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FEDERAL REGISTER

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

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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3113 is amended to reflect the transfer of the regulatory and control functions formerly performed by the Agricultural Research Service to the Animal and Plant Health Service.

Effective on publication in the FEDERAL REGISTER (12–18–71), subparagraphs (1) and (5) of paragraph (a) are amended, subparagraph (2) of paragraph (g) is revoked, and paragraph (k) is added under § 213.3113 as set out below.

§ 213.3113 Department of Agriculture.

(a) *General.* (1) Agents employed in field positions the work of which is financed jointly by the Department and cooperating persons, organizations, or governmental agencies outside the Federal service. This authority is not applicable to positions in the Agricultural Research Service, positions in the Animal and Plant Health Service, or positions in the Statistical Reporting Service. This authority is not applicable to the following positions in the Consumer and Marketing Service: Agricultural commodity grader (grain) and (meat), agricultural commodity aid (grain), and poultry and tobacco inspection positions. * * *

(5) Temporary, intermittent, or seasonal employment in the field service of the Department in the positions at and below GS–7 and WG–10 in the following types of positions: field assistants for subprofessional services; caretakers at temporarily closed camps or improved areas; field enumerators and supervisors; forest workers engaged primarily for fire prevention or suppression activities and other forest workers employed at headquarters other than forest supervisor and regional offices; State performance assistants in the Agricultural Stabilization and Conservation Service; collectors of the Farmers Home Administration; agricultural commodity aids (cotton) in the Consumer and Marketing Service; agricultural helpers, helperleaders, and workers in the Agricultural Research Service and the Animal and Plant Health Service; and, subject to the Prior Commission approval granted in the calendar year in which the appointment is to be made, other clerical, trades, crafts, and manual labor positions. Total employment under this subparagraph may not exceed 180 working days in a service year: *Provided*, That an employee may work as many as 220 working days in a service year when employment beyond 180 days is required to cope with extended fire seasons or sudden emergencies, such as fire, flood, storm, or other unforeseen situations involving potential loss of life or property. This paragraph does not cover trades, crafts, and manual labor positions covered by paragraphs (i) and (m) of § 213.3102.

* * * * *

(g) *Agricultural Research Service.*

* * * * *

(2) [Revoked]

* * * * *

(k) *Animal and Plant Health Service.* (1) Field employees on programs conducted under the terms of cooperative agreements or memorandums of understanding with States or other non-Federal cooperating organizations, provided the employees are jointly selected and their salary is supplied by the cooperators on the basis of not less than a 40-percent contribution by each of the cooperators.

(2) Temporary field positions concerned with the control, suppression, and eradication of emergency livestock diseases. Persons appointed under this authority may not be employed in these positions in the Animal and Plant Health Service for longer than 1 year under this authority, or under a combination of this and any other authorities for excepted appointment that may be appropriate, without prior approval of the Commission. This authority shall be appropriate only in situations declared by the Secretary of Agriculture to be emergencies threatening the livestock industry of the country.

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

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

[FR Doc.71–18509 Filed 12–17–71;8:45 am]

PART 213—EXCEPTED SERVICE

Environmental Protection Agency

Section 213.3318 is amended to show that one position of Staff Assistant to a Special Assistant to the Administrator is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (12–18–71), subparagraph (8) is added to paragraph (a) of § 213.3318 as set out below.

§ 213.3318 Environmental Protection Agency.

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

(8) One Staff Assistant to a Special Assistant to the Administrator.

* * * * *

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

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

[FR Doc.71–18510 Filed 12–17–71;8:46 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Animal and Plant Health Service,[1] Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 71–604]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

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

In § 76.2, the reference to the State of New Jersey in the introductory portion of paragraph (e) and paragraph (e)(4) relating to the State of New Jersey are deleted, and paragraph (f) is amended by adding thereto the name of the State of New Jersey.

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

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

The amendment excludes portions of Burlington and Camden Counties in New Jersey from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as

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[1] The functions prescribed in Part 76 of Chapter I, 9 CFR, have been transferred from the Agricultural Research Service, U.S. Department of Agriculture, to the Animal and Plant Health Service of the Department (36 F.R. 20707).

contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the excluded areas. No areas in New Jersey remain under the quarantine.

The amendment adds New Jersey to the list of hog cholera eradication States in § 76.2(f), and the special provisions pertaining to the interstate movement of swine and swine products from or to such eradication States are applicable to New Jersey.

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

Done at Washington, D.C., this 14th day of December 1971.

G. H. WISE,
Acting Administrator,
Animal and Plant Health Service.

[FR Doc.71-18536 Filed 12-17-71;8:48 am]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 71-1317]

PART 564—SETTLEMENT OF INSURANCE

Correction of Citation of Authority

DECEMBER 14, 1971.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend Part 564 of the rules and regulations for Insurance of Accounts (12 CFR Part 564) for the purpose of correcting an erroneous citation of statutory authority contained therein. Accordingly, the Federal Home Loan Bank Board hereby amends Part 564 by correcting the citation of authority therefor, to read as follows:

AUTHORITY: The provisions of this Part 564 issued under secs. 401, 402, 403, 405, 48 Stat. 1255, 1256, 1257, 1259, as amended; 12 U.S.C. 1724, 1725, 1726, 1728. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071, unless otherwise noted.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Income Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.71-18566 Filed 12-17-71;8:50 am]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

PART 376—SPECIAL COMMODITY POLICIES AND PROVISIONS

PART 377—SHORT SUPPLY CONTROLS

Miscellaneous Amendments

The 13th General Revision of the Export Regulations (Amdt. 29), Parts 376 and 377 are amended to read as set forth below.

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

Effective date: December 20, 1971.

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

The following note is added to § 376.12:

NOTE: Consistent with the provisions of § 374.2, regarding permissive reexports, prior written authorization is not required from the Office of Export Control for the incorporation abroad of U.S.-origin parts and components in a foreign-made end product that will be exported to another country, provided that such end product, if it were of U.S.-origin, could be exported from the United States to the new country of destination under General License G-DEST.

Copper scrap and refined copper are no longer subject to the special requirements set forth in § 377.3, viz, that applications for licenses be supported by copies of the export order and that resultant licenses would be limited to a validity period of 2 months. Therefore, § 377.3 is deleted.

[FR Doc.71-18614 Filed 12-16-71;2:56 pm]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. IC-6848]

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

PART 274—FORMS PRESCRIBED UNDER THE INVESTMENT COMPANY ACT OF 1940

Contractual Plans for Mutual Fund Shares and Variable Annuities

Notice is hereby given that the Securities and Exchange Commission has adopted certain amendments to Rule 27f-1 (17 CFR 270.27f-1) under the Investment Company Act of 1940 (Act), and to Form N-27D-1 (17 CFR 274.127d-1), required to be filed pursuant to the provisions of Rule 27d-1 (17 CFR 270.27d-1). It has also withdrawn proposed Forms N-27F-2 and N-27F-3 (17 CFR 274.127f-2, 274.127f-3). Adoption of the amendments to Rule 27f-1 conforms the requirements of the rule with the provisions of section 27(f) of the Act (15 U.S.C. 80a-27(f)) as recently amended by Public Law 92-165 (85 Stat. 487); Form N-27D-1 has been amended by adding a cover page which identifies the registered investment companies for which segregated trust accounts are established and maintained and provides for the signature of the person authorized by the underwriter or depositor to file the Form, and by amending the Instructions to the form to specify the number of copies to be filed. The amendments are adopted pursuant to the authority granted the Commission in sections 27(d), 27(f), and 38(a) of the Act (15 U.S.C. 80a-27(d), 80a-27(f), 80a-37(a)).

AMENDMENT OF RULE 27f-1 (17 CFR 270.27f-1)

Public Law 92-165, enacted on November 23, 1971, amended section 27(f) (of the Act) to exclude from its provisions "a plan under which the amount of sales load deducted from any payment thereon does not exceed 9 per centum of such payment." The amendments to Rule 27f-1 contained herein delete former subparagraphs "d," "e," and "f" of the rule, which have now become superfluous, redesignate former subparagraph "g" as "d" and conform its language to that of the amended section 27(f) (of the Act).

WITHDRAWAL OF PROPOSED FORMS N-27F-2 AND N-27F-3

On April 29, 1971, the Commission proposed Form N-27F-2 as a form of notice of the 45-day right of withdrawal to be used by single payment or level load plans other than variable annuities and Form N-27F-3, as a form of 45-day notice to be used by all issuers of variable annuities (Release IC-6493) (36 F.R.

8319). Proposed Form N-27F-2 is no longer necessary because of the amendment of section 27(f) (of the Act). The Commission is considering modification of proposed Form N-27F-3 so as to make it applicable only to front-end and spread load variable annuities. Accordingly, the proposals for Forms N-27F-2 and N-27F-3 are hereby withdrawn.

AMENDMENT OF FORM N-27D-1 (17 CFR 274.127d-1)

Form N-27D-1 was prescribed by the Commission with the adoption of Rule 27d-1 on July 2, 1971 (Release No. IC-6600) (36 F.R. 13134), as an "Accounting of Segregated Trust Account" to be filed by depositors or principal underwriters which establish and maintain such accounts pursuant to Rule 27d-1 for the purpose of assuring the refund of charges required by sections 27 (d) and (f) of the Act. The amendments to Form N-27D-1 adopted by the Commission, as described herein, specify that two copies of the form, plus an additional copy for each registered investment company covered thereby, be filed. A "Cover Page" has been added which requires that investment companies for which the segregated trust account is established and maintained be listed and that the filing be signed by an authorized representative of the depositor or underwriter. Instruction "1" to the form has been modified to exclude references to the date for filing the initial form.

Commission action:

I. Section 270.27f-1 of Chapter II of Title 17 of the Code of Federal Regulations is amended in the following manner:

(a) Paragraphs (d), (e), and (f) thereof are deleted;

(b) The language in the first sentence of paragraph (g) thereof:

(1) Which reads "total charges to be" is amended to read "amount of sales load";

(2) Which reads "(exclusive of insurance charges and premium taxes)" is deleted;

(3) Which reads "do not exceed 9 percent * * *" is amended to read "does not exceed 9 percent * * *";

(c) Amended paragraph (g) thereof is redesignated as new paragraph (d); as so amended, § 270.27f-1 reads as follows:

§ 270.27f-1 Notice of right of withdrawal required to be mailed to periodic payment plan certificate holders and exemption from section 27(f) for certain periodic payment plan certificates.

(a) The notice and statement of charges (notice) required by section 27 (f) of the Act shall be sent by first-class mail and shall be accompanied by a written instruction sheet and a return form to be used in connection with the exercise of the right of withdrawal described in the notice. Except for a confirmation slip, the plan certificate, and any notice required by applicable State law, no other written or graphic material may be included with such notice.

(b) The notice may be mailed by the issuer, the principal underwriter for, or the depositor of, the issuer or a record-keeping agent for the issuer if the custodian bank has delegated the mailing of the notice to any of them or the issuer has been permitted to operate without a custodian bank by Commission order.

(c) Solely for purposes of section 27(f) of the Act, the postmark date on the envelope containing the certificate shall determine whether a certificate has been surrendered within the 45-day period.

(d) Form N-27F-1 is hereby prescribed to inform certificate holders, other than holders of plans upon which the amount of sales load deducted from any payment does not exceed 9 percent of any payment and variable annuity contracts, of their withdrawal right pursuant to section 27(f) of the Act. The text of Form N-27F-1 is as follows:

Form N-27F-1—Notice to Periodic Payment Plan Certificate Holders of 45-Day Withdrawal Right With Respect to Periodic Payment Plan Certificates.

IMPORTANT

(Date of Mailing) _____
Re: _____ (1)

Dear _____ (2): This notice is required to be sent to you pursuant to laws administered by the U.S. Securities and Exchange Commission. You should read it carefully and retain it with your financial records.

Of the $_____ (3) you have paid in your _____ (4) plan $_____ (5) has been deducted for various charges. A total of $_____ (6) or _____ (7) percent of your first _____ (8) monthly payments will be deducted from those payments for similar charges. Charges of $_____ (9) or _____ (10) percent will be deducted from each subsequent payment. You have until _____ (11) to surrender your certificate for any reason and receive a refund of all of the charges which have been deducted from your payment, and, in addition, the value of your account on the date your certificate is received.

In determining whether or not to exercise your right you should consider, among other things, the projected cost of your investment and your ability to make the scheduled payments over the life of your plan as they become due. Your plan provides for payments of $_____(12) per _____(13) over a period of _____(14) years, or total payments of $_____(15). If you made all of the scheduled payments over the full term of your plan, the total deductions would be $_____(16) or an effective charge of _____(17) percent of your total payments. However, if you do not complete your program, the deduction of various charges from your initial payments will result in your paying effective charges in excess of that rate. For a more complete description of the charges deducted under your plan, carefully review your prospectus.

If you wish to exercise your right of withdrawal, return your plan certificate to _____(18) by _____(19) in accordance with the enclosed instructions.

Very truly yours,
(20) _____

Instructions for use of Form N-27F-1:

FORM N-27F-1 INSTRUCTIONS

General instructions.

A. The notice shall be legible and shall be printed or typed on letter-size paper. It shall be in modern type at least as large as 10-point modern type. All type shall be leaded at least 2 points. Parenthetical references should be completed in accordance with the itemized instructions below and need not be underlined or boldfaced.

B. The notice shall bear the letterhead of the sender and the mailing date. An inconspicuous reference to the form number may appear on the notice.

Itemized instructions.

Insert the following in the corresponding numbered spaces on Form N-27F-1:

(1) The name of the plan and the account number of the certificate holder. An additional internal recordkeeping reference may also be included at the option of the sender.

(2) The name of certificate holder or an identification such as "Investor" or "Planholder."

(3) The total amount paid by the certificate holder as of the date of the mailing.

(4) The name of the plan.

(5) The total amount deducted for all charges from the amount paid by the certificate holder as of the date of the mailing.

(6) The total dollar amount of all charges scheduled to be deducted from the payments made by the certificate holder before the first regular payment upon which there would be a reduction in the rate of the applicable sales charge below 9 percent of the certificate holder's gross payment.

(7) The percentage that the total charges set forth in Item 6 are of the total payments included under Instruction 6 above.

(8) The number of regular monthly payments required to be made before the rate of the sales charges deducted from such regular payment is reduced to less than 9 percent of the certificate holder's gross payment.

(9) The dollar amount of the charges to be deducted from each payment made by the certificate holder after the first regular payment upon which there would be a reduction in the rate of the applicable sales charge below 9 percent of the certificate holder's gross payment.

(10) The percentage that the amount of the charges set forth in Item 9 are of the amount of the payment included under Instruction 9 above.

(11) The date which is 45 days from the date on which the notice will be mailed.

(12) The dollar amount of each scheduled periodic payment to be made by the certificate holder.

(13) The period (e.g., month, quarter) for which payments are scheduled to be made under the plan.

(14) The total number of years constituting the full term of the plan.

(15) The dollar amount of total payments scheduled to be made over the full term of the plan by the certificate holder.

(16) The total dollar amount of all charges scheduled to be deducted over the full term of the plan.

(17) The percentage that the total charges as set forth in Item 16 are of the total payments scheduled to be made by the certificate holder over the full term of the plan.

(18) The name and address of the custodian bank.

(19) The date which is 45 days from the date on which the notice will be mailed.

(20) The name of a responsible officer of the sender with his title.

II. Section 274.127d-1 of Chapter II of Title 17 of the Code of Federal Regulations, a form to be used as a report to be filed with the Commission pursuant to § 270.27d-1 of this chapter, is amended by (a) adding a new Item 6 to the Instructions to the form to require that two copies of the form and an additional copy thereof for each registered investment company covered be filed with

the Commission; is further amended by (b) adding a "Cover Page"; and is further amended (c) by deleting from the description of the form in § 274.127d–1 the words "The first such report shall be filed not later than October 22, 1971." As amended § 274.127d–1 reads as follows:

§ 274.127d–1 Form N–27D–1 accounting of segregated trust account.

This form shall be completed and filed with the Commission as a report required by § 270.27d–1 of this chapter by each depositor or principal underwriter, within 15 days after the close of each quarter during the first 2 years after the effective date of § 270.27d–1 of this chapter, and thereafter this form shall be filed annually on or before January 31 of the following calendar year. Each investment company for which a segregated trust account is established shall be listed on the cover page. Two copies of the form, plus an additional copy for each registered investment company covered, shall be filed and the filing shall be signed by an authorized representative of the depositor or underwriter.

NOTE: A copy of the amended form has been filed with the Office of the Federal Register as part of Release No. IC–6848 and copies may be obtained from the Securities and Exchange Commission, Washington, D.C. 20549.

Since the foregoing amendments merely conform Rule 27f–1 to existing law by recognizing a statutory exclusion and the amendment of Form N–27D–1 clarifies technical and procedural matters pertaining to the form, the Commission finds that notice and public procedure thereon are unnecessary under section 553 of the Administrative Procedure Act (5 U.S.C. 553).

Accordingly, the foregoing action of the Commission is declared effective immediately.

(Secs. 27(d), 27(f), 54 Stat. 829, sec. 16, 84 Stat. 1424, 15 U.S.C. 80a–27(d), 80a–27(f), 38(a), 54 Stat. 842, 15 U.S.C. 80a–37(a), Public Law 92–165, 85 Stat. 487)

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

DECEMBER 1, 1971.

FORM N–27D–1 [§ 274.127d–1]

SECURITIES AND EXCHANGE COMMISSION

WASHINGTON, D.C. 20549

ACCOUNTING OF SEGREGATED TRUST ACCOUNT

For the period from _____ to _____

_____
(IRS Empl. Ident. No.)

_____
(Name of depositor or principal underwriter)

_____
(Address)

Registered investment companies for which the segregated trust account is established and maintained:

Name	*IRS Empl. Ident. No.*
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Signature _____

Pursuant to the requirements of the Investment Company Act of 1940 the undersigned depositor (or principal underwriter) has caused this report to be signed on its behalf in the City of _____ and State of _____ on the _____ day of _____, 19__.

_____
(Name of depositor or principal underwriter)

By _____
(Name and title of person signing on behalf of depositor or principal underwriter)

FORM N–27D–1

ACCOUNTING OF SEGREGATED TRUST ACCOUNT

For period _____ to _____

Balance at beginning of period		$_____
Deposits:		
Pursuant to paragraph (c) of Rule 27d–1	$_____	
Pursuant to paragraph (e) of Rule 27d–1	$_____	
Additional deposits	$_____	
Interest Income (received and accrued)	$_____	
Gains or (losses) on sales of securities	$_____	
Unrealized appreciation (depreciation) of investments	$_____	
Total		$_____
Withdrawals:		
To provide refunds pursuant to paragraph (f)(1) of Rule 27d–1	$_____	
To provide refunds pursuant to paragraph (f)(2) of Rule 27d–1	$_____	
Other withdrawals pursuant to paragraph (f)(3) of Rule 27d–1	$_____	
Total		$_____
Balance at end of period:		$_____
Minimum amount required to be maintained at end of period pursuant to paragraph (d) of Rule 27d–1	$_____	
Minimum amount required to be maintained at end of period pursuant to paragraph (e) of Rule 27d–1	$_____	
Total minimum amount required to be maintained at end of period pursuant to Rule 27d–1	$_____	
Minimum amount required before withdrawals pursuant to paragraph (f)(3) of Rule 27d–1 may be permitted	$_____	

Instructions.

1. During the first 2 years after the effective date of Rule 27d–1, this form is to be filed for each calendar quarter within 15 business days after the end of such quarter; thereafter, it shall be filed for each year on or before January 31 of the following year.

2. The balance at the beginning of the period shall be the same in amount as the balance shown at the end of the immediately preceding period.

3. If any item is not applicable, enter "N.A."

4. If a single combined segregated trust account is used for the periodic payment plans of two or more registered investment companies, the depositor or principal underwriter shall indicate separately for each registered investment company the deposits pursuant to paragraphs (c) and (e), the withdrawals pursuant to paragraphs f(1) and f(2) and the minimum amounts required to be maintained pursuant to paragraphs (d) and (e) of Rule 27d–1.

5. This form shall be signed by the chief executive or chief financial officer of the depositor or principal underwriter, whichever is appropriate.

6. An original and two copies of the form plus an additional copy for each registered investment company identified are to be filed.

[FR Doc.71–18446 Filed 12–17–71;8:48 am]

Title 24—HOUSING AND HOUSING CREDIT

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

SUBCHAPTER A—GENERAL

[Docket No. R–71–154]

PART 200—INTRODUCTION

Delegations of Basic Authority and Functions

The following amendments are made to delegations of authority to reflect revisions in the Office of the Assistant Commissioner-Comptroller in the organization of the Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner:

1. In § 200.77, paragraphs (n), (x), (aa)(3), and (cc)(3) are amended and paragraphs (jj), (kk), and (ll) are added to read as follows:

§ 200.77 Assistant Commissioner-Comptroller and Deputy.

* * * * *

(n) To keep, or cause to be kept under his direction, a seal of the Department of Housing and Urban Development; to certify as to delegations of authority by the Assistant Secretary-Commissioner, and as to the truth or accuracy of copies of original papers or documents in the possession of the FHA; to prepare and execute, or cause to be prepared and executed, certified and notarized affidavits for the use of U.S. Attorneys in presenting the fiscal status of Secretary-held mortgages at foreclosure trials, and to maintain the Archives files of FHA.

* * * * *

(x) To take any action authorized to be taken by any division or office within his jurisdiction.

* * * * *

(aa) * * *

(3) To collect, or cause to be collected, the loan repayments and interest thereon, and to execute, or cause to be executed, the satisfaction of loan and

trust agreements when the loan indebtedness has been paid in full or canceled.

* * * * *

(cc) * * *

(3) To collect, or cause to be collected, the loan repayments, and to execute, or cause to be executed, the satisfaction of loan and trust agreements when the loan indebtedness has been paid in full or canceled.

* * * * *

(jj) To establish and maintain, or cause to be established and maintained under his direction, an account for the deposit of Excess Rental Income collected under section 236 of the National Housing Act.

(kk) To prepare and execute, or cause to be prepared and executed, certified statements of account on Secretary-held home properties for the General Counsel as requested by the Department of Justice.

(ll) To execute, or cause to be executed, agreements with mortgagors that provide for the deposit of the mortgagors' reserve for replacement funds in federally insured depositories when the Secretary is the holder of a multifamily mortgage; to open, or cause to be opened, for this purpose appropriate accounts with federally insured depositories and to deposit and withdraw, or cause to be deposited and withdrawn, funds in these accounts.

2. In § 200.78, paragraphs (g), (k)(3) and (m)(3) are amended and paragraphs (p), (q), (r), and (s) are added to read as follows:

§ 200.78 Director Accounting Division and Deputy.

* * * * *

(g) To endorse mortgage notes for insurance; to take any action necessary to consummate the sale of Secretary-held mortgages to purchasers of such mortgages, and to execute the satisfactions of Secretary-held mortgages when the mortgage indebtedness has been paid in full.

(k) * * *

(3) To collect the loan repayments and interest thereon, and to execute the satisfaction of the loan and trust agreements when the loan indebtedness has been paid in full or canceled.

* * * * *

(m) * * *

(3) To collect the loan repayments and to execute the satisfaction of loan and trust agreements when the loan indebtedness has been paid in full or canceled.

* * * * *

(p) To prepare and execute certified and notarized affidavits for the use of U.S. Attorneys in presenting the fiscal status of Secretary-held mortgages at foreclosure trials.

(q) To establish and maintain an account for the deposit of Excess Rental Income collected under section 236 of the National Housing Act.

(r) To issue duplicate or corrective Mortgage Insurance Certificates in connection with mortgages insured under the Government National Mortgage Association and/or Federal National Mortgage Association direct sales program.

(s) To prepare and execute certified statements of account on Secretary-held home properties for the General Counsel as requested by the Department of Justice.

In § 200.79, paragraph (q) is added to read as follows:

§ 200.79 Director Insurance Division and Deputy.

* * * * *

(q) To execute agreements with mortgagors that provide for the deposit of the mortgagors' reserve for replacement funds in federally insured depositories when the Secretary is the holder of a multifamily mortgage; to open for this purpose appropriate accounts with federally insured depositories and to deposit and withdraw funds in these accounts.

(Sec. 1 of National Housing Act, 48 Stat. 1246, 12 U.S.C. 1702; Sec. 7(d) of Department of Housing and Urban Development Act, 79 Stat. 670, 42 U.S.C. 3535(d); Secretary's Delegation to Assistant Secretary-Commissioner published at 35 F.R. 2749)

Effective date: June 25, 1971.

EUGENE A. GULLEDGE,
Assistant Secretary-Commissioner.

[FR Doc.71-18553 Filed 12-17-71;8:49 am]

SUBCHAPTER B—HOUSING RENOVATION AND MOBILE HOME FINANCING

[Docket No. R-71-136]

PART 201—PROPERTY IMPROVEMENT AND MOBILE HOME LOANS

Subpart A—Property Improvement Loans

FINANCING

On August 14, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 15455) stating that the Department of Housing and Urban Development was considering amending Part 201 of Title 24 of the Code of Federal Regulations, Subpart A, to allow payments on other than a monthly basis for borrowers who have an irregular flow of income, increase the limitation on prior credit approval by the Commissioner from $5,000 to $15,000, provide for the financing of carpeting, increase the allowable handling charge on refinanced loans from $5 to $10, delete provisions permitting deferred payment agreements and provide for payment of a $25 attorney's fee for assignment of security to the United States.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. One comment was received. A State agency questioned why the limits for prior approval under § 201.5(e) were not the same as the limits for the Farmers Home Administration building program and the FHA 235 program. Under these programs, prior approval by the Government insuring agency is required for each loan without regard to amount. The State agency also questioned the limitation in § 201.6(g) which is limited to loans for the installation of carpeting, insofar as it is limited to borrowers who own the residential property improved or hold it under a 99-year renewable lease. This restriction is made as it was determined that shorter term lessees might incur undue financial burdens in purchasing carpeting that would become the property of their landlord.

The proposed regulations are, with one exception, adopted and set forth below. The regulation permitting an increase in the allowable handling charge on refinanced loans is deleted in accordance with the requirements of section 407(7) of Economic Stabilization Circular No. 101 (36 F.R. 18739).

Effective date. These regulations shall be effective 30 days after their publication in the FEDERAL REGISTER (January 17, 1972).

Accordingly Part 201 is amended as follows:

1. Section 201.2(c) is amended to read:

§ 201.2 Eligible notes.

* * * * *

(c) *Payments.* The note shall be payable in equal installments falling due monthly or every 2 weeks, unless a different payment schedule is approved by the Commissioner. The first payment shall be due no later than 2 months from the date of the note. Where the borrower has an irregular flow of income, the note may be payable at intervals corresponding with the borrower's flow of income, and in such instance, the first payment shall fall due no later than 1 year from the date of the note with subsequent payments to be made at least once a year. The note may provide for a first or final payment in an amount other than the regular installment. In such instance, the installment shall not be less than one-half nor more than 1½ times the amount of the regular installment.

* * * * *

2. Section 201.5(e) is amended to read:

§ 201.5 Credits and collections.

* * * * *

(e) *Prior approval by Commissioner.* In connection with all class 1 and class 2 loans, the approval of the Commissioner is required prior to disbursing any loan which will increase the total obligation of a borrower, or of a comaker or cosigner of the note, to more than $15,000 exclusive of financing charges.

* * * * *

3. Section 201.6(g) is redesignated as paragraph (h) and a new paragraph (g) is added to read:

§ 201.6 Eligible loans.

* * * * *

(g) *Use of proceeds—Carpeting.* Any part of the proceeds of a loan may be used for the installation of carpeting provided that:

(1) The carpeting meets minimum standards prescribed by the Commissioner.

(2) The carpeting will be in fact installed and affixed so as to become a permanent part of the real estate.

(3) The improved property is a residential structure owned by the borrower or is held under a lease having an original term of not less than 99 years which is renewable.

(4) Prior to disbursing the proceeds, the insured obtains (i) a certification signed by the borrower stating that the borrower is the owner of the property to be improved or a lessee under a lease which has an original term of not less than 99 years and is renewable, and that it is the borrower's intention to install and affix the carpeting so that it will become a permanent part of the real property and will not be installed in the kitchen, bathroom or patio, and (ii) an additional certification signed by the dealer or seller certifying that the carpeting meets minimum standards prescribed by the Commissioner.

* * * * *

4. Section 201.9 is amended by deleting paragraph (e) as follows:

§ 201.9 Refinancing.

* * * * *

(e) *Deferred payments.* [Deleted]

5. Section 201.11(e) is amended by adding a new subparagraph (4)(iii) to read:

§ 201.11 Claims.

* * * * *

(e) *Claim amount.* * * *

(4) * * *

(iii) $25 for expenses in recording of assignments of security to the United States.

* * * * *

(Sec. 7(d), 79 Stat. 670, 42 U.S.C. 3535(d); sec. 2, 48 Stat. 1246, 12 U.S.C. 1703)

EUGENE A. GULLEDGE,
Federal Housing Commissioner.

[FR Doc.71-18554 Filed 12-17-71;8:49 am]

Title 32—NATIONAL DEFENSE

Chapter XIV—Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1499—RENEGOTIATION RULINGS AND BULLETINS

Changes in Accounting Methods

The Renegotiation Board hereby adopts the proposed amendments to Part 1499 which were published on October 23, 1971 (36 F.R. 20537), certain changes having been made therein. Said regulations, as adopted, read as set forth below.

Dated: December 15, 1971.

RICHARD T. BURRESS,
Chairman.

Part 1499 is amended by adding at the end thereof a new § 1499.2-19 to read as follows:

§ 1499.2-19 Renegotiation Bulletin No. 19: Special accounting agreements and unilateral changes in accounting methods.

(a) Section 1459.1(b)(1) of this chapter provides that "income received or accrued and costs paid or incurred will be considered as having been received or accrued or paid or incurred in the fiscal year to which such items are to be attributed in accordance with the method of accounting employed by the contractor in determining net income for Federal income tax purposes."

(b) For renegotiation purposes, the effort of the Board is to match sales and costs as much as practicable in order to reflect renegotiable profits properly. In some cases, although a contractor's method of accounting may be acceptable for Federal income tax purposes, it may not be suitable for renegotiation purposes because it does not adequately match sales and costs and thus does not properly reflect the profits realized in a particular fiscal year from renegotiable business performed in that year. In such cases, the Board is authorized under section 103(i) of the Act to substitute such method of accounting as, in the opinion of the Board, will properly reflect the contractor's sales and costs, and thus his profits, for the fiscal year. To achieve this result, in a proper case, the Board will enter into a "special accounting agreement" with the contractor.

(c) Special accounting agreements: Such agreements are made pursuant to § 1459.1(b)(2) of this chapter. In addition to effectuating the desired change of accounting method for renegotiation purposes for the fiscal year under review, the agreement is required to contain specific provisions designed to prevent double recognition of sales or costs and to achieve proper and consistent accounting treatment in subsequent years. Specifically, the agreement requires that the method of accounting adopted therein be used for renegotiation purposes not only in the fiscal year under review, but in all subsequent years as well. As under the Internal Revenue Code, consistency of accounting treatment is thus assured.

(d) When sales and the related costs are reported in different fiscal years for tax purposes and are to be brought together into the same fiscal year for renegotiation purposes, the matching is generally effected by moving the costs into the year of the receipts or accruals. [In certain situations, the Board accomplishes the matching by moving receipts or accruals into the fiscal year in which the related costs were paid or incurred; see, for example, § 1457.5 of this chapter relating to contract price adjustment clauses.]

(e) The matching of sales and costs is, of course, subject to the necessary limitation that any amounts included in the renegotiation of a fiscal year will not be transferred by agreement to a later fiscal year if, or to the extent that, such transfer would affect the result reached in the renegotiation of such earlier fiscal year.

(f) Situations in which the Board commonly enters into a special accounting agreement include the following:

(1) When the contractor employs the cash receipts and disbursements method of accounting for Federal income tax purposes, but the accrual method of accounting is considered more appropriate for renegotiation purposes. See § 1459.1(b)(2)(ii).

(2) When, for contracts performed over a period of more than 2 fiscal years, the completed contract method of accounting is considered appropriate for renegotiation purposes. See § 1459.1(b)(2)(iii).

(3) When the contractor, reporting under the accrual method of accounting for Federal income tax purposes, deducts costs which can be shown by his accounting records to relate to deliveries made in a later year or years, and it is agreed that such costs should be amortized over the period of the related deliveries. Such costs include preproduction costs and research and development expenses.

(4) When it is agreed that for renegotiation purposes manufacturing overhead applicable to work-in-process or finished goods should be deferred to the year or years in which the related deliveries are made, although for Federal income tax purposes the particular contractor may be permitted by the Internal Revenue Service to deduct such costs when incurred.

(5) When the contractor deducts in the year of payment, for Federal income tax purposes, amounts paid to officers or employees under bonus and profit-sharing plans, and it is agreed that such amounts should be reported as costs for renegotiation purposes in the year in which they are earned.

(6) When the contractor, for Federal income tax purposes, deducts costs incurred as a result of guarantees or warranties given in connection with sales made in an earlier year, and it is agreed that for renegotiation purposes such amounts should be taken as costs in such earlier year.

(g) When the Board and the contractor desire to provide for an accounting treatment of a special nonrecurring item or items of cost or income different from that accorded such item or items under the method of accounting employed by the contractor for Federal income tax purposes, a letter type of special accounting agreement may be used. This type of agreement deals with the repositioning of specific amounts between specific fiscal years, and includes other provisions to prevent the double allowance of an item of cost or the double recognition of an item of income.

(h) The Board will entertain a request for a special accounting agreement in any case in which the contractor believes that his method of accounting for Federal income tax purposes, either in whole or in part, is manifestly unsuitable for the purpose of renegotiation because it does not properly reflect his profits for a fiscal year and thus does not provide a fair and equitable basis

for fiscal year renegotiation. Any such request should ordinarily be made prior to the processing of the case in the Accounting Division of the regional board.

(i) Unilateral changes in accounting methods: Ordinarily the need for a change in accounting method to deviate from the Federal income tax basis is met by special accounting agreement. If necessary, however, the Board will exercise its authority under section 103 (f) or (i) of the Act to make such changes without the consent of the contractor. Such changes, when made, are generally designed to match costs with the receipts or accruals to which they relate, and thereby to reflect profits in a manner appropriate to the requirements and objectives of the renegotiation law. As in the case of changes by agreement, any changes in accounting method effected by unilateral action of the Board will be applied in the renegotiation proceedings for the year under review and all subsequent years, whether such proceedings are concluded by agreement or order.

(Sec. 109, 65 Stat. 22; 50 U.S.C.A., App. sec. 1219)

[FR Doc.71-18541 Filed 12-17-71;8:48 am]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Second Rev. S.O. No. 1043, Amdt. 2]

PART 1033—CAR SERVICE

Regulations for Return of Hopper Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 13th day of December 1971.

Upon further consideration of Second Revised Service Order No. 1043 (36 F.R. 15122) and good cause appearing therefor:

It is ordered, That:

Section 1033.1043 *Second Revised Service Order No. 1043* (Regulations for return of hopper cars) be, and it is hereby, amended by substituting the paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1972, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 31, 1971.

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

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

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-18558 Filed 12-17-71;8:50 am]

[S.O. No. 1083, Amdt. 1]

PART 1033—CAR SERVICE

Southern Pacific Transportation Co. Authorized To Operate Over Tracks of the Texas and Pacific Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 6th day of December 1971.

Upon further consideration of Service Order No. 1083 (36 F.R. 21203), and good cause appearing therefor:

It is ordered, That:

Section 1033.1083 *Service Order No. 1083* (Southern Pacific Transportation Co. authorized to operate over tracks of the Texas and Pacific Railway Co.) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1972, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 15, 1971.

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

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

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-18560 Filed 12-17-71;8:50 am]

SUBCHAPTER C—ACCOUNTS, RECORDS AND REPORTS

[No. 35344 (Sub-No. 2)]

PART 1241—ANNUAL, SPECIAL OR PERIODIC REPORTS; CARRIERS SUBJECT TO PART I OF THE INTERSTATE COMMERCE ACT

Report of Incentive Per Diem—Railroads

Order. At a general session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 22d day of November 1971.

The Commission's order in Ex Parte 252 (Sub-No. 1) dated April 28, 1970 (35 F.R. 7122), provided for the payment to owning railroads of incentive per diem rates, in addition to the normal per diem rates, for the use of such railroads' general service unequipped boxcars during each 6-month period September–February, effective September 1, 1970. The purpose of the order was to alleviate the shortage of these boxcars by (1) expediting the return of this equipment to their owners and (2) providing for the earmarking in a special fund of the net proceeds realized by affected railroads from the related settlements, thereby making moneys available to acquire additional cars.

The order further provided that all railroads were required to observe annual or special reporting requirements issued pursuant to that proceeding.

In cooperation with the carriers, through the Association of American Railroads, Form IPD, Report of Incentive Per Diem—Railroads, has been designed to collect information relating to:

The relevant settlements effected within the calendar year.

An analysis of funds earmarked for acquisition of additional cars.

A summary of funds disbursed for acquisition of cars.

The information reported in Form IPD will enable the Commission to determine the effectiveness of the incentive per diem program in lessening the shortage of general service unequipped boxcars and to ascertain whether the moneys generated from the incentive per diem are being used in accordance with its regulations. The report form will not unduly burden the carriers since the required particulars are currently being accumulated in their accounts in conformity with the Commission's rules.

Form IPD is to be submitted by April 1 of each year following the end of the period to which it relates. However, since the filing date for the report covering the year ended December 31, 1970, has passed, the time for filing that report is extended to April 1, 1972.

Since the affected carriers were notified in the Commission's order of April 28, 1970, that such reports would be required and Form IPD has been formulated with the cooperation of the carriers, through the Association of American Railroads, it is the opinion of the Commission that notice and public

procedure would be impracticable and unnecessary in the circumstances.

It is ordered, That Part 1241, Chapter X of Title 49 of the Code of Federal Regulations be, and it is hereby, amended by adding § 1241.14, Report of Incentive Per Diem Items—Railroads, reading as set forth in Appendix A attached hereto.[1]

It is further ordered, That Form IPD, Report of Incentive Per Diem Items—Railroads, as set forth in Appendix B is hereby adopted.[1]

It is further ordered, That said amendment to Part 1241 and Form IPD are effective December 1, 1971.

It is further ordered, That the filing date for Form IPD reporting items for the calendar year 1970 is hereby extended to April 1, 1972.

And it is further ordered, That service of this order shall be made on all carriers which are affected thereby and general notice thereof shall be given the carriers and the public by depositing a copy of this order in the Office of the Secretary of the Commission at Washington, D.C., and by filing the order with the Director, Office of the Federal Register. A copy of Form IPD may be obtained from the Commission by interested parties.

(Secs. 12, 20, 24 Stat. 383, 386 as amended, 49 U.S.C. 12, 20)

By the Commission, Division 2.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-18559 Filed 12-17-71;8:50 am]

Title 7—AGRICULTURE

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 724—FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52), AND CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, AND 55) TOBACCO

Subpart—Proclamations, Determinations and Announcements of National Marketing Quotas and Referendum Results

Basis and purpose. Sections 724.6 and 724.7 are issued pursuant to, and in accordance with, the Agricultural Adjustment Act of 1938, as amended, hereinafter referred to as the "Act", to proclaim national marketing quotas for Cigar-binder (types 51 and 52) tobacco, hereinafter referred to as "Cigar-binder", and cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco, hereinafter referred to as "Cigar-filler and Binder", for each of the 3 marketing years beginning October 1, 1972, October 1, 1973, and October 1, 1974. Sections 724.16 and 724.17 are also issued pursuant to, and in accordance with, the Act, to (1) determine the reserve supply levels for Cigar-binder and Cigar-filler and Binder tobacco, (2) determine the total supply of each of such two kinds of tobacco for the marketing year beginning October 1, 1971, and (3) announce for the 1972–73 marketing year the amounts of the national marketing quotas, national acreage allotments, national acreage factors for apportioning the national acreage allotments (less reserves) to old farms, and the amounts of the national reserves and parts thereof available for (a) new farms and (b) making corrections and adjusting inequities in old farm allotments for each of these two kinds of tobacco.

The material previously appearing in these sections under centerheads proclamation of quotas, and determinations and announcements—1971–72 marketing year remain in full force and effect as to the crops to which they were applicable.

In addition to the proclamation of quotas, determinations and announcements, Part 724 of this chapter is being redesignated. Burley tobacco marketing quota regulations were contained in Part 724 of this chapter until a recent revision and consolidation into Part 726 of this chapter (36 F.R. 18198, 20651). Maryland tobacco acreage allotment and marketing quota regulations were contained in Part 724 of this chapter until such regulations were amended and included in Part 723 of this chapter (35 F.R. 15975). Accordingly, Part 724 of this chapter is being redesignated to exclude any mention of Burley and Maryland tobacco.

The determinations contained in §§ 724.16 and 724.17 have been made on the basis of the latest available statistics of the Federal Government. Due consideration has been given to data, views, and recommendations received from Cigar-binder and Cigar-filler and Binder tobacco producers and others as provided in a notice (36 F.R. 21208) given in accordance with the provisions of 5 U.S.C. 553.

There is no provision in the Act whereunder acreage-poundage quotas may be made applicable to Cigar-binder or Cigar-filler and Binder tobacco for the 1972–73 marketing year.

Since the Act requires the holding of separate referenda of Cigar-binder tobacco farmers and Cigar-filler and Binder tobacco farmers within 30 days after issuance of the proclamation of national marketing quotas for such kinds of tobacco to determine whether such farmers favor marketing quotas, since such farmers must be notified, insofar as practicable, of their farm acreage allotments prior to the referenda and since notices of allotments cannot be mailed until the issuance of the proclamations herein, it is hereby found that compliance with the 30-day effective date provision of 5 U.S.C. 553 is impracticable and contrary to the public interest. Therefore, the proclamations, determinations, and announcements contained herein shall become effective upon the date of filing with the Director, Office of the Federal Register.

Section 312(b) of the Act provides, in part, that the amount of the national marketing quota is the total quantity of such kind of tobacco which may be marketed which will make available during such marketing year a supply of such tobacco equal to the reserve supply level. The amount of the national marketing quota so announced may, not later than the following March 1, be increased by not more than 20 per centum if the Secretary determines that such increase is necessary in order to meet market demands or to avoid undue restrictions of marketings in adjusting the total supply to the reserve supply level.

The reserve supply level is defined in the Act as 105 percent of the normal supply. The normal supply is defined in the Act as a normal year's domestic consumption and exports, plus 175 percent of a normal year's domestic consumption and 65 percent of a normal year's exports. A normal year's domestic consumption is defined in the Act as the yearly average quantity produced in the United States and consumed in the United States during the 10 marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption. A normal year's exports is defined in the Act as the yearly average quantity produced in the United States which was exported from the United States during the 10 marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

Cigar-binder tobacco. The yearly average quantity of Cigar-binder tobacco produced in the United States which is estimated to have been consumed in the United States during the 10 years preceding the 1971–72 marketing year was about 5.3 million pounds. The average annual quantity of Cigar-binder tobacco produced in the United States and exported from the United States during the 10 marketing years preceding the 1971–72 marketing year was 1.3 million pounds (farm sales weight basis). In view of trends, taking into account fluctuations, 5.2 million pounds have been used as a normal year's domestic consumption and 1.2 million pounds as a normal year's exports. Application of the formula prescribed by the Act, results in a reserve supply level of 17.1 million pounds.

Manufacturers and dealers reported stocks of Cigar-binder tobacco held on October 1, 1971, as 7.2 million pounds. The 1971 Cigar-binder crop is estimated to be 3.0 million pounds (only 23 percent of the allotted acreage having been grown even though marketing quotas were terminated on the 1971 crop). Therefore, the total supply of Cigar-binder tobacco for the 1971–72 marketing year is 10.2 million pounds. During the 1971–72 marketing year, it is estimated that disappearance will total about 3.0

[1] Filed as part of the original document.

million pounds. By deducting the estimated disappearance during the 1971–72 marketing year from the total supply, a carryover of 7.2 million pounds at the beginning of the 1972–73 marketing year is obtained.

The difference between the reserve supply level and the estimated carryover on October 1, 1972, results in a computed national marketing quota for the 1972–73 marketing year of 9.9 million pounds. Use of the authority of the Secretary in section 312(b) of the Act to increase the national marketing quota of 9.9 million pounds by 20 percent to 11.9 million pounds is deemed to be justified in order to avoid undue restrictions of marketings. This results in a national marketing quota of 11.9 million pounds.

In accordance with section 313(g) of the Act, the 1972 national marketing quota of 11.9 million pounds, divided by the 1966–70, 5-year national average yield of 1,786 pounds per acre, results in a 1972 national acreage allotment of 6,662.93 acres.

Pursuant to the provisions of section 313(g), a national acreage factor of 1.0 is determined by dividing the national acreage allotment, less a national reserve of 66.62 acres, by the total of the 1972 preliminary farm acreage allotments. The preliminary farm acreage allotments reflect the factors specified in section 313(g) for apportioning the national allotment, less reserve, to old farms.

Cigar-filler and Binder tobacco. The yearly average quantity of Cigar-filler and Binder tobacco produced in the United States which is estimated to have been consumed in the United States during the 10 years preceding the 1971–72 marketing year was about 24.8 million pounds. The average annual quantity of Cigar-filler and Binder tobacco produced in the United States and exported from the United States during the 10 marketing years preceding the 1971–72 marketing year was 0.3 million pounds (farm sales weight basis). The principal domestic use of this tobacco is in the manufacture of loose leaf chewing tobacco. Production of loose leaf chewing tobacco during January–September 1971 was 9.6 percent above the corresponding months a year earlier. In view of wide fluctuations, and recently increased potential for use, 25.1 million pounds have been used as a normal year's domestic consumption and 0.5 million pounds have been used as a normal year's exports. Application of the formula prescribed by the Act, results in a reserve supply level of 73.3 million pounds.

Manufacturers and dealers reported stocks of Cigar-filler and Binder tobacco held on October 1, 1971, as 45.0 million pounds. The 1971 Cigar-filler and Binder crop is estimated to be 24.0 million pounds (62 percent of the allotted acres having been grown in 1971). Therefore, the total supply of Cigar-filler and Binder tobacco for the 1971–72 marketing year is 69.0 million pounds.

During the 1971–72 marketing year, it is estimated that disappearance will total about 23.8 million pounds. By deducting this disappearance from the total supply, a carryover of 45.2 million pounds at the beginning of the 1972–73 marketing year, is obtained.

The difference between the reserve supply level and the estimated carryover on October 1, 1972, results in a computed national marketing quota for the 1972–73 marketing year of 28.1 million pounds. Use of the authority of the Secretary in section 312(b) of the Act to increase the national marketing quota of 28.1 million pounds by 20 percent to 33.7 million pounds is deemed to be justified in order to avoid undue restrictions on marketings. This results in a national marketing quota of 33.7 million pounds.

In accordance with section 313(g) of the Act, the 1972 national marketing quota of 33.7 million pounds, divided by the 1966–70 5-year national average yield of 1,846 pounds per acre, results in a 1972 national acreage allotment of 18,255.68 acres.

Pursuant to the provisions of section 313(g), a national acreage factor of 1.0 is determined by dividing the national acreage allotment, less a national reserve of 181.12 acres, by the total of the 1972 preliminary farm acreage allotments. The preliminary farm acreage allotments reflect the factors specified in section 313(g) for apportioning the national acreage allotment, less reserve, to old farms.

Part 724 of Chapter VII of Title 7 of the Code of Federal Regulations is redesignated to read as follows:

Subpart—Proclamations, Determinations and Announcements of National Marketing Quotas and Referendum Results

PROCLAMATION OF QUOTAS

Sec.

DETERMINATIONS AND ANNOUNCEMENTS—1972–73 MARKETING YEAR

AUTHORITY: The provisions of this subpart are issued under secs. 301, 312, 313, 375, 52 Stat. 38, as amended, 46, as amended, 47, as amended, 66, as amended; 7 U.S.C. 1301, 1312, 1313, 1375.

PROCLAMATION OF QUOTAS

§ 724.6 Cigar-binder (types 51 and 52) tobacco—1972–73, 1973–74, and 1974–75 marketing years.

Since the 1971–72 marketing year is the last of 3 consecutive years for which marketing quotas previously proclaimed will be in effect for Cigar-binder tobacco, a national marketing quota for such kind of tobacco for each of the 3 marketing years beginning October 1, 1972, October 1, 1973, and October 1, 1974, is hereby proclaimed.

§ 724.7 Cigar-filler and Binder (types 42, 43, 44, 53, 54, and 55) tobacco—1972–73, 1973–74, and 1974–75 marketing years.

Since the 1971–72 marketing year is the last of 3 consecutive years for which marketing quotas previously proclaimed will be in effect for Cigar-filler and Binder tobacco, a national marketing quota for such kind of tobacco for each of the 3 marketing years beginning October 1, 1972, October 1, 1973, and October 1, 1974, is hereby proclaimed.

DETERMINATIONS AND ANNOUNCEMENTS—1972–73 MARKETING YEAR

§ 724.16 Cigar-binder (types 51 and 52) tobacco.

(a) *Reserve supply level.*[1] The reserve supply level for Cigar-binder (types 51 and 52) tobacco is 17.1 million pounds, calculated, as provided in the Act, from a normal year's domestic consumption of 5.2 million pounds and a normal year's exports of 1.2 million pounds.

(b) *Total supply.*[1] The total supply of Cigar-binder (types 51 and 52) tobacco for the marketing year beginning October 1, 1971, is 10.2 million pounds, calculated in accordance with the Act, from a carryover of 7.2 million pounds and estimated 1971 production of 3.0 million pounds.

(c) *Carryover.*[1] The estimated carryover of Cigar-binder (types 51 and 52) tobacco for the marketing year beginning October 1, 1972, is 7.2 million pounds, calculated in accordance with the Act by subtracting the estimated disappearance for the marketing year beginning October 1, 1971, of 3.0 million pounds from the total supply of such tobacco.

(d) *National marketing quota.*[1] The amount of Cigar-binder (types 51 and 52) tobacco which will make available during the marketing year beginning October 1, 1972, a supply of Cigar-binder (types 51 and 52) tobacco equal to the reserve supply level of such tobacco is 9.9 million pounds, and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 9.9 million pounds would result in undue restrictions of marketings during the 1972–73 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for Cigar-binder (types 51 and 52) tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1972, is 11.9 million pounds.

(e) *National acreage allotment.* The national acreage allotment, calculated in accordance with the Act by dividing the national marketing quota for the 1972–73 marketing year by the 5-year, 1966–70

[1] Rounded to the nearest 10th of a million.

national average yield of 1,786 pounds is 6,662.93 acres.

(f) *National acreage factor.* The national acreage factor for use in determining farm acreage allotments for the 1972–73 marketing year is 1.0. It was calculated in accordance with the Act by dividing the national acreage allotment, less reserve, by the total of the 1972 preliminary allotments for 1972 old farms.

(g) *National reserve.* The national acreage reserve is 66.62 acres, of which 50.00 acres are made available for 1972 new farms, and 16.62 acres are made available for making corrections and adjusting inequities in old farm allotments.

§ 724.17 Cigar-filler and Binder (types 42–44, 53–55) tobacco.

(a) *Reserve supply level.*[1] The reserve supply level for Cigar-filler and Binder (types 42–44, 53–55) tobacco is 73.3 million pounds, calculated, as provided in the Act, from a normal year's domestic consumption of 25.1 million pounds and a normal year's exports of 0.5 million pounds.

(b) *Total supply.*[1] The total supply of Cigar-filler and Binder (types 42–44, 53–55) tobacco for the marketing year beginning October 1, 1971, is 69.0 million pounds calculated in accordance with the Act, from a carryover of 45.0 million pounds and estimated 1971 production of 24.0 million pounds.

(c) *Carryover.*[1] The estimated carryover of Cigar-filler and Binder (types 42–44, 53–55) tobacco for the marketing year beginning October 1, 1972, is 45.2 million pounds, calculated in accordance with the Act, by subtracting the estimated disappearance for the marketing year beginning October 1, 1971, of 23.8 million pounds from the total supply of such tobacco.

(d) *National marketing quota.*[1] The amount of Cigar-filled and Binder (types 42–44, 53–55) tobacco which will make available during the marketing year beginning October 1, 1972, a supply of Cigar-filler and Binder (types 42–44, 53–55) tobacco equal to the reserve supply level of such tobacco is 28.1 million pounds, and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 28.1 million pounds would result in undue restriction of marketings during the 1972–73 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for Cigar-filler and Binder (types 42–44, 53–55) tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1972, is 33.7 million pounds.

(e) *National acreage allotment.* The national acreage allotment, calculated in accordance with the Act by dividing the national marketing quota for the 1972–73 marketing year by the 5-year, 1966–70 national average yield of 1,846 pounds, is 18,255.68 acres.

(f) *National acreage factor.* The national acreage factor for use in determining farm acreage allotments for the 1972–73 marketing year is 1.0. It was calculated in accordance with the Act by dividing the national acreage allotment, less reserve, by the total of the 1972 preliminary allotments for 1972 old farms.

(g) *National reserve.* The national acreage reserve is 181.12 acres, of which 150.00 acres are made available for 1972 new farms, and 31.12 acres are made available for making corrections and adjusting inequities in old farm allotments.

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

EARL L. BUTZ,
Secretary.

DECEMBER 15, 1971.

[FR Doc.71-18596 Filed 12-16-71;10:32 am]

[1] Rounded to the nearest 10th of a million.

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

[Navel Orange Reg. 243; Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 35 F.R. 16359), regulating the handling of Navel oranges grown in Arizona and designated part of California, 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 Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i) and (iii) of § 907.543 (Navel Orange Regulation 243, 36 F.R. 23354) during the period December 10, 1971, through December 16, 1971, are hereby amended to read as follows:

§ 907.543 Naval Orange Regulation 243.

* * * * *

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

(i) District 1: 1,316,000 cartons;

* * * * *

(iii) District 3: 84,000 cartons.

* * * * *

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

Dated: December 15, 1971.

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

[FR Doc.71-18562 Filed 12-17-71;8:50 am]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Expenses and Rate of Assessment

On September 2, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 17579) regarding the proposed expenses and the proposed rate of assessment for the period August 1, 1971, through July 31, 1972, pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 36 F.R. 9061), regulating the handling of lemons grown in the States of California and Arizona. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Lemon Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 910.209 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and necessary to be incurred by the Lemon Administrative Committee during the period August 1, 1971, through July 31, 1972, will amount to $276,000.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 910.41, is fixed at $0.023 per carton of lemons.

It is hereby further 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) shipments of the current crop of lemons grown in the designated production area are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable lemons handled during the aforesaid period, and (3) such period began on August 1, 1971 and said rate of assessment will automatically apply to all such lemons beginning with such date.

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

Dated: December 15, 1971.

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

[FR Doc.71–18563 Filed 12–17–71;8:50 am]

[Lemon Reg. 512]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.812 **Lemon Regulation 512.**

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 14, 1971.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period December 19, through December 25, 1971, is hereby fixed at 190,000 cartons.

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

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

Dated: December 16, 1971.

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

[FR Doc.71–18605 Filed 12–17–71;8:51 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER G—TRANSPORTATION AND MOTOR VEHICLES

PART 101–40—TRANSPORTATION AND TRAFFIC MANAGEMENT

Subpart 101–40.49—Forms, Formats, and Agreements Discrepancy in Shipment Report

Subpart 101–40.49 is amended to illustrate the July 1971 edition of Standard Form 361, Discrepancy in Shipment Report, and related guidelines for preparation. This form has been revised for reporting transportation-type discrepancies only.

Sections 101–40.4906–3 and 101–40.4906–4 are revised as follows:

a. Section 101–40.4906–3 is revised to illustrate the July 1971 edition of Standard Form 361, Discrepancy in Shipment Report.

b. Section 101–40.4906–4 is revised to illustrate current Guidelines for Preparation of Standard Form 361, Discrepancy in Shipment Report.

§ 101–40.4906–3 **Standard Form 361, Discrepancy in Shipment Report.**

NOTE: The form in § 101–40.4906–3 is filed as part of the original document.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective January 1, 1972, but may be observed as soon as the July 1971 edition of Standard Form 361 becomes available.

Dated: December 15, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

§ 101–40.4906–4 **Guidelines for preparation of Standard Form 361, Discrepancy in Shipment Report.**

(a) Page 1 of Guidelines for preparation of Standard Form 361.

SECTION I

General. a. The July 1971 edition of Standard Form 361, Discrepancy in Shipment Report (DISREP), requires the use of codes for certain information, and a stub attached to the top of the form provides instructions on certain items, including where to locate the codes to be used by, and the instructions to be followed by, the civilian agencies and the Department of Defense. The codes are furnished herein so that all Government agencies will use uniform codes in preparing the DISREP.

b. The DISREP is a two-page form, but, when used by civilian agencies, the reverse needs to be completed only when the spaces in Items 12 and 13 are not sufficient to fully describe the discrepancies being reported. Items 19 and 20 are primarily for use by the Department of Defense.

Item details. The following are detailed explanations of the data required in completing the DISREP:

Item number and caption	*Data entry*
1. Date	Date on which report is prepared.
2. File Reference	Number assigned by reporting activity.
3. To	Name, address, activity address code (if assigned), and ZIP code of office which is to receive the original of the report.
4. Reporting Activity	Name, address, activity address code (if assigned), and ZIP code of the reporting activity.
5. Consignor	Shipper's name, address, activity address code (if assigned), and ZIP code of activity making or directing shipment. When the shipper is a contractor/vendor, always include the name and activity address code of the Government office administering the contract or directing the shipment.

(b) Page 2 of Guidelines for preparation of Standard Form 361.

6. Consignee	Name, address, activity address code (if assigned), and ZIP code of activity scheduled to receive the shipment. If same as Item 4, enter "Same as Item 4."
7. Shipper (if other than consignor).	Name, address, activity address code (if assigned), and ZIP code of the activity physically making shipment for the account of consignor shown in Item 5.
8. Point of Origin	City and State where carrier accepted the shipment.
9. Identification (conveyance/voyage number) and Carrier Routing.	Identification number of car, truck, trailer, or name of vessel and voyage number, as appropriate, and routing shown on transportation document.
10. Destination	City and State of destination as shown on covering transportation document.

Item number and caption	*Data entry*
11. Documentation Data:	
A. Carrier's Delivery Receipt Number.	Number appearing on the carrier's delivery receipt (Waybill, Pro, Freight Bill, or similar document).
B. Bill of Lading Number	Document number under appropriate heading. Include port of exit with ocean bill of lading number.
C. Exception Noted On B/L.	Check "yes" or "no," as applicable.
D. Type of Shipment Code	Applicable alpha or numeric code listed in section II to designate whether Rail, carload; Motor, truckload; Motor, less truckload; etc., as appropriate.
E. Type of Discrepancy Code.	Applicable alpha code(s) shown in section III. Multiple discrepancies will require entries in several places.
F. Date Carrier Signed for Shipment.	Actual date carrier signed for shipment.

(c) Page 3 of Guidelines for preparation of Standard Form 361.

Item number and caption	*Data entry*
G. Date Consignee Received Shipment.	Actual date consignee received shipment.
H. Date Discrepancy Discovered.	Actual date discrepancy discovered.
I. Date Carrier Notified	Date carrier was first advised of discrepancy, i.e., by phone, in person, or in writing.
J. Documents Attached	Check applicable block(s).
K. This Is a Survey Document.	Check "yes" or "no," as applicable. (Primarily for use of military activities.)
L. Seal Numbers and Condition.	Check appropriate block and enter seal numbers. Explain when there is a variance between seal numbers shown on transportation documentation and the numbers of the seals on the vehicle. Explanation may be continued in Item 13, if necessary.
M. Inspection Data	When damage, pilferage, or partial loss is being reported, check applicable block and attach document as required.
N. Disposition Data	When damage is being reported, check applicable block and attach document as required.
12. Discrepancy Data:	
A. Acquisition Document and/or Transportation Control Number.	Applicable acquisition document number (i.e., acquisition or purchase request) and/or transportation control number.
B. Commodity, Federal Stock Number (FSN), and UFC or NMFC Number.	Noun description of commodity, PSN, and other applicable data, as available.
C. Type of Pack	Appropriate alpha or alphanumeric code listed in section IV.

(d) Page 4 of Guidelines for preparation of Standard Form 361.

Item number and caption	*Data entry*
D. Quantity Discrepant (Pieces).	Actual number of pieces of freight that are discrepant as evidenced by the applicable bill of lading or governing transportation document.
E. A/D/O/S Code	Alpha codes shown in instructions on stub at top of form.
F. Unit of Issue	A two letter abbreviation of the type(s) of units under which material was issued.
G. Units Billed/Shipped	Actual number of units of issue billed/shipped as evidenced by the applicable billing or authorized shipping document.
H. Discrepant Units	Actual number of units of issue discrepant.
I. Discrepant Weight	Weight of discrepant quantity.
J. Value or Cost of Repairs	Actual value of loss sustained or cost of repairs, as appropriate. Enter value of material when reporting over/astray freight.
13. Remarks	This item is for use in providing additional details. Information should deal with facts only; personal opinions should not be reflected unless substantiated by the report or document attached. Describe "other" discrepancies or deficiencies in this item, such as, improper loading, stowing, handling, blocking, bracing; improper placarding or labeling of dangerous material; excessive transit time; improper marking of containers; etc.
14. Responsibility	The transportation or appropriate receiving personnel normally would make this determination based on findings and factual evidence available and check the appropriate block. If sufficient evidence to make such a determination is not available, check "other" and insert "unknown."

(e) Page 5 of Guidelines for preparation of Standard Form 361.

Item number and caption	*Data entry*
15. Distribution of Copies	Indicate complete distribution of copies.
16A. Typed Name, Title, and Telephone Extension.	Typed name, title, and telephone extension of the person whose signature will appear in Item 16B.
16B. Prepared by	Signature of person preparing report.
17. Discrepancy Data	This item is a continuation of Item 12, for additional entries, if required.
18. Remarks	This item is a continuation of Item 13, for additional remarks, when necessary.
19. Action by Reviewing Officials.	Sections A, B, C, and D under this heading are for use in connection with inventory and financial adjustments of accounts in accordance with individual service/agency regulations.
20. Action by Finance Center	For use by finance center, as required.

(f) Page 6 of Guidelines for preparation of Standard Form 361.

SECTION II

TYPE OF SHIPMENT CODES

Code	*Description*
A	Motor, truckload.
B	Motor, less truckload.
C	Van (unpacked, uncrated personal and/or Government property).
D	Driveaway, truckaway, towaway.
E	Busline.
F	Military Airlift Command (MAC).
G	Parcel post, surface.
H	Parcel post, air.
I	Government truck, including common service, except as qualifying for local delivery.
J	REA Express.
K	Rail, carload.
L	Rail, less carload.
M	Freight forwarder.
N	LOGAIR (commercial charter service—Air Force controlled).
O	Organic military air.
P	Through bill of lading.
Q	Air freight.
R	Air express.
S	Air charter.
T	Air freight forwarder.
U	QUICKTRANS (commercial charter service—Navy controlled).
V	Sea-van service.
W	Water, river, lake, coastal (commercial).
X	Sealift Express Service (SEA-EX).
Y	Intratheater airlift system.
Z	Military Sealift Command (MSC) controlled / contract / arranged space).
2	Government watercraft, barge/lighter.
3	Berth term.
4	Armed Forces Courier Service (ARFCOS).
5	United Parcel Service.
6	Military Ordinary Mail (MOM).
7	Weapons System Pounch Service.
8	Pipeline.
9	Local delivery, including deliveries between air or water terminals and adjacent activities.

(g) Page 7 of Guidelines for preparation of Standard Form 361.

SECTION III

TYPE OF DISCREPANCY CODES

Code	Description
A	Astray.
B	Broken, missing, improper, or inadequate seals.
C	Carrier tariff requirements or Military/GSA transportation regulations not observed.
D	Damaged.
E	Water damage.
F	Fire.
G	Spoilage.
H	Excessive transit time.
J	Improper carrier handling, service, or equipment.
K	Improper loading, stowing, blocking, or bracing.
L	Partial loss.
M	Improper marking or labeling which adversely affects or could affect transportation.
N	Misconsigned shipment.
O	Overage.
P	Pilferage.
Q	Rough handling.
R	Transportation regulations covering classified material not observed.
S	Shortage.
T	Theft.
V	Vandalism.
W	Wreck.
X	Other.
Z	Concealed damage.

(h) Page 8 of Guidelines for preparation of Standard Form 361.

SECTION IV

TYPE OF PACK CODES

Code	Description
BD	Bundle.
BE	Bale.
BG	Bag, burlap or cloth.
BL	Barrel.
BS	Basket.
BX	Box.
CA	Cabinet.
CB	Carboy.
CC	Household goods containers, wood, Type II (Federal Specification PPP-B-580).
CL	Coil.
CN	Can.
CO	Container, other than CU, CW, or X.
CR	Crate.
CS	Case.
CT	Carton.
CU	Container, Navy cargo, transporter.
CW	Container, commercial highway lift (PTTC).
CY	Cylinder.
DB	Duffiebag.
DR	Drum.
EC	Engine container.
ED	Engine cradle or dolly.
FK	Footlocker.
HA	Hamper.
KE	Keg.
LS	Loose (not packaged).
MW	Multiwall container (formerly referred to as triple wall or triwall secured or attached to pallet).
MX	Mixed (more than one type of shipping container).
PC	Piece.
PL	Pail.
PT	Palletized unit load (other than code MW).
RL	Reel.
RO	Roll.
RT	Roll on/roll off trailer.
SA	Sack, paper.
SB	Skid box.
SD	Skid.
SH	Sheet.
SL	Spool.

(i) Page 9 of Guidelines for preparation of Standard Form 361.

Code	Description
SW	Suitcase.
TB	Tub.
TK	Trunk.
TU	Tube.
UX	Unitized. (Unitized cargo on roll on/roll off vehicles is considered roll on/roll off).
VE	Vehicle.
VO	Vehicle in operating condition.
VS	Sea-van-tote.
WR	Wrapped.
X	Container, CONEX. This is an alphanumeric code, based on the container number, as follows:

Code	Container numbers
X0	00001 to 99999
X1	100000 to 199999
X2	200000 to 299999
X3	300000 to 399999
X4	400000 to 499999
X5	500000 to 599999
X6	600000 to 699999
X7	700000 to 799999
X8	800000 to 899999
X9	900000 to 999999

Y	SEAVAN, military (MILVAN). This is an alpha or alphanumeric code, according to the loading date, as follows:

Code	Loading data
YA	Loaded to capacity by ocean carrier.
YB	Loaded to capacity by military terminal.
YC	Loaded to capacity by military shipping activity.
YD	Loaded to capacity by commercial supplier.
YE	Loaded to capacity by contract shipment consolidation facility.
YF	Loaded to less than capacity by military shipping activity, loading completed by contract shipment consolidation facility.
Y3	Loaded to less than capacity by military shipping activity.

(j) Page 10 of Guidelines for preparation of Standard Form 361.

Code	Loading data
Y4	Loaded to less than capacity by commercial supplier.
Y5	Loaded to less than capacity by contract shipment consolidation facility.
YL	Loaded to less than capacity by military shipping activity, loading completed by military terminal.
YM	Loaded to less than capacity by commercial supplier, loading completed by military terminal.
YN	Loaded to less than capacity by contract shipment consolidation facility, loading completed by ocean carrier.
YT	Loaded to less than capacity by military shipping activity, loading completed by ocean carrier.
YU	Loaded to less than capacity by commercial supplier, loading completed by ocean carrier.
YV	Loaded to less than capacity by contract shipment consolidation facility, loading completed by ocean carrier.
YW	Loaded to less than capacity by commercial supplier, loading completed by contract shipment consolidation facility.
Z	SEAVAN, commercial. This is an alpha or alphanumeric code, according to the loading data. Second position letters or numbers are the same as shown above for the "Y" series of codes.

[FR Doc.71-18635 Filed 12-17-71;9:29 am]

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER E—PESTICIDE PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Dalapon Sodium Salt

A petition (PP 9F0842) was filed by the Dow Chemical Co., Midland, MI 48640, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act as amended (21 U.S.C. 346a), proposing establishment of tolerances for residues of the herbicide dalapon sodium salt, calculated as dalapon (2,2-dichloropropionic acid), in or on the raw agricultural commodities kidney of poultry at 12 parts per million; coffee beans at 7 parts per million; alfalfa hay, lemons, sorghum forage, and trefoil hay, and kidney of cattle, goats, hogs, and sheep, and the meat of poultry (except kidney) at 5 parts per million; meat and meat byproducts (except kidney) of cattle, goats, hogs, and sheep at 2 parts per million; beans, bean straw, macadamia nuts, sorghum, and soybeans at 1 part per million; eggs at 0.5 part per million; milk at 0.15 part per million; and sugarcane at 0.1 part per million.

Subsequently, the petitioner amended the petition by withdrawing the proposed tolerances on coffee beans, lemons, alfalfa hay, trefoil hay, and sugarcane, and kidney of cattle, goats, hogs, and sheep; by reducing the proposed tolerances on poultry kidney from 12 to 9 parts per million, on poultry meat (except kidney) from 5 to 3 parts per million, on meat and meat byproducts (except kidney) of cattle, goats, hogs, and sheep from 2 to 0.2 part per million (negligible residue), on eggs from 0.5 to 0.3 part per million (negligible residue), and on milk from 0.15 to 0.1 part per million (negligible residue); and by adding the commodity soybean straw at 1 part per million.

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

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

Part 420, Chapter III, Title 21 was redesignated Part 180 and transferred to Subchapter E, Chapter I, Title 40 (36 F.R. 22369).

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

1. The proposed tolerances for eggs, meat, milk, and poultry are adequate to cover residues resulting from the proposed uses, but only the tolerance for milk is considered negligible. The uses are in the category specified in § 180.6 (a)(1).

2. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs of the Environmental Protection Agency (36 F.R. 9038), § 180.150 is revised to read as follows:

§ 180.150 Dalapon sodium salt; tolerances for residues.

Tolerances for residues of the herbicide dalapon sodium salt calculated as dalapon (2,2-dichloropropionic acid), in or on raw agricultural commodities, are established as follows:

75 parts per million in or on flaxseed.

35 parts per million in or on cottonseed.

30 parts per million in or on asparagus.

15 parts per million in or on peaches, peas (shelled or unshelled), pea vines (with or without pods).

10 parts per million in or on corn grain, dried ear corn (kernels and cobs), potatoes.

9 parts per million in or on kidney of poultry.

5 parts per million in or on bananas, corn fodder and forage, cranberries, fresh corn including sweet corn (kernels plus cobs with husks removed), grapefruit, limes, oranges, sorghum forage, sugar beets (roots and tops), tangerines.

3 parts per million in or on apples, grapes, pears, pineapples.

3 parts per million in or on poultry (except kidney).

2 parts per million in or on coffee.

1 part per million in or on apricots, beans, bean straw, macadamia nuts, plums, sorghum, soybeans, soybean straw.

0.3 part per million in or on eggs.

0.2 part per million in or on meat and meat byproducts of cattle, goats, hogs, and sheep.

0.1 part per million (negligible residue) in milk.

0.1 part per million (negligible residue) in or on sugarcane.

Any person who will be adversely affected by the foregoing order may, at any time within 30 days after its date of publication in the FEDERAL REGISTER, file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (12-18-71).

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

Dated: December 13, 1971.

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

[FR Doc.71-18529 Filed 12-17-71;8:47 am]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Naled and 2,2-Dichlorovinyl Dimethyl Phosphate

A notice was published by the Environmental Protection Agency in the FEDERAL REGISTER of October 1, 1971 (36 F.R. 19268), proposing establishment of a tolerance for residues of the insecticides naled and 2,2-dichlorovinyl dimethyl phosphate (expressed as naled) in or on mushrooms at 0.5 part per million from application of either insecticide. No comments or requests for referral to an advisory committee were received.

It is concluded that the proposal should be adopted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs of the Environmental Protection Agency (36 F.R. 9038), Part 180 is amended as follows:

1. In § 180.215, by revising the paragraph "0.5 part per million * * *" as follows:

§ 180.215 Naled; tolerances for residues.

* * * * *

0.5 part per million in or on cucumbers, eggplants, melons, mushrooms, peppers, pumpkins, rice, summer squash, tomatoes, winter squash.

2. In § 180.235, by revising the paragraph "0.5 part per million * * *" as follows:

§ 180.235 2,2-Dichlorovinyl dimethyl phosphate; tolerances for residues.

* * * * *

0.5 part per million (expressed as naled) in or on cucumbers and mushrooms.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (12-18-71).

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e))

Dated: December 13, 1971.

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

[FR Doc.71-18531 Filed 12-17-71;8:47 am]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Subpart D—Exemptions From Tolerances

MONOPHOSPHATE ESTER OF THE BLOCK COPOLYMER α-HYDRO-OMEGA-HYDROXYPOLY (OXYETHYLENE)-POLY(OXYPROPYLENE)-POLY(OXYETHYLENE)

A petition (PP 1F1080) was filed by Wyandotte Chemicals Corp., Wyandotte, MI 48192, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act as amended (21 U.S.C. 346a), proposing an exemption from the requirement of a tolerance for residues of the surfactant which is the monophosphate ester of the block copolymer α-hydro-*omega*-hydroxypoly(oxyethylene)-poly(oxypropylene)-poly(oxyethylene) when used as an inert ingredient in pesticide formulations. The poly(oxypropylene) content average 37–41 moles, and the molecular weight averages 8,000.

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

Part 420, Chapter III, Title 21 was redesignated Part 180 and transferred to Subchapter E, Chapter I, Title 40 (36 F.R. 22369).

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

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

2. The exemption established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs of the Environmental Protection Agency (36 F.R. 9038), § 180.1001(d) is amended by alphabetically inserting a new item in the table in paragraph (d), as follows:

§ 180.1001 Exemption from the requirement of a tolerance.

* * * * * *

(d) * * *

Inert Ingredients	Limits	Uses
* * *	* * *	* * *
Monophosphate ester of the block copolymer α-hydro-*omega* hydroxypoly(oxyethylene)-poly(oxypropylene)-poly(oxyethylene); the poly(oxypropylene) content averages 37–41 moles, and the molecular weight averages 8,000.	.....	Do.
* * *	* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (12–18–71).

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

Dated: December 13, 1971.

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

[FR Doc.71–18530 Filed 12–17–71;8:47 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Information To Be Furnished With Respect to Qualified and Nonqualified Plans of Deferred Compensation

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by December 28, 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 December 28, 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, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in sections 6011(a), 6033(a)(1), and 7805 of the Internal Revenue Code of 1954 (68A Stat. 732, 83 Stat. 519, 68A Stat. 917; 26 U.S.C. 6011(a), 6033(a)(1), 7805).

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

In order to revise the requirements relating to information to be furnished with respect to qualified pension, profit-sharing, stock bonus, etc., plans and nonqualified plans of deferred compensation, the Income Tax Regulations (26 CFR Part 1) under sections 381, 401, 404, and 6033 of the Internal Revenue Code of 1954 are amended as follows:

PARAGRAPH 1. Section 1.381(c)(11)–1 is amended by revising so much of paragraph (k) as precedes subparagraph (1) to read as follows:

§ 1.381(c)(11)–1 Contributions to pension plans, employees' annuity plans, and stock bonus and profit-sharing plans.

* * * * *

(k) *Information to be furnished by acquiring corporation.* The acquiring corporation shall furnish such information with respect to a plan established by a distributor or transferor corporation as will, consistently with the principles of section 404, establish that the provisions of such section and this section apply. For purposes of this section, the district director may require any other information that he considers necessary to determine deductions allowable under section 404 and this section or qualification under section 401. Any unused deductions or excess contributions carried over from a distributor or transferor corporation pursuant to this section shall be properly identified with the corporation which would have been permitted to use those deductions or contributions in the absence of the transaction causing section 381 to apply.

* * * * *

PAR. 2. Section 1.401–1 is amended by revising subparagraph (2) of paragraph (e) to read as follows:

§ 1.401–1 Qualified pension, profit-sharing, and stock bonus plans.

* * * * *

(e) *Determination of exemptions and returns.* * * *

(2) A trust which qualifies under section 401(a) and which is exempt under section 501(a) must file a return in accordance with section 6033 and the regulations thereunder. See §§ 1.6033–1 and 1.6033–2(a)(3). In case such a trust realizes any unrelated business taxable income, as defined in section 512, such trust is also required to file a return with respect to such income. See paragraph (e) of § 1.6012–2 and paragraph (a)(5) of § 1.6012–3 for requirements with respect to such returns. For information required to be furnished periodically by an employer with respect to the qualification of a plan, see §§ 1.404(a)–2, 1.404(a)–2A, and 1.6033–2(a)(2)(ii)(*i*).

PAR. 3. Section 1.404(a)–2 is amended by revising the heading and by adding a new paragraph (i). These revised and added provisions read as follows:

§ 1.404(a)–2 Information to be furnished by employer claiming deductions; taxable years beginning before 1971.

* * * * *

(i) Except as provided under § 1.503(d)–1(a) and § 601.201 of this chapter (Statement of Procedural Rules) in the case of a request for the determination of qualification of a trust under section 401 and exemption under section 501, paragraphs (a) through (h) of this section shall not apply for taxable years beginning after December 31, 1970. For information to be furnished for taxable years beginning after December 31, 1970, see § 1.404(a)–2A.

PAR. 4. Immediately after § 1.404(a)–2, there is added a new § 1.404(a)–2A which reads as follows:

§ 1.404(a)–2A Information to be furnished by employer; taxable years beginning after 1970.

(a) *In general.* For any taxable year beginning after December 31, 1970, any employer who maintains a pension, annuity, stock bonus, profit-sharing, or other funded plan of deferred compensation shall file the forms prescribed by this section. An employer (including a self-employed individual) maintaining such a plan shall furnish such information as is required by the forms and the instructions relating thereto. The forms shall be filed in the manner and at the time prescribed under paragraph (c) of this section. See § 1.404(a)–2 with respect to information to be furnished for taxable years beginning before January 1, 1971. For purposes of this section, in the case of a plan of several employers described in § 1.401–1(d), each employer shall be deemed to be maintaining a separate plan corresponding to the plan of which the trust is a part.

(b) *Forms.* The forms prescribed by this section are:

(1) Form 2950, generally relating to the identification of plans to which an employer has made a contribution,

(2) Form 2950SE, generally relating to information with respect to a deduction for a contribution made on behalf of a self-employed individual,

(3) Form 4848, generally relating to information concerning the qualification of the plan, and deductions for contributions made on behalf of employees, and

(4) Form 4849, generally relating to the financial position of the trust, fund, or custodial or fiduciary account which is a part of the plan.

(c) *Filing requirements.* (1) Form 2950 shall be filed with the employer's tax return (Form 1040, 1041, 1065, or 1120 as the case may be) for any taxable year during which a pension, annuity, stock bonus, profit-sharing or other funded plan of deferred compensation is maintained.

(2) Form 2950SE shall be filed by each self-employed individual with his income tax return for the taxable year in which he claims a deduction for contributions made on his behalf.

(3) Form 4848 shall be filed by the employer for each taxable year during which he maintains a pension, annuity, stock bonus, profit-sharing, or other funded plan of deferred compensation. Such form shall be filed on or before the 15th day of the fifth month following the

close of the employer's taxable year. For rules relating to the extension of time for filing, see section 6081 and the regulations thereunder and the instructions for Form 4848.

(4) Form 4849 shall be filed by the employer as an attachment to Form 4848 for each taxable year during which he maintains a pension, annuity, stock bonus, profit-sharing or other funded plan of deferred compensation unless the employer has been notified in writing that Form 4849 will be filed by the fiduciary for such plan as an attachment to Form 990–P.

(d) *Additional information.* In addition to the information otherwise required to be furnished by this section, the district director may require any further information that he considers necessary to determine allowable deductions under section 404 or qualification under section 401.

(e) *Records.* Records substantiating all data and information required by this section to be filed must be kept at all times available for inspection by internal revenue officers at the main office or place of business of the employer.

PAR. 5. Paragraph (c) of § 1.404(a)–3 is amended to read as follows:

§ 1.404(a)–3 Contributions of an employer to or under an employees' pension trust or annuity plan that meets the requirements of section 401(a); application of section 404(a)(1).

* * * * *

(c) The amount of a contribution to a pension or annuity plan that is deductible under section 404(a) (1) or (2) depends upon the methods, factors, and assumptions which are used to compute the costs of the plan and the limitation of section 404(a)(1) which is applied. Since the amount that is deductible for 1 taxable year may affect the amount that is deductible for other taxable years, the methods, factors, and assumptions used in determining costs and the method of determining the limitation which have been used for determining the deduction for a taxable year for which the return has been filed shall not be changed for such taxable year, except when the Commissioner determines that the methods, factors, assumptions, or limitations were not proper, or except when a change is necessitated by reason of the use of different methods, factors, assumptions, or limitations for another taxable year. However, different methods, factors, and assumptions, or a different method of determining the limitation, if they are proper, may be used in determining the deduction for a subsequent taxable year.

* * * * *

PAR. 6. Paragraph (a) of § 1.6033–2 is amended by adding a new subdivision (*i*) immediately after subdivision (*h*) of subparagraph (2)(ii) and by revising subparagraph (3). These added and revised provisions read as follows:

§ 1.6033–2 Returns by exempt organizations; taxable years beginning after December 31, 1969.

(a) *In general.* * * *

(2) * * *

(ii) * * *

(*i*) For taxable years beginning after December 31, 1970, such information as is required by Forms 2950, 4848, and 4849. Such forms are required by this section to be filed by an organization exempt from tax under section 501(a) which is an employer who maintains a funded pension or annuity plan for its employees. Form 4849 shall be filed by the organization unless the fiduciary for the plan maintained by the organization has given written notification to the organization that such form will be filed as an attachment to Form 990–P filed by the fiduciary. Form 4848 (and 4849 if required to be filed by the organization) shall be filed by the organization as a separate return on or before the due date for Form 990. In addition to the information required to be furnished by Form 4848 or 4849, the district director may require any further information that he considers necessary to determine qualification of the plan under section 401 or the taxability under section 403(b) of a beneficiary under an annuity purchased by a section 501(c)(3) organization.

* * * * *

(3)(i) For taxable years beginning after December 31, 1969, and before January 1, 1971, every employee's trust described in section 401(a) which is exempt from taxation under section 501(a) shall file an annual return on Form 990–P. The return shall include the information required by paragraph (b)(5)(ii) of § 1.401–1. For such years, in addition, the trust must file the information required to be filed by the employer pursuant to the provisions of § 1.404(a)–2, unless the employer has notified the trustee in writing that he has filed or will timely file such information. If the trustee has received such notification from the employer, then such notification, or a copy thereof, shall be retained by the trust as a part of its records.

(ii) For taxable years beginning after December 31, 1970, every employee's trust described in section 401(a) which is exempt from taxation under section 501 (a) shall file an annual return on Form 990–P. The trust shall furnish such information as is required by such form and the instructions issued with respect thereto.

[FR Doc.71–18616 Filed 12–17–71;8:51 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[7 CFR Part 1421]

SUPPORT PROGRAM FOR 1972 CROP FLAXSEED

Notice of Proposed Rule Making

Notice is hereby given that the Secretary of Agriculture, under the authority of sections 301, 303, and 401 of the Agricultural Act of 1949, as amended (63 Stat. 1051, as amended; 7 U.S.C. 1447, 1449, and 1421), and sections 4 and 5 of the Commodity Credit Corporation Charter Act, as amended (62 Stat. 1070, as amended; 15 U.S.C. 714b, 714c), is considering a support program for 1972 crop flaxseed.

Section 301 of the Agricultural Act of 1949 authorizes the Secretary to make available through loans, purchases, or other operations support to producers for any nonbasic commodity for which support is not mandatory at a level not in excess of 90 per centum of the parity price for the commodity. Section 401 requires that, in determining the level of support, consideration be given to the supply of the commodity in relation to the demand therefor, the levels at which other commodities are being supported, the availability of funds, the perishability of the commodity, the importance of the commodity to agriculture and the national economy, the ability to dispose of stocks acquired through a support operation, the need for offsetting temporary losses of export markets, and the ability and willingness of producers to keep supplies in line with demand. Section 303 requires that, in determining the level of support, particular consideration shall be given to the levels at which competing agricultural commodities are being supported.

Prior to making any of the foregoing determinations, consideration will be given to data, views, and recommendations which are submitted in writing to the Director, Oilseeds and Special Crops Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. All submissions must, in order to be sure of consideration, be received by the Director not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Director during the regular business hours (8:15 a.m. to 4:45 p.m.) (7 CFR 1.27(b)).

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

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

[FR Doc.71–18537 Filed 12–17–71;8:48 am]

Consumer and Marketing Service

[7 CFR Part 44]

PROCEDURES FOR DETERMINING NET WEIGHT OF FOOD PRODUCTS [1]

Notice of Proposed Rule Making

Notice is hereby given that the U.S. Department of Agriculture is considering

[1] Packing of product in conformity with the requirements of these standard procedures will not assure that it also complies with the provisions of the Federal Food, Drug, and Cosmetic Act or other Federal regulatory laws or with applicable State laws and regulations.

the issuance of U.S. Standard Procedures for Determining Net Weight of Food Products. These standard procedures are proposed under authority of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–1627), as a means for determining compliance of various food products with contract specifications or other weight criteria at the request of producers, buyers, consumers, or other interested persons, and upon payment of a fee to cover the cost of such services, pursuant to regulations issued under said Act and appearing in 7 CFR Parts 51, 52, 53, 54, 55, 56, 57, 58, 61, 68, and 70.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposal should file the same, in duplicate, not later than December 31, 1972, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, where they will be available for public review during official hours of business (7 CFR 1.27(b)).

Statement of considerations. These proposed standard procedures represent progress in the effort, begun with the issuance of the U.S. Standards for Condition of Food Containers, to establish more uniform inspection and grading procedures throughout the Consumer and Marketing Service (C&MS). They were developed after consultation with representatives of the Food and Drug Administration, Department of Health, Education, and Welfare; the National Bureau of Standards of the Department of Commerce; the Agricultural Stabilization and Conservation Service; and the Food and Nutrition Service of U.S. Department of Agriculture.

There are several reasons why more uniform Consumer and Marketing Service inspection and grading procedures, including weight determination, may be desirable. Use of the same terms and procedures by the various C&MS divisions should:

(1) Eliminate some of the complications encountered by persons who deal with more than one Division;

(2) Enable users to more easily understand and evaluate C&MS inspection and grading procedures;

(3) Insure that similar products inspected or graded by different Divisions will be evaluated in a similar manner;

(4) Provide better support for procurement dockage policies; and

(5) Make it easier for Divisions to cross-utilize inspection and grading personnel.

The purpose of the proposed procedures is to provide statistical sampling plans for determining compliance of various products with requirements for average net weight for units in a lot, with only as much variability in weight among individual units as is unavoidable in the use of good commercial practices.

Although these standard procedures are proposed specifically for determining compliance with net weight requirements, the principles involved also may be used for determining compliance with other requirements which can be objectively determined such as: drained weight; fluid content; fill weight; percent solids; brix; and viscosity and consistency.

The decision to propose these standard procedures was made after several existing procedures were studied and found inadequate for the stated purposes.

In developing these proposed standard procedures, it was evident that three basic plans would be useful. Therefore, the proposal includes: A double-sampling plan for stationary lots, a single-sampling plan for stationary lots, and an on-line sampling plan for use during production.

All the standard procedures proposed herein have been evaluated statistically through the study of Operating Characteristic (OC) curves and through simulation of their performance under various conditions that might arise in actual application. (Further information can be obtained from the C&MS Statistical Staff).

It is hoped that these proposed standard procedures would prove useful and acceptable to those outside C&MS who do inspection, grading, or quality control work. In order to provide ample time for interested persons to study and apply these proposed standard procedures, a full year is being allowed for comments. During that time, it is also planned to make trial use of these standard procedures in C&MS purchase programs.

A new Part 44 would be added to Title 7 of the Code of Federal Regulations, to read as follows:

GENERAL

DETAILED PROCEDURES

STANDARD DEVIATION VALUES

GENERAL

§ 44.1 Purpose and scope.

(a) These standard procedures will be used by C&MS voluntary inspection and grading services when it is requested by any user of the services to certify that lots of food products comply with minimum or maximum net weight requirements, or both.

(b) Unless otherwise specified, these standard procedures will not apply to inspection lot sizes of less than 50 containers.

§ 44.2 Definitions.

For the purpose of this part, the following terms are defined as indicated:

Accept. To accept a lot is to decide that the lot does comply with these standard procedures.

Average. The result obtained by dividing the sum of two or more values by the number of values involved.

C&MS. The Consumer and Marketing Service.

Double sampling. A sampling scheme which involves the use of two samples which are drawn from the same lot: an initial sample and a second sample which is added to the first to form a combined sample.

Double sampling plan. A plan which consists of first and combined sample sizes with associated decision criteria. The decision to accept or reject the lot with respect to a specified requirement is made after inspection of the initial sample, except when decision criteria indicate that inspection of the second sample is required. If the second sample is inspected, the decision to accept or reject is based on combined results of the first and second samples.

Lot. A collection of units from which a sample is to be drawn and inspected to determine conformance with the applicable acceptance criteria. A lot may differ from a collection of units designated as a lot for other purposes (e.g. production lot, shipping lot, etc.).

On-line sampling. The process of drawing a sample by taking a collection of units from a production line.

Person. Any individual, partnership, corporation, association, or other business unit.

Random sampling. The process of selecting a sample from a lot in a manner that gives each unit in the lot an equal chance of selection. Predetermined sampling patterns must be used to avoid subjective biases.

Range. The difference between the largest and the smallest values among a set of values; a measure of variability.

Reject. To reject a lot is to decide that the lot does not comply with these standard procedures.

Sample. A set of sample units selected from a lot for the purpose of evaluating the lot for compliance with these standard procedures.

Sample subgroup. A group of sample units representing a portion of a sample.

Sample unit. A unit selected from the lot for inspection purposes.

Sampling plan. An acceptance scheme which states the sample size or sizes and associated acceptance and rejection criteria.

Single sampling plan. A plan which consists of a sample size and associated acceptance and rejection criteria. The decision to accept or reject a lot with respect to a specified requirement is made after inspection of a single sample.

Standard deviation. A measure of the dispersion of a set of values about the average of that set of values; a measure of variability.

Stationary-lot sampling. The process of drawing a sample from a collection of units that are stored together in a warehouse or in some other storage area. Stationary-lot sampling is contrasted here with on-line sampling in which sample units are drawn during the production process.

Tare. A deduction from the gross weight of a substance and its container made in allowance for the weight of the container.

User. The person or agency at whose request inspection is being carried out under these standard procedures.

§ 44.3 Determinations.

(a) These standard procedures provide for examining lots of product to determine compliance with:

(1) A combination of minimum average net weight and the variability in net weight of individual units below a stated minimum net weight;

(2) Minimum average net weight, only;

(3) A combination of maximum average net weight and the variability in net weight of individual units above a stated maximum net weight;

(4) Maximum average net weight, only;

(5) Any combination of subparagraphs (1), (2), (3), or (4) of this paragraph.

(b) When certification of net weight is requested, unless one of the other determinations listed in paragraph (a) of this section is specified, the determination listed in paragraph (a)(1) of this section shall apply.

§ 44.4 Sampling plans.

(a) For each of the determinations listed in § 44.3(a), three sampling plans are provided as follows:

(1) A double sampling plan for stationary lots.

(2) A single sampling plan for stationary lots.

(3) A sampling plan for on-line inspection.

§ 44.5 Acceptable average net weights.

(a) Application of these standard procedures requires that a minimum or maximum acceptable average net weight of units or both be specified for each lot by the user.

(1) Minimum acceptable average net weight: Unless otherwise specified by the user, the minimum acceptable average net weight of units of product shall be the net weight of the individual units of product as shown on the labels of the product.

(2) Maximum acceptable average net weight: The maximum acceptable average net weight of units of product shall be as specified by the user.

(3) If both minimum and maximum acceptable average net weights are specified, the maximum acceptable average net weight must be equal to or greater than the sum of the minimum acceptable average net weight and the applicable standard deviation of the net weight for the product involved.

§ 44.6 Standard deviation and other related values.

(a) Procedures for the determination of compliance of lots of product with these standard procedures are based on standard deviation values for the net weights of individual units included in the lot (see § 44.17).

(b) Other values based on the standard deviation which are essential to the application of these standard procedures include—for the double and single sampling plans—one or more of the following: The sample unit weight allowance, the sample average weight allowance, and the maximum acceptable range in net weight of units. For the on-line sampling plan, the other essential values related to the standard deviation include the subgroup unit weight allowance and the subgroup average weight allowance. Tables showing these related values for specified standard deviation values are included in § 44.11 of this part for use in connection with each of the three sampling plans.

§ 44.7 Determining net weight of sample units.

(a) When net weights of individual units are required, these may be determined by weighing the actual contents of each of the sample units or by subtracting the applicable tare weight from the gross weight of filled containers of sample units.

(b) When average net weight, only, is required, this shall be determined by dividing the total net weight of product in the sample units by the number of sample units. The total net weight of the sample units may be determined by weighing the actual contents of the sample units—collectively where practical—or by weighing filled containers of product—collectively where practical—and subtracting the applicable tare weight.

§ 44.8 Tare weight determinations.

(a) Except as provided in § 44.9, the procedure for establishing the tare weight shall be as follows:

(1) Weigh, individually, five empty, clean containers of the same kind and in the same condition as those used for the product.

(2) Determine the range in weights of the five containers (subtract the lightest weight from the heaviest weight).

(3) Divide the range in weight by the applicable standard deviation of the product involved.

(4) Based on the calculation in subparagraph (3) of this paragraph, refer to Table I to find the additional number of containers that must be weighed.

(5) Weigh the additional number of containers indicated, if any. (These should be weighed collectively where it is practical.)

(6) Add the weights of these additional containers to the weights of the five containers weighed initially.

(7) Divide the sum of the weights of all the containers by the total number of containers weighed. This is the average tare weight.

TABLE I

Result of dividing the range in container weight by the applicable standard deviation of product: [1]	*Additional number of containers to be weighed*
1.3 or less	0
1.31 to 1.80	5
1.81 to 2.20	10
2.21 to 2.60	15
2.61 to 2.90	20
2.91 to 3.20	25
3.21 to 3.40	30
3.41 to 3.70 [2]	35

[1] These values must be in the same units (grams, ounces, pounds, etc.).

[2] If the range in container weight divided by the applicable standard deviation of the product is larger than 3.70, use the average of the second and third heaviest containers as the tare weight.

§ 44.9 Alternate tare weight determinations.

(a) Weigh three containers and use the average weight of the two heaviest containers as the tare weight.

(b) In determining tare weight in on-line inspection, empty, clean containers of the same kind and in the same condition as those used for the product may be marked and weighed (with lids if appropriate) prior to filling, provided these same containers can be suitably inserted in the production line for use as sample units for weighing after filling. This procedure may be used only if it can be assured that the filling operation on these containers is mechanical and will not differ from that of other containers in the lot.

§ 44.10 Scales.

(a) These standard procedures do not prescribe the sensitivity of the scales to be used. However, it is recommended that the scales used shall be sufficiently sensitive to show weight differences at least as small as one-fourth the applicable standard deviation value of the product.

(b) When reading a scale, if the indicated weight is between two graduation marks, the following shall apply:

(1) Read the weight as the lower graduation mark:

(i) When weighing units of product for determining compliance with minimum net weight requirements, or

(ii) When calculating tare weights for use in determining compliance of products with maximum net weight requirements.

(2) Read the weight as the higher graduation mark:

(i) When weighing units of product for determining compliance with maximum net weight requirements, or

(ii) When calculating tare weights for use in determining compliance of products with minimum net weight requirements.

DETAILED PROCEDURES

§ 44.11 Determining compliance with requirements for minimum average net weight and variability of individual units below a stated minimum net weight.

(a) *Double sampling plan*—(1) *General.* Draw an initial sample of 10 units from the lot. Determine the net weight of each unit and the average net weight of all 10 units. Based on this information, decide whether to accept or reject the lot or to draw a second sample, as provided in subparagraph (3) of this paragraph. If a second sample is required, draw 30 additional units. Determine the net weight of each of the 30 units, combine the total weight of these units with the total weight of the 10 units in the initial sample, and calculate the average net weight of all 40 units. Based on this information, decide whether to accept or reject the lot.

(2) *Calculating acceptance and rejection limits.* (i) Table II lists standard deviation values and other essential values necessary for making a determination—under this plan—to accept or reject a lot as complying with these standard procedures.

(ii) Based on the minimum acceptable average net weight and values in Table II corresponding to the applicable standard deviation value, make the following calculations:

(*a*) Subtract the applicable sample unit weight allowance from the minimum acceptable average net weight. This is the minimum acceptable net weight of a unit.

(*b*) Add the applicable sample average weight allowance to the minimum acceptable average net weight. This is applicable only to the initial sample of 10 units and is the acceptance limit for minimum average net weight.

(*c*) Subtract the applicable sample average weight allowance from the minimum acceptable average net weight. This is applicable only to the initial sample of 10 units and is the rejection value for minimum average net weight.

TABLE II

Standard deviation for net weight of product involved	Sample unit weight allowance[1]	Sample average weight allowance[1]	Maximum acceptable range in weight[1]
0.010	0.03	0.0032	0.045
0.025	0.075	0.0080	0.113
0.05	0.15	0.016	0.225
0.10	0.30	0.032	0.450
0.25	0.75	0.08	1.125
0.50	1.50	0.16	2.25
0.75	2.25	0.24	3.38
1.00	3.00	0.32	4.50
1.50	4.50	0.48	6.75
2.00	6.00	0.64	9.00
2.50	7.50	0.80	11.25
3.00	9.00	0.96	13.50
4.00	12.00	1.28	18.00
5.00	15.00	1.60	22.50

[1] These values must be in the same units (grams, ounces, pounds, etc.). Values not included in the table shall be calculated as follows: The sample unit weight allowance is 3.0 times the standard deviation; the sample average weight allowance is 0.32 times the standard deviation; and the maximum acceptable range in weight is 4.5 times the standard deviation.

(3) *Acceptance and rejection criteria*—(i) *Initial sample of 10 units.* (*a*) Accept the lot if all three of the following criteria are met:

(*1*) The net weight of no individual sample unit is less than the minimum acceptable net weight of a unit.

(*2*) The range in net weight of the sample units is less than or equal to the maximum acceptable range; and

(*3*) The average net weight of the sample units is equal to or greater than the acceptance limit for minimum average net weight.

(*b*) Reject the lot if one or both of the following criteria are met:

(*1*) The net weight of one or more individual units is less than the minimum acceptable net weight of a unit; or

(*2*) The average net weight of the sample units is less than the rejection value for minimum average net weight.

(*c*) If a decision to accept or to reject is not indicated, draw a second sample of 30 units. Determine the net weight of each unit and the total net weight of all units. Combine these results with those of the first sample of 10 units and evaluate the results as provided in subdivision (ii) of this subparagraph.

(ii) *Combined sample of 40 units.* (*a*) Accept the lot if both of the following criteria are met:

(*1*) The net weight of no individual sample unit is less than the minimum acceptable net weight of a unit, and

(*2*) The average net weight of the sample units is equal to or greater than the minimum acceptable average net weight.

(*b*) Reject the lot if one or both of the criteria in (*a*) above are not met.

(b) *Single sampling plan*—(1) *General.* Draw a sample of 30 units from the lot. Determine the net weight of each unit and the average net weight of all 30 units. Based on this information, decide whether to accept or reject the lot.

(2) *Calculating acceptance and rejection limits.* (i) Table III lists standard deviation values and corresponding sample unit weight allowance values necessary for making a determination—under this plan—to accept or reject a lot as complying with these standard procedures.

TABLE III

Standard deviation for net weight of product involved:	*Sample unit weight allowance*[1]
0.010	0.029
0.025	0.073
0.05	0.146
0.10	0.293
0.25	0.732
0.50	1.465
0.75	2.200
1.00	2.93
1.50	4.40
2.00	5.86
2.50	7.32
3.00	8.79
4.00	11.72
5.00	14.65

[1] These values must be in the same units (grams, ounces, pounds, etc.). Values not included in the table shall be calculated as follows: The sample unit weight allowance is 2.93 times the standard deviation.

(ii) Locate in Table III the applicable standard deviation value for the product involved and the corresponding sample unit weight allowance. Subtract this sample unit weight allowance from the minimum acceptable average net weight. This is the minimum acceptable net weight of a unit.

(3) *Acceptance and rejection criteria.* (i) Accept the lot if both of the following criteria are met:

(*a*) The net weight of no individual sample unit is less than the minimum acceptable net weight of a unit; and,

(*b*) The average net weight of the sample units is equal to or greater than the minimum acceptable average net weight.

(ii) Reject the lot if one or both of the criteria in subdivision (i) of this subparagraph are not met.

(c) *On-line sampling plan*—(1) *General.* (i) If the sample subgroup consists of three units, draw the samples from the production line at the rate of at least one subgroup per half-hour; if the sample subgroup consists of five units, draw the samples from the production line at the rate of at least one subgroup per hour. However, following the rejection of a portion of production represented by a subgroup, more frequent subgroups may be selected until an acceptable subgroup is drawn. Failure of a subgroup shall cause rejection of all product produced from the time the last acceptable subgroup was drawn until the next acceptable subgroup is drawn.

(ii) Determine: The net weight of each unit in each subgroup; the average net weight of all units in each subgroup; and, the average net weight of all units in all subgroups. (Do not include net weights of units in subgroups representing rejected portions of production unless the examination being made relates to a purchase specification that permits such portions to be delivered.)

(*a*) Based on information from each subgroup, decide whether to accept or reject the portion of production represented by that subgroup.

(*b*) After examining at least six subgroups (when the subgroup size is five units) or 10 subgroups (when the subgroup size is three units), accept or reject the portion of production represented by subgroups neither accepted or rejected under (*a*) above based on the average net weights of all such subgroups.

(2) *Calculating acceptance limits and rejection values.* (i) Table IV lists standard deviation values and other essential values necessary for making determinations—under this plan—to accept or reject the portion of production represented by a subgroup.

TABLE IV

Standard deviation of net weight of product	Subgroup unit weight allowance [1]	Subgroup average weight allowance [1]	
		Subgroup size 5	Subgroup size 3
0.010	0.030	0.0134	0.0173
0.025	0.075	0.0335	0.0432
0.05	0.15	0.067	0.0865
0.10	0.30	0.134	0.173
0.25	0.75	0.335	0.432
0.50	1.50	0.670	0.865
0.75	2.25	1.005	1.298
1.00	3.00	1.34	1.73
1.50	4.50	2.01	2.60
2.00	6.00	2.68	3.46
2.50	7.50	3.35	4.32
3.00	9.00	4.02	5.19
4.00	12.00	5.36	6.92
5.00	15.00	6.70	8.65

[1] These values must be in the same units (grams, ounces, pounds, etc.). Values not included in the table shall be calculated as follows: The subgroup unit weight allowance is 3.0 times the standard deviation; the subgroup size 5 average weight allowance is 1.34 times the standard deviation; and the subgroup size 3 average weight allowance is 1.73 times the standard deviation.

(ii) Based on the minimum acceptable average net weight and the values in Table IV corresponding to the applicable standard deviation value, make the following calculations:

(*a*) Subtract the applicable subgroup unit weight allowance from the minimum acceptable average net weight. This is applicable only to the rejection of a portion of production represented by a single subgroup and is the rejection value for minimum net weight of a unit.

(*b*) Subtract the applicable subgroup average weight allowance from the minimum acceptable average net weight. This is applicable only to the rejection of a portion of production represented by a single subgroup and is the rejection value for minimum average net weight of a subgroup.

(*c*) Add the applicable subgroup average weight allowance to the minimum acceptable average net weight. This is applicable only to the acceptance of a portion of production represented by a single subgroup and is the acceptance limit for minimum average net weight of a subgroup.

(3) *Acceptance and rejection criteria.* (i) Reject the portion of production represented by any subgroup if one or both of the following criteria are met:

(*a*) The net weight of any individual unit is equal to or less than the rejection value for minimum net weight of a unit.

(*b*) The average net weight of the three or five units in a subgroup is less than the rejection value for minimum average net weight of a subgroup.

(ii) Accept the portion of production represented by any subgroup if the average net weight of the three or five units in a subgroup is equal to or more than the acceptance limit for the minimum average net weight of a subgroup.

(iii) After examining at least six subgroups (when the subgroup size is five) or at least 10 subgroups (when the subgroup size is three), accept the portion of production not rejected under subdivision (i) of this subparagraph or not accepted under subdivision (ii) of this subparagraph if the average net weight of all units in the remaining subgroups is equal to or greater than the minimum acceptable average net weight. (Do not include weights of units in subgroups representing portions of production already accepted or rejected.) Otherwise reject.

§ 44.12 Determining compliance with requirements for minimum average net weight, only.

Use the procedures prescribed in § 44.11, but disregard all references to weights of or requirements for net weight of units.

§ 44.13 Determining compliance with requirements for maximum average net weight and variability of individual units above a stated maximum net weight.

(a) *Double sampling plan*—(1) *General.* Draw an initial sample of 10 units from the lot. Determine the net weight of each unit and the average net weight of all 10 units. Based on this information, decide whether to accept or reject the lot or to draw a second sample as provided in subparagraph (3) of this paragraph. If a decision to accept or reject is not indicated, draw 30 additional units and determine the net weight of each unit, combine these with the weight of the 10 units in the initial sample and calculate the average net weight of all 40 units. Based on this information, decide whether to accept or reject the lot.

(2) *Calculating acceptance limits and rejection values.* (i) Table II in § 44.11, lists standard deviation values and other essential values necessary for making a determination—under this plan—to accept or reject a lot as complying with these standard procedures.

(ii) Based on the maximum acceptable average net weight and values in Table II in § 44.11 corresponding to the applicable standard deviation, make the following calculations:

(*a*) Add the applicable sample unit weight allowance to the maximum acceptable average net weight. This is the maximum acceptable net weight of a unit.

(*b*) Add the applicable sample average weight allowance to the maximum acceptable average net weight. This is applicable only to the initial sample of 10 units and is the rejection value for maximum average net weight.

(*c*) Subtract the applicable sample average weight allowance from the maximum acceptable average net weight. This is applicable only to the initial sample of 10 units and is the acceptance limit for maximum average net weight.

(3) *Acceptance and rejection criteria*—(i) Initial sample of 10 units. (*a*) Accept the lot if all three of the following criteria are met:

(*1*) The net weight of no individual sample unit is more than the maximum acceptable net weight of a unit;

(*2*) The range in net weight of the sample units is less than or equal to the maximum acceptable range in weight; and

(*3*) The average net weight of the sample units is less than or equal to the acceptance limit for maximum average net weight.

(*b*) Reject the lot if one or both of the following criteria are met:

(*1*) The net weight of any individual unit is more than the maximum acceptable net weight of a unit;

(*2*) The average net weight of the sample units is greater than the rejection value for maximum average net weight.

(*c*) If a decision to accept or to reject is not indicated, draw a second sample of 30 units. Determine the net weight of each unit and the total net weight of all units. Combine these results with those of the first sample of 10 units and evaluate the results as provided in subdivision (ii) of this subparagraph.

(ii) *Combined sample of 40 units.* (*a*) Accept the lot if both of the following criteria are met:

(*1*) The net weight of no individual sample unit is more than the maximum acceptable net weight of a unit; and

(*2*) The average net weight of the sample units is less than or equal to the maximum acceptable average net weight.

(*b*) Reject the lot if one or both of the criteria in (*a*) above are not met.

(b) *Single sampling plan*—(1) *General.* Draw a sample of 30 units from the lot. Determine the net weight of each unit and the average net weight of all 30 units. Based on this information, decide whether to accept or reject the lot.

(2) *Calculating acceptance and rejection limits.* (i) Table III in § 44.11 lists standard deviation values and corresponding sample unit weight allowance values necessary for making a determination—under this plan—to accept or reject a lot as complying with these standard procedures.

(ii) Locate in Table III in § 44.11 the applicable standard deviation value for the product and the corresponding sample unit weight allowance. Add this sample unit allowance to the maximum acceptable average net weight. This is the maximum acceptable net weight of a unit.

(3) *Acceptance and rejection criteria.* (i) Accept the lot if both of the following criteria are met:

(*a*) The net weight of no individual sample unit is more than the acceptance limit for maximum net weight of a unit; and,

(*b*) The average net weight of the sample units is less than or equal to the maximum acceptable average net weight.

(ii) Reject the lot if one or both of the criteria in subdivision (i) of this subparagraph are not met.

(c) *On-line sampling plan*—(1) *General.* (i) If the sample subgroup consists of three units, draw the samples from the production line at the rate of at least one subgroup per half hour; if the sample subgroup consists of five units, draw the samples from the production line at the rate of at least one subgroup per hour. However, following the rejection of a portion of production represented by a subgroup, more frequent subgroups may be selected until an acceptable subgroup is drawn. Failure of a subgroup

shall cause rejection of all product produced from the time the last acceptable subgroup was drawn until the next acceptable subgroup is drawn.

(ii) Determine: The net weight of each unit in each subgroup; the average net weight of all units in each subgroup; and the average net weight of all units in all subgroups. (Do not include net weights of units in subgroups representing rejected portions of production, unless the examination being made relates to a purchase specification that permits such portions to be delivered.)

(*a*) Based on information from each subgroup, decide whether to accept or reject the portion of production represented by that subgroup.

(*b*) After examining at least six subgroups (when the subgroup size is five units) or 10 subgroups (when the subgroup size is three units), accept or reject the portion of production represented by subgroups neither accepted nor rejected under (*a*) above, based on the average net weights of all such subgroups.

(2) *Calculating acceptance limits and rejection values.* (i) Table IV in §44.11 lists standard deviation and other essential values necessary for making a determination—under this plan—to accept or reject the portion of production represented by a subgroup.

(ii) Based on the maximum acceptable average net weight and the values in Table IV in § 44.11 corresponding to the applicable standard deviation value, make the following calculations:

(*a*) Add the applicable subgroup unit weight allowance to the maximum acceptable average net weight. This is applicable only to the rejection of a portion of production represented by a single subgroup and is the rejection value for maximum net weight of a unit.

(*b*) Add the applicable subgroup average weight allowance to the maximum acceptable average net weight. This is applicable only to the rejection of a portion of production represented by a single subgroup and is the rejection value for maximum average net weight of a subgroup.

(*c*) Subtract the applicable subgroup average weight allowance from the maximum acceptable average net weight. This is applicable only to the acceptance of a portion of production represented by a single subgroup and is the acceptance limit for maximum average net weight of a subgroup.

(3) *Acceptance and rejection criteria.* (i) Reject the portion of production represented by any subgroup if one or both of the following criteria are met:

(*a*) The net weight of any individual unit is more than the rejection value for the maximum net weight of a unit.

(*b*) The average net weight of the three or five units in a subgroup is more than the rejection value for maximum average net weight of a subgroup.

(ii) Accept the portion of production represented by any subgroup if the average net weight of the three or five units in a subgroup is equal to or less than the acceptance limit for maximum average net weight of a subgroup.

(iii) After examining at least six subgroups (when the subgroup size is five) or at least 10 subgroups (when the subgroup size is three), accept the portion of production not rejected under subdivision (i) of this subparagraph or not accepted under subdivision (ii) of this subparagraph if the average net weight of all units in the remaining subgroups is equal to or less than the maximum acceptable average net weight. (Do not include weights of units in subgroups representing portions of production already accepted or rejected.) Otherwise reject.

§ 44.14 Determining compliance with requirements for maximum average net weight, only.

Use the procedures prescribed in § 44.13 but disregard all references to weights of or requirements for net weights of units.

§ 44.15 Determining compliance with requirements for any combination of minimum and maximum average net weight and variability of individual units below a stated minimum and above a stated maximum net weight.

Use the applicable portions of §§ 44.11 and 44.13.

§ 44.16 Determining compliance with requirements for minimum and maximum average net weight, only.

Use the applicable portions of §§ 44.12 and 44.14.

STANDARD DEVIATION VALUES

§ 44.17 Standard deviation values by types of products and container sizes.

(a) Procedures for the determination of compliance of lots of products with these standard procedures are based on standard deviation values specified in Table V.

(1) "Type 1" consists of the following products: Homogeneous products such as powders, juices, pastes, flours, soups, butter, cheese, dried egg mix, peanut butter, strained baby food, lard and corn syrup.

(2) "Type 2" consists of products packed in accordance with one of the following:

(i) Homogeneous packing media such as canned fruits and vegetables, beef stew, pigs feet, and chorizos in lard.

(ii) Small units of products without packing media or units which can be adjusted to size such as sliced bacon, canned hams, souse, corned beef, frankfurters, canned chopped meat, cottage cheese, ground beef, nuts, frozen lima beans, frozen cut vegetables, frozen greens, frozen blueberries, rolled oats, bulgur, dried beans, and poultry parts.

(iii) Convenience food products such as pot pies and dinners.

(iv) Products weighed on an individual basis.

(3) "Type 3" consists of medium size units without packing media such as fresh apples, pears, plums, bunches of grapes, grapefruit, potatoes, onions, carrots, and individually quick frozen whole strawberries, peach halves, and broccoli spears.

(4) "Type 4" consists of large size units without packing media such as fresh cabbage, honey dew melons, celery, all fresh leafy vegetables including lettuce, escarole, and spinach.

(b) Products that, because of their characteristics, do not fit a specific type are listed in Table VI.

TABLE V—STANDARD DEVIATION VALUES FOR MOST TYPES OF PRODUCTS AND CONTAINER SIZES

Standard Deviation Values	Product types (Product net weights)			
	Type 1 [1]	Type 2 [2]	Type 3 [3]	Type 4 [4]
0.05 oz.	6 oz. or less			
0.10 oz.	Over 6 oz.–2 lb.			
0.25 oz.	Over 2 lb.–4 lb.	1 lb. or less		
0.50 oz.	Over 4 lb.–10 lb.	Over 1 lb.–4 lb.		
1.00 oz.	Over 10 lb.–30 lb.	Over 4 lb.–10 lb.		
1.50 oz.	Over 30 lb.–75 lb.		2 lb. or less	
2.00 oz.	Over 75 lb.	Over 10 lb.–40 lb.		
4.00 oz.		Over 40 lb.	Over 2 lb.–5 lb.	
8.00 oz.			Over 5 lbs–25 lb.	
1.00 lb.			Over 25 lb.–85 lb.	
2.00 lb.			Over 85 lb.	25 lb. or less.
3.00 lb.				Over 25 lb.

[1] Homogeneous products.
[2] Products in homogeneous packing media; Small units of products without packing media or units which can be adjusted to size; Convenience food products; or, Products weighted on a "catch weight" basis.
[3] Medium size units without packing media.
[4] Large size units without packing media.

TABLE VI—STANDARD DEVIATION VALUES FOR SPECIFIC PRODUCTS BY CONTAINER SIZES

Standard deviation values	Product	Container size
8.00 oz.	Ice packed whole poultry	50–100 lbs.

Dated: December 14, 1971.

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

[FR Doc.71-18499 Filed 12-17-71;8:45 am]

Rural Electrification Administration

[7 CFR Part 1701]

PROCUREMENT OF TELEPHONE CENTRAL OFFICE EQUIPMENT BY REA BORROWERS

Issuance of New 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 revision of REA Bulletin 384–3 to announce the issuance of two new specifications, REA Form 524 a, b,

c, and d, General Specification for Common Control Central Office Equipment and REA Form 528, Specifications for Private Automatic Branch Exchanges (PABX). On issuance of the revised REA Bulletin, Appendix A of Part 1701 will be amended accordingly.

Persons interested in the new specifications may submit written data, views, or comments to the Director, Telephone Operations and Standards Division, Room 1355, 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, Telephone Operations and Standards Division during regular business hours. Copies of the proposed specifications, Forms 524 and 528, may be secured in person or by written request from the Director, Telephone Operations and Standards Division.

REA has prepared the two proposed specifications for the use of its borrowers in procuring common control central office equipment and private automatic branch exchanges.

The common control central office specification was prepared to enable borrowers to procure a modern switching system with translation capabilities for larger central offices or for those situations where complex numbering schemes are encountered. Common control meaning a switching system in which the equipment used to establish the connections through the switching network is separate from the network itself and is freed from the network as soon as its control function is completed.

The PABX specification defines the general requirements common to all private automatic branch exchange systems and then provides a number of optional features which permits the REA borrower to elect the ones it considers will best serve its needs. This specification, when properly prepared, will give the supplier a complete description of the switching system required by the borrower.

Dated: December 14, 1971.

E. F. RENSHAW,
Assistant Administrator.

[FR Doc.71-18565 Filed 12-17-71;8:50 am]

DEPARTMENT OF TRANSPORTATION

Office of Pipeline Safety

[49 CFR Part 192]

[Notice 71-6A; Docket No. OPS-13]

FEDERAL SAFETY STANDARDS FOR GAS PIPELINES

Modification of Required Capacity of Pressure Relieving and Limiting Station; Extension of Time for Comment

On November 10, 1971, the Department issued Notice 71-6 that was published in the FEDERAL REGISTER November 16, 1971. It proposed an amendment to § 192.201 (a) to change the restriction on accidental pressure buildup in pipelines other than low-pressure distribution systems which have a maximum allowable operating pressure (MAOP) of less than 60 p.s.i.g.

While the comment period extended through December 15, 1971, very few comments have been received. This paucity exists even though specific points for consideration and comment were raised in the notice. Due to delays in mailing of the proposed amendment, it is believed that some interested persons did not have adequate time to comment. For this reason the comment period is being extended for an additional 45 days.

The extension of time for comment will permit interested persons who have not commented to submit written information, views, or arguments. Submissions received before February 1, 1972, will be considered with a view toward amending the proposal before final action is taken. Communications should be identified by notice number and docket number and submitted in duplicate to the Office of Pipeline Safety, Department of Transportation, Washington, D.C. 20590. All comments received will be available for examination at the Office of Pipeline Safety both before and after the closing date for comments.

This notice is issued under the authority of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. sec. 1671 et seq.), § 1.58(d) of the Regulations of the Office of the Secretary of Transportation (49 CFR 1.58(d)), and the redelegation of authority to the Director, Office of Pipeline Safety, dated November 6, 1968 (33 F.R. 16468).

Issued in Washington, D.C., on December 14, 1971.

JOSEPH C. CALDWELL,
Acting Director,
Office of Pipeline Safety.

[FR Doc.71-18543 Filed 12-17-71;8:48 am]

POSTAL SERVICE

[39 CFR Part 135]

BOOKS AND SOUND RECORDINGS MAILED AT SPECIAL POSTAGE RATES; PERMISSIBLE ENCLOSURES

Notice of Proposed Rule Making

Notice is hereby given of proposed rule making consisting of a revision of § 135.6 (b) (1) and (2) of Title 39, Code of Federal Regulations. Although the rule making requirements of the Administrative Procedure Act (5 U.S.C. 553) do not apply to the U.S. Postal Service by virtue of section 410 of title 39, United States Code, nevertheless the Postal Service desires to voluntarily comply with those requirements in the instant case.

Section 135.6(b) (1) and (2) of Title 39, Code of Federal Regulations sets forth regulations dealing with permissible enclosures in mailings of books and sound recordings at the special fourth-class and library rates of postage. It is proposed to restate these regulations for purposes of clarification, so that premissible enclosures are enumerated more explicitly; and to emphasize that incidental announcements which are permitted to be mailed with books and recordings must relate exclusively to the books or recordings. The need for this clarification has been made apparent by reports of the enclosure of unauthorized materials with books and sound recordings mailed at the special and library fourth-class rates.

The proposed amendments to the regulations of the Postal Service are set out below.

Interested persons who desire to do so may submit written data, views, or arguments concerning the proposed regulations to the Manager, Mail Classification Division, Finance Department, U.S. Postal Service, Washington, DC 20260, at any time prior to the 30th day following the date of publication of this notice in the FEDERAL REGISTER.

In § 135.6 *Enclosures with items mailed at catalog, special fourth-class, and library rate,* amend subparagraphs, (1) and (2) of paragraph (b). *Special fourth-class and library rate,* to read as follows:

§ 135.6 Enclosures when items mailed at catalog, special fourth-class, and library rate.

* * * * *

(b) * * *

(1) *Books.* The following items only are permissible enclosures with books mailed at the postage rates shown in §§ 135.1 (c) and (d):

(i) An invoice (See § 135.5(b)(2)).

(ii) Either one addressed envelope or one addressed post card.

(iii) One order form.

(iv) Announcements of books, appearing in book pages or as loose enclosures. These announcements of books must be incidental, and must be exclusively devoted to books. They may not contain extraneous advertising of book related materials or services, but may contain ordering instructions for use with the single order form permitted in subdivision (iii) of this subparagraph.

(2) *Sound recordings.* The following items only are permissible enclosures with sound recordings mailed at the postage rates shown in §§ 135.1 (c) and (d):

(i) An invoice (See § 135.5(b)(2)).

(ii) Either one addressed envelope or one addressed post card.

(iii) One order form.

(iv) Guides or scripts prepared solely for use with such recordings.

(v) Announcements of sound recordings appearing on title labels, on protective sleeves, on the carton or wrapper, or on loose enclosures. These announcements of sound recordings must be incidental, and must be exclusively devoted to sound recordings. They may not contain extraneous advertising of sound recording related materials or services, but may contain ordering instructions for use with the single order form permitted in subdivision (iii) of this subparagraph.

(39 U.S.C. 401)

LOUIS A. COX,
Solicitor.

DECEMBER 16, 1971.

[FR Doc.71-18571 Filed 12-17-71;8:51 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-9411]

PERSONS APPLYING FOR REGISTRATION AS BROKER-DEALERS

Proposed Requirement for Additional Information

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to amend Rule 15b1-2 (17 CFR 240.15b1-2) under the Securities Exchange Act of 1934 ("the Act"). The purpose of the amendment is to require persons filing applications to become registered as broker-dealers to demonstrate that they have made adequate arrangements with respect to their personnel, facilities, and financing.

In pertinent part, Rule 15b1-2 (17 CFR 240.15b1-2) currently requires a person who files an application for registration as a broker-dealer to file with that application a statement of financial condition, as of a date within 30 days of the filing, which discloses the nature and amount of his assets, liabilities, and net worth. The Commission proposes to amend that rule to require such person to file, in addition to that which is presently required to be filed, (1) a computation of his aggregate indebtedness and net capital which must be in compliance with the requirements applicable to his business, (2) a statement describing the nature and source of his capital, and which represents that such capital has been contributed to and will continue to be devoted to his business, and (3) a statement representing that he has made adequate arrangements for the establishment and maintenance of the facilities and financing required for the operation of the business, and a detailed statement of the arrangements made including personnel, physical facilities, books and records, supervision procedures, and (4) a statement for the first year of operations describing the arrangements made for the obtaining of the funds necessary to operate his business and stating the expected expenses for such first year, which would also provide information as to any arrangements which have been made for additional financing if it becomes necessary.

The proposed amendment to Rule 15b 1-2 (17 CFR 240.15b1-2), which would be adopted pursuant to sections 15(b)(1), (2), and (3) and 23(a) of the Securities Exchange Act of 1934, would require a new registrant to give adequate consideration to, and make detailed plans regarding, his obligations as a broker-dealer.

Commission action. The Commission proposes to amend § 240.15b1-2 of Chapter II of Title 17 of the Code of Federal Regulations by revising the caption; by amending paragraph (a) thereof; by redesignating paragraph (c) thereof as paragraph (e); and by adding new paragraphs (c) and (d) thereto, and as so amended said section would read as set forth below.

§ 240.15b1-2 Statements to be filed with application for registration as a broker or dealer.

(a) Every broker or dealer who files an application for registration on Form BD shall file with such application, in duplicate original, a statement of financial condition as of a date within 30 days of the date on which such statement is filed and as of a later date reflecting any material change, if there has been a material change. Such statement of financial condition shall (1) be in such detail as will disclose the nature and amount of assets and liabilities and the net worth of such broker or dealer (securities of such broker or dealer or in which such broker or dealer has an interest shall be listed in a separate schedule and, if a ready market for the security exists, valued at the market price with an indication of the market on which such valuation is made), and (2) contain a computation of his aggregate indebtedness and net capital which shall comply with the requirements applicable to the business of such broker or dealer under § 240.15c3-1 under the Act, or under the capital rule of the national securities exchange of which such broker or dealer is a member if the members of such exchange are exempt from compliance with § 240.15c3-1 pursuant to paragraph (b)(2) of this section. For purposes of this paragraph (a), if the broker or dealer is a sole proprietorship, the personal assets and liabilities of such broker or dealer shall be included in the computations of his net worth, aggregate indebtedness, and net capital pursuant to subparagraphs (1) and (2) of this paragraph in testing compliance with his net capital requirements under the applicable capital rule.

* * * * *

(c) Every broker or dealer who files an application for registration on Form BD shall file with such application, in duplicate original, a statement which shall include the following:

(1) A representation that the capital of such broker or dealer has been contributed to and will continue to be devoted to his business as a broker or dealer, and a description of the nature and source of such capital.

(2) A representation that adequate arrangements have been made by such broker or dealer for the establishment and maintenance of adequate facilities and the financing required for the carrying on of his business as a broker or dealer, and an undertaking that such broker or dealer will continue to maintain such facilities and financing, and a detailed statement thereof, including a discussion of the nature of such arrangements with respect to (i) personnel, (ii) physical facilities, (iii) the maintenance and preservation of books and records as required by applicable provisions of law and any applicable rules of any national securities exchange or national securities association of which such broker or dealer is a member, including information concerning any arrangements made for the adequate performance of these functions and duties with a bookkeeping service company, or data processing service company, or otherwise, (iv) a statement describing the arrangements made for the obtaining of the funds required for the operation of his business for the first year of operations, and the uses to which such funds will be put, stating in appropriate detail the expenses expected to be incurred for such first year of operations; and setting forth the arrangements made, if any, for the obtaining of additional funds if such funds should become necessary, and (v) the methods and procedures to be employed by such broker or dealer for the purpose of supervising the activities of persons associated with him.

(d) Attached to each of the statements required by this section shall be an oath or affirmation that the information contained therein is true and correct to the best knowledge and belief of the person making such oath or affirmation. The oath or affirmation shall be made before a person duly authorized to administer such oath or affirmation. If the broker or dealer is a sole proprietorship, the oath or affirmation shall be made by the proprietor; if a partnership, by a general partner; if a corporation, by a duly authorized officer.

(e) The statement of financial condition required by this section shall be deemed a part of such application for registration within the meaning of section 15(b) of the Act.

All interested persons are invited to submit their views and comments on this proposal in writing to the Securities and Exchange Commission, Washington, D.C. 20549, on or before January 21, 1972. All such communications will be available for public inspection.

(Secs. 15(b), 23(a), 48 Stat. 895, 901, secs. 3, 8, 49 Stat. 1377, 1379, secs. 6, 10, 78 Stat. 570, 580, 15 U.S.C. 78 *o*(b), 78w)

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.71-18513 Filed 12-17-71;8:46 am]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

PRICE COMMISSION RULING 1971–4

Facts. Company A had sales in its last fiscal year of $150 million. It has prenotified the Price Commission of every price increase it has put into effect.

Issue. Must Company A also report to the Price Commission at the end of its next fiscal quarter?

Ruling. Yes, all prenotification firms are required to submit quarterly reports to the Price Commission on Form PC–1 in addition to prenotifying the Commission of proposed price increases, pursuant to § 300.051(d).

This ruling has been approved by the General Counsel of the Price Commission.

Dated: December 10, 1971.

K. MARTIN WORTHY,
Chief Counsel,
Internal Revenue Service.

Approved:

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.71–18511 Filed 12–17–71;8:46 am]

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

[No. 71–2]

DR. CARL OSLIN RAMZY

Suspension of Registration

On July 2, 1971, the Director of the Bureau of Narcotics and Dangerous Drugs issued an order to show cause to Dr. Carl Oslin Ramzy, Jacksboro, Tex., as to why the BNDD registration (No. AR2255330) issued to him should not be suspended by reason of Dr. Ramzy's felony conviction under former section 331(q)(2) of title 21, United States Code.

Thereafter, Dr. Ramzy requested a hearing in the matter and, on October 29, 1971, that hearing was held before Hearing Examiner Robert N. Burchmore. Following the hearing, proposed findings of fact and conclusions of law were submitted to Mr. Burchmore by counsel for Dr. Ramzy and by the Chief Counsel's office of the Bureau of Narcotics and Dangerous Drugs. On December 2, 1971, Mr. Burchmore filed the following recommended decision with the Bureau of Narcotics and Dangerous Drugs:

This is a proceeding under section 304 of the Controlled Substances Act (21 U.S.C. 824, hereinafter referred to as the Act); it was instituted by an order to show cause which the Bureau issued to the respondent on or about July 2, 1971, wherein respondent was directed to show cause why his registration (No. AR2255330) should not be suspended by reason of his felony conviction under the Federal Food, Drug, and Cosmetic Act, as amended, 21 U.S.C. 331(q)(2).

Hearing was held at Washington, D.C. on October 29, 1971, in accordance with the Administrative Procedure Act (5 U.S.C. 551 et seq.) and in accordance with the regulations promulgated by the Bureau of Narcotics and Dangerous Drugs, Department of Justice (21 CFR Part 301 et seq.). At the hearing the Bureau introduced one exhibit consisting of a certified copy of a judgment of the U.S. District Court for the Northern District of Texas at Fort Worth committing respondent for 15 months imprisonment on conviction of selling and distributing depressant and stimulant drugs in violation of 21 U.S.C. 331(q)(2). Upon this showing the Bureau rested its case for an order suspending respondent's registration.

Respondent was not present at the hearing but was represented by counsel, who introduced in evidence a power of attorney signed by respondent. Counsel also offered in evidence copies of the printed record on appeal by respondent to the U.S. Court of Appeals for the Fifth Circuit, a petition of respondent to the Supreme Court of the United States for a writ of certiorari, and a letter from the clerk of the latter court advising the appellate court that respondent's case had been docketed; counsel also offered 10 testimonial letters signed by numerous individuals in Texas. The Bureau objected to the offered exhibits on the grounds that they are not relevant or material to any issues in this proceeding, and the examiner reserved a ruling until after the filing of briefs, which were subsequently received from both sides.

This is the first suspension case to be heard under the encompassing Comprehensive Drug Abuse Prevention and Control Act of 1970, of which the Controlled Substances Act comprises Title II—Control and Enforcement. The provisions governing the denial, revocation or suspension of a registration are found in section 304 (21 U.S.C. 824). It is there provided that a registration may be suspended upon a finding that the registrant has been convicted of a felony under any law relating to a controlled substance. It is further provided that the suspension may be limited to the particular controlled substance with respect to which grounds for suspension exist. The section affords to the registrant the right of a full hearing, except that the registration may be suspended while the proceedings are pending if there is a finding of imminent danger to public health or safety. Upon suspension all controlled substances possessed by registrant may be placed under seal but no disposition may be made of sealed substances "until all appeals have been concluded" except by court order.

Considering first the admissibility of the challenged exhibits, respondent does not contend that the material is relevant or material to the issue as to whether statutory grounds for suspension exist. Respondent offers the evidence in mitigation, aiming at the discretion which the language of the Act clearly allows to the government when it provides that a registration "may" be suspended and, further, that a suspension "may" be limited to particular substances. For the limited purpose for which they are so offered, the exhibits are plainly relevant and material and the examiner therefore overrules the Bureau's objection and receives in evidence exhibits 2, 4, 5, 6, and 7.

By stipulation the parties agreed that official notice might be taken of "Physician's Desk Reference," 25th edition, published by Medico-Economics, Inc., and of the "Merck Index" published by Merck and Co. The Bureau objected to the considering of those materials on the ground of relevance and materiality, and that objection is overruled for the reasons hereinbefore stated.

In Appendix A there are set forth the findings which respondent has requested on the basis of the above described evidence. The facts set forth therein are not controverted by the Bureau and the examiner finds them to be true and correct for the limited purpose for which offered in this proceeding.

Respondent contends, first, that suspension is not warranted because the conviction is not yet final. As to this it is undisputed that the mandate of the Court of Appeals is stayed pending disposition of the petition for certiorari. However, the statute clearly authorizes suspension upon a showing that registrant "has been convicted" and it does not require that the conviction be final or that all appeals have been concluded. The governing section 304 expressly refers in paragraph (f) to the concluding of appeals before disposition of controlled substances under seal and this provision is in marked contrast to paragraph (a) which contains no such requisite in connection with grounds for suspension. The Bureau also points to 21 U.S.C. 841(b)(1)(A) wherein the severity of penalties is doubled for violations committed after a prior conviction "has become final." If Congress had intended to require the concluding of appeals before suspension of a registration it would have said so. It did not do so and the examiner concludes that the proposed suspension is authorized by the statute and that the stay of the court's mandate does not prevent the taking effect of a suspension order by the Bureau.

Respondent further contends that, if suspension is ordered, it should be limited to the particular substances involved in the conviction or it should be limited to the dispensing of controlled substances so as to permit the doctor to continue to prescribe such substances for dispensing by others. As to the first such alternative, respondent points to the many controlled substances that are indispensable to the practice of medicine and which are not directly involved in the doctor's conviction. As to the second alternative, respondent urges that these are regulations affecting persons who fill prescriptions and that they constitute safeguards to prevent any abuse by a physician writing prescriptions. Both alternatives are plainly directed to the discretion of the Bureau.

In the opinion of the examiner the evidence does not warrant a discretionary limiting of the suspension, much less a decision not to suspend. Respondent was convicted of selling methamphetamine HCL tablets and d-amphetamine sulfate and amobarbital tablets. He claimed unlawful entrapment as a defense. However, as the Court of Appeals noted in its opinion, two narcotics agents testified that Dr. Ramzy was

ready and willing to sell when an offer was made, that he justified his high price by stating "there is a lot of risk involved and I won't sell it unless I can make money on it," and that he initiated one of the sales himself by inviting the agent to call him. It is evident on this record, not only that respondent was aware of the risks but that all the considerations in Appendix A were probably in effect at the time of the first violations. Yet the money offered to the doctor for the drugs overcame both his fear of conviction and his concern for the community need for his services as a doctor. The record contains no convincing evidence that respondent would be deterred from future violations if his registration were allowed to remain in effect, in whole or in part. So far as this record shows, all it would take would be a willing buyer with a large enough sum of money to induce the doctor to sell still more controlled substances, if his registration is not suspended in its entirety. Upon all the evidence, the examiner finds that respondent has been convicted of a felony under a law of the United States relating to controlled substances as defined in the Act, that no sufficient grounds have been shown for limiting the suspension of his registration and that said registration should be suspended.

In view of the findings, it is unnecessary to decide herein the disputed issue as to whether it is legally or administratively possible to distinguish between dispensing and prescribing drugs under the definitions and framework of the Act.

In accordance with 21 CFR 316.65, the hearing examiner recommends that registration No. AR-2255330 issued to Dr. Carl Oslin Ramzy be suspended, effective 30 days after the publication of this order in the FEDERAL REGISTER. The hearing examiner hereby certifies to the Director of the Bureau of Narcotics and Dangerous Drugs the entire record in the above entitled matter, comprising the original transcript of the reporter's minutes, 40 pages in length, a two-page list of the Government's Record Corrections, 7 numbered exhibits and this recommended decision.

After reviewing the transcript of testimony of the hearing, the exhibits introduced, the findings of fact and conclusions of law proposed by counsel for the parties the Director adopts the Recommended Decision of the Hearing Examiner Burchmore with one exception. Mr. Burchmore recommended that Dr. Ramzy's registration "be suspended effective 30 days after the publication of this order in the FEDERAL REGISTER." However, in view of the nature of the crime for which Dr. Ramzy was convicted, as reflected in Mr. Burchmore's Recommended Decision, it is the Director's opinion that to allow Dr. Ramzy to retain his registration for even 30 days and thereby permit him to order, possess, prescribe, and dispense controlled substances would not be consistent with the public health and safety.

Therefore, under the authority vested in the Attorney General by section 304 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 824), and redelegated to the Director, Bureau of Narcotics and Dangerous Drugs by § 0.100 of Title 28 of the Code of Federal Regulations, the Director hereby orders that Dr. Carl Oslin Ramzy, Jr.'s registration be suspended effective upon publication of this order in the FEDERAL REGISTER.

Dated: December 14, 1971.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.71-18613 Filed 12-17-71;8:51 am]

DEPARTMENT OF THE INTERIOR

Geological Survey

[Power Site Cancellation 285]

CRATER LAKE, IDAHO

Cancellation of Power Site

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 220 Departmental Manual 6.1, Power Site Classification 111 of July 22, 1925, is hereby canceled to the extent that it affects the following described land:

BOISE MERIDIAN

All unsurveyed lands within one-eighth of a mile of the proposed Crater Lake reservoir and all lands within one-eighth of a mile of the streams forming the natural outlet therefrom down to and including the site of the proposed powerhouse and tailrace as shown on a map filed Boise 027291, March 16, 1925, in the U.S. Land Office at Boise, Idaho. Protraction of public-land surveys indicates that the lands described above will, when surveyed, lie wholly within sec. 25, T. 20 N., R. 8 E.

The area described aggregates about 133 acres.

W. A. RADLINSKI,
Acting Director.

DECEMBER 13, 1971.

[FR Doc.71-18515 Filed 12-17-71;8:46 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

ORANGES AND GRAPEFRUIT GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

Findings and Determinations With Respect to the Continuation in Effect of the Marketing Agreement and Order

Pursuant to the applicable provisions of the marketing agreement, 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 (7 U.S.C. 601-674), notice was given in the FEDERAL REGISTER on October 19, 1971 (36 F.R. 20251), that a referendum would be conducted among the producers who, during the period August 1, 1970, through July 31, 1971 (which period was 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 a majority of such producers favor the termination of the said amended marketing agreement and order.

Upon the basis of the results of the aforesaid referendum, which was conducted during the period November 15 through Novemoer 27, 1971, both dates inclusive, it is hereby found and determined that the termination of the said amended marketing agreement and order, regulating the handling of oranges and grapefruit grown in the lower Rio Grande Valley in Texas, is not favored by the requisite majority of such producers.

Dated: December 14, 1971.

PHILIP C. OLSSON,
Acting Assistant Secretary.

[FR Doc.71-18564 Filed 12-17-71;8:50 am]

Office of the Secretary

DELAWARE

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 Delaware natural disasters have caused a general need for agricultural credit:

COUNTIES

Kent. Sussex.
New Castle.

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 15th day of December 1971.

EARL L. BUTZ,
Secretary.

[FR Doc.71-18539 Filed 12-17-71;8:48 am]

OFFICE OF EQUAL OPPORTUNITY

Notice of Establishment

Purpose. This notice announces changes in organization and assignments of responsibility relating to the Department's civil rights and equal employment opportunity programs.

Changes. The following changes were made effective November 16, 1971, by Secretary's Memorandum 1756:

1. The Office of Equal Opportunity is established as an agency at the Departmental staff level. The Director of the Office of Equal Opportunity will report directly to me. However, in all matters other than major policy issues, the Director of the Office of Equal Opporunity will be under the general supervision of the Assistant Secretary for Administration.

2. The Director is designated the Department's Contract Compliance Officer with respect to regulations governing enforcement of Executive orders pertaining to nondiscrimination by Government contractors. All functions and responsibilities formerly exercised by the Secretary's civil rights staff with respect thereto are transferred to the Office of Equal Opportunity.

3. All functions and responsibilities related to civil rights compliance, enforcement, and evaluation now in the Secretary's civil rights staff are transferred to the Office of Equal Opportunity.

4. The Director of the new office is designated the Director of Equal Employment Opportunity for this Department. Functions of the Office of Personnel in connection with Equal Employment Opportunity will remain unchanged.

5. The functions of the Assistant Secretary for Administration under Secretary's Memorandum 1662, as supplemented, are transferred to the Director, Office of Equal Opportunity.

6. The functions and responsibilities of the Office of the General Counsel and the Office of the Inspector General and other Department agencies remain unchanged.

Implementing action. The Director, Office of Equal Opportunity, and the Assistant Secretary for Administration shall take all administrative actions necessary to implement this memorandum.

Dated: December 15, 1971.

EARL L. BUTZ,
Secretary of Agriculture.

[FR Doc.71-18538 Filed 12-17-71;8:48 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. A-583]

JAMES S. BARKER

Notice of Loan Application

DECEMBER 10, 1971.

James S. Barker, Post Office Box 851, Wrangell, AK 99929, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used wood vessel, about 40 feet in length, to engage in the fishery for salmon and halibut.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above-entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

ROBERT W. SCHONING,
Acting Director.

[FR Doc.71-18516 Filed 12-17-71;8:46 am]

[Loan Case No. B-428]

STEN CARLSON

Notice of Transfer of Fishery

DECEMBER 10, 1971.

Sten Carlson, Post Office Box 878, Wellfleet, MA 02667, owner of the vessel JOCELYN C. purchased with the aid of a Fisheries Loan to engage in the fishery for groundfish and halibut has requested permission to extend his fishing operations to engage in the fishery for groundfish, halibut, and lobsters.

Notice is hereby given that the above request is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

ROBERT W. SCHONING,
Acting Director.

[FR Doc.71-18517 Filed 12-17-71;8:46 am]

[Docket No. B-527]

LLOYD C. CUSHING

Notice of Loan Application

DECEMBER 10, 1971.

Lloyd C. Cushing, 5 Chester Avenue, Falmouth, ME 04105, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used steel vessel, about 50-foot in length, to engage in the fishery for lobsters.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

ROBERT W. SCHONING,
Acting Director.

[FR Doc.71-18518 Filed 12-17-71;8:46 am]

[Docket No. S-568]

LARRY MARVIN SMITH

Notice of Loan Application

DECEMBER 10, 1971.

Larry Marvin Smith, 489 Nichols, Coos Bay, OR 97420, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used wood vessel, about 40-foot in length, to engage in the fishery for albacore and salmon off the Pacific Coast, excluding Alaska.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above-entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

ROBERT W. SCHONING,
Acting Director.

[FR Doc.71-18519 Filed 12-17-71;8:46 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

ENVIRONMENTAL EDUCATION

Notice of Postponement of Closing Date for Submission of Proposals for Fiscal Year 1972

In order to permit eligible applicants additional time to prepare and submit proposals, notice is hereby given that in order to be assured of consideration for funding from appropriations for fiscal year 1972, an application for assistance under the Environmental Education Act (20 U.S.C. 1531–1536) must be postmarked at a U.S. Post Office by January 28, 1972. Application forms may be obtained from and are to be filed with the Office of Environmental Education, Office of Education, 400 Maryland Avenue SW., Washington, D.C. 20201.

The previous closing date of December 17, 1971, published in the FEDERAL REGISTER on November 17, 1971 (36 F.R. 21900, 21901) is hereby superseded.

Dated: December 10, 1971.

S. P. MARLAND, Jr.,
U.S. Commissioner of Education.

[FR Doc.71-18522 Filed 12-17-71;8:47 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-71-137]

ASSISTANT COMMISSIONER - COMPTROLLER, ET AL., HOUSING PRODUCTION AND MORTGAGE CREDIT-FEDERAL HOUSING ADMINISTRATION

Redelegated Authority

All redelegations of authority and assignments of functions by the Assistant Secretary for Housing Production and Mortgage Credit to the Assistant Commissioner-Comptroller, the Director Accounting Division, the Director Insurance Division, the Director Fiscal Division, and their respective Deputies, issued on or prior to the effective date of this document, are adopted by the Assistant Secretary for Housing Management insofar as the issuances concern matters or functions delegated or assigned to the Assistant Secretary for Housing Management. (Secretary's delegation of authority published at 36 F.R. 5005, Mar. 16, 1971.)

Effective date. This redelegation of authority is effective on publication in the FEDERAL REGISTER (12-18-71).

NORMAN V. WATSON,
Assistant Secretary for Housing Management.

[FR Doc.71-18552 Filed 12-17-71;8:49 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

MEMORANDUM OF UNDERSTANDING BETWEEN THE ENVIRONMENTAL PROTECTION AGENCY AND THE DEPARTMENT OF TRANSPORTATION

This memorandum establishes policies and guidelines relating to the definition of transportation and nontransportation related onshore and offshore facilities and the responsibilities of the Environmental Protection Agency and the U.S. Coast Guard with respect to the prevention of oil discharges from vessels and onshore and offshore facilities.

SECTION I—GENERAL

1. Section 11(j)(1)(C) of the Federal Water Pollution Control Act, as amended authorizes the President to issue regulations consistent with maritime safety and with marine and navigation laws establishing procedures, methods, and requirements for equipment to prevent discharges of oil from vessels and onshore and offshore facilities.

2. This authority was delegated by the President in Executive Order 11548. Section 1 of that Executive order delegates responsibility and authority to the Secretary of the Interior to carry out the provisions of subsection (j)(1)(C) of section 11 of the Act after consultation with the Secretary of Transportation relating to procedures, methods and requirements for equipment to prevent discharges of oil from nontransportation related onshore and offshore facilities. The authority delegated to the Secretary of the Interior was subsequently vested in the Administrator of the Environmental Protection Agency in Reorganization Plan No. 3 of 1970 and section 9 of Executive Order 11548.

3. Section 2 of Executive Order 11548 delegates responsibility and authority to the Secretary of Transportation in consultation with the Secretary of the Interior, to carry out the provisions of subsection (j)(1)(C) of section 11 of the Act relating to procedures, methods and requirements for equipment to prevent discharges of oil from vessels and transportation-related onshore and offshore facilities. The Secretary of Transportation in turn redelegated this authority to the Commandant, U.S. Coast Guard.

4. Although Executive Order 11548 divided responsibility and authority into transportation-related and nontransportation-related facilities, no indication of the extent of transportation relation is given. In the broadest sense every facility is transportation related. Any activity that can possibly discharge oil must transport materials to some extent and have materials transported either to, from, or by the facility.

5. In distinguishing between transportation-related and nontransportation-related facilities, a systems approach was utilized. It is recognized that the life-cycle of oil is characterized by various operations conducted at many different types of facilities. Most facilities necessarily engage in more than one type of operation. These operations include drilling, producing, refining, storing, transferring, transporting, using and disposing. To the extent possible and considering agency resource capabilities and expertise, it is considered most practical to assign one agency the responsibility for regulating a complete operation at any one facility. The Department of Transportation will generally be responsible for regulating the transferring of oil to or from a vessel at any facility including terminal facilities; the transporting of oil via highway, pipeline, railroad, or vessel; and certain storing operations. The Environmental Protection Agency will generally be responsible for regulating drilling, producing, refining, storing, disposing and certain transferring operations at various types of facilities.

6. While the following definitions are intended to be as specific and inclusive as possible, it is recognized that certain problems concerning these definitions will arise from time to time requiring the cooperation and agreement of the Department of Transportation and the Environmental Protection Agency for resolution.

SECTION II—DEFINITIONS

The Environmental Protection Agency and the Department of Transportation agree that for the purposes of Executive Order 11548, the term—

(1) "Non-transportation-related onshore and offshore facilities" means—

(A) Fixed onshore and offshore oil well drilling facilities including all equipment and appurtenances related thereto used in drilling operations for exploratory or development wells, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(B) Mobile onshore and offshore oil well drilling platforms, barges, trucks, or other mobile facilities including all equipment and appurtenances related thereto when such mobile facilities are fixed in position for the purpose of drilling operations for exploratory or development wells, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(C) Fixed onshore and offshore oil production structures, platforms, derricks, and rigs including all equipment and appurtenances related thereto, as well as completed wells and wellhead equipment, piping from wellheads to oil separators, oil separators, and storage facilities used in the production of oil, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(D) Mobile onshore and offshore oil production facilities including all equipment and appurtenances related thereto as well as completed wells and wellhead equipment, piping from wellheads to oil separators, oil separators, and storage facilities used in the production of oil when such mobile facilities are fixed in position for the purpose of oil production operations, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(E) Oil refining facilities including all equipment and appurtenances related thereto as well as in-plant processing units, storage units, piping, drainage systems and waste treatment units used in the refining of oil, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(F) Oil storage facilities including all equipment and appurtenances related thereto as well as fixed bulk plant storage, terminal oil storage facilities, consumer storage, pumps and drainage systems used in the storage of oil, but excluding in-line or breakout storage tanks needed for the continuous operation of a pipeline system and any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(G) Industrial, commercial, agricultural or public facilities which use and store oil, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(H) Waste treatment facilities including in-plant pipelines, effluent discharge lines, and storage tanks, but excluding waste treatment facilities located on vessels and terminal storage tanks and appurtenances for the reception of oily ballast water or tank washings from vessels and associated systems used for offloading vessels.

(I) Loading racks, transfer hoses, loading arms and other equipment which are appurtenant to a nontransportation related facility or terminal facility and which are used to transfer oil in bulk to or from highway vehicles or railroad cars.

(J) Highway vehicles and railroad cars which are used for the transport of oil exclusively within the confines of a nontransportation related facility and which are not intended to transport oil in interstate or intrastate commerce.

(K) Pipeline systems which are used for the transport of oil exclusively within the confines of a nontransportation related facility or terminal facility and which are not intended to transport oil in interstate or intrastate commerce, but excluding pipeline systems used to transfer oil in bulk to or from a vessel.

(2) "Transportation-related onshore and offshore facilities" means—

(A) Onshore and offshore terminal facilities including transfer hoses, loading arms and other equipment and appurtenances used for the purpose of handling or transferring oil in bulk to or from a vessel as well as storage tanks and appurtenances for the reception of oily ballast water or tank washings from vessels, but excluding terminal waste treatment facilities and terminal oil storage facilities.

(B) Transfer hoses, loading arms and other equipment appurtenant to a nontransportation related facility which is used to transfer oil in bulk to or from a vessel.

(C) Interstate and intrastate onshore and offshore pipeline systems including pumps and appurtenances related thereto as well as in-line or breakout storage tanks needed for the continuous operation of a pipeline system, and pipelines from onshore and offshore oil production facilities, but excluding onshore and offshore piping from wellheads to oil separators and pipelines which are used for the transport of oil exclusively within the confines of a nontransportation related facility or terminal facility and which are not intended to transport oil in interstate or intrastate commerce or to transfer oil in bulk to or from a vessel.

(D) Highway vehicles and railroad cars which are used for the transport of oil in interstate or intrastate commerce and the equipment and appurtenances related thereto, and equipment used for the fueling of locomotive units, as well as the rights-of-way on which they operate. Excluded are highway vehicles and railroad cars and motive power used exclusively within the confines of a nontransportation related facility or terminal facility and which are not intended for use in interstate or intrastate commerce.

SECTION III—COORDINATION AND ENFORCEMENT

The above definitions have been developed to facilitate the development and enforcement of regulations for prevention of oil discharges and to correspond as much as possible to the existing responsibilities of the Department of Transportation and the Environmental Protection Agency. It is recognized, however, that in some situations the Department of Transportation may have expertise that could be helpful to the Environmental Protection Agency in the development or enforcement of these regulations and vice versa. Such a situation might arise in connection with the regulation of the nontransportation related facilities included within definitions 1 (J) and (K) in section II above.

It is agreed that in such situations the Department of Transportation and the Environmental Protection Agency will provide assistance to and coordinate with each other in the development and enforcement of the regulations to the extent that existing resources permit.

Done this 24th day of November 1971 at the city of Washington.

For the Department of Transportation.

JOHN A. VOLPE.

For the Environmental Protection Agency.

WILLIAM D. RUCKELSHAUS.

[FR Doc.71-18542 Filed 12-17-71;8:48 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-375]

NORTH AMERICAN ROCKWELL CORP.

Proposed Issuance of Facility License

The Atomic Energy Commission (the Commission) is considering the issuance of a facility license to the North American Rockwell Corp. (NARC) of Canoga Park, Calif. The license would authorize NARC to possess and operate a homogeneous, solution-type nuclear research reactor designated as the "L-85 Nuclear Examination Reactor" located at its Atomics International Division Nuclear Development Field Laboratories site in the Simi Hills, Ventura County, Calif., at steady State power levels up to a maximum of 3 kilowatts (thermal) in accordance with the provisions of the proposed license and the Technical Specifications appended thereto.

The reactor (formerly designated the "AE-6 Reactor") has been operating since 1956 at power levels up to a maximum of 2.5 kilowatts (thermal) under contract between the Commission and Atomics International (a division of NARC). The existing contract is being terminated and ownership of the reactor is being transferred to NARC. NARC proposes to use the reactor as a source of neutrons for neutron radiography, for training, and research and development activities for its own account. Such use requires a license pursuant to section 104c of the Atomic Energy Act of 1954, as amended (the Act), and 10 CFR Part 50.

The Commission has found that the application, as amended, for the facility license complies with the requirements of the Act and of the Commission's regulations published in 10 CFR Chapter I. The license will not be issued until the Commission makes the findings required by the Act and the Commission's regulations, which are set forth in the proposed license, and concludes that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public. Prior to issuance of the license, a prelicensing inspection of the L-85 reactor will be performed by a representative of the Commission. In addition, NARC will be required to execute an indemnity agreement as required by section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

Within 15 days from the date of publication of the notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this proposed license issuance, see (1) the

application for license dated November 25, 1970, and amendments thereto dated December 30, 1970, March 26, 1971, May 20, 1971, September 30, 1971, October 22, 1971, and November 16, 1971; (2) the proposed facility license with Technical Specifications, and (3) a related Safety Evaluation prepared by the Division of Reactor Licensing, all of which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, DC. A copy of each of items (2) and (3) above may be obtained upon request sent to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 8th day of December 1971.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[FR Doc.71-18520 Filed 12-17-71;8:47 am]

[Docket No. 50-113]

UNIVERSITY OF ARIZONA

Extension of Completion Date of Construction Permit

The University of Arizona, having filed a request dated November 29, 1971, for extension of the latest completion date specified in Construction Permit No. CPRR-111, which authorizes modification of the existing reactor facility located on the University's campus at Tucson, Ariz.; and

Good cause having been shown for extension of said date, pursuant to section 185 of the Atomic Energy Act of 1954, as amended, and 10 CFR § 50.55 of the Commission's regulations:

It is hereby ordered, That the latest completion date for Construction Permit No. CPRR-111 is extended from December 31, 1971 to September 1, 1972.

Date of issuance: December 8, 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-18521 Filed 12-17-71;8:47 am]

CRITERIA FOR EMERGENCY CORE COOLING SYSTEMS FOR LIGHT-WATER POWER REACTORS

Interim Acceptance

On June 29, 1971, the Atomic Energy Commission published its Interim Policy Statement, "Interim Acceptance Criteria for Emergency Core Cooling Systems for Light-Water Power Reactors." (36 F.R. 12247.) The Statement included, as Appendix A, Parts 1-3, acceptable evaluation models, including conservative assumptions and procedures. Since that time, proposals for evaluation models made by The Babcock and Wilcox Co. and by Combustion Engineering, Inc., have been reviewed by the Commission, together with the conservative assumptions and procedures appropriate to each model. The amendments to the Interim Acceptance Criteria which follow add these acceptable new evaluation models as Parts 4 and 5 of Appendix A. Conforming amendments have been made in the body of the Interim Acceptance Criteria.

1. The third and fourth paragraphs of section III are amended to read as follows:

III. EVALUATION OF EMERGENCY CORE COOLING SYSTEM PERFORMANCE

* * * * *

Detailed technical reviews have been performed by the AEC of the computer codes currently available for predicting emergency core cooling system performance. The AEC has developed sets of suitably conservative assumptions and procedures which together with the computer codes comprise five appropriately conservative evaluation models to use for evaluation. The codes used in one of these evaluation models (described in Part 1 of Appendix A) are available from the AEC. Codes used in the other four evaluation models (described in Parts 2-5 of Appendix A) contain proprietary material, for which summaries are or soon will be publicly available. Other evaluation models are under review by the AEC.

The five acceptable evaluation models presently included in Appendix A are different in many respects, and the sets of conservative assumptions and procedures also differ from one another. These differences arise from two principal causes: (1) Differences in approach and calculational methods of the different analyses, leading to different areas where imperfect knowledge or analysis require conservative treatments, and (2) differences in hardware among the various reactor designs, such as spray vs. flood cooling and hot leg vs. cold leg vs. direct vessel injection.

2. New Parts 4 and 5 are added to Appendix A to read as follows:

APPENDIX A—ACCEPTABLE EVALUATION MODELS INCLUDING THEIR CONSERVATIVE ASSUMPTIONS AND PROCEDURES

* * * * *

PART 4—BABCOCK AND WILCOX EVALUATION MODEL [2]

Analyses should be performed for the entire break spectrum, from 0.5 ft.², up to and including the double-ended severance of the largest pipe of the reactor coolant pressure boundary. The combination of systems used for analyses should be derived from a failure mode and effects analysis, using the single failure criterion.

The analytical techniques to be used, with the assumptions and procedures described in §§ 1.1-2.5, are those described in the following topical reports:

1. "CRAFT—Description of Model for Equilibrium LOCA Analysis Program"—Report BAW-10030, October 1971.

2. "REFLOOD—Description of Model for Multinode Core Reflood Analysis"—Report BAW-10031, October 1971.

3. "THETA 1-B, A Computer Code for Nuclear Reactor Core Thermal Analysis," Idaho Nuclear Corporation Report IN-1445, February 1971.

4. "Multinode Analysis of B&W's 2568 MWt Nuclear Plants During A Loss-of-Coolant Accident"—Report BAW-10034, October 1971.

Blowdown Period

1.1 *Core and System Noding.*

1.1.1 CRAFT—At least three core nodes should be used, and at least four steam generator nodes (primary side) should be used. A containment node should be used.

1.1.2 THETA 1-B—At least six radial fuel nodes and two radial clad nodes, in conjunction with at least 10 axial fuel nodes, should be used.

1.2 *Pump Model.*

The pump characteristics, including the effect of pump speed, for analyses should be fully justified. The more conservative of two assumptions (locked or running) should be used for the pump during the blowdown calculation.

1.3 *Break Characteristics.*

For large breaks in the range of 0.6-1.0 times the total area of the double-ended break of the largest cold-leg pipe, two break models should be used. The first model should be the double-ended severance (guillotine) which assumes that there is break flow from both ends of the broken pipe, but no communication between the broken ends. The second model should assume discharge from a single node (split).

1.4 *Discharge Coefficient.*

A break discharge coefficient $C_D = 1.0$ should be used for all break sizes.

1.5 *Decay Heat.*

The decay heat curve described in the proposed ANS standard,[4] increased by a +20 percent allowance for uncertainty, should be used. The fraction of decay heat generated in the hot rod may be considered to be 0.96 times this value.

1.6 *Time to Departure from Nucleate Boiling (DNB).*

The time to DNB should be calculated using any one of the programmed options of the THETA 1-B code.

1.7 *Film Boiling Heat Transfer.*

The Groeneveld correlation (equation 5.7 of AECL-3281, December 1969) should be used in the THETA 1-B code for the film-boiling heat transfer regime.

1.8 *Metal-Water Reaction Rate.*

The metal-water reaction rates should be calculated using the Baker-Just equation with a coefficient of 1.0.

1.9 *Core Flow Rate.*

The smoothed core flow rate at the hot spot location, derived from the CRAFT code and multiplied by 0.8, should be used as input to the THETA 1-B fuel rod heatup calculation.

1.10 *Enthalpy and Pressure.*

The core pressure and the entering plenum enthalpy, derived from the CRAFT code, should be used as input to the THETA 1-B calculations.

1.11 *Core Flooding Tank Bypass.*

For cold leg breaks, all of the water injected by the core flooding tanks prior to the

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[2] This evaluation model applies to reactors containing internal vent valves.

[4] "Energy Release Rates Following Shutdown of Uranium-Fuel Thermal Reactors," Subcommittee ANS-5, American Nuclear Society, October 1971. Copies may be obtained from Dr. M. E. Remley, Chairman, Subcommittee ANS-5, Atomics International, Post Office Box 309, Canoga Park, CA 91305. Copies are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

end-of-blowdown should be assumed to be lost. In this context the end-of-blowdown should be considered to be the time at which zero break flow is first computed.

Reflood Period

2.1 The core reflood performance should be calculated using the REFLOOD code described in BAW-10031.

2.2 An adiabatic heatup of the core should be assumed from the time of end-of-blowdown until the emergency core cooling fluid reaches the bottom of the core.

2.3 For the reflood calculation, the containment pressure should not exceed the initial prebreak pressure plus 80 percent of the increase in pressure calculated by the methods used for containment design for the accident under consideration.

2.4 The steam flow rate from the core, as it affects the Reflood pressure-drop calculations, should be calculated on the basis of core heat transfer coefficients that are equal to or greater than Flecht heat transfer coefficients. The internals vent valves should be the only flow path from the upper plenum.

2.5 The fuel rod temperature transients should be calculated on the basis of heat transfer coefficients derived from flecht.

PART 8—COMBUSTION ENGINEERING EVALUATION MODEL

Analyses should be performed for the entire break spectrum, from 0.5 ft.², up to and including the double-ended severance of the largest pipe of the reactor coolant pressure boundary. The combination of systems used for analyses should be derived from a failure mode and effects analysis, using the single failure criterion.

The analytical techniques to be used, with the assumptions and procedures described in §§ 1.1-2.6, are those described in the following topical reports. Suitable nonproprietary reports are to be submitted.

1. "Description of Loss-of-Coolant Calculational Procedures," CENPD-26, Proprietary Combustion Engineering Report, August, 1971.

2. "Description of Loss-of-Coolant Calculational Procedures," Proprietary Combustion Engineering Report, Supplement 1 to CENPD-26, October, 1971.

3. "Steam Venting Experiments and Their Application to CE Evaluation Model," Proprietary Combustion Engineering Report, Supplement 2 to CENPD-26, November, 1971.

4. "Moisture Carry-over During PWR Post-LOCA Core Refill," informal proprietary Combustion Engineering submittal, November, 1971.

Blowdown Period

1.1 *Discharge Coefficient.*

The break discharge coefficient, (C_D) used with the Moody discharge flow model should be equal to 1.0 for all break sizes.

1.2 *Decay Heat.*

The decay heat curve described in the proposed ANS Standard,[4] increased by a +20 percent allowance for uncertainty, should be used. The fraction of decay heat generated in the hot rod may be considered to be 0.94 times this value unless a smaller value is justified.

1.3 *Break Characteristics.*

For large breaks in the range 0.6 to 1.0 times the total area of the double-ended break of the largest cold-leg pipe, two break models should be used. The first model should be the double-ended severance (guillotine), which assumes that there is break flow from both ends of the broken pipe, but no communication between the broken ends. The second model should assume discharge from a single node (split).

1.4 *Safety Injection Tank Bypass.*

For cold leg breaks, all of the water injected by the safety injection tanks prior to end-of-blowdown should be assumed to be lost. In this context the end-of-blowdown should be considered to be the time at which zero break flow is first computed.

1.5 *Pump Model.*

The pump characteristics, including the effect of pump speed, for analyses should be fully justified. The more conservative of two assumptions (locked or running) should be used for the pump during the blowdown calculation.

Reflood Period

2.1 The reflood sequence of events should be calculated using the analytical methods described in CENPD-26 and its supplements. The containment back pressure assumed for the analysis should not be higher than the initial prebreak pressure plus 80 percent of the increase in pressure calculated by the methods used for containment design for the accident under consideration.

2.2 All effects of cold injection water, in either a hot or cold leg, on steam flow (and ΔP) should be included in the calculation. The steam flow in intact loops during the time period that the safety injection tanks are injecting should be calculated as described in Supplement 2 of CENPD-26. The steam flow rate from the core as it affects the pressure-drop calculations should be calculated on the basis of core heat transfer coefficients that are equal to or greater than FLECHT heat transfer coefficients.

2.3 Pump resistance, K, should be calculated on the basis of a locked rotor.

2.4 The effects of the nitrogen gas in the safety injection tank which is discharged following water discharge, should be taken into account in calculating steam flow as a function of time.

2.5 The pressure drop in the steam generator should be calculated with the existing fluid conditions and associated loss coefficients.

2.6 The heat transfer coefficient for the fuel rod temperature calculations during reflood should be derived from FLECHT data.

In view of the necessity, from the standpoint of public health and safety of providing interim criteria for emergency core cooling systems applicable to all nuclear power reactors, the Commission has found that the amendments contained herein should be promulgated without delay, that notice of proposed issuance and prior public procedure are impracticable, and that good cause exists for making the amendments effective upon publication in the FEDERAL REGISTER. The Commission has issued a notice scheduling a public rule making hearing on the Interim Acceptance Criteria for Emergency Core Cooling Systems for Light Water Cooled Nuclear Power Reactors (36 F.R. 22774). The amendments herein will be considered at that hearing. Interested persons desiring to participate in that hearing should refer to that notice for the procedures available. Interested persons who desire to submit written comments or suggestions for consideration in connection with the amendments should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention Chief, Public Proceedings Branch, within 30 days after publication of this notice in the FEDERAL REGISTER. Copies of comments received may be examined at the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

(Sec. 161, 68 Stat. 948, 80 Stat. 383, 81 Stat. 54; 42 U.S.C. 2201, 5 U.S.C. 552, 553)

Dated at Germantown, Md., this 16th day of December 1971.

For the Atomic Energy Commission.

F. T. HOBBS,
Acting Secretary of the Commission.

[FR Doc.71-18645 Filed 12-17-71;10:26 am]

CIVIL AERONAUTICS BOARD

[Docket No. 22628; Order 71-12-27]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Passenger Fares

Issued under delegated authority December 7, 1971. Agreement adopted by Traffic Conference 1 of the International Air Transport Association relating to passenger fares, Docket 22628, Agreement CAB 22824.

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 Traffic Conference 1 of the International Air Transport Association (IATA) and adopted by mail vote. The agreement has been assigned the above-designated CAB agreement number.

The agreement would amend an existing resolution governing economy-class fares within the Western Hemisphere by the inclusion of a specified fare reflecting new direct service between Mazatlan and Denver. The proposed fare is $91, one way.

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 100(Mail 884) 061, which is incorporated in the above-designated agreement, is adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That:

Action on Agreement CAB 22824 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] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.71-18547 Filed 12-17-71;8:49 am]

[Docket No. 18257]

SOUTHERN TIER COMPETITIVE NONSTOP INVESTIGATION (HOUSTON-MIAMI PHASE)

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on January 18,

[4] See footnote on page 24082.

1972, at 10 a.m. (local time), in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner William H. Dapper

In order to facilitate the conduct of the conference parties are instructed to submit to the Examiner and other parties (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before January 3, 1972, and the other parties on or before January 12, 1972. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights.

Dated at Washington, D.C., December 14, 1971.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.71-18548 Filed 12-17-71;8:49 am]

[Docket No. 23167]

TEXAS-MEXICO SERVICE INVESTIGATION

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held before the Board on January 12, 1972, at 2 p.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, DC.

Dated at Washington, D.C., December 14, 1971.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.71-18549 Filed 12-17-71;8:49 am]

[Docket No. 22157]

UNITED AIR LINES, INC.

Notice of Oral Argument Regarding Specific Commodity Rates on Periodicals, Floral Products, and Seafood

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held before the Board on January 12, 1972, at 10 a.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, DC.

Dated at Washington, D.C., December 14, 1971.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.71-18550 Filed 12-17-71;8:49 am]

[Docket No. 21761]

WEIGHT LIMITATION INVESTIGATION

Notice of Oral Argument

Part 298, weight limitation investigation.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held before the Board on January 19, 1972, at 10 a.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, DC.

Dated at Washington, D.C., December 14, 1971.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.71-18551 Filed 12-17-71;8:49 am]

CIVIL SERVICE COMMISSION

PROGRAM ANALYST, PATRICK AIR FORCE BASE, FLA.

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found on December 3, 1971, a manpower shortage for a single position of Program Analyst (Deputy Director for Research and Evaluation), GS-345-15, Defense Race Relations Institute, Patrick Air Force Base, Fla. The finding is self-canceling when the position is filled.

Assuming other legal requirements are met, an appointee to this position may be paid for the expense of travel and transportation to first post of duty.

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

[FR Doc.71-18508 Filed 12-17-71;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Public Availability

Environmental impact statements received by the Council on Environmental Quality December 6–December 10, 1971.

NOTE: At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250, (202) 388-7803.

FOREST SERVICE

Final, December 6

Legislative proposal to establish the Seward National Recreation area, Kenal Peninsula and Greater Anchorage Area Boroughs, Alaska. Consists of 1.4 million acres, of which 1,280,500 are National Forest lands, 116,000 are Public Domain lands, 282 State and 3,230 private owned. No draft statement received. (ELR Order No. 1360, 26 pages) (NTIS Order No. PB-204 694-F).

RURAL ELECTRIFICATION ADMINISTRATION

Final, December 1

Transmission line between Beaver Creek and Wray, Colo. Application of Tri-State Generation and Transmission Association, Inc. for a change-of-purpose of $3,088,000 of loaned funds and of $345,600 of general funds to construct a 77-mile, 230 kv. transmission line, a switching station at Beaver Creek and a substation addition at Wray. Comments made by USDA, EPA, FPC, DOI, and 2 State agencies. (ELR Order No. 1333, 57 pages) (NTIS Order No. PB-203 797-F).

SOIL CONSERVATION SERVICE

Draft, November 30

Cornudas, North and Culp Draws Watershed, Hudspeth County, Tex. and Otero County, N. Mex. Application of land treatment measures within the watershed supplemented by 3 floodwater retarding structures. Involves 1,315 acres of rangeland. (ELR Order No. 1321, 11 pages) (NTIS Order No. PB-204 573-D).

Draft, December 1

Hitson, C&L and Washburn Draws Watershed, Hudspeth County Tex. Application of land treatment measures on 29,900 acres of agricultural land supplemented by 1 floodwater retarding structure, 2 multipurpose structures, and 25,150' of diversions. Will change land use of 624 acres of land and occasionally inundate 2 miles of draws included in that acreage. (ELR Order No. 1326, 11 pages) (NTIS Order No. PB-204 561-D).

DEPARTMENT OF DEFENSE

DEPARTMENT OF ARMY

CORPS OF ENGINEERS

Contact: Francis X. Kelly, Assistant for Conservation, Liaison, Public Affairs Office, Office, Chief of Engineers, 1000 Independence Avenue SW., Washington, DC 20314, (202) 693-6329.

Draft, December 1

Hurricane protection project, Stratford, Conn. Encirclement of low portions adjacent to the Great Meadows and along west bank of the Housatonic River by earth-filled levees and some floodwalls and provision of 6 pumping stations along the river. Will fill about 13.2 acres of marsh and replace 5.1 acres of water area. (ELR Order No. 1316, 31 pages) (NTIS Order No. PB-204 571-D).

Draft, November 24

Railroad closure structure, Beach City Lake, Sugar Creek, Stark County, Ohio. Construction of closure structure consisting of a gate opening in a railroad cut and a 400-foot-long earthen levee with a maximum height of 5 feet. (ELR Order No. 1317, 6 pages) (NTIS Order No. PB-204 570-D).

Draft, November 30

Western unit flood protection project, Billings, Mont. Diversion project along the west side of Shiloh Road extending from Cove Ditch to the Yellowstone River to prevent flows from crossing the road and causing flooding in Billings. Involves loss of agricultural production on 66 acres of irrigated land. (ELR Order No. 1323, 10 pages) (NTIS Order No. PB-204 575-D).

Draft, December 6

Tallahala Dam and Lake, Pascagoula River Basin, Jasper County, Miss. Construction of a 7,880-foot earth-fill dam, a 420-foot earth-fill saddle dike, a 300-foot emergency spillway and a 10-foot-diameter outlet conduit with facilities to regulate water quality releases. Requires 15,525 acres, inundating 4,435 acres of agricultural and forest lands and intermittently inundating an additional 2,700 acres. (ELR Order No. 1357, 25 pages) (NTIS Order No. PB-204 664-D).

Draft, December 3

Matagorda ship channel, Calhoun and Matagorda Counties, Tex. Maintenance of 7 channels by dredging; dredged materials to be deposited in gulf about 3 miles offshore. (ELR Order No. 1359, 8 pages) (NTIS Order No. PB-204 666-D).

Draft, November 24

Buffalo Harbor, Erie County, N.Y. Maintenance of channels and breakwaters by dredging 525,000 cubic yards of sediment annually, about one-third of which is placed in inclosed disposal area and remainder in Lake Erie. (ELR Order No. 1361, 6 pages) (NTIS Order No. PB-204 670-D).

Draft, December 2

Fall River Harbor, Bristol County, Mass. and Newport County, R.I. Navigation improvement by deepening a turning basin and dredging 11 miles of channel to deepen from 35 feet to 40 feet; 4 million cubic yards of dredge materials to be deposited at sea disposal site. (ELR Order No. 1363, 36 pages) (NTIS Order No. PB-204 659-D).

Draft, December 1

Lake Forest beach erosion project, Lake County, Ill. Removal of 30 feet permeable steel sheet piling groin and replacement with impermeable section, extension of this groin 80 feet and extension of another steel sheet piling groin 140 feet to prevent further erosion and to restore the eroded and damaged beach. (ELR Order No. 1365, 18 pages) (NTIS Order No. PB-204 663-D).

ENVIRONMENTAL PROTECTION AGENCY

Contact: George Marienthal, Acting Director, Office of Federal Activities, 1750 K Street NW., Room 440, Washington, DC 20460, (202) 254-7420.

Draft, December 7

Sewage treatment facilities, Soldotna, Alaska. Application for financial assistance in construction of facilities to provide secondary treatment by extended aeration, with discharges into Kenai River. Project WPC-ALA-24. (ELR Order No. 1367, 13 pages) (NTIS Order No. PB-204 662-D).

Draft, December 6

Lead-Deadwood Sanitary District No. 1, S.Dak. Treatment of domestic wastes from the 2 cities and the mine tailings wastes from Homestake Mining Co. A number of alternatives are being considered, most including construction of a tailings-stabilization pond. Will affect Whitewood Creek and remove 600 acres of land from agricultural use. Project WPC SD-200. (ELR Order No. 1368, 42 pages) (NTIS Order No. PB-204 669-D).

GENERAL SERVICES ADMINISTRATION

Contact: Rod Kreger, Deputy Administrator, General Services Administration-AD, Washington, D.C. 20405, (202) 343-6077.

Alternate Contact: Aaron Woloshin, Director, Office of Environmental Affairs, General Services Administration-AD, (202) 303-4161.

Draft, December 2

Disposal of 210 acres of Cleveland Army Tank Testing Site, Cleveland, Ohio, by conveying 48 acres to city of Cleveland for use as airport buffer zone and by negotiated lease or sale of 162 acres of land and buildings to Cleveland. (ELR Order No. 1327, 7 pages) (NTIS Order No. PB-204 562-D).

Final, December 3

Disposal of 1909.2 acres of Camp San Luis Obispo, San Luis Obispo County, Calif., by assigning 47 acres to HEW for conveyance to county for school purposes, by assigning 513 acres to DOI for conveyance to county for park and recreation use and by sealed bid of 1,349 acres. Comments made by HEW, DOI and County Planning Department. (ELR Order No. 1328, 12 pages) (NTIS Order No. PB-201 525-F).

Final, December 2

Revised final. Disposal of 2,040 acres of AEC's Argonne National Laboratory, Argonne, Ill., by assignment to DOI for conveyance for park and recreational uses. Comments made by AEC, EPA, Office of the Governor and Northeastern Illinois Planning Commission. (ELR Order No. 1335, 58 pages) (NTIS Order No. PB-204 556-F).

Final, December 6

Disposal of 425.75 acres of Fort Lawton Military Reservation, Seattle, Wash., by assigning 420 acres to DOI for public park and recreational use subject to consideration by HEW for a portion thereof and a separate disposal action for 5.5 acres and chapel building for its continued use for religious purposes. Comments made by EPA, DOI, Puget Sound Governmental Conference. (ELR Order No. 1350, 16 pages) (NTIS Order No. PB-201 526-F).

DEPARTMENT OF INTERIOR

Contact: Office of Communications, Room 7214, Washington, D.C. 20240, (202) 343-6416.

BUREAU OF RECREATION

Final, December 6

Crystal Dam, Reservoir, and Powerplant, Curecanti Unit, Colorado River Storage Project, Colorado. Construction of a dam, reservoir and hydroelectric powerplant on the Gunnison River, 15 miles east of Montrose, will channelize 8,000' of river and inundate a scenic area of Black Canyon and 6.5 miles of trout fishery. Comments made by Army COE, EPA, DOI, Advisory Council on Historic Preservation, 4 State agencies, Museum of Northern Arizona, Colorado State University, and Colorado River Board of California. (ELR Order No. 1356, 48 pages) (NTIS Order No. PB-202 071-F).

TENNESSEE VALLEY AUTHORITY

Contact: Dr. Francis Gartell, Director of Environmental Research and Development, 720 Edney Building, Chattanooga, Tenn. 37401, (615) 755-2002.

Final, November 30

Yellow Creek Port Project, Pickwick Reservoir, Tishomingo County, Miss. Development of a public river port terminal and related industrial complex to encourage economic development of a depressed area. Comments made by USDA, DOC, DOD, EPA, HEW, DOI, DOT, Appalachian Regional Commission, Miss. Clearinghouse for Federal Programs and Regional Clearinghouse for Federal Programs. (ELR Order No. 1351, 49 pages) (NTIS Order No. PB-198 738-F).

DEPARTMENT OF TRANSPORTATION

Contact: Martin Convisser,[1] Director, Office of Program Co-ordination, 400 Seventh Street SW., Washington, DC 20590, (202) 462-4357.

FEDERAL AVIATION ADMINISTRATION

Draft, November 29

St. Marys Airport, St. Marys, Alaska. Extension of runway; widening of runway embankment; construction of crosswind runway embankment, taxiway embankment, a base course on the runway extension and on the crosswind runway and installation of a medium-intensity lighting system and rotating beacon. (ELR Order No. 1295, 9 pages) (NTIS Order No. PB-204 565-D).

Neillsville Municipal Airport, Grant, Clark County, Wis. Construction of new airport, including taxiway, apron, and access road. (ELR Order No. 1320, 14 pages) (NTIS Order No. PB-204 576-D).

Draft, December 2

Stapleton International Airport, Denver, Colo. Construction of north-south runway, with parallel and connecting taxiway. Includes grading, drainage, structures, lighting, and relocation of a railroad spur and highway. (ELR Order No. 1334, 52 pages) (NTIS Order No. PB-204 557-D).

Falls City Municipal Airport, Richardson County, Nebr. Improvement of landing strips, including paving, realignment and relocation. Project 7-31-0028-01 ADAP. (ELR Order No. 1358, 19 pages) (NTIS Order No. PB-204 665-D).

FEDERAL HIGHWAY ADMINISTRATION

Draft, November 30

Ward Avenue: Honolulu, Hawaii. Widening between King and Kinau Streets to eliminate traffic bottleneck. Will require removal or renovation of 2 apartment units and displacement of 3 persons. Project T-9001(3). (ELR Order No. 1312, 12 pages) (NTIS Order No. PB-204 567-D).

Draft, November 29

SR-77: Porters Gap to Talladega, Clay and Talladega Counties, Ala. Reconstruction of 9.2-mile segment between Ashland and Talladega. Will displace 23 residences and 1 business. Project S-6109(101). (ELR Order No. 1313, 12 pages) (NTIS Order No. PB-204 566-D).

Draft, November 30

U.S.-52: Winston-Salem to Welcome, Forsyth and Davidson Counties, N.C. Extension of relocation from interchange now under construction near SR-2758 south to near SR-1815 (6 miles). Involves use of woodland and farmland and relocation of 40 families. Project 6.801814. (ELR Order No. 1315, 21 pages) (NTIS Order No. PB-204 568-D).

I-45: Houston, Tex. Widening and rehabilitation between Southern and Santa Elena Streets (1¼ miles). Will displace 17 families and 7 businesses. (ELR Order No. 1318, 8 pages) (NTIS Order No. PB-204 572-D).

Draft, December 2

Route 288: Henrico and Chesterfield Counties, Va. Construction beginning at intersection with proposed I-295 west of Richmond and ending near Route 711 south of Richmond (11.8 miles). Will displace 16 families, 85 individuals and 7 businesses. Project F-033-1( ). (ELR Order No. 1324, 47 pages) (NTIS Order No. PB-204 559-D).

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[1] Mr. Convisser's office will refer you to the regional office from which the statement originated.

Draft, December 1

U.S. 280: Harpersville to Childersburg, Shelby and Talladega Counties, Ala. Upgrading to 4 lanes, with a new bridge over Coosa River. Involves displacement of people. Project F-248(11) (ELR Order No. 1325, 7 pages) (NTIS Order No. PB-204 560-D).

Draft, December 2

FAS-462 (Stoneman Lake Road): Coconino Yavapai Counties, Ariz. Improvement to all-weather facility from I-17 to FAS-209 (13.8 miles), in the Coconino National Forest. Project S-462-401 PE, S-462-402 PE. (ELR Order No. 1329, 18 pages) (NTIS Order No. PB-204 563-D).

Draft, December 3

I-81 to I-88 connection: Hinmars Corners to Port Crane, Broome County, N.Y. Alternatives involve relocation of 19-73 residences and 7-13 business structures. Project 9357.18. (ELR Order No. 1332, 40 pages) (NTIS Order No. PB-204 558-D).

Draft, December 8

Route 266 (Niagara Street Arterial): Tonawanda, Erie County, N.Y. Upgrading from west city line to Seymour Street (1.9 miles). Will displace 2 families and 2 businesses. 4(f) determination included relates to Isle View, Nia-wanda and Vetterans Memorial Parks. Project PIN 5429.00. (ELR Order No. 1354, 139 pages) (NTIS Order No. PB-204 658-D).

Draft, December 6

I-580, SR-238: Alameda County, Calif. Reconstruction to 8-lane freeway from San Lorenzo to the Livermore-Amador Valley near Dublin. Involves relocation of residents. (ELR Order No. 1362, 55 pages) (NTIS Order No. PB-204 671-D).

Draft, December 7

U.S.-77 (Lincoln South Freeway, West and East Bypasses): Lincoln, Lancaster County, Nebr. Construction of freeway from vicinity of Nebr.-33/U.S.-77 junction south of Lincoln, north to junction with I-80 on west of central business district and a segment southeast of central business district to a junction with I-80 northeast of Lincoln. Involves taking of dwellings and businesses. 4(f) determination relates to use of Wilderness and Seacrest Parks land. Project F-18 (24). (ELR Order No. 1364, 53 pages). (NTIS Order No. PB-204 660-D).

SH-37: Sanborn County, S. Dak. Relocation from 5.5 miles south of Huron to 2 miles south of Beadle-Sanborn County line (6 miles). Project F 047-5(----) and F 047-4. (ELR Order No. 1366, 6 pages) (NTIS Order No. PB-204 661-D).

Draft, December 6

Chambers County, Ga. Four-lane highway from I85/U.S.-29 interchange in Lanett to Alabama State line (1.7 miles). Will displace 15 families and 7 businesses. Project S-2-C, F-102(----). (ELR Order No. 1369, 10 pages) (NTIS Order No. PB-204 667-D).

Final, November 23

SR-331: Gainesville, Alachua County, Fla. Upgrading to 4-lane highway from SR-329 to SR-26 (2.75 miles). Job 26050-3510, US-703(1). Comments made by USDA, HUD, DOI, 3 State agencies, Central Florida Regional Planning Commission and city of Gainesville. (ELR Order No. 1319, 24 pages) (NTIS Order No. PB-204 555-F).

Final, December 2

Petersburg Thru Route: Alaska. Improvement to paved street with curb and sidewalks from Petersburg Ferry Terminal to northern tip of Mitkof Island, then southeast to Sandy Beach. Project S-0937(10). Comments made by Army COE, HUD, DOI, DOT, 4 State agencies and city of Petersburg. (ELR Order No. 1337, 40 pages) (NTIS Order No. PB-200 323-F).

U.S.-220 (Candor-Biscoe-Star Bypass): Montgomery County, N.C. Relocation to bypass 3 towns (14.3 miles). Project 6.801737. Comments made by USDA, Army COE, EPA, GSA, DOI, OEO, State Clearinghouse and Sandhills Community Action Program, Inc. (ELR No. 1338, 28 pages) (NTIS Order No. PB-199 864-F).

I-195: Ocean and Monmouth Counties, N.J. Corridor location of remaining segment (13.1 miles) from CR-527 east to intersection of SR-34 and SR-38. Project I-195-8(1)82. Comments made by USDA, DRBC, HUD, DOI, DOT, 3 State agencies, Tri-State Regional Planning Commission and Monmouth and Ocean Counties. (ELR Order No. 1339, 36 pages) (NTIS Order No. PB-201 234-F).

SR-5 (Humboldt Bypass): Gibson County, Tenn. Construction of 2 to 4 lanes from near Sugar Creek to SR-76 (2.6 miles). Project F-044-2 (----). Comments made by USDA, Army COE, FAA, HUD, DOI, TVA, DOT and Tennessee Office of Urban and Federal Affairs. (ELR Order No. 1340, 52 pages) (NTIS Order No. PB-204 689-F).

SH-71: Bastrop County, Tex. Upgrading to 4-lane divided highway from east city limits of Bastrop to Fayette County line (13.9 miles). Comments made by DOC, EPA, DOT, Capital Area Planning Council, Smithville City Council and Bastrop County Commissioners Court. (ELR Order No. 1341, 22 pages) (NTIS Order No. PB-204 690-F).

De Kalb County, Ala. Construction on new location from Grove Oak to SR-75 near Geraldine (5.3 miles). Projects S-2510 (101) and S-1635-J. Comments made by Army COE, EPA, HUD, DOI, OCD, TVA, DOT, and Alabama Development Office. (ELR Order No. 1342, 34 pages) (NTIS Order No. PB-199 602-F).

Route 102: Duxbury and Moretown, Washington County, Vermont. Widening and relocation from north end of "Piggery Bridge" in Duxbury north 0.8 mile to intersection of Route 100 and US-2. Project S 0213(3). Comments made by EPA, HUD and Vt. Dept. of Water Resources. (ELR Order No. 1343, 52 pages) (NTIS Order No. PB-201 231-F).

KY-54: Henderson, Kentucky. Upgrading to 4 lanes from St. to 1100' east of Adams Lane (2.12 miles). Project S 214(2), SG 214.8. Comments made by HUD, DOI, DOT, Green River Development District and Henderson City-County Planning Commission. (ELR Order No. 1344, 22 pages) (NTIS Order No. PB-204 693-F).

Iowa 2: Taylor County, Iowa. Widening from Page County line to just east of the Ringgold County line (28.2 miles). Project F-2-3. Comments made by USDA, EPA, DOI, and Iowa Office for Planning and Programming. (ELR Order No. 1345, 20 pages) (NTIS Order No. PB-202 095-F).

Sawyer CTH "D": Sawyer County, Wisconsin. Improvement of approximately 1 mile and replacement of the "Kretcha Bridge" over the Chippewa River. Project 8950-1-00, S 1417(2). Comments made by USDA, Army COE, EPA, HUD, DOI, DOT, and Wis. Dept. of Natural Resources. (ELR Order No. 1346, 21 pages) (NTIS Order No. PB-200 372-F).

STH-13 (Ogema Bypass and Prentice Bypass): Price County, Wisconsin. Relocation of Ogema bypass (2.4 miles) and Prentice Bypass (3.5 miles). Project 1614-0-01, Fed. Rte. 4-5. Comments made by USDA, EPA, HUD, DOI, Wis. Dept. of Natural Resources and Price County Board. (ELR Order No. 1347, 26 pages) (NTIS Order No. PB-200 437-F).

Final, December 1

Rabbit Creek Road: Greater Anchorage Area Borough, Alaska. Reconstruction and realignment from Seward Highway to Abbott Loop Road (8.9 miles). Project S-0504(4). Comments made by USDA, HUD, DOI, DOT, 5 State agencies and 2 borough offices. (ELR Order No. 1348, 69 pages) (NTIS Order No. PB-204 691-F).

Final, December 2

U.S.-41: Brown County, Wis. Relocation beginning at intersection of STH-32, CTH G and U.S.-41 in DePere north to intersection with Lombardi Avenue, Green Bay. Project F 03-2( ), 1151-3-00. Comments made by USDA, EPA, HUD, DOI, DOT, and Wisconsin Department of Natural Resources. (ELR Order No. 1349, 29 pages) (NTIS Order No. PB-200 771-F).

SR-29, U.S.-27: Morgan County, Tenn. Improvement from SR-62 southeast of Wartburg to 1 mile north of Emory River on new alignment (3.7 miles). Project F-031-1( ), 65001-5230-04. Comments made by USDA, Army COE, HUD, DOI and East Tennessee Development District. (ELR Order No. 1352, 20 pages) (NTIS Order No. PB-200 218-F).

Route 56: Spartanburg, S.C. Multilane widening from East Main to S-83 (4.3 miles). Comments made by Army COE, HUD, South Carolina Department of Park, Recreation, and Tourism, 2 city offices and County Planning and Development Commission. (ELR Order No. 1353, 18 pages) (NTIS Order No. PB-204 695-F).

U.S.-77 and U.S.-6 (Cornhusker Highway): Lincoln, Lancaster County, Nebr. Reconstruction of U.S.-77 from I80 south 2.1 miles, rebuilding its intersection with U.S.-6 on new location and improvement of 1.6-mile segment of U.S.-6 from 52d to 70th Streets. Projects F-155(6) and F-312(23). Comments made by USDA, Army COE, EPA, HUD, DOI and Lincoln City-Lancaster County Planning Commission. (ELR Order No. 1355, 35 pages) (NTIS Order No. PB-200 377-F).

FHWA 4(f) Statements. The following are not 102 statements. They are explanations of the Secretary of Transportation's approval of projects to be implemented under section 4(f) of the Department of Transportation Act. 49 U.S.C. 1653(f).[2]

I-675: Fairborn, Ohio. Beltway construction requires acquisition of 1.13 acres and a 1.39-acre easement for channel relocation in Rona Hills Park. (Order through ELR by title, date and Department—5 pages).

COAST GUARD

Contact: D. B. Charter, Jr., Commander; U.S. Coast Guard, Chief, Environmental Coordination Branch, 400 Seventh Street SW., Washington, DC 20591, (202) 426-2012.

[2] These statements cannot be ordered through NTIS.

Draft, December 1

Provincetown Harbor Search and Rescue Station, Mass. Construction of new search and rescue station to replace obsolete station. Consists of barracks, operations, and administration building onshore, 800-foot pier with helicopter landing pad, maintenance building and mooring space. (ELR Order No. 1314, 10 pages) (NTIS Order No. PB-204 569-D).

Sandy Hook Station/Group Complex, Fort Hancock, Monmouth County, N.J. Construction of station buildings, shop building, piers, floats, and family housing. Project 03-14-70. (ELR Order No. 1322, 6 pages) (NTIS Order No. PB-204 574-D).

Draft, December 2

Full-scale testing of high seas oil containment barrier to verify prototype design in waters 5 to 30 miles west of Point Conception, Calif. (ELR Order No. 1330, 15 pages) (NTIS Order No. PB-204 564-D).

Draft, December 3

Full-scale testing of high seas oil containment barrier to verify prototype design in international waters 50 miles south of Mobile, Ala. Will use nontoxic biodegradable soybean oil. (ELR Order No. 1331, 15 pages) (NTIS Order No. PB-204 668-D).

TIMOTHY ATKESON,
General Counsel.

[FR Doc.71-18540 Filed 12-17-71;8:48 am]

MEMORANDUM OF UNDERSTANDING BETWEEN THE ENVIRONMENTAL PROTECTION AGENCY AND THE DEPARTMENT OF TRANSPORTATION

CROSS-REFERENCE: For a document issued jointly by the Department of Transportation and the Environmental Protection Agency regarding memorandum of understanding, see F.R. Doc. 71-18542, Department of Transportation, Coast Guard, *infra*.

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 574]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

DECEMBER 13, 1971.

Pursuant to §§ 1.227(b)(3) and 21.30(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

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

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

3048-C2-ML-72—Mobilfone Communications (KFL893), modification of license to change the base frequency to 152.12 MHz at location No. 1: 5.2 miles northeast of Hector, Ark.

3279-C2-P-72—Interelectronics Corp. (New), for a new two-way station to be located at 225 U.S. Route No. 303, Congers, NY, to operate on 152.18 MHz.

3282-C2-P-72—Radio Broadcasting Co. (New), for a new one-way station to be located at the Pennsylvania Power & Light Co. Building, Allentown, Pa., to operate on 152.24 MHz.

3283-C2-MP-72—Airsignal International, Inc. (KIF650), relocate facilities operating on 35.58 MHz located top of Red Mountain, approximately 2.5 miles south of Birmingham, Ala.

3321-C2-AL-72—Bolton's Radiotelephone Service, consent to assignment of license from Ernest F. Bolton, doing business as Bolton's Radiotelephone Service, Assignor, to: RCC of Virginia, Inc., Assignee. Station: KIY595, Danville, Va.

3322-C2-AL-72—Western Valley Telephone Co., consent to assignment of license from Western Valley Telephone Co., Assignor, to: Valley Telephone Co., Assignee Station: KOK413, Portland, Oreg.

3323-C2-MP-72—Coalinga Radio Telephone Service (KSV959), for an additional channel to operate on 454.175 MHz base, at a new location described as location No. 3: 30 miles northeast of Fresno at Alder Springs, Calif.

3324-C2-P-72—Radiopaging, Inc. (KIE367), for additional facilities to operate on 43.58 MHz at a new location described as location No. 2: 10275 Collins Avenue, Bal Harbour, FL.

3331-C2-P-(3)-72—The Diamond State Telephone Co. (KGA471), for additional facilities to operate on 152.60 MHz and change the antenna system operating on 152.57 and 152.78 MHz located at 919 Market Street, Wilmington, DE.

3332-C2-MP/ML-72—New England Telephone & Telegraph Co. (KCC793), to change the auxiliary test frequency to 459.850 MHz, located at 173 Boston Street, MA.

3333-C2-P-72—South Central Bell Telephone Co. (KIY591), replace auxiliary test transmitter operating on 157.77 and 157.95 MHz, located at 1150 State Street, Bowling Green, KY.

3334-C2-P-72—South Central Bell Telephone Co. (KIY510), replace auxiliary test transmitter operating on 157.83 and 157.95 MHz, located at 206 Washington Street, Frankfort, KY.

3335-C2-P-72—South Central Bell Telephone Co. (KIY592), replace auxiliary test transmitter operating on 157.80 and 158.04 MHz, located at 720 Frederica Street, Owensboro, KY.

3336-C2-P-(3)-72—Waco Communications, Inc. (KLB498), for additional facilities to operate on frequencies 454.025 and 454.075 MHz and change the antenna system located at location No. 1: approximately 2 miles southwest of Belton, Tex.

3337-C2-P-72—Illinois Bell Telephone Co. (KSC878), relocate facilities operating on 152.51 MHz to 1201 East Winter Avenue, Danville, IL.

Major Amendment

7454-C2-P-(2)-71—Racine Private Police, Inc. (KLF464), amended to delete request for an additional frequency 152.09 MHz. See Public Notice dated July 6, 1971, Report No. 551.

RURAL RADIO SERVICE

3315-C1-P-72—The Mountain States Telephone & Telegraph Co. (New), for a new rural subscriber station to be located at 21.5 miles northeast of Edgerton, Wyo., to operate on 157.77 MHz communicating with Station KPQ20, Casper, Wyo.

3316-C1-P-72—Southern Bell Telephone & Telegraph Co. (KYN92), change frequencies to 459.375, 459.400, 459.425, 459.450, 459.500, 459.550, and 459.600 MHz, replace transmitter for same and change the antenna system located at approximately 5 miles northwest of Pennsuco, Fla.

3317-C1-P-72—Southern Bell Telephone & Telegraph Co. (KJA61), change frequencies to 459.375, 459.400, 459.425, 459.450, 459.500, 459.550, and 459.600 MHz, replace transmitter for same and change the antenna system located at Elliott Key (Island), approximately 23 miles south of Miami, Fla.

[1] All applications listed below 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 below 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).

RURAL RADIO SERVICE—continued

3318-C1-P-72—Southern Bell Telephone & Telegraph Co. (KIO33), change frequencies to 459.375, 459.400, 459.425, 459.450, 459.500, 459.550, and 459.600 MHz, replace transmitter for same and change the antenna system located on Ragged Key No. 3 (Island), in Biscayne Bay, approximately 17.5 miles south of Miami, Fla.

3319-C1-P-72—Southern Bell Telephone & Telegraph Co. (KYN55), change frequencies to 459.375, 459.400, 459.425, 459.450, 459.500, 459.550, and 459.600 MHz, replace transmitter for same and change the antenna system located at approximately 9.5 miles southeast of Miami, Fla., in Biscayne Bay.

3320-C1-P-72—Southern Bell Telephone & Telegraph Co. (WBO91), change frequencies to 459.375, 459.400, 459.425, 459.450, 459.500, 459.550, and 459.600 MHz, replace transmitter for same and change the antenna system located at approximately 1 mile south of Cape Florida on south side of Biscayne Channel.

Major Amendment

1336-C1-P/L-72—Navajo Communications Co. (New), amended to add 157.86 MHz communicating with Station KSV948, Deza Bluff, N. Mex.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

3286-C1-MP-72—New England Telephone & Telegraph Co. (WAD83), location: 1 mile northeast of West Lebanon, N.H., latitude 43°39'17" N., longitude 72°17'42" W. To add frequencies 11,385 and 11,625 MHz toward Hanover, N.H., a new point of communication.

3287-C1-P-72—New England Telephone & Telegraph Co. (New), a new station 0.5 mile northeast of Goshen, Vt. (Newbury), latitude 44°03'13" N., longitude 72°08'29" W. Frequencies: 6286.2 MHz toward Hanover and Littleton, N.H.

3288-C1-P-72—New England Telephone & Telegraph Co. (New), a new station located 1.6 miles northeast of Hanover Center, N.H. (Hanover), latitude 43°44'05" N., longitude 72°10'01" W. Frequency: 6034.2 MHz toward Newbury, Vt., and 10,895 and 11,135 MHz toward West Lebanon, N.H.

3289-C1-P-72—New England Telephone & Telegraph Co. (New), a new station 1.3 miles northeast of Littleton, N.H., latitude 44°19'13" N., longitude 71°45'00" W. Frequency: 6034.2 MHz toward Newbury, Vt.

3290-C1-P-72—New Jersey Bell Telephone Co. (New), a new station located at Keyport Holmdel Turnpike, 0.2 mile north of Beers Road, Holmdel Township, N.J., latitude 40°-23'28" N., longitude 74°11'06" W. Frequencies: 11,365, 11,525, and 11,685 MHz toward Murray Hill, N.J.

3291-C1-P-72—New Jersey Bell Telephone Co. (New), a new station at Whippany Road, Whippany, N.J., latitude 40°49'04" N., longitude 74°24'46" W. Frequency: 11,445 MHz toward Murray Hill, N.J.

3292-C1-P-72—New Jersey Bell Telephone Co. (New), a new station at Mountain Avenue, Murray Hill, N.J., latitude 40°40'55" N., longitude 74°23'44" W. Frequencies: 10,755, 10,915, and 11,075 MHz toward Holmdel, N.J., and 10,715 and 10,955 MHz toward New York, N.Y., and 10,995 MHz toward Whippany, N.J.

3314-C1-P-72—Southern Bell Telephone & Telegraph Co. (New), a new station at Lindsey Hopkins Building, 1410 Northeast Second Avenue, Miami, FL. Frequency: 6249.1 MHz toward WPBT-TV Studio, Miami, Fla.

3338-C1-P-72—American Telephone & Telegraph Co. (KGO83), location: 3.6 miles north of Sycamore, Pa., latitude 39°59'18" N., longitude 80°14'08" W. To add frequency 6226.9 MHz toward Baldwin, Pa.

3339-C1-P-72—American Telephone & Telegraph Co. (KGO72), location: 1 mile north of Baldwin, Pa., latitude 40°23'49" N., longitude 79°57'34" W. To add frequency 5974.8 MHz toward Sycamore and Pittsburgh, Pa.

3340-C1-P-72—American Telephone & Telegraph Co. (KGH97), location: 416 Seventh Avenue, Pittsburgh, Pa., latitude 40°26'32" N., longitude 79°59'47" W. To add frequency 6226.9 MHz toward Baldwin, Pa.

3341-C1-P/ML-72—Michigan Bell Telephone Co. (WAN55), location: 0.8 mile west-northwest of Dansville, Mich., latitude 42°33'38" N., longitude 84°19'04" W. To add frequency 3830 MHz toward Lansing, Mich.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

3342-C1-P-72—South Central Bell Telephone Co. (KJC31), location: 1.2 miles northwest of Mount Vernon, Ala., latitude 31°05'36" N., longitude 88°01'51" W. To add frequency 3970 MHz and change polarization from horizontal to vertical on frequencies 3730, 3810, and 3890 MHz all toward Stapleton, Ala.

3343-C1-P-72—South Central Bell Telephone Co. (KJC32), location: 1 mile north of Stapleton, Ala., latitude 30°45'20" N., longitude 87°47'31" W. Add frequency 4010 MHz toward Gonzales, Fla.

3344-C1-P-72—New York Telephone Co. (KEA68), location: 140 West Street, New York, NY, latitude 40°42'49" N., longitude 74°00'48" W. To add frequencies 11,405 and 11,645 MHz toward Murray Hill, N.J., a new point of communication.

3346-C1-P-72—Southern Bell Telephone & Telegraph Co. (KJC33), location: 7 miles south-southwest of Cantonement, Fla. (Gonzales), latitude 30°32'12" N., longitude 87°24'26" W. To add frequency 3970 MHz toward Pensacola, Fla.

3347-C1-P-72—Southern Bell Telephone & Telegraph Co. (KIW71), location: 30 West Belmont Street, Pensacola, FL, latitude 30°25'02" N., longitude 87°13'03" W. To add frequency 11,285 MHz toward WSRE-TV Station, Pensacola, Fla., a new point of communication.

3348-C1-P-72—General Telephone Co. of Illinois (KPP48), location: 112 East Washington Street, Bloomington, IL, latitude 40°28'48" N., longitude 88°59'36" W. Resubmitted to change transmitter to Lenkurt 778A2.

3349-C1-P-72—General Telephone Co. of Illinois (KPP47), location: 2.2 miles southwest of Lexington, Ill., latitude 40°38'01" N., longitude 88°50'10" W. Resubmitted to change transmitter to Lenkurt 778A2.

3350-C1-P-72—General Telephone Co. of Illinois (KSO38), location: 0.1 mile west of junction U.S. Highway 66 and Illinois Highway 23 in Pontiac, Ill., latitude 40°53'11" N., longitude 88°38'41" W. Resubmitted to change transmitter to Lenkurt, 778A2.

3345-C1-P-72—Northwestern Bell Telephone Co. (KAS70), location: 224 South Fifth Street, Minneapolis, MN, latitude 44°58'41" N., longitude 93°15'52" W. To change point of communication from Shoreview to Falcon Heights, Minn., frequencies 10,795 and 11,115 MHz.

CPI Microwave, Inc.

INFORMATIVE: The following 11 applications for construction permits proposed to provide new point-to-point microwave facilities for data communications and network video transmission between San Antonio, Corpus Christi, Harlingen, and intermediate points in the State of Texas.

3357-C1-P-72—CPI Microwave Inc. (New), Site 1: C.P. for a new fixed station 300 feet southwest of intersection of Gembler and Seguin Road, San Antonio, TX, at latitude 29°-26'06" N., longitude 98°26'01" W. Frequencies 6212.1V, 6271.4V, 6330.7V, 6341.7H, and 6360.3H on azimuth 154°03' toward Floresville, Tex. Station location: San Antonio, Tex.

3358-C1-P-72—CPI Microwave, Inc. (New), Site 2: C.P. for a new fixed station 6 miles southwest of Floresville, Tex., at latitude 29°04'48" N., longitude 98°14'18" W. Frequencies 5960.0V, 6078.6V, 5989.7H, 6049.0H and 6108.3H on azimuth 151°06' toward Pawnee, Tex., and 6019.3V and 5960.0V on azimuth 334°09' toward San Antonio, Tex. Station location: Floresville, Tex.

3359-C1-P-72—CPI Microwave, Inc. (New), Site 3: C.P. for a new fixed station 6.4 miles north of Pawnee, Tex., at latitude 28°44'29" N., longitude 98°01'38" W. Frequencies 6241.7V, 6360.3V, 6212.1H, 6271.4H, and 6330.7H on azimuth 162°48' toward Beeville, Tex., and 6301.0H and 6390.0V on azimuth 331°12' toward Floresville, Tex. Station location: Pawnee, Tex.

3360-C1-P-72—CPI Microwave, Inc. (New), Site 4: C.P. for a new fixed station 9 miles west of Beeville, Tex., at latitude 28°23'25" N., longitude 97°54'12" W. Frequencies 5960.0H, 6078.6H, 5989,7V, 6049.0V, and 6108.3V on azimuth 160°48' toward Mathis, Tex., and 6019.3H and 5960.0H on azimuth 342°48' toward Pawnee, Tex. Station location: Beeville, Tex.

3361-C1-P-72—CPI Microwave, Inc. (New), Site 5: C.P. for a new fixed station 4.2 miles southeast of Mathis, Tex., at latitude 28°03'13" N., longitude 97°46'13" W. Frequencies 6241.7H, 6301.0H, 6360.3H, 6212.1V, and 6330.7V on azimuth 148°24' toward Violet, Tex., and 6360.3V and 6301.0V on azimuth 340°48' toward Beeville, Tex. Station location: Mathis, Tex.

CPI Microwave, Inc.—Continued

3362-C1-P-72—CPI Microwave, Inc. (New), Site 6: C.P. for a new fixed station 5 miles east of Bobstown, Tex., at latitude 27°46'30" N., longitude 97°34'36" W. Frequencies 5960.0V and 6019.3V on azimuth 221°24' toward Bishop, Tex.; 10,735.0H, 10,815.0H, and 10,895.0H toward Television Stations KZTV, KRIS-TV, and KIII, respectively, at Corpus Christi, Tex.; and 5989.7H and 6108.3H on azimuth 328°30' toward Mathis, Tex. Station location: Violet, Tex.

3363-C1-P-72—CPI Microwave, Inc. (New), Site 7: C.P. for a new fixed station 1 mile east of Bishop, Tex., at latitude 27°34'29" N., longitude 97°46'32" W. Frequencies 6212.1H and 6271.4H on azimuth 210°30' toward Falfurrias, Tex., and 6390.0V on azimuth 41°18'- toward Violet, Tex. Station location: Bishop, Tex.

3364-C1-P-72—CPI Microwave, Inc. (New), Site 8: C.P. for a new fixed station approximately 10 miles east of Falfurrias, Tex., on Highway 285, at latitude 27°15'22" N., longitude 97°59'12" W. Frequencies 6049.0H and 6108.3H on azimuth 201°06' toward Encino, Tex., and 6078.7H on azimuth 30°24' toward Bishop, Tex. Station location: Falfurrias, Tex.

3365-C1-P-72—CPI Microwave, Inc. (New), Site 9: C.P. for a new fixed station 1.65 miles south of Encino Post Office on Highway 281 at latitude 26°54'57" N., longitude 98°08'03". W. Frequencies 6330.7V and 6390.0V on azimuth 176°42' toward Linn, Tex., and 6241.7H on azimuth 21°06' toward Falfurrias, Tex. Station location: Encino, Tex.

3366-C1-P-72—CPI Microwave, Inc. (New), Site 10: C.P. for a new fixed station approximately 9 miles southeast of Linn, Tex., on Highway 186 at latitude 26°32'55" N., longitude 98°06'38" W. Frequencies 5989.7V and 6108.3V on azimuth 148°06' toward La Villa, Tex., and 6019.3V on azimuth 356°42' toward Encino, Tex. Station location: Linn, Tex.

3367-C1-P-72—CPI Microwave, Inc. (New), Site 11: C.P. for a new fixed station 0.6 mile south of La Villa, Tex., on Highway 491, at latitude 26°17'07" N., longitude 97°55'39" W. Frequencies 10,735.0H on azimuth 202°18' toward Television Station KRGV-TV, Weslaco, Tex.; 10,815.0H on azimuth 116°12' toward Television Station KGBT-TV, Harlingen, Tex.; and 6241.7V on azimuth 328°06' toward Linn, Tex. Station location: La Villa, Tex.

Major Amendments

577-C1-P-72—Indiana Telephone Corp. (New), application amended to change frequency to 11,075 MHz toward Quick Creek, Ind., on azimuth 32°51'. Station location: 718 West McClain Avenue, Scottsburg, IN.

578-C1-P-72—Indiana Telephone Corp. (New), application amended to change frequency to 11,605 MHz toward Scottsburg, Ind., on azimuth 212°53'. Station location: Quick Creek, 5.3 miles east-northeast of Austin, Ind. (All other particulars same as in Report No. 560, Sept. 7, 1971.)

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

3285-C1-P-72—Mountain Microwave Corp. (KBI24), location: Methodist Mountain, 5.5 miles south of Salida, Colo., at latitude 38°27'25" N., longitude 106°01'02" W. To power split frequencies 6210H, 6260H, 6310H, 6360H, and 6410H MHz on azimuth 343°58'. Applicant proposes to provide the television signals of KWGN-TV, KOA-TV, KRMA-TV, KLZ-TV, and KBTV, all of Denver, Colo., to Telecable, Inc., in Buena Vista, Colo.

3354-C1-P-72—Pilot Butte Transmission Co., Inc. (KPK28), C.P. to replace transmitters at station located at Medicine Butte, 6 miles northeast of Evanston, Wyo., at latitude 41°-21'09" N., longitude 110°54'26" W. Frequencies: 5965, 6025, 6085, and 6145 MHz on azimuths 78°43' and 31°25'.

3355-C1-P-72—Pilot Butte Transmission Co., Inc. (KPK29), to power split frequencies 6210H, 6270H, 6330H, and 6390 MHz on azimuth 265°27' toward new point of communication at Little America, Wyo. Location: White Mountain, 5 miles west of Rock Springs, Wyo., at latitude 41°34'43" N., longitude 109°19'06" W. Applicant proposes to provide the television signal of KTWO-TV of Casper, Wyo., to "Little America—Salt Lake", operator of a master antenna television system in Little America, Wyo.

3356-C1-P-72—Pilot Butte Transmission Co., Inc. (KPK29), to power split frequency 6300H MHz on azimuth 265°27' toward new point of communication at Little America, Wyo. Location: White Mountain, 5 miles west of Rock Springs, Wyo., at latitude 41°34'43" N., longitude 109°19'06" W. Applicant proposes to provide the television signal of KTWO-TV of Casper, Wyo., to "Little America—Salt Lake", operator of a master antenna television system in Little America, Wyo.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)—continued

3368-C1-P-72—American Television & Communications Corp. (New), a new station 1 block east and one-half block south of intersection of Elba Avenue and Summit Street, Eveleth, MN, at latitude 47°28'05" N., longitude 92°31'45" W. Frequency 6177.5 MHz on azimuth 45°56'. Applicant proposes to provide the television signal of Station WTCN-TV of Minneapolis to Ely, Minn., for delivery to Continental Transmission Corp.

3325-C1-P-72—MCI New England, Inc. (New), a new station at lots 570, 571, 572 Sachem Street, Waltham, MA, at latitude 42°23'55" N. and longitude 71°14'30" W. Frequency 11,665.0 MHz and 11,265.0 MHz on azimuth 113°42' and 6404.8 MHz on azimuth 264°39'.

3326-C1-P-72—MCI New England, Inc. (New), a new station 1,727 feet north of town line on Ball Hill Road, Clinton, Mass., at latitude 42°22'04" N. and longitude 71°40'25" W. Frequency 6123.1 MHz on azimuth 84°21' and 6063.8 MHz on azimuth 215°58'.

3327-C1-P-72—MCI New England, Inc. (New), a new station 1 mile north of State Highway 44 top of ridge, Avon, Conn., at latitude 41°48'15" N. and longitude 72°47'51" W. Frequency 6286.2 MHz on azimuth 239°56', 6286.2 MHz on azimuth 113°52', and 6404.8 MHz on azimuth 63°28'.

3328-C1-P-72—MCI New England, Inc. (New), a new station at Townline Road 1,700 feet north of Judd Farm Road, Bethlehem, Conn., at latitude 41°38'33" N. and longitude 73°-10'06" W. Frequency 6063.8 MHz on azimuth 203°24'. Frequency 6152.8 MHz on azimuth 59°41'.

3329-C1-P-72—MCI New England, Inc. (New), a new station 1.8 miles north-northeast of Redding Ridge, Conn., at latitude 41°20'22" N. and longitude 73°20'32" W. Frequency 6375.2 MHz on azimuth 23°17'. Frequency 6315.9 MHz on azimuth 207°38'.

3330-C1-P-72—MCI New England, Inc. (New), a new station at 801 Neill Avenue, Janel Tower, Bronx, NY, at latitude 40°51'04" N. and longitude 73°51'51" W. Frequency 6093.5 MHz on azimuth 43°25'. Frequency 10,755.0 MHz and 11,155.0 MHz on azimuth 222°05'.

INFORMATIVE: MCI-New England, Inc., is modifying its original proposal for specialized common carrier radio service between Boston, Mass., and New York, N.Y., by filing the additional six applications listed above.

The following applications proposes to establish omnidirectional facilities for the provision of common carrier "Subscriber-Programmed" television service.

3284-C1-P-72—Buckeye Cablevision, Inc. (New), a new station at 4818 Angola Road, Toledo, OH, latitude 41°37'30" N., longitude 83°39'20" W. Frequencies: 2150.20 MHz (aural) and 2152.325 MHz (visual) toward various receiving points of system and 2154.00 MHz (aural) and 2158.50 MHz (visual) toward various receiving points of system.

[FR Doc.71-18545 Filed 12-17-71;8:48 am]

[Dockets Nos. 19362-19365; FCC 71-1235]

CURTIS & ASSOCIATES, INC. (WPXY), ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Curtis & Associates, Inc. (WPXY), Greenville, N.C., Docket No. 19362, File No. BP-18297, Has: 1550 kc., 1 kw., Day, Requests: 1590 kc., 5 kw., Day; The Farmville Broadcasting Co. (WFAG), Farmville, N.C., Docket No. 19363, File No. BP-18456, Has: 1250 kc., 500 w., Day, Requests: 1590 kc., 5 kw., Day; Radio Washington, Inc. (WEEW), Washington, N.C., Docket No. 19364, File No. BP-18468, Has: 1320 kc., 500 w., Day, Requests: 1590 kc., 1 kw., 5 kw.-LS, DA-N, U; Dr. John N. Denning and William R. Britt, doing business as Clayton Broadcasting Co., Clayton, N.C., Docket No. 19365, File No. BP-18472, Requests: 1590 kc., 5 kw., DA, Day, For Construction Permits.

1. The Commission has before it for consideration the above-captioned mutually exclusive applications.

2. Examination of the financial section of the Curtis & Associates, Inc., application reveals that the applicant will require $34,490 to meet the first-year cost resulting from their proposed change in frequency and power, consisting of: Equipment costs, $19,150; miscellaneous costs, $5,000; and repayment of the bank loan with interest, $10,340. Applicant proposes to meet these costs with $6,000

in cash and a $40,000 bank loan. However, since the applicant's balance sheet and bank loan commitment are not current, it will be necessary for Curtis & Associates to establish its financial qualifications in hearing.

3. A Suburban[1] issue is required with respect to the Farmville Broadcasting Co. The survey submitted by the applicant sought to ascertain the problems, needs, and interests of the area served by the applicant's current operation, but neglected to do the same for the proposed gain area as required by the Primer[2] whenever a modification by an existing station would result in a 50-percent increase in service area. An issue is also required as to Curtis and Associates, Inc., since they failed to file any ascertainment data whatsoever.

4. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

5. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from Clayton Broadcasting Co. and the availability of other primary aural (1 mv/m or greater in the case of FM) service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary aural service from the proposed operation of stations WPXY, WFAG and WEEW and the availability of other primary aural service to such areas and populations.

3. To determine with respect to the application of Curtis and Associates, Inc.:

(a) Their current financial condition;

(b) Whether the purported bank loan is still available;

(c) In light of the evidence adduced pursuant to (a) and (b) above, whether the applicant is financially qualified to construct and operate as proposed.

4. To determine the efforts made by Curtis and Associates, Inc., and Farmville Broadcasting Co. to ascertain the community needs and interests of the areas to be served and the means by which the applicants propose to meet those needs and interests.

5. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

6. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would, on a comparative basis, better serve the public interest.

7. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the applications should be granted.

6. *It is further ordered,* That, in the event of a grant of any of the above-captioned and described applications the construction permit shall contain a condition that program tests will not be authorized until the permittee has shown that WNCT, Greenville, N.C., is authorized program tests on a frequency other than 1590 kilocycles; and a license to cover construction permit will not be issued until station WNCT is licensed on a frequency other than 1590 kilocycles.

7. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

8. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible, and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: December 8, 1971.

Released: December 14, 1971.

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

[FR Doc.71-18546 Filed 12-17-71;8:48 am]

[1] Suburban Broadcasters, 20 RR 951 (1961).

[2] Primer on Ascertainment of Community Problems by Broadcast Applicants, 36 F.R. 4092, 27 FCC 2d 650 (1971).

ENVIRONMENTAL PROTECTION AGENCY

PESTICIDES

Statement of Policy With Respect to Release of Data

This Agency has received a number of requests from the public for information concerning the toxicity and efficacy of registered pesticide products. Test data reflecting such information have been submitted by manufacturers in the course of applying for registration of products pursuant to the provisions of the Federal Insecticide, Fungicide and Rodenticide Act (7 U.S.C. 135–135k).

This Agency has determined that it is in the public interest that toxicity and efficacy data be made available to the public and, further, that under the terms of the public information provisions of the Administrative Procedure Act (5 U.S.C. 552, generally known as the Freedom of Information Act) the release of such data is required. It is appropriate that Congress has imposed this requirement, for it is in the public interest that pesticide users and other interested persons be able to ascertain, through toxicity data, the degree of hazard which might attend the use of pesticide products. Similarly, those persons have a right to know the precise effectiveness of such products.

Accordingly, in response to currently pending requests, this Agency intends to release toxicity and efficacy data no sooner than at the expiration of 30 days from the date of this notice. In this connection, we have listed in an appendix to this statement the particular products concerning which requests for information are pending.

In deciding that the foregoing policy is appropriate, we have given full consideration to the statutory provisions prohibiting the disclosure of formulas, trade secrets, and other types of confidential information (see 18 U.S.C. 1905 and 7 U.S.C. 135a(c)(4), 135f(c)) but have concluded that, in general, toxicity and efficacy data do not fall within those categories. In releasing such data, however, we shall not disclose any formulas or trade secrets that might be reflected therein.

It is noted that certain regulations relating to claims of trade secrecy were suggested by this Agency in a notice of proposed rule making published at 36 F.R. 23077, December 3, 1971. Should those regulations become effective, they would of course apply with respect to requests for information received after their effective date. We feel, however, that our contemplated action on currently pending requests cannot, consistently with the purposes of 5 U.S.C. 552, await completion of the procedures for notice and comment on the proposed regulations. In the meantime, no toxicity or efficacy data which may be requested will be released without notice to the registrant.

Dated: December 15, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

APPENDIX

Registrant	Product	Register No.	Information requested
Monsanto, St. Louis, Mo.	Rogue	524-123	Toxicity and other data furnished in support of registration; information filed concerning the sensitivity of various plants to the product; and results of tests concerning drift propensity of products in aerial and other applications.
Rohm & Haas, Philadelphia, Pa.	Stam F-34	707-75	
Chemical Insecticide Corp., Edison, N.J.	Chem Sect Brand, Chem Rice G Post Emergence Grass and Weed Killer.	1439-192	
Dow Chemical, Midland, Mich.	Fumazone 70E	464-314	Tests and other toxicity information which deal with the use, handling, and effects of the products on soil, plant life, and humans.
	Fumazone 86 Nematicide	464-313	
	Fumazone 86E	464-322	
	Fumazone EC Nematicide	464-371	
Chevron Chemical Co., Richmond, Calif.	Ortho Isotox 239-741 Insect Spray.		Effectiveness, toxicity and residue data used to support registration.
S. C. Johnson & Sons, Inc., Racine, Wisc.	New Formula Raid Ant and Roach Killer.	4822-95	
Topco Associated, Skokie, Ill.	Topco House and Garden Bug Killer.	6165-3	
Sherwin-Williams, Cleveland, Ohio	Acme Sure Noxem	577-1	
Lehn & Fink Products, Bloomfield, N.J.	Pine Scent Lysol Brand Disinfectant.	777-15	Data submitted in support of registration.
	Lysol Spray Disinfectant	777-20	
U.S. Rubber Co., Chemical Division, Naugatuck, Conn.	ALAR 85 A Plant Growth Regulant.	400-79	Description and results of tests upon which product claims are based.
Amchem Products Inc., Ambler, Pa.	Amchem Fruitone CPA	264-202	The representations which were made and the information which was supplied in support of registration.
Velsicol Chemical Corp., Chicago, Ill.	Banvel D Herbicide	876-25	Experimental reports submitted with reference to the application of the product on grain sorghum crops; and information on file with reference to the use of a "surfactant" with the product.
Elanco Products Co., Indianapolis, Ind.	Parnon Liquid Concentrate.	1471-63	Oral, dermal, and inhalation toxicity reports including evaluations and tolerance levels as determined by both laboratory and field studies and tests; and results of "tests on other species."

[FR Doc.71-18532 Filed 12-17-71;8:48 am]

FEDERAL POWER COMMISSION

[Docket No. AR64-2 etc.]

TEXAS GULF COAST AREA RATE PROCEEDING

Order To Show Cause

DECEMBER 10, 1971.

By Opinion No. 595 and its accompanying order issued May 6, 1971, in this proceeding, as modified by orders issued May 17, 1971, and July 29, 1971, and by Opinion No. 595-A issued October 18, 1971, we have prescribed just and reasonable rates for all jurisdictional sales of natural gas made in the Texas Gulf Coast Area, consisting of Texas Railroad Commission Districts Nos. 2, 3, and 4.

It appears from information available to the Commission that the four southeasterly counties of Texas Railroad District No. 1 to wit, the counties of McMullen, La Salle, Frio, and Atascosa are part of the same general production area as the Texas Gulf Coast. Gas from these four counties is sold to the same pipelines and in the same general market as gas produced in the Texas Gulf Coast Area, and in accordance with the same general terms and conditions. The gas is produced from the same or similar geological formations. In general, many of the same producers operate in the four counties as in the Texas Gulf Coast Area and there are no indications that producers' costs in these four counties should differ from their costs in the Texas Gulf Coast Area. It appears that the prices and other regulatory provisions of Opinion No. 595 with respect to the Texas Gulf Coast Area should be made applicable to gas produced in the four southeasterly counties of Texas Railroad Commission District No. 1 as well. Each producer making any jurisdictional sales of natural gas in the counties of McMullen, La Salle, Frio, and Atascosa shall be given the opportunity to show cause why the area rates and other regulatory provisions set forth in Opinion No. 595 and its accompanying order should not be made applicable to sales made in the four named counties.

Texas Railroad Commission District No. 1 is traversed in a roughly north-south direction by the Balcones Fault Zone. The counties in District No. 1 lying west of this fault zone were included in the area rate proceeding for the Permian Basin Area, Docket No. AR70-1 et al. The counties lying east of the Balcones Fault Zone have not yet been included in any area designated by the Commission. Except for McMullen, La Salle, Frio, and Atascosa, the counties southeast of the fault zone in District No. 1 have as yet no jurisdictional sales, although some casinghead gas is sold nonjurisdictionally. It is desirable that these additional counties be included in some designated area for area rate purposes, so that in the event jurisdictional sales are made there will exist applicable area rates and other regulatory provisions. It appears that all these counties are more logically grouped with the Texas Gulf Coast than with the Permian Basin, for reasons of both geography and geology. The Balcones Fault Zone appears to be the most obvious and logical divider between the two major producing areas. Accordingly, we will extend our show cause order to provide that the respondents herein shall show cause why all the counties of District No. 1 southeast of the fault zone should not be included in the area to which the rates and other regulatory provisions established by Opinion No. 595 and its accompanying order should apply.

In view of the foregoing it is necessary and appropriate for the purpose of administering the Natural Gas Act for the parties listed in Appendix A to be made respondents to this proceeding (to the extent that they are not already respondents) and be required to show cause, if there be any, why the rates and other regulatory provisions set forth in Opinion No. 595 and its accompanying order, as modified, should not be made applicable to sales of natural gas in all counties of Texas Railroad Commission District No. 1 lying southeast of the Balcones Fault Zone, and why refunds should not be ordered in the dockets listed in Appendix B to the extent any such refund obligations would be created by the extension of rates and other regulatory provisions established by Opinion No. 595 and its accompanying order, as modified, to sales of natural gas in these counties.

The Commission orders:

(A) Parties listed in Appendix A hereto are made respondents herein.

(B) Parties listed in Appendix A shall show cause in writing, if there be any, within 90 days of the issuance of this order, why the determinations with respect to rates and other regulatory provisions made by Opinion No. 595 and its accompanying order, as modified, should not be made applicable to sales of natural gas in the counties of McMullen, La Salle, Frio, Atascosa, Kinney, Maverick, Uvalde, Zavala, Dimmit, Medina, Bexar, Guadalupe, Wilson, Caldwell, Gonzales, and Bastrop and why refunds should not be ordered in the dockets listed in Appendix B to the extent any refund obligations would be created in such dockets by the application to them of the rates and other regulatory provisions set forth in Opinion No. 595 and its accompanying order, as modified.

(C) Future procedures shall be established by subsequent orders of this Commission herein.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A—SHOW CAUSE RESPONDENTS
RR. No. 1

(McMullen, La Salle, Frio, and Atascosa Counties)

Amerada Hess Corp.
Amoco Production Co.
Arnold, Agnes Cullen
Arnold Well Service, Inc.
Atlantic Richfield Co.
Bass Enterprises
Calvert Exploration Co.
The California Co., a division of Chevron Oil Co.
Camp Oil Co.
Coastal States Gas Producing Co.
Cox, Edwin L.
Davis, William K.
Diamond Shamrock Corp.
Forest Oil Corp.
Forney, Maurice E.
Frio-Tex Oil & Gas Co.
Gulf Coast Natural Gas Co.
Gulf Oil Corp.
Hamon, Jake L.
Humble Oil & Refining Co.
Jupiter Corp., The
Lee Brothers Oil Co.
Marathon Oil Co.
Mobil Oil Corp.
Mosbacher, Robert
Pennzoil Producing Co.
Petroleum Corp. of Texas
Phillips Petroleum Co.
Popejoy, W. L.
Shell Oil Co.
Skinner Corp.
Smith, H. R.
Southern Gulf Producing Co.
Stream, Inc.
Sun Oil Co.
Sun Oil Co.—DX Division
Superwell Development Corp.
Sutton Producing Co.
Tenneco Oil Co.
Texaco Inc.
Texam Oil Corp.
Texas City Refining, Inc.

Appendix B—Outstanding Section 4(e) Suspension Dockets
(McMullen, La Salle, Frio, and Counties of R.R. District No. 1)

Producer	*Docket No.*
Amerada Hess Corp	RI65-364, RI66-402, RI70-1657.
Atlantic Richfield Co	RI63-272, RI63-311, RI65-219, RI66-165, RI68-627, RI68-309, RI68-587, RI70-279, RI70-355.
Atlantic Richfield Co. (Operator) et al	RI63-312, RI68-383, RI70-163, RI70-698.
Atlantic Richfield Co., Gram-Michaelis Drilling Co. (Operator) et al., Southwest Oil Industries, Inc., Phil W. Phillips, and Arthur J. Wessely.	RI68-90.
Calvert Exploration Co. (Operator) et al	RI69-814.
The California Co., a division of Chevron Oil Co	RI65-517, RI68-573, RI70-1746.
Coastal States Gas Producing Co	RI69-471.
Cox, Edwin L., et al	RI63-352.
Diamond Shramrock Corp	RI67-417.
Diamond Shamrock Corp. et al	RI71-1138.
Diamond Shamrock Corp. (Operator) et al	RI63-423.
Forest Oil Corp	RI64-614, RI68-534.
Gulf Oil Corp	RI65-599, RI68-522, RI70-1498.
Hamon, Jake L. (Operator), et al	RI70-1293.
Humble Oil & Refining Co	RI68-436, RI70-256, RI70-426.
Humble Oil & Refining Co., and Petroleum Corp. of Texas (Operator), et al.	RI69-260.
Humble Oil & Refining Co., Phillips Petroleum Co., Bachua Oil Co., Atlantic Richfield, and Burke Gas Corp.	RI68-2.
Lee Brothers Oil Co	RI71-48.
Marathon Oil Co	RI69-441, RI71-1153.
Marathon Oil Co., et al	RI67-118, RI68-54.
Mobil Oil Corp	RI69-314, RI70-498.
Mobil Oil Corp (Operator)	RI70-1759.
Mobil Oil Corp. (Operator) et al	RI67-325, RI67-364.
Mosbacher, Robert (Operator) et al	RI70-641.
Pennzoil Producing Co	RI70-596.
Phillips Petroleum Co	G-20542, RI70-645, RI71-1141, RI72-86.
Popejoy, W. L	RI70-195.
Shell Oil Co	RI65-475, RI71-755.
Shell Oil Co. (Operator) et al	RI67-346.
Skinner Corp. (Operator) et al	RI70-746.
Smith, H. R., et al	RI67-198.
Southern Gulf Producing Co. (Operator) et al	RI68-151.
Sun Oil Co	RI68-100, RI70-446.
Superwell Development Corp	RI69-512.
Sutton Producing Co. (Operator) et al	RI62-458, RI70-803.
Texaco Inc	RI67-351, RI68-574, RI69-540, RI71-1137.
Texaco Inc. (Operator) et al	RI63-380, RI68-338.
Texas City Refining Inc. et al	RI70-1040.

[FR Doc.71-18422 Filed 12-17-71;8:45 am]

[Docket No. CS72-450, etc.]

NEILSON ENTERPRISES INC. ET AL.

Notice of Applications for "Small Producer" Certificates [1]

DECEMBER 10, 1971.

Take notice that each of the applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before January 7, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No.	Date filed	Name of applicant
CS72-450	11-24-71	Nielson Enterprises Inc., Post Office Box 370, Cody, WY 82414.
CS72-451	11-26-71	Raymond Chorney et al., 111 East 2d St., Post Office Box 144, Casper, WY 82601.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No.	Date filed	Name of applicant
C872-452...	11-26-71	Joan Chorney, 111 East 2d St., Post Office Box 144, Casper, WY 82601.
C872-453...	11-26-71	May Exploration Ventures Inc., 1435 Republic National Bank Bldg., Dallas, Tex. 75201.
C872-454...	11-26-71	Al H. Barton, Oil and Gas Bldg., New Orleans, La. 70112.
C872-455...	11-29-71	Oleum, Inc. c/o Strong, Allen & Gray, 1111 Judson Rd., Longview, TX 75601.
C872-456...	11-29-71	Estate of Hal H. Vaughan, Box 510, Shamrock, TX 79079.
C872-457...	11-29-71	John Underwood, 209 Chauvront Ave., West Union, WV 26456.
C872-458...	12- 1-71	Horizon Oil & Gas Co. of Texas (Operator), 1216 Hartford Bldg., Dallas, Tex. 75201.
C872-459...	12- 2-71	P. A. B. Widener, d.b.a. Peter Widener Co., 128 East Vine St., Lexington, KY 40507.

[FR Doc.71-18425 Filed 12-17-71;8:45 am]

[Docket No. RI72-69]

ATLANTIC RICHFIELD CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

DECEMBER 9, 1971.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Chapter I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in docket No.
									Rate in effect	Proposed increased rate	
RI72-69...	Atlantic Richfield Co.	333	[1] 1-7	El Paso Natural Gas Co. (San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin).	$114,196	[6] 10-4-71		2-9-72	[3] 15.2525	29.23	RI69-383.
	do	334	[1] 1-6	do	10,483	[6] 10-4-71		2-9-72	[3] 15.2525	29.23	RI69-383.
	do	335	[1] 1-6	do	2,935	[6] 10-4-71		2-9-72	[3] 15.2525	29.23	RI69-383.
	do	498	[1] [4] 1-14	do	251,375	[6] 10-4-71		2-9-72	13.2188	29.23	RI69-383.
	do	498	[1] [4] 1-15	do	10,483	[6] 10-4-71		2-9-72	[3] 15.2525	29.23	RI69-383.

*Unless otherwise stated, the pressure base is 15.025 p.s.i.a.
[1] Amended increase. Prior increase to 21.33 cents was suspended in Docket No. RI72-69 until Feb. 9, 1972.
[2] Pertains to gas produced from the Mesa Verde Formation only.
[3] Includes 1-cent minimum guarantee for liquids.
[4] Does not apply to gas sold from acreage added by Supplements Nos. 3 and 8.
[5] Pertains to production from the Pictured Cliffs Formation only.
[6] Atlantic renewed its request for permission to substitute the 29.23-cents rates for its 21.33 cents per Mcf by letter filed on Nov. 9, 1971. The Commission's order issued Nov. 3, 1971, in Docket No. RI72-69 conditionally modifying its prior suspension order upon rehearing provided for a 1 day suspension period for Atlantic's 21.33-cent rates if Atlantic waived its right to file for a higher rate. Alternatively, Atlantic by that order was allowed to renew its request to substitute the 29.23-cent rates.

Atlantic Richfield Co. has submitted amended favored nation increases for sales of gas in the San Juan Basin Area. Previously, respondent had submitted fractured favored nation increases to only 21.33 cents per Mcf to avoid a suspended period of longer than 1 day. Since the Commission suspended the 21.33 cents rates for a 5-month period, Atlantic proposes amended rates of 29.23 cents which are equal to the triggering rate now being collected subject to refund by Aztec Oil & Gas Co. in Docket No. RI71-744. Consistent and prior Commission action on similar increases, the amended rates are permitted to be filed, in lieu of the previously filed increases, subject to the same suspension period in Docket No. RI72-69 now provided for in its earlier fractured filings. The hearing in Docket No. RI72-69 shall concern itself with the contractual basis for these filings as well as the justness and reasonableness of the proposed rates.

Atlantic's proposed increased rates exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

In view of all the facts and circumstances in this case, the Commission's action herein of permitting the subject rate increases to become effective, subject to refund, at the expiration of the respective suspension periods ordered herein pending Commission determination of the justness and reasonableness of such increased rates is consistent with the Economic Stabilization Act of 1970, as amended, and regulations existing thereunder.

[FR Doc.71-18426 Filed 12-17-71;8:45 am]

[Docket No. RI72-154 etc.]

PHILLIPS PETROLEUM CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

DECEMBER 10, 1971.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

[1] Does not consolidate for hearing or dispose of the several matters herein.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the Regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Each respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in docket No.
									Rate in effect	Proposed increased rate	
RI72-154	Phillips Petroleum Co.	378	2	El Paso Natural Gas Co. (Spraberry Field, Reagan County, Tex.) (Permian Basin).	$892	11-12-71		1-13-72	14.50	19.3278	
	do	488	1	El Paso Natural Gas Co. (Ector Plant, Ector County, Tex.) (Permian Basin).	38,340	11-15-71		1-16-72	[2] 26.0925	[1] 28.2225	
RI72-155	Signal Oil & Gas Co.	8	5	Montana-Dakota Utilities Co. (Tioga Gasoline Plant, Williams County, N. Dak.).	139,860	11-10-71		5-11-72	[4] 19.044	[1 4] 22.920	

* Unless otherwise stated, the pressure base is 14.65 p.s.i.a.
[1] Increase due to increase in Bureau of Labor Statistics Wholesale Price Index for all commodities.
[2] 26.5-cent base rate plus upward B.t.u. adjustment.
[3] Initial rate under a Mitchell type certificate.
[4] The pressure base is 14.73 p.s.i.a.

The proposed increase of Signal Oil & Gas Co. is for a sale in North Dakota where no ceiling rates have been established. The Commission has previously suspended lower rates in this area and since the proposed rate exceeds the corresponding rate filing limitations imposed in southern Louisiana, the proposed increase is suspended for 5 months.

Phillips Petroleum Co. has requested effective dates for which adequate notice has not been given. Good cause has not been shown for granting these requests and they are denied. Phillips' increases are suspended for 1 day (61 days from date of filing) because the increase under its Rate Schedule No. 378 does not exceed the corresponding rate filing limitations imposed in southern Louisiana and because the increase under its Rate Schedule No. 488 was filed pursuant to a Mitchell type certificate.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

In view of all the facts and circumstances in this case, the Commission's action herein of permitting the subject rate increases to become effective, subject to refund, at the expiration of the respective suspension periods ordered herein pending Commission determination of the justness and reasonableness of such increased rates is consistent with the Economic Stabilization Act of 1970, as amended, and regulations existing thereunder.

[FR Doc.71-18468 Filed 12-17-71;8:45 am]

[Docket No. R-427; Order No. 437A-6]

TRANSWESTERN PIPELINE CO. ETC.

Sixth Supplementary Order to Amended Statement of Policy and Order

DECEMBER 10, 1971.

Statement of policy implementing the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38) and Executive Orders No. 11615 and 11627. RP69-27, et al.

On November 16, 1971, the Commission issued Order No. 437A, effective as of 12:01 a.m., November 14, 1971, in which Part 2, General Policy and Interpretations, Subchapter A, Chapter I, Title 18, Code of Federal Regulations was amended by adding a new § 2.90a. This new section was promulgated to implement Executive Order No. 11627 and 6 CFR 300.016. In paragraph (c) of § 2.90a, the Commission announced "that its actions with respect to increases in rates or charges in orders heretofore issued containing a provision that they are subject to the policy announced in Order No. 437 will be reviewed for consistency with the purposes of the Economic Stabilization Act of 1970, as amended. After such review, increases in rates or charges approved as being consistent with such purposes will be reported as supplements to this order and shall be effective as of 12:01 a.m., November 14, 1971."

During the past 3 years the Commission has, as a matter of policy, permitted pipelines to track rate increases of their suppliers. In permitting such tracking, the Commission has eliminated the necessity for a pipeline to make a complete filing under § 154.63 of the regulations under the Natural Gas Act each time one or more of its suppliers makes a price change which increases its purchased gas costs, thus greatly reducing the number of rate filings which would otherwise be required. Tracking provisions have been accepted in a number of Commission orders approving settlements. They are designed to permit the pipeline to recover no more than the cost of purchased gas which it actually incurs, while providing that rates must be lowered in the event of decreases in the suppliers' rates. Since complete rate filings are not required for each tracking made, much greater stability is achieved.

In our orders in certain producer area rate proceedings, we have included provisions to permit pipelines to file rate increase applications to track producer rate increases. In Order No. 437A-4, issued November 29, 1971, we found that such provisions in our orders in Dockets Nos. AR61-2 et al., AR69-1, AR64-2 et al., and AR67-1 et al., are consistent with the purposes of the Economic Stabilization Act of 1970, as amended, and permitted such filed applications which were to become effective during the period August 15, 1971, to November 13, 1971, to become effective as of 12:01 a.m., November 14, 1971.

The Commission has reviewed the list of orders heretofore issued which is attached as Appendix A to this sixth supplemental order. All of these orders involve applications by pipeline companies seeking rate increases to track price adjustments made by their suppliers. Such rate increases would all have become effective during the period from August 15 to November 13, 1971, under the provisions of the Natural Gas Act and our regulations issued thereunder were it not for the policy stated in our Order No. 437 implementing the Economic Stabilization Act of 1970, as amended, and Executive Order No. 11615. The filings reflect only variations in specific cost components which are necessarily incurred by the applicants. Customers are protected in that these applicants are required to flow through any refunds from their suppliers. Accordingly they must be allowed to adjust their rates to track these increased costs.

The Commission finds:

To permit the rate increases applied for in the dockets listed in Appendix A to become effective is consistent with the purposes of the Economic Stabilization Act of 1970, as amended.

The Commission orders:

(A) The rate increases applied for in the dockets listed in Appendix A below may become effective as of 12:01 a.m., November 14, 1971.

(B) This order shall constitute the certification of consistency with the purposes of the Economic Stabilization Act of 1970, as amended, as required by § 300.016(b) of Chapter III, Title 6 of the Code of Federal Regulations.

(C) Nothing in this order is intended to relieve the applicant of any obligation under the Natural Gas Act or the Commission's regulations thereunder, including the obligation to make refunds with interest of any portion of the increase when required.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A

Docket No.	Applicant	Date application filed	Proposed effective date
RP69-27 et al.	Transwestern Pipeline Co.	8- 2-71	9- 2-71
RP69-29 et al.	Cities Service Gas Co.	8-23-71	9-23-71
RP70-29 et al.	Texas Eastern Transmission Corp.	7-30-71	9- 1-71
RP70-29 et al.	do	9-16-71	10-16-71
RP70-30 et al.	Algonquin Gas Transmission Co.	7-29-71	9- 1-71
RP70-30 et al.	do	8-17-71	9-20-71
RP70-30 et al.	do	8-19-71	9-27-71
RP71-5	Kansas-Nebraska Natural Gas Co.	9-28-71	11-15-71
RP71-50	Eastern Shore Natural Gas Co.	8-25-71	10- 5-71
RP71-88	North Penn Gas Co.	8-25-71	8-11-71
RP71-115	Trunkline Gas Co.	8-17-71	10- 2-71
RP71-133	Ohio Fuel Gas Co.	5-11-71	10-27-71
RP72-17	Southern Natural Gas Co.	8- 2-71	9-19-71
RP72-18	Consolidated Gas Supply Corp.	8- 5-71	9-19-71
RP72-19	Trunkline Gas Co.	8- 9-71	9-19-71
RP72-20	Panhandle Eastern Pipeline Co.	8- 9-71	9-19-71
RP72-22	Southern Natural Gas Co.	8-16-71	10- 1-71
RP72-25	Michigan Wisconsin Pipe Line Co.	8-18-71	9-19-71
RP72-26	Texas Gas Transmission Corp.	8-17-71	9-19-71
RP72-27	Transcontinental Gas Pipe Line Corp.	8-18-71	9-19-71
RP72-28	Lawrenceburg Gas Transmission Corp.	8-18-71	9-19-71
RP72-29	Consolidated Gas Supply Corp.	8-20-71	9-20-71
RP72-30	Eastern Shore Natural Gas Co.	8-25-71	9-19-71
RP72-31	South Georgia Natural Gas Co.	8-26-71	10- 1-71
RP72-33	Texas Eastern Transmission Corp.	8-31-71	10- 1-71
RP72-34	Consolidated Gas Supply Corp.	8-31-71	10- 1-71
RP72-35	Florida Gas Transmission Co.	9- 1-71	10- 1-71
RP72-38	United Natural Gas Co.	9- 8-71	10- 5-71
RP72-39	Algonquin Gas Transmission Co.	9-13-71	10- 1-71
RP72-42	North Penn Gas Co.	9-17-71	10-20-71
RP72-43	Consolidated Gas Supply Corp.	9-22-71	10-16-71
RP72-46	United Natural Gas Co.	9-30-71	10-16-71
RP72-54	Pennsylvania Gas Co.	10-12-71	10-16-71

[FR Doc.71-18470 Filed 12-17-71;8:45 am]

FEDERAL RESERVE SYSTEM

COLUMBIA HOLDING, INC.

Order Approving Acquisition of Bank

Columbia Holding, Inc., Baltimore, Md., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of the successor by merger to The Equitable Trust Co., Baltimore, Md. (Equitable Bank).

The bank into which Equitable Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Equitable Bank. Accordingly, the proposed acquisition of the shares of the successor organization is treated herein as the proposed acquisition of the shares of Equitable Bank.

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant, organized in 1967 and totally owned by Equitable Bank ($633 million deposits), owns all the stock of Columbia Bank and Trust Company, Columbia, Md. (Columbia Bank), which holds deposits of $18 million. (Banking data are as of June 30, 1971.) Equitable Bank and applicant became bank holding companies with respect to Columbia Bank as a result of the 1970 amendments to the Bank Holding Company Act. This proposal would result in a corporate reorganization whereby applicant would own 100 percent of the voting shares of Equitable Bank and Columbia Bank, which are both located in the Baltimore SMSA (Standard Metropolitan Statistical Area). Equitable Bank holds 11 percent of the total deposits of commercial banks in the State of Maryland and 18.6 percent of deposits in the Baltimore SMSA; Columbia Bank holds 0.3 percent of the deposits in the State and 0.5 percent of the deposits in the Baltimore SMSA. There is no meaningful competition between the two banks, and consummation of the proposal would not alter existing banking competition nor significantly affect potential competition. In addition, it appears that there would be no adverse effect on the area banks.

The financial and managerial resources and future prospects of applicant and Equitable Bank are satisfactory and consistent with approval of the application. It appears that the banking needs of the area are being satisfactorily served. However, the public should benefit from the greater efficiency of operations and improved services emanating from the single holding company structure. It is the Board's judgment that the proposed transaction is in the public interest and should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

Upon the consummation of the proposed transaction, applicant shall not retain or acquire any nonbank shares or engage in any nonbanking activities to a greater extent or for a longer period than would apply in the case of a bank holding company which became such on the date of such consummation, except to the extent otherwise permitted in any regulation of the Board hereafter adopted specifically relating to the effect of the acquisition of an additional bank on the status of nonbank shares and activities of a one-bank holding company formed prior to 1971, or unless the Board fails to adopt any such regulation before the expiration of 2 years after the consummation of the proposed acquisition.

By order of the Board of Governors,[1] December 13, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-18523 Filed 12-17-71;8:47 am]

FIRST COMMERCE CORP.

Proposed Acquisition of W. R. Smolkin & Associates, Inc.

First Commerce Corp., New Orleans, La., has applied, pursuant to section 4(c)(8) of the Bank holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of W. R. Smolkin & Associates, Inc., New Orleans, La. Notice of the application was published on October 7, 1971, in the Times-Picayune and The States Item, newspapers circulated in New Orleans, La.

Applicant states that the proposed subsidiary would engage in the activities of providing marketing advice to and making feasibility studies for real estate developers and builders, including making specific recommendations regarding price, design, and features of housing units, time schedules, merchandising themes, advertising programs, and itemized budgets, and furnishing sales, income, and cash flow projections, housing demand forecasts, site plans, elevation and floor plans and sketches of advertising and sales materials; and providing advice to financial institutions including site evaluation of proposed branch sites, competitive surveys, and marketing surveys and analysis. Some of the foregoing activities are also performed by a wholly owned subsidiary corporation, Smolkin-Siegal Corp., New Orleans, La.

Interested persons may express their views on whether the proposed activities are so closely related to banking or managing banks as to be a proper incident thereto.

Interested persons may also express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices."

Any requests for a hearing on these questions should be accompanied by a statement summarizing the evidence that

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Maisel and Brimmer. Absent and not voting: Governor Daane.

the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta.

Any views or requests for hearing should be submitted in writing to be received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than January 13, 1972.

Board of Governors of the Federal Reserve System, December 13, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-18524 Filed 12-17-71;8:47 am]

FIRST NATIONAL FINANCIAL CORP.

Formation of Bank Holding Company

First National Financial Corporation, Kalamazoo, Mich., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of The First National Bank and Trust Co. of Michigan, Kalamazoo; The Deerfield State Bank, Deerfield; and The Merchants and Miners Bank, Calumet, all in Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 14, 1972.

Board of Governors of the Federal Reserve System, December 14, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-18525 Filed 12-17-71;8:47 am]

MOUNTAIN BANKS, LTD.

Proposed Acquisition of Rocky Mountain Financal Services, Inc.

Mountain Banks, Ltd., Colorado Springs, Colo., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire all of the assets of Rocky Mountain Financial Services, Inc., Colorado Springs, Colo., including all outstanding stock of the following nonbanking subsidiaries: Plaza Finance Co., Pueblo, Colo.; Valley Industrial Bank, Blende, Colo.; Cherokee Life Insurance Co., Phoenix, Ariz.; and Bankers Motor Leasing, Inc., Colorado Springs, Colo. Notice of the application was published in newspapers and circulated in:

Pueblo, Colo.; The Pueblo Chieftain, Oct. 18, 1971.
Colorado Springs, Colo.; The Daily Transcript, Oct. 18, 1971.
Longmont, Colo.; Longmont Daily Times-Call, Oct. 19, 1971.
Fort Collins, Colo.; Fort Collins Coloradoan, Oct. 19, 1971.
Greeley, Colo.; The Greeley Daily Tribune, Oct. 20, 1971.
Phoenix, Ariz.; Arizona Weekly Gazette, Oct. 19, 1971.

Applicant states that subsidiaries of the proposed subsidiary would engage in the activities of a finance company, an industrial bank, and a lessor of personal property, all of which activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b). (A subsidiary of Rocky Mountain Financial Services, Inc., now engages in certain credit life reinsurance activities which applicant, as the Board may require, will either wind up or terminate.)

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than January 13, 1972.

Board of Governors of the Federal Reserve System, December 13, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-18526 Filed 12-17-71;8:47 am]

NORTRUST CORP.

Order Approving Acquisition of Trust Company

Nortrust Corporation, Chicago, Ill., which received Board approval on October 26, 1971, to become a bank holding company, has applied for the Board's approval under section 4(c)(8) of the Bank Holding Company Act of 1956, as amended, and § 225.4(b)(2) of the Board's Regulation Y to acquire all of the voting shares (less directors' qualifying shares) of Security Trust Co., Miami, Fla. The Florida Commissioner of Banking, pursuant to provisions of State law, has given his approval to the proposed acquisition. Notice of the application, affording opportunity for interested persons to submit comments and views, has been duly published. The time for filing comments and views has expired and all those received have been considered.

The operation by a bank holding company of a trust company is an activity that the Board has determined is closely related to banking if conducted in the manner authorized by State law, so long as the institution does not both accept demand deposits and make commercial loans and the activities of the institution are not conducted in a manner that is inconsistent with limitations the Board has established pursuant to section 4(c)(8) of the Act in § 225.4(c) of Regulation Y.

It appears that Security Trust Co. does not accept demand deposits and engages solely in the activities described in § 225.4(a)(4) of Regulation Y. Accordingly, the activities of the company are closely related to banking.

Security Trust Co., which administers total trust assets of approximately $125 million, has its only office in Miami, and primarily serves Dade and Broward Counties in Florida. With only 8.6 percent of the total trust assets in these two counties, Security is the fifth largest fiduciary, and is not dominant in the area.

The Northern Trust Co., the only presently approved subsidiary of Nortrust Corp., is located in Chicago, and administers trust assets of approximately $4.7 billion, which places it third among the Chicago banks and thirteenth among the commercial banks in the Nation offering trust services. The Northern Trust Co. derives only an insignificant amount of its trust assets from the Miami area, and does not actively solicit that area for trust business. Additionally, in light of the distance of over 1,400 miles separating Northern Trust Co. from Security, it does not appear that any significant competition would be eliminated by the proposed acquisition.

There is no evidence in the record indicating that consummation of the proposed transaction would result in any undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices, or other adverse effects on the public interest. On the other hand, consummation of the proposal would enhance Security's ability to offer a comprehensive range of fiduciary and trust related services to the residents of the Miami area. Consequently, Security would be better able to serve its customers and to compete more effectively with the other fiduciaries in the area.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the proposed activity is a proper incident to banking or managing or controlling

banks within the meaning of that section, and the application is approved: *Provided, however,* That this action is subject to revocation by the Board if the facts upon which it is based change in any material respect.[1]

By order of the Board of Governors, December 7, 1971.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.71-18527 Filed 12-17-71;8:47 am]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES PRODUCED OR MANUFACTURED IN NICARAGUA

Entry or Withdrawal From Warehouse for Consumption

DECEMBER 14, 1971.

On November 30, 1971, the U.S. Government in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles, done at Geneva on February 9, 1962, and extended through September 30, 1973, requested the Government of Nicaragua to enter into consultations concerning exports to the United States of cotton textiles in Category 9 produced or manufactured in Nicaragua. In that request the U.S. Government stated its view that exports in this category from Nicaragua should be restrained for the 12-month period beginning November 30, 1971 and extending through November 29, 1972.

Notice is hereby given that under the provisions of Articles 3 and 6(c) of the Long-Term Arrangement, if no solution is mutually agreed upon by the two governments within sixty (60) days of the date of delivery of the aforementioned note, entry and withdrawal from warehouse for consumption of cotton textiles in Category 9 produced or manufactured in Nicaragua and exported from Nicaragua on and after the date of delivery of such note may be restrained.

STANLEY NEHMER, *Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.*

[FR Doc.71-18567 Filed 12-17-71;8:50 am]

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN REPUBLIC OF THE PHILIPPINES

Entry or Withdrawal From Warehouse for Consumption

DECEMBER 13, 1971.

On September 21, 1967, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a comprehensive bilateral cotton textile agreement with the Government of the Republic of the Philippines concerning exports of cotton textiles and cotton textile products from the Philippines to the United States. On December 26, 1967, the two governments exchanged notes amending the bilateral agreement. On November 17, 1970, the two governments exchanged notes further amending and extending the agreement. Among the provisions of the agreement, as amended and extended, are those establishing specific limits on Categories 9, 22, 26, 32, 39, 42, 43, 45, 46, 50, 51, 60, 61, and part of 63 for the fifth agreement year beginning January 1, 1972.

Accordingly, there is published below a letter of December 13, 1971, from the chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in the above categories, produced or manufactured in the Philippines, which may be entered or withdrawn from warehouse for consumption in the United States for the period beginning January 1, 1972, and extending through December 31, 1972, be limited to the designated levels. The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, as amended and extended, but are designed to assist only in the implementation of certain of its provisions.

STANLEY NEHMER, *Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.*

SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS, *Department of the Treasury, Washington, D. C. 20226.*

DECEMBER 13, 1971.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of September 21, 1967, as amended and extended, between the Governments of the United States and the Republic of the Philippines, and in accordance with Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective January 1, 1972 and for the 12-month period extending through December 31, 1972, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 9, 22, 26, 32, 39, 42, 43, 45, 46, 50, 51, 60, 61, and part of 63 produced or manufactured in the Philippines, in excess of the following levels of restraint:

Category	12-month level of restraint
9	1,519,383 square yards.
22	1,823,260 square yards.
26	1,519,383 square yards (of which not more than 364,652 square yards may be in duck fabric).
32	3,646,519 dozen.
39	334,264 dozen pairs.
42	36,465 dozen.
43	72,931 dozen.
45	36,465 dozen.
46	12,155 dozen.
50	12,155 dozen.
51	12,155 dozen.
60	10,332 dozen.
61	1,884,035 dozen.
Part of 63 (T.S.U.S.A. Nos. 380.3980 and 382.3380 only)	145,005 pounds.

[1] Only T.S.U.S.A. Nos.:
320...01 through 04, 06, 08
321...01 through 04, 06, 08
322...01 through 04, 06, 08
326...01 through 04, 06, 08
327...01 through 04, 06, 08
328...01 through 04, 06, 08

In carrying out this directive, entries of cotton textiles and cotton textile products in the above categories, produced or manufactured in the Philippines, which have been exported to the United States from the Philippines prior to January 1, 1972, shall, to the extent of any unfilled balances be charged against the levels of restraint established for such goods for the 12-month period beginning January 1, 1971, and extending through December 31, 1971. In the event that the levels of restraint for that 12-month period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of September 21, 1970, as amended and extended, between the governments of the United States and the Republic of the Philippines which provide in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 9, 1971 (36 F.R. 19722).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of the Philippines and with respect to imports of cotton textiles and cotton textile products from the Philippines have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553.

[1] Voting for this action: Chairman Burns and Governors Mitchell, Daane, and Maisel. Voting against this action: Governors Robertson and Brimmer.

This letter will be published in the FEDERAL REGISTER.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[FR Doc.71-18568 Filed 12-17-71;8:51 am]

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN ROMANIA

Entry or Withdrawal From Warehouse for Consumption

DECEMBER 13, 1971.

On December 31, 1970, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a comprehensive bilateral cotton textile agreement with the Government of the Socialist Republic of Romania concerning exports of cotton textiles and cotton textile products from Romania to the United States over a 5-year period beginning on January 1, 1971 and extending through December 31, 1975. Among the provisions of the agreement are those establishing an aggregate limit for the 64 Categories, and within the aggregate limit, specific limits on Categories 19, 26, 47, 49, 55, 60, and 63 for the second agreement year beginning January 1, 1972.

Accordingly, there is published below a letter of December 13, 1971, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in the above Categories produced or manufactured in Romania, which may be entered or withdrawn from warehouse for consumption in the United States for the period beginning January 1, 1972, and extending through December 31, 1972, be limited to the designated levels. The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

DECEMBER 13, 1971.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of December 31, 1970, between the Governments of the United States and the Socialist Republic of Romania, and in accordance with Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective January 1, 1972 and for the 12-month period extending through December 31, 1972, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 19, 26, 47, 49, 55, 60, and 63 produced or manufactured in Romania, in excess of the following 12-month levels of restraint:

Category	12-month level of restraint
19	1,155,000 square yards.
26	2,310,000 square yards (of which not more than 525,000 square yards may be in duck fabric [1]).
47	42,594 dozen.
49	22,615 dozen.
55	14,411 dozen.
60	20,208 dozen.
63	365,217 pounds.

[1] The T.S.U.S.A. Nos. for duck fabric are:
320...01 through 04, 06, 08
321...01 through 04, 06, 08
322...01 through 04, 06, 08
326...01 through 04, 06, 08
327...01 through 04, 06, 08
328...01 through 04, 06, 08

In carrying out this directive, entries of cotton textiles and cotton textile products in Categories 19, 26, 47, 49, 55, 60, and 63, produced or manufactured in Romania, which have been exported to the United States from Romania prior to January 1, 1972, shall, to the extent of any unfilled balances be charged against the levels of restraint established for such goods for the 12-month period beginning January 1, 1971, and extending through December 31, 1971. In the event that the levels of restraint for that 12-month period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of December 31, 1970, between the Governments of the United States and the Socialist Republic of Romania which provide in part that within the aggregate limit, limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 9, 1971 (36 F.R. 19722).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico. The actions taken with respect to the Government of the Socialist Republic of Romania and with respect to imports of cotton textiles and cotton textile products from Romania have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions to the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[FR Doc.71-18569 Filed 12-17-71;8:51 am]

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN YUGOSLAVIA

Entry or Withdrawal From Warehouse for Consumption

DECEMBER 13, 1971.

On December 31, 1970, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a new comprehensive bilateral agreement with the Government of the Socialist Federal Republic of Yugoslavia concerning exports of cotton textiles and cotton textile products from Yugoslavia to the United States over a 5-year period beginning January 1, 1971 and extending through December 31, 1975. Among the provisions of the agreement are those establishing an aggregate limit, and within the aggregate limit, specific limits on Categories 9, 18/19, 22, 26 (duck fabric), 26 (other than duck fabric), 48 and 49, for the second agreement year beginning January 1, 1972.

There is published below a letter of December 13, 1971 from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in the above Categories, produced or manufactured in Yugoslavia, which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning on January 1, 1972, and extending through December 31, 1972, be limited to certain designated levels. This letter and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement but are designed to assist only in the implementation of certain of its provisions.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

DECEMBER 13, 1971.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of December 31, 1970 between the Governments

of the United States and the Socialist Federal Republic of Yugoslavia, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by executive Order 11214 of April 7, 1965, you are directed to prohibit, effective January 1, 1972, and for the 12-month period extending through December 31, 1972, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textiles and cotton textile products in Categories 9, 18/19, 22, 26 (duck fabric), 26 (other than duck fabric), 48, and 49, produced or manufactured in Yugoslavia in excess of the following 12-month levels of restraint:

Category	12-month level of restraint
9	10,500,000 square yards.
18/19	525,000 square yards.
22	4,200,000 square yards.
26 (duck fabric [1])	2,100,000 square yards.
26 (other than duck fabric)	2,625,000 square yards.
48	14,700 dozen.
49	29,085 dozen.

[1] The T.S.U.S.A. Nos. for duck fabric are:
320.--01 through 04, 06, 08
321.--01 through 04, 06, 08
322.--01 through 04, 06, 08
326.--01 through 04, 06, 08
327.--01 through 04, 06, 08
328.--01 thruogh 04, 06, 08

In carrying out this directive, entries of cotton textiles and cotton textile products in Categories 9, 18/19, 22, 26 (duck fabric), 26 (other than duck fabric), 48, and 49, produced or manufactured in Yugoslavia and which have been exported to the United States from Yugoslavia prior to January 1, 1972, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period January 1, 1971, through December 31, 1971. In the event that the levels of restraint established for such goods for that period have been exhausted by previous entries such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of December 31, 1970, between the Governments of the United States and the Socialist Federal Republic of Yugoslavia which provides in part that within the aggregate and applicable group limits, limits on specific categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 9, 1971 (36 F.R. 19722).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Socialist Federal Republic of Yugoslavia and with respect to imports of cotton textiles and cotton textile products from Yugoslavia have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

MAURICE H. STANS,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[FR Doc. 71-18570 Filed 12-17-71;8:51 a.m.]

NATIONAL COMMISSION ON STATE WORKMEN'S COMPENSATION LAWS

STATE WORKMEN'S COMPENSATION LAWS

Notice of Change in Hearing Location

The location of a public hearing that was to be held (36 F.R. 22336, November 24, 1971) by the National Commission on State Workmen's Compensation Laws on January 10 and 11, 1972, at Room 102E, 1776 Peachtree Street NE., Atlanta, GA, has been changed to Room 556, Federal Building, 275 Peachtree Street NE., Atlanta, GA. The hearing will commence at 10 a.m. on January 10 and continue through January 11. At the hearing, interested parties may make oral or written presentations of data, views, and arguments relating to the general question of whether State workmen's compensation laws provide an adequate, prompt, and equitable system of compensation, and to possible methods which might be used by, and sources of information available to, the National Commission on State Workmen's Compensation Laws in making its study and preparing its report under section 27 of the Occupational Safety and Health Act of 1970 (84 Stat. 1616).

Interested persons shall, not later than fifteen (15) days prior to the commencement of the hearing, file with the Chairman, National Commission on State Workmen's Compensation Laws, 1825 K Street NW., Washington, DC 20006, a notice of intention to appear which shall contain the following information:

1. Name and address of the person appearing.

2. The subject matter or matters to be discussed.

3. If such person is appearing in a representative capacity, the name and address of the persons or organizations he is representing.

4. The date and approximate length of time requested for his presentation.

Interested persons may also file written data, views, or arguments with the Commission at the above address.

The oral proceedings shall be stenographically reported and transcripts will be available to interested persons on payment of fees therefor. The Presiding Officer shall regulate the proceedings, dispose of procedural requests, objections, and comparable matters, and confine the presentation to matters pertinent to the inquiry. He shall have discretion to keep the record open after the close of the hearing to permit any person who participated in the oral presentation to submit additional data, views, and arguments responsive to the oral presentations made by other persons.

Signed at Washington, D.C., this 14th day of December 1971.

JOHN F. BURTON, Jr.,
Chairman.

[FR Doc.71-18506 Filed 12-17-71;8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-5123]

EASTERN UTILITIES ASSOCIATES ET AL.

Notice of Proposed Issue and Sale of Notes by Holding Company and Subsidiary Companies to Banks and Open Account Advances by Holding Company to Subsidiary Companies

DECEMBER 10, 1971.

Notice is hereby given that Eastern Utilities Associates (EUA), Post Office Box 2333, Boston, MA 02107, a registered holding company, and its four electric utility subsidiary companies, Blackstone Valley Electric Co. (Blackstone), Brockton Edison Co. (Brockton), Fall River Electric Light Co. (Fall River), and Montaup Electric Co. (Montaup), have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) (1), 7, 12(b), and 12(f) of the Act and Rule 45(a) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

EUA, Blackstone, Brockton, Fall River, and Montaup propose to issue and sell short-term, unsecured, promissory notes to banks, and, in the cases of Blackstone, Brockton, and Fall River, to also receive open-account advances from EUA, from time to time during the period beginning January 3, 1972, and ending January 2, 1973, in the maximum aggregate amounts to be outstanding at any one time as shown below:

(Thousands of Dollars)

	EUA	Blackstone	Brockton	Fall River	Montaup
The Chase Manhattan Bank (N.A.), New York, N.Y.		$1,000	$1,500	$2,000	$2,500
Industrial National Bank of Rhode Island, Providence, R.I.		1,850			
Rhode Island Hospital Trust National Bank, Providence, R.I.		1,850			
The First National Bank of Boston, Boston, Mass.	$10,700		1,100	3,665	8,700
State Street Bank and Trust Co., Boston, Mass.			1,100		
Plymouth-Home National Bank, Brockton, Mass.			400		
First County National Bank, Brockton, Mass.			300		
B.M.C. Durfee Trust Co., Fall River, Mass.				650	
Fall River Trust Co., Fall River, Mass.				700	
Fall River National Bank, Fall River, Mass.				250	
Total from Banks	10,700	4,700	4,400	7,265	11,200
From EUA		12,200	13,700	1,735	
Maximum amount of aggregate short-term borrowings from banks and advances from EUA to be outstanding at any one time	10,700	16,900	18,100	9,000	11,200

The notes to banks will be dated as of the date of issuance, will mature no later than January 2, 1973, will bear interest at a rate not to exceed the prime rate on the date of issuance, and will be prepayable in whole or in part without penalty. The advances by EUA to Blackstone and Brockton will be subordinated to the rights of the preferred stockholders of Blackstone and Brockton, respectively, to receive dividends and liquidation payments if, and so long as, (a) preferred stock dividends are in arrears (or in the event of liquidation, the liquidation rights of preferred stockholders have not been satisfied) and (b) the sum of the advances from EUA, the notes payable to banks and all other securities representing unsecured debt, maturing in less than 10 years, exceeds 10 percent of the company's secured debt, capital stocks, premium, and surplus. The advances will bear interest payable on April 3, 1972, July 3, 1972, October 2, 1972, and January 2, 1973, at the prime rate in effect at The First National Bank of Boston on those respective dates or the rate at which EUA is then borrowing from said bank, whichever is lower, except that to the extent advances which have been or are made hereunder from the proceeds of issuance by EUA of its 5-year unsecured promissory note (Holding Company Act Release No. 17085), such advances shall bear interest payable at the rate incurred by EUA on the 5-year note.

On January 3, 1972, Blackstone, Brockton, Fall River, and Montaup expect to have outstanding short-term loans of $12,900,000 (including $8,200,000 advance from EUA to Blackstone), $14,100,000 (including $10,800,000 advance from EUA to Brockton), $8,035,000 (including $1,735,000 advance from EUA to Fall River), and $8,500,000, respectively. It is stated that the proceeds from the proposed notes and advances will be used to meet cash requirements for construction, to provide funds for compensating balances with lending banks through January 2, 1973, and to pay outstanding short-term loans at or prior to maturity.

Blackstone, Brockton, or Fall River may prepay its notes to banks, in whole or in part, by the use of an advance from EUA, or may repay an advance from EUA with the proceeds of notes issued to banks. If the interest rate on a note issued to a bank for the purpose of obtaining funds to repay an advance from EUA shall exceed the rate on the advance being repaid, EUA shall reimburse or credit Blackstone, Brockton, or Fall River, as the case may be, for the added interest required for the term of the note so issued.

In the event of any permanent financing by any of the borrowing companies (with the exception of permanent financing by EUA the proceeds of which are applied to the payment or prepayment of its 5-year note), the net cash proceeds therefrom will be applied to the payment of its short-term note indebtedness or advances from EUA then outstanding, and the maximum amount of short-term note indebtedness and advances to be outstanding at any one time, as proposed herein, will be reduced by the amount of the proceeds of such permanent financing.

The application-declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be incurred in connection with the proposed transactions are to be supplied by amendment.

Notice is further given that any interested person may, not later than December 27, 1971, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the application-declaration which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. 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 applicants-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 application-declaration, as filed or as it may be amended, may be granted and 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.71-18447 Filed 12-17-71;8:45 am]

MONTANA POWER CO. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

DECEMBER 13, 1971.

In the matter of applications of the Boston Stock Exchange For Unlisted Trading Privileges in Certain Securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Montana Power Co.	7-3940
Northern Illinois Gas Co.	7-3941
Pacific Lighting Corp.	7-3943
Portland General Electric Co.	7-3944
Public Service Co. of Colorado	7-3945
San Diego Gas & Electric Co.	7-3946
T I Corporation of California	7-3947
The Times Mirror Co.	7-3948
Unionamerica, Inc.	7-3949

Upon receipt of a request, on or before December 28, 1971, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

RONALD F. HUNT,
Secretary.

[FR Doc.71-18512 Filed 12-17-71;8:46 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 859; Class B]

ALASKA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of November 1971, because of the effects of certain disasters damage resulted to homes and business property located in the State of Alaska;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitutes a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Associate Administrator for Operations and Investment of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the Village of Un, Alaska, and surrounding areas, suffered damage or destruction resulting from windstorms on November 6 and 7, 1971.

OFFICE

Small Business Administration District Office, Suite 200, Anchorage Legal Center, 1016 West Sixth Avenue, Anchorage, AL 99501.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to June 30, 1972.

Dated: December 7, 1971.

A. H. SINGER,
Associate Administrator for Operations and Investment.

[FR Doc.71-18514 Filed 12-17-71;8:46 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

DECEMBER 15, 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-F-11291, American Van & Storage, Inc.—Purchase—Trans Universal Van Lines, Inc., now being assigned January 13, 1972, at Miami, Fla., in a hearing room to be later designated.

MC 98749 Sub 26, Durward L. Bell (Ann Meyers Bell Independent Exectrix) doing business as Bell Transport Co., application dismissed.

MC-F-11133, MC 128944 Sub 9, Reliable Truck Lines, Inc.—Purchase (Portion)—A-OK Motor Lines, Inc. (Samuel Kaufman Trustee in Bankruptcy), MC-F-11134, MC 55889 Sub 39, Cooper Transfer Co., Inc.—Purchase (Portion)—A-OK Motor Lines, Inc. (Samuel Kaufman Trustee in Bankruptcy), MC-F-11143, MC 11220 Sub 123, Gordons Transports, Inc.—Purchase (Portion)—A-OK Motor Lines, Inc. (Samuel Kaufman Trustee in Bankruptcy), MC-F-11150, MC 59583 Sub 130, The Mason & Dixon Lines, Inc.—Purchase (Portion)—A-OK Motor Lines, Inc. (Samuel Kaufman Trustee in Bankruptcy), now assigned January 18, 1972, at Birmingham, Ala., will be held at the Birmingham Airport Motel, instead of the Red Carpet Motor Inn, 2040 Highland Avenue.

MC 74321 Sub 35, B. F. Walker, Inc., application dismissed.

MC 75320 Sub 148, Campbell Sixty-Six Express, Inc., application dismissed.

MC 123325 Sub 8, Wright Motor Lines, Inc., assigned January 27, 1972, at Atlanta, Ga., is advanced to January 21, 1972, in the Courtroom, City Hall, Hendersonville, N.C.

MC-C-7565, Wright Motor Lines, Inc.—Investigation and Revocation of Certificates, assigned January 27, 1972, at Atlanta, Ga., is advanced to January 21, 1972 in the Courtroom, City Hall, Hendersonville, N.C.

MC 105881 and Subs 19, 21, 23, 25, 26, 30, 32, 35, 40, 41, 42, M.R. & R. Trucking Co., assigned January 24, 1972, will be held in the Grand Jury Room, Federal Building, 110 East Park Avenue, Tallahassee, FL.

MC 103993 Sub 619, Morgan Drive-Away, Inc., heard December 9, 1971, at Chicago, Ill., and continued to January 6, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 75651 Sub 69, R. C. Motor Lines, Inc., assigned for hearing on January 10, 1972, at Jacksonville, Fla., will be held in Room 714, Federal Office Building, 400 West Bay Street.

MC-F-11253, Virginia Carolina Freight Lines, now being assigned Hearing February 8, 1972, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC 64373 Sub 6, Clarkson Bros. Machinery Haulers, MC 108297 Sub 21, Fox Transport System, now being assigned hearing February 9, 1972, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC 129844, Whitehurst Paving Co., Inc., now being assigned hearing February 10, 1972, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC 135104, A. J. (Archie) Goodale Ltd., assigned January 4, 1972, Buffalo, N.Y., is canceled and reassigned for hearing January 31, 1972, at Buffalo, N.Y., at the Statler-Hilton Hotel.

MC 134884 Sub 1, Parwest Furniture Transport, Inc., now assigned March 6, 1972, at Seattle, Wash., will be held in Room 1057, Federal Office Building, 909 First Avenue.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-18555 Filed 12-17-71;8:49 am]

FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 14, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42317—*Rice and rice meal to Carlstadt, N.J.* Filed by Southwestern Freight Bureau, agent (No. B-276), for interested rail carriers. Rates on clean rice, cracked or broken rice (brewers' rice), and rice meal, in carloads, from Houston, Tex. to Carlstadt, N.J.

Grounds for relief—Motor and water competition.

Tariff—Supplement 66 to Southwestern Freight Bureau, agent, tariff ICC 4803. Rate is published to become effective January 13, 1972.

FSA No. 42318—*Paper and paper articles to points in South Dakota and Wyoming.* Filed by Trans-Continental Freight Bureau, agent (No. 471), for interested rail carriers. Rates on paper and paper articles, in carloads, from points in Arizona, California, Nevada, New Mexico, Oregon, and Utah to Rapid City, S. Dak., Bentonite Spur, Clay Spur, and Greybull, Wyo.

Grounds for relief—Market competition.

Tariff—Supplement 86 to Trans-Continental Freight Bureau, Agent, tariff ICC 1822. Rates are published to become effective January 15, 1972.

FSA No. 42319—*Blocks or brick between points in southern and Illinois Territories.* Filed by Illinois Freight Association, Agent (No. 372), for interested rail carriers. Rates on blocks or brick between points in southern territory, on the one hand, and points in Illinois territory, on the other.

Grounds for relief—Market competition, short-line distance formula and grouping.

Tariff—Supplement 63 to Illinois Freight Association, agent, tariff ICC 1209. Rates are published to become effective January 14, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-18556 Filed 12-17-71;8:49 a.m.]

[Notice 412]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 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 30605 (Sub-No. 148 TA) (Correction) filed October 14, 1971, published FEDERAL REGISTER October 29, 1971, corrected and republished in part as corrected this issue. Applicant: THE SANTA FE TRAIL TRANSPORTATION COMPANY, 433 East Waterman, Post Office Box 56 (67201), Wichita, KS 67202. Applicant's representative: R. E. DeLand (same address as above). NOTE: The purpose of this partial republication is to include the tacking and interlining to read: Applicant states it does intend to tack the authority in MC 30605 at Wichita, Kans., only, and to interline at Alva and Woodward, Okla., which was inadvertently omitted in previous publication. The rest of the notice remains the same.

No. MC 39249 (Sub-No. 11 TA) (Correction) filed October 14, 1971, published FEDERAL REGISTER October 29, 1971, corrected and republished as corrected this issue. Applicant: MARTY'S EXPRESS, INC., 2335 East Wheatsheaf Lane, Philadelphia, PA 19137. Applicant's representative: Martin Marano, Sr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail department stores, weighing less than 50 pounds, from the warehouse site of Gimbel Bros., in Philadelphia, Pa., to points in New Jersey and Delaware, for 150 days. Supporting shipper: Gimbel Bros., Eighth and Market Streets, Philadelphia, PA 19107. Send protests to: F. W. Doyle, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102. NOTE: The purpose of this republication is to redescribe the commodity description.

No. MC 111401 (Sub-No. 352 TA) (Correction) filed November 4, 1971, published FEDERAL REGISTER November 16, 1971, corrected and republished in part as corrected this issue. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, OK 73701. Applicant's representative: Victor R. Comstock (same address as above). NOTE: The purpose of this partial republication is to set forth the correct destination point as Logansport, Ind., in lieu of Loganstown, Ind., shown erroneously in previous publication. The rest of the application remains the same.

No. MC 126514 (Sub-No. 34 TA), filed November 17, 1971. Applicant: HELEN H. SCHAEFFER AND EDWARD P. SCHAEFFER, 5200 West Bethany Home Road, Glendale, AZ 85301. Mailing: Post Office Box 392, Phoenix, AZ 85001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Envelopes*, from New York, N.Y., to Anaheim, Calif., for 150 days. Supporting shipper: Business Envelope Manufacturers Inc., 2350 Lafayette Avenue, Bronx, NY 10473. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3427, Federal Building, Phoenix, Ariz. 85025.

No. MC 135492 (Sub-No. 1 TA) (Amendment), filed November 11, 1971, published FEDERAL REGISTER November 20, 1971, amended and republished as amended this issue. Applicant: NORTHERNAIR FREIGHT SERVICE, INC., 12 Home Avenue, Burlington, VT 05401. Applicant's representative: John P. Monte, 61 Summer Street, Barre, VT 05641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods, commodities in bulk and commodities requiring the use of special equipment), restricted to transportation of shipments having an immediately prior or subsequent movement by air between the ports of entry at the international boundary line between the United States and Canada at or near Champlain, N.Y., and Highgate Springs, Vt., on the one hand, and, on the other, LaGuardia Airport and John F. Kennedy Airport at New York, N.Y., and Newark Airport at Newark, N.J., for 180 days. NOTE: Applicant states no tacking with other authority issued by the Interstate Commerce Commission, but will be tacking with authority issued by the Transportation Board of the Province of Quebec to provide through service to Montreal International Airport. Supporting shippers: Reynolds Air Services, Inc., Post Office Box 233, Montreal International Airport, Montreal 300, PQ Canada; J. P. St-Arnaud & Cie, Ltee., 407 McGill Street, Suite 610, Montreal, PQ Canada. Send protests to: District Supervisor Martin P. Monaghan, Jr., Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, VT 05602. NOTE: The purpose of this republication is to make a change in the territorial description of the basic application, thereby broadening the scope.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-18557 Filed 12-17-71;8:50 am]

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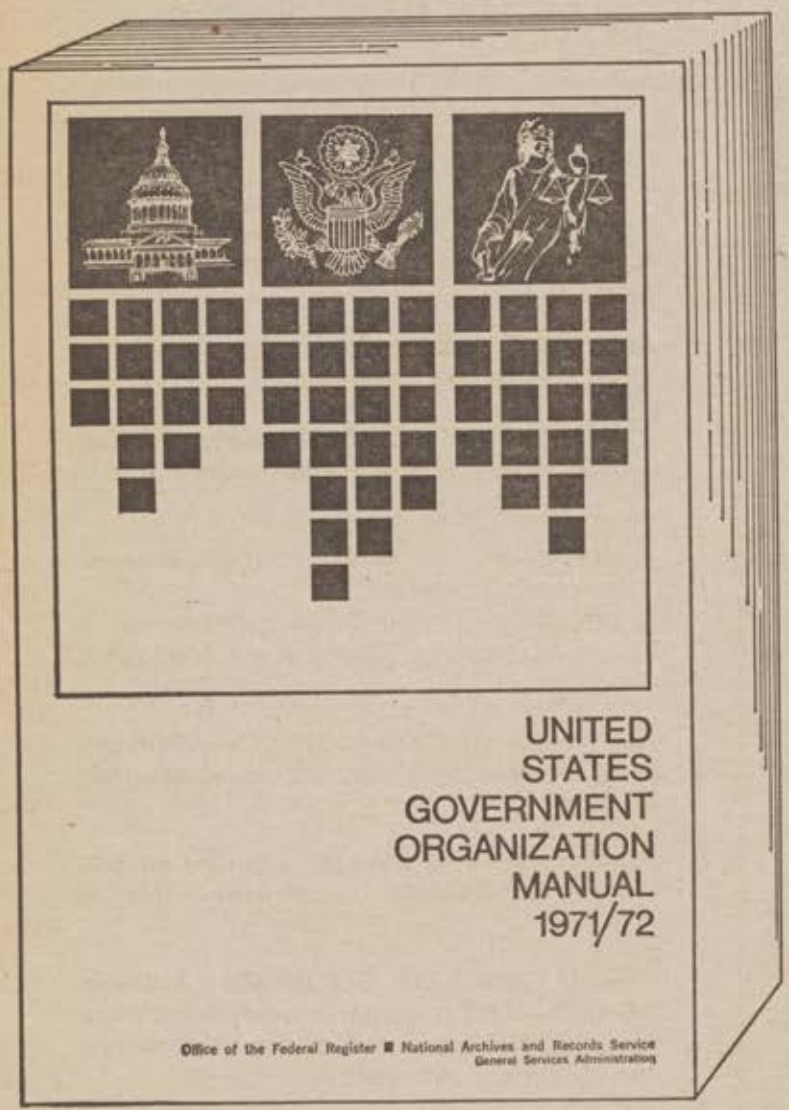

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