, when moving with metal containers or metal container ends, from Plymouth, Ind., to Duluth and Ortonville, Minn., Lockport, N.Y., Collinsville, Ill., Grimes, Iowa, Lenexa, Kans., Hanover, Pa., Inman, S.C., Humboldt, Tenn., and Highlands, Tex., for 180 days. Supporting shipper: RJR Foods, Inc., 750 Third Avenue, New York, NY 10017 (Donald J. Kays, General Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 53965 (Sub-No. 78 TA), filed October 4, 1971. Applicant: GRAVES TRUCK LINE, INC., 739 North 10th Street, Post Office Box 838, Salina, KS 67401. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, KS 66603. 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 Council Bluffs, Iowa, to points in Missouri, Kansas, and Oklahoma, for 150 days. NOTE: Applicant does not intend to tack the authority here applied for to other authority held by it, or to interline with other carriers. Supporting shipper: Beefland International, Inc., 2700 23d Avenue, Council Bluffs, IA 51501. Send protests to: Thomas P. O'Hara, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 234 Federal Building, Topeka, Kans. 66603.

No. MC 95084 (Sub-No. TA), filed October 1, 1971. Applicant: HOVE TRUCK LINE, Stanhope, Iowa 50246. Applicant's representative: Kenneth F. Dudley, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Grain bins*, from Milford, Ind., to points in Iowa, Kansas, Minnesota, Nebraska, North Dakota, and South Dakota; (2) *tanks and silos*, from Buckner, Ky., to points in Iowa, Kansas, Minnesota, Nebraska, North Dakota, and South Dakota; (3) *steel buildings*, from Washington Court House, Ohio, to points in Iowa, Kansas, Minnesota, Nebraska, North Dakota, and South Dakota; and (4) *agricultural implements and machinery and farm equipment*, from Washington Court House, Ohio, to points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, for 180 days. Supporting shippers: Brown and Associates, Inc., 307 Kellogg, Dallas Center, IA 50063; Gruel-Omatic, Inc., Post Office Box 186, Minburn, IA 50167. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 117565 (Sub-No. 47 TA), filed October 1, 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: *Building construction sections, panels and component parts thereof, including wall, door, and window systems; doors, windows and door, and window frames and sash; any parts and accessories used in the installation thereof*, from the plantsite and warehouse facilities of the Marmon Group, Inc. (Michigan), at Lima, Ohio, to points in the United States (except Alaska and Hawaii). Supporting shipper: The Marmon Group, Inc. (Michigan), 39 South La Salle Street, Chicago, IL 60603. 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 119774 (Sub-No. 33 TA), filed October 1, 1971. Applicant: N. M. STIDHAM (INEZ MANKINS, EXECUTRIX), MARY ELLEN STIDHAM, JAMES E. MANKINS SR., doing business as EAGLE TRUCKING COMPANY, 301 Main Street, Third Floor, Post Office Box 471, Kilgore, TX 75662. Applicant's representative: James E. Mankins, Sr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and siding materials*, including accessories, in straight or mixed truckloads, from Shreveport, La., to points in Alabama, Arkansas, Florida, Illinois, Indiana, Kansas, Kentucky, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee, and Texas, for 180 days. NOTE: Carrier does not intend to tack authority. Supporting shipper: Bird & Son, Inc., Post Office Box 72, Shreveport, La. 71102. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 110 Commerce Street, Room 13C12, Dallas TX 75202.

No. MC 119880 (Sub-No. 48 TA) (Correction), filed September 16, 1971, published FEDERAL REGISTER September 29, 1971, corrected and republished in part as corrected this issue. Applicant: DRUM TRANSPORT, INC., Box 2056, 616 Chicago Street, East Peoria, ILL 61611. NOTE: The purpose of this partial republication is to set forth the correct commodity description as Alcoholic *Liquors*, in lieu of Alcoholic liquids, shown erroneously in previous publication. The rest of the notice remains the same.

No. MC 126473 (Sub-No. 19 TA) (Correction), filed September 23, 1971, published FEDERAL REGISTER October 5, 1971, corrected and republished in part as corrected this issue. Applicant: HAROLD DICKEY TRANSPORT, INC., Packwood, Iowa 52580. Applicant's representative: Kenneth F. Dudley, Post Office Box 279, Ottumwa, IA 52501. NOTE: The purpose of this partial republication is to set forth the correct No. MC 126473 (Sub-No. 19 TA) in lieu of No. MC 126483 (Sub-No. 19 TA) shown erroneously in previous publication. The rest of the notice remains the same.

No. MC 127834 (Sub-No. 65 TA), filed October 1, 1971. Applicant: CHEROKEE HAULING & RIGGING, INC., 540–42 Merritt Avenue, Nashville, TN 37203. Applicant's representative: Fred F. Bradley, County Court House, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plumbing and roofing supplies and sheet metal products*, from Federal Copper and Aluminum Co., Inc., near College Grove, Tenn., to points in Montana, Wyoming, Colorado, New Mexico and all States east thereof, for 180 days. NOTE: Applicant does not intend to tack authority here applied for to other authority held by it. Supporting shipper: Federal Copper and Aluminum Co., Inc., U.S. Highway 31A, College Grove, Tenn. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803 1808 West End Building, Nashville, Tenn. 37203.

No. MC 134145 (Sub-No. 9 TA) (Correction), filed September 23, 1971, published FEDERAL REGISTER October 5, 1971, corrected and republished in part as corrected this issue. Applicant: NORTH STAR TRANSPORT, INC., Post Office Box 51, Thief River Falls, MN 56701. Applicant's representative: Robert P. Sack, Post Office Box 6010, West St. Paul, MN 55118. NOTE: The purpose of this partial republication is to set forth the correct No. MC 134145 Sub-No. 9 TA, in lieu of No. MC 126473 Sub-No. 19 TA, shown erroneously in previous publication. The rest of the notice remains the same.

No. MC 134452 (Sub-No. 2 TA) (Correction), filed September 17, 1971, published FEDERAL REGISTER September 29, 1971, corrected and republished in part as corrected this issue. Applicant: EUREKA CARTAGE COMPANY, INC.,

5821 West Ogden Avenue, Cicero, IL 60650. Applicant's representative: William H. Towle, 127 North Dearborn Street, Chicago, IL 60602. NOTE: The purpose of this partial republication is to reflect the correct destination territory in part 4(a) above to read at Bellwood, Ill., to Eau Claire, Mich., in lieu of at Bellwood, Ill., at Eau Claire, Mich., shown erroneously in previous publication. The rest of the notice remains the same.

No. MC 135982 (Sub-No. 1 TA), filed October 1, 1971. Applicant: S. L. HARRIS, doing business as P.B.I., Post Office Box 573, Tyler, TX 75701. Applicant's representative: William D. Lynch, 1005 Nueces, Austin, TX 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New commercial motor vehicle trailers, semitrailers, dollies, chassis and containers, accessories, trailer axle converters, and equipment in connection therewith*, from points in Gregg County, Tex., to points in New Mexico, Colorado, Wyoming, Montana, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Minnesota, Ohio, Iowa, Missouri, Virginia, West Virginia, Indiana, Illinois, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, Maryland, Delaware, Arkansas, and Louisiana; and *return of damaged or used—like commodities* to Gregg County, Tex., for 180 days. NOTE: Carrier does not intend to tack authority. Supporting shipper: Trailmobile, a Division of Pullman, Inc., Longview, Tex. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 136048 TA, filed October 4, 1971. Applicant: NEIL J. NEWLAND, doing business as NEWLAND'S GARAGE, 6th and Locust, Wellsville, KS 66092. Applicant's representative: John L. Richeson, First National Bank Building, Ottawa, Kans. 66067. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm implements, machinery and farm equipment*—assembled and unassembled, between points in Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, Oklahoma, and Texas, for 180 days. Supporting shippers: Elmer A. McConnell, doing business as McConnell Machinery Co., 1111 East 23d Street, Lawrence, KS 66044; Sheldon Truck and Tractor Co., Inc., 102 South Walnut Street, Ottawa, KS 66067; T. L. Silvius, Wellsville Implement Co., Wellsville, Kans. 66092; Ottawa Tractor and Implement Co., Inc., 119 East Second Street, Ottawa, KS 66067. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Building, Topeka, Kans. 66603.

No. MC 136049 TA, filed October 6, 1971. Applicant: M. R. GRAHAM AND R. L. BARNES, a partnership, doing business as MOONLIGHT TRANSPORTATION, 313 South 16th Avenue, Laurel, MS 39440. Applicant's representative: B. M. Trest, 803 North 31st Avenue, Hattiesburg, MS 39401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, including *explosives and radioactive materials*, used in replacing, servicing, and repair of machinery and equipment used in, or in connection with the discovery, development, and production of natural gas and petroleum and their products and byproducts, restricted to shipments weighing 12,000 pounds or less each and utilizing 1½-ton or smaller trucks, in exclusive use round-trip service, between points in Jones County, Miss., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Tennessee, Texas, and West Virginia, for 180 days. Supporting Shippers: Drilco Oil Tools, Inc., 3100 Garden City Highway, Midland, TX 79701; Gray Tool Co., Box 2291, Houston, TX 77001; Shaffer Tool Works, Post Office Box 45, Laurel, MS 39440; Grant Oil Tool Co., Laurel, Miss. 39440; Drilprodco, Inc., Laurel, Miss. 39440; Big "B" Valve, Inc., Post Office Box 2174, Laurel, MS 39440. Send protests to: Alan C. Tarrant, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 136051 TA, filed October 4, 1971. Applicant: RPD, INC., 2701 South Bayshore Drive, Miami, FL 33133. Applicant's representative: Frank G. Sutherland (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicle parts, components, supplies, materials, advertising materials, and equipment, materials, and supplies* utilized in the manufacture thereof, between points in Duval, Nassau, Baker, Columbia, Suwannee, Hamilton, Madison, Jefferson, Gadsden, and Leon Counties, Fla., and points in Appling, Atkinson, Bacon, Berrien, Brantley, Brooks, Camden, Charleston, Clinch, Coffee, Colquitt, Cook, Decatur, Echols, Glynn, Grady, Lanier, Lowndes, McIntosh, Pierce, Seminole, Thomas, Ware, and Wayne Counties, Ga., for 180 days. Supporting shipper: General Motors Parts Division, General Motors Corp., 6060 West Bristol Road, Flint, MI 48554. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, 5720 Southwest 17th Street, Room 105, Miami, FL 33155.

No. MC 136052 TA, filed October 4, 1971. Applicant: SECURITY CARRIERS, INC., 4228 West 11th, Post Office Box 3091, Amarillo, TX 79106. Applicant's representative: Frederick J. Coffman, 521 South 14th, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, 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, from the plant, warehouse, and storage facilities, utilized by National Beef Packing Co. at or near Liberal, Kans., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Maryland, Delaware, the District of Columbia, and Virginia, for 180 days. Supporting shipper: Marion R. Hoover, Traffic Manager, National Beef Packing Co., 1501 East Eighth Street, Liberal KS. Send Protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395 Herring Plaza, Amarillo, TX 79101.

No. MC 136053 TA, filed October 4, 1971. Applicant: LOUIS CLAIBORNE HUNT, doing business as L. C. HUNT AGENCY, 1616 Kent Street, Durham, NC 27707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pharmaceutical materials* of a nonradioactive and radioactive nature, also *human blood and human organs*, from Raleigh-Durham Airport to University of North Carolina, Chapel Hill, N.C.; Duke Hospital, VA Hospital, Watts Hospital (Durham, N.C.); Apex Hospital (Wake County, N.C.); Wilson County Hospital (Wilson, N.C.); Rex Hospital (Raleigh, N.C.); Wake Memorial Hospital (Raleigh, N.C.); Lee County Hospital (Sanford, N.C.), for 180 days. Supporting shippers: Amersham/Searle Corp., 2636 South Clearbrook Drive, Arlington Heights, IL 60005; Duke University Medical Center, Medical Center Purchasing, Durham, N.C. 27706. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 26896, Raleigh, NC 27611.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-15198 Filed 10-18-71;8:48 am]

[Notice 766]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 14, 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–72934 (Republication), by order of October 6, 1971, the Motor Carrier Board, supplemented the order of the Commission, Motor Carrier Board, entered June 17, 1971, to authorize transfer of certificates Nos. MC–115295, MC–115295 (Sub-No. 1), MC–115295 (Sub-No. 2), MC–115295 (Sub-No. 3), MC–115295 (Sub-No. 4), and MC–115295 (Sub-No. 5) to Gerald E. Amundson, Northfield, Minn., from Bob Utgard, doing business as Utgard Trucking, New Richmond, Wis., to authorize the transfer of the additional operating rights contained in certificate No. MC–115295 (Sub-No. 14) issued to transferor August 6, 1971, authorizing the transportation of: Animal and poultry feed and manufactured animal and poultry feed ingredients from New Richmond, Wis., to points in specified Iowa counties and to specified portion of Winona County, Minn.; and from Ames, Iowa, and Albert Lea, Minn., to New Richmond, Wis. Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402, attorney for transferor.

No. MC–FC–72985. By order of October 5, 1971, the Motor Carrier Board, on reconsideration, and with certain conditions, approved the transfer to Paramus Delivery Service, Inc., New York, N.Y., of certificates Nos. MC–35858 and MC–35858 (Sub-No. 1), issued to Riley's Express, Inc., Carlstadt, N.J., authorizing the transportation of: General commodities with the usual exceptions, and certain specified commodities, between specified points in New York and New Jersey. Robert B. Pepper, Practitioner, 174 Brower Avenue, Edison, NJ 08817. Edward F. Bowes, Attorney, 744 Broad Street, Newark, NJ 07102.

No. MC–FC–73132. By order of October 6, 1971, the Motor Carrier Board approved the transfer to Everett G. Roehl, Inc., Marshfield, Wis., of the operating rights in certificates Nos. MC–127651, MC–127651 (Sub-No. 1), MC–127651 (Sub-No. 4), and MC–127651 (Sub-No. 6) issued June 1, 1966, July 24, 1967, March 25, 1967, and November 12, 1969, respectively to Everett G. Roehl, Marshfield, Wis., authorizing the transportation of malt and carbonated beverages, from St. Louis, Mo., to Stratford, Wis., rough lumber, from Dorchester, Wis., to points in Iowa, Illinois, and Indiana, and from points in Illinois, Indiana, and that part of Iowa north of U.S. Highway 20 and east of U.S. Highway 63, to Dorchester, Wis., and from Freeport, Ill., to points in Wisconsin; lumber (except plywood and veneer), from Onalaska, Wis., to Falls City, Nebr., and to points in Minnesota, Iowa, Illinois, and Kentucky, and from Dorchester, Wis., to Falls City, Nebr., and to points in Kentucky; and wood pallets, from points in Wisconsin, to points in Illinois, Iowa, and Minnesota. Nancy J. Johnson, 111 South Fairchild Street, Madison, WI 53703, attorney for applicants.

No. MC–FC–73182. By order of October 6, 1971, the Motor Carrier Board approved the transfer to Capital Messengers, Inc., Bladensburg, Md., of the operating rights in permits Nos. MC–117058, MC–117058 (Sub-No. 2), MC–117058 (Sub-No. 5), and MC–117058 (Sub-No. 9) issued June 30, 1958, March 21, 1960, September 16, 1960, and December 3, 1965, respectively, to B. S. Reynolds Co., Inc., Washington, D.C., authorizing the transportation of photographic film and photographic materials between Baltimore, Md., and Washington, D.C.; between Washington, D.C., on the one hand, and, on the other, Fort George G. Meade, Laurel, and Baltimore, Md.; and between Washington, D.C., and Annapolis, Md.; and pictures and picture frames between Baltimore, Md., and Washington, D.C.; and photographic film and photographic materials and prints between Rockville, Md., Fairfax, Va., and Washington, D.C. Nancy Pyeatt, 1030 15th Street NW., Washington, DC 20005, attorney for applicants.

No. MC–FC–73197. By order of October 1, 1971, the Motor Carrier Board approved the transfer to Reginald C. Wilson, Jr., Paul R. Howard, and C. Russell Ackley, Jr., a partnership, doing business as Wilson Moving and Storage, Rutland, Vt., of the operating rights in certificates Nos. MC–111849, MC–111849 (Sub-No. 1), and MC–111849 (Sub-No. 2) issued May 10, 1951, May 10, 1951, and August 4, 1970, respectively, to Reginald C. Wilson, doing business as Wilson Fast Freight, Rutland, Vt., authorizing the transportation of household goods, as defined by the Commission, between various specified points as indicated in Vermont, New Jersey, and New York, and points in Massachusetts, New Hampshire, Connecticut, Rhode Island, New York, New Jersey, Vermont, and Pennsylvania; and new furniture, uncrated, from North Bennington, Vt., to points in New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia. John P. Monte, 61 Summer Street, Barre, VT 05641, attorney for applicants.

No. MC–FC–73211. By order of October 6, 1971, the Motor Carrier Board approved the transfer to Warren Transport, Inc., an Iowa corporation, Waterloo, Iowa, of certificate No. MC–114211 and sub numbers thereunder, issued on and after March 22, 1957, to Warren Transport, Inc., a Nebraska corporation, Waterloo, Iowa, authorizing, among other things, the transportation of: Tractors, agricultural, industrial and construction machinery, household goods, livestock, buildings, prefabricated buildings, storage bins, grain driers, and corncribs, commodities which because of size or weight require the use of special equipment, iron and steel products, self-propelled vehicles, and cranes and hoisting equipment, from, to, or between points in the United States, except points in Alaska and Hawaii. Charles W. Singer, 33 North Dearborn Street, Chicago, IL 60602, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71–15199 Filed 10–18–71;8:48 am]

ASSIGNMENT OF HEARINGS

OCTOBER 14, 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 135379 Sub 2, Eastern Transport, Inc., assigned October 19, 1971, at New York, N.Y., is canceled and reassigned for hearing on November 8, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 61592 Sub 182, Jenkins Truck Line, Inc., assigned October 18, 1971, at Chicago, Ill., canceled and application dismissed.

MC 21866 Sub 67, West Motor Freight, Inc., assigned December 20, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 40915 Sub 46, Boat Transit, Inc., assigned December 1, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 51146 Sub 213, Schneider Transport & Storage, Inc., assigned December 20, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 85465 Sub 35, West Nebraska Express, Inc., assigned December 2, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 101474 Sub 15, Red Top Trucking Company, Inc., assigned December 6, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 105045 Sub 30, R. L. Jeffries Trucking Co., Inc., assigned December 8, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 107295 Subs 507 and 512, Pre-Fab Transit Co., assigned December 6, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 107515 Sub 748, Refrigerated Transport Co., Inc., assigned December 20, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 113666 Sub 58, Freeport Transport, Inc., assigned January 4, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 114019 Sub 213, Midwest Emery Freight System, Inc., assigned December 20, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 116519 Sub 12, Frederick Transport Limited, assigned January 5, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 117940 Sub 26, Nationwide Carriers, Inc., now assigned December 6, 1971, at Dallas, Tex., advanced to November 15, 1971, at the Offices of Interstate Commerce Commission, Washington, D.C.

MX FD 26652, Chicago & North Western Railway Co. Abandonment Between Kievenville & Fennimore, including Lancaster Junction to Lancaster, Monfort Junction to Cuba City, and Ipswich to Platteville, in Dane, Iowa, Lafayette, and Grant Counties, Wis., assigned October 26, 1971, at Dodgeville, Wis., postponed indefinitely.

MC 109435 Sub 66, Ellsworth Bros. Truck Lines, Inc., MC 134405 Sub 4, Bacon Transport Co., MC 135702, Charles R. Ellsworth Trucking, Inc., now assigned hearing November 1, 1971, in Room 140, 601 East 12th Street, New Federal Building, Kansas City, MO.

MC 35286 Sub 2, Truck Line Distribution Systems, assigned November 15, 1971, in Room 1011, Public Service Commission of Indiana, 100 North Senate Avenue, Indianapolis, IN.

MC 98952 Sub 25, General Transfer Co., assigned November 10, 1971, in Room 1011, Public Service Commission of Indiana, 100 North Senate Avenue, Indianapolis, IN.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-15200 Filed 10-18-71;8:48 am]

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