federal register

SATURDAY, AUGUST 14, 1971
WASHINGTON, D.C.

Volume 36 ■ Number 158

Pages 15415–15506

PART I

(Part II begins on page 15485)

HIGHLIGHTS OF THIS ISSUE

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

NATIONAL HIGHWAY WEEK, 1971—Presidential proclamation 15421

AIR QUALITY STANDARDS—EPA regulations on state implementation plans; effective 8–14–71 15486

MILK PRICE SUPPORT—USDA amendment increasing CCC buying price for butter in certain locations; effective 8–10–71 15425

HOG CHOLERA—USDA amendments on ratio for federal indemnity payments; effective 8–14–71 15426

SAVINGS AND LOAN ASSOCIATIONS—
FHLBB regulation on applications (2 documents); effective 8–23–71 ..... 15427, 15428
FHLBB amendment on certain savings accounts payment rates; effective 8–14–71 15427

AIRWORTHINESS DIRECTIVE—DoT amendment modifying ground steering system on Boeing 747 aircraft; effective 8–17–71 15428

AIRCRAFT SUPPLIES—Customs Bur. amendment providing reciprocal exemptions for Netherlands Antilles; effective 7–6–71 15431

WITNESSES—Justice Dept. amendment on travel expenses of Federal employees; effective 8–14–71 15432

(Continued Inside)

Latest Edition

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[Revised as of January 1, 1971]

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Order from Superintendent of Documents, U.S. Government Printing Office Washington, D.C. 20402

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

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CONSTRUCTION SAFETY—Labor Dept. delay of effective dates for certain standards (2 documents) 15437, 15438

LIBRARIAN TRAINEE PROGRAM—HEW regulations for grants to colleges and universities; effective 8-14-71 15440

MOTOR CARRIER SAFETY—DoT revision on commercial vehicle fuel systems; effective 7-1-72 15444

TENNESSEE RIVER SYSTEM—TVA proposal on construction, operation, and maintenance of structures; comments within 30 days 15455

PROPERTY IMPROVEMENT LOANS—FHA financing proposals; comments by 9-17-71 15455

ANTIDUMPING—Customs Bur. notices of proceedings on papermaking machinery and parts from Finland and Sweden (2 documents) 15460

FLAMMABLE FABRICS—Commerce Dept. notice on development of sampling plan for children's sleepwear; comments within 30 days 15465

DEBT COLLECTION PRACTICES—FTC notice of hearings, comments by 9-10-71 15473

ENVIRONMENT—

TVA notices of availability of draft impact statements (2 documents) 15475

USDA notice of availability of draft impact statement; comments within 30 days 15464

EMPLOYMENT GRANTS—Labor Dept. regulations; effective 8-14-71 15433

EQUAL OPPORTUNITY—CSC regulations on federal employment practices and on appeals; effective 8-13-71 15446

Contents

THE PRESIDENT

PROCLAMATION

National Highway Week, 1971 15421

EXECUTIVE AGENCIES

AGRICULTURAL RESEARCH SERVICE

Rules and Regulations

Hog cholera and other communicable swine diseases; areas quarantined 15426
Swine destroyed because of hog cholera; payment of indemnities 15426

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules and Regulations

Farm marketing quotas and acreage allotments; correction 15423

AGRICULTURE DEPARTMENT

See also Agricultural Research Service; Agricultural Stabilization and Conservation Service; Commodity Credit Corporation; Consumer and Marketing Service; Rural Electrification Administration.

Notices

New York Mercantile Exchange: designation as a contract market for imported, frozen, fresh boneless beef 15464

ATOMIC ENERGY COMMISSION

Notices

University of Kansas; issuance of facility license amendment 15465
University of Virginia; issuance of facility license amendment 15466

CIVIL AERONAUTICS BOARD

Notices

Hearings, etc.:
Air Micronesia, Inc., and Continental Air Lines, Inc 15466
American Airlines Fiji-American Samoa Investigation 15467
Continental Air Lines, Inc 15468
Domestic Passenger-Fare Investigation 15468
Express Co., Inc 15468
International Air Transport Association 15469

CIVIL SERVICE COMMISSION

Rules and Regulations

Employment practices 15446
Excepted service:
Commerce Department 15446
Consumer Affairs Office 15446
State Department 15446

Notices

Physician assistant, V.A. Hospital, Muskogee, Okla.; manpower shortage 15473

COMMERCE DEPARTMENT

Notices

Flammable fabrics; children's sleepwear sampling plan 15465

COMMODITY CREDIT CORPORATION

Rules and Regulations

Butter; price support program 15425

CONSUMER AND MARKETING SERVICE

Rules and Regulations

Federal rice inspection services; fees and charges; correction 15423
Irish potatoes grown in Colorado; expenses and rate of assessment 15425
Lemons grown in California and Arizona; handling limitations 15423
Shipment limitations:
Fresh prunes grown in Idaho and Oregon 15424
Fresh prunes grown in Washington and Oregon 15424
Peaches grown in Mesa County, Colo 15423

Proposed Rule Making

Milk handling:
Central Illinois marketing area 15449
Des Moines, Iowa marketing area 15449
Red River Valley and Oklahoma Metropolitan marketing areas 15450

(Continued on next page)

CUSTOMS BUREAU

Rules and Regulations

Aircraft supplies; reciprocal exemptions for Netherlands Antilles ---- 15431

Notices

Antidumping of papermaking machinery and parts thereof from:
Finland ---- 15460
Sweden ---- 15460

DEFENSE DEPARTMENT

Notices

Procurement of public utility services; delegation of authority regarding contracts ---- 15464

EDUCATION OFFICE

Rules and Regulations

Librarian trainee program; grants ---- 15440

EMPLOYMENT STANDARDS ADMINISTRATION

Notices

Minimum wages for Federal and Federally assisted construction; correction ---- 15475

ENVIRONMENTAL PROTECTION AGENCY

Rules and Regulations

Air quality standards; State implementation plans ---- 15486

FEDERAL AVIATION ADMINISTRATION

Rules and Regulations

Airworthiness directives:
Boeing airplanes ---- 15428
Brantly airplanes ---- 15428
Federal airways:
Alteration ---- 15429
Revocation ---- 15429
IFR altitudes; miscellaneous amendments; correction ---- 15429
Standard instrument approach; approach procedures; miscellaneous amendments ---- 15429

Proposed Rule Making

Control zones and transition areas; proposed alteration (4 documents) ---- 15451-15454
Federal airway; proposed designation ---- 15454
Transition areas:
Proposed alterations (2 documents ---- 15453
Proposed designation (2 documents) ---- 15451, 15452

FEDERAL HIGHWAY ADMINISTRATION

Rules and Regulations

Motor vehicle safety regulations; commercial vehicle fuel systems ---- 15444

FEDERAL HOME LOAN BANK BOARD

Rules and Regulations

Certain saving accounts payment rates ---- 15427
Savings and loan associations; miscellaneous amendments (2 documents) ---- 15427, 15428

FEDERAL HOUSING ADMINISTRATION

Proposed Rule Making

Property improvement loans; financing proposals ---- 15455

FEDERAL MARITIME COMMISSION

Notices

Agreements filed for approval:
New York Passenger Terminal User' Association ---- 15469
Red Sea and Gulf of Aden/U.S. Atlantic and Gulf Rate Agreement ---- 15469
Unit Load Council ---- 15469

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:
Colorado Oil and Gas Corp., et al ---- 15470
Lone Star Gas Co ---- 15471
Mobil Oil Corp ---- 15471
Transcontinental Gas Pipe Line Corp ---- 15472
United Gas Pipe Line Co ---- 15473
West Texas Utilities Co., and Commission Federal de Electricidad ---- 15473

FEDERAL TRADE COMMISSION

Notices

Debt collection practices ---- 15473

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Education Office.

Notices

Health Services and Mental Health Administration; organization and functions ---- 15465

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See Federal Housing Administration.

INTERIOR DEPARTMENT

See also Land Management Bureau; National Park Service.

Rules and Regulations

Government-wide automated data management services ---- 15438

INTERNAL REVENUE SERVICE

Notices

Certain individuals; granting of relief (12 documents) ---- 15460-15463

INTERSTATE COMMERCE COMMISSION

Notices

Assignment of hearings (2 documents) ---- 15479
Motor carrier temporary authority applications (2 documents) ---- 15475, 15479
Motor carrier transfer proceedings ---- 15481

JUSTICE DEPARTMENT

Rules and Regulations

Bureau agents; delegation of authority ---- 15432
Delegation of authority with respect to compromise and closing of litigation ---- 15431
Witnesses; travel expenses of Federal employees ---- 15432

LABOR DEPARTMENT

See also Employment Standards Administration; Labor Standards Bureau; Occupational Safety and Health Administration.

Rules and Regulations

Grants under the Emergency Employment Act of 1971 ---- 15433

LABOR STANDARDS BUREAU

Rules and Regulations

Safety and health regulations; light residential construction ---- 15437

LAND MANAGEMENT BUREAU

Rules and Regulations

Public land orders:
Colorado ---- 15439
Michigan ---- 15439
Oregon ---- 15439
Washington ---- 15439

MONETARY OFFICES

Proposed Rule Making

Financial recordkeeping and reporting of currency and foreign transactions; proposed reporting forms ---- 15449

NATIONAL PARK SERVICE

Notices

Shiloh National Military Park; notice of intention to issue concession permit ---- 15464

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Rules and Regulations

Safety and health standards; delay in effective date for light residential construction and certain other construction ---- 15437

POSTAL SERVICE

Notices

Postal rates and fees; temporary changes; correction ---- 15474

RURAL ELECTRIFICATION ADMINISTRATION

Notices

Tri-State Generation and Transmission Association, Inc.; draft environmental statement ------ 15464

SECURITIES AND EXCHANGE COMMISSION

Rules and Regulations

Annual report form for management investment companies ---- 15430

Proposed Rule Making

Annual report form for management investment companies; cross reference --------------- 15455

SMALL BUSINESS ADMINISTRATION

Notices

California; amendment to declaration of disaster loan area ---- 15475

TENNESSEE VALLEY AUTHORITY

Proposed Rule Making

Tennessee River System; proposed approval of construction and maintenance of structures ----- 15455

Notices

Draft environmental statements; notice of availability (2 documents) --------------------- 15475

TRANSPORTATION DEPARTMENT

See Federal Aviation Administration; Federal Highway Administration.

TREASURY DEPARTMENT

See Customs Bureau; Internal Revenue Service; Monetary Offices.

List of CFR Parts Affected

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

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

3 CFR

PROCLAMATION:

4072 --------------------------- 15421

5 CFR

213 (3 documents) -------------- 15446
300 ---------------------------- 15446
772 ---------------------------- 15446

7 CFR

68 ----------------------------- 15423
718 ---------------------------- 15423
910 ---------------------------- 15423
919 ---------------------------- 15423
924 ---------------------------- 15424
925 ---------------------------- 15424
948 ---------------------------- 15425
1430 --------------------------- 15425

PROPOSED RULES:

1050 --------------------------- 15449
1079 --------------------------- 15449
1104 --------------------------- 15450
1106 --------------------------- 15450

9 CFR

56 ----------------------------- 15426
76 ----------------------------- 15426

12 CFR

543 ---------------------------- 15427
545 ---------------------------- 15427
562 ---------------------------- 15428

14 CFR

39 (2 documents) --------------- 15428
71 (2 documents) --------------- 15429
95 ----------------------------- 15429
97 ----------------------------- 15429

PROPOSED RULES:

71 (9 documents) ---------- 15451-15454

17 CFR

249 ---------------------------- 15430
274 ---------------------------- 15430

PROPOSED RULES:

270 ---------------------------- 15455

18 CFR

PROPOSED RULES:

301 ---------------------------- 15455
304 ---------------------------- 15455

19 CFR

10 ----------------------------- 15431

24 CFR

PROPOSED RULES:

201 ---------------------------- 15455

28 CFR

0 (2 documents) ---------- 15431, 15432
21 ----------------------------- 15432

29 CFR

55 ----------------------------- 15433
1518 --------------------------- 15437
1910 --------------------------- 15438

31 CFR

PROPOSED RULES:

103 ---------------------------- 15449

41 CFR

114-32 ------------------------- 15438

42 CFR

420 ---------------------------- 15486

43 CFR

PUBLIC LAND ORDERS:

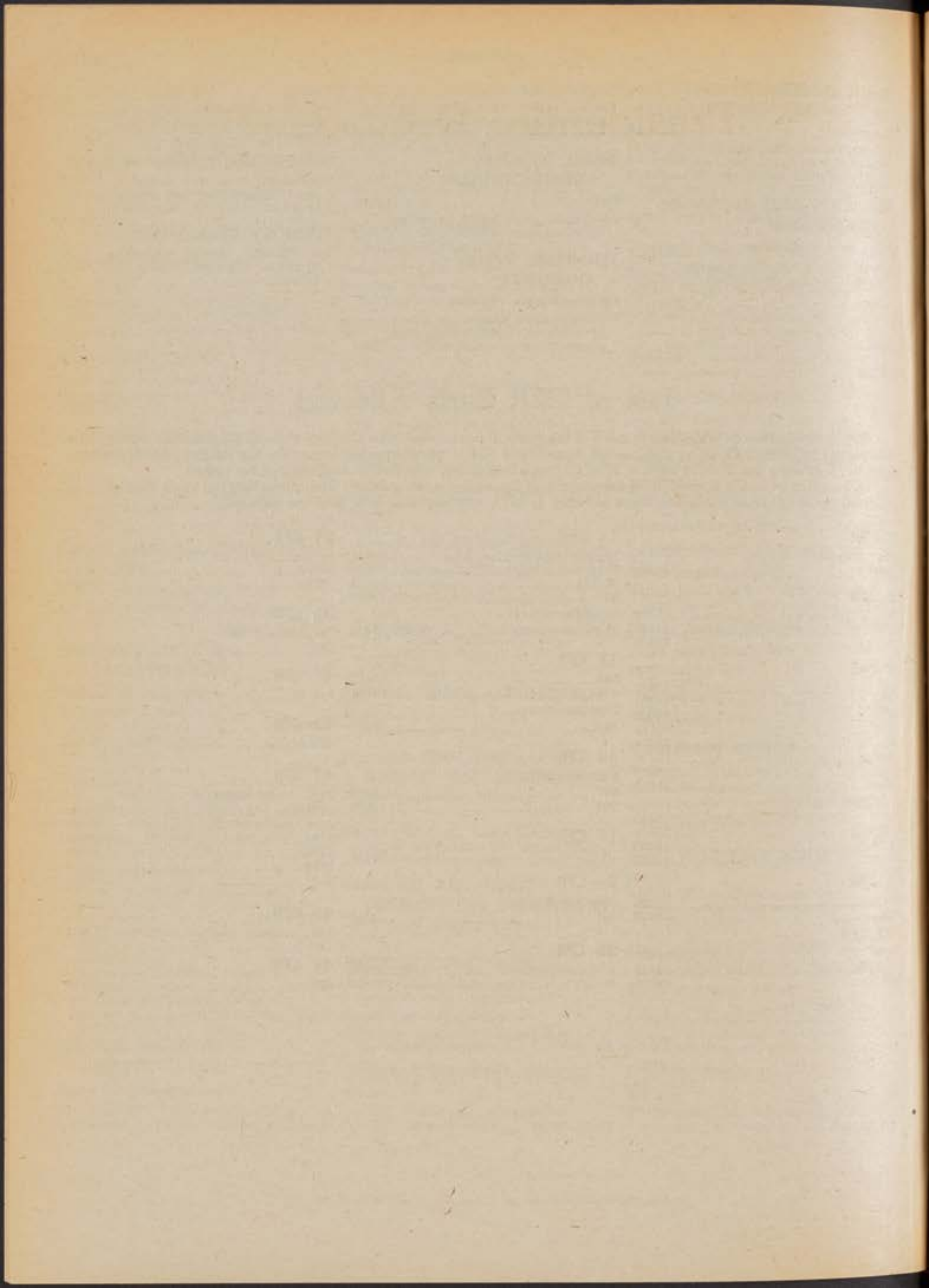
1726 (see PLO 5105) ------------ 15439
2434 (see PLO 5106) ------------ 15439
5104 --------------------------- 15439
5105 --------------------------- 15439
5106 --------------------------- 15439
5107 --------------------------- 15439

45 CFR

132 ---------------------------- 15440

49 CFR

393 ---------------------------- 15444



Presidential Documents

Title 3—The President

PROCLAMATION 4072

National Highway Week, 1971

By the President of the United States of America

A Proclamation

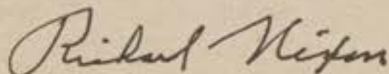
When the Erie Canal opened in 1825 it quickly acquired the slogan "A Cent and a Half a Mile, a Mile and a Half an Hour." Our toll roads now costs the traveller nearly the same amount, but the trip from New York to Buffalo that once took five days by barge at a mile and a half per hour now takes less than ten hours by automobile and can be travelled at 65 miles per hour.

The highways built since the Erie Canal have become the dominant element in our national transportation system and a key force in virtually every phase of modern American life. These roads not only provide avenues of commerce for our nation's economy, but also help to make available the services and pleasures of our daily existence. Our rapidly developing 42,500 mile System of Interstate and Defense Highway is especially helpful for the traveller who wishes to visit recreational areas and historic sites that previously were known only through photographs.

In our present day, by serving as the conduit for a large proportion of mass transit in urban areas, highways go far toward meeting our needs for the best possible transportation. In the future, as a part of a balanced system of growth, they should be a key part of an integrated and comprehensive transportation plan for these urban areas, linking other vital means of transportation by air, rail and water. In this proliferation of American highways we find a clear reflection of the good which men can do by planning and working together in common needs.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim the week beginning September 19, 1971, as National Highway Week. I urge Federal, State, and local government officials, as well as highway industry and other organizations, to hold appropriate ceremonies during that week in recognition of what highway transportation means to our country.

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



[FR Doc.71-11892 Filed 8-12-71;12:39 pm]

Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

Fees and Charges for Federal Rice Inspection Services

Correction

In F.R. Doc. 71-11231 appearing at page 14378 in the issue of Thursday, August 5, 1971, in § 68.42a the fee for item number (65) under "Laboratory testing" reading "$2.60" should read "$1.35".

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 718—DETERMINATION OF ACREAGE AND COMPLIANCE

Correction

In F.R. Doc. 71-11175 appearing at page 14302 in the issue of Wednesday, August 4, 1971, the following changes should be made:

1. In § 718.4(c), the third line of subdivision (i) under New Mexico should read as follows: "are: (*a*) 4.5 percent in Chaves, Dona Ana,".

2. In § 718.6(a)(1)(ii), the phrase "food grain" appearing in the seventh line should read "feed grain".

3. In § 718.14(b), the second line of subparagraph (2)(ii) under Nebraska should read as follows: "Chase, Colfax, Cuming, Custer, Dakota, Dawson,".

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

[Lemon Reg. 493]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.793 Lemon Regulation 493.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 10, 1971.

(b) *Order*. (1) The quantity of lemons grown in California and Arizona which may be handled during the period August 15, through August 21, 1971, is hereby fixed at 200,000 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: Aug. 12, 1971.

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

[FR Doc.71-11948 Filed 8-13-71;8:54 am]

[Peach Reg. 10]

PART 919—PEACHES GROWN IN MESA COUNTY, COLO.

Limitation of Shipments

On July 31, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 14204), regarding a proposed regulation to be made effective pursuant to the marketing agreement and Order No. 919 (7 CFR Part 919) regulating the handling of peaches grown in the county of Mesa in the State of Colorado. This notice allowed interested persons 7 days in which they could submit data, views, or arguments pertaining to this proposed regulation. None were submitted. The proposed regulation was recommended by the Administrative Committee established pursuant to the said marketing agreement and order. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The recommendations by the Administrative Committee reflect its appraisal of the crop and current and prospective market conditions. Shipments of peaches are currently being made subject to grade and size limitations which became effective July 10, 1971 (36 F.R. 12893). The grade and size requirements specified herein are the same as those in effect during the period July 10 through August 13, 1971. The committee reported that the continuation of such regulation as herein specified is necessary to prevent the handling, on and after August 14, 1971, of any peaches of lower grades and smaller sizes than those herein specified, so as to provide consumers with good quality fruit, consistent with the overall quality of the crop, while maximizing returns to the producers pursuant to the declared policy of the act.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the 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 peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of such peaches are expected to continue on and after the expiration date of the existing regulation and this regulation should be applicable to all such shipments in order to effectuate the declared policy of the act; (2) notice of proposed rule making concerning this regulation, with an effective date as hereinafter specified, was published in the FEDERAL REGISTER (36 F.R. 14204), and no objection to this regulation or such effective date was received; and (3) compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 919.311 Peach Regulation 10.

(a) *Order*. During the period August 14 through September 30, 1971, no handler shall ship:

(1) Any peaches of any variety which do not grade at least U.S. No. 1 grade;

(2) Any peaches of any variety which are of a size smaller than 2⅛ inches in diameter: *Provided*, That any lot of peaches shall be deemed to be of a size not smaller than 2⅛ inches in diameter (i) if not more than 10 percent, by count, of such peaches in such lot are smaller than 2⅛ inches in diameter; and (ii) if not more than 15 percent, by count, of the peaches contained in any individual container in such lot are smaller than 2⅛ inches in diameter.

(b) *Definitions*. As used herein, "peaches," "handler," "ship," and "variety" shall have the same meaning as when used in the aforesaid amended marketing agreement and order; "U.S. No. 1," "diameter," and "count," shall have the same meaning as when used in the U.S. Standards for Peaches (§§ 51.1210-51.1223 of this title).

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

Dated: August 11, 1971.

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

[FR Doc.71-11872 Filed 8-13-71;12:35 pm]

[Prune Reg. 9, Amdt. 1]

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

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, and Order No. 924 (7 CFR Part 924), regulating the handling of fresh prunes grown in designated counties in Washington and in Umatilla County, Oreg., 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 of the Washington-Oregon Fresh Prune Marketing Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling prunes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the 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 restrictions on the handling of prunes.

(3) The recommendations of the Washington-Oregon Fresh Prune Marketing Committee reflect its appraisal of the crop and current and prospective market conditions. Shipments of prunes from the production area are currently underway. The amended size requirements provided herein are necessary because of the irregular shape of the prunes resulting from periods of extremely high temperatures. Such amendment would permit the handling of slightly misshapen but otherwise good quality prunes and would prevent the handling, on and after August 11, 1971, of any prunes which do not comply with such amended requirements, so as to provide consumers with good quality fruit, consistent with the overall quality of the crop, while maximizing returns to producers, pursuant to the declared policy of the act.

Order. It is therefore, ordered that the provisions of paragraph (a) (2) of § 924.310 (Prune Reg. 9; 36 F.R. 13898) are hereby amended to read as follows:

§ 924.310 Prune Regulation 9.

(a) *Order*. * * *

(2) *Minimum size*. Such prunes, except prunes of the Stanley variety, measure not less than 1¼ inches in diameter: *Provided*, That not more than 15 percent, by count, of such prunes may fail to meet such diameter requirement: *Provided further*, That the contents of individual packages in the lot are not limited as to the percentage of undersized prunes but the total of the undersized prunes of the entire lot shall be within tolerances specified.

* * * * *

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

Dated August 11, 1971, to become effective August 11, 1971.

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

[FR Doc.71-11816 Filed 8-13-71;8:53 am]

[Prune Reg. 9]

PART 925—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREG.

Limitation of Shipments

Notice was published in the FEDERAL REGISTER on August 4, 1971 (36 F.R. 14334), that consideration was being given to proposals relative to limitation of shipments of fresh prunes recommended by the Idaho-Malheur County, Oreg., Fresh Prune Marketing Committee, established under the marketing agreement and Order No. 925 (7 CFR Part 925), regulating the handling of fresh prunes grown in designated counties in Idaho and in Malheur County, Oreg., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The notice afforded 7 days for interested persons to submit written data, views, or arguments in connection with said proposals. None were received.

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

The recommendation of the Idaho-Malheur County, Oregon, Fresh Prune Marketing Committee reflects its appraisal of the fresh prune crop and current and prospective market conditions. Shipments of Idaho-Oregon fresh prunes are expected to begin on or about August 15, 1971. The grade and size requirements provided herein are necessary to prevent the handling, on and after August 15, 1971, of prunes of lower grades and smaller sizes than those herein specified, so as to provide consumers with good quality fruit, consistent with (1) the overall quality of the crop, and (2) improving returns to the producers pursuant to the declared policy of the act.

The requirement that fresh prunes be handled in containers holding either less than 20 pounds or more than 30 pounds of prunes, with the exception of the one-half bushel basket, is necessary to standardize the capacities of containers that can be used to ship fresh prunes grown in the production area and prevent deception and misrepresentation of the net weight of prunes commonly contained in such containers. An exception is made for the one-half bushel basket since the placement of more than 30 pounds of prunes in this container could result in fruit damage. Individual shipments of 150 pounds or less of fresh prunes are exempted from regulation in that such shipments do not materially affect the demand in commercial channels.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER

(5 U.S.C. 553) in that (1) notice was given of the proposed regulation, to become effective August 15, 1971, through publicity in the production area and by publication in the August 4, 1971, issue of the FEDERAL REGISTER; (2) the effective date hereof will not require of handlers any preparation that cannot be completed prior thereto; (3) this regulation was unanimously recommended by members of the Idaho-Malheur County, Oreg., Fresh Prune Marketing Committee in an open meeting at which all interested persons were afforded an opportunity to submit their views; and (4) shipments are expected to begin on or about August 15, 1971, and this regulation should, insofar as practicable, be applicable to all shipment of prunes in order to effectuate the declared policy of the act.

§ 925.310 Prune Regulation 9.

(a) *Order*. During the period August 15, 1971, through December 31, 1971, no handler shall handle any lot of prunes unless such prunes meet the following applicable requirements, or are handled in accordance with subparagraph (3) of this paragraph:

(1) *Minimum grade and size requirements*. Such prunes grade at least U.S. No. 1 and are a minimum size of 1⅛ inches in diameter: *Provided*, That prunes which are affected by healed hail marks may be shipped if they otherwise grade at least U.S. No. 1.

(2) *Pack of containers*. The net weight of prunes in any container, other than the one-half (½) bushel basket shall be either (1) less than 20 pounds, or (2) more than 30 pounds.

(3) Notwithstanding any other provisions of this regulation, any individual shipment of prunes which, in the aggregate, does not exceed 150 pounds net weight may be handled without regard to the restrictions specified in this paragraph (a) or in § 925.41 (Assessment) and § 925.55 (Inspection and Certification) of this part.

(4) The terms "U.S. No. 1," "diameter," and "hail marks" shall have the same meaning as when used in the U.S. Standards for Fresh Plums and Prunes (§§ 51.1520–51.1538 of this title); and terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in the marketing agreement and order.

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

Dated, August 12, 1971, to become effective August 15, 1971.

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

[FR Doc.71-11935 Filed 8-13-71;8:54 am]

[Area 3]

PART 948—IRISH POTATOES GROWN IN COLORADO

Expenses and Rate of Assessment

Notice of rule making regarding the proposed expenses and rate of assessment for Area No. 3, to be effective under Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR Part 948), was published in the July 24, 1971, issue of the FEDERAL REGISTER (36 F.R. 13787). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The notice afforded interested persons an opportunity to file written data, views, or arguments pertaining thereto not later than the 15th day after publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters, including the proposals set forth in the aforesaid notice which were recommended by the Area Committee for Area No. 3, established pursuant to the said marketing agreement and order, it is hereby found and determined that:

§ 948.265 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Area Committee for Area No. 3 to enable such committee to perform its functions, pursuant to the provisions of Marketing Agreement No. 97, as amended, and this part, during the fiscal period ending June 30, 1972, will amount to $4,230.

(b) The rate of assessment to be paid by each handler pursuant to Marketing Agreement No. 97, and this part, shall be $0.0075 per hundred weight of potatoes grown in Area No. 3 handled by him as the first handler thereof during said fiscal period.

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

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

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

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

Dated: August 11, 1971.

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

[FR Doc.71-11817 Filed 8-13-71;8:53 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt. 1]

PART 1430—DAIRY PRODUCTS

Subpart—Price Support Program for Milk

The program heretofore announced to support prices to producers for milk during the marketing year April 1, 1971, through March 31, 1972 (36 F.R. 8237) is amended to increase the CCC buying prices for butter in a midwestern area of Chicago served by railroads for the Western Trunk Line Territory by about one-tenth cent per pound. The amendment increases the CCC buying prices for butter in the affected locations by 80 percent of the amount of reduction in rates between those locations and New York City, as agreed to by the railroads on June 9, 1971, and published in their tariffs, effective August 10, 1971. It is impracticable to follow the notice of proposed rulemaking procedure with respect to this amendment because it must be made effective as of August 10, 1971. Therefore, this amendment is being issued without following such proposed rulemaking procedure.

Section 1430.282(b)(2) is amended to read:

§ 1430.282 Price support program for milk and butterfat.

* * * * *

(b) * * *

(2) Offers to sell butter at any location not specifically provided for in this section will be considered at the price set forth in this section for the designated market (New York, San Francisco, or Seattle) named by the seller, less 80 percent of the lowest published domestic railroad carlot freight rate per pound gross weight for a 60,000-pound carlot, in effect at the beginning of this marketing year, from such location to such designated market, except that, for the area served by Western Trunk Line Territory railroads, such price shall be increased by 80 percent of the difference between such rate in effect April 12, 1971, and the applicable rate published by the railroads for the Western Trunk Line Territory in their tariffs, effective August 10, 1971.

* * * * *

This amendment shall be effective as of August 10, 1971.

Signed at Washington, D.C., on August 10, 1971.

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

[FR Doc.71-11815 Filed 8-13-71;8:53 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER B—COOPERATIVE CONTROL AND ERADICATION AND ANIMAL PRODUCTS

PART 56—SWINE DESTROYED BECAUSE OF HOG CHOLERA

Payment of Indemnities

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, 114, 114a, 114g, 115, 117, 120, 121, 123-126, 134a-134h), Part 56, Title 9, Code of Federal Regulations relating to the payment of indemnity for swine destroyed because of hog cholera, is hereby amended in the following respects:

In § 56.7, paragraphs (a) and (b) are amended to read as follows:

§ 56.7 Payment to owners for swine destroyed.

(a) Subject to paragraph (b) of this section, owners of swine destroyed in accordance with this part in States listed in § 76.2 (f) and (g) of this chapter may be paid an indemnity by the United States not to exceed the percentage of the appraised value of swine destroyed as specified in the following schedule: providing that each State so listed has laws, rules or regulations requiring the individual identification of all feeder and breeder swine moving through livestock markets and other concentration points in intrastate and interstate movement:

(1) 90 percent of the appraised value in States listed in § 76.2(g) of this chapter; and

(2) 75 percent of the appraised value in States listed in § 76.2(f) of this chapter.

In States not listed in § 76.2 (f) or (g) of this chapter, and in those States so listed which do not qualify under the above identification requirement, and indemnity may be paid by the United States not to exceed 50 percent of the appraised value of swine destroyed.

(b) Federal indemnity may be paid as follows: Subject to paragraph (a) of this section:

(1) In States listed in § 76.2(g) of this chapter, which qualify under paragraph (a) of this section, and indemnity may be paid not to exceed $180 per head for purebred, inbred or hybrid swine and for breeding swine, or $90 per head for all other swine.

(2) In States listed in § 76.2(f) of this chapter, which qualify under paragraph (a) of this section an indemnity may be paid not to exceed $150 per head for purebred, inbred or hybrid swine and for breeding swine or $75 per head for all other swine.

(3) In States not listed in § 76.2 (f) or (g) of this chapter or in those States so listed which do not qualify under the identification requirement, an indemnity may be paid not to exceed $100 per head for purebred, imbred, or hybrid swine and for breeding swine, or $50 per head for all other swine.

* * * * *

(Secs. 3-5, 23 Stat. as amended, sec. 2, 32 Stat. 792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 11, 58 Stat. 734, as amended, 75 Stat. 481, 76 Stat. 129-132; 21 U.S.C. 111-113, 114, 114a, 114g, 115, 117, 120, 121, 123-126, and 134a-134h)

The foregoing amendments provide for a graduated ratio of Federal hog cholera indemnity payments through all program phases. The ratio of indemnity payments is based upon the appraised value of the swine destroyed and the program phase of the individual State concerned, as follows:

FEDERAL INDEMNITY RATIO

	Percent
Phase III States	50
Phase IV States	75
Hog Chlorea Free States	90

The amendments, however, provide the 75 percent or 90 percent indemnity ratios only for those States which are in the appropriate program phase, and which also require the individual identification of all feeder and breeder swine moving through livestock markets and other concentration points in intrastate or interstate commerce.

It is believed the amendments will facilitate the control and eradication of hog cholera in this country and will therefore be of benefit to affected persons. Accordingly, under administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure concerning the amendments are impracticable and unnecessary, and good cause is found to make the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER (8-14-71).

Done at Washington, D.C., this 11th day of August 1971.

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

[FR Doc.71-11814 Filed 8-13-71;8:53 am]

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 71-589]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

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

In § 76.2, in paragraph (e)(4) relating to the State of Texas, subdivision (iii) relating to Tarrant and Johnson Counties is deleted.

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

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

The amendment excludes portions of Tarrant and Johnson Counties in Texas from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded 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 Tarrant and Johnson Counties in Texas remain under the quarantine.

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

Done at Washington, D.C., this 11th day of August 1971.

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

[FR Doc.71-11813 Filed 8-13-71;8:52 am]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 71-791]

PART 543—INCORPORATION, ORGANIZATION, AND CONVERSION

PART 545—OPERATIONS

Applications by Federal Savings and Loan Associations for Permission To Establish Branch Offices or Mobile Facilities

AUGUST 10, 1971.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend Parts 543 and 545 of the Rules and Regulations for the Federal Savings and Loan Systems (12 CFR Parts 543, 545) for the purposes of (1) correcting two clerical errors in a recently published amendment to said Part 543 and (2) reducing from 6 to 4 the number of copies of certain communications a person should furnish when communicating with a Supervisory Agent regarding an application by a Federal savings and loan association for permission to establish a branch office or a mobile facility. Accordingly, on the basis of such consideration and for such purposes, the Federal Home Loan Bank Board hereby amends said Parts 543 and 545 as follows, effective August 23, 1971:

1. The document revising Part 543 of Chapter V of Title 12 of the Code of Federal Regulations, published in the FEDERAL REGISTER on July 23, 1971, at 36 F.R. 13679, is corrected by changing the second sentence of subparagraph (3) of paragraph (e) of § 543.2 in Item 1 of said document as follows:

(a) After the word "event", the words "any communications are" are changed to read "any communication is"; and

(b) After the word "filing", the word "communication" is changed to read "communications".

2. Part 545 is amended by revising subparagraph (3) of paragraph (g) of § 545.14 and subparagraph (3) of paragraph (h) of § 545.14-4 to read as follows:

§ 545.14 Branch office.

* * * * *

(g) *Processing of application by Supervisory Agent; public notice; inspection.* * * *

(3) Within 10 days (or within 30 days if advice is filed within the first 10 days stating that more time is needed to furnish additional information) after the date of publication of said notice, any person may file, at the office of the Supervisory Agent designated in the notice, communications, including briefs, in favor or in protest of the application. In the event any communication is filed in protest of the application, the applicant may file information relevant to such protest within 15 days after the last date for filing communications pursuant to the preceding sentence or waive the right to file such information. Information may be submitted in connection with an application only as provided in this section, unless additional information is requested by the Supervisory Agent or otherwise by or on behalf of the Board. Four copies shall be furnished of any communication or information filed pursuant to this subparagraph.

* * * * *

§ 545.14-4 Mobile facility.

* * * * *

(h) *Processing of application by Supervisory Agent; public notice; inspection.* * * *

(3) Within 10 days (or within 30 days if advice is filed within the first 10 days stating that more time is needed to furnish additional information) after the date of publication of said notice, any person may file, at the office of the Supervisory Agent designated in the notice, communications, including briefs, in favor or in protest of the application. In the event any communication is filed in protest of the application, the applicant may file information relevant to such protest within 15 days after the last date for filing communications pursuant to the preceding sentence or waive the right to file such information. Information may be submitted in connection with an application only as provided in this section, unless additional information is requested by the Supervisory Agent or otherwise by or on behalf of the Board. Four copies shall be furnished of any communication or information filed pursuant to this subparagraph.

* * * * *

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

Resolved further that notice and public procedure with respect to the above substantive amendments are not required pursuant to the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b) since said amendments are deemed to apply to rules of Board procedure or practice; and since the above amendments should have been made at the time Parts 543 and 545 were recently amended as provided in F.R. Doc. 71-10494, published at page 13679, et seq., in the issue of the FEDERAL REGISTER dated Friday, July 23, 1971, and it is desirable that the above amendments become effective on the same date as the effective date of the amendments contained in said F.R. Doc. 71-10494, the Board hereby finds that the requirement regarding the publication of amendments for the minimum 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date thereof shall not apply to the above amendments; and the Board hereby provides that the above amendments shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[FR Doc.71-11807 Filed 8-13-71;8:52 am]

[No. 71-793]

PART 545—OPERATIONS

Distribution of Earnings on Savings Accounts

AUGUST 10, 1971.

Resolved that the Federal Home Loan Bank Board considers it desirable to amend § 545.3-1 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR 545.3-1) for the purpose of permitting Federal savings and loan associations to distribute earnings on any designated class or classes of savings accounts at a rate or rates lower than the "regular rate." Accordingly, on the basis of such consideration and for such purpose, the Federal Home Loan Bank Board hereby amends said § 545.3-1 by revising paragraph (a) thereof to read as follows, effective August 14, 1971:

§ 545.3-1 Distribution of earnings at variable rates.

(a) *General.* Subject to the provisions of this section, the board of directors of a Federal association which has a charter in the form of Charter N or Charter K (rev.), after having determined the rate at which earnings will be distributed on its savings accounts for a distribution period, hereinafter referred to as the regular rate, may provide for the distribution of earnings for that period—

(1) At a rate or rates lower than the regular rate, on any designated class or classes of savings accounts; and

(2) At a rate or rates higher than the regular rate, on savings accounts which meet the eligibility requirements fixed by such board pursuant to paragraph (b) of this section and such additional requirements as such board may impose.

* * * * *

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

Resolved further that, since affording notice and public procedure on the above amendment would delay it from becoming effective for a period of time and since it is in the public interest that such amendment become effective as soon as possible, the Board hereby finds that notice and public procedure thereon are contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and, since such

amendment relieves restriction, publication of such amendment for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date thereof is unnecessary; and the Board hereby provides that such amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[FR Doc.71-11809 Filed 8-13-71;8:52 am]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 71-792]

PART 562—APPLICATION FOR INSURANCE OF ACCOUNTS

Communications With Supervisory Agent Regarding Applications for Insurance of Accounts

AUGUST 10, 1971.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend § 562.4 of the Rules and Regulations for Insurance of Accounts (12 CFR 562.4) for the purpose of reducing from 6 to 4 the number of copies of certain communications a person should furnish when communicating with a Supervisory Agent regarding an application for insurance of accounts. Accordingly, on the basis of such consideration and for such purpose, the Federal Home Loan Bank Board hereby amends said §562.4 by revising paragraph (b) thereof to read as follows, effective August 23, 1971:

§ 562.4 Processing of application by Supervisory Agent; public notice; inspection.

* * * * *

(b) *Filing of communications by others.* Within 10 days (or within 30 days if advice is filed within the first 10 days stating that more time is needed to furnish additional information) after the date of publication of said notice, any person may file, at the office of the Supervisory Agent designated in the notice, communications, including briefs, in favor or in protest of the application. In the event any communication is filed in protest of the application, the applicant may file information relevant to such protest within 15 days after the last date for filing communications pursuant to the preceding sentence or waive the right to file such information. Information may be submitted in connection with an application only as provided in this section, unless additional information is requested by the Supervisory Agent or otherwise by or on behalf of the Board. Four copies shall be furnished of any communication or information filed pursuant to this subparagraph.

* * * * *

(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)

Resolved further that notice and public procedure with respect to the above amendment is not required pursuant to the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b) since said amendment is deemed to apply to rules of Board procedure or practice; and since the above amendment should have been made at the time § 562.4 was recently amended as provided in F.R. Doc. 71-10495, published at page 13682, in the issue of the FEDERAL REGISTER dated Friday, July 23, 1971, and it is desirable that the above amendment become effective on the same date as the effective date of the amendments contained in said F.R. Doc. 71-10495, the Board hereby finds that the requirement regarding the publication of amendments for the minimum 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date thereof shall not apply to the above amendment; and the Board hereby provides that the above amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[FR Doc.71-11808 Filed 8-13-71;8:52 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 71-WE-16-AD; Amdt. 39-1268]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 747 Series Airplanes

There have been several reports of difficulty in maintaining runway alignment during takeoff, which could result in inadvertent departure of the airplane from the runway. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require modification of the ground steering system and flight manual changes on Boeing 747 airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

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

BOEING. Applies to Boeing Model 747 series airplanes certificated in all categories:

Compliance required as indicated:

To prevent body gear steer input on takeoff or landing, accomplish the following:

a. Within 100 hours' time in service after the effective date of this AD, unless already accomplished amend the Boeing B-747 Airplane Flight Manual, Certificate Limitations Section (used by each operator) by incorporating the following:

MISCELLANEOUS

Body gear steering. When aligned with the runway for takeoff and prior to advancing thrust levers, deactivate the body gear steering and leave deactivated until reaching taxi speed after landing, or refused takeoff.

As an interim acceptable procedure, deactivation of the body gear steering may be accomplished by disarming the circuit breaker identified on the circuit breaker panel as "Body Gear Steering Arm and Ind."

b. On or before January 1, 1972, unless already accomplished, install manually operated body gear steering arm/disarm switch per Boeing Service Bulletin 32-2113, dated July 23, 1971, or later FAA approved revision, or an equivalent installation approved by the Chief, Aircraft Engineering Division, FAA Western Region. Upon accomplishment of this installation, discontinue use of the circuit breaker to disarm the body gear per (a) above. The Airplane Flight Manual amendment per (a) above continues in full force and effect.

This amendment becomes effective August 17, 1971.

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

Issued in Los Angeles, Calif., on August 5, 1971.

ARVIN O. BASNIGHT, *Director, FAA Western Region.*

[FR Doc.71-11747 Filed 8-13-71;8:46 am]

[Docket No. 71-EA-103; Amdt. 39-1267]

PART 39—AIRWORTHINESS DIRECTIVES

Brantly Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Brantly Model B type helicopters.

There have been reports of severe corrosion in the bore of the main rotor mast. Further inspection upon disassembly of the transmission revealed rusted bearing spacers and bearings. It was concluded that unremovable evidence of rust in the bore of the main rotor mast was evidence of rust in the transmission requiring its disassembly. The presence of rust in the transmission poses a hazard.

Since this deficiency can exist or develop in helicopters of the same type design, an airworthiness directive is being issued which will require repetitive inspections and disassembly of the transmissions when necessary. Since the foregoing evinces a hazard to air safety notice and public procedure hereon are impractical and the rule may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of

the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BRANTLY ROTORCRAFT. Applies to B, B2A, and B2B type rotorcraft certified in all categories.

Compliance required within the next 10 hours' time in service after the effective date of this airworthiness directive and every 50 hours' time in service thereafter.

To preclude the possibility of impairing the structural integrity of the main rotor mast P/N 104-1, due to corrosion, accomplish the following:

a. Remove mast plug P/N 151-18.

b. Visually inspect the inner bore surface over the entire length of main rotor mast for presence of rust or corrosion using a light and mirror. The presence of any rust or corrosion which cannot be removed with a lint free cloth is cause for removal of the transmission assembly.

c. Prior to reinstallation or replacement, accomplish the 1,200-hour interval inspection in accordance with Brantly Maintenance Manual, section 1.8.7.

d. If the main rotor mast is free or can be freed of rust or corrosion following the inspection noted in paragraph (b), apply a thin film of Socony Avrex 901 or Esso Rust-Ban 626 preservative type lubricating oil to the entire length of the inner bore surface. Reinstall the mast plug with a new "O" ring packing P/N AN 6227-626. Install the plug and retain it in place with the same clevis pin, P/N AN 393-11 that retains hub retaining nut, P/N 150-1. Secure the clevis pin by installing washer, P/N AN 960-10L and cotter pin, P/N AN 380-2-1.

e. Safety wire bolt, P/N 151-8 to hub retaining nut.

f. Upon submission of substantiating data by an owner or operator through an FAA Maintenance Inspector, Chief, Engineering & Manufacturing Branch, FAA, Eastern Region, may adjust the repetitive inspection interval specified in this airworthiness directive. Equivalent inspections must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

This amendment is effective August 19, 1971.

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

Issued in Jamaica, N.Y., on August 4, 1971.

WALTER D. KIES,
Acting Director, Eastern Region.

[FR Doc.71-11737 Filed 8-13-71;8:46 am]

[Airspace Docket No. 71-AL-7]

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

Revocation of Federal Airway

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke Blue Federal airway No. 80.

Blue Federal airway No. 80 is presently designated from the Darby, Alaska, intersection via the south course of the Moses Point, Alaska, radio range to Moses Point. The Moses Point radio range is scheduled to be converted to a nondirectional radio beacon and will be relocated to a site near Norton Bay, Alaska. The Moses Point Airport for which this airway serves will no longer be maintained or attended, thereby obviating the retention of this airway as a continued assignment of airspace.

In addition, the latest FAA peak day IFR airway traffic survey shows no aircraft operation on the airway and the airway is no longer required for air traffic control purposes. Accordingly, action is taken herein to revoke B-80 airway.

Since this amendment restores airspace to the general public and relieves an assignment of airspace for IFR operation, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

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

In § 71.109 (36 F.R. 2008) "B-80" is revoked.

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

Issued in Washington, D.C., on August 9, 1971.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-11749 Filed 8-13-71;8:46 am]

[Airspace Docket No. 71-CE-25]

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

Alteration of Federal Airway

On July 13, 1971, F.R. Doc. 71-9812 was published in the FEDERAL REGISTER (36 F.R. 13029). This document will, in part, change the description of several VOR Federal airway segments based on the Northbrook, Ill., VORTAC. The description of V-215 will be changed when the Northbrook VORTAC is relocated and should have been included in Item 1 of the document. Action is taken herein to include V-215.

Since this amendment is minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, effective upon publication in the FEDERAL REGISTER (8-14-71), F.R. Doc. 71-9812 (36 F.R. 13029) is amended as hereinafter set forth.

In Item 1. the following is added: d. In V-215 the phrase "Pullman, Mich., 259° radials;" is deleted and the phrase "Pullman, Mich., 261° radials;" is substituted therefor.

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

Issued in Washington, D.C., on August 9, 1971.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-11748 Filed 8-13-71;8:46 am]

Subchapter F—Air Traffic and General Operating Rules

[Reg. Docket No. 11241, Amdt. 95-209]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

Correction

In F.R. Doc. 71-10429 appearing at page 13831 in the issue for Tuesday, July 27, 1971, in the amendment to § 95.102 *Amber Federal airway 2*, the reference to "*9,000" should read "*9,400".

[Docket No. 11312; Amdt. 769]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAP's) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAP's for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets for the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 F.R. 5609).

SIAP's are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20590. Copies of SIAP's adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAP's may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, DC 20590, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAP's, effective September 9, 1971:

New York, N.Y.—John F. Kennedy International Airport; VOR Runway 22L, Amdt. 15; Revised.
Orlando, Fla.—Herndon Airport; VOR Runway 13, Amdt. 4; Revised.
Orlando, Fla.—Herndon Airport; VOR Runway 31, Amdt. 5; Revised.
Starkville, Miss.—Oktibbeha Airport; VOR-A, Amdt. 4; Revised.

2. Section 97.25 is amended by establishing, revising, or canceling the following LOC-LDA SIAP's, effective September 9, 1971:

Orlando, Fla.—Herndon Airport; LOC (BC) Runway 25, Amdt. 7; Revised.

3. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAP's, effective August 5, 1971:

Duluth, Minn.—Duluth International Airport; NDB Runway 9, Amdt. 11; Revised.

4. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAP's, effective September 9, 1971:

Columbus, Ohio—Ohio State University Airport; NDB Runway 27, Original; Established.
Louisville, Miss.—Louisville Winston County Airport; NDB-A, Amdt. 1; Revised.
Orlando, Fla.—Herndon Airport; NDB Runway 7, Amdt. 5; Revised.

5. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's, effective August 26, 1971:

Boston, Mass.—Gen. Edward Lawrence Logan International Airport; ILS Runway 15R, Original; Established.

6. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's, effective September 9, 1971:

Orlando, Fla.—Herndon Airport; ILS Runway 7, Amdt. 8; Revised.

7. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAP's, effective September 9, 1971:

Orlando, Fla.—Herndon Airport; RADAR-1, Amdt. 10; Revised.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958, 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c), 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on August 6, 1971.

JAMES F. RUDOLPH,
Director,
Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 F.R. 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.71-11700 Filed 8-13-71;8:45 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Releases Nos. 34-9250, IC-6620, AS-120]

PART 249—ANNUAL REPORT OF REGISTERED MANAGEMENT INVESTMENT COMPANY UNDER THE INVESTMENT COMPANY ACT OF 1940 AND THE SECURITIES EXCHANGE ACT OF 1934

PART 274—ANNUAL REPORT OF REGISTERED MANAGEMENT INVESTMENT COMPANY UNDER THE INVESTMENT COMPANY ACT OF 1940 AND THE SECURITIES EXCHANGE ACT OF 1934

Annual Report Form for Management Investment Companies

Notice is hereby given that the Securities and Exchange Commission has adopted certain revisions of Form N-1R (17 CFR 249.330, 274.101) for annual reports of most registered management investment companies and has withdrawn its proposal to amend Rule 30a-1. Notices of the proposed revisions were published in Investment Company Act Releases Nos. 6284, on December 16, 1970, and 6349 on February 16, 1971 (35 F.R. 19525, 36 F.R. 4070), in which interested persons were invited to submit written statements of their views and comments.

The revisions of Form N-1R require more explicit information with respect to the registration of investment company shares; the processing of orders for sales, redemptions, and purchases of such shares; and investment company portfolio transactions generally and in "restricted securities." Information relating to the status of shareholder accounts and the processing of shareholder inquiries is also required. The Opinion of the Independent Public Account filed with the annual report on Form N-1R is required to include comments upon any material inadequacies in the accounting system and the system of internal accounting control of the investment company and any corrective action taken or proposed.

Revisions of Form N-1R. Form N-1R, a comprehensive form for annual reports filed by management investment companies, was adopted January 25, 1965 (Investment Company Act Release No. 4151) (30 F.R. 2136). It was designed to assist the Commission materially in its inspection program and to achieve a substantial degree of self-inspection by laying before persons responsible for the management and operations of an investment company information which would assist them in determining more readily whether the investment company is in fact complying with the statutory standard and requirements of the Act and rules thereunder.

When Form N-1R was adopted, the Commission recognized that it might require further revision and supplementation in the future. It therefore directed its Division of Corporate Regulation, in light of experience with the revised form, to bring to its attention any special problems encountered in the reports filed on this form. The Division recommended that those items of the form designed to provide information about the issuance and redemption of investment company shares, Item 1.07, Issuance and Redemption of Securities (sections 22(g) and 23); Item 2.23, Procedures Followed upon Receipt of Orders for Purchase, Repurchase, or Redemption of Registrant's Shares; Item 2.24, Time Lapse between Sales of Shares of, and Receipt of Proceeds by, Registrant; Item 2.25, Suspension or Postponement of Right of Redemption (section 22(e)); and the item relating to "restricted securities", Item 1.27, Holdings of "Restricted Securities" Other Than Straight Debt Securities; be revised as indicated below to provide more specific information and better serve the purposes for which Form N-1R was designed. The Division also recommended that three new items be added, Item 2.30, Portfolio Transactions Not Settled by Specified Settlement Dates; Item 2.31, Correspondence Received by Registrant Relating to Shareholder Accounts; and Item 2.32, Confirmations and Statements of Shareholder's Accounts; to assist the Commission more effectively in its inspection program and to aid investment company management in preventing and detecting potential back-office problems.

The above revisions and additional items of Form N-1R were proposed by the Commission in its notice of December 16, 1970. In addition, the Commission's notice of February 16, 1971, proposes the use in Item 1.27 of the EDP attachments to Form N-1R (in addition to the use in certain other Commission reporting forms) of securities identification numbers assigned by the system developed under the sponsorship of the Committee on Uniform Security Identification Procedures (CUSIP) of the American Bankers Association.

The Commission has considered the written comments received on the proposed revisions of Form N-1R and has adopted a number of the comments which suggested changes in the revisions of the form as they were proposed. It has also withdrawn the proposed amendment to Rule 30a-1 which would have reduced the time for filing annual reports on Form N-1R from 120 to 90 days.

Meanwhile, the text of the items and related instructions as adopted, with the new matter underlined and deleted matter bracketed, is set forth in Release No. IC-6620, copies of which have been filed with the Office of the Federal Register and additional copies of such release are

available on request from the Securities and Exchange Commission, Washington, D.C. 20549. The revisions of the form are to be effective for all fiscal years ending on or after December 31, 1971.

A copy of the revised items of Form N-1R and of the Opinion of the Independent Public Accountant is filed with the Office of the Federal Register.

Commission action. The Commission, acting pursuant to sections 30, 31, 38(a), and 45(a) of the Investment Company Act of 1940 and sections 13, 15(d), 23(a), and 24 of the Securities Exchange Act of 1934, and deeming it necessary to the functions vested in it, and necessary and appropriate in the public interest and for the protection of investors, hereby adopts the above revisions of Form N-1R, including EDP attachments, effective for all fiscal years ending on or after December 31, 1971.[1]

Proposed amendment to § 270.30a-1 to require investment company annual reports to be filed not more than 90 days after the close of the registrant's fiscal year, which was described in Releases Nos. IC-6284, 34-9024, published at 35 F.R. 19526 is hereby withdrawn.

(Sec. 30, 54 Stat. 836, 15 U.S.C. 80a-29; sec. 31, 54 Stat. 838, 15 U.S.C. 80a-30; sec. 38, 54 Stat. 841, 15 U.S.C. 80a-37; sec. 45, 54 Stat. 845, 15 U.S.C. 80a-44; sec. 13, 48 Stat. 849, 15 U.S.C. 78m; sec. 15, 48 Stat. 895, 15 U.S.C. 78o; sec. 17, 48 Stat. 897, 15 U.S.C. 78q; sec. 19, 48 Stat. 898, 15 U.S.C. 78s; and sec. 23, 48 Stat. 901, 15 U.S.C. 78w)

By the Commission, July 13, 1971.

[SEAL] RONALD F. HUNT,
Acting Associate Secretary.

[FR Doc.71-11767 Filed 8-13-71;8:48 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 71-211]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Supplies and Equipment for Aircraft

In accordance with section 309(d), Tariff Act of 1930, as amended (19 U.S.C. 1309(d)), the Department of Commerce has found and under date of July 6, 1971, has advised the Treasury Department that, except for ground equipment, Netherlands Antilles allows privileges to aircraft registered in the United States and engaged in foreign trade substantially reciprocal to those provided for in sections 309 and 317 of the Tariff Act of 1930, as amended (19 U.S.C. 1309, 1317). Corresponding privileges are accordingly extended to aircraft registered in Netherlands Antilles and engaged in foreign trade effective as of the date of such notification.

Accordingly, paragraph (f) of § 10.59, Customs Regulations, is amended by the insertion of "Netherlands Antilles" in appropriate alphabetical order, the number of this Treasury decision in the opposite column headed "Treasury Decision(s)" and the wording "Not applicable to ground equipment" opposite Netherlands Antilles" in the column headed "Exceptions, if any as noted" in the list of nations in that paragraph.

(Secs. 309, 317, 624, 46 Stat. 690, as amended, 696, as amended, 759; 19 U.S.C. 1309, 1317, 1624)

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

Approved: August 4, 1971.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-11780 Filed 8-13-71;8:49 am]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Directive No. 18-71]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Appendix to Subpart Y—Redelegation of Authority To Compromise and Close Civil Claims

CIVIL DIVISION

DELEGATION OF AUTHORITY WITH RESPECT TO THE COMPROMISE AND CLOSING OF LITIGATION

JULY 13, 1971.

By virtue of the authority vested in me by Part 0 of Title 28 of the Code of Federal Regulations, particularly §§ 0.45, 0.46, 0.160, 0.162, 0.164, 0.166, and 0.168, it is hereby ordered as follows:

SECTION 1. *Delegation of authority to Section Chiefs, Chiefs of Units and Attorneys in Charge of Field Offices.* Authority delegated to the Assistant Attorney General in charge of the Civil Division to accept or reject offers in compromise, or to close claims other than by compromise or entry of judgment is hereby redelegated, in part, to the several Section and Unit Chiefs and to the Attorneys in Charge of Field Offices, of the Civil Division as follows (subject to the exceptions set forth in section 2 of this directive):

(1) *Section Chiefs and Chiefs of Units.* In all cases against the Government in which the amount to be paid by the Government pursuant to the offer, and in all cases involving claims asserted by the Government in which the amount demanded by the Government, does not exceed $50,000, exclusive of interests and costs.

(2) *Attorneys in Charge of Field Offices.* In all cases against the Government in which the amount to be paid by the Government pursuant to the offer, and in all cases involving claims asserted by the Government in which the amount demanded by the Government, does not exceed $10,000, exclusive of interests and costs.

(3) *Closings.* Section Chiefs, Unit Chiefs, and Attorneys in Charge of Field Offices may close claims asserted by the Government in which the gross amount demanded falls within the sums of the respective delegations herein.

SEC. 2. *Exceptions.* (a) In any case in which any of the following-described conditions exist all offers in compromise, whether asserted against or on behalf of the Government, must be presented to the Assistant Attorney General for his consideration:

(1) Whenever the agency or agencies involved oppose the settlement;

(2) Whenever a new precedent or a new point of law is involved;

(3) Whenever in the opinion of the Section Chief, the Unit Chief or the Attorney in Charge of the Field Office, as the case may be, a question of policy is or may be involved;

(4) Whenever the U.S. attorney has requested reconsideration of a compromise offer previously recommended by him and rejected;

(5) Whenever the total amount involved in other claims arising out of the same transaction exceeds the sum covered by the delegation; and

(6) Whenever, for any reason, the compromise of a particular claim, as a practical matter, will control the disposition of related claims totaling an amount in excess of the sum covered by the delegation.

(b) In any case in which any of the following-described conditions exist, the closing of a claim asserted by the Government must be presented to the Assistant Attorney General for his consideration.

(1) Whenever, for any reason, the closing of a particular claim, as a practical matter, will control or adversely influence the disposition of other claims the total amounts of which exceed the sum covered by the delegation;

(2) Whenever, in the opinion of the Section Chief, Unit Chiefs, or the Attorneys in Charge of Field Offices as the case may be, that because of a question of law or policy, or because of opposition to closing by the agency or agencies involved, or for any other reason, the proposed closing should receive the personal attention of the Assistant Attorney General.

SEC. 3. *Record of action.* (a) In each case in which a compromise has been accepted or rejected by a Section Chief, Unit Chief, or Attorney in Charge of a Field Office pursuant to the authority delegated to him by this directive, a memorandum shall be prepared for the files which shall include:

(1) A statement of the offer;

(2) A statement of the action taken; and

[1] Copies of the complete Form N-1R and attachments as revised will be printed and mailed to all registered investment companies, and made available to other persons upon request, following Commission action on a pending proposal (Investment Company Act Release No. 6522, May 4, 1971) 36 F.R. 9668, for additional revision of the form to reflect changes in reporting by reason of the Investment Company Amendments Act of 1970.

(3) A full statement of the reasons for the action taken.

(b) In each case in which a claim has been closed by a Section Chief, Unit Chief, or Attorney in Charge of a Field Office pursuant to authority delegated to him by this directive, a memorandum shall be prepared for the file containing a full statement of the reasons for the action taken.

(c) In each case in which a compromise has been accepted or rejected or a case in which a claim has been closed by a Section Chief or Unit Chief pursuant to the authority delegated to him by this directive, involving an amount not less than $20,000, a copy of the file memorandum shall be sent to the Assistant Attorney General.

SEC. 4. *Necessity for submission to agency involved.* (a) No offer in compromise, either of a claim asserted against or a claim asserted on behalf of the Government, shall be finally acted upon pursuant to the authority delegated by this directive without first obtaining the views of the agency or agencies involved, except in cases in which no question of policy of interest to the agency or agencies involved, is present and one of the following-described conditions exists:

(1) The amount of the claim asserted on behalf of the Government, or the amount to be paid in satisfaction of the claim against the Government, does not exceed $5,000; or

(2) The compromise is based solely upon uncollectibility of the full amount of a claim asserted on behalf of the United States; or

(3) The compromise is one within the scope of section 784(1) of title 38 of the United States Code.

(b) No claim shall be closed pursuant to the authority delegated by this directive without first obtaining the views of the agency or agencies involved.

SEC. 5. *Counteroffers by the Government.* The delegations of authority made by this directive to compromise include the authority to make counteroffers in situations in which the making of a counteroffer seems appropriate and might accelerate disposition of the case.

SEC. 6. *Recommendations for compromise or closings submitted for approval of the Assistant Attorney General.* All recommendations for acceptance or rejection of compromise offers or closings which require the approval of either the Attorney General or the Assistant Attorney General shall be prepared in conformity with the format prescribed for that purpose.

SEC. 7. *Prior directive superseded.* Civil Division Directive No. 3-68, published September 6, 1968, is hereby superseded.

SEC. 8. *Effective date.* The provisions of this directive shall be effective upon the date of the publication of this directive in the FEDERAL REGISTER (8-13-71).

Dated: July 13, 1971.

L. PATRICK GRAY III,
Assistant Attorney General.

Approved: August 7, 1971.

JOHN N. MITCHELL,
Attorney General.

[FR Doc.71-11769 Filed 8-13-71;8:48 am]

[Directive No. 13; Supplement 1]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Appendix to Subpart R—Bureau of Narcotics and Dangerous Drugs

DELEGATION OF ADDITIONAL AUTHORITY

Under the authority delegated by the Attorney General pursuant to Order 450-71, 36 F.R. 981, regarding delegating functions under the "Comprehensive Drug Abuse Prevention and Control Act of 1970" (hereinafter referred to as the Act) and Part 0 of Title 28 of the Code of Federal Regulations, the appendix to Subpart R (§§ 0.100 and 1.101), Directive No. 13 (35 F.R. 18468, Dec. 4, 1970) is hereby supplemented by amending paragraph (2) to read as follows:

BUREAU AGENTS

DELEGATION OF ADDITIONAL AUTHORITY

* * * * *

(2) All Regional Directors, or in their absences, the respective Deputy Regional Directors, and the Chief Inspector, or in his absence the Deputy Chief Inspector, may sign and issue subpenas under section 506 of the Act, except that subpenas issued pursuant to an enforcement proceeding under section 513 of the Act must be issued pursuant to approval of the Office of Chief Counsel.

* * * * *

Dated: August 10, 1971.

JOHN FINLATOR,
Acting Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.71-11823 Filed 8-13-71;8:53 am]

[Order 465-71]

PART 21—WITNESS FEES

Travel Expenses of Federal Employees Serving as Witnesses

Section 5751 of title 5 of the United States Code (added by section 4 of Public Law 91-563) extended the existing authority relating to travel expenses for an employee of the United States when summoned, or assigned by his agency, to testify or to produce official records on behalf of the United States, to include situations when summoned, or assigned by his agency, to testify in his official capacity or to produce official records on behalf of a party other than the United States. Section 5751 of title 5 replaced section 1823 of title 28 of the United States Code.

By virtue of the authority vested in me by section 5751 of title 5 of the United States Code, section 30 of the Act of June 6, 1900, 31 Stat. 332, and section 23(c) of the Alaska Omnibus Act, 73 Stat. 147, Chapter I of Title 28 of the Code of Federal Regulations is revised by revoking § 21.2 and changing §§ 21.1 and 21.3(e) to read as follows:

§ 21.1 Employees of the United States serving as witnesses.

(a) *Applicability.* This section applies to employees of the United States as defined by 5 U.S.C. 2105, except those whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives.

(b) *Entitlement to travel expenses.* (1) An employee is entitled to travel expenses in connection with any judicial or agency proceeding with respect to which he is summoned (and is authorized by his agency to respond to such summons), or is assigned by his agency: (i) To testify or produce official records on behalf of the United States, or (ii) to testify in his official capacity or produce official records on behalf of a party other than the United States.

(2) The term "judicial proceeding" as used in this section means any action, suit, or other judicial proceeding, including any condemnation, preliminary, informational, or other proceeding of a judicial nature. Examples of the latter include hearings and conferences before a committing court, magistrate, or commission, grand jury proceedings, and coroners' inquests. It also includes informational proceedings such as hearings and conferences conducted by a prosecuting attorney for the purpose of determining whether an information or charge should be made in a particular case. The judicial proceeding may be in the District of Columbia, a State, Territory, or possession of the United States including the Commonwealth of Puerto Rico, the Canal Zone, or the Trust Territory of the Pacific Islands.

(3) The term "agency proceeding" means an agency process as defined by paragraphs (5), (7), and (9) of 5 U.S.C. 551. The word "summoned" as used in this section means an official request, invitation, or call, evidenced by an official writing of the court, authority, or party responsible for the conduct of the proceeding.

(c) *Allowable travel expenses.* An employee qualifying for payment of travel expenses shall be paid at rates and in amounts allowable for other purposes under the provisions of 5 U.S.C. 5701-5708 and applicable regulations prescribed thereunder by the Office of Management and Budget and the employing agency; except, however, to the extent that travel expenses are paid to the employee for his appearance by the court, authority, or party which caused him to be summoned as a witness on behalf of a party other than the United States.

(d) *Payment and reimbursement.* If the employee serves as a witness on behalf of the United States, and the case involves the activity in connection with which he is employed, the travel expenses are paid from the appropriation otherwise available for travel expenses of the employee under proper certification by a certifying official of the agency concerned. If the case does not involve its activity, the employing agency may advance or pay the travel expenses of the employee, and later obtain reimbursement from the agency properly chargeable with the travel expenses by submitting to the latter an appropriate bill

together with a copy of the employee's approval travel voucher. If an employee serves as a witness to testify in his official capacity or produce official records on behalf of a party other than the United States, allowable travel expenses hereunder shall be paid by the employing agency from the appropriation otherwise available for travel expenses of the employee under proper certification by a certifying official.

§ 21.2 [Revoked]

§ 21.3 Fees and allowances of witnesses in the District of Alaska.

* * * * *

(e) An employee of the United States summoned or assigned to testify or produce official records on behalf of the United States, or to testify in his official capacity or produce official records on behalf of a party other than the United States, in any judicial or agency proceeding in Alaska shall be entitled to expenses as provided by § 21.1."

* * * * *

This order shall become effective on the date of its publication in the FEDERAL REGISTER (8-14-71). Order No. 424-70 of January 12, 1970, is hereby superseded.

Dated: August 6, 1971.

JOHN N. MITCHELL,
Attorney General.

[FR Doc.71-11768 Filed 8-13-71;8:48 am]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 55—GRANTS UNDER THE EMERGENCY EMPLOYMENT ACT OF 1971

Subtitle A of Title 29, Code of Federal Regulations, is hereby amended by adding thereto a new part designated Part 55. The new Part 55 sets forth the regulations of the Secretary of Labor for making grants under the Emergency Employment Act of 1971 (Public Law 92-54).

The Emergency Employment Act of 1971 was designed to increase employment and was made effective by Congress on an emergency basis. The effective implementation of this Act is not possible without regulations to enable the intended recipients of Federal financial assistance to know the requirements and how to proceed. Compliance with the notice and public procedure requirements of 5 U.S.C. 553 would involve a delay in making available the assistance provided by this Act; we find that under the circumstances such delay would be impracticable and contrary to the public interest. Accordingly the new Part 55 shall be effective upon publication in the FEDERAL REGISTER.

It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the provisions of 5 U.S.C. 553. See 29 CFR 2.7 published in the July 10, 1971 FEDERAL REGISTER, 36 F.R. 12976. In accordance with the spirit of the public policy set forth in the above mentioned section, interested parties may submit written comments, suggestions, data, or arguments to the Assistant Secretary for Manpower, U.S. Department of Labor, Washington, D.C. 20210, within 45 days of the publication of the regulations contained in this part. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. Until it is revised, however, it shall remain effective, thus permitting the public business to proceed expeditiously.

The new Part 55 reads as follows:

Subpart A—Application for and Requirements of Grants

Sec.
55.1 Definitions.
55.2 Purpose and scope.
55.3 Application for grants.
55.4 Use of funds by Program Agents.
55.5 Employing agencies.
55.6 Assurances.
55.7 Selection of participants.
55.10 Comments by units of general government or labor organizations.
55.11 Action upon application.
55.15 Use of Federal funds.
55.16 Non-Federal share.
55.17 Records, financial reports, and audits.
55.18 Reports of effectiveness.
55.19 Participant compensation and working conditions.
55.20 Nondiscrimination.
55.25 Adjustments in payments.
55.26 Termination of grant.

AUTHORITY: The provisions of this Part 55 are issued under sec. 12(e) of the Emergency Employment Act of 1971, 85 Stat 154.

§ 55.1 Definitions.

As used in this part and in grant instruments entered into pursuant to this part:

(a) "The Act" means the Emergency Employment Act of 1971.

(b) "Compensation" means the wages or salary payable to any participant, but does not include fringe benefits or supportive services provided to him.

(c) "Eligible Applicant" means any unit of Federal, State, or general local government, or any public agency or institution which is a subdivision or consortium of Federal, State, or general local government, or an Indian tribe on a Federal or State reservation, or combination of such tribes. For purposes of this definition, a public agency or institution is deemed to be a subdivision of State or local government even if it is not directly responsible to such unit of government.

(d) "Employing Agency" means any eligible applicant which has been designated by a Program Agent or the Secretary to employ participants with funds granted pursuant to this act.

(e) "Health Care" includes, but is not limited to, preventive and clinical medical treatment, voluntary family planning services, nutrition services, and appropriate psychiatric, psychological, and prosthetic services.

(f) "Initial funding" refers to grants under the Act which have been designated by the Secretary as primarily for the purpose of enabling the Program Agent to plan its program and to pay compensation to initial participants.

(g) "Participant" means any unemployed or underemployed person selected for employment under this act in accordance with § 55.7.

(h) "Poverty level" means the minimum income required for a family to live out of poverty, as determined in accordance with criteria established by the Director of the Office of Management and Budget. Copies of the current poverty level index are available from the Manpower Administration of the Department of Labor.

(i) "Professional work" means work performed by an individual acting in a bona fide professional capacity, as such term is used in section 13(a)(1) of the Fair Labor Standards Act and defined in § 541.3 of this title.

(j) "Program Agent" means an eligible applicant which has been designated by the Secretary for requesting, receiving and administering funds pursuant to the act.

(k) "Public Service" includes, but is not limited to, work in such fields as environmental quality, health care, education, public safety, crime prevention and control, manpower services, prison rehabilitation, transportation, recreation, maintenance of parks, streets and other public facilities, solid waste removal, pollution control, housing and neigborhood improvements, rural development, conservation, beautification, and other fields of human betterment and community improvement.

(l) "Secretary" means the Secretary of Labor, or his authorized representative.

(m) "Special Veteran" means an individual who served in the Armed Forces in Indochina or Korea, including the waters adjacent thereto, on or after August 5, 1964, and who received other than a dishonorable discharge.

(n) "Subagent" or "subgrantee" means an employing agency that receives a subgrant from a Program Agent.

(o) "Supportive services" are services which are designed to contribute to the employability of participants, enhance their employment opportunities, and facilitate their movement into permanent employment not subsidized under the Act. They may include child care.

(p) "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(q) "Unemployed Persons" means—

(1) a person who is without a job and who wants and is available for work. An individual shall be deemed to meet this qualification if he has been without work for 1 week or longer and has made specific efforts to find a job within the past 4 weeks, but is not waiting to be called back to a job from which he has been laid off, expecting to report to a new job within the next 30 days or not working because of a strike or lockout at his usual place of employment, or

(2) a person who is 18 years of age or older, and a recipient of money payments pursuant to a State plan approved under the public assistance titles of the Social Security Act or a person whose income, resources, or need are counted with that of such a recipient for determining public assistance entitlement, and whose need does not arise from a strike or lockout at his usual place of employment, and who (i) has been without work for 1 week or longer and (*a*) is an unemployed father receiving assistance under title IV, Part A of the Social Security Act (as defined in 45 CFR 233.100(a)(1)), (*b*) is referred for work by the State or local welfare agency, or (*c*) volunteers for work; or (ii) is working in a job providing insufficient income to enable him and his family to be self-supporting without welfare assistance.

(r) "Underemployed person" means—

(1) A person who is working part time for an employer other than the Program Agent or a designated employing agency and seeking full-time work; or

(2) A person who is working full-time for an employer other than the Program Agent or a designated employing agency and whose wages, when added to the other income of adults 16 and over in their immediate families living in the same household, are below the poverty level.

§ 55.2 Purpose and scope.

This part contains the policies, rules, and regulations of the Department of Labor in implementing and administering the Emergency Employment Act of 1971 (Public Law 92-54, 85 Stat. 146):

(a) Under the Act the Secretary of Labor provides financial assistance to public employers to be used to provide unemployed and underemployed persons with transitional employment in jobs providing needed public services during times of high unemployment, and, where appropriate, training and manpower services related to such employment which are otherwise unavailable and which will enable such persons to move into employment or training not supported under the Act. Programs assisted under the Act are intended to develop new careers, provide opportunities for career advancement, provide opportunities for continued training, including on-the-job training, and provide transitional public service employment which will enable the individuals so employed to move into public or private employment or training not supported under the Act.

(b) This part sets forth the requirements for applying for such financial assistance; the assurances and other conditions required of the applicant; standards for selection of participants, requirements for assuring priorities for unemployed and underemployed persons who served in the Armed Forces in Indochina or Korea on or after August 5, 1964, and for other specified segments of the unemployed and underemployed population; the policies for reviewing grant applications and acting upon them; requirements for use of Federal funds and for non-Federal share; the requirements for allocation of funds by grantees within the jurisdiction of each; requirements as to compensation and working conditions of persons employed under the Act; recordkeeping and reporting requirements; the bases upon which financial assistance may be denied, terminated or withheld, or restitution required; and other pertinent conditions and standards.

§ 55.3 Applications for grants.

Only a Program Agent designated by the Secretary and acting through its chief elected officer or his designee, or in the case of a combination of units, the officer designated by such combination of units, may submit an application for a grant. Except as waived by the Secretary re initial funding, the application shall include a budget, a commitment by the Program Agent to comply with the requirements of the Act, the regulations, and the grant conditions, and such information as the Secretary shall request. The information provided shall demonstrate the validity of the assurances made by the Program Agent as required by § 55.6 and except as may be waived by the Secretary with respect to initial funding shall include the following:

(a) A description of the area to be served by the program proposed by the Program Agent, a plan for effectively serving on an equitable basis the significant segments of the population residing in the area, and including data indicating the number, income and employment status of potential participants living therein.

(b) A description of unmet public service needs in the area served by the Program Agent and a statement of priorities among such needs.

(c) A list of the occupational fields in which public service employees will be placed and a statement of the reasons the Program Agent expects these fields to expand (in either the public or private sector) as unemployment recedes.

(d) A description of jobs to be filled, a listing of the major kinds of work to be performed and skills to be acquired, and the approximate duration for which participants would be assigned to such jobs.

(e) A description of the methods to be used to recruit, select, and orient participants, including specific eligibility criteria, and programs to prepare the participants for their job responsibilities.

(f) A description of career opportunities and job advancement potentialities for participants.

(g) A statement of the range of the compensation to be paid to participants and a comparison with the compensation paid for similar public occupations by the same employer.

(h) The plans the Program Agent will make to assist the participants to find permanent employment, including a description of the plans of the employing agency to absorb participants into its own regular staff.

(i) A description of the education, training, and supportive services (including counseling and health care services) which will be provided participants, and the source of funds which will be used to pay for such services. Linkages with upgrading and other manpower services required under § 55.6(h), which have been made should be indicated.

(j) The planning for and training of supervisory personnel in working with participants.

(k) If the Program Agent proposes that funds be used to pay for work which has been performed at any time during the past 6 months, or fill jobs which have been vacant for less than 6 months prior to the filing of the application for a grant with which to fill it, the Program Agent will submit clear evidence to show that without assistance under this Act the work would not be performed at Federal, State or local expense, and that a determination by the Secretary to permit the grant to be used for such purpose would not result in the displacement or partial displacement of currently employed workers or impair existing contracts for services.

§ 55.4 Use of funds by the Program Agents.

(a) Program Agents must allocate funds equitably among county and city levels of government, including public agencies which are independent of supervision by such level of government. When selecting employing agencies they shall give due consideration to the size and severity of unemployment in a particular area, the number of public service jobs at each level of government, and the size of the population served by each unit of government. Where appropriate Federal and State agencies may also be made employing agencies.

(b) Program Agents and employing agencies may enter into contracts for necessary supportive or administrative services with public organizations and, except contracts for the employment of participants, with private organizations: *Provided*, Any such contract with a private organization for an amount in excess of $10,000 shall be approved by the Secretary.

§ 55.5 Employing agencies.

(a) Activities and services for which assistance is sought under this Act must be administered by or under the supervison of a Program Agent. Program Agents may designate any eligible applicant as an employing agency: *Provided however*, The Program Agent remains responsible for assuring compliance by such employing agency with the Act, the regulations and the grant conditions, except that (1) no State or local governmental unit or subdivision thereof will be held responsible for assuring compliance by the Federal government, and (2) no local governmental unit or subdivision thereof will be held responsible for assuring compliance by a State which has been designated by the Secretary to be the employing agency in the area of another Program Agent. In such case, the Federal or State government respectively shall remain responsible. The Secretary shall hold the responsible unit of government accountable for funds which are improperly expended, and may take

action to recover any such improperly expended funds in accordance with § 55.25.

(b) If the employing agency is another unit of government, the Program Agent may provide the funds through a subgrant.

(c) No agency or institution other than an eligible applicant may become an employing agency, except that public agencies which are combinations of Federal, State, or general local government or agencies thereof may qualify.

(d) Federal agencies acting as employing agencies may employ participants only in accordance with laws governing Federal employment. In the case of positions subject to the jurisdiction of the Civil Service Commission, employment of participants must be in accordance with applicable Commission regulations. However, employees of other employing agencies who are not Federal employees may perform work for a Federal agency if the agency gives its consent.

(e) Employing agencies may delegate authority to employ to other employing agencies: *Provided*, The unit of government responsible to the Secretary accepts responsibility pursuant to paragraph (a) of this section. Notice and an opportunity to review the agreement between the employing agency and its delegates shall be provided to the Secretary.

§ 55.6 Assurances.

The following commitments by the Program Agent must be part of the grant application. Failure to comply with them may lead to the withholding or denial of grant funds:

(a) Agreement by the Program Agent to give special consideration to the filling of jobs which provide sufficient prospects for advancement or suitable continued employment by providing complementary training and manpower services designed to (1) promote the advancement of participants to employment or training opportunities suitable to the individuals involved, whether in the public or private sector of the economy, (2) provide participants with skills for which there is an anticipated high demand, or (3) provide participants with self-development skills. Nothing contained in this paragraph shall be construed to preclude persons or programs for whom the foregoing goals are not feasible or appropriate.

(b) Agreement by the Program Agent that, to the extent feasible, public service jobs shall be provided in occupational fields which are most likely to expand within the public or private sector as the unemployment rate recedes.

(c) Agreement by the Program Agent to give due consideration to persons who have participated in manpower training programs for whom employment opportunities are not otherwise immediately available.

(d) Agreement by the Program Agent that it and the employing agencies responsible to it will have the goal of placing half of the participants in continuing positions with the Program Agent or employing agency financed from funds other than grant funds under the Act. The Program Agent and the employing agencies responsible to it shall utilize at least half the vacancies occurring in suitable occupations in such continuing positions for this purpose, except where this is prohibited by hiring practices required by law, regulation or collective bargaining agreement and the Program Agent or employing agency has submitted a statement explaining the prohibition.

(e) Agreement by the Program Agent that agencies and institutions to whom financial assistance will be made available under the Act will undertake analysis of job descriptions and a reevaluation of skill requirements at all levels of employment, including merit system requirements and practices relating thereto, in accordance with applicable guidelines issued by the U.S. Civil Service Commission.

(f) Agreement by the Program Agent that the program will, to the maximum extent feasible, contribute to the elimination of artificial barriers to employment and occupational advancement that restrict employment opportunities for the disadvantaged, in accordance with applicable guidelines issued by the U.S. Civil Service Commission.

(g) Agreement by the Program Agent that (1) in the event the Secretary or an appropriate agency designated by him advises after a periodic review of the program authorized under section 11(a) of the Act that the job in which a participant has been placed will not provide sufficient prospects for advancement or suitable continued employment, the Program Agent will make maximum efforts to locate employment or training opportunities providing such prospects, and that it will offer such a person appropriate assistance in securing placement in the opportunity he chooses after appropriate counseling, and (2) when the Secretary advises that the rate of national unemployment is receding toward 4.5 percent, or financial assistance will no longer be available for any other reason, the Program Agent or the employing agency will make maximum efforts to locate employment or training opportunities not supported under the Act for each participant, and will offer such a person appropriate assistance in securing placement in the opportunity which he chooses after appropriate counseling.

(h) Agreement that where appropriate the Program Agent will, and will require the employing agencies to, maintain or provide linkages with upgrading and other manpower programs for the purpose of (1) providing those persons employed in public service jobs under the Act who want to pursue work with the employer, in the same or similar work, with opportunities to do so and to find permanent, upwardly mobile careers in that field, and (2) providing those persons so employed, who do not wish to pursue permanent careers in such field, with opportunities to seek, prepare for, and obtain work in other fields.

(i) Agreement that (1) neither the Program Agent nor any person with responsibilities in the operation of the program will discriminate with respect to any employee of the program, or any participant or any applicant for participation in such program, because of race, creed, color, or national origin, sex, age, political affiliation, or beliefs, (2) no program under the Act will involve political activities and neither the program, the funds provided therefor, nor the personnel employed in the administration thereof, shall be, in any way or to any extent, engaged in the conduct of political activities in contravention of chapter 15 of title 5, of the United States Code, and (3) participants in the program will not be employed in the construction, operation or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship.

§ 55.7 Selection of participants.

(a) All persons employed pursuant to this Act, shall be participants, except for necessary supervisory, and full-time technical and administrative personnel who may be selected from participants or others.

(b) Priority shall be given to the unemployed over the underemployed.

(c) Each Program Agent shall be responsible for assuring (1) that participants will be chosen on an equitable basis, in accordance with the purposes of the Act, from among significant segments of the population in the area of unemployed and underemployed persons, and (2) that preference will be given to unemployed and underemployed persons who are any one or more of the following (not necessarily in this order):" (i) special veterans; (ii) young persons 18 years and older entering the labor force; (iii) 45 years of age or over; (iv) migrant farmworkers; (v) persons whose native tongue is not English and whose ability to speak English is limited; (vi) persons from families with incomes below the poverty level or welfare recipients; (vii) persons who have become unemployed or underemployed as a result of technological change or whose most recent employment was with Federal contractors who have cut back in employment because of shifts in Federal expenditure, such as in the defense, aerospace or construction industries; or (viii) others who come from socioeconomic backgrounds generally associated with substantial unemployment and underemployment.

(d) All job vacancies under the program, except those to which former employees are being recalled, shall be listed with the Employment Service at least 48 hours before such vacancies are filled during which period the Employment Service will first refer special veterans and secondarily other veterans of the Vietnam era. A list of such job openings will also be made available to any other public or private organizations or agencies, including veteran's organizations, for making them known to special veterans.

(e) Participants whose most recent employment was with the Program

Agent or any employing agency receiving financial assistance through the Program Agent must have been unemployed for 30 days or longer prior to being employed pursuant to the Act.

(f) Program Agents and employing agencies shall select all participants from among those eligible individuals who reside in the geographical area over which the Program Agent has jurisdiction. When a State government is given funds for expenditure within the geographic area of another Program Agent, the participants it selects must reside in that geographical area. This paragraph is subject to exceptions in individual cases provided the total number of participants residing in each Program Agent's area remains the same. This paragraph does not apply to individuals recalled to their former jobs.

§ 55.10 Comments by units of general government or labor organizations.

(a) Grant applications, except applications for initial funding, must be accompanied by:

(1) A statement that a copy of the application, except for initial funding, including the proposed distribution of funds, has been furnished to the Governor, and to the major units of general local government within the jurisdiction as listed, and a summary has been published in two newspapers of general circulation in the area for the benefit of other units of general local government. Notice to the Governor may be given in accordance with the procedures established under the Intergovernmental Cooperation Act of 1968. The published notice shall specify where the application may be examined in full, and invite comment to the Program Agent and/or the Secretary. Both actual and constructive notice shall state that consideration will be given only to comments received within the time period specified in paragraph (b) of this section.

(2) A summary of the application containing the information required in subparagraph (1) of this paragraph plus the date by which comments must be received has been sent to any labor organizations representing employees engaged in similar work in the same area as that proposed to be performed under any program to be funded under the application. For purposes of this section, "area" means that geographical area over which the employing agency exercises general political jurisdiction.

(3) The dates of actual notice and of notice by publication.

(4) A copy of any comments on the application submitted to the Program Agent by the Governor of the State, a unit of general local government, or any labor organization in response to an invitation under subparagraph (2) of this paragraph. Comments received after the application is submitted shall also be sent to the Secretary, and the application shall contain an assurance that they will be so forwarded.

(b) In making his determination whether or not to approve an application, the Secretary shall consider any comments by the Governor, a unit of general local government or a labor organization receiving notice under paragraph (a) (2) of this section, which is filed with him or with the Program Agent within 3 days of the date specified under paragraph (a) (3) of this section, or within 15 days of such date provided it has been preceded within 3 days of such date by a notice of intent to file.

§ 55.11 Action upon application.

(a) An application for a grant from funds made available under section 9(a) (1) of the Act will be approved if (1) the Program Agent has the legal capacity to operate the program proposed, (2) the aplication meets the requirements of the statute and of the regulations in this part, and (3) the amount requested is not larger than the amount apportioned to the Program Agent filing the application.

(b) The Program Agent shall be notified of action taken on the application. If the application is accepted, the Secretary will execute and forward a grant document, which together with the application, the grant conditions, any appendices, and the regulations in this part shall constitute the grant agreement. If the application is denied, a notice of denial will be sent to the Program Agent accompanied by a brief statement of the grounds for denial.

(c) In the event an application is not filed within the time prescribed by the Secretary or is denied, or a grant is terminated in whole or in part during a fiscal year, the Secretary may make provision for the funds released by such failure to file, denial or termination to be used by one or more alternative Program Agents in furtherance of the purposes of the Act.

§ 55.15 Use of Federal funds.

(a) Federal funds will be granted on the basis of program applications, and may be used to meet not more than 90 percent of the cost of the program unless the Secretary waives the requirement for non-Federal share pursuant to § 55.16 (d) of these regulations in this part.

(b) Such funds may be expended only for purposes (1) permitted under the provisions of Subpart 1–15.7 of Title 41 of the Code of Federal Regulations, entitled "Principles for Determining Costs Applicable to Grants and Contracts with State and Local Government," and (2) not barred under the remaining provisions of this part.

(c) Not less than 85 percent of the funds granted to a Program Agent, or the percent specified by the Secretary, shall be used for compensation and benefits to participants: *Provided*, That if initial funding is provided, the expenditures under such funding will be considered together with expenditures under a subsequent grant from funds apportioned under section 9(a) (1) of the Act for the same fiscal year for purposes of this paragraph.

(d) Federal funds granted under the Act shall not be used to pay—

(1) Compensation to any participant at a full-time rate higher than $12,000 a year plus fringe benefits to the extent they do not exceed those normally provided employees earning $12,000.

(2) Compensation for professional work to more than one-third of the participants, except that there is no maximum on the number of participating classroom teachers who may be paid from Federal funds. Additional exceptions may be made by the Secretary for good cause shown prior to the employment of such individuals.

(e) Federal funds shall not be used for acquisition, rental or leasing of supplies, equipment, materials or real property, whether these expenses are budgeted as direct costs, indirect costs, or overhead.

(f) Federal funds shall not be expended for work that would otherwise have been performed at Federal, State, or local expense, which will not result in an increase over the employment which would otherwise be available, which will result in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of nonovertime work or wages or employment benefits), or which will impair existing contracts for services.

§ 55.16 Non-Federal share.

(a) Non-Federal share may be provided in cash or in kind, fairly evaluated, including, but not limited to, plant, equipment or services.

(b) Non-Federal share must be expended for a purpose which is allowable under the provisions of Subpart 1–15.7 of Title 41 of the Code of Federal Regulations entitled "Principles for Determining Costs Applicable to Grants and Contracts with State and Local Governments."

(c) Non-Federal participation may be derived from a variety of sources, including newly appropriated funds and previously appropriated funds and the time of personnel used by the Program Agent or the employing agency for the program. Voluntary services or space donated to the grantee from private sources may not be included as non-Federal share unless specifically accepted by the Secretary. Grantee contributions derived from other Federal funds, whether in cash or in kind, may not be used for the non-Federal share, except (1) when specifically permitted by the law under which the other Federal funds were made available, or (2) when an agency of the Federal Government is the employing agency.

(d) The secretary may waive the requirement for non-Federal share if it would cause a serious hardship for the Program Agent or prevent participation in the program by the Program Agent or an employing agency.

§ 55.17 Records, financial reports and audits.

The Program Agent shall require each employing agency to, maintain such records and accounts, including records of property purchased with non-Federal share, and personnel and financial records, and submit such financial reports as are required by the

secretary to assure proper accounting for all program funds, including the non-Federal share. Such records and accounts shall be made available for audit purposes to the Department of Labor or the Comptroller General of the United States or any authorized representative of either, and shall be retained for 3 years after the expiration of the grant.

§ 55.18 Reports of effectiveness.

Program Agents shall submit periodic reports as required by the Secretary designed to measure the effectiveness of the program. In addition to any other requirements of the Secretary, such reports may be required to provide data on (a) the characteristics of participants, including age, sex, race, health, education level, and previous wage and employment experience; (b) their duration in employment situations, including information on the duration of employment of program participants for at least a year following termination of employment under the Act and comparable information on other employees or trainees of employing agencies; and (c) total dollar cost per participant, including a breakdown between the costs of wages, training, supportive services, fringe benefits, and administrative costs.

§ 55.19 Participant compensation and working conditions.

(a) Participants shall be paid wages or a salary at a rate which is not lower than whichever is the highest of (1) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938 if section 6(a)(1) of such Act applied to the participant and he were not exempt under section 13 thereof; (2) the State or local minimum wage for the most nearly comparable covered employment, or (3) the prevailing rate of pay for persons employed in similar public occupations by the same employer. In addition, participants shall receive the protection of the same workmen's compensation, health insurance, unemployment insurance, and other benefits as other employees of the employer similarly employed, and shall enjoy working conditions and promotional opportunities neither more nor less favorable than such other employees enjoy.

(b) No participant will be required or permitted to work in buildings or surroundings or under working conditions which are unsanitary or hazardous or dangerous to his health or safety. If specific standards applicable to the occupational health and safety of public employees in the jurisdiction of the Program Agent are promulgated under § 18 of the Occupational Safety and Health Act of 1970 (Public Law 91-596), such standards shall be applicable to participants.

(c) Every participant must be advised prior to entering upon employment of his rights and benefits in connection with his employment under the Act.

§ 55.20 Non-discrimination.

Any grant made pursuant to the Act is subject to Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), which provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Any such grant is also subject to the rules to implement Title VI which were issued by the Secretary of Labor with the approval of the President (29 CFR Part 31).

§ 55.25 Adjustments in payments.

(a) If any funds are expended by a Program Agent or an employing agency in violation of the Act, the regulations, or grant conditions, the Secretary may make necessary adjustments in payments to the Program Agent or the employing agency, if the Federal or State government, on account of such unauthorized or illegal expenditures. If the employing agency is the Federal or State government he may make adjustments in payments to the employing agency. He may draw back unexpended funds which have been made available in order to assure that they will be used in accordance with the purposes of the Act, or to prevent further unauthorized or illegal expenditures, and he may withhold funds otherwise payable under the Act in order to recover any amounts expended illegally or for unauthorized purposes in the current or immediately prior fiscal year. If no further payments would otherwise be made under the Act during the current or subsequent fiscal year, the Secretary may request a repayment of funds used for unauthorized or illegal expenditures, and within 30 days after receipt of such request such repayment shall be made.

(b) No action taken by the Government under paragraph (a) of this section shall entitle the grantee to reduce either salaries and wages or supportive services for any participant or to expend less during the effective period of the grant than those sums called for in his grant budget either for salaries and wages or for supportive services for participants. Any such reduction in expenditures may be deemed sufficient cause for termination under § 55.26.

§ 55.26 Termination of grant.

(a) If the Program Agent violates or permits an employing agency to violate, or if a unit of Federal or State government acting independently as employing agency, violates any provisions of the Act, the regulations, or grant terms or conditions which the Secretary has issued or shall subsequently issue during the period of the grant, the Secretary may terminate the grant in whole or in part unless the grantee causes such violation to be corrected within a period of 30 days after receipt of notice specifying the violation; or

(b) In his discretion the Secretary may terminate the grant in whole or in part.

(c) Termination shall be effected by a notice of termination which shall specify the extent of termination and the date upon which such termination becomes effective. Upon receipt of a notice of termination, the grantee shall: (1) Discontinue further commitments of grant funds to the extent that they relate to the terminated portion of the grant; (2) promptly cancel all subgrants, agreements, and contracts utilizing funds under this grant to the extent that they relate to the terminated portion of the grant; (3) settle, with the approval of the Secretary, all outstanding claims arising from such termination; (4) submit, within 6 months after the receipt of the notice of termination, a termination settlement proposal which shall include a final statement of all unreimbursed costs related to the terminated portion of the grant, but in case of terminations under paragraph (a) of this section will not include the cost of preparing a settlement proposal. Allowable costs shall be determined in accordance with § 55.15.

Signed at Washington, this 12th day of August 1971.

L. H. SILBERMAN,
Acting Secretary of Labor.

[FR Doc.71-11921 Filed 8-13-71;8:53 am]

Chapter XIII—Bureau of Labor Standards, Department of Labor

PART 1518—SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION

Light Residential Construction; Effective Date

Pursuant to authority in section 107 of the Contract Work Hours and Safety Standards Act, as amended (83 Stat. 96; 40 U.S.C. 333) and in Secretary's Order No. 12-71 (36 F.R. 8754), § 1518.1051 (36 F.R. 7410, April 17, 1971; 36 F.R. 8311, May 4, 1971) is hereby revised in order to provide a delay of about 6 weeks in the effective date provision of Part 1518 which is applicable to light residential construction. Under Part 1518, the construction safety standards would be applicable to light residential construction on August 15, 1971. The delay is in anticipation of the commencement of a rulemaking proceeding within that time concerning proposed rules now being drafted which would affect light residential construction and other construction.

The provisions of 5 U.S.C. 553 concerning notice of proposed rulemaking, public participation therein, and delay in effective date are not applicable by virtue of the exception in 5 U.S.C. 553(a) for matters relating to public property, loans, grants, benefits, or contracts.

Effective date. This revision shall become effective immediately.

As revised, § 1518.1051 reads as follows:

§ 1518.1051 Effective dates (specific).

(a) With respect to standards concerning brakes and fenders prescribed in § 1518.602, the rules contained therein specify the applicable effective dates.

(b) (1) To the extent that the standards in this part apply to light residential construction, their application is

delayed until September 27, 1971, whereupon the standards shall apply to contracts subject to the Contract Work Hours and Safety Standards Act which are advertised on or after that date and to such contracts which may be negotiated when the negotiations commence on or after that date.

(2) For the purpose of this paragraph, the term "light residential construction" is limited to the construction of homes and apartments which do not exceed three stories in height, and which do not have an elevator.

(Sec. 1, 83 Stat. 96, 97, adding sec. 107 to Public Law 87-581, 76 Stat. 357; 40 U.S.C. 333; Secretary's Order No. 12-71, 36 F.R. 8754)

Signed at Washington, D.C., this 11th day of August 1971.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.71-11821 Filed 8-13-71;8:53 am]

Chapter XVII—Occupational Safety and Health Administration, Department of Labor

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Light Residential Construction and Certain Other Construction; Effective Date

Pursuant to authority in sections 6(a) and 8(g) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1600; 29 U.S.C. 655, 657) and in Secretary's Order No. 12-71 (36 F.R. 8754), Part 1910 of Title 29, Code of Federal Regulations, is hereby amended by adding a new section, designated § 1910.17, to Subpart B. The new § 1910.17 delays for 1 month the application of the construction standards prescribed in § 1910.12 as they apply to light residential construction and any construction, alteration, or repair activities which are not subject to the construction safety standards published in 29 CFR Part 1518, but which are subject to the Williams-Steiger Occupational Safety and Health Act of 1970. The delay is in anticipation of the commencement of a rulemaking proceeding within the 1 month concerning proposed rules now being drafted which would affect light residential construction and other construction activities. The new section also codifies all effective date provisions applicable to Subpart B of Part 1910.

The provisions of 5 U.S.C. 553 concerning notice of proposed rulemaking, public participation therein, and delay in effective date are not applicable by virtue of the exception to 5 U.S.C. Chapter 5 provided in section 6(a) of the Williams-Steiger Occupational Safety and Health Act of 1970.

Effective date. This amendment shall become effective immediately.

The new § 1910.17 reads as follows:

§ 1910.17 Effective dates.

(a) Except as provided in paragraphs (b) and (c) of this section, the standards prescribed in this Subpart B shall be effective on August 27, 1971.

(b) (1) To the extent that the standards prescribed in § 1910.12 apply to light residential construction or to other construction work, as defined in § 1910.12(b), which is not subject to the construction safety standards published in Part 1518 of this title, their application is delayed until September 27, 1971.

(2) For the purpose of subparagraph (1) of this paragraph, "light residential construction" is limited to the construction of homes and apartments which do not exceed three stories in height, and which have no elevator.

(c) Except as provided in paragraph (b) of this section, whenever any employment or place of employment is, or becomes, subject to any safety and health standard prescribed in Part 1501, 1502, 1503, 1504, or 1518 of this title on a date before August 27, 1971, by virtue of the Construction Safety Act or the Longshoremen's and Harbor Workers' Compensation Act, that occupational safety and health standard as incorporated by reference in this subpart shall also become effective under the Williams-Steiger Occupational Safety and Health Act of 1970 on that date.

(Secs. 4(b) (2), 6(a), 8(g), 84 Stat. 1592, 1593, 1598; 29 U.S.C. 653, 655, 657; Secretary's Order No. 12-71, 36 F.R. 8754)

Signed at Washington, D.C., this 11th day of August 1971.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.71-11822 Filed 8-13-71;8:53 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 114—Department of the Interior

PART 114-32—GOVERNMENT-WIDE AUTOMATED DATA MANAGEMENT SERVICES

Subpart 114-32.4—Procurement and Contracting

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 (Supp. V, 1965-1969) and section 205(c), 63 Stat. 390; 40 U.S.C. 486 (c), a new Part 114-32 is added to Chapter 114, Title 41 of the Code of Federal Regulations, as set forth below.

This new part shall become effective on the date of its publication in the FEDERAL REGISTER (8-14-71).

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

AUGUST 10, 1971.

Sec.
114-32.407 Use of Federal Supply Schedules for ADPE, software and maintenance services.
114-32.408 Procurement guidance.

AUTHORITY: The provisions of this Part 114-32 issued under 5 U.S.C. 301 (Supp. V, 1965-1969), and sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

§ 114-32.407 Use of Federal Supply Schedules for ADPE, software and maintenance services.

FPMR 101-32.407 contemplates that ADP equipment should be procured from a number of different sources whenever such action is both feasible and in the best interest of the Government. Accordingly, future solicitations for such equipment should stipulate this possible course of action. In order to achieve the desired result, the following paragraph, or modification thereof, shall be incorporated in solicitations for ADP equipment.

ALTERNATE SOURCES PROCUREMENT CLAUSE

The Government does not commit itself to procure any supply or service from any particular offeror by the issuance of this solicitation. The Government reserves the right to reject any and all offers received, or any part or parts thereof and to satisfy its total requirements, or any part thereof, from other sources. Such alternate sources include but are not limited to:

(a) Equipment becoming excess to the Government's needs which is owned by the Government, or in which the Government has accrued equity due to past rentals paid.

(b) Equipment obtained by lease or purchase from sources other than the manufacturer thereof.

(c) Equipment which, because there is a substantial number of like individual components, lends itself to separate procurement (e.g. tape drives, disc drives, disc packs, etc.).

Offerors are requested to state in their proposals the extent to which such courses of action would affect any commitment made by the offeror as to performance of the proposed system, or as to any aspect of pricing.

The preceding paragraph will be both legally and substantively sufficient for most ADPE procurement actions. It may be modified, however, if necessary or desirable to meet a particular need or a specific procurement.

§ 114-32.408 Procurement guidance.

Any solicitation for data processing equipment shall contain the information necessary to enable a prospective offeror to prepare a proposal or quotation properly. Offerors should be informed of all evaluation factors and of the relative weights to be attached to each factor (44 CG 493; 47 CG 242; 47 CG 336; CG Decision B-166052-(2) dated May 20, 1969). The mere arrangement of the factors in order of priority is not sufficient. A meaningful indication such as dollar value is required to permit each vendor to evaluate the effect of each individual factor in the preparation of his proposal.

[FR Doc.71-11759 Filed 8-13-71;8:47 am]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5104]

[BLM 054548]

MICHIGAN

Addition to National Forest

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

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

MICHIGAN MERIDIAN

T. 44 N., R. 18 W.,
Sec. 11, SW¼NW¼, W½SW¼, SE¼SE¼;
Sec. 13, SW¼NW¼, lot 1 (SE¼SE¼);
Sec. 14, E½NE¼, SE¼NW¼, S½SW¼, NE¼SE¼, S½SE¼;
Sec. 22, NW¼SW¼;
Sec. 23, NE¼NW¼, SE¼SE¼;
Sec. 24, NW¼SW¼, SE¼SE¼;
Sec. 36, S½SW¼.
T. 44 N., R. 19 W.,
Sec. 5, NE¼NE¼.
T. 45 N., R. 19 W.,
Sec. 6, NW¼SE¼.
T. 45 N., R. 20 W.,
Sec. 28, SE¼SW¼.
T. 46 N., R. 18 W.,
Sec. 33, SE¼SW¼, SW¼SE¼;
Sec. 35, W½NE¼, SE¼NE¼, NW¼, SE¼;
Sec. 36, E½SW¼.
T. 46 N., R. 21 W.,
Sec. 7, SW¼.

The areas described aggregate 1,707.41 acres in Alger and Schoolcraft Counties.

HARRISON LOESCH,
Assistant Secretary of the Interior.

AUGUST 6, 1971.

[FR Doc.71-11760 Filed 8-13-71;8:48 am]

[Public Land Order 5105]

[Oregon 016674]

OREGON

Withdrawal for Lost Creek Reservoir Project

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

1. Subject to valid existing rights, the following described lands which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws in aid of programs of the Corps of Engineers, Department of the Army, for construction of the Lost Creek Reservoir Project, and for the protection of valuable public resource values, including recreation:

WILLAMETTE MERIDIAN

REVESTED OREGON AND CALIFORNIA RAILROAD GRANT LANDS

T. 33 S., R. 1 E.,
Sec. 11, S½NE¼SW¼, SE¼NW¼SW¼, E½SW¼SW¼, SE¼SW¼, W½SE¼, and W½E½SE¼;
Sec. 13, S½SE¼NE¼, N½NW¼, SW¼NW¼, NW¼SW¼, S½S½;
Sec. 23, W½NE¼, W½, S½SE¼;
Sec. 27, E½NE¼, SW¼NE¼, S½NE¼SW¼, SE¼SW¼;
Sec. 35, NE¼NE¼, W½.
T. 33 S., R. 2 E.,
Sec. 11, NE¼SW¼, N½S½SW¼, N½SE¼, N½S½SE¼;
Sec. 15, W½E½NW¼, SW¼NW¼;
Sec. 19, lot 6, W½NE¼, SE¼NE¼, NW¼NW¼, E½NW¼, SE¼SW¼.

PUBLIC DOMAIN

T. 33 S., R. 1 E.,
Sec. 14, SW¼NW¼, SE¼SW¼, SW¼SE¼;
Sec. 22, E½SE¼;
Sec. 24, NW¼SW¼.
T. 33 S., R. 2 E.,
Sec. 18, lot 4, SE¼SW¼.

The areas described aggregate 2,477.84 acres in Jackson County.

2. This order shall take precedence over but not otherwise affect Public Land Order No. 1726 of September 3, 1958, which withdrew lands for the protection and preservation of the scenic and recreation areas adjacent to the Rogue River and its tributaries, so far as it affects the following described lands:

WILLAMETTE MERIDIAN

REVESTED OREGON AND CALIFORNIA RAILROAD GRANT LANDS

T. 33 S., R. 1 E.,
Sec. 23, E½SW¼, S½SE¼.
T. 33 S., R. 2 E.,
Sec. 11, NE¼SW¼, N½S½SW¼, N½SE¼, N½S½SE¼;
Sec. 19, lot 6, NW¼NE¼, SE¼NE¼, E½NW¼, SE¼SW¼.

PUBLIC DOMAIN

T. 33 S., R. 1 E.,
Sec. 24, NW¼SW¼.

3. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws, under the administration of the Bureau of Land Management. The terms and conditions for utilization of the described lands for the construction and maintenance of the project facilities will be governed by an agreement to be entered into between the Corps of Engineers and the Bureau of Land Management.

HARRISON LOESCH,
Assistant Secretary of the Interior.

AUGUST 6, 1971.

[FR Doc.71-11761 Filed 8-13-71;8:48 am]

[Public Land Order 5106]

[Oregon 7881 (Wash.)]

WASHINGTON

Revocation of National Forest Administrative Site Withdrawal

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

The Secretary's Order of June 5, 1908, withdrawing the following described national forest lands for use as an administrative site, is hereby revoked:

GIFFORD PINCHOT NATIONAL FOREST

WILLIAMETTE MERIDIAN

T. 9 N., R. 5 E.,
Sec. 14, lots 1 and 2, SE¼NW¼.

The areas described aggregate 118.20 acres in Skamania County.

The lands remain withdrawn by Public Land Order No. 2434 of July 13, 1961, as part of the Spirit Lake Recreation Area.

HARRISON LOESCH,
Assistant Secretary of the Interior.

AUGUST 6, 1971.

[FR Doc.71-11762 Filed 8-13-71;8:48 am]

[Public Land Order 5107]

[Colorado 2486]

COLORADO

Withdrawal for National Forest Recreation Areas

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

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

ROUTT NATIONAL FOREST

SIXTH PRINCIPAL MERIDIAN, COLORADO

Mount Werner Winter Sports Area

T. 6 N., R. 83 W. (Unsurveyed—Protraction diagram 2B),
In approximate secs. 29 and 32 beginning at northeast section corner of sec. 36, T. 6 N., R. 84 W., thence east 10 chains, north 40 chains, east 20 chains, north 20 chains, east 20 chains, north 30 chains, west 30 chains, north 30 chains, west 20 chains at which point is the east quarter corner of sec. 24, T. 6 N., R. 84 W., thence south 120 chains along the range line to the point of beginning.

T. 6 N., R. 84 W.,
Sec. 13, SW¼SW¼;
Sec. 14, S½SE¼;
Secs. 23, 24, and 25 all;
Sec. 26, N½N½, SE¼NE¼, N½SW¼NE¼, N½SE¼NW¼, NE¼NE¼SE¼;
Sec. 36, NE¼, NE¼NW¼, N½NW¼NW¼, N½SE¼NW¼.

Causeway Lake Recreation Area

T. 1 N., R. 87 W., Protraction Diagram No. 3,
In approximately sec. 20 beginning at the outlet of Causeway Lake thence east a distance of 6½ chains, thence south 20 chains, east 10 chains, south 5 chains, east 5 chains, south 10 chains, west 35 chains, north 10 chains, west 5 chains, north 15 chains, east 10 chains, north 10 chains, east 8½ chains to the outlet of Causeway Lake, the point of beginning.

Upper Stillwater Recreation Area—Addition

T. 1 N., R. 87 W.,
Sec. 23, SE¼NE¼SE¼, E½SE¼SE¼ (Protraction Diagram No. 3);
Sec. 24, S½NW¼SW¼.

Crosho Lake Recreation Area—Addition

T. 2 N., R. 86 W.,
Sec. 4, south 5 chains of west 10 chains of lot 9, W½SW¼NW¼, W½SW¼NW¼;
Sec. 5, S½SE¼NE¼NE¼, E½SE¼NE¼.

Chapman Reservoir

T. 3 N., R. 86 W.,
Sec. 31, west 10 chains of lot 14, east 10 chains, south 5 chains of west 10 chains of lot 15, north 15 chains of west 15 chains of lot 18.

Medicine Tree Campground

T. 3 N., R. 87 W.,
Sec. 36, lot 8 and south 10 chains of lot 5.

Parkview Campground—Addition

T. 5 N., R. 78 W.,
Sec. 23, W½SE¼SE¼.

Colorado State Highway 125 Roadside Zone

A strip of land 200 feet from centerline on each side of Colorado State Highway 125 throughout its course in the following legal subdivisions:

T. 5 N., R. 78 W.,
Sec. 14, W½;
Sec. 23, W½NE¼, NW¼, W½SE¼;
Sec. 25, SW¼NE¼NW¼, E½NW¼NW¼, S½NW¼, SW¼.

Spruce Divide Campground

T. 1 N., R. 83 W.,
Sec. 4, south 10 chains of lot 2, the south 10 chains of east 5 chains of lot 3, E½NE¼SE¼NW¼, SW¼NE¼, W½W½SE¼NE¼.

Colorado State Highway 84 Roadside Zone

A strip of land 200 feet from centerline on each side of Colorado State Highway 84 throughout its course in the following subdivisions:

T. 1 N., R. 82 W.,
Sec. 6, lots 20, 23, and 24;
Sec. 7, lot 5, E½NE¼;
Sec. 8, S½NW¼, NE¼SW¼, SE¼;
Sec. 9, SE¼SW¼, SW¼SE¼;
Sec. 10, W½NE¼, S½NW¼;
Sec. 16, N½NW¼;
Sec. 17, NE¼NE¼NE¼.

T. 1 N., R. 83 W.,
Sec. 1, SW¼SW¼NE¼, S½NW¼, SE¼;
Sec. 2, SE¼NE¼, NE¼SE¼, W½SE¼;
Sec. 3, SW¼SW¼;
Sec. 4, S½NW¼, N½NE¼SW¼, W½NW¼SE¼, E½SE¼SE¼, exclusive of PLO 1381 withdrawal;
Sec. 5, S½NE¼, S½NW¼;
Sec. 10, NW¼NE¼, NW¼;
Sec. 11, NW¼NE¼, NE¼NW¼.

Bear River Administrative Site

T. 1 N., R. 86 W.,
Sec. 15, W½SE¼NW¼NE¼, E½SW¼NW¼NE¼.

Middle Bear River Recreation Area—Addition

A strip of land 200 feet from centerline on each side of Bear River Road, Forest Development Road No. 2073, throughout its course in the following legal subdivisions:

T. 1 N., R. 86 W.,
Sec. 15, NE¼.

Rabbit Ears Lake Recreation Area—Addition

T. 5 N., R. 82 W.,
Sec. 7, SE¼SE¼SE¼NE¼, E½NE¼NE¼SE¼;
Sec. 8, S½S½SW¼NW¼.

Muddy Pass Lake

T. 5 N., R. 82 W.,
Sec. 15, SE¼SW¼ and E½SW¼SE¼ exclusive of 600-foot roadside zone withdrawal covered by PLO 3069.

Divide Campground

T. 5 N., R. 82 W.,
Sec. 17, SW¼NE¼SE¼, SE¼NW¼SE¼, NE¼SW¼SE¼, W½SE¼SE¼, exclusive of 600-foot roadside zone withdrawal, PLO 3069.

Highway Campground

T. 5 N., R. 83 W. (Unsurveyed—Protraction Diagram No. 2B),
Sec. 32, The west 15 chains of the NW¼ exclusive of 600-foot roadside zone withdrawal, PLO 3069.

Hidden Lakes Campground

T. 6 N., R. 82 W.,
Sec. 9, S½SE¼NW¼, NE¼SW¼.

Park Range Campground

T. 6 N., R. 83 W. (Unsurveyed—Protraction Diagram No. 2B).

In approximately secs. 14 and 15, beginning at corner No. 1, from which the southeast corner of Fish Creek Recreation Area Withdrawal, PLO 1381 bears west 9 chains, thence south 20 chains, east 11 chains, south 14 chains, west 35 chains, north 34 chains, east 24 chains to point of beginning.

Fishhook Lake Recreation Area—Addition

T. 6 N., R. 83 W. (Unsurveyed—Protraction Diagram No. 2B),
Sec. 36, E½E½SE¼SE¼.

Yampa Valley Panorama

T. 7 N., R. 84 W.,
Sec. 36, SE¼NW¼NE¼.

Buffalo Pass Roadside Rest

T. 7 N., R. 84 W.,
Sec. 36, S½SW¼NW¼NW¼, NW¼SW¼NW¼.

Hahns Peak Road (Forest Highway 20) Roadside Zone

A strip of National Forest land 200 feet from centerline on each side of Hahns Peak Road (Forest Highway 20) throughout its course in the following legal subdivisions:

T. 7 N., R. 85 W.,
Sec. 11, NW¼NW¼, SE¼NW¼, NE¼SW¼, SE¼SW¼, SW¼SW¼SE¼;
Sec. 14, NW¼NE¼.

T. 10 N., R. 85 W.,
Sec. 6, lots 20, 22, 24, and 25;
Sec. 7, lots 8 and 9;
Sec. 18, lots 10 and 11.

T. 10 N., R. 86 W.,
Sec. 12, SE¼SE¼NE¼, E½SE¼;
Sec. 13, lots 1, 2, 3, 4, and 5, SE¼.

T. 11 N., R. 85 W.,
Sec. 19, lot 6;
Sec. 30, lot 8;
Sec. 31, lots 5, 6, 7, 8, 9, 11, 12, and 13, NE¼SE¼.

Hahns Peak Road (Forest Highway 20) Roadside Zone—Continued

T. 11 N., R. 86 W.,
Sec. 2, lot 13;
Sec. 3, lot 5, lot "C" of Tract 41;
Sec. 11, NE¼NE¼;
Sec. 12, S½NW¼, lots 1, 2, and 4;
Sec. 13, lot 7;
Sec. 24, lots 1, 2, and 4;
Sec. 25, E½NE¼.

Subject to Power Withdrawals in T. 7 N., R. 85 W., sec. 11, SW¼SW¼SE¼ and sec. 14, NW¼NE¼.

Elk River Recreation Area—Addition

T. 9 N., R. 84 W.,
Sec. 17, lot 9 and north 10 chains of lot 8;
Sec. 18, lot 15.

Freeman Reservoir Recreation Area

T. 9 N., R. 89 W.,
Sec. 6, lot 18, lot 19, north 5 chains of lot 21.

Hahns Peak Reservoir Recreation Area—Addition

T. 10 N., R. 86 W.,
Sec. 11, W½NE¼SE¼, S½N½NW¼SE¼, S½NW¼SE¼, N½N½SW¼SE¼, N½NW¼SE¼SE¼.

Adams Creek Campground

T. 10 N., R. 87 W.,
Sec. 15, S½SW¼NE¼, N½N½NW¼SE¼.

Upper Solomon Campground

T. 11 N., R. 85 W.,
Sec. 26, S½SE¼NW¼, N½NE¼SW¼.

Colorado State Highway 127 Roadside Zone

A strip of land 200 feet from centerline on each side of Colorado State Highway 127 throughout its course in the following legal subdivisions:

T. 12 N., R. 79 W.,
Sec. 23, E½SE¼;
Sec. 24, lots 1 and 2, SW¼;
Sec. 26, NW¼NE¼NE¼.

The areas described aggregate approximately 4,969 acres in Moffat, Jackson, Rio Blanco, Garfield, Grand, and Routt counties.

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

HARRISON LOESCH,
Assistant Secretary of the Interior.

AUGUST 6, 1971.

[FR Doc.71-11763 Filed 8-13-71;8:48 am]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 132—GRANTS FOR TRAINING IN LIBRARIANSHIP

On pages 8151–8154 of the FEDERAL REGISTER of April 30, 1971, there was published a notice of proposed rule making to issue regulations prescribing certain policies and requirements for criteria in determining priorities for eligible projects. Interested persons were given 30 days in which to submit written

comments, suggestions, or objections regarding the proposed regulations.

No objections have been received and the proposed regulations are hereby adopted without change and are set forth below.

Effective date. These regulations shall be effective on the date of their publication in the FEDERAL REGISTER (8-14-71).

Dated: July 10, 1971.

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

Approved: August 10, 1971.

JOHN G. VENEMAN,
Acting Secretary of Health, Education, and Welfare.

Sec.
132.1 Applicability.
132.2 Definitions.
132.3 Eligible purposes.
132.4 Eligible participants.
132.5 Applications for grants.
132.6 Review of applications.
132.7 Disposition of applications.
132.8 Payment procedure.
132.9 Amount of grant.
132.10 Duration of the training program.
132.11 Revisions.
132.12 Fiscal accounting and auditing procedures.
132.13 Program accountability and evaluation procedures.
132.14 Allowable costs.
132.15 Stipends and travel allowances for participants.
132.16 Retention of records.
132.17 Reports.
132.18 Publications.
132.19 Patents and copywrights.
132.20 Termination of grant.
132.21 Use of and accountability for equipment.
132.22 Sale of goods and services.
132.23 Service contracts.
132.24 Changes in key personnel.
132.25 Dual compensation.
132.26 Interest on grants.
132.27 Final accounting.

AUTHORITY: The provisions of this Part 132 issued under sections 221-223, 79 Stat. 1227, 20 U.S.C. 1031-1033.

§ 132.1 Applicability.

The regulations in this part apply to grants by the U.S. Commissioner of Education to institutions of higher education to assist them in training persons in librarianship under title II-B of the Higher Education Act of 1965 (20 U.S.C. 1031-1033). Such grants are also subject to the requirements of title VI of the Civil Rights Act of 1964, approved July 2, 1964 (Public Law 88-352, 78 Stat. 252, 42 U.S.C. 2000d et seq.). Section 601 of that Act provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Therefore, Federal financial assistance pursuant to this part is subject to the regulation in 45 CFR Part 80. (20 U.S.C. 1031-1033, 42 U.S.C. 2000d et seq.)

§ 132.2 Definitions.

As used in this part:

(a) "Act" means the Higher Education Act of 1965, as amended (20 U.S.C. 1001-1150).

(b) "Commissioner" means the U.S. Commissioner of Education.

(c) "Department" means the U.S. Department of Health, Education, and Welfare.

(d) "Fellowship" means an award to participants engaged in a regular academic program of formal education in an institution of higher education for which are awarded credits that may be used to earn an academic degree.

(e) "Fiscal year" means the period beginning on July 1 and ending on the following June 30, and designated by the calendar year in which the fiscal year ends.

(f) "Institute" means an intensive short-term or regular-session program of specialized training designed to train individuals in particular principles and practices of librarianship.

(g) "Institution of higher education" means an educational institution in any State which meets all of the following criteria:

(1) It admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate.

(2) It is legally authorized within such State to provide a program of education beyond secondary education.

(3) It provides at least one of the following types of programs:

(i) An educational program for which it awards a bachelor's degree.

(ii) A program or not less than 2 years which is acceptable for full credit toward a bachelor's degree.

(iii) A program of not less than 1 year of training to prepare students for gainful employment in a recognized occupation.

(4) It is a public or other nonprofit institution.

(5) It is either accredited by a nationally recognized accrediting agency or association, or meets at least one of the following requirements:

(i) It is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or organization within a reasonable period of time.

(ii) It is an institution whose credits are accepted on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited.

(h) "Librarianship" means the principles and practices of the library and information sciences, including the acquisition, organization, storage, retrieval, and dissemination of information, and reference and research use of library and other information resources.

(i) "State" means, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, and the Virgin Islands.

(j) "Traineeship" means an award to participants enrolled in a directed training program which is not a regular academic program of the type described in paragraph (d) of this section (20) U.S.C. 1032, 1141)

§ 132.3 Eligible purposes.

Funds available under title II-B of the Act may be used by the Commissioner to award grants to institutions of higher education for any one or more of the following purposes:

(a) To assist in covering the cost of courses of training or study (including institutes) for such persons;

(b) For establishing and maintaining fellowships or traineeships with stipends (including allowances for traveling, subsistence, and other expenses) for fellows and others undergoing training and their dependents not in excess of such maximum amounts as may be prescribed by the Commissioner; and

(c) For establishing, developing, or expanding programs of library and information science. (20 U.S.C. 1033)

§ 132.4 Eligible participants.

An individual may be enrolled as a participant in training programs assisted with Federal funds under this part provided that such individual:

(a) Is a national of the United States or is in the United States for other than a temporary purpose and intends to become a permanent resident thereof; and

(b) Is either engaged in or preparing to engage in a profession or other occupation involving librarianship. (20 U.S.C. 1032, 1033)

§ 132.5 Applications for grants.

(a) Any institution of higher education may file on or before the cutoff date or dates announced by the Commissioner for each fiscal year an application in accordance with such forms and instructions as may be prescribed by him. Such application shall contain—

(1) Such fiscal control and funding accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant, which meet the requirements of § 132.12;

(2) Such program accountability and evaluation procedures as may be necessary to assure that the purposes of the training program are being accomplished which meets the requirements of § 132.13;

(3) An assurance that no fees or charges will be collected from participants as a condition of enrollment or participation in or completion of any training; and

(4) Such other pertinent information as the Commissioner may require.

(b) The application shall be executed by an individual authorized to act for the applicant. Applications and requests for information may be sent to the Director, Division of Library Programs, Bureau of Libraries and Educational Technology, U.S. Office of Education, Washington, D.C. 20202. (20 U.S.C. 1033)

§ 132.6 Review of applications.

The Commissioner will approve applications for a grant under this part only

after such application has been reviewed by a panel of experts and specialists, and in accordance with such other procedures as the Commissioner may establish. Such review will take into account such factors as:

(a) The number of persons to be trained in the program;

(b) Adequacy of qualifications and experience of personnel designated to carry out the training program;

(c) Adequacy of facilities, equipment, and materials to be used in the training program;

(d) Reasonableness of estimated cost in relation to anticipated results;

(e) Sufficiency of size, scope, and duration of the training program so as to make a significant contribution to meeting overall needs for persons trained in librarianship;

(f) Quality and suitability of curricula in the training program;

(g) Experience of the applicant institution with similar training programs;

(h) Criteria for selection of participants;

(i) Extent to which the applicant institution will contribute its own resources to the proposed training program; and maintain, expand, and improve its other training programs in librarianship;

(j) Potential for achieving innovative and exemplary training programs; and

(k) Priorities which may be determined by the Commissioner. (20 U.S.C. 1033)

§ 132.7 Disposition of applications.

On the basis of his review of an application pursuant to § 132.6, the Commissioner will either (a) approve the application in whole or in part, (b) disapprove the application, or (c) defer action on the application for such reasons as lack of funds or a need for further review. Any deferral or disapproval of an application shall not preclude its reconsideration or resubmission. The Commissioner will notify the applicant in writing of the disposition of the application. The grant award document will incorporate the grant terms and conditions in this part and include such other provisions as appropriate. (20 U.S.C. 1033)

§ 132.8 Payment procedure.

Federal payments pursuant to a grant under this subpart may be made either in advance or by way of reimbursement, to be determined consistent with the nature of the activities and the services involved in the training program, and in accordance with the applicable requirements of these regulations and the terms and conditions of the grant award. (20 U.S.C. 1033, 1232d)

§ 132.9 Amount of grant.

The amount of the grant shall be set forth in the grant award document. The total cost to the Government for the performance of the training program will not exceed the amount set forth in the grant award document or any appropriate modification thereof. The Government shall not be obligated to reimburse the grantee for costs incurred in excess of such amount unless or until the Commissioner has notified the grantee in writing that such amount has been increased and has specified such increased amount in a revised grant award document pursuant to § 132.11. Such revised amount shall thereupon constitute the revised total cost of the performance of the grant. (20 U.S.C. 1033)

§ 132.10 Duration of the training program.

(a) All payments made with respect to each grant shall remain available for expenditures during the budget period specified in the grant award document or until otherwise terminated in accordance with § 132.20. Such period may be extended by revision of the grant without additional funds pursuant to paragraph (b) of this section. (20 U.S.C. 1033)

(b) When it is determined that special or unusual circumstances will delay the completion of the program or project for more than 3 months beyond the period for which the grant is awarded, the grantee shall in writing request the Commissioner to extend such period and shall indicate the reasons therefor.

§ 132.11 Revisions.

(a) In order for a grant to be substantially changed, or for the amount of the grant award to be increased pursuant to § 132.9, the grantee shall submit to the Commissioner a written request therefor. Minor deviations of specific amounts of expenditures among categories from those estimated in the budget set forth in the grant award document will not require revision of such application.

(b) Requests for revisions shall be submitted in writing for approval by the Commissioner. Such revisions may be initiated by the Commissioner if, on the basis of reports, it appears that Federal funds are not being used effectively, or if changes are made in Federal appropriations, laws, regulations, or policies governing such grants. (20 U.S.C. 1033)

§ 132.12 Fiscal accounting and auditing procedures.

(a) *Fiscal accounting.* The grantee shall maintain accounts, records, and other evidence pertaining to all costs incurred, and revenues or other applicable credits acquired, in connection with the grant. The system of accounting employed by the grantee shall be in accordance with generally accepted accounting principles and will be applied in a consistent manner so that expenditures under the grant may be clearly identified.

(b) *Cost sharing records.* When the grant award requires cost sharing, the grantee shall maintain records which demonstrate that its contributions to the training program are not less, in proportion to the charges against the grant, than the amount specified in the grant award document, or any subsequent revision thereof.

(c) *Auditing records.* Each grantee shall make appropriate provision for the auditing of the program or project expenditure records referred to in paragraphs (a) and (b) of this section. Such audits shall be in accordance with generally accepted auditing standards, which shall be no less in scope and coverage than those standards which may be prescribed by the Department. Such expenditure records, the reports of such audits, and other records relating to the grant shall be subject to inspection and audit by the representatives of the Federal Government at all reasonable times during the period of retention provided for in § 132.16.

(d) *Adjustments.* Each grantee shall, in maintaining program expenditure accounts, records, and reports, make any necessary adjustments to reflect refunds, credits, underpayments, or overpayments, as well as any adjustments resulting from administrative reviews and audits by the Federal Government or by the grantee. Such adjustments shall be set forth in the financial reports filed with the Commissioner. (20 U.S.C. 1033, 1232c)

§ 132.13 Program accountability and evaluation procedures.

Each program or project proposal shall include an evaluation plan to be carried out by a third party for the purpose of evaluating the effectiveness of the program or project. Such plan shall describe the steps by which the grantee will:

(a) Determine the extent to which the objectives of the program or project have been accomplished;

(b) Determine what factors either enabled or precluded the accomplishment of these objectives; and

(c) Promote the inclusion of the successful aspects of the program or project into adult education programs supported with funds other than those provided under the grant. (20 U.S.C. 1033)

§ 132.14 Allowable costs.

Except as otherwise indicated in paragraph (b) of this section, allowable costs for any approved grant shall be determined in accordance with, and governed by, the principles and procedures set forth in the Office of Management and Budget Circular A-21 and any other Federal requirements concerning cost determination as may be applicable; except that—

(a) There may be included in direct costs for payments to training program participants only those allowances provided for in § 132.15, and

(b) Indirect costs chargeable to the grant shall be limited to actual indirect costs or a fixed rate of 8 percent of allowable direct costs (including the allowances referred to in paragraph (a) of this section), whichever is less.

(c) Travel allowances to other than training program participants shall be paid in accordance with applicable State and local laws and regulations and agency and institutional practices. If there are no such applicable laws, regulations, and practices, travel cost shall be in accordance with the Standardized United States Government Travel Regulations (Office of Management and

Budget Circular No. A-7). No foreign travel will be authorized under the grant unless prior approval is obtained from the Commissioner. (20 U.S.C. 1033)

§ 132.15 Stipends and travel allowances for participants.

(a) Stipends, travel allowances and dependency allowances shall be authorized at levels established by the Commission and consistent with prevailing practices in other comparable Federal programs.

(b) Any amounts received under any other Federal grant program (except veterans' and war orphans' and widows' educational assistance under title 38, United States Code) shall be set off against the amount which a participant otherwise would be entitled to receive under this part. A participant shall not be precluded from receiving a loan that is made, insured, or reinsured under any Federal educational loan program, and neither the amount of such loan nor any Federal interest payment made during the period of his participation in a training program shall be deducted from the amount received by the participant under this part.

(c) Allowances may be paid for a participant's travel expenses for one round trip between each participant's home beyond a reasonable commuting distance and the place at which the training program is conducted. In addition, allowances may also be paid for a participant's daily commuting travel for a reasonable distance upon determination by the Commissioner that such allowances are necessary for successful participation in the program and that extreme need and hardship exist. Such travel may be performed either by public or private conveyance; but if performed by private conveyance, the allowance for such travel shall not exceed eight cents per mile or the common carrier cost of such travel, whichever is less. (20 U.S.C. 1033, 38 U.S.C. 1781)

§ 132.16 Retention of records.

(a) Each grantee shall provide for keeping accessible and intact all records relating to the receipt and expenditure of Federal grant funds and to the expenditure of the grantee's contribution to the cost of the training program, including all accounting records and related original and supporting documents that substantiate direct and indirect costs charged to the grant. Such records shall be retained for 3 years after the end of the budget period if audit by or on behalf of the Department has occurred by that time; or if such audit has not occurred by that time:

(1) Until the grantee is notified of the completion of such audit, or

(2) For 5 years following the end of the budget period, whichever is earlier.

(b) The records involved in any claim or expenditure which has been questioned by the Federal audit shall be further retained until resolution of any such audit questions. (20 U.S.C. 1033, 1232c)

§ 132.17 Reports.

The grantee shall submit such fiscal and program reports as may be required by the Commissioner and in the quantity and at the time stated in the report schedule which shall be set forth in the grant award document. (20 U.S.C. 1033)

§ 132.18 Publications.

(a) Material produced as a result of any program supported with grants under this part may be published without prior review by the Commissioner: *Provided*, That (1) 15 copies of such material shall be furnished to the Commissioner; (2) that no such materials may be published for sale without the prior approval of the Commissioner, which approval shall be subject to such requirements as he deems appropriate, and (3) that no motion pictures for viewing by the general public shall be produced without prior clearance by the Department. All such published material shall contain the following statement:

> The program presented or reported herein was performed pursuant to a grant from the U.S. Office of Education, Department of Health, Education and Welfare. The opinions expressed herein, however, do not necessarily reflect the position or policy of the U.S. Office of Education, and no official endorsement by the U.S. Office of Education should be inferred.

(b) All printing or duplicating authorized under a grant under this part shall be subject to the restrictions and limitations contained in the current issue of the "Printing and Binding Regulations," published by the Joint Committee on Printing, Congress of the United States. (20 U.S.C. 1033; 44 U.S.C. 103, 501, 502)

§ 132.19 Patents and copyrights.

(a) Any material of a copyrightable nature produced through a program supported with grants under this part shall be subject to the copyright policy of the U.S. Office of Education set forth in its Copyright Guidelines of May 9, 1970 (35 F.R. 7317) or any modification thereof in effect at the time of the grant. Provisions implementing this policy will be included in the terms and conditions of the grant award document.

(b) Any material of a patentable nature produced through a program supported with grants under this part shall be subject to the provisions of Parts 6 and 8 of this title. Provisions implementing these parts will be included in the terms and conditions of the grant award document. (20 U.S.C. 1033)

§ 132.20 Termination of grant.

(a) Any grant may be terminated by the Commissioner—

(1) If he determines that the program is no longer susceptible of productive results or

(2) If the grantee fails to comply with any grant requirement or condition.

(b) Where action is taken under this section, the Commissioner may authorize the expenditure of Federal funds in such amounts as he deems necessary for the purpose of terminating the program financed by the grant which is being terminated. (20 U.S.C. 1033)

§ 132.21 Use of and accountability for equipment.

(a) *Definition*. As used in this section, the term "equipment" means nonconsumable personal property procured or fabricated which is complete in itself, is of a durable nature and has an expected useful life of more than 1 year.

(b) *Use*. Equipment purchased with grant funds shall be used only to accomplish the purposes of the grant. The grantee shall certify in its application that the equipment being acquired is not already on hand and that it will safeguard and protect all such equipment in accordance with prudent property management practices.

(c) *Accountability*. The grantee shall maintain records of all equipment procured or fabricated under the grant and costing more than $300 or having a residual value of more than $100. Such equipment may not be disposed of by the grantee without the prior consent of the Commissioner and shall, upon the expiration or termination of the grant, be made available by the grantee for such disposition as the Commissioner may direct in accordance with the applicable provisions of the Department's Grants Administration Manual, Chapter 1-410. (20 U.S.C. 1033)

§ 132.22 Sale of goods and services.

The grantee shall obtain from the Commissioner prior approval of any sale of goods and services resulting from the program and such approval will be subject to the condition that the proceeds from such sales will be disposed of in either one of the following two ways:

(a) Returning the funds to the Federal Government by (1) reducing the level of expenditures from grant funds by an amount equal to the Federal share of the grant related income, (2) treating the funds as a partial payment to the award of a succeeding (continuation) grant, or (3) payment to miscellaneous receipts of the Treasury, or

(b) Using the funds to further the purposes of the grant program from which the award was made. (20 U.S.C. 1033)

§ 132.23 Service contracts.

The grantee may enter into contracts or agreements for the provision of part of the services to be provided under the grant by other appropriate public or private agencies or institutions. Such contract or agreement shall incorporate the regulations of this part and other applicable Federal requirements, describe the services to be provided for the agency or institution, and contain provisions assuring that the grantee will retain supervision and administrative control over the provision of services under this contract or agreement. Services to be provided by contract or agreement pursuant to this section shall be specified

in the program proposal or in an amendment thereto, and the proposed contract or agreement shall be submitted to the Commissioner for prior approval. (20 U.S.C. 1033)

§ 132.24 Changes in key personnel.

If for any reason it becomes necessary to substitute the program director or other key professional staff listed in the program proposal, the grantee shall in writing request the approval by the Commissioner of such substitution. Such written request shall include the name and qualifications of the successor. (20 U.S.C. 1033)

§ 132.25 Dual compensation.

If a program staff member or consultant is involved simultaneously in two or more programs or projects supported by Federal funds either under this part or otherwise, he may not be compensated for more than 100 percent of his time from Federal funds during any part of the period of dual involvement. The grantee shall not use any grant or funds from other sources to pay a fee to, or travel expenses of, employees of the Department of Health, Education, and Welfare for lectures, attending program functions, or any other activities in connection with the grant. (20 U.S.C. 1033)

§ 132.26 Interest on grants.

Interest earned on any cash advances made to grantees under this part other than States shall be credited to the United States. The grantee shall submit as a part of each financial report required under the grant a statement showing the amount of interest earned on Federal funds during the period covered by the report. (20 U.S.C. 1033)

§ 132.27 Final accounting.

In addition to such other accounting as the Commissioner may require, the grantee shall render, with respect to the program under the grant, a full account of

(a) Funds expended, obligated, and remaining under the grant;

(b) All equipment and supplies purchased with Federal funds for which accountability is required by § 132.21(c);

(c) All instructional materials developed for use in the program or project; and

(d) All salable items resulting from the program or project. A report of such accounting shall be submitted to the Commissioner within 60 days of the expiration or termination of the grant, and the grantee shall remit within 30 days of the receipt of a written request therefor any amounts found by the Commissioner to be due. (20 U.S.C.1033)

[FR Doc.71-11775 Filed 8-13-71;8:49 am]

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER B—MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC-18; Notice 71-19]

PART 393—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATIONS

Fuel Systems

The Director of the Bureau of Motor Carrier Safety is issuing a revision of the provisions of the Motor Carrier Safety Regulations pertaining to fuel systems of commercial motor vehicles. This revision is the result of proceedings which were begun on February 19, 1970, when the Federal Highway Administration issued a notice of proposed rule making, inviting public comments on a proposal to revise the rules pertaining to fuel systems (35 F.R. 3177).

The principal features of the proposal were additional requirements for diesel fuel tanks, somewhat more stringent requirements for liquid fuel tanks other than side-mounted liquid fuel tanks, updated references to applicable industry standards, and various editorial revisions aimed at increased clarity. Twenty-six persons responded to the invitation to comment on the proposed revision. These comments, as well as other available data, have been carefully considered.

A number of comments pointed out various areas of ambiguity in the proposal. Corrections have been made in a number of these areas. The matter now contained in § 393.65(b)(4) has been drafted to permit fill pipe openings to be located behind doors designated for that purpose, so long as the openings are located outside a vehicle's passenger compartment, its cargo compartment, or both. A number of comments asked the Director to be less restrictive in specifying permissible methods for closing joints in fuel tanks (see § 393.67(c)(1)). Although the Director is not aware of adequate methods of closing joints in metallic fuel tanks other than the techniques specified in the proposed rule, the section now provides that other methods "which provide heat resistance and mechanical securement at least equal to those specifically named" are acceptable. In order to leave no room for doubt in the minds of persons concerned with this area, the Director has gone on to include a specific prohibition against use of crimping or soldering with a lead-based or other soft solder as the sole means of closure. In this connection, the Director notes that parting lines in plastic fuel tanks are not considered to be "joints."

The rule has been drafted to avoid, insofar as possible, the problem of requiring substantial redesign of diesel fuel systems to which some comments referred. Section 393.67(c)(4) permits diesel fuel crossover lines to be located below the lowest part of the tank or sump. To insure that these lines are not subject to cutting or breakage in normal operations, however, the rule goes on to require that they be adequately protected and specifies that they may not extend more than two inches below the fuel tank or sump (see § 393.67(c)(5)).

Under the proposal, fuel tanks would have been required to resist hydrostatic pressures equal to 75 p.s.i. Many comments argued that this absolute measure of capability tended to require unnecessary overdesign in many instances. The Director concludes that those contentions may be meritorious. Consequently, the requirements have been modified so that each tank must be capable of withstanding 150 percent of the maximum pressure maintained under the safety venting test specified in § 393.67(d)(1). Since capacity markings on any tank not readily visible when installed on the vehicle are of little value to anyone, the rule now requires that only fuel tanks which are readily visible when installed must be so marked.

Some comments on the safety venting system test, now found in § 393.67(d)(1), stated that the test might be dangerous to perform if manufacturers or carriers were actually required to envelop a fuel-filled tank with flame. The test, however, is merely a measure of tank capability. As a footnote to § 393.67(d) points out, the Motor Carrier Safety Regulations do not require actual testing of tanks, either across the board or on a sample basis. All that is required is that all certified tanks be capable of passing the tests. The manufacturer, carrier, or both, may use tests other than the one specified or mathematical calculations based on sound engineering to assure himself that a tank is adequate, so long as he exercises due care in making the required certification.

The leakage test for liquid fuel tanks in § 393.67(d)(2) has been recast in an effort to improve its clarity. It should now be clear that (a) no more than 1 ounce of fuel leakage may occur when the tank is turned from its normal position through any angle of 150°; and (b) neither the tank nor any fitting may leak more than 1 ounce of fuel in any intermediate position.

A manufacturer of plastic fuel tanks requested that the regulations not preclude the use of plastic fuel tanks to the extent consistent with safety. This request has been granted. The manufacturer also suggested adoption of certain additional rules applicable specifically to thermoplastic tanks. The Director believes that this subject can be dealt with more conveniently in a separate rulemaking proceeding. He plans to issue a notice, asking for comments on the subject of safety rules for plastic fuel tanks.

There are various experimental vehicles using compressed or liquefied natural gas as fuel. The new rules do not deal specifically with the fuel systems of those vehicles. Their use and success will be

kept under scrutiny, so that, if compressed or liquefied natural gas fuel systems become widespread in vehicles engaged in interstate or foreign commerce, the need for new regulations can be considered.

In consideration of the foregoing, Subpart E of Part 393 of the Motor Carrier Safety Regulations (Subchapter B in Chapter III of Title 49 CFR) is revised to read as set forth below.

Effective date. This revision is effective on July 1, 1972.

Issued on August 6, 1971.

ROBERT A. KAYE,
Director,
Bureau of Motor Carrier Safety.

Subpart E—Fuel Systems

Sec.
393.65 All fuel systems.
393.67 Liquid fuel systems.
393.69 Liquefied petroleum gas systems.

AUTHORITY: The provisions of this Subpart E issued under sec. 204, Interstate Commerce Act, as amended, 49 U.S.C. 304; sec. 6, Department of Transportation Act, 49 U.S.C. 1655; delegation of authority at 49 CFR 1.48 and 389.4)

Subpart E—Fuel Systems

§ 393.65 All fuel systems.

(a) *Application of the rules in this section.* The rules in this section apply to systems for containing and supplying fuel for the operation of motor vehicles or for the operation of auxiliary equipment installed on, or used in connection with, motor vehicles.

(b) *Location.* Each fuel system must be located on the motor vehicle so that—

(1) No part of the system extends beyond the widest part of the vehicle;

(2) No part of a fuel tank is forward of the front axle of a power unit;

(3) Fuel spilled vertically from a fuel tank while it is being filled will not contact any part of the exhaust or electrical systems of the vehicle, except the fuel level indicator assembly;

(4) Fill pipe openings are located outside the vehicle's passenger compartment and its cargo compartment;

(5) A fuel line does not extend between a towed vehicle and the vehicle that is towing it while the combination of vehicles is in motion; and

(6) No part of the fuel system of a bus manufactured on or after July 1, 1972, is located within or above the passenger compartment.

(c) *Fuel tank installation.* Each fuel tank must be securely attached to the motor vehicle in a workmanlike manner.

(d) *Gravity or syphon feed prohibited.* A fuel system must not supply fuel by gravity or spyhon feed directly to the carburetor or injector.

(e) *Selection control value location.* If a fuel system includes a selection control valve which is operable by the driver to regulate the flow of fuel from two or more fuel tanks, the value must be installed so that either—

(1) The driver may operate it while watching the roadway and without leaving his driving position; or

(2) The driver must stop the vehicle and leave his seat in order to operate the valve.

§ 393.67 Liquid fuel systems.

(a) *Application of the rules in this section.* (1) A liquid fuel tank manufactured on or after July 1, 1972, and a side-mounted gasoline tank must conform to all the rules in this section.

(2) A diesel fuel tank manufactured before July 1, 1972, and mounted on a bus must conform to the rules in paragraphs (c)(7)(iii) and (d)(2) of this section.

(3) A diesel fuel tank manufactured before July 1, 1972, and mounted on a vehicle other than a bus must conform to the rules in paragraph (c)(7)(iii) of this section.

(4) A gasoline tank, other than a side-mounted gasoline tank, manufactured before July 1, 1972, and mounted on a bus must conform to the rules in paragraphs (c)(1) through (10) and (d)(2) of this section.

(5) A gasoline tank, other than a side-mounted gasoline tank, manufactured before July 1, 1972, and mounted on a vehicle other than a bus must conform to the rules in subparagraphs (1) through (10), inclusive, of paragraph (c) of this section.

(b) *Definitions.* As used in this section—

(1) The term "liquid fuel tank" means a fuel tank designed to contain a fuel that is liquid at normal atmospheric pressures and temperatures.

(2) A "side-mounted" fuel tank is a liquid fuel tank which—

(i) If mounted on a truck tractor, extends outboard of the vehicle frame and outside of the plan view outline of the cab; or

(ii) If mounted on a truck, extends outboard of a line parallel to the longitudinal centerline of the truck and tangent to the outboard side of a front tire in a straight ahead position. In determining whether a fuel tank on a truck or truck tractor is side-mounted, the fill pipe is not considered a part of the tank.

(c) *Construction of liquid fuel tanks*—(1) *Joints.* Joints of a fuel tank body must be closed by arc-, gas-, seam-, or spot-welding, by brazing, by silver soldering, or by techniques which provide heat resistance and mechanical securement at least equal to those specifically named. Joints must not be closed solely by crimping or by soldering with a lead-based or other soft solder.

(2) *Fittings.* The fuel tank body must have flanges or spuds suitable for the installation of all fittings.

(3) *Threads.* The threads of all fittings must be Dryseal American Standard Pipe Thread or Dryseal SAE Short Taper Pipe Thread, specified in Society of Automotive Engineers Standard J466, as contained in the 1971 edition of the "SAE Handbook," except that straight (nontapered) threads may be used on fittings having integral flanges and using gaskets for sealing. At least four full threads must be in engagement in each fitting.

(4) *Drains and bottom fittings.* (i) Except for a diesel fuel crossover line, a drain or other bottom fitting must not extend more than three-fourths of an inch below the lowest part of the fuel tank or its sump.

(ii) A drain or other bottom fitting must be protected against damage from impact.

(iii) If a fuel tank has a drain, the drain fitting must permit substantially complete drainage of the tank.

(iv) A drain or other bottom fitting must be installed in a flange or spud designed to accommodate it.

(5) *Fuel lines.* Except for diesel fuel crossover lines, the lines and other fittings through which fuel is withdrawn from a fuel tank must be located above the normal level of the fuel in the tank when the tank is full. A diesel fuel crossover line must be protected against damage from impact and must not extend more than two inches below the fuel tank or its sump. Every fuel line must be—

(i) Long enough and flexible enough to accommodate normal movements of the parts to which it is attached without incurring damage; and

(ii) Secured against chafing, kinking, or other causes of mechanical damage.

(6) *Excess flow valve.* When pressure devices are used to force fuel from a fuel tank, a device which prevents the flow of fuel from the fuel tank if the fuel feed line is broken must be installed in the fuel system.

(7) *Fill pipe.* (i) Each fill pipe must be designed and constructed to minimize the risk of fuel spillage during fueling operations and when the vehicle is involved in a crash.

(ii) The fill pipe and vents of a fuel tank having a capacity of more than 25 gallons of fuel must permit filling the tank with fuel at a rate of at least 20 gallons per minute without fuel spillage.

(iii) Each fill pipe must be fitted with a cap that can be fastened securely over the opening in the fill pipe. Screw threads or a bayonet-type joint are methods of conforming to the requirements of this subdivision.

(8) *Safety venting system.* A liquid fuel tank with a capacity of more than 25 gallons of fuel must have a venting system which, in the event the tank is subjected to fire, will prevent internal tank pressure from rupturing the tank's body, seams, or bottom opening (if any).

(9) *Pressure resistance.* The body and fittings of a liquid fuel tank with a capacity of more than 25 gallons of fuel must be capable of withstanding an internal hydrostatic pressure equal to 150 percent of the maximum internal pressure reached in the tank during the safety venting systems test specified in paragraph (d)(1) of this section.

(10) *Air vent.* Each fuel tank must be equipped with a nonspill air vent (such as a ball check). The air vent may be combined with the fill-pipe cap or safety vent, or it may be a separate unit installed on the fuel tank.

(11) *Markings.* If the body of a fuel tank is readily visible when the tank is installed on the vehicle, the tank must be plainly marked with its usable liquid capacity. The tank must also be plainly marked with a warning against filling it to more than 95 percent of its liquid capacity.

(12) *Overfill restriction.* A liquid fuel tank manufactured on or after July 1, 1972, must be designed and constructed so that—

(i) The tank cannot be filled, in a normal filling operation, with a quantity of fuel that exceeds 95 percent of the tank's liquid capacity; and

(ii) When the tank is filled, normal expansion of the fuel will not cause fuel spillage.

(d) *Liquid fuel tank tests.* Each liquid fuel tank must be capable of passing the tests specified in subparagraphs (1) and (2) of this paragraph.[1]

(1) *Safety venting system test*—(i) *Procedure.* Fill the tank three-fourths full with fuel, seal the fuel feed outlet, and invert the tank. When the fuel temperature is between 50° F. and 80° F., apply an enveloping flame to the tank so that the temperature of the fuel rises at a rate of not less than 6° F. and not more than 8° F. per minute.

(ii) *Required performance.* The safety venting system required by paragraph (c)(8) of this section must activate before the internal pressure in the tank exceeds 50 pounds per square inch, gauge, and the internal pressure must not thereafter exceed the pressure at which the system activated by more than five pounds per square inch despite any further increase in the temperature of the fuel.

(2) *Leakage test*—(i) *Procedure.* Fill the tank to capacity with fuel having a temperature between 50° F. and 80° F. With the fill-pipe cap installed, turn the tank through an angle of 150° in any direction about any axis from its normal position.

(ii) *Required performance.* Neither the tank nor any fitting may leak more than a total of one ounce by weight of fuel per minute in any position the tank assumes during the test.

(e) *Side-mounted liquid fuel tank tests.* Each side-mounted liquid fuel tank must be capable of passing the tests specified in subparagraphs (1) and (2) of paragraph (d) of this section.[2]

(1) *Drop test*—(i) *Procedure.* Fill the tank with a quantity of water having a weight equal to the weight of the maximum fuel load of the tank and drop the tank 30 feet onto an unyielding surface so that it lands squarely on one corner.

(ii) *Required performance.* Neither the tank nor any fitting may leak more than a total of 1 ounce by weight of water per minute.

(2) *Fill-pipe test*—(i) *Procedure.* Fill the tank with a quantity of water having a weight equal to the weight of the maximum fuel load of the tank and drop the tank 10 feet onto an unyielding surface so that it lands squarely on its fill-pipe.

(ii) *Required performance.* Neither the tank nor any fitting may leak more than a total of 1 ounce by weight of water per minute.

(f) *Certification.* Each liquid fuel tank shall be legibly and permanently marked with the month and year of its manufacture and a certification that it conforms to the rules in § 393.65 and this § 393.67 applicable to the tank. If the tank conforms to all the rules in those sections, the certificate may be in the following form: "Meets All FHWA Requirements." If the tank conforms to rules in § 393.65 and this § 393.67 only when its end-use is restricted (e.g., by installation only in certain types of vehicles), the nature of the restriction shall be set forth in the certificate.

[1] The specified tests are a measure of performance only. Manufacturers and carriers may use any alternative procedures which assure that their equipment meets the required performance criteria.

[2] See note to paragraph (d) of this section.

§ 393.69 Liquefied petroleum gas systems.

(a) A fuel system that uses liquefied petroleum gas as a fuel for the operation of a motor vehicle or for the operation of auxiliary equipment installed on, or used in connection with, a motor vehicle must conform to the "Standards for the Storage and Handling of Liquefied Petroleum Gases" of the National Fire Protection Association, 60 Batterymarch Street, Boston, MA 02110, as follows:

(1) A fuel system installed before December 31, 1962, must conform to the 1951 edition of the Standards.

(2) A fuel system installed on or after December 31, 1962, and before July 1, 1972, must conform to Division IV of the June 1959 edition of the Standards.

(3) A fuel system installed on or after July 1, 1972, and providing fuel for propulsion of the motor vehicle must conform to Division IV of the 1969 edition of the Standards.

(4) A fuel system installed on or after July 1, 1972, and providing fuel for the operation of auxiliary equipment must conform to Division VII of the 1969 edition of the Standards.

(b) When the rules in this section require a fuel system to conform to a specific edition of the Standards, the fuel system may conform to the applicable provisions in a later edition of the Standards specified in this section.

(c) The tank of a fuel system must be marked to indicate that the system conforms to the Standards.

[FR Doc.71-11766 Filed 8-13-71;8:48 am]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of State

Section 213.3304 is amended to reflect the following headnote change: From Office of the Deputy Under Secretary for Political Affairs to Office of the Deputy Under Secretary for Economic Affairs.

Effective on publication in the FEDERAL REGISTER (8-14-71), paragraph (q) of § 213.3304 is amended as set out below.

§ 213.3304 Department of State.

(q) *Office of the Deputy Under Secretary for Economic Affairs.* * * *

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

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

[FR Doc.71-11772 Filed 8-13-71;8:49 am]

PART 213—EXCEPTED SERVICE

Office of Consumer Affairs

Section 213.3371 is amended to show that the positions of Director for Legislative Affairs and Secretary to the Director for Legislative Affairs are no longer excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (8-14-71), paragraphs (e) and (h) of § 213.3371 are revoked.

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

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

[FR Doc.71-11773 Filed 8-13-71;8:49 am]

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that one position of Special Assistant to the Director, Office of Telecommunications, is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (8-14-71), subparagraph (2) is added to paragraph (n) of § 213.3314 as set out below.

§ 213.3314 Department of Commerce.

* * * * *

(n) *Office of the Assistant Secretary for Science and Technology.* * * *

(2) One Special Assistant to the Director, Office of Telecommunications.

* * * * *

(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.71-11771 Filed 8-13-71;8:49 am]

PART 300—EMPLOYMENT (GENERAL)

PART 772—APPEALS TO THE COMMISSION

Under date of June 19, 1971, 36 F.R. 11817, F.R. Doc. 71-8721, notice of proposed rule making was given concerning

regulations proposed to be issued by the Civil Service Commission to insure that examining, testing, and other employment practices are not affected by discrimination on the basis of race, color, religion, sex, national origin, partisan political affiliation, or other nonmerit factor; and to provide for appeals and grievances relative to such an employment practice. The Commission, having considered the comments submitted concerning the proposed regulations, and having modified the proposed regulations, has approved and adopted the regulations set out below which are effective on August 13, 1971.

Subpart A—Employment Practices

Sec.
300.101 Purpose.
300.102 Policy.
300.103 Basic requirements.
300.104 Appeals, grievances and complaints.

AUTHORITY: The provisions of this Subpart A issued under 5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR, 1954–1958 Comp., p. 218, unless otherwise noted. Secs. 300.101–300.104 also issued under 5 U.S.C. secs. 7151, 7154, E.O. 11478; 3 CFR, 1969 Comp.

§ 300.101 Purpose.

The purpose of this subpart is to establish principles to govern, as nearly as is administratively feasible and practical, the employment practices of the Federal Government generally, and of individual agencies, that affect the recruitment, measurement, ranking, and selection of individuals for initial appointment and competitive promotion in the competitive service or in positions in the government of the District of Columbia required to be filled in the same manner that positions in the competitive service are filled. For the purpose of this subpart, the term "employment practices" includes the development and use of examinations, qualification standards, tests, and other measurement instruments.

§ 300.102 Policy.

This subpart is directed to implementation of the policy that competitive employment practices:

(a) Be practical in character and as far as possible relate to matters that fairly test the relative capacity and fitness of candidates for the jobs to be filled;

(b) Result in selection from among the best qualified candidates;

(c) Be developed and used without discrimination because of race, color, religion, sex, national origin, partisan political affiliation, or other nonmerit grounds; and

(d) Insure to the candidate opportunity for appeal or administrative review, as appropriate.

§ 300.103 Basic requirements.

(a) *Job analysis.* Each employment practice of the Federal Government generally, and of individual agencies, shall be based on a job analysis to identify:

(1) The basic duties and responsibilities;

(2) The knowledge, skills, and abilities required to perform the duties and responsibilities; and

(3) The factors that are important in evaluating candidates. The job analysis may cover a single position or group of positions, or an occupation or group of occupations, having common characteristics.

(b) *Relevance.* (1) There shall be a rational relationship between performance in the position to be filled (or in the target position in the case of an entry position) and the employment practice used. The demonstration of rational relationship shall include a showing that the employment practice was professionally developed. A minimum educational requirement may not be established except as authorized under section 3308 of title 5, United States Code.

(2) In the case of an entry position the required relevance may be based on the target position when—

(i) The entry position is a training position or the first of a progressive series of established training and development positions leading to a target position at a higher level; and

(ii) New employees, within a reasonable period of time and in the great majority of cases, can expect to progress to a target position at a higher level.

(c) *Equal employment opportunity.* An employment practice shall not discriminate on the basis of race, color, religion, sex, national origin, partisan political affiliation, or other nonmerit factor. This requirement is generally met when an employment practice is relevant to performance in the position to be filled (or in the target position in the case of an entry position).

§ 300.104 Appeals, grievances, and complaints.

(a) *Employment practices.* (1) A candidate who believes that an employment practice which was applied to him and which is administered or required by the Commission violates a basic requirement in § 300.103 is entitled to appeal to the Commission.

(2) An appeal shall be in writing, shall set forth the basis for the candidate's belief that a violation occurred, and shall be filed with the Board of Appeals and Review, U.S. Civil Service Commission, Washington, D.C. 20415, no later than 15 days from the date the employment practice was applied to the candidate or the date he became aware of the results of the application of the employment practice. The board may extend the time limit in this subparagraph for good cause shown by the candidate.

(3) An appeal shall be processed in accordance with Subpart D of Part 772 of this chapter.

(b) *Examination ratings.* A candidate may file an appeal with the Commission from his examination rating or the rejection of his application. The appeal shall be filed and processed in accordance with instructions in Chapter 337 of the Federal Personnel Manual.

(c) *Complaints and grievances to an agency.* (1) A candidate may file a complaint with an agency when he believes that an employment practice which was applied to him and which is administered or required by the agency discriminates against him on the basis of race, color, religion, sex, or national origin. The complaint shall be filed and processed in accordance with Subpart B of Part 713 of this chapter.

(2) Except as provided in subparagraph (1) of this paragraph, an employee may file a grievance with an agency when he believes that an employment practice which was applied to him and which is administered or required by the agency violates a basic requirement in § 300.103. The grievance shall be filed and processed under the agency grievance system, or a negotiated grievance system, established in accordance with Subpart C of Part 771 of this chapter.

Subpart D—Commission's Appellate Review of Employment Practices

Secs.
772.401 Coverage.
772.402 Rejection of appeal.
772.403 Processing of appeal.
772.404 Review by the Commissioners.

AUTHORITY: The provisions of this Subpart D issued under 5 U.S.C. secs. 1302, 3301, 3302, 5115, 5338, 7512, 7701, 8347, E.O. 10577; 3 CFR, 1954–1958 Comp., p. 218, E.O. 11491; 3 CFR, 1969 Comp. secs. 772.401–772.404 also issued under 5 U.S.C. secs. 7151, 7154, E.O. 11478; 3 CFR, 1969 Comp.

§ 772.401 Coverage.

This subpart applies to appeals to the Commission under Subpart A of Part 300 of this chapter.

§ 772.402 Rejection of appeal.

(a) Except as provided by paragraph (b) of this section, an appeal shall be rejected when the particular test, examination, standard, or employment practice being appealed has been the subject of a previous appeal in which the final administrative decision of the Commission denied the appeal.

(b) An appeal on a particular test, examination, standard, or employment practice which was the subject of a previous appeal and final administrative decision to deny the appeal, may be accepted when the appellant offers new and material evidence which was not available, or could not be located after reasonably diligent efforts to find the evidence, at the time of the previous appeal.

§ 772.403 Processing of appeal.

(a) *Right to a hearing.* Except when an appeal is rejected on the basis of timeliness or on the basis of a prior final administrative decision, the appellant is entitled to a hearing on his appeal. He shall be notified in writing of his right to a hearing and allowed a reasonable time to reply in writing either requesting a hearing or stating that he does not desire a hearing.

(b) *Hearing.* (1) A hearing shall be conducted by the Board of Appeals and Review or by an examiner designated by the Board for that purpose. The Board or the examiner, as appropriate, shall schedule the hearing, considering the convenience of the parties as to time and place, and shall notify the parties of the time and place at least 15 days in advance. The Board or the examiner, as

appropriate, shall take all action needed to control the hearing and shall conduct the hearing in accordance with § 772.305 (c)(4).

(2) The hearing shall be recorded verbatim by an official reporter furnished by the Commission. The transcript of the official reporter is the sole official transcript. The transcript shall be made part of the record and the official reporter shall supply the parties, at their own expense, with a copy of the transcript at a rate not in excess of the maximum rate fixed by contract between the Commission and the reporter.

(3) When the hearing is conducted by an examiner, he shall prepare a report of findings and recommendations for submission to the Board.

(c) *Decision of the board.* The Board of Appeals and Review shall issue a written decision and send copies thereof to the parties and to the appellant's representative. When the appeal is sustained, the decision shall inform the appellant of the corrective action directed by the Board. The decision of the Board is final and there is no further right of appeal.

§ 772.404 Review by the Commissioners.

The Commissioners may reopen and reconsider any previous decision under the principles set forth in § 772.308.

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

[FR Doc.71-11922 Filed 8-13-71;8:54 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Monetary Offices

[31 CFR Part 103]

FINANCIAL RECORDKEEPING AND REPORTING OF CURRENCY AND FOREIGN TRANSACTIONS

Notice of Proposed Reporting Forms

Notice is hereby given of the information requested and the instructions on proposed Form 4789, Currency Transactions Report, and proposed Form 4790, Currency or Monetary Instrument Reporting, specimens of which are annexed hereto.[1] These proposed forms when finally adopted will implement the reporting requirements found in the Currency and Foreign Transactions Reporting Act, title II of Public Law 91-508 (84 Stat. 1118 et seq.). These forms should be associated with proposed regulations published by the Secretary of the Treasury in the June 10 FEDERAL REGISTER (36 F.R. 11208).

Dated: August 9, 1971.

[SEAL] SAM R. PIERCE, Jr.,
General Counsel.

[FR Doc.71-11676 Filed 8-13-71;8:52 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1050]

MILK IN THE CENTRAL ILLINOIS MARKETING AREA

Notice of Proposed Suspension of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Central Illinois marketing area is being considered for August 1971.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 5 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

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

The provisions proposed to be suspended are as follows:

1. In § 1050.14, the portion of paragraph (c) which reads: "shall be deemed to be received at the plant from which diverted, unless the plant to which the milk is diverted is located more than 110 miles from the city hall in Peoria, Ill. (by shortest highway distance as determined by the market administrator) in which case the milk."

2. In § 1050.14, paragraph (c) (2) and (3).

Statement of consideration. The proposed suspension would make inoperative for the month of August 1971 the provisions that limit, during each of the months of August through April, the proportion of each producer's monthly milk production that may be diverted as producer milk from a pool plant to a nonpool plant. Also, the proposed suspension would price, in the case of milk diverted to a plant located between 50 and 110 miles of Peoria, Ill., all diverted milk at the location of the plant to which diverted, rather than at the location of the plant from which diverted.

Associated Milk Producers, Inc., representing a majority of the producers who deliver milk to Central Illinois market, requests the suspension. A large distributing plant regulated under the order discontinued receiving milk from producer members of the cooperative at the end of July 1971. The distributing plant located in Pekin, Ill., obtains its entire milk supply from sources not previously associated with the market. The suspension of these provisions for August 1971 will afford the cooperative an opportunity to make other marketing arrangements with respect to the milk of its member producers who furnished milk to the Pekin plant for many years.

The cooperative states that the suspension will enable its member producers who had been delivering to the Pekin plant to maintain producer status under the order for the period of the suspension under the same rule of unlimited diversion as applied in May, June, and July. As such, they would continue to receive the uniform price. While a longer period of suspension was proposed by the cooperative, this notice applies to August deliveries only.

Signed at Washington, D.C., on August 12, 1971.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.71-11893 Filed 8-13-71;8:53 am]

[7 CFR Part 1079]

MILK IN THE DES MOINES, IOWA, MARKETING AREA

Notice of Proposed Suspension or Termination of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension or termination of certain provisions of the order regulating the handling of milk in the Des Moines, Iowa, marketing area is being considered.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension or termination should file the same with the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 7 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

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

The provisions proposed to be suspended are as follows:

In § 1079.44, all of paragraph (c), and in paragraph (d) the provisions "located not more than 150 miles by the shortest highway distance, as determined by the market administrator, from the nearest of the Post Offices of Corydon, Creston, Des Moines, Grinnell, Jefferson, and Ottumwa".

Statement of consideration. The proposed suspension or termination would remove the automatic Class I classification of milk transferred or diverted from a pool plant to a nonpool plant located more than 150 miles from the nearest of the six basing points listed above.

Proponent, a cooperative association, states that it operates a Grade A receiving plant located in Caledonia, Minn., which is more than 150 miles from the nearest basing point. It expects this plant to qualify as a pool supply plant under the order beginning September 1, 1971. When milk received at proponent's Caledonia plant is not needed at distributing plants the most economical disposition of the milk will be to its manufacturing plant which also is located in Caledonia. Presently, this milk would be classified as Class I milk even though used for manufacturing.

Proponent states that the above provision inhibits its participation in the Des Moines market because of the Class I classification provided on any milk moved to a nonpool plant located more

[1] Proposed Forms 4789 and 4790 filed as part of the original document.

than 150 miles from the nearest basing point. Suspension or termination of the provision would classify milk so disposed of on the basis of its actual use.

Signed at Washington, D.C., on August 12, 1971.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.71-11894 Filed 8-13-71;8:54 am]

[7 CFR Parts 1104, 1106]

[Dockets Nos. AO-298-A18, AO-210-A30]

MILK IN RED RIVER VALLEY AND OKLAHOMA METROPOLITAN MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Notice is hereby given of a public hearing to be held in Banquet Room No. 2, Ramada Inn West, 800 South Meridian Avenue, Oklahoma City, OK, beginning at 10 a.m., local time, on August 24, 1971, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Red River Valley and Oklahoma Metropolitan marketing areas.

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

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions in the Red River Valley and Oklahoma Metropolitan marketing areas which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

Evidence also will be taken to determine whether emergency marketing conditions exist that would warrant omission of a recommended decision under the rules of practice and procedure (7 CFR 900.12(d)).

Additional statement of purpose of hearing. This hearing is to provide opportunity to consider appropriate amendments to these orders in view of marketing conditions and marketing practices prevailing in these two markets as described in the notice of proposed suspension or termination of certain provisions of orders (36 F.R. 7318) and the order suspending certain provisions issued May 28, 1971 (36 F.R. 10775).

Provisions of the orders defining certain terms, including "producer", "producer milk", "diverted producer milk" and "pool plant", shall be considered. The hearing shall consider also application of location differentials to diverted producer milk. In considering the above described subjects and the proposals set forth herein, the following provisions of the orders shall be open for modification on the basis of the record of this hearing.

PART 1104—MILK IN THE RED RIVER VALLEY MARKETING AREA

Sections 1104.6, 1104.7, 1104.8, 1104.9, 1104.14, 1104.52, 1104.61, 1104.63, and 1104.74.

PART 1106—MILK IN THE OKLAHOMA METROPOLITAN MARKETING AREA

Sections 1106.7, 1106.8, 1106.9, 1106.12, 1106.13, 1106.53, 1106.61, and 1106.81.

Consideration will be given to uniformity of application of the corresponding provisions of the orders with respect to the marketing conditions and marketing practices heretofore described.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

PROPOSALS TO AMEND THE RED RIVER VALLEY FEDERAL MILK ORDER

Proposed by Robert T. Cochran on behalf of certain producers.

Proposal No. 1. Add at the end of § 1104.6(a) the phrase "in the marketing area."

Proposal No. 2. Revise § 1104.7(c) by striking the language "and (c) from which Class I milk, except filled milk, is disposed of during the month on routes in the marketing area in an amount greater than an average of 600 pounds per day" and replacing with the following "and (c) from which (1) disposition of Class I milk, except filled milk, on routes is at least 50 percent of the total receipts of Grade A milk and (2) Class I milk, except filled milk, is disposed of during the month on routes in the marketing area in an amount equal to at least 15 percent of its total disposition of Class I milk, except filled milk, on routes."

Proposal No. 3. Revise § 1104.8 as follows:

1. Strike the words "September through December," and replace with the words "August through February."

2. Strike the words "January 31" and replace with the words "March 31."

3. Strike the words "January through August," and replace with the words "March through July."

Proposal No. 4. Revise § 1104.52 by striking the word "pool" in the phrase "pool plant."

Proposal No. 5. Delete the present paragraphs (b) and (c) of § 1104.63 and replace with a new paragraph (b) as follows:

"(b) (1) Milk diverted by a pool plant or by a cooperative association to a nonpool plant located within the marketing area shall be priced as of the location of the plant from which diverted.

(2) Milk diverted by a pool plant or by a cooperative association to a nonpool plant located outside the marketing area shall be priced as of the location of the plant to which diverted.

Proposal No. 6. Delete paragraph (d) of § 1104.63, and replace with the following:

(c) The milk of a producer diverted by a handler, including a cooperative association, to a nonpool plant for more days' production than is physically received at a pool plant shall not be considered producer milk for the entire period of such diversion during the month.

Proposal No. 7. Revise § 1106.74. Replace the first sentence with the wording as follows:

"Except as provided in § 1104.63(b) (1), in making payments to producers pursuant to § 1104.80 for milk received at a plant located outside the State of Texas and more than 40 miles from Wichita Falls, Tex., each handler may deduct from each hundredweight of milk received during the month an amount for plant location as set forth in § 1104.52(a)." (Section 1104.63(b) refers to a new paragraph (b)(1) of § 1104.63 appearing in Proposal No. 5 above.)

Proposal No. 8. As an alternative to Proposals Nos. 1 through 7, immediately revoke, suspend and terminate the Red River Valley milk market order, No. 1104, in its entirety.

PROPOSALS TO AMEND THE OKLAHOMA METROPOLITAN FEDERAL MILK ORDER

Proposed by Robert T. Cochran in behalf of certain producers supplying the Red River Valley market.

Proposal No. 9. Revise paragraph (b) of § 1106.9 by striking the words "September through December" and replacing with the words "August through February", and by striking the words "January through August" and replacing with the words "March through July."

Proposal No. 10. Delete and eliminate paragraph (c) of § 1106.9.

Proposal No. 11. Delete from the wording in paragraph (c) of § 1106.11 the words "which owns or operates a plant described in § 1106.9(c)."

Proposal No. 12. Revise paragraph (d) of § 1106.11 by striking the words "which it causes to be diverted to nonpool plants for the account of such cooperative association," and replacing the same with the words "which it causes to be diverted for the account of such association from a pool plant to a nonpool plant within the limits contained in the exception stated at the end of § 1106.13."

Proposal No. 13. Add the following phrase at the end of § 1106.13: "; except that the milk of a producer diverted by a handler, including a cooperative association, to a nonpool plant for more days' production than is physically received at a pool plant shall not be considered producer milk for the entire period of such diversion during the month."

Proposal No. 14. Revise § 1106.12 by striking the sentence "This definition shall include any person meeting the above requirements whose milk is caused by a handler to be diverted from a pool plant to a nonpool plant for the account of such handler, and milk so diverted shall be deemed to have been received at the pool plant from which it is diverted for the purpose of determining location differentials pursuant to § 1106.81." and replacing with the sentence "This definition shall include any person meeting the above requirements whose milk is caused by a handler to be diverted

from a pool plant to a nonpool plant for the account of such handler within the limits described in the exception stated at the end of § 1106.13, and milk so diverted shall be deemed to have been received at the nonpool plant to which it is diverted for the purpose of determining location differentials pursuant to § 1106.81."

Proposal No. 15. Strike, or provide appropriate limitations, with respect to the application of the following provision appearing in § 1106.12. "This definition shall not include any person with respect to milk produced by him which is diverted to a pool plant from an other order plant if the other order designates such person as a producer under that order and the handler diverting such milk under the other order and the operator of the pool plant have each requested Class II classification in the reports of receipts and utilization filed with their respective market administrators."

Proposed by George Silzer, Mounds, Okla., et al.

Proposal No. 16. Limit the amount of milk which may be diverted by a handler to a nonpool plant to not more than 30 percent of the handler's receipts from producers.

Proposal No. 17. Limit diversions of producer milk to nonpool plants to not more than 27 days' production in any month.

Proposal No. 18. Milk diverted by a handler to a nonpool plant for the account of such handler shall be priced at the location of the nonpool plant to which diverted.

Proposal No. 19. Eliminate § 1106.9(c), which permits a cooperative association manufacturing plant to become a pool plant under Federal order No. 106.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 20. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the Market Administrator Richard E. Arnold, Post Office Box 45563, Tulsa, OK, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on August 11, 1971.

JOHN C. BLUM,
*Deputy Administrator,
Regulatory Programs.*

[FR Doc.71-11824 Filed 8-13-71;8:52 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-CE-96]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

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

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

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

Since designation of controlled airspace at Janesville, Wis., the instrument approach procedures for Rock County Airport, have been revised. In addition, the criteria for the designation of control zones and transition areas have changed. Accordingly, it is necessary to alter the control zone and transition area at Janesville, Wis., to adequately protect aircraft executing the revised approach procedures and to comply with the new control zone and transition area criteria.

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

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

JANESVILLE, WIS.

Within a 5-mile radius of the Rock County Airport (latitude 42°37'12" N, longitude 89°02'28" W.); within 3 miles each side of a 125° bearing from the Rock County Airport extending from the 5-mile-radius zone to 6½ miles Southeast of the airport; and within 3 miles each side of a 321° bearing from the Rock County Airport extending from the 5-mile-radius zone to 6½ miles Northwest of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

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

JANESVILLE, WIS.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Rock County Airport, Janesville, Wis. (latitude 42°37'12" N., longitude 89°02'28" W.).

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

Issued in Kansas City, Mo., on July 26, 1971.

CHESTER W. WELLS,
Acting Director, Central Region.

[FR Doc.71-11738 Filed 8-13-71;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 71-CE-93]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Ontonagon, Mich.

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

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

A new public use instrument approach procedure has been developed for the Ontonagon County Airport, Ontonagon, Mich. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Ontonagon, Mich.

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

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

ONTONAGON, MICH.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Ontonagon County Airport (latitude 46°50'47" N., longitude 89°21'29" W.); and within 3 miles each side of a 042° bearing from Ontonagon County Airport, extending from the 6-mile-radius area to 7.5 miles northeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles northwest and 9½ miles southeast of the 042° bearing from Ontonagon County Airport, extending from the airport to 18½ miles northeast of the airport.

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

Issued in Kansas City, Mo., on July 26, 1971.

CHESTER W. WELLS,
Acting Director, Central Region.

[FR Doc.71-11739 Filed 8-13-71;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 71-CE-92]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Gibson City, Ill.

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

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

A new public use instrument approach procedure has been developed for the Gibson City, Ill., Municipal Airport. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Gibson City, Ill.

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

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

GIBSON CITY, ILL.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Gibson City Municipal Airport, latitude 40°29'00" N., longitude 88°16'00" W., and within 2 miles either side of the Roberts VORTAC 222° radial extending from the 5-mile radius northeast to Roberts VORTAC.

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

Issued in Kansas City, Mo., on July 26, 1971.

CHESTER W. WELLS,
Acting Director, Central Region.

[FR Doc.71-11740 Filed 8-13-71;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 71-CE-91]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

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

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

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

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

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

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

FAIRMONT, MINN.

Within a 5-mile radius of Fairmont Municipal Airport (latitude 43°38'41" N., longitude 94°25'04" W.); within 2½ miles each side of the 132° bearing from the Fairmont Municipal Airport, extending from the 5-mile-radius zone to 6½ miles southeast of the airport, and within 2½ miles each side of the 319° bearing from the Fairmont Municipal Airport, extending from the 5-mile-radius zone to 6½ miles northwest of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmans Information Manual.

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

FAIRMONT, MINN.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Fairmont Municipal Airport (latitude 43°38'41" N., longitude 94°25'04" W.); within 3 miles each side of the 132° bearing from Fairmont Municipal Airport, extending from the 7-mile-radius area to 8 miles southeast of the airport; and within 3 miles each side of the 319° bearing from Fairmont Municipal Airport, extending from the 7-mile-radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 132° bearing from the Fairmont Municipal Airport, extending from the airport to 18½ miles southeast of the airport; and within 4½ miles northeast and 9½ miles southwest of the 319° bearing from Fairmont Municipal Airport, extending from the airport to 18½ miles northwest of the airport.

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

Issued in Kansas City, Mo., on July 26, 1971.

CHESTER W. WELLS,
Acting Director, Central Region.

[FR Doc.71-11741 Filed 8-13-71;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 71-CE-89]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Webster City, Iowa.

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

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

The instrument approach procedure for the Webster City, Iowa, Municipal Airport has been altered. Accordingly, it is necessary to alter the Webster City transition area to adequately protect aircraft executing the altered approach procedure.

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

In § 71.181 (36 F.R. 2150), the following transition area is amended to read:

WEBSTER CITY, IOWA

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Webster City Municipal Airport (latitude 42°26'15" N., longitude 93°52'15" W.); and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 157° and 337° bearings from Webster City Municipal Airport, extending from 6 miles northwest to 18½ miles southeast of the airport, excluding the portions which overlie the Fort Dodge, Iowa, and Boone, Iowa, transition areas.

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

Issued in Kansas City, Mo., on July 26, 1971.

CHESTER W. WELLS,
Acting Director, Central Region.

[FR Doc.71-11742 Filed 8-13-71;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 71-CE-83]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Clintonville, Wis.

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

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

The instrument approach procedure for Clintonville, Wis., Municipal Airport has been revised. In addition, the criteria for the designation of transition areas have been changed. Accordingly, it is necessary to alter the Clintonville transition area to adequately protect aircraft executing the revised approach procedure and to comply with the new transition area criteria.

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

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

CLINTONVILLE, WIS.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Clintonville Municipal Airport (latitude 44°36'50" N., longitude 88°43'52" W.).

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

Issued in Kansas City, Mo., on July 26, 1971.

CHESTER W. WELLS,
Acting Director, Central Region.

[FR Doc.71-11743 Filed 8-13-71;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 71-CE-82]

CONTROL ZONES AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zones and transition area at Milwaukee, Wis.

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

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

Since designation of controlled airspace at Milwaukee, Wis., the instrument approach procedures for General Mitchell Field and Timmerman Airport have been revised. In addition, the criteria for the designation of control zones and transition areas have changed since controlled airspace was designated for the protection of IFR air traffic at these airports as well as at the Waukesha County and Horlick-Racine Airports. Accordingly, it is necessary to alter the Milwaukee, Wis. (General Mitchell Field) and Milwaukee (Timmerman Airport) control zones and the Milwaukee, Wis., transition area to adequately protect aircraft executing the revised instrument approach procedures and to comply with the new control zone and transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal

Aviation Regulations as hereinafter set forth:

(1) In § 7.171 (36 F.R. 2055), the following control zones are amended to read:

MILWAUKEE, WIS. (GENERAL MITCHELL FIELD)

Within a 5-mile radius of General Mitchell Field (latitude 42°56'51" N., longitude 87° 53'58" W.).

MILWAUKEE, WIS. (TIMMERMAN AIRPORT)

Within a 5-mile radius of Timmerman Airport (latitude 43°06'40" N., longitude 88° 02'00" W.); and within 3 miles each side of Timmerman VOR 336° radial, extending from the 5-mile-radius zone to 6½ miles northwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

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

MILWAUKEE, WIS.

That airspace extending toward from 700 feet above the surface within a 9-mile radius of General Mitchell Field (latitude 42°56'51" N., longitude 87°53'58" W.); within a 5½-mile radius of Horlick-Racine Airport (latitude 42°45'45" N., longitude 87°49'00" W.); within 3 miles each side of the 027° bearing from Horlick-Racine Airport extending from the 5½-mile radius to 8 miles northeast of the airport; within an 8-mile radius of Timmerman Airport (latitude 43°06'40" N., longitude 88°02'00" W.); within a 6½-mile radius of the Waukesha County Airport (latitude 43°02'25" N., longitude 88°14'00" W.); and within 3 miles each side of the 274° bearing from the Waukesha County Airport extending from the 6½-mile radius to 7½ miles west of the airport; and that airspace extending upward from 1,200 feet above the surface bounded on the north by latitude 43°30'00" N., on the east by longitude 87°00'00" W., on the south by latitude 42° 30'00" N., and the Illinois-Wisconsin boundary, and on the west by longitude 88°30'00" W.

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

Issued in Kansas City, Mo., on August 2, 1971.

CHESTER W. WELLS,
Acting Director, Central Region.

[FR Doc.71-11744 Filed 8-13-71;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 71-CE-61]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

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

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

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

Since designation of controlled airspace at Green Bay, Wis., a new instrument approach procedure has been developed for the Austin-Straubel Airport. In addition, the criteria for the designation of control zones and transition areas have changed. Accordingly, it is necessary to alter the Green Bay, Wis., control zone and transition area to adequately protect aircraft executing the new approach procedure and to comply with the new control zone and transition area criteria.

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

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

GREEN BAY, WIS.

That airspace within a 5-mile radius of Austin-Straubel Airport, Green Bay, Wis. (latitude 44°29'16" N., longitude 88°07'49" W.).

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

GREEN BAY, WIS.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Austin-Straubel Airport, Green Bay, Wis. (latitude 44°29'16" N., longitude 88°07'49" W.); within 2½ miles each side of the Green Bay ILS southwest localizer course extending from the 9-mile radius to 8 miles southwest of the OM; within 5 miles each side of the Green Bay VORTAC 326° radial, extending from the 9-mile-radius area to 8 miles northwest of the VORTAC; and within 5 miles each side of the Green Bay ILS localizer northeast course extending from the 9-mile radius to 14 miles northeast of the airport; that airspace extending upward from 1200 feet above the surface within a 26-mile-radius circle centered on the Green Bay VORTAC between the 032° and the 086° radius of the VORTAC.

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

Issued in Kansas City, Mo., on July 26, 1971.

CHESTER W. WELLS,
Acting Director, Central Region.

[FR Doc.71-11745 Filed 8-13-71;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SO-121]

FEDERAL AIRWAY

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate VOR Federal airway No. 281 from Albany, Ga., to the Hampton, Ga., intersection.

Interested persons may participate in the proposed rule making by submitting such written data, view, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA proposes to designate V-281 from Albany, Ga., via the intersection of Albany 009° T (008° M) and Norcross, Ga., 176° T (175° M) radials; to the intersection of Norcross 176° T (175° M) and Atlanta, Ga., 117° T (116° M) radials (Hampton, Ga., intersection) at which point it would terminate.

This proposed airway would provide a route for en route traffic from over Albany to the Atlanta terminal area via the Hampton Intersection arrival feeder fix.

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

Issued in Washington, D.C., on August 9, 1971.

T. MCCORMACK,
Acting Chief, Airspace and Traffic Rules Division.

[FR Doc.71-11746 Filed 8-13-71;8:47 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Housing Administration

[24 CFR Part 201]

[Docket No. R-71-136]

PROPERTY IMPROVEMENT AND MOBILE HOME LOANS

Financing

The Department of Housing and Urban Development is considering amending Part 201 of Title 24 of the Code of Federal Regulations, Subpart A, "Property Improvement Loans". The amendments, issued in accordance with section 2(a) of the National Housing Act, 12 U.S.C. 1701, would permit payments on other than a monthly basis for borrowers who have irregular flows 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.

All interested persons are invited to submit written comments or suggestions in triplicate with respect to this proposal, on or before September 17, 1971, addressed to the Rules Docket Clerk, Office of the General Counsel, Room 10256, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. All relevant material will be considered before adoption of a final rule. A copy of each communication will be available for public inspection during regular business hours at the above address.

The proposed rule is issue pursuant to 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Part 201 is proposed to be 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 one and one-half 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 as follows:

§ 201.9 Refinancing.

* * * * *

(c) *Rebate*. The full unearned charge on the original note shall be refunded to the borrower. If no additional advance is made, a handling charge not in excess of $10 may be assessed the borrower.

* * * * *

(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.

* * * * *

Issued at Washington, D.C., August 10, 1971.

EUGENE A. GULLEDGE,
Federal Housing Commissioner.

[FR Doc. 71-11750 Filed 8-13-71;8:46 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 270]

[Releases Nos. IC-6284, 34-9024]

ANNUAL REPORTS FOR MANAGEMENT INVESTMENT COMPANIES

Notice of Proposed Rule Making

CROSS REFERENCE: For a document withdrawing a proposed amendment to § 270.30a-1, see F.R. Doc. 71-11767, Title 17, Chapter II, Parts 249 and 274, in the Rules and Regulations section of this issue.

TENNESSEE VALLEY AUTHORITY

[18 CFR Parts 301, 304]

APPROVAL OF CONSTRUCTION IN THE TENNESSEE RIVER SYSTEM AND REGULATION OF STRUCTURES

Notice of Proposed Rule Making

Notice is hereby given that the Board of Directors of the Tennessee Valley Authority proposes to amend Chapter II of Title 18 of the Code of Federal Regulations by revoking §§ 301.2 and 301.3 of Part 301 and adopting a new Part 304, all as set forth below.

Proposed Subpart A of the new Part 304 would contain general provisions applicable to the whole part including definitions and a statement of scope and purpose. Proposed Subpart B would prescribe procedures for obtaining approval for construction, operation, and maintenance of structures across, along or in the Tennessee River or its tributaries generally similar to those contained in present § 301.2. Among other revisions the new subpart would reflect a delegation to the Director of the Division of Reservoir Properties of authority to approve or disapprove certain structures, subject to appeal to the Board of Directors. Proposed Subpart C would prescribe regulations generally similar to those now contained in present § 301.3 governing designation of harbor areas at commercial boat docks, and mooring, maintenance, and numbering of floating boathouses and nonnavigable houseboats. Among other changes, the proposed subpart would revise the definition of nonnavigable houseboat and set out procedures for securing approval for certain existing, noncomplying fixed or floating structures. The revised procedures and regulations are proposed pursuant to section 26a of the Tennessee Valley Authority Act of 1933, as amended.

Interested persons may submit written data, views, arguments, comments, or objections in regard to the proposed rule making, preferably in duplicate, to the Tennessee Valley Authority, Attention, Office of the General Counsel, New Sprankle Building, Knoxville, Tenn. 37902. All relevant material received not later than 30 days after publication of this notice in the FEDERAL REGISTER will be considered prior to the adoption of a

final rule. Revisions may be made in the rule as finally adopted in the light of material received. Copies of all such material received will be available for public examination during regular business hours in the TVA Information Office, Room 333, New Sprankle Building, Knoxville, Tenn. 37902.

It is proposed to make the revocation of §§ 301.2 and 301.3 and the simultaneous adoption of Part 304 effective 30 days after publication in the FEDERAL REGISTER of the rule as finally adopted. Until such effective date, the provisions of §§ 301.2 and 301.3 will remain in effect.

The proposed rule is as follows:

I. Part 301 of Title 18 is amended as follows:

* * * * *

§ 301.2 [Revoked]

1. Section 301.2 is revoked.

§ 301.3 [Revoked]

2. Section 301.3 is revoked.

* * * * *

II. A new Part 304 is added to read as follows:

PART 304—APPROVAL OF CONSTRUCTION IN THE TENNESSEE RIVER SYSTEM AND REGULATION OF STRUCTURES

Subpart A—General Requirements

Sec.
304.1 Definitions.
304.2 Scope and intent.
304.3 Flotation devices and material.
304.4 Treatment of sewage.
304.5 Removal of unauthorized or unsafe structures.

Subpart B—Approval of Construction

304.100 Scope and intent.
304.101 Delegation of authority.
304.102 Application.
304.103 Contents of application.
304.104 Little Tennessee River; date of formal submission.
304.105 Determination of application.
304.106 Appeals.
304.107 Conduct of hearings.
304.108 Conditions of approvals.
304.109 Structures within the flowage easement areas of Fort Loudoun and Douglas Reservoirs.

Subpart C—Regulation of Structures

304.200 Scope and intent.
304.201 Definitions.
304.202 Designation of harbor areas at commercial boat docks.
304.203 Houseboats.
304.204 Floating boathouses.
304.205 Approval of plans for floating boathouses and nonnavigable houseboats.
304.206 Numbering and transfer of approved facilities.

AUTHORITY: The provisions of this Part 304 issued under 16 U.S.C. secs. 831–831dd.

Subpart A—General Requirements

§ 304.1 Definitions.

Except as the context may otherwise require, the following words or terms, when used in this Part 304, have the meaning specified in this section.

"Act" means the Tennessee Valley Authority Act of 1933, as amended.

"Applicant" means the person, corporation, state, municipality, political subdivision or other entity making application.

"Application" means a written request for the approval of plans pursuant to section 26a of the Act and the regulations contained in this part.

"Board" means the Board of Directors of TVA.

"Director" means the Director of the Division of Reservoir Properties of TVA.

"TVA" means the Tennessee Valley Authority.

§ 304.2 Scope and intent.

The Act among other things confers on TVA broad powers related to the unified conversation and development of the Tennessee River Valley and surrounding area and directs that property in TVA's custody be used to promote the Act's purposes. In particular, section 26a of the Act requires that TVA's approval be obtained prior to the construction, operation, or maintenance of any dam, appurtenant works, or other obstruction affecting navigation, flood control, or public lands or reservations along or in the Tennessee River or any of its tributaries. In the transfer or other disposition affecting shoreline lands within its custody, TVA has also retained land rights to carry out the Act's purposes including rights related to control of water pollution from the use of the land transferred. TVA uses and permits use of the lands and land rights in its custody alongside and subjacent to TVA reservoirs to carry out the purposes and policies of the Act. In addition, recent legislation, including the National Environment Policy Act of 1969, 42 U.S.C. section 4321 et seq., and the Water Quality Amendments of 1970, Public Law 91–224, 84 Stat. 91, have declared congressional policy that agencies should administer their statutory authorities so as to restore, preserve and enhance the quality of the environment and should cooperate in the control of pollution. It is the intent of the regulations prescribed in this Part 304 to carry out the purposes of the Act and other statutes relating to these purposes, and this part shall be interpreted and applied to that end.

§ 304.3 Flotation devices and material.

Because of the hazard to navigation from metal drums that become partially filled with water and escape from docks, boathouses, houseboats, floats, and other water-use structures or facilities for which they are used for flotation, the Board has prohibited use of metal drums for flotation of any facilities requiring approval under this part and section 26a of the Act before being constructed or placed on any TVA reservoir. Metal drums in use for flotation of existing facilities on TVA reservoirs must be replaced not later than January 1, 1972, with some type of permanent flotation device or material, for example, pontoons made of steel, aluminum, fiber glass, or plastic foam.

§ 304.4 Treatment of sewage.

No person operating a commercial boat dock on or over real property of the United States in the custody and control of TVA, or on or over real property subject to provisions for the control of water pollution in a deed, grant of easement, lease, license, permit or other instrument from or to the United States or TVA shall permit the mooring on or over such real property of any watercraft or floating structure equipped with a marine toilet unless such toilet is equipped with a treatment device approved by the State in which the watercraft or floating structure is registered or regularly moored, or, in the absence of applicable State regulations, by TVA, nor shall any such watercraft or floating structure be moored on or over any such real property not within the TVA-designated harbor limits of a commercial boat dock without a similarly approved treatment device. However, such State or TVA approval shall be sufficient only until the effective date of the standards and regulations or marine sanitation devices to be promulgated by the Environmental Protection Agency and the Secretary of Transportation under section 13 of the Federal Water Pollution Control Act, as amended, compliance with which will thereafter be required.

§ 304.5 Removal of unauthorized or unsafe structures.

If, at any time, any dock, wharf, floating boathouse, nonnavigable houseboat, outfall, or other fiixed or floating structure or facility anchored, installed, constructed, or moored under a license, permit, or approval from TVA is not constructed in accordance with plans approved by TVA, or is not maintained or operated so as to remain in accordance with such plans, or is not kept in a good state of repair and in good, safe, and substantial condition, and the owner or operator thereof fails to repair or remove such structure (or operate or maintain it in accordance with such plans) within ninety (90) days after written notice from TVA to do so, TVA may cancel such license, permit, or approval and remove such structure, or cause it to be removed, from the Tennessee River system and/or lands in the custody or control of TVA. TVA will remove or cause to be removed any such structure or facility anchored, installed, constructed, or moored without such license, permit, or approval, whether such license or approval has once been obtained and subsequently cancelled, or whether it has never been obtained.

Subpart B—Approval of Construction

§ 304.100 Scope and intent.

Except as provided in § 304.109 of this subpart, special approval must be obtained with respect to each structure subject to section 26a of the Act prior to its construction, operation or maintenance. This subpart prescribes procedures to be followed in any case where it is desired to obtain such approval.

§ 304.101 Delegation of authority.

Approval or disapproval of applications under this part is delegated to the Director, subject to appeal to the Board as provided in § 304.105, except that applications for structures subject to § 304.103(b) and not involving marine

toilets are reserved to the Board for approval or disapproval. In his discretion the Director may submit any application to the Board for its approval or disapproval. Administration of the handling of applications is delegated to the Division of Reservoir Properties.

§ 304.102 Application.

Applications shall be addressed to Tennessee Valley Authority, Director of Reservoir Properties, Knoxville, Tenn. 37902.

§ 304.103 Contents of application.

(a) The application need not follow any prescribed form. Unless TVA specifies otherwise in writing, an application must be accompanied by four (4) complete sets of detailed plans for the construction, operation, and maintenance of the structure desired to be built, which shall include: (1) Accurate maps showing the exact location where the structure is proposed to be built, moored, or installed, (2) detailed plans, in scale, of the proposed structure, (3) detailed statements of the plans formulated for the maintenance and operation of the structure when completed, (4) sufficient information to describe adequately all of the persons, corporations, organizations, agencies, or others who propose to construct, own and operate such structure, and (5) a report of the anticipated environmental consequences resulting from the erection and operation of the proposed structure. This report of anticipated environmental consequences shall include a discussion of: (i) The probable impact of the proposed structure on the environment; (ii) any probable adverse environmental consequences which cannot be avoided; (iii) alternatives to the proposed structure; (iv) the relationship between the local short-term uses of the environment and the maintenance of long-term productivity which will result from the proposed structure; and (v) any irreversible or irretrievable commitments of resources which would be involved by virtue of the proposed structure.

(b) If construction, maintenance or operation of the proposed structure or any part thereof, or the conduct of the activity in connection with which approval is sought, may result in any discharge into navigable water of the United States, applicant shall also submit with the application, in addition to the material required by paragraph (a) of this section, a certification from the State in which such discharge would originate, or, if appropriate, from the interstate water pollution control agency having jurisdiction over the navigable waters at the point where the discharge would originate, or from the Environmental Protection Agency, that such State or interstate agency or the Environmental Protection Agency has determined after public notice of applicant's proposal that there is reasonable assurance that applicant's proposed activity will be conducted in a manner which will not violate applicable water quality standards. If construction or operation of the proposed structure will affect water quality but is not subject to any applicable water quality standards, applicant shall submit a written statement to that effect by such State, interstate agency, or the Environmental Protection Agency. The applicant shall further submit such supplemental and additional information as TVA may deem necessary for the review of the application, including, without limitation, information concerning the amounts, chemical makeup, temperature differentials, type and quantity of suspended solids, and proposed treatment plans for any proposed discharges.

(c) Detailed information concerning contents of applications, kinds and amounts of information required to be submitted for specific structures, and suggested forms which can be used are available at the address specified in § 304.102 or from the Manager of Properties, Division of Reservoir Properties, Tennessee Valley Authority, at one of the following district offices:

(1) Western District, Post Office Box 280, Paris, TN 38242.

(2) Southern District, 601 First Federal Building, Muscle Shoals, Ala. 35660.

(3) Central District, Post Office Box 606, Athens, TN 37303.

(4) Eastern District, Post Office Box 1236, Morristown, TN 37814.

§ 304.104 Little Tennessee River; date of formal submission.

As regards structures on the Little Tennessee River, applications are deemed by TVA to be "formally submitted" within the meaning of section 26a of the Act, on that date upon which applicant has complied in good faith with all of the provisions of paragraphs (a) and (b) of § 304.103.

§ 304.105 Determination of application.

(a) The Division of Reservoir Properties conducts preliminary investigations; coordinates the processing of applications within TVA; notifies the applicant if preparation and review of an environmental statement are required under the National Environmental Policy Act of 1969, and of what additional information must be submitted to TVA by applicant so that TVA may comply with the requirements of that statute and related legal requirements, and complete its review of the application; and arranges for notification to the Environmental Protection Agency of applications that request approval of plans for structures which may result in a discharge into navigable waters of the United States and are certified in accordance with the requirements of § 304.103(b).

(b) Hearings concerning approval of applications are conducted (in accordance with § 304.107), (1) when requested by the applicant, (2) when TVA deems that a hearing is necessary or appropriate in determining any issue presented by the application, (3) when required on the objection of another State under the provisions of section 21(b)(2) of the Federal Water Pollution Control Act, as amended, or (4) when required to determine the necessity for suspending a previously granted approval, under section 21(b)(4) of the Federal Water Pollution Control Act, as amended.

(c) Upon completion of the investigation, coordination of the review of water quality aspects of the application under the Federal Water Pollution Control Act, as amended, completion of review under the National Environmental Policy Act, if required, and hearing or hearings, if any, the Director approves or disapproves the application on the basis of the application and supporting papers, the report of investigation, the transcript of the hearing or hearings, if any be held, the recommendations of other agencies, the intent of this part, and the applicable provisions of the TVA Act, the Federal Water Pollution Control Act, the National Environmental Policy Act, and other applicable law or regulations. In his discretion the Director may refer any application and supporting materials to the Board for its approval or disapproval.

(d) Promptly following determination, the Director or the Board furnishes a written copy of the decision to the applicant and to any parties of record pursuant to § 304.107. In the case of applications initially approved or disapproved by the Board, written requests for reconsideration may be made to the Board in the same manner as provided for appeals under § 304.106(a).

§ 304.106 Appeals.

(a) If the Director disapproves an application, the applicant may, by written request addressed to the Board of Directors, Tennessee Valley Authority, New Sprankle Building, Knoxville, Tenn. 37902, and mailed within thirty (30) days after receipt of notification of such disapproval, obtain review by the Board of the determination of the Director disapproving the application.

(b) A party of record to any hearing before the Director who is aggrieved or adversely affected by any determination of the Director approving an application, may obtain review by the Board of such determination by written request addressed and mailed as provided in paragraph (a) of this section.

(c) Requests for review shall specify the reasons why it is contended that the Director's determination is wrongful.

(d) Following receipt of a request for review, the Board will review the material on which the Director's decision was based and may conduct or cause to be conducted such investigation of the application as the Board deems necessary or desirable. The applicant and the person requesting review may submit additional written material in support of his position to the Board within thirty (30) days after receipt by TVA of the request for review. Based on the review, investigation, and written submissions provided for in this paragraph, the Board shall render its decision approving or disapproving the application.

(e) The Board will furnish a written copy of its decision in any appeal under this section to the applicant and to all parties of record promptly following determination of the appeal.

§ 304.107 Conduct of hearings.

(a) If a hearing is to be held for any of the reasons described in § 304.105(b), TVA gives notice of the hearing to permit attendance by interested persons. Such notice may be given by publication in the FEDERAL REGISTER, publication in a daily newspaper of general circulation in the area of the proposed structure, personal written notice, or a combination of these methods. The notice indicates the place, date, and time of hearing, so far as feasible indicates the particular issues to which the hearing will pertain, states the manner of becoming a party of record, and provides other relevant information. The applicant is automatically a party of record.

(b) Hearings may be conducted by the Director and/or such other person or persons as he may designate for that purpose. Hearings are public and are conducted in an informal manner. Parties of record may be represented by counsel or other persons of their choosing. Technical rules of evidence are not observed although reasonable bounds are maintained as to relevancy, materiality, and competency. Evidence may be presented orally or by written statement and need not be under oath. After the hearing has been completed, additional evidence will not be received unless it presents new and material matter that in the judgment of the person or persons conducting the hearing could not be presented at the hearing. Where construction of the project also requires the approval of another agency of the Federal Government by or before whom a hearing is to be held, the Director may arrange with such agency to hold a joint hearing.

§ 304.108 Conditions of approvals.

(a) Approvals of applications shall contain such conditions as are required by law. Approvals of applications may contain such other conditions as TVA deems necessary to carry out the provisions of the Act, the policy of related statutes, and the intent of this part.

(b) If an approval is granted under this subpart of a structure or facility with respect to which a certificate of compliance with applicable water quality standards has been obtained pursuant to section 21(b)(1) of the Federal Water Pollution Control Act, as amended, and no additional or other Federal permit or license is required for operation of such structure or facility, the holder of the TVA approval shall, prior to initial operation of such structure or facility, provide an opportunity for the certifying state or, if appropriate, the interstate agency or the Environmental Protection Agency to review the manner in which the structure or facility will be operated or conducted, for the purpose of assuring that applicable water quality standards will not be violated.

§ 304.109 Structures within the flowage easement areas of Fort Loudoun and Douglas Reservoirs.

(a) The regulations prescribed in this paragraph apply to approval of structures to be constructed on land which is subject to flowage easements acquired by the United States and which lies above elevation 815 (expressed in feet above mean sea level) in the Fort Loudoun Reservoir on the Tennessee River and above elevation 1,002 in the Douglas Reservoir on the French Broad River, a tributary of the Tennessee River:

(1) Structures or groups of structures (defined as two or more structures constituting a project) proposed for construction on such land which are not designed for human habitation and are to be constructed at a cost not in excess of $5,000, may be so constructed without applying to the Director for approval under this support.

(2) Structures or groups of structures proposed for construction on such land which are not designed for human habitation, do not involve discharges into the reservoirs, are not major actions significantly affecting the quality of the human environment and are to be constructed at a cost in excess of $5,000, and which the Director finds will not be damaged seriously when flooded, will not require approval under this subpart and may be constructed after receipt of notice from the Division of Reservoir Properties that, in the opinion of the Director, the property will not be seriously damaged when flooded.

(b) All other structures or groups of structures proposed for construction on land in the Fort Loudoun and Douglas Reservoirs which is subject to flowage easements acquired by the United States will constitute osbtructions affecting navigation, flood control, or public lands or reservations, and require approval in accordance with section 26a of the Act and the requirements of this subpart. Nothing contained in this section shall be in derogation of the rights of the United States or TVA, or their exercise of such rights, under the flowage easements in the Fort Loudoun and Douglas Reservoirs owned by the United States.

Subpart C—Regulation of Structures

§ 304.200 Scope and intent.

This subpart prescribes regulations governing designation of harbor areas at commercial boat docks and the approval of structures and facilities which can be moored or installed in or at such areas and in other areas subject to TVA jurisdiction. It is the intent of this subpart to provide for the mooring of new and existing floating boathouses and existing houseboats in such a manner as to avoid obstruction of or interference with navigation and flood control, avoid or minimize adverse effects on public lands and reservations, attain the widest range of beneficial uses of land and land rights owned by the United States of America, enhance reasonable recreational use of TVA reservoirs by all segments of the general public, protect lands and land rights owned by the United States alongside and subjacent to TVA reservoirs from trespass and other unlawful or unreasonable uses, and maintain, protect, and enhance the quality of the human environment.

§ 304.201 Definitions.

For the purposes of this subpart, in addition to any definitions contained elsewhere in this part, the following words or terms shall have the meaning specified in this section, unless the context requires otherwise:

"Existing" as applied to houseboats, floating boathouses, or other structures, means those which are moored, anchored, or otherwise installed on, along, or in a TVA reservoir on the effective date of these regulations.

"Floating boathouse" means a floating structure or facility, any portion of which is enclosed, capable of storing or mooring any houseboat or other vessel.

"Houseboat" means any vessel which is equipped with enclosed or covered sleeping quarters.

"Navigable houseboat" means a houseboat which is (a) on a boat hull or pontoons manufactured or constructed for the purpose of providing flotation for a boat or houseboat; (b) equipped with a motor of sufficient horsepower to propel the houseboat safely and under full control under normal wind and water conditions; (c) equipped with motor and rudder controls with which the houseboat must be operated, which controls must be located at a point on the houseboat from which there is not less than 240° forward visibility; and (d) in compliance with all State and Federal requirements relating to watercraft.

"New" as applied to houseboats, floating boathouses, or other structures means all houseboats, floating boathouses, or structures, other than existing ones.

"Nonnavigable houseboat" means a houseboat not in compliance with one or more of the criteria defining a navigable houseboat.

"Vessel" means any watercraft or other structure or contrivance used or capable of use as a means of water transportation.

§ 304.202 Designation of harbor areas at commercial boat docks.

The landward limits of harbor areas are determined by the extent of land rights held by the dock operator. The lakeward limits of harbors at commercial boat docks will be designated by TVA on the basis of the size and extent of facilities at the dock, navigation and flood control requirements, optimum use of lands and land rights owned by the United States, and on the basis of the environmental effects associated with the use of the harbor. Mooring buoys or slips and indefinite anchoring are prohibited beyond such lakeward limits, except as otherwise provided in this subpart.

§ 304.203 Houseboats.

(a) No new nonnavigable houseboat shall be moored, anchored, or installed in any TVA reservoir after the effective date of this Part 304.

(b) Existing nonnavigable houseboats may remain in TVA reservoirs after the effective date of this part only if (1) they have flotation devices complying with § 304.3; (2) they are approved and numbered pursuant to §§ 304.205 and 304.206;

and (3) they are moored in compliance with paragraph (c) of this section.

(c) Existing nonnavigable houseboats shall be moored in compliance with this paragraph not later than January 1, 1972, or within thirty (30) days after receipt from TVA of written approval pursuant to § 304.205, whichever is later. Existing nonnavigable houseboats shall be moored:

(1) To mooring facilities provided by a commercial dock operator within the designated harbor limits of his dock; or

(2) To the bank of the reservoir outside the designated harbor limits of commercial boat docks, if the houseboat owner is the owner or lessee of the abutting property at the mooring location (or the licensee of such owner or lessee) and TVA has issued a written approval authorizing mooring at such location.

(d) Ordinary maintenance and repair of existing nonnavigable houseboats permitted to be moored pursuant to this section may be continued, including replacement of metal drum flotation as required by § 304.3, but such houseboats may not be replaced, rebuilt, or returned to the reservoir when they have been abandoned, destroyed, removed from the reservoir, or have deteriorated or been damaged so as to be unusable and unrepairable.

§ 304.204 Floating boathouses.

(a) New floating boathouses may be moored in TVA reservoirs after the effective date of this Part 304 only if (1) they are approved and numbered pursuant to §§ 304.205 and 304.206, and (2) they are moored in compliance with paragraph (c) of this section.

(b) Existing floating boathouses may be moored in TVA reservoirs after the effective date of this Part 304 only if (1) they have flotation devices complying with § 304.3; (2) they are approved and numbered pursuant to §§ 304.205 and 304.206; and (3) they are moored in compliance with paragraph (c) of this section.

(c) Existing floating boathouses shall be moored in compliance with this paragraph not later than January 1, 1972, or within thirty (30) days after receipt from TVA of written approval pursuant to § 304.205, whichever is later. New floating boathouses shall be originally moored in compliance with this paragraph. All floating boathouses shall be moored:

(1) To mooring facilities provided by a commercial dock operator within the designated harbor limits of his dock; or

(2) To the bank of the reservoir outside the designated harbor limits of a commercial boat dock, if the boathouse owner is the owner or lessee of the abutting property at the mooring location (or the licensee of such owner or lessee) and TVA has issued a written approval authorizing mooring at such location.

(d) Ordinary maintenance and repair of existing floating boathouses permitted to be moored pursuant to this section may be continued, including replacement of metal drum flotation as required by § 304.3, but such floating boathouses may not be replaced, rebuilt, or returned to the reservoir when they have been abandoned, destroyed, or removed from the reservoir, or have deteriorated or been damaged so as to be unusable or unrepairable. Existing floating boathouses may be replaced with new floating boathouses subject to the provisions of this part.

§ 304.205 Approval of floating boathouses and nonnavigable houseboats.

(a) Existing nonnavigable houseboats and all floating boathouses must be approved pursuant to this subpart and the provisions of Subpart B of this part.

(b) Owners of existing floating boathouses and nonnavigable houseboats who intend to continue mooring beyond December 31, 1971, shall submit to TVA by October 31, 1971, applications and plans showing in reasonable detail the size, shape, kind of flotation device, and actual and proposed mooring locations thereof; indicating whether a marine toilet is on the facility, and giving the name and mailing address of the owner. Such plans shall be in lieu of the plans specified in § 304.103(a). Owners of new floating boathouses shall submit applications prior to commencement of construction pursuant to Subpart B of this part.

(c) If the proposed mooring location is outside the designated harbor limits of a commercial boat dock, the application and plans shall be accompanied by evidence satisfactory to TVA showing that the applicant is (or will be as of January 1, 1972) the owner or lessee of the abutting property at the proposed mooring location, or the licensee of such owner or lessee. If the existing flotation device includes metal drums in any form, the plans shall indicate the proposed flotation device which will replace such drums, and the date by which such replacement will be completed.

(d) Applications for new floating boathouses will be disapproved if such plans provide for enclosed living quarters, toilets, or enclosed lockers with more than 25 square feet of floor space. Plans for new floating boathouses will also be disapproved if the flotation devices include metal drums in any form.

(e) Applications for mooring outside designated harbor limits will be disapproved if TVA determines that such proposed mooring location will be contrary to the intent of this subpart, of §304.2, or of any applicable law. Applications will also be disapproved if marine toilets not in compliance with § 304.4 are involved.

(f) Approvals of applications shall contain such conditions as may be required by law and may contain such other conditions as TVA determines to be necessary or desirable to carry out the intent of this subpart, this part or other applicable law. Included, without limitation, among such conditions are conditions relating to the mooring of houseboats and floating boathouses at locations outside the designated harbor limits of commercial boat docks. All conditions shall be strictly complied with.

§ 304.206 Numbering and transfer of approved facilities.

(a) Upon approval of an application concerning a nonnavigable houseboat or floating boathouse, TVA will assign a number to such facility. The owner of the facility shall paint such number on, or attach a facsimile thereof to, a readily visible part of the outside of the facility in letters not less than three (3) inches high, by January 1, 1972, or within thirty (30) days after receipt of written approval of the facility from TVA, including assignment of such number, whichever is later.

(b) The transferee of any floating boathouse or nonnavigable houseboat approved pursuant to this part and which, after transfer, remains subject to this part, shall promptly report such transfer to TVA. A facility moored at a location approved pursuant to this part shall not be moored at a different location without prior approval of such location by TVA under this subpart, except for transfers of location to or between mooring facilities provided by commercial dock operators within the designated harbor limits of their docks.

Dated: August 9, 1971.

LYNN SEEBER,
General Manager.

[FR Doc.71-11758 Filed 8-13-71;8:47 am]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

PAPERMAKING MACHINERY AND PARTS THEREOF FROM FINLAND

Antidumping Proceeding Notice

AUGUST 9, 1971.

On June 6, 1971, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs regulations (19 CFR 153.26, 153.27), indicating a possibility that papermaking machinery, including kraft paper machines, linerboard (paperboard) machines, and corrugating medium machines, and parts thereof, from Finland are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs regulations (19 CFR 153.30).

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

[FR Doc.71-11778 Filed 8-13-71;8:49 am]

PAPERMAKING MACHINERY AND PARTS THEREOF FROM SWEDEN

Antidumping Proceeding Notice

AUGUST 9, 1971.

On June 6, 1971, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs regulations (19 CFR 153.26, 153.27), indicating a possibility that papermaking machinery, including kraft paper machines, linerboard (paperboard) machines, and corrugating medium machines, and parts thereof, from Sweden are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs regulations (19 CFR 153.30).

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

[FR Doc.71-11779 Filed 8-13-71;8:49 am]

Internal Revenue Service

THOMAS LEE BRANCH

Notice of Granting of Relief

Notice is hereby given that Thomas Lee Branch, 9044 Bryden, Detroit, MI 48204, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on June 18, 1958, in the Circuit Court for the County of Wayne, Mich., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Thomas Lee Branch because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Thomas Lee Branch to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Thomas Lee Branch's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That Thomas Lee Branch be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

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

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

[FR Doc.71-11781 Filed 8-13-71;8:50 am]

DONALD FRANCIS CARDAMONE

Notice of Granting of Relief

Notice is hereby given that Donald Francis Cardamone, 2893 South 93d Street, West Allis, WI, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his convictions on November 7, 1969, in the Waukesha County Circuit Court, Branch 2, Waukesha, Wis., of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Donald Francis Cardamone because of such convictions, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such convictions, it would be unlawful for Donald Francis Cardamone to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Donald Francis Cardamone's application and:

(1) I have found that the convictions were made upon charges which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the convictions and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public

safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That Donald Francis Cardamone be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 5th day of August 1971.

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

[FR Doc.71-11782 Filed 8-13-71;8:50 am]

ALBERT JACKSON CLARK

Notice of Granting of Relief

Notice is hereby given that Albert Jackson Clark, Route 2, Box 88-A, Powhatan, VA, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his convictions on April 25, 1963, in Cumberland County, Va., Circuit Court; September 26, 1955, in Amelia County, Va., Circuit Court; and June 19, 1962, in Powhatan County, Va., Circuit Court of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Albert J. Clark because of such convictions, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such convictions, it would be unlawful for Albert J. Clark to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Albert J. Clark's application and:

(1) I have found that the convictions were made upon charges which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the convictions and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, that Albert J. Clark be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the convictions hereinabove described.

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

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

[FR Doc.71-11783 Filed 8-13-71;8:50 am]

MERLE GROVER LANCASTER

Notice of Granting of Relief

Notice is hereby given that Merle Grover Lancaster, 321 West Apple Street, Hastings, MI has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on June 7, 1947, in the Circuit Court for the County of Barry, Mich., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Merle G. Lancaster because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Merle G. Lancaster to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Merle G. Lancaster's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c) title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That Merle G. Lancaster be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

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

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

[FR Doc.71-11784 Filed 8-13-71;8:50 am]

JESSE K. MAKAINAI

Notice of Granting of Relief

Notice is hereby given that Jesse K. Makainai, 45-042 Kaneohe Bay Drive, Kaneohe, HI, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on March 31, 1950, in the Circuit Court of the First Circuit, Territory of Hawaii, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Jesse K. Makainai because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Jesse K. Makainai to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Jesse K. Makainai's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That Jesse K. Makainai be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

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

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

[FR Doc.71-11785 Filed 8-13-71;8:50 am]

DENNIS K. McELHATTON

Notice of Granting of Relief

Notice is hereby given that Dennis K. McElhatton, W239 N6336, Sussex, Wis., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on February 21, 1969, by the Fond du Lac County Court, Branch No. 2, Fond du Lac, Wis., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Dennis K. McElhatton because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C. Appendix), because of such conviction, it would be unlawful for Dennis K. McElhatton to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Dennis K. McElhatton's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That Dennis K. McElhatton be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

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

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

[FR Doc.71-11786 Filed 8-13-71;8:50 am]

ENOCH McKINNEY

Notice of Granting of Relief

Notice is hereby given that Enoch McKinney, 23 Brook Street, Staten Island, NY, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on October 17, 1935, in the Supreme Court, Richmond County, N.Y., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Enoch McKinney because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Enoch McKinney to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Enoch McKinney's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That Enoch McKinney be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

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

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

[FR Doc.71-11787 Filed 8-13-71;8:50 am]

RICHARD J. McTIGUE

Notice of Granting of Relief

Notice is hereby given that Richard J. McTigue, 59-63 61st Street, Maspeth, Queens, NY, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on April 21, 1944, in the Bronx County Court, New York, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Richard J. McTigue because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Richard J. McTigue to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Richard J. McTigue's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That Richard J. McTigue be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C. this 5th day of August 1971.

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

[FR Doc.71-11788 Filed 8-13-71;8:50 am]

FRANK JOHN NESTER

Notice of Granting of Relief

Notice is hereby given that Frank John Nester, Route 3, Box 118A, Mount Airy, NC, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on June 11, 1965, in the U.S. District Court for the Middle District of North Carolina, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Frank John Nester because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Frank John Nester to receive, possess, or transport in commerce or affecting commerce any firearm.

Notice is hereby given that I have considered Frank John Nester's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That Frank John Nester be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

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

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

[F.R.Doc. 71-11789 Filed 8-13-71;8:50 am]

FERDINAND G. SCHWORM

Notice of Granting of Relief

Notice is hereby given that Ferdinand G. Schworm, 1808 South 10th Street, Council Bluffs, IA, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incured by reason of his conviction on March 5, 1969, by the Pottawattamie County Court, Council Bluffs, Iowa, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Ferdinand G. Schworm because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Ferdinand G. Schworm to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Ferdinand G. Schworm's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That Ferdinand G. Schworm be; and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

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

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

[FR Doc.71-11790 Filed 8-13-71;8:50 am]

VINCENZO SUGAMELI

Notice of Granting of Relief

Notice is hereby given that Vincenzo Sugameli, 17580 Mark Twain, Detroit, MI, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on September 6, 1939, in the U.S. District Court for the Eastern District of Michigan, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Vincenzo Sugameli because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Vincenzo Sugameli to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Vincenzo Sugameli's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That Vincenzo Sugameli be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 5th day of August 1971.

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

[FR Doc.71-11791 Filed 8-13-71;8:51 am]

FRED J. TURNER

Notice of Granting of Relief

Notice is hereby given that Fred J. Turner, formerly known as Fred Brant, 7240 Hipp Street, Taylor, MI 48180, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on April 8, 1931, in the Circuit Court for the County of Wayne, Mich., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Fred J. Turner because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Fred J. Turner to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Fred J. Turner's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That, Fred J. Turner be: and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

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

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

[FR Doc.71-11792 Filed 8-13-71;8:51 am]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

[DOD Directive 5100.32]

SECRETARY OF THE ARMY ET AL.

Delegation of Authority Regarding Contracts for Procurement of Public Utility Services

JUNE 23, 1971.

The Deputy Secretary of Defense approved the following delegation of authority:

References:

(a) DOD Directive 5100.32, subject as above, April 5, 1971 (hereby canceled), published at 36 F.R. 7759.

(b) DOD Directive 5160.9, "Defense Telephone Service—Washington (DTS-W)," September 6, 1966 (31 F.R. 12454).

In accordance with the provisions of section 133(d), title 10, United States Code, there is hereby redelegated to the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force, such authority of the Secretary of Defense (1) as is provided under the delegation of authority from the Administrator of General Services dated October 11, 1954, entitled "Contracts for Procurement of Public Utility Services for Periods Not Exceeding Ten Years" (19 F.R. 6665); and (2) as may be hereafter provided by delegation from the Administrator of General Services to enter into contracts for periods not to exceed 10 years, for the collection and disposal of garbage, refuse and trash. Such authority is also redelegated to the Director of the Defense Communications Agency in connection with the leasing of private line communications facilities, and to the Directors of the Defense Supply Agency and Defense Nuclear Agency in connection with the leasing of local telecommunications facilities and services.

The Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, the Directors of the Defense Communications Agency, the Defense Supply Agency, and the Defense Nuclear Agency are hereby authorized to make such further delegations of this authority as they may deem necessary.

Reference (a) is hereby superseded and canceled.

The above authority does not encompass administrative telephone service in the National Capital Region which has been delegated to the Secretary of the Army under reference (b).

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

[FR Doc.71-11716 Filed 8-13-71;8:45 am]

DEPARTMENT OF THE INTERIOR

National Park Service

SHILOH NATIONAL MILITARY PARK

Notice of Intention To Issue Concession Permit

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, Shiloh National Military Park, proposes to issue a concession permit to R. D. Shaw and A. B. Phillips authorizing them to provide concession facilities and services for the public at Shiloh National Military Park for a period of five (5) years from January 1, 1972, through December 31, 1976.

The foregoing concessioners have performed their obligations under a prior permit to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, are entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the Act cited above, the National Park Service is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Superintendent, Shiloh National Military Park, Shiloh, Tenn. 38376, for information as to the requirements of the proposed permit.

Dated: JUNE 18, 1971.

ALVOID L. RECTOR,
Superintendent, Shiloh National Military Park.

[FR Doc. 71-11755 Filed 8-13-71; 8:47 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NEW YORK MERCANTILE EXCHANGE

Designation as Contract Market for Imported, Frozen, Fresh Boneless Beef

Pursuant to the authorization and direction contained in the Commodity Exchange Act as amended (7 U.S.C. 1 et seq.), I hereby designate the New York Mercantile Exchange of New York, N.Y., as a contract market for imported, frozen, fresh boneless beef effective on this date, as shown below. The said exchange has applied for and has otherwise complied with the requirements imposed by the said Act as a condition precedent to, such designation.

The designation is subject to suspension or revocation in accordance with the provisions of said Act. For the purpose of any such suspension or revocation, this designation and the orders issued by the Secretary of Agriculture on September 11, 1936, November 28, 1941, May 5, 1949, and August 17, 1955, designating the said exchange as a contract market for the commodities specified in such orders, may constitute either a single designation or several designations.

Issued this 11th day of August 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-11819 Filed 8-13-71;8:53 am]

Rural Electrification Administration

TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC.

Draft Environmental Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Draft Environmental Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 in connection with a change-of-purpose of loan funds requested by Tri-State Generation and Transmission Association, Inc., of Denver, Colorado. This change-of-purpose, together with funds from other sources, will provide financing for approximately seventy-seven (77) miles of 230 kV. transmission line between Beaver Creek, Colo., and Wray, Colo., a switching station at Beaver Creek and a substation addition at Wray.

Additional information may be secured on request submitted to Mr. James N. Myers, Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. Comments are particularly invited from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved from which comments have not been requested specifically.

Copies of the REA Draft Environmental Statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines of April 23, 1971. The Draft Environmental Statement may be examined during regular business hours at the offices of REA, in the South Agriculture Building, 12th and Independence Avenue SW., Washington, DC, Room 4322, or at the office of Tri-State Generation and Transmission Association, Inc., 10520 Melody Drive, Northglenn, CO.

Comments concerning the environmental impact of the construction proposed should be addressed to Mr. Myers, at the address given above. Comments must be received within thirty (30) days of the date of publication of this notice to be considered in connection with the proposed use of loan funds.

The release of loan funds pursuant to this proposed use will be subject to, and contingent upon, REA's reaching satisfactory conclusions with respect to environmental effects and after compliance with Environmental Statement procedures required by the National Environmental Policy Act.

Dated at Washington, D.C., this 11th day of August 1971.

DAVID A. HAMIL,
Administrator,
Rural Electrification Administration.

[FR Doc.71-11818 Filed 8-13-71;8:53 am]

DEPARTMENT OF COMMERCE

Office of the Secretary

CHILDREN'S SLEEPWEAR SAMPLING PLAN

Notice of Finding That Amendment To Flammability Standard May Be Needed and Institution of Proceedings

Finding. Pursuant to section 4(a) of the Flammable Fabrics Act, as amended (sec. 3, 81 Stat. 569; 15 U.S.C. 1193) and § 7.5 of the Flammable Fabrics Act procedures (33 F.R. 14642, October 1, 1968), and upon the basis of investigations or research conducted pursuant to section 14 of the Flammable Fabrics Act, it is hereby found that sampling plans may be needed to detect noncomplying fabrics and garments before they are placed on the market in order to provide increased protection to the public against unreasonable risk of the occurrence of fire leading to death or personal injury or significant property damage. Confirmation of this preliminary finding of need will require appropriate amendment of the Standard for the Flammability of Children's Sleepwear, DOC FF 3-71 (36 F.R. 14062).

The test upon which the children's sleepwear standard is based destroys the items being tested and, thus, all items cannot be tested. In order to obtain acceptably high levels of compliance and to maintain a reasonable frequency of testing, it is, therefore, necessary to have statistically based sampling plans. Comments received during the development of the standard and from other presentations to the Department of Commerce tend to corroborate the need for sampling plans. Thus, children can be given increased protection by providing as part of the testing procedure in the children's sleepwear standard statistically based sampling plans for fabrics and garments. These sampling plans would also provide a framework for premarket testing and thus assist greatly in detecting noncomplying fabrics before they are placed on the market. Such plans should be based on recognized principles of statistical quality control and acceptable quality levels (AQL's). They should provide a sound basis for facilitating quality control of the products, and standardizing the frequency of testing.

Institution of proceedings. Pursuant to section 4(a) of the Flammable Fabrics Act, as amended (sec. 3, 81 Stat. 569; 15 U.S.C. 1193) and § 7.6(a) of the Flammable Fabrics Act Procedures (33 F.R. 14642, Oct. 1, 1968), notice is hereby given of the institution of proceedings for the development of appropriate sampling plans for items of children's sleepwear and for all fabrics or related materials intended or promoted for use in children's sleepwear.

All interested persons are invited to submit written comments or suggestions within 30 days after date of publication of this notice in the FEDERAL REGISTER relative to (1) the above finding that sampling plans may be needed; and (2) the terms or substance of sampling plans that might be adopted in the event that a finding is made by the Secretary of Commerce that such an amendment to the standard (DOC FF 3-71) is needed to adequately protect the public against unreasonable risk of the occurrence of fire leading to death or personal injury, or significant property damage. Written comments or suggestions should be submitted in at least four (4) copies to the Assistant Secretary for Science and Technology, Room 3862, U.S. Department of Commerce, Washington, D.C. 20230, and should include any data or other information pertinent to the subject.

The written comments received pursuant to this notice will be available for public inspection at the Central Reference and Records Inspection Facility of the Department of Commerce, Room 7046, Main Commerce Building, 14th Street between E Street and Constitution Avenue NW., Washington, DC 20230.

Issued: August 10, 1971.

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

[FR Doc.71-11736 Filed 8-13-71;8:46 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

Statement of Organization, Functions and Delegations of Authority

Part 3 (Health Services and Mental Health Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (33 F.R. 15953, Oct. 30, 1968, et seq.), is hereby amended with regard to section 3-C, Delegations of Authority, as follows:

In lieu of the subparagraph numbered (8) of the paragraph entitled "Specific delegations," substitute the following subparagraph:

(8) The functions transferred from the Office of Economic Opportunity to the Department of Health, Education, and Welfare pursuant to specific Memoranda of Understanding between the Office of Economic Opportunity and the Department of Health, Education, and Welfare, relating to authority and responsibility under the Public Health Service Act for the administration of financial assistance programs for projects assisted under sections 222(a) and 222(b) of the Economic Opportunity Act of 1964, as amended. This authority may be redelegated.

ELLIOT L. RICHARDSON,
Secretary, Department of Health, Education, and Welfare.

JUNE 15, 1971.

[FR Doc.71-11770 Filed 8-13-71;8:49 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-148]

UNIVERSITY OF KANSAS

Notice of Issuance of Facility License Amendment

No request for a hearing or petition to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on July 21, 1971 (36 F.R. 13411), the Atomic Energy Commission (the Commission) has issued Amendment No. 8 to Facility License No. R-78 to the University of Kansas as proposed in that notice. The amendment authorizes the university to operate its reactor located in Lawrence, Kans., at power levels up to a maximum of 250 kilowatts (thermal) for defined periods of time as provided for in Change No. 1 to the Technical Specifications of the license that is incorporated in the amendment, in accordance with the university's application dated February 9, 1970, and supplements thereto. The amendment also moves the recordkeeping and reporting requirements into the Technical Specifications, and extends the expiration date of the license for a period of 10 years.

The Commission has found that the application, as amended, for the amendment to the facility license complies with the requirements of the Atomic Energy Act of 1954, as amended, and the 10 CFR Ch. I, and that the amendment will not be inimical to the common defense and security or to the health and safety of the public.

A copy of the license amendment and Change No. 1 to the Technical Specifications are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

A copy of the license amendment and Change No. 1 may be obtained at the Public Document Room or 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 6th day of August 1971.

For the Atomic Energy Commission.

RICHARD H. VOLLMER,
Acting Assistant Director for Reactor Operations, Division of Reactor Licensing.

[FR Doc.71-11805 Filed 8-13-71;8:52 am]

[Docket No. 50-62]

UNIVERSITY OF VIRGINIA

Notice of Issuance of Amendment To Facility License

The Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 8 to Facility License No. R-66 dated June 24, 1960. The license presently authorizes the University of Virginia to possess, use, and operate a pool nuclear reactor on its campus at Charlottesville, Va. This amendment authorizes the University to receive, possess, store, and use in the reactor pool 70,000 curies of cobalt 60. The cobalt 60 will be in the form of doubly encapsulated rods and will be used for gamma irradiation experiments.

The Commission has found that the application for the amendment complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations published in 10 CFR Ch. I. The Commission has made the findings required by the Act and the Commission's regulations, which are set forth in the amendment, and has concluded that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

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 amendment, see (1) the University of Virginia's application dated July 21, 1971, and supplements thereto dated July 23 and July 28, 1971, (2) the amendment to the facility license, and (3) a related Safety Evaluation 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 4th day of August 1971.

For the Atomic Energy Commission.

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

[FR Doc.71-11765 Filed 8-13-71;8:48 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23665; Order 71-7-172]

AIR MICRONESIA, INC., AND CONTINENTAL AIR LINES, INC.

Order To Show Cause and Granting Exemption

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of May 1971.

Simultaneously herewith, the Board is issuing its decision in the Pacific Islands Local Service Investigation, Docket 17353, approved by the President, whereby Air Micronesia and Continental are being granted authority to provide local air service within and among the major island groups of the Central Pacific. The purpose of this order is to extend the carriers' authority to two additional islands which were not included within the scope of the issues in that proceeding even though they are within the general area under consideration.

Johnston Island is a U.S. military installation some 851 miles southwest of Honolulu and 1,449 miles northeast of Majuro in the Marshall Islands, the easternmost major island in the Trust Territory of the Pacific Islands. Johnston Island receives service from Air Micronesia/Continental pursuant to the Franchise Agreement of January 17, 1968, with the Government of the Trust Territory, and pursuant to exemption authority granted by the Board in Orders E-26466, March 5, 1968, and E-26687, April 19, 1968. In the Local Service case, all of the applicants seeking authority to operate between Hawaii and the Trust Territory proposed to serve Johnston Island as an intermediate stop. While the traffic to and from Johnston Island is not large, a stop there appears to be operationally essential for the Boeing 727 equipment all applicants proposed to use in the Hawaii-Trust Territory service. No other carrier, U.S.-flag or foreign, serves Johnston Island. Any service there is subject to the approval of the Department of Defense and other interested agencies and to compliance with any terms and conditions which may be imposed upon such approval.[1]

The Republic of Nauru lies approximately 530 miles southwest of Majuro, between the Gilbert and Solomon Islands group. On January 31, 1968, it became an independent republic. Its population is approximately 3,200, and it has rich phosphate deposits plus the beginning of a tourist industry, which its government wishes to encourage. Prior to 1969, Nauru's only air service was a fortnightly flight by Fiji Airways, connecting the island with Fiji and the Ellice and Gilbert Islands. By Order 69-3-44, March 13, 1969, the Board granted exemption authority to Continental and Air Micronesia to serve Nauru as part of their Trust Territory service. This exemption, like the ones authorizing service to Johnston Island, is conditioned to expire upon termination of the above-mentioned Franchise Agreement, or 90 days after final decision in the Local Service case, whichever occurs first.[2]

Based on the foregoing, the Board tentatively finds and concludes as follows: There is a need for air service linking Johnston Island and Nauru with Hawaii, the Trust Territory, Guam, and Okinawa. In view of the certification of Air Micronesia and Continental to render local air service between and among the latter points, the needed service to Johnston Island and Nauru can best be performed by these carriers, while no other U.S.-flag carrier can effectively perform this service.[3] Furthermore, a stop at Johnston Island appears to be operationally necessary on flights between Hawaii and the Trust Territory. No other U.S.-flag carrier will suffer injury if Air Micronesia and Continental are authorized to perform this service, whereas the service could only be performed by another carrier if it received authority duplicating Air Micronesia/Continental to a significant degree. It is accordingly concluded thatt he public convenience and necessity require that Johnston Island and Nauru be added as intermediate points on segment 1 of Air Micronesia's route 170, and on segment 1 of Continental's route 171, and that Nauru be added to segments 2.[4]

Interested parties will be permitted to show cause, within 20 days after service of this order, why the tentative findings and conclusions herein should not be

[1] We are aware that the Department of Defense has imposed restrictions which could preclude the use of Johnston Island as a stop over the Hawaii-Majuro segment, thus requiring the use of Midway Island as an alternate refueling stop with consequent greater stage length and added fuel costs. However, we are also aware that reconsideration of those restrictions is being sought, primarily on the grounds of seasonal dangers to flights posed by the migratory gooney birds at Midway Island. Our award pursuant to the show cause order would not, of course, prevent the maintenance of the restrictions imposed by the Department of Defense, but it would permit resumption of service without further Board action in the event those restrictions are lifted or modified.

[2] The Franchise Agreement runs for 5 years from Jan. 17, 1968, or until regularly certificated service to and within the Trust Territory by a carrier other than Air Micronesia/Continental is established.

[3] We also tentatively find and conclude that Air Micronesia and Continental are citizens of the United States within the meaning of the Federal Aviation Act and that, under the form of certificates which we propose to issue, are fit, willing, and able properly to perform the air transportation to be authorized and to conform to the provisions of the Act and the Board's rules, regulations, and requirements thereunder.

[4] The addition of Nauru to the segment linking American Samoa with Micronesia is made in the interest of giving the carriers the maximum flexibility in serving the point.

made final.[5] Objections, if any, to said tentative findings and conclusions should be accompanied by arguments of fact and/or law and should be supported by legal precedent and/or detailed economic analysis. If any evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing. General, vague, or unsupported objections will not be entertained.[6]

The Board has further concluded that Air Micronesia and Continental should be granted exemption authority pendente lite to serve Johnston Island and Nauru, commencing on the effective date of their certificates issued in the Local Islands case and continuing until 60 days after final Board action in the certificate amendment proceeding initiated by this order, or for a period of 2 years, whichever occurs first. Grant of such exemption authority will insure that no hiatus in needed service will occur between the termination of the existing exemptions and the finalization of permanent certificate authority.[7] The matters previously found in this order and in the earlier orders exempting Air Micronesia/Continental (which matters are incorporated by reference herein) establish that grant of such exemption authority is in the public interest. Operations under the exemptions will be extremely limited in scope and duration. Moreover, unusual circumstances are present in that a stop at Johnston Island appears to be necessary for the conduct of the Hawaii-Trust Territory service authorized in the Local Islands case. In these circumstances, it would be an undue burden on Air Micronesia and Continental to deprive them of the revenues and operational benefits to be derived from serving Johnston Island and Nauru. Accordingly, it is found that the enforcement of section 401 of the Act and the terms, conditions, and limitations of their certificate, to the extent they would otherwise prevent Air Micronesia and Continental from serving Johnston Island and Nauru as intermediate points on segment 1 and Nauru as an intermediate point on segment 2 of routes 170 and 171, respectively, would be an undue burden on the carriers by reason of the limited extent of and unusual circumstances affecting their operations, and is not in the public interest.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not, subject to the approval of the President, issue an order making final the tentative findings and conclusions stated herein, and amending the certificates of public convenience and necessity of Air Micronesia, Inc., for route 170, and Continental Air Lines, Inc., for route 171, as issued pursuant to Order 71-7-170 served August 11, 1971, by adding Johnston Island and Nauru as intermediate points on segments 1, and Nauru as an intermediate point on segments 2 thereof;

2. Any interested person having objection to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein shall, within 20 days after service of a copy of this order, file with the Board and serve upon all persons made parties to this proceeding a statement of such objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no such objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed, subject to the approval of the President, to enter an order in accordance with the tentative findings and conclusions set forth herein;

5. Air Micronesia, Inc., and Continental Air Lines, Inc., be and they hereby are temporarily exempted from the provisions of section 401 of the Act and the terms, conditions, and limitations of their certificates of public convenience and necessity for routes 170 and 171, respectively, to the extent necessary to enable them to serve Johnston Island and Nauru as intermediate points on segments 1, and Nauru as an intermediate point on segments 2;

6. The exemption authority granted herein shall become effective upon the effective date of the certificates of public convenience and necessity for route 170 issued to Air Micronesia, Inc., and for route 171, issued to Continental Air Lines, Inc., pursuant to Order 71-7-174, and shall continue in effect until 60 days after final Board action in the certificate amendment proceeding initiated by paragraph 1 of this order, or for a period of 2 years, whichever occurs first;

7. The exemption authority granted herein may be amended or revoked at any time in the discretion of the Board without a hearing; and

8. A copy of this order shall be transmitted to the President and served upon all parties to the Pacific Islands Local Service Investigation, Docket 17353.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary*.

[FR Doc.71-11799 Filed 8-13-71;8:51 am]

[5] Air Micronesia and Continental will also be required to file appropriate applications for amendment of their certificates and to furnish the Board with economic data showing the additional gross transport revenues they would expect to earn in the first year of operations serving Johnston Island and Nauru pursuant to the certificate authority proposed herein.

[6] It will not be necessary for parties in the Local Service case who file timely petitions for reconsideration seeking selection of a carrier other than Air Micronesia and/or Continental in that case, to file similar objections to the instant order to show cause. As indicated by our tentative findings herein, the selection of carriers to serve Johnston Island and Nauru is predicated upon their selection to serve the Central Pacific routes at issue in the Local Service case. Accordingly, no action will be taken in this proceeding until any petitions for reconsideration in Local Service are finally disposed of; and, in the event any such petitions are granted, the present order will be reconsidered.

[7] The existing exemption authority, which is considerably broader than that being authorized herein, terminates by its own terms at the moment the Franchise Agreement between Continental and the Trust Territory Government ceases, or 90 days after final decision in the Local Service case, whichever occurs first.

[Docket No. 23666; Order 71-7-173]

AMERICAN AIRLINES

Order Instituting Fiji-American Samoa Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of May 1971.

Simultaneously herewith, the Board is issuing its decision in the Pacific Islands Local Service Investigation, Docket 17353, approved by the President, whereby Pan American World Airways is being granted authority to provide local air service within and among the major island groups of the South Pacific. In that decision, we noted that it might be necessary or desirable to restrict American Airlines' existing authority between American Samoa and Fiji over route 162 in order to give Pan American exclusive access to traffic between the two points and, coincidentally, encourage American to concentrate its efforts on its long-haul operations.[1] Since American does not now operate between the two points, a restriction on its authority would not result in any loss of existing revenues. Whether such a restriction is necessary or desirable, however, can best be determined at the end of an evidentiary hearing. We shall leave for the development of the record the precise form of the restriction which might be required by the public convenience and necessity.[2]

Accordingly, it is ordered, That:

1. An investigation, to be designated the American Airlines Fiji-American Samoa Investigation, be and it hereby is instituted in Docket 23666, pursuant to sections 204(a) and 401(g) of the Federal Aviation Act of 1958, to determine whether the public convenience and necessity required the alteration, amendment, or modification of the certificate of

[1] American Samoa-Fiji traffic constitutes a significant part of the thin South Pacific traffic flow and the examiner suggested that the carrier selected to operate the local routes be given sole traffic rights between the points. Amendment of American's certificate, however, was not at issue in the Local Service case.

[2] It might be advantageous, for example, to preclude service to both points on the same flight as suggested by the examiner or, in the alternative, to give the carrier operational flexibility to serve both points on the same flight but prohibit the carriage of local, connecting, and/or stopover traffic between said points.

American Airlines, Inc., for route 162, so as to further restrict or otherwise modify the carrier's authority between American Samoa and Fiji.[3]

2. This matter shall be set for hearing on an expedited basis before a hearing examiner of the Board at a time and place to be designated hereafter.

3. A copy of this order shall be served upon American Airlines, Inc., and Pan American World Airways, Inc., which are hereby made parties to this proceeding, and upon all parties to the Pacific Islands Local Service Investigation, Docket 17353.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.71-11800 Filed 8-13-71;8:51 am]

[Docket No. 22397; Order 71-8-44]

CONTINENTAL AIR LINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of August 1971.

By tariff revision filed July 11, and marked to become effective August 13, 1971, Continental Air Lines, Inc. (Continental) proposes to become a participant in Rule No. 56(B) (8)—Charges Prepaid or Collect.[1] This rule provides that shipments of live animals must be prepaid or that collect charges must be guaranteed in writing by the shipper. This rule is in effect for certain other carriers and a similar rule[2] applicable only to live dogs is in effect for other carriers.

Rule 56 is interrelated to other tariff rules pertaining to c.o.d. service. Specifically, Rule 66(B)(1) provides that any shipment requiring prepayment or the guarantee in writing of transportation charges pursuant to Rule 56 will not be accorded c.o.d. service. No complaints have been received against this tariff proposal.

Continental has submitted no justification in support of the proposal to adhere to Rule 56(B) (8), nor have any reasons been advanced why the carrier should deny c.o.d. service on shipments of live animals which would be the effect of the instant proposal.

Upon consideration of all relevant factor's the Board finds that Continental's proposed provisions, as well as the current provisions in effect for other carriers, requiring prepayment or guarantee of transportation charges for shipments of live animals in Rule No. 56(B) (8), may be unjust, unreasonable,[3] unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be investigated. In view of the effect of Rule No. 56(B) (8), when considered in conjunction with Rule No. 66(B)(1), the Board will suspend Continental's proposed adoption of Rule No. 56(B) (8) pending investigation.[4]

The Board in Orders 70-8-27 and 71-6-64 (Docket 22397) suspended and set for investigation certain proposals similar to that herein proposed by Continental, except that those proposals were only applicable to shipments of live dogs. In those matters, the Board specifically noted that while the requirement of prepayment or guarantee of transportation charges as set forth in Rule 56 may not be unreasonable per se, it is not readily apparent why c.o.d. service should be denied on such shipments.

Observation was also made by the Board as to the existence of certain tariff rules which appear to contain adequate provisions to protect the carrier while providing c.o.d. service, regardless of other conditions of carriage placed upon the shipment. While the prior orders were directed to a rule involving only shipments of live dogs, we find that the effect of the instant proposal is sufficiently similar to require inclusion in the previously established investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. An investigation be instituted to determine whether the provisions in Rule No. 56(B) (8) on 19th Revised Page 22-B of Airline Tariff Publishers, Inc., agent's C.A.B. No. 96, and rules, regulations or practices affecting such provisions are, or will be, unjust unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions, and rules, regulations, or practices affecting such provisions;

2. Pending hearing and decision by the Board, the addition of "CO" in Rule No. 56(B) (8) on 19th Revised Page 22-B of Airline Tariff Publishers, Inc. agent's CAB No. 96, is suspended and its use deferred to and including November 10, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension, except by order or special permission of the Board;

3. The foregoing investigation be consolidated into the investigation instituted in Docket 22397; and

4. Copies of this order shall be filed with the tariffs and served upon Alaska Airlines, Inc., Canadian Pacific Air Lines, Ltd., Continental Air Lines, Inc., The Flying Tiger Line Inc., Pacific Western Airlines, Ltd., Reeve Aleutian Airways, Inc., Transair Ltd., Western Air Lines, Inc. and Wien Consolidated Airlines, Inc., which are hereby made parties to this proceeding, and served upon all other parties of record in Docket 22397.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.71-11801 Filed 8-13-71;8:51 am]

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[3] It is not our intention to modify the long-haul requirements of American's existing condition (4) regarding flights scheduled to serve American Samoa or Fiji.

[1] Airline Tariff Publishers, Inc., agent, Tariff CAB No. 96.

[2] Rule 56(B) (12).

[3] Applicable only to property moving in interstate or overseas air transportation.

[4] Rule 66(B) (1), as well as Rule 56(B) (12) in effect for other carriers, is currently under investigation in Docket 22397 and the investigation of Rule 56(B) (8) herein ordered will be consolidated therein.

[Docket No. 21866-6A]

DOMESTIC PASSENGER-FARE INVESTIGATION

Notice of Hearing

Phrase 6A (seating configuration).

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on September 8, 1971, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned Examiner.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the various documents which are in the docket of this case on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., August 11, 1971.

[SEAL] JAMES S. KEITH, *Hearing Examiner.*

[FR Doc.71-11803 Filed 8-13-71;8:52 am]

[Docket No. 23598]

EXPRESS CO., INC.

International Air Freight Forwarder Application; Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 9, 1971, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Ross I. Newmann.

In order to facilitate the conduct of the conference parties are instructed to submit to the Examiner and other parties (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before August 25, 1971, and the other parties on or before September 3, 1971. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights.

Dated at Washington, D.C., August 9, 1971.

[SEAL] RALPH L. WISER, *Chief Examiner.*

[FR Doc.71-11802 Filed 8-13-71;8:52 am]

[Docket No. 20993; Order 71-8-28]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority August 9, 1971.

Agreement adopted by the Joint Conferences of the International Air Transport Association relating to specific commodity rates; Docket 20993, Agreement CAB 22332, R-15.

By Order 71-7-122, dated July 21, 1971, action was deferred, with a view toward eventual approval, on an agreement adopted by the International Air Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 71-7-122 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 22332, R-15, be and hereby is approved: *Provided*, That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication: *Provided further*, That tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.71-11804 Filed 8-13-71;8:52 am]

FEDERAL MARITIME COMMISSION

NEW YORK PASSENGER TERMINAL USERS' ASSOCIATION

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of request for an extension of an approved agreement filed by:

Neal M. Mayer, Esq., Coles & Goertner, 1000 Connecticut Avenue NW., Washington, DC 20036.
James T. O'Hara, Esq., Casey, Wallace, Tyre and Bannerman, Suite 212—The Woodward Building, 15th and H Streets NW., Washington, DC 20005.
Burton White, Esq., Burlingham, Underwood, Wright, White, and Lord, 25 Broadway, New York, NY 10004.

Agreement No. 9851-1 is a request to extend the approval of the original agreement for an unlimited period from October 7, 1971.

The original agreement permits the parties to consult and consider among themselves in order to arrive at a common position to be taken in negotiations with the city of New York and the Port of New York Authority regarding a prospective Consolidated Passenger Terminal, and interim terminal arrangements, including the establishing and changing assignments of berths and to discuss and enter into arrangements among themselves establishing uniform positions for negotiations with labor concerning customs and practices at any interim or Consolidated Passenger Terminal.

Dated: August 11, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY, *Secretary.*

[FR Doc.71-11810 Filed 8-13-71;8:52 am]

RED SEA AND GULF OF ADEN/U.S ATLANTIC AND GULF RATE AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicted hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by

William L. Hamm, Secretary, Red Sea and Gulf of Aden/U.S., Atlantic and Gulf Rate Agreement, 25 Broadway, New York, N.Y. 10004.

Agreement No. 8558-6, among the member lines of the Red Sea and Gulf of Aden/U.S. Atlantic and Gulf Rate Agreement, amends the basic agreement by enlarging the scope thereof to include all ports on the Red Sea and Gulf of Aden under a new geographic description, i.e., from ports between and including longitude 32° East to, but not including, Cape Guardafui, Somalia.

Dated: August 11, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY, *Secretary.*

[FR Doc. 71-11811 Filed 8-13-71;8:52 am]

UNIT LOAD COUNCIL

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination

or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Sanford C. Miller, Esquire, Haight, Gardner, Poor and Havens, 80 Broad Street, New York, N.Y. 10004.

Agreement No. 9815-1, among the member lines of the Unit Load Council, will amend the cooperative working arrangement of the parties to permit them to engage in common discussions and negotiations with terminal operators, port authorities and inland carriers (including trucking and railroad companies and associations), relating to charges and practices of terminal operators for the receiving and handling of unit loads. The agreement specifically prohibits the members from discussing or agreeing on any joint action regarding ratemaking.

Dated: August 11, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-11812 Filed 8-13-71;8:52 am]

FEDERAL POWER COMMISSION

[Docket No. RI72-39 etc.]

COLORADO OIL & GAS CORP. 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]

AUGUST 6, 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.

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.

[1] Does not consolidate for hearing or dispose of the several matters herein.

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 dockets Nos.
									Rate in effect	Proposed increased rate	
RI72-39	Colorado Oil & Gas Corp.	49	[1] 5	Colorado Interstate Gas Co. (Patrick Draw Field, Sweetwater County, Wyo.).	$1,780	[3] 7-8-71		7-9-71	15.0	15.225	
		49	[2] 6		310	[3] 7-8-71		7-9-71	14.5	14.7175	
RI72-40	Union Oil Co. of California	48	8	Transwestern Pipeline Co. (Crawford Field, Eddy County, N. Mex., Permian Basin).	6,196	7-12-71		2-1-72	18.0	[4] 22.4260	RI69-149.
	do	124	9	Transwestern Pipeline Co. (Worsham Field, Reeves County, Tex., Permian Basin).	11,048	7-12-71		9-12-72	18.0788	19.0831	RI69-149.
RI72-41	American Petrofina Co. of Texas.	32	5	El Paso Natural Gas Co. (Sand Hills (Judkins) Field, Crane County, Tex.) (Permian Basin).	12,969	7-12-71		9-12-72	16.2136	19.2537	
RI70-174	Skelly Oil Co.	31	1-6	El Paso Natural Gas Co. (Eunice No. 2 Plant, Lea County, N. Mex.) (Permian Basin).	11,613	7-12-71		8-12-71	16.5	16.7529	RI70-174.
RI70-288	do	162	1-5	Northern Natural Gas Co. (Eunice No. 1 Plant, Lea County, N. Mex.) (Permian Basin).	28,172	7-12-71		8-12-71	15.75	15.9808	RI70-288.
RI70-175	do	167	1-3	El Paso Natural Gas Co. (Eunice Plant No. 2, Lea County, N. Mex.) (Permian Basin).	35,998	7-12-71		8-12-71	16.5	16.7109	RI70-175.

* Unless otherwise stated, the pressure base is 14.65 p.s.i.a.

[1] For gas from all acreage except that which is included in amendment dated Apr. 17, 1967 (Supplement No. 3).

[2] For gas from acreage included in amendment dated Apr. 17, 1971 (Supplement No. 3).

[3] Corrected rate increase filed July 15, 1971.

[4] Converted from 23 cents @ 15.025 p.s.i.a.

The proposed increases of Colorado Oil & Gas Co., include a double amount of the contractually due reimbursement for taxes applicable to future production as well as reimbursement for taxes applicable to past production, back to January 1, 1968. After tax reimbursement applicable to past production has been recovered, Colorado shall file rate decreases reducing the proposed rates so as to provide for tax reimbursement for future production only. Consistent with prior Commission action on increases reflecting reimbursement of the Wyoming severance tax, Colorado's proposed increases are suspended for 1 day from the date of filing with waiver of notice granted.

The proposed increase filed by Union Oil Co., of California for a sale in an area outside Southern Louisiana exceeds the corresponding rate filing limitation imposed in Southern Louisiana, and therefore it is suspended for 5 months. Skelly Oil Co.'s proposed tax increases reflect partial reimbursement for the New Mexico Emergency School Tax, and consistent with Commission action on similar increases, are suspended until 1 day from the expiration of statutory notice, subject to the applicable existing rate proceedings.

The proposed increased rates in areas outside Southern Louisiana which do not exceed the corresponding rate limitation for increased rates in Southern Louisiana are suspended for a period ending 61 days from the date of filing or for 1 day from the contractually due date, whichever is later.

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).

[FR Doc.71-11724 Filed 8-13-71;8:45 am]

[Docket No. RP72-15]

LONE STAR GAS CO.

Notice of Curtailment Procedures

AUGUST 6, 1971.

Take notice that on May 17, 1971, as supplemented on July 27, 1971, Lone Star Gas Co. (Lone Star) filed written reports pursuant to paragraph (A)(2) of the Commission's Order No. 431, issued April 15, 1971, in Docket No. R-418, stating that it "* * * proposes to meet its requirements and protect service to its domestic and commercial customers by curtailing service during the 1971-72 heating season in conformance with its established curtailment procedures currently on file with the Commission."

Lone Star states that its curtailment policy is set forth in section 8 of the General Terms and Conditions of its FPC Gas Tariff, Original Volume No. 1. Section 8 provides as follows:

8. *Proration of available supply during shortage.* Whenever there is a shortage of gas for any cause which renders Seller unable to meet the demands of its customers, including Buyer, within any area of Seller's system, then Seller shall share its available supply within the affected area on an equitable basis, giving priority to Seller's domestic and commercial service.

The following language from Lone Star's supplemental curtailment report, filed July 27, 1971, explains the procedures it will follow to accomplish the objective set forth in section 8:

Lone Star shall curtail or interrupt deliveries of gas to its customers in the following order of priority:

(1) Oil Field Rate Sales;
(2) Direct Rate 4 Interruptible Sales;
(3) Direct Rate 3 Interruptible Sales;
(4) Direct Rate 2 Interruptible Sales; and
(5) Residential and Commercial Service.

The supplemental report also states that under the terms of Lone Star's contracts with its industrial customers, it has the right to interrupt or discontinue service to them when, in its opinion, continuation of such industrial service would adversely affect adequate service to its domestic, commercial, or other industrial customers having the priority of service set forth in the classifications given above.

Any person desiring to be heard or to make any protest with respect to Lone Star's curtailment policy should on or before August 27, 1971, file with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to a 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. Lone Star's reports, submitted pursuant to Order No. 431, are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-11726 Filed 8-13-71;8:45 am]

[Docket No. RI72-42]

MOBIL OIL CORP.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

AUGUST 5, 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 Ch. 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.

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	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI72-42	Mobil Oil Corp.	473		Phillips Petroleum Co. (Vacuum Field, Lea County, N. Mex., Permian Basin).		7-6-71	9-6-71	[8] Accepted			
	do	473	1	do		7-6-71	9-6-71	[8] Accepted			
	do	473	2	do		7-6-71	9-6-71	[8] Accepted			
	do	473	3	do		7-6-71	9-6-71	[8] Accepted			
	do	473	4	do		7-6-71	9-6-71	[8] Accepted			
	do	473	5	do		7-6-71	9-6-71	[8] Accepted			
	do	473	6	do		7-6-71	9-6-71	[8] Accepted			
	do	473	7	do		7-6-71	9-6-71	[8] Accepted			
	do	473	8	do		7-6-71	9-6-71	[8] Accepted			
	do	473	9	do		7-6-71	9-6-71	[8] Accepted			
	do	473	10	do		7-6-71	9-6-71	[8] Accepted			
	do	473	11	do		7-6-71	9-6-71	[8] Accepted			
	do	473	12	do	(2)	7-6-71		9-6-71	(1)	[7] 20.0	

* The pressure base is 14.65 p.s.i.a.
[1] No current fixed price. Sale previously made under percentage-type arrangement.
[2] Not determinable due to percentage-type arrangement.
[3] Date unilateral increase becomes effective.
[4] Percentage-type contract dates Aug. 1, 1962.
[5] Amendatory agreement.
[6] Assignment.
[7] Unilateral rate increase.
[8] Accepted for filing under FPC Gas Rate Schedule No. 473 to be effective Sept. 6, 1971, the same date the unilateral increase becomes effective.

The proposed increased rate of Mobil Oil Corp., for sale in an area outside Southern Louisiana does not exceed the corresponding rate limitation for increased rates in Southern Louisiana and is therefore suspended for a period ending 61 days from the date of filing. The contracts and amendments are accepted for filing as Mobil Oil Corp., FPC Gas Rate Schedule No. 473 to be effective September 6, 1971, the same date the unilateral increase becomes effective, subject to refund.

Mobil's proposed increased rate and charge exceeds the applicable area price level for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

[FR Doc.71-11725 Filed 8-13-71;8:45 am]

[Docket No. RP71-118]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Order Permitting Intervention, Fixing Date of Hearing, and Specifying Procedures

AUGUST 6, 1971.

Transcontinental Gas Pipe Line Corp. (Transco) tendered for filing on May 17, 1971, pursuant to Order No. 431 issued April 15, 1971, in Docket No. R-418, proposed changes in its FPC Gas Tariff, Original Volumes Nos. 1 and 2,[1] to become effective May 28, 1971, in order to effectuate a gas curtailment policy in the event a gas shortage on its system should develop. By order issued May 27, 1971, the Commission provided for a public hearing to be held to determine the lawfulness of the proposed tariff changes and suspended their use until May 29, 1971, and thereafter until such further time as they might become effective in the manner prescribed by the Natural Gas Act. Transco filed a motion on May 28, 1971, requesting that the proposed tariff sheets be made effective as of May 29, 1971.[2]

Timely petitions requesting leave to intervene in this proceeding were filed by the following petitioners:

Atlantic Seaboard Corp. and The Manufacturers Light and Heat Co. (Joint Petition).
Brooklyn Union Gas Co., The.
Carolina Pipeline Co.
Commonwealth Natural Gas Corp.
Elizabethtown Gas Co.
Piedmont Natural Gas Co., Inc.
Pennsylvania Gas and Water Co.
Philadelphia Electric Co.
Philadelphia Gas Works Division of UGI Corp.
Public Service Electric and Gas Co.
South Jersey Gas Co.
Washington Gas Light Co.

Untimely petitions requesting leave to intervene in this proceeding were filed by the following petitioners:

Consolidated Edison Company of New York, Inc.
Consolidated Gas Supply Corp.
Gas Section, Georgia Municipal Association.
New York, City of.
Public Service Company of North Carolina, Inc.

Most of the untimely petitioners asked that their late filings be permitted on the ground that their participation would not enlarge the scope of the proceeding or cause any delay in view of the fact that no order has yet been issued scheduling a hearing date or requiring the filing of testimony and exhibits.

The Public Service Commission of the State of New York and the North Carolina Utilities Commission (N.C. Commission) filed timely notices of intervention.

The Gas Department of the city of Danville, Va., filed an untimely petition to intervene protesting the fact that Transco does not propose to adjust demand charges when it reduces deliveries of gas because of a gas deficiency. However, on July 12, 1971, the Danville Gas Department filed a letter asking that it be permitted to withdraw its petition to intervene in this proceeding. The North Carolina Natural Gas Corp. filed a protest also objecting to Transco's failure to make a demand charge adjustment when curtailments are imposed because of a deficiency in gas supplies.

The Brooklyn Union Gas Co. asks that the Commission "* * * examine fully the reasonableness and lawfulness of the curtailment policy proposed by Transcontinental". Pennsylvania Gas and Water Co. alleges that "Transco's new curtailment plan, which would ignore the end use of gas, is not in the public interest and appears to be inconsistent with the Commission's statement of policy in Order No. 431, which enjoined pipeline companies to give consideration to end use of gas in the formulation of curtailment policies."

The N.C. Commission claims that Transco's curtailment plan "* * * would jeopardize the supply of gas to the highest priority customer in North Carolina, that is, residential, commercial, institutional (hospitals and schools), and that as each of these users alone uses a comparably small amount of gas, such curtailment to these customers might take place on a large-scale basis covering extended geographical areas and having a disrupting effect upon the lives and affairs of many individuals and communities." The N.C. Commission alleges that the foregoing effect is particularly likely in light of the fact that Transco is the sole interstate pipeline supplier serving the people of North Carolina. Consequently, the N.C. Commission believes that Transco's curtailment plan is unduly discriminatory to North Carolina customers who, it says, may be substantially, materially, and injuriously affected by the plan.

The foregoing discussion shows that the primary issue raised by Transco's proposed tariff changes is whether Transco's plan to ignore end use when ordering curtailments in times of gas shortages has properly and equitably taken into consideration all classes of customers and the conditions under which each is served.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be scheduled for hearing and expedited in accordance with the procedures set forth below.

(2) Good cause exists to permit the late filings of Consolidated Edison Company of New York, Inc., Consolidated Gas Supply Corp., Gas Section of the Georgia Municipal Association, the city of New York, and the Public Service Company of North Carolina, Inc.

(3) The participation of the above-named petitioners may be in the public interest.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held commencing September 28, 1971, at 10 a.m., e.d.s.t., in a hearing room of of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, concerning the lawfulness of the curtailment provisions contained in Transco's FPC Gas Tariff as proposed to be revised herein. The hearing shall begin with admission into the record of Transco's direct case, subject to appropriate motions, followed by cross-examination of Transco's witnesses. Except for very brief recesses which may be allowed by the Presiding Examiner upon a showing of good cause therefor, the hearing shall go forward immediately with cross-examination of witnesses sponsoring any direct testimony previously served by the interveners and the Commission's staff, followed by oral rebuttal, if any, by Transco with cross-examination thereon.

(B) On or before August 25, 1971, Transco shall prepare and file with the Commission and serve on the Commission's staff and all parties to this proceeding its direct testimony and exhibits in support of the proposed tariffs sheets submitted on May 17, 1971.

(C) Any parties or the Commission's staff planning to present testimony in opposition to Transco's curtailment procedures shall on or before September 15, 1971, file and serve on the Presiding Examiner, the Commission's staff, and all parties prepared written testimony in support of their positions.

(D) The above-named petitioners are hereby permitted to become interveners in this proceeding subject to the rules and regulations of the Commission: *Provided, however*, That the participation of such interveners shall be limited to matters affecting asserted rights and interests specifically set forth in said petitions for leave to intervene: *And provided, further*, That the admission of such interveners shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders

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[1] Original Sheets Nos. 44-A, 44-B, and 44-C; First Revised Sheets Nos. 8-A, 8-B, 15-A, 15-B, 17-C, 17-E.1, 17-E.2, 28-K.3, 28-K.4, 28-X.1, 28-X.4, 28-X.5, 38-Y, and 28-CC; Second Revised Sheets Nos. 6, 13, 17-A, 28-A.3, 28-A.6, 45, 46-B.1, and 46-C; Third Revised Sheets Nos. 4, 17-E, 26-C, 26-H, 26-M, 26-R, 28-H, 28-J, and 28-BB; Fourth Revised Sheets Nos. 7, 8, 11, 15, 20, 25, 28-K, and 46-B; Fifth Revised Sheets Nos. 17-D and 28-A; Sixth Revised Sheet No. 14; 22d Revised Sheet No. 28-K.2; 28th Revised Sheet No. 17-F; 29th Revised Sheet No. 17-B; 30th Revised Sheets Nos. 9 and 28-I; 31st Revised Sheet No. 16; 32d Revised Sheets Nos. 5 and 12 to its FPC Gas Tariff, Original Volume No. 1; and Original Sheet No. 1-A to its FPC Gas Tariff, Original Volume No. 2.

[2] In a telegram received by the Commission on July 6, 1971, Transco reported it had curtailed deliveries to its customers by 7 percent from June 1, 1971, to July 4, 1971. Curtailments were no longer considered necessary after the Commission issued its order on June 30, 1971, granting Nueces Industrial Gas Co.'s application in Docket No. CP71-267 to sell gas to Transco under a limited-term certificate.

of the Commission entered in this proceeding.

(E) A Presiding Examiner to be designated by the Chief Examiner for that purpose (see Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(F) The request filed July 12, 1971, by the Gas Department of the city of Danville to withdraw its petition for leave to intervene in this proceeding shall be deemed to have effected the withdrawal of such petition as of August 11, 1971, pursuant to § 1.11(d) of the Commission's rules of practice and procedure.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.71-11729 Filed 8-13-71;8:45 am]

UNITED GAS PIPE LINE CO.

[Docket No. CP72-25]

Notice of Application

AUGUST 6, 1971.

Take notice that on August 2, 1971, United Gas Pipe Line Co. (applicant), 1525 Fairfield Avenue, Shreveport, LA 71102, filed in Docket No. CP72-25 a budget-type application pursuant to section 7(b) of the Natural Gas Act, as implemented by § 157.7(e) of the regulations under said Act, for permission and approval to abandon, during the 12-month period commencing October 1, 1971, certain natural gas direct sales facilities no longer required for deliveries to applicant's customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to augment its ability to act with reasonable dispatch in abandoning service and removing direct sales measuring, regulating and related minor facilities. Applicant states that it will not abandon any service under this requested authorization unless it has received a written request, or written permission, from the customer to terminate the service.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 30, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-11727 Filed 8-13-71;8:45 am]

[Docket No. E-7651]

WEST TEXAS UTILITIES CO. AND COMISION FEDERAL DE ELECTRICIDAD

Notice of Application

AUGUST 9, 1971.

Take notice that West Texas Utilities Co. (West Texas), incorporated under the laws of the State of Texas with its principal place of business at Abilene, Tex., filed an application on July 19, 1971 in Docket No. E-7651 for an order pursuant to section 202(e) of the Federal Power Act, authorizing the transmission of electric energy from the United States to Mexico. The energy proposed to be exported will be sold to the Comision Federal de Electricidad (Comision Electricidad), an agency of the Republic of Mexico, in accordance with the provisions of a certain contract filed as an exhibit to the application. The transmission will be at a rate not to exceed 100 kilowatts and in an amount not in excess of 600,000 kilowatt hours per year. The source of the energy to be transmitted to Comision Electricidad will be the system resources of West Texas.

On July 19, 1971, Comision Electricidad filed a joinder in West Texas' application. Comision Electricidad also filed an application in Docket No. E-7651, pursuant to Executive Order No. 10485, dated September 3, 1953, for a permit authorizing the construction and operation of the 7,200 volt transmission line by means of which Comision Electricidad will transmit to Mexico the energy purchased from West Texas.

Comision Electricidad will utilize the energy purchased to serve small farm communities along the river east of Ojinaga, Chihuahua, Mexico.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 23, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-11728 Filed 8-13-71;8:45 am]

CIVIL SERVICE COMMISSION

PHYSICIAN ASSISTANT, VA HOSPITAL, MUSKOGEE, OKLA.

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. sec. 5723, the Civil Service Commission found a manpower shortage for a position of Physician Assistant, GS-603-9, Veterans Administration Hospital, Muskogee, Okla. 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 cost 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.71-11774 Filed 8-13-71;8:49 am]

FEDERAL TRADE COMMISSION

DEBT COLLECTION PRACTICES

Notice of Public Hearing and Opportunity to Submit Data, Views or Arguments

Notice is hereby given that the Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., and the provisions of Part 1, Subpart B of the Commission's procedures and rules of practice, 16 CFR 1.11 through 1.16, will hold a public hearing on the subject of debt collection practices.

The Commission is initiating this preliminary proceeding to obtain information concerning the possible existence of the following practices of cetrain creditors and collection agencies affecting collection from customers based upon prior extension of consumer credit in connection with the sale of merchandise and services in commerce, which may warrant issuance of a Trade Regulation Rule or Rules or other appropriate action to

correct such unfair and deceptive acts and practices as may be found to exist.

1. Using fraudulent service of process to obtain default judgments without notice;

2. Initiating suits against consumer debtors in distant locations resulting in default judgments due to the debtor's failure to defend;

3. Using collection notices which contain false or misleading representations, as, for example, notices which simulate legal process;

4. Using deceptive means to obtain confidential financial information from the debtor, such as an offer of a valuable gift or using the pretext that a "survey" is being conducted;

5. Notifying debtor's employer of the debtor's past due account or requesting the employer to assist in the collection of the debt, thus bringing undue pressure to bear on the debtor;

6. Threatening to seize items which are, by law, exempt from execution; threatening to garnish, seize, attach, or sell any property or wages of the debtor without a court order permitting such action;

7. Harassing the debtor by the use of profane or obscene language or by placing telephone calls continuously or at unusual times;

8. Using violence or threats of violence to collect debts;

9. Threatening to damage the debtor's credit status by referring his name to a bona fide credit reporting agency, when, in fact, no such action was taken or contemplated.

For purposes of these proceedings:

"Industry member" shall mean any person, firm, partnership, corporation, organization, association, and any other legal entity engaged in the practice of collecting or attempting to collect any and all kinds of money debts for itself or others, or any person, firm, partnership, corporation, organization, association, or any other legal entity which places in the hands of others through sale or otherwise, or distributes for itself or others, any kind of material used or to be used in connection with collecting or attempting to collect such debts or seeking information concerning debtors, commonly called skip-tracing.

"Debt" shall mean money which is due or alleged to be due from one to another.

"Debtor" shall mean one who owes or is alleged to owe a money debt.

"Creditor" shall mean one to whom a money debt is due or is alleged to be due.

"Credit bureau"—any person, firm, partnership, corporation, organization, association, or any other legal entity engaged in gathering, recording and disseminating favorable as well as unfavorable information relative to the credit worthiness, financial responsibility, paying habits and character of individuals, firms, corporations, and any other legal entity being considered for credit extension, so that a prospective creditor may be able to make a sound decision in the extension of credit.

"Collection agency"—any person, firm, partnership, corporation, organization, association, and any other legal entity which collects money debts for others.

For the purpose of carrying out the provisions of the statutes administered by it, the Commission is empowered to promulgate rules and regulations applicable to unlawful trade practices. Such rules and regulations express the experience and judgment of the Commission, based on facts of which it has knowledge derived from studies, reports, investigations, hearings and other proceedings, or within official notice, concerning the substantive requirements of the statutes which it administers.

In this industry the Commission has taken notice of the number and variety of practices which have been brought to its attention and has determined to institute this preliminary proceeding for the purpose of affording members of the industry and other interested and affected parties, particularly those having special knowledge of the practices listed above, with an opportunity to present orally or in writing their views with respect to such practices and with any data and evidence they may have in their possession with respect to the same. Following receipt and evaluation of this material, plus such other information as the Commission may gather from its own efforts during the pendency of these proceedings, a decision will then be reached as to the form and nature of any rulemaking proceedings or other Commission action which may follow.

All interested persons, including the consuming public, are hereby notified that they may file written data, views or arguments concerning the practices described herein, as well as to suggest forms for rules to cover the same, with Irving C. Koch, Project Supervisor, Federal Trade Commission, 26 Federal Plaza, New York, N.Y. 10007, not later than September 10, 1971. To the extent practicable, persons wishing to file written presentations in excess of two pages should submit 20 copies.

All interested parties are given notice of opportunity to orally present data, views or arguments with respect to these practices at public hearings to be held at 10 a.m., e.d.t., September 13, 14, and 15, 1971, in Hearing Rooms C and D—22d Floor, Federal Building, 26 Federal Plaza, New York, NY 10007.

Any person desiring to orally present his views at the hearing should so inform the Project Supervisor not later than September 10, 1971, and state the estimated time required for his oral presentation. Reasonable limitations upon the length of time allotted to any person may be imposed. In addition, all parties desiring to deliver a prepared statement at the hearing should file such statement with the Project Supervisor on or before September 8, 1971.

Additional hearings are scheduled for New Haven, Conn., on October 5 and 6, 1971, Trenton, N.J., on October 27 and 28, 1971, Harlem area of New York City on November 16, 1971, and Bedford-Stuyvesant area of New York City on November 17, 1971.

The New Haven hearings will be held at 10 a.m., e.d.t., in the Yale Law School Auditorium, New Haven, Conn. 06520. The Trenton hearings will be held at 10 a.m., e.d.t., in the Community Room, Trenton Times Building, 500 Perry Street, Trenton, NJ 08905. The Harlem hearings will be held at 10 a.m., e.s.t., in the Community Room, Harlem Assertion of Rights, 35 West 125th Street, New York, NY 10027. The Bedford-Stuyvesant hearings will be held at 10 a.m., e.s.t., in the Community Room, Bedford-Stuyvesant Restoration Corp., 1368 Fulton Street, Brooklyn, NY 11216.

Notice of oral or written statements to be presented at the hearings should be filed with the Project Supervisor no later than September 20, 1971, in the case of of the New Haven hearings; October 12, 1971, for the Trenton hearings; November 1, 1971 for the Harlem hearings; and November 2, 1971 for the Bedford-Stuyvesant hearings.

The data, views, or arguments presented with respect to the practices in question will be available for examination by interested parties at the office of the Assistant Secretary for Legal and Public Records, Federal Trade Commission, Washington, D.C., and will be considered by the Commission.

All interested parties, including the consuming public, are urged to express their views with respect to these practices, to the extent that they may exist and to submit any data or evidence which they may have or can obtain with respect to the same.

Issued: August 10, 1971.

By the Commission.

[SEAL] PAUL M. TRUEBLOOD, *Acting Secretary.*

[FR Doc.71-11777 Filed 8-13-71;8:49 am]

POSTAL SERVICE

POSTAL RATES AND FEES

Temporary Changes Effective September 15, 1971

Correction

In F.R. Doc. 71-11557 appearing at page 14711 in the issue of Tuesday, August 10, 1971, the following changes should be made:

1. The reference to "39 U.S.C. section 2626" in the second and third lines of the second paragraph should read "39 U.S.C. section 3626".

2. The reference to "39 U.S.C. 626" in the third line of the first complete paragraph in the last column should read "39 U.S.C. section 3626".

3. The authority citation now reading "(39 Sec. U.S.C. §§ 401, 402, 3632, 3627, 3641)", should read "(39 U.S.C. secs. 401, 402, 3626, 3627, 3641)".

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 802, Amdt. 1]

CALIFORNIA

Amendment To Declaration of Disaster Loan Area

Declaration of Disaster Loan Area 802 dated February 9, 1971, is hereby amended as follows:

1. By substituting "November 30" for "August 31" in paragraph No. 2.

Dated: August 3, 1971.

A. H. SINGER,
Associate Administrator for Operations and Investment.

[FR Doc.71-11764 Filed 8-13-71;8:48 am]

TENNESSEE VALLEY AUTHORITY

DRAFT ENVIRONMENTAL STATEMENTS

Notice of Availability

Notice is hereby given that documents entitled "Draft Environmental Statement, Watts Bar Nuclear Plant Units 1 and 2" dated May 14, 1971, and "Draft Environmental Statement, Browns Ferry Nuclear Plant Units 1, 2, and 3" dated July 14, 1971, have been prepared by the Tennessee Valley Authority and distributed for Federal and State review pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969. Copies of the documents have been placed for public examination in the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545, at the Washington Office, Tennessee Valley Authority, 435 Woodward Building, 15th and H Streets, Washington, DC 20444, and in the office of the Director of Information, Tennessee Valley Authority, 508 Union Avenue, Knoxville, TN 37902. The statement on Watts Bar is also available for examination in the office of the County Judge of Rhea County, Tenn. at Dayton, Tenn. and the statement for Browns Ferry is also available for examination at the Construction Project Manager's Office, Browns Ferry Nuclear Plant, Limestone County, Ala. These statements cover the environmental considerations relating to construction and operation of nuclear plants in Rhea County, Tenn., and Limestone County, Ala.

Single copies of the draft statements will be furnished upon request addressed to the Director of Information, Tennessee Valley Authority, at the above address.

Dated at Knoxville, Tenn., this the 9th day of August 1971 for the Tennessee Valley Authority.

LYNN SEEBER,
General Manager.

[FR Doc.71-11756 Filed 8-13-71;8:47 am]

DRAFT ENVIRONMENTAL STATEMENTS

Notice of Availability

Notice is hereby given that draft environmental statements concerning the below listed policies, programs and projects have been prepared by the Tennessee Valley Authority and distributed for Federal and State review pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969. The documents are available for public examination in the office of the Director of Information, 508 Union Avenue, Knoxville, TN 37902, and at the Washington Office, Tennessee Valley Authority, 435 Woodward Building, 15th and H Streets, Washington, DC 20444.

Sources of Coal Used for Electric Power Generation (March 1971).
Yellow Creek Port Project proposed for location in Tishomingo County, Miss. (April 1971).
Gas Turbine Peaking Plant Additions (Units 17-20) proposed for location at Memphis, Tenn. (May 12, 1971).
Tellico Project proposed for location in Loudon and Monroe Counties, Tenn. (June 18, 1971).
Mills River Dam and Reservoir proposed for location in Henderson County, N.C. (June 29, 1971).
Duck River Project proposed for location in Coffee, Bedford, Marshall, and Maury Counties, Tenn. (June 30, 1971).
Gas Turbine Peaking Plant Additions for the Colbert Steam Plant proposed for location near Florence, Ala. (June 30, 1971).

Single copies of the draft statements will be furnished upon request addressed to the Director of Information at the above address.

Dated at Knoxville, Tenn., this the 9th day of August 1971, for the Tennessee Valley Authority.

LYNN SEEBER,
General Manager.

[FR Doc.71-11757 Filed 8-13-71;8:47 am]

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Area Wage Determination Decisions for Specified Localities in the States of Connecticut, Massachusetts, and Rhode Island

Correction

In F.R. Doc. 71-11075 appearing at page 14542 in the issue of Friday, August 6, 1971, the 12th and 13th lines of the first paragraph in the third column on page 14542 should be transferred to appear following the third line of that paragraph.

INTERSTATE COMMERCE COMMISSION

[Notice 344]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 9, 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 2633 (Sub-No. 56 TA), filed July 28, 1971. Applicant: CROSSETT, INC., Post Office Box 946, Foot of South Carver Street, Warren, PA 16365. Applicant's representative: M. A. Burgett (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, from points in Clinton, Potter, and Tioga Counties, Pa., to points in Albany and Onondaga Counties, N.Y., for 120 days. Supporting shipper: The Mebtex Co., Post Office Box 5146, Vienna, WV 26101. Send protests to: James C. Donaldson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 99213 (Sub-No. 14 TA), filed July 28, 1971. Applicant: VIRGINIA FREIGHT LINES, Post Office Box 327, Kilmarnock, VA 22482. Applicant's representative: J. S. Venable (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish meal, fish oil, and fish solubles*, from Reedville, Va., to points in Ohio and Connecticut, for 150 days. Supporting shipper: Haynie Products, Inc., 5010 York Road, Baltimore, MD 21212. Send protests to: R. W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10-502 Federal Building, Richmond, Va. 23240.

No. MC 99565 (Sub-No. 9 TA), filed July 28, 1971. Applicant: FORE WAY EXPRESS, INC., 204 South Bellis Street, Wausau, WI 54401. Applicant's representative: Nancy J. Johnson, 111 South Fairchild Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (with the usual exceptions), serving the plantsite of Wausau Paper Mills Co., at Brokaw, Wis., in connection with applicant's presently authorized routes, for 180 days. Supporting shipper: Wausau Paper Mills Co., Brokaw, Wis. 54417. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 206, Madison, WI 53703. NOTE: Applicant states it will tack the proposed service with all its authority issued in MC 99565.

No. MC 101915 (Sub-No. 6 TA), filed July 29, 1971. Applicant: MADDEN'S TRANSFER & STORAGE, INC., 128½ River Street, Saranac Lake, NY 12983. Applicant's representative: W. Norman Charles, 80 Bay Street, Glens Falls, NY 12801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from Orange, N.J., and New York, N.Y., to Saranac Lake, N.Y., and (2) *carbonated beverages*, from New York, N.Y., to Saranac Lake, N.Y., and (3) *empty malt beverage and carbonated beverage containers*, from Saranac Lake, N.Y., to Orange, N.J., and New York, N.Y., for 180 days. Supporting shipper: Hi-Land Beverage Co., Inc., Post Office 295, Saranac Lake, NY 12983. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, VT 05602.

No. MC 107295 (Sub-No. 540 TA), filed July 29, 1971. Applicant: PRE-FAB TRANSIT CO., Post Office Box 146, 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Bruce J. Kinnee (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ventilators, ventilator parts, machinery, equipment, and accessories*, from the plantsite of Penn-Ventilator Co., Inc., at Philadelphia, Pa., and Keyser, W. Va., to the plantsite of Penn-Ventilator Co., Inc., at Tabor City, N.C., for 180 days. Supporting shipper: Michael S. Bohrer, Traffic Manager, Penn-Ventilator Co., Inc., 11th Street and Alleghany Avenue, Philadelphia, PA 19140. Send protests to: Harold C. Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 325 West Adams Street, Room 476, Springfield, IL 62704.

No. MC 110841 (Sub-No. 15 TA), filed July 28, 1971. Applicant: PORT NORRIS EXPRESS CO., INC., Main Street, Port Norris, N.J. 08349. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cullet*, between points in Virginia, Maryland, West Virginia, Ohio, Pennsylvania, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, and North Carolina (nonradially), for 180 days. Supporting shipper: Anchor Hocking Corp., Lancaster, Ohio 43130. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 111170 (Sub-No. 165), filed July 28, 1971. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, 2811 North West Avenue, El Dorado, AR 71730. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulfuric acid*, in bulk, from North Little Rock, Ark., to East Alton, Ill., for 180 days. Supporting shipper: Olin Chemicals, 120 Long Ridge Road, Stamford, CT 06904. Send protests to: District Supervisor William H. Land, Jr., 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 111170 (Sub-No. 166 TA), filed July 28, 1971. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, 2811 North West Avenue, El Dorado, AR 71730. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tall oil*, in bulk, from Crossett, Ark., to Cincinnati, Ohio, for 180 days. Supporting shipper: Bitucote Products Co., 1824 Knox Avenue, St. Louis, MO 63139. Send protests to: District Supervisor William H. Land, Jr., 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 114989 (Sub-No. 13 TA), filed July 29, 1971. Applicant: KENTUCKY WESTERN TRUCK LINES, INC., Post Office Box 623, 1910 South Walnut Street, Hopkinsville, KY 42240. Applicant's representative: Richard D. Gleaves, 833 Stahlman Building, Nashville, Tenn. 37201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from New Orleans, La., to points in Christian County, Ky., for 180 days. Supporting shipper: John G. Hoyer, doing business as Cravens Distributing Co., Hopkinsville, Ky. 42240. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 116045 (Sub-No. 35 TA), filed July 29, 1971. Applicant: NEUMAN TRANSIT CO., INC., Post Office Box 38, East of Rawlins, Rawlins, WY 82301. Applicant's representative: Leslie R. Kehl, Suite 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Class A explosives*, in containers, in mixed shipments with Nitro-Carbo-Nitrate, from Monsanto Co. at or near Rawlins, Wyo., to points in Arizona, Colorado, Idaho, Montana, Nevada, and Utah, restricted to the transportation of traffic originating at the above origin and destined to the indicated destination points, for 180 days. Supporting shipper: Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, MO 63116. Send protests to: Paul A. Naughton, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1006, Federal Building and Post Office, 100 East B Street, Casper, WY 82601.

No. MC 116519 (Sub-No. 14 TA), filed July 29, 1971. Applicant: FREDERICK TRANSPORT LIMITED, Rural Route No. 6 (Bloomfield Road), Chatham, ON Canada. Applicant's representative: S. Harrison Kahn, 733 Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except those with vehicle beds, bed frames or fifth wheels), *attachments for, and equipment designed* for use with the foregoing articles when moving straight and in mixed loads from the United States-Canada boundary line at or near Detroit, and Port Huron, Mich., Alexandria Bay, Buffalo, Lewiston, and Niagara Falls, N.Y., to points in the United States except points in Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, for 150 days. Supporting shipper: White Farm Equipment, Division of White Motor Corporation of Canada Ltd., Brantford, Ontario. Send protests to: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, MI 48226.

No. MC 116763 (Sub-No. 201 TA), filed July 28, 1971. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380; 906 Magnolia Avenue, Auburndale, Fl. 33823. Applicant's representative: H. M. Richters, North West Street, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned prepared animal food*, from the plantsite of Lipton Pet Foods, Inc., Golden Meadow, La., to points in Michigan and Ohio, for 180 days. Supporting shipper: Lipton Pet Foods, Inc., Box 89-209, New Boston Street, Woburn, Ma. 01801. Send protests to: Frank L. Calvary, Acting District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 117304 (Sub-No. 23 TA), filed July 29, 1971. Applicant: DON PAFFILE, doing business as PAFFILE TRUCK LINES, 2906 29th Street North, Lewiston, ID 83501. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt and wine beverages*, from points in California, Portland, Oreg., Milwaukee, Wis., St. Paul and Minneapolis, Minn., Tacoma and Vancouver, Wash., to points in Idaho, north of the southern boundary of Idaho and Lemhi Counties, Idaho, for 180 days. Supporting shippers: Michael E. Smith, Distributing Co., Moscow, Idaho; Don

Lavoie Distributing, Post Office Box 777, Coeur D'Alene, ID 83814.; Northern Beverage Co., Post Office Box 608, Sandpoint, ID; Lewiston Distributing Co., Inc., 1901 Main, Lewiston, ID; Lucky Lager Distributing Co., Lewiston, Idaho; Madsen Distributing Co., Sandpoint, Idaho; Panhandle Distributing, Inc., Post Office Box 614, Coeur D'Alene, ID; Eller Distributing Co., Post Office 683, Sandpoint, ID; Rienjtes Distributing Co., 19th and G, Lewiston, ID; Empire Beverages of Lewiston, Inc., 205 First, Lewiston, ID 83501. Send protests to: District Supervisor E. J. Casey, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 120309 (Sub-No. 2 TA), filed August 4, 1971. Applicant: R. G. DUDLEY AND C. C. WESTFALL, a partnership, doing business as MISTLETOE TRANSIT COMPANY, 2407 West First Street, Lubbock, TX 79415. Applicant's representative: Austin Hatchell, Suite 1102, Perry Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods, as defined by the Commission, commodities in bulk, and commodities requiring special equipment), restricted so that no service shall be rendered in the transportation of any parcels, packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location on any one day, over the following routes (1) Texas Highways 114 and 121 between Dallas and Fort Worth, Tex., Highway 199 between Fort Worth and Jacksboro, State Highway 24 between Jacksboro and Rule, U.S. Highways 277, 83, and 82 between Wichita Falls and Abilene, State Highway 222 between Munday and Knox City, State Highway 283 between Quanah and Rule, U.S. Highway 83 between Anson and Aspermont, U.S. Highway 180 between Anson and Roby, State Highway 70 between Roby and Rotan, and between Spur and Turkey, State Highway 92 between Rotan and its intersection with U.S. Highway 277 near Stamford, U.S. Highways 380 and 70 between Aspermont and Spur, U.S. Highways 70 and 62 between Dickens and Lubbock, State Highway 86 between Turkey and Tulia, U.S. Highway 87 between Lubbock and Amarillo, U.S. Highway 385 between Springlake and Hereford, U.S. Highway 62 between Floydada and Ralls, F.M. Road 54 between its intersection with U.S. Highway 62 and its intersection with U.S. Highway 87, U.S. Highway 380 and U.S. Highway 180 between Aspermont and Albany, U.S. Highway 62 and U.S. Highway 83 between Childress and Paducah; serving U.S. Highway 80, State Highway 183 and Interstate 20 between Dallas and Fort Worth, Interstate 35W and U.S. 81 between Fort Worth and Itasca, F.M. Roads 66 and 934 between Itasca and Osceloa, State Highway 171 between Osceola and Cleburne, State Highway 174 between Burleson and Cleburne, U.S. Highway 67 between Cleburne and its intersection with State Highway 220, thence over State Highway 220 to Hico, U.S. Highway 281 between Hico and Hamilton, State Highway 36 between Hamilton and Gatesville, U.S. Highway 84 between Gatesville and McGregor, State Highway 317 between McGregor and Valley Mills, State Highway 6 between Valley Mills and Meridan, State Highway 144 between Meridan and Glen Rose, serving all intermediate points along said routes, except as hereinafter restricted, and coordinating this service with service presently being rendered under existing authority and interlining with other carriers at appropriate points for 180 days. NOTE: Applicant does intend to tack the authority at Amarillo, Lubbock, Dallas, and Wichita Falls, Tex. Supported by: There are approximately 73 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395, Herring Plaza, Amarillo, TX 79101.

No. MC 123260 (Sub-No. 1 TA), filed July 28, 1971. Applicant: L. E. COX, doing business as P M C COMPANY, 227 West Depot Street, Greeneville, TN 37743. Applicant's representative: Jimmy Gray Cutshaw, Green County Bank Building, Greeneville, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Peppers and greens*, in cans, barrels, and plastic pails, from Limestone, Tenn., to points in District of Columbia, Alabama, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming, and the return of products owned by Moody Dunbar, Inc., said products being ingredients used in the canning of peppers and greens that are needed to supplement the plant at Limestone, Tenn., along with cans, barrels, and plastic pails in which the products are packed, from all 48 States and the District of Columbia, to Limestone, Tenn., for 180 days. NOTE: Carrier states it intends to tack the authority here applied for to its authority held in MC 123260. Supporting shipper: Moody Dunbar, Inc., Post Office Box 68, Limestone, TN 37681. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803-1808 West End Building, Nashville, Tenn. 37203.

No. MC 123407 (Sub-No. 86 TA), filed July 29, 1971. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue South, Minneapolis, MN 55404. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plywood*, from Charleston, S.C., to points in Iowa, Minnesota, North Dakota, South Dakota, and Wisconsin on and north of U.S. Highway 10; and (2) *plywood, composition board, wood moldings, and materials and supplies* used in the installation thereof, from Orangeburg, S.C., to the destination points named in (1) above, for 180 days. Supporting shipper: U.S. Plywood Champion Papers Inc., Knightsbridge Drive, Hamilton, Ohio. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 127505 (Sub-No. 44 TA), filed July 28, 1971. Applicant: RALPH H. BOELK, doing business as R. H. BOELK TRUCK LINES, Route No. 2, Mendota, IL 61342. Applicant's representative: Walter J. Kobos, 1016 Kehoe Drive, St. Charles, IL 60174. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Traveling cranes and parts thereof*, from Mendota, Ill., to New Hampton, Iowa, for 180 days. Supporting shipper: Conco Inc., Mendota, Ill. 61342. Send protests to: William J. Gray, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 133106 (Sub-No. 8 TA), filed August 2, 1971. Applicant: NATIONAL CARRIERS, INC., Post Office Box 1358, 1501 East Eighth Street, Liberal, KS 67901. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pipe fittings and connections, pipe hangers, indicator posts, hydrants, pipe, bars and rods, valves with or without operating apparatus, castings, water motor alarms, pipe cement, joint compound, automatic sprinkler heads, automatic fire protection and prevention systems, and air heaters, blowers, and parts* (except those commodities which because of size or weight require the use of special equipment), from the plants, warehouses, and storage facilities utilized by Grinnell Corp., at or near Cranston, R.I. and West Kingston, R.I., Elmira, N.Y., Columbia, Pa., and Wrightsville, Pa., to points in Wisconsin, Illinois, Minnesota, Iowa, Missouri, Arkansas, Nebraska, Kansas, Oklahoma, Texas, Colorado, and New Mexico, under continuing contract with Grinnell Corp. and its parent corpporation, for 180 days. Supporting shipper: Grinnell Corp., 260 West Exchange Street, Providence, R.I. 02901. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 133119 (Sub-No. 6 TA), filed July 28, 1971. Applicant: HEYL TRUCK LINES, INC., Post Office Box 755, 750 Reed Street, Akron, IA 51001. Applicant's representative: Michael J. Myers, Post Office Box 1025, Sioux City, IA 51101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and

C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides and commodities in bulk, from Dakota City and West Point, Nebr.; Denison, Fort Dodge, Le Mars, and Mason City, Iowa; Luverne, Minn.; and Emporia, Kans., to ports of entry on the international boundary line between the United States and Canada, located in Michigan and New York, restricted to traffic originating at the plantsites of and storage facilities utilized by Iowa Beef Processors, Inc., at or near the above-named origins, and restricted to shipments moving in foreign commerce, for 180 days. Supporting shipper: Iowa Beef Processors, Inc., Post Office Box 515, Dakota City, NE 68731. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 304 Post Office Building, Sioux City, Iowa, 51101.

No. MC 133689 (Sub-No. 17 TA), filed August 2, 1971. Applicant: OVERLAND EXPRESS, INC., Post Office Box 2667, 651 First Street SW., Brighton, MN 55112. Applicant's representative: James F. Sexton (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plant and warehouse facilities of Needham Packing Co., Inc., located at West Fargo and Fargo, N. Dak., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Needham Packing Co., Inc., Sioux City, Iowa 51107. Send protests to: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 134574 (Sub-No. 4 TA), filed July 14, 1971. Applicant: FIGOL DISTRIBUTORS LIMITED, 11041 105 Avenue, 9727 110th Street, Edmonton, AB, Canada. Applicant's representative: Eldon M. Johnson, 140 Montgomery Street, San Francisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables, frozen pies, and frozen concentrated fruit juices and beverage preparations*, from point in California, to points along the United States-Canadian border in Washington, Idaho, and Montana, restricted to shipments having a destination in the Province of Alberta, Canada, for 180 days. Spporting shippers: MacDonalds Consolidated, Ltd., 14024 125 Avenue, Edmonton, AB, Canada; E. Chambers Brokerage, Calgary, Alberta, Canada; Dependable Food Brokers, Ltd., 14345 123d Avenue, Edmonton 42, AB, Canada. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 251, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 134653 (Sub-No. 4 TA), filed July 28, 1971. Applicant: STERRITT TRUCKING, INC., Post Office Box 367, West Coxsackie, NY 12192. Applicant's representative: Alfred C. Purello, 451 State Street, Albany, NY 12203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prestress, precast concrete*, for account of Unistress Corp., from Pittsfield, Mass., to Albany, N.Y., for 150 days. Supporting shipper: Unistress Corp., Box 1145, Pittsfield, MA 01201. Send protests to: District Supervisor Charles F. Jacobs, Interstate Commerce Commission, Bureau of Operations, 518 Federal Building, Albany, N.Y. 12207.

No. MC 135482 (Sub-No. 2 TA), filed July 28, 1971. Applicant: H. A. BEYER AND ROBERT A. BEYER, a partnership, doing business as H. A. BEYER & SON, 325 Third Avenue NW., Valley City, ND 58072. Applicant's representative: Gene P. Johnson, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement*, in bags, from Duluth, Minn., to points in North Dakota, and (2) *cement*, in bulk (except in tank vehicles), from Duluth, Minn., to Bismark and Valley City, N. Dak., for 180 days. Supporting shipper: Beyer's Cement, Inc., Highway 10 West, Box 992, Valley City, ND 58072. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 2340, Fargo, ND 58102.

No. MC 135755 (Sub-No. 1 TA), filed July 28, 1971. Applicant: CENTRAL COAST TRUCK SERVICE, INC., 1725 West Pacheco Boulevard, Los Banos, CA 93635. Applicant's representative: John Paul Fischer, 140 Montgomery Street, San Francisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, in temperature controlled vehicles, from the international boundary between the United States and Mexico at or near San Ysidro, Calif., to points in Bakersfield, Chico, El Monte, Fresno, La Habra, Long Beach, Los Angeles, Modesto, National City, Oakland, Oxnard, Richmond, Riverside, Sacramento, San Diego, San Francisco, San Jose, San Leandro, Santa Barbara, Santa Fe Springs, South San Francisco, and Stockton, Calif., for 180 days. Supporting shippers: Standard Fruit & Steamship Co., 131 Terminal Court, Golden Gate Produce Terminal, South San Francisco, CA 94080; and Safeway Stores, Inc., Box 2225, Fitchburg Station, Oakland, CA 94621.

No. MC 135835 (Sub-No. 1 TA), filed July 28, 1971. Applicant: WILLIAM C. BAIRD, doing business as JOHN BAIRD, 146 Cherry Lane, Aliquippa, PA 15001. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail department stores and mail-order houses, from the store or warehouse of Sears, Roebuck and Co., Beaver Valley Mall, Center Township, Beaver County, Pa., to points in Columbiana, Mahoning, and Jefferson Counties, Ohio, and Brooke and Hancock Counties, W. Va., for 150 days. Supporting shipper: Sears, Roebuck and Co., Administrative Office, Eastern Territory, Post Office Box 6742, Philadelphia, PA 19132. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 135838 (Sub-No. 1 TA), filed August 2, 1971. Applicant: C & C JOHNSON TRUCKING, INC., 100 South Pine, Janesville, WI 53545. Applicant's representative: Larry W. Barton, Post Office Box 1449, Janesville, WI 53545. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry animal and dry poultry feed, grain and ingredients thereof*, (2) *insecticides, medications used for treating animals and poultry*, and (3) *empty bags and other containers* when transported on the same vehicle or as part of a shipment of the commodities described in (1) and (2) above, between Janesville, Wis., on the one hand, and, on the other, points in that part of Illinois on the north of U.S. Highway 24 and Illinois Highway 116 and points in that part of Wisconsin on and south of a line drawn across the northern boundaries of the counties of La Crosse, Monroe, Juneau, Adams, Waushara, Winnebago, Calumet, and Manitowoc, for 180 days. Supporting shipper: Cargill, Inc., Nutrena Feed Division, 411 South Pearl Street, Janesville, WI 53545. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 206, Madison, WI 53703.

No. MC 135845, filed July 28, 1971. Applicant: CATER, INC., 920 Holiday Drive, Moorhead, MN 56560. Applicant's representative: Gene P. Johnson, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* (exempt from economic regulation under section 203 (b)(6) of Part II of the Interstate Commerce Act when moving at the same time and in the same vehicle with commodities named in (2) below; and (2) *lactose and powdered corn syrup solids*, from the Fargo, N. Dak., commercial zone to points in Montana, North Dakota, Rapid City, S. Dak., and points in Minnesota on and west of U.S. Highway 71; and Wyoming, for 180 days. Supporting shipper: Clark O. Orth Co., Post Office Box 129, Moorhead, MN 56560. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of

Operations, Post Office Box 2340, Fargo, ND 58102.

No. MC 135846 TA, filed July 28, 1971. Applicant: M. S. MOLITOR, doing business as MOLITOR TRUCKING, Post Office Box 252, Boulder, MT 59632. Applicant's representative: Jos. F. Meglen, Post Office Box 1581, Billings, MT 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, in cans, bottles, and kegs, from San Francisco, Calif., and Vancouver, Wash., to points in Montana, for 180 days. Supporting shipper: Lucky Breweries, Inc., 2601 Newhall Street, San Francisco, CA 94124. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 251, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 135851 TA, filed July 29, 1971. Applicant: PENSACOLA DELIVERY SERVICE, INC., 2500 West Cervantes Drive, Pensacola, FL 32506. Applicant's representative: Guy H. Postell, 3384 Peachtree Road NE., Suite No. 713, Atlanta, GA 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cosmetics, toilet preparations, toilet articles, and premiums*, and (2) *equipment and supplies* used in connection with the items listed in (1) from Pensacola, Fla., to points in Mobile, Baldwin, Escambia, Covington, Geneva, Houston, Henry, Dale, Coffee, Conecuh, Monroe, Clarke, Washington, Butler, Crenshaw, Pike, and Barbour Counties, Ala., and points in Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Jackson, Washington, Bay, Calhoun, Gulf, Liberty, and Franklin Counties, Fla., for 180 days. Supporting shipper: Avon Products, Inc., 2200 Cottillion Drive, Atlanta, GA 30302. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814, 2121 Building, Birmingham, Ala. 35203.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-11731 Filed 8-13-71;8:45 am]

ASSIGNMENT OF HEARINGS

AUGUST 10, 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.

No. MC-110563 Sub-58, Coldway Food Express, assigned October 4, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. MC-124802 Sub-10, Curtis Womeldorf, doing business as Ace Motor Freight, assigned October 11, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. MC-135312, Floyd W. Mensch, assigned October 11, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

FD-26303 Mackinac Transportation Co. Entire Line Abandonment Between St. Ignace and Mackinaw City, Mich., assigned September 15, 1971, at Room 410, Michigan Public Service Commission, Seven Story Office Building, 525 West Ottawa Street, Lansing, MI.

I & S No. 8646, Livestock, Western, Southwestern, & Pacific Coast States, now assigned September 14, 1971, at Washington, D.C., postponed to September 16, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 42125 Sub 1, The Overland Express International, Inc., now assigned September 13, 1971, at Lansing, Mich., is postponed indefinitely.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-11796 Filed 8-13-71;8:51 am]

ASSIGNMENT OF HEARINGS

AUGUST 11, 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-128273 Sub 85, Midwestern Express, Inc., assigned September 20, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-128273 Sub 87, Midwestern Express, Inc., assigned September 22, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-135237, East Penn Trucking Co., assigned September 21, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-936 Sub 40, Valley Motor Lines, Inc., 1220 West Washington Boulevard, Montebello, CA, application dismissed.

MC-111812 Sub 419, Midwest Coast Transport, Inc., MC 113678 Sub 406, Curtis, Inc., MC 115841 Sub 388, Colonial Refrigerated Transportation, Inc., and MC 117883 Sub 140, Subler Transfer, Inc., now assigned September 20, 1971, at Boston, Mass., postponed to November 1, 1971, in Room 2211B, John F. Kennedy Building, Government Center, Boston, Mass.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-11795 Filed 8-13-71;8:51 am]

[Notice 345]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 10, 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 5619 (Sub-No. 4 TA), filed July 30, 1971. Applicant: CLEVELAND GENERAL TRANSPORT CO., INC., 1 Van Street, Staten Island, NY 10310. Applicant's representative: Edward Bowes, 744 Broad Street, Newark, NJ 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, and materials and supplies* used in the installation and distribution thereof, and *returned and rejected shipments* of the commodities described above in the reverse direction, from the plantsite and warehouses of Georgia-Pacific Corp. at Buchanan (Westchester County), N.Y., to points in Maine, New Hampshire, and Vermont, operating under contract with Georgia-Pacific Corp., for 150 days. Supporting shipper: Georgia-Pacific Corp., Attention Sidney T. Mackenzie, 1062 Lancaster Avenue, Rosemont, PA 19010. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 11592 (Sub-No. 14 TA), filed July 29, 1971. Applicant: BEST REFRIGERATED EXPRESS, 1402 Pacific Street, Omaha, NE 68108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible animal feed ingredients*, from Fremont and Omaha, Nebr., to Camp Hill and Harrisburg, Pa., for 150 days. Supporting shipper: Jet Meat By-Products, Inc., 4801 South 38th Street,

Omaha, NE 68107. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 21060 (Sub-No. 12 TA), filed July 29, 1971. Applicant: IOWA PARCEL SERVICE, INC., 3123 Delaware, Des Moines, IA 50313. Applicant's representative: Cecil Goettsch, 11th Floor, Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Eppley Airfield at Omaha, Nebr., on the one hand, and, on the other, the Des Moines Municipal Airport at Des Moines, Iowa, for the account of United Air Lines, and between Eppley Airfield at Omaha, Nebr., on the one hand, and all points and places in Iowa on the other, restricted to the transportation of shipments having a prior or subsequent movement by air, for 180 days. Supporting shipper: United Air Lines, Post Office Box 66100, Chicago IL 60666. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 677 Federal Building, Des Moines, Iowa.

No. MC 41849 (Sub-No. 30 TA), filed August 2, 1971. Applicant: KEIGHTLEY BROS., INC., 1601 South 39th Street, St. Louis, MO 63110. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Burnt shale*, in bulk, from Brooklyn, Ind., to St. Louis, Mo., and to points in St. Louis, Jefferson, Franklin, and St. Charles Counties, Mo., for 150 days. Supporting shipper: Hydraulic Press Brick Co., 705 Olive Street, St. Louis, MO. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 North 12th Street, St. Louis, MO 63101.

No. MC 44639 (Sub-No. 40 TA), filed August 2, 1971. Applicant: L & M EXPRESS CO., INC., 220 Ridge Road, Lyndhurst, NJ 07071. Applicant's representative: Herman B. J. Weckstein, 60 Park Place, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies* used in the manufacture of wearing apparel, between Crewe and Narrows, Va., on the one hand, and, on the other, Eagle Rock, Va., with authority to tack with existing authority at Crewe and Narrows, Va., for 150 days. Supporting shipper: Little Topsy's Inc., 130 West 34th Street, New York, NY 10001. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 110988 (Sub-No. 274 TA), filed July 29, 1971. Applicant: SCHNEIDER TANK LINES, INC., 200 West Cecil Street, Neenah, WI 54956. Applicant's representative: David A. Petersen (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid clay*, in bulk, in tank vehicles, from McIntyre, Ga., to Appleton, Wis., for 180 days. Supporting shipper: Appleton Coated Paper Co., 825 East Wisconsin Avenue., Post Office Box 348, Appleton WI 54911 (Harry E. Langman, Traffic Supervisor). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 111812 (Sub-No. 428 TA), filed July 30, 1971. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Wilson Terminal Building, Sioux Falls, SD 57101. Applicant's representative: Ralph H. Jinks (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Imported beer*, in cartons or barrels, from New York City, NY, to points in California, Colorado, New Mexico, Arizona, and Nevada, for 180 days. Supporting shipper: Van Munching & Co., Inc., 51 West 51st Street, New York, NY 10019, V. DeMichele, Traffic Manager. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, SD 57501.

No. MC 117416 (Sub-No. 41 TA), filed August 3, 1971. Applicant: NEWMAN AND PEMBERTON CORPORATION, 2007 University Avenue NW., Knoxville, TN 37921. Applicant's representative: Herbert A. Dubin, 1819 H Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, in containers, from Gordon, Ga., to Louisville and Carrollton, Ky., for 180 days. Supporting shipper: Freeport Kaolin Co., 733 Third Avenue, New York, NY 10017. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803 1808 West End Building, Nashville, Tenn. 37203.

No. MC 117765 (Sub-No. 130 TA), filed July 28, 1971. Applicant: HAHN TRUCK LINE, INC., 5313 Northwest Fifth, Post Office Box 75267, Oklahoma City, OK 73107. Applicant's representative: R. E. Hagan (same address as above). Authority sought to operate as *a common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from the plantsite of Hamm Brewing Co., St. Paul, Minn., to points in Oklahoma, for 180 days. Supporting shippers: P & D Distr. Co., 401 East F Street, Lawton, OK; Dale Distr. Co., 617 East Main Street, Shawnee, OK 74801; Wallace Sales Co., 404 North Second, Chickasha, OK. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240 Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 117940 (Sub-No. 57 TA), filed August 2, 1971. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, MN 55359. Applicant's representative: M. James Levitus (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Cheriton, Va., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Texas, West Virginia, and Wisconsin, for 180 days. Supporting shipper: G. L. Webster Co., Inc., Cheriton, Va. 23316. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 125433 (Sub-No. 27 TA), filed August 2, 1971. Applicant: F-B TRUCK LINE COMPANY, 1891 West 2100 South Street, Salt Lake City, UT 84119. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Old car bodies*, crushed to a dimension of approximately 7 feet in width and 17 feet in length; and (2) *scrap auto engine blocks and transmissions*, from points in Idaho south of the southern boundary of Idaho County, to Salt Lake City, Utah, for 180 days. Supporting shipper: Auto Disposal Service, Inc., 4621 Morris Hill Road, Boise, ID 83704 (Jolly W. Kile, president). Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5239 Federal Building, Salt Lake City, Utah 84111.

No. MC 125985 (Sub-No. 8 TA), filed July 26, 1971. Applicant: AUTO DRIVE-AWAY COMPANY, 343 South Dearborn Street, Chicago, IL 60604. Applicant's representative: David L. Steinhagen (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Recreational vehicles, motor homes* (not mobile homes) in initial and secondary movement, by driveaway service, between points in Adams County, Ind., on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and Washington, D.C., for 180 days. Supporting shipper: Mr. Larry Hughes, Sales Manager, Pace Arrow, Inc., Decatur, Ind. Send protests to: William J. Gray, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 126899 (Sub-No. 47 TA), filed July 30, 1971. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, Post Office Box 3051, Paducah, KY 42001. Applicant's representative: William A. Usher (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *related advertising material and empty malt beverage containers* on return, from Cincinnati, Ohio, to points in West Virginia and Indiana, for 180 days. Supporting shipper: Burger Brewing Co., Central Parkway and Liberty Street, Cincinnati, OH 45214. Send protests to: Floyd A. Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 933 Federal Office Building, 167 North Main Street, Memphis, TN 38103.

No. MC 127816 (Sub-No. 2 TA), filed August 2, 1971. Applicant: RAYMOND FOWLER, doing business as BLUE STEM TRUCK LINE, 509 Elm Street, Emporia, KS 66801. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed*, from the plantsite and/or storage facilities of Teichgraeber Milling Co., Inc., at or near Emporia, Kans., to points in Osage, Beaver, Washington, Harper, Woods, Alfalfa, Major, Woodward, Dewey, Blaine, and Kingfisher Counties, Okla., for 180 days. NOTE: Applicant does not intend to tack the authority here applied for to other authority held by it, or to interline with other carriers. Supporting shipper: Teichgraeber Milling Co., Inc., 302 Oak Street, Emporia, KS 66801. Send protests to: Thomas P. O'Hara, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 234 Federal Building, Topeka, Kans. 66603.

No. MC 129352 (Sub-No. 8 TA), filed July 19, 1971. Applicant: CREAGER TRUCKING CO., INC., 2201 Sixth Avenue South, Seattle WA 98134. Applicant's representative: George R. LeBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prepared frankfurters*, from Dallas, Tex., to points in California, Oregon, and Washington for the account of the Corny Dog Co., for 180 days. Supporting shipper: Corny Dog Co., 2428 Harrison, Post Office Box 15811, Dallas, TX 75215. Send protests to: District Supervisor E. J. Casey, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 134574 (Sub-No. 5 TA), filed August 2, 1971. Applicant: FIGOL DISTRIBUTORS LIMITED, 9727 110th Street, Edmonton, AB Canada. Applicant's representative: Eldon M. Johnson, 140 Montgomery Street, San Francisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer, malt liquids, wine, and distilled alcoholic beverages*, in consumer bottles and cans, from points in California, to points along the United States-Canadian border in Washington, Idaho, and Montana, restricted to shipments having a destination in Canada, for 180 days. Supporting shipper: Alberta Liquid Control Board, 12360 142 Street, Post Office Box 2360, Edmonton 15, AB Canada. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 135720 (Sub-No. 1 TA) (Amendment), filed July 1, 1971, published FEDERAL REGISTER July 17, 1971, amended and corrected as amended this issue. Applicant: ROBERT WAYNE MABE, doing business as BOB'S AUTO TRANSPORT, 349 Johnson Ridge Road, Elkin, NC 28621. Applicant's representative: Charles M. Neaves, Post Office Box 809, Elkin, NC 28261. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles and pickup trucks*, by truckaway method only, from Newark, N.J., Baltimore, Md., and Washington, D.C., and their commercial zones to points in North Carolina, for 180 days. Supporting shippers: Tri-County Motor's Inc., Elkin, N.C.; Miles Auto Sales, Inc., Sparta, N.C.; Bob's Motor Co., Boonville, N.C.; West Jefferson Auto Sales, West Jefferson, N.C.; Central Carolina Motor Inc., Winston-Salem, N.C. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building), Charlotte, NC 28202. NOTE: The purpose of this republication is to add the commodity restriction.

No. MC 135751 (Sub-No. 1 TA), filed July 29, 1971. Applicant: ATLANTIC CARRIERS, INC., First and Hazel Streets, Atlantic, IA 50022. Applicant's representative: Thomas E. Leahy, Jr., 900 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, (1) from Nebraska City, Nebr., to Shenandoah, Iowa; (2) from Shenandoah, Iowa, to Kentland, Ind.; and (3) from Chicago, Ill., to Shenandoah, Iowa, for 150 days. Supporting shipper: Farmaster Products, Inc., Shenandoah, Iowa 51601. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 135847 TA, filed July 28, 1971. Applicant: BEVAN-PEARSON MOVING & STORAGE OF MENDOCINO COUNTY, INC., 300 East Gobbi Street, Ukiah, CA 95482. Applicant's representative: Jack T. Pearson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* (used), which have a prior or subsequent movement by an interstate carrier and which require pickup transportation and containerization or delivery transportation or decontainerization, from Lake and Mendocino Counties, Calif., to Ukiah, Calif., for 180 days. Supporting shipper: Department of the Army, Office of the Judge Advocate General, Washington, D.C. 20310 as signed by Curtis L. Wagner, Jr., Chief, Regulatory Law Office. Send protests to: District Supervisor Wm. E. Murphy, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, CA 94102.

MOTOR CARRIER OF PASSENGERS

No. MC 135844 TA, filed July 29, 1971. Applicant: CHARLES W. BENNETT, 10409 Forest Avenue, Fairfax City, VA 22030. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers*, between the City of Fairfax, Va., and Calvert Cliffs, Md., from Fairfax over Virginia Highway 236 to the junction of Interstate Highway 495, thence over Interstate Highway 495 to junction Maryland Highway 4, thence over Maryland Highway 4 to Calvert Cliffs, and return over the same route, serving the intermediate points of Annandale, Springfield, and Alexandria, Va., and Forestville, Md. Restriction: Applicant states that the proposed operations will be restricted to the transportation of passengers originating at or destined to the Atomic Energy Plant at Calvert Cliffs, Md., for 180 days. Supported by: Paul F. Wiley, Route 1, Box 180 C, Amissville, VA; Wendell Holmes, Fairfax, Va.; Edward S. Aliff, Woodbridge, Va.; Fred Parsens, Jr., 9219 Ox Road, Lorton, VA; William C. Quisenberry, Jr., 1710 Varsity Drive, Woodbridge, VA; David L. Hamm, 11631 Smithfield Road, Manassas, VA; John L. Hair, Manassas, Va.; Anthony B. Meyer, 10712 Ames Street, Fairfax, VA. Send protests to: District Supervisor Robert D. Caldwell, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, DC 20423.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-11797 Filed 8-13-71;8:51 am]

[Notice 731]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 11, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72984. By order of August 9, 1971, the Motor Carrier Board approved the transfer to Floyd Brune, doing business as Holton-St. Joseph Freight Line, Circleville, Kans., of the operating rights in certificate No. MC-10601 issued June 30, 1970, to David Gene Lytle, doing business as Holton-St. Joseph Freight Line, Seneca, Kans., authorizing the transportation of general commodities, with exceptions, between Havensville, Kans., and Kansas City and St. Joseph, Mo., serving specified intermediate and off-route points; between Holton, Kans., and St. Joseph, Mo., serving specified intermediate and off-route points, restricted against the transportation of livestock and other related agricultural commodities; livestock, seed, farm machinery and parts, from Holton, Kans., and points within 10 miles thereof to Kansas City, Mo., Kansas City, Kans., and St. Joseph, Mo.; and livestock, seed, farm machinery and parts, feed, grain, and lumber from Kansas City, Mo., Kansas City, Kans., and St. Joseph, Mo., to Holton, Kans. Tracy D. Klinginsmith, 206 West Fourth, Holton, KS 66436, attorney for applicants.

No. MC-FC-72986. By order of August 9, 1971, the Motor Carrier Board approved the transfer to Regil Transport Inc., 225 Tupper Street, Magog, PQ, Canada, of the operating rights in Permit No. MC-123683 issued June 21, 1962, to Joseph Paul Pouliot, 147 St. Patrick East, Magog, PQ, Canada, authorizing the transportation of scrap iron, from St. Johnsbury, Vt., to the port of entry on the United States-Canada boundary line at Derby Line, Vt., serving no intermediate points, and from Berlin, N.H., to the port of entry on the United States-Canada boundary line at Derby Line, Vt., serving no intermediate points.

No. MC-FC-72993. By order of August 10, 1971, the Motor Carrier Board approved the transfer to John Heaton, doing business as Yankee Air Freight, Pittsfield, Mass., of the operating rights in certificate No. MC-133056 (Sub-No. 2), issued October 2, 1970, to Executive Airlines, Inc., Pittsfield, Mass., authorizing the transportation of general commodities, with usual exceptions, between Pittsfield, Dalton, and Lennox, Mass., on the one hand, and, on the other, Bradley International Airport, Windsor Locks, Conn., on traffic having an immediately prior or immediately subsequent movement by air. Thomas W. Murrett, 342 North Main Street, West Hartford, CT 06117, attorney for applicants.

No. MC-FC-73024. By order of August 9, 1971, the Motor Carrier Board approved the transfer to Wulffs', Inc., Salem, S. Dak., of the operating rights in certificate No. MC-118589 and permit No. MC-133750 issued October 20, 1969, and February 16, 1970, respectively, to Harvey Wulff doing business as Harvey Wulff Trucking, Salem, S. Dak., authorizing the transportation of animal feed and soybean oil meal from Mankato, Minn., to points in McCook County, S. Dak., and linseed meal from Minneapolis, Minn., to points in McCook County, S. Dak.; and prefabricated concrete products from Salem, S. Dak., to points in Iowa, Minnesota, Nebraska, and North Dakota. Dual operations were authorized. Charles J. Kimball, Nelson, Harding, Marchetti, Leonard & Tate, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501

No. MC-FC-73025. By order of August 9, 1971, the Motor Carrier Board approved the transfer to Gary Aggerholm, Luck, Wis., of the operating rights in certificate No. MC-94062 issued August 4, 1970, to Harold W. Sommerfield, Frederic, Wis., authorizing the transportation of livestock from points in Roosevelt and La Follette Townships, Burnett County, Wis., and Clam Falls, Loraine, and McKinley Townships, Polk County, Wis., to South St. Paul, Minn., and farm implements, hardware, seed, feed, grain, groceries, canned goods, dry goods, oil, and oil products, from Minneapolis, St. Paul, and South St. Paul, Minn., to points in Roosevelt and La Follette Townships, Burnett County, Wis., and Clam Falls, Loraine, and McKinley Townships, Polk County, Wis. A. R. Fowler, 2288 University Avenue, St. Paul, MN 55114, representatives for applicants.

No. MC-73029. By order of August 9, 1971, the Motor Carrier Board approved the transfer to Mitchell Vuksanovich, doing business as San Carlos Freight Lines, Miami, Fla., of the operating rights in certificate No. MC-127503, issued March 17, 1966, to Ronald E. Cross and Joyce O. Cross, a partnership, doing business as R-D Freight Lines, Globe, Ariz., authorizing the transportation of general commodities, with exceptions, between Globe, Ariz., and Peridot, Ariz., serving no intermediate points, but serving the off-route point of San Carlos, Ariz. Peter J. De Ninno, 104 South Broad, Globe, AZ 85501, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-11798 Filed 8-13-71;8:51 am]

CUMULATIVE LIST OF PARTS AFFECTED—AUGUST

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during August.

3 CFR
Page

PROCLAMATIONS:
- 4070 ... 14251
- 4071 ... 14297
- 4072 ... 15421

EXECUTIVE ORDERS:
- July 2, 1910 (revoked in part by PLO 5094) ... 14313
- 5327 (see PLO 5096) ... 14639
- 6143 (revoked in part by PLO 5102) ... 14695
- 6276 (revoked in part by PLO 5102) ... 14695
- 6583 (revoked in part by PLO 5102) ... 14695
- 11007 (see EO 11614) ... 14621
- 11331 (amended by EO 11613) ... 14299
- 11345 (amended by EO 11613) ... 14299
- 11359 (amended by EO 11613) ... 14299
- 11371 (amended by EO 11613) ... 14299

3 CFR—Continued
Page

EXECUTIVE ORDERS—Continued
- 11528 (see EO 11613) ... 14299
- 11613 ... 14299
- 11614 ... 14621

5 CFR
- 213 ... 14301, 14463, 14623, 14723, 15446
- 300 ... 15446
- 733 ... 14463
- 772 ... 15446
- 1602 ... 15107

7 CFR
- 52 ... 14377
- 68 ... 14378, 15423
- 210 ... 14301
- 271 ... 14463
- 718 ... 14302, 15423
- 722 ... 14691
- 725 ... 14379
- 811 ... 14624
- 906 ... 14253
- 908 ... 14310, 14380, 14691, 15036

7 CFR—Continued
Page
- 909 ... 14254
- 910 ... 14625, 15423
- 917 ... 14381
- 919 ... 15423
- 924 ... 15424
- 925 ... 15424
- 931 ... 14311
- 948 ... 15425
- 958 ... 14723
- 980 ... 14724
- 987 ... 15036
- 993 ... 14724, 15039
- 1121 ... 14312
- 1427 ... 14626
- 1430 ... 15425
- 1483 ... 14382, 14630
- 1822 ... 14725

PROPOSED RULES:
- 52 ... 14389, 14473, 14474
- 53 ... 14650
- 210 ... 15125
- 220 ... 15125
- 245 ... 15125
- Ch. IX ... 14316

7 CFR—Continued

Page

PROPOSED RULES—Continued

910 14745
925 14269, 14334
926 14700, 15125
927 14655
928 14334
934 14389
958 15054
1030 14270, 14745
1032 14270
1046 14270
1049 14270
1050 14270, 15449
1061 14476, 15054
1062 14270
1063 14752
1064 14334, 14656
1068 14476, 15054
1070 14752
1078 14752
1079 14752, 15449
1094 14390
1099 14270
1104 15450
1106 15450

8 CFR

100 14725
103 14630
214 14254, 14630
234 14630
238 14630
245 14630
299 14631

9 CFR

56 15426
75 14631
76 14631, 14632, 15426
311 15109
316 15109
317 15109

PROPOSED RULES:

320 14335
325 14335

10 CFR

PROPOSED RULES:

50 14660

12 CFR

10 14997
11 14997
12 14997
16 14997
18 14997
224 14382
265 14623
522 15036
543 15427
545 15427
562 15428

PROPOSED RULES:

207 14405
226 15130
269 14479
291 14480

14 CFR

39 14691, 14692, 14743, 15109, 15110, 15428
71 14254, 14312, 14382, 14383, 14463, 14632–14636, 14692, 14743, 15111–15114, 15429

14 CFR—Continued

Page

73 14255, 14743, 14744
95 15429
97 14464, 15429
302 14744

PROPOSED RULES:

1 14656
21 14656
23 14656
25 14656
27 14656
29 14656
33 14656
39 14391, 14392, 14760, 15127
47 14271
71 14272, 14657–14659, 14761–14764, 15127, 15451–15454
75 14764
91 14659

15 CFR

50 15040

PROPOSED RULES:

400 14768

16 CFR

502 14315

17 CFR

240 14465, 14725
249 14465, 14725, 15430
270 14727
274 15430

PROPOSED RULES:

270 15455

18 CFR

PROPOSED RULES:

141 14337
260 14337
301 15455
304 15455
608 14337
615 14764

19 CFR

1 15114
4 14637
10 15431
153 14637

PROPOSED RULES:

19 14388

20 CFR

25 14623
404 14693

21 CFR

2 14255, 14312
17 14468
121 14312, 14727–14729
141a 14469
141c 14469, 14470
141e 14469
146a 14469
146c 14469, 14470
146e 14469
148i 14469
148n 14469
148p 14469
148r 14469
191 14729
420 14471, 14730, 15114

21 CFR—Continued

Page

PROPOSED RULES:

121 14335, 14336
135g 14335, 14336
144 14335
146a 14336, 14477
146c 14270
146e 14477

22 CFR

11 14693

24 CFR

200 14637
1914 14637
1915 14638

PROPOSED RULES:

72 14336
201 15455
1710 14391
1720 14391
1910 15054

26 CFR

1 14731, 14732
13 14732
179 14255
301 15040

PROPOSED RULES:

1 15050, 15053, 15123

28 CFR

0 15431, 15432
21 15432
45 14466

29 CFR

55 15433
102 15101
608 14735
609 14735
611 14735
612 14736
779 14466
1518 15437
1910 15101, 15438

PROPOSED RULES:

10 14270

30 CFR

PROPOSED RULES:

28 14448
29 14450

31 CFR

PROPOSED RULES:

103 15449

32 CFR

46 15114
92 14736
93 14466
241 15114
719 14739
720 14739
755 14740
830 14266
831 14266
930a 14266

32A CFR

PROPOSED RULES:

Ch. X 14388

33 CFR

	Page
110	14467, 14693
117	14313

35 CFR

67	14694

36 CFR

6	14740
7	14267, 14694
Proposed Rules:	
4	14700
7	14700

38 CFR

3	14313, 14467

39 CFR

171	14694

41 CFR

5A-16	15041
5A-73	15041
5A-76	15043
Ch. 14	15116
14H-1	14267
101-20	14468
101-32	14383
114-32	15438
114-35	14740
114-40	14740
114-47	14740
Proposed Rules:	
3-4	14270

42 CFR

420	15486

43 CFR

4	15116
1840	15119
1850	15119

43 CFR—Continued

	Page
4110	15119
9230	15120
Public Land Orders:	
1726 (see PLO 5105)	15439
1899 (revoked in part by PLO 5097)	14639
2434 (see PLO 5106)	15439
2550 (modified by PLO 5100)	14640
4547 (revoked by PLO 5096)	14639
4936 (amended by PLO 5101)	14640
5093	14313
5094	14313
5095	14639
5096	14639
5097	14639
5098	14640
5099	14640
5100	14640
5101	14640
5102	14695
5103	14696
5104	15439
5105	15439
5106	15439
5107	15439

45 CFR

132	15440

46 CFR

146	15043
Proposed Rules:	
512	15060
530	15128
545	15128
546	14765

47 CFR

0	15120
21	15121
73	13414, 14640
81	15045
89	15121
91	15121

47 CFR—Continued

	Page
93	15121
Proposed Rules:	
2	15054
18	15054
21	14404, 15054, 15131
43	14404, 15131
61	14404, 15131
73	14405, 15054
74	15054
87	15131
89	15054
91	15054
93	15054

49 CFR

1	15122
173	14696, 15047
179	14696
391	14741
393	15444
394	14741
395	14741
397	14741
571	14649, 14742
573	14742
1033	15122
1131	14384
1249	14384
Proposed Rules:	
393	14477
571	14273, 14392, 14764
1048	14769

50 CFR

10	14697
13	14697
16	14697
32	14267, 14314, 14385, 14386, 14649, 14698, 14742, 15048
33	14387, 14698
Proposed Rules:	
35	14268

LIST OF FEDERAL REGISTER PAGES AND DATES—AUGUST

Pages	*Date*
14245-14290	Aug. 3
14291-14370	4
14371-14456	5
14457-14614	6
14615-14686	7
14687-14716	10
14717-14991	11
14993-15093	12
15095-15413	13
15415-15506	14

federal register

SATURDAY, AUGUST 14, 1971
WASHINGTON, D.C.
Volume 36 ■ Number 158

PART II

ENVIRONMENTAL PROTECTION AGENCY

■

Requirements for Preparation, Adoption, and Submittal of Implementation Plans

Title 42—PUBLIC HEALTH

Chapter IV—Environmental Protection Agency

PART 420—REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS

On April 30, 1971 (36 F.R. 8186), pursuant to section 109 of the Clean Air Act, as amended, the Administrator promulgated national ambient air quality standards for sulfur oxides, particulate matter, carbon monoxide, photochemical oxidants, hydrocarbons, and nitrogen dioxide. Within 9 months thereafter, i.e., no later than January 30, 1972, each State is required by section 110 of the Act to adopt and submit to the Administrator a plan which provides for the implementation, maintenance, and enforcement of such national ambient air quality standards within each air quality control region (or portion thereof) within the State. An additional period of no longer than 18 months may be allowed for adoption and submittal of that portion of a plan relating to implementation of secondary ambient air quality standards. State plans must provide for attainment of national primary ambient air quality standards within 3 years after the date of the Administrator's approval of such plans, except that a 2-year extension of this deadline may be granted by the Administrator upon application by a Governor if the application satisfies the requirements set forth in section 110(e) of the Act. State plans must provide for attainment of national secondary ambient air quality standards within a reasonable time. Within 4 months from the date on which State plans are required to be submitted, the Administrator must approve or disapprove such plans or portions thereof.

A notice of proposed rule making published in the FEDERAL REGISTER on April 7, 1971 (36 F.R. 6680), set forth regulations applicable to preparation, adoption, and submittal by the States of such implementation plans. Interested parties have been afforded an opportunity to participate in the rule making by submitting comments. A total of more than 400 interested parties, including Federal, State, and local agencies, citizens groups, and commercial and industrial organizations submitted comments. Following review of the proposed regulations, and consideration of the comments, the regulations, including the appendices, have been revised and are being promulgated today. The principal revisions are described below:

1. Provisions have been added to encourage States to consider the socio-economic impact and the relative costs and benefits of the various emission control strategies which can be employed to attain and maintain the national standards. Emission charges or taxes or other economic incentive schemes have been included among the measures which States may employ as part of a control strategy.

2. The requirement that States establish and operate a permit system has been eliminated; States still will be required to have authority to prevent construction, modification, or operation of sources.

3. The system for classification of regions has been modified to provide for a subclassification of Priority I regions in certain cases. The provisions for use of an example region in the formulation and application of control strategies have been modified.

4. Where a State plan provides for inspection and testing of motor vehicles and/or other transportation control measures or land use control measures, the plan will have to indicate when the State will have legal authority to impose such measures. All other legal authority will have to be available at the time the plan is submitted. Legal authority adequate to fulfill some of the requirements of § 420.11 may be delegated to a State under section 114 of the Act. Section 420.11 has also been revised to emphasize that State agencies other than State air pollution control agencies, as well as local agencies, may participate in carrying out an implementation plan.

5. The provisions dealing with public hearings have been revised to require at least 30 days' notice of public hearings on proposed State implementation plans and to define "reasonable notice" to include prominent advertisement of the dates, times, and places of such hearings and of the availability of the proposed plans for public inspection.

6. The fixed deadline for requests for preliminary review of State plans has been eliminated. Nevertheless, State agencies desiring such preliminary review by the Environmental Protection Agency should make their requests well ahead of the statutory deadline for submittal of plans, i.e., January 30, 1972, preferably, at least 90 days in advance. Preliminary review results will be made available, on requests, to all interested parties.

7. Section 420.10 has been revised to require that State plans provide for public availability of emission data reported by source owners or operators or otherwise obtained by a State or local agency; such emission data must be correlated with applicable emission limitations.

8. The definition of "reasonable time" for attainment of national secondary ambient air quality standards for sulfur oxides and particulate matter has been modified. As revised, it provides for consideration of the degree of emission reduction needed for attainment of such secondary standards and the social, economic, and technological factors in those cases where it is shown that more than 3 years will be necessary.

9. Requirements for legally enforceable compliance schedules have been more clearly spelled out.

10. The provisions dealing with emergency episode planning have been modified. In the near future, the Administrator will identify the ambient pollutant concentrations which, in his judgment, would cause substantial endangerment.

11. Air quality surveillance systems will be required to be in operation not later than 2 years after the Administrator's approval of a State plan. There also have been revisions with respect to measurement methods in order to insure that the results obtained with methods other than those prescribed (36 F.R. 8186) as reference methods have a consistent relationship to the results obtained with the reference methods.

12. Appendix B has been recast as a series of statements reflecting emission limitations attainable through the application of reasonably available control technology. This change was made as a way of avoiding misinterpretation of appendix B. A revised introduction to the appendix explains its purpose more clearly.

13. A great many other revisions have also been made. States and other interested parties are therefore urged to make a careful reading of these regulations.

In the comments submitted to the Environmental Protection Agency following publication of the notice of proposed rule-making, many questions were raised about land use and transportation control measures. The Environmental Protection Agency is engaged in the preparation of information to assist States in employing such measures in their programs for attainment and maintenance of the national ambient air quality standards. There will be included, among other things, information on the extent to which motor vehicle inspection programs and emission control devices applicable to in-use motor vehicles can be expected to contribute to improvements in ambient air quality.

The Regulations for Preparation, Adoption, and Submittal of Implementation Plans, Part 420, are hereby promulgated effective upon publication (8-14-71).

Dated: August 3, 1971.

ROBERT W. FRI,
Acting Administrator.

A new Part 420 is added to Chapter IV, Title 42, Code of Federal Regulations, as follows:

Subpart A—General Provisions

Sec.
420.1 Definitions.
420.2 Stipulations.
420.3 Classification of regions.
420.4 Public hearings.
420.5 Submittal of plans; preliminary review of plans.
420.6 Revisions.
420.7 Reports.
420.8 Approval of plans.

Subpart B—Plan Content and Requirements

420.10 General requirements.
420.11 Legal authority.
420.12 Control strategy: General.
420.13 Control strategy: Sulfur oxides and particulate matter.
420.14 Control strategy: Carbon monoxide, hydrocarbons, photochemical oxidants, and nitrogen dioxide.
420.15 Compliance schedules.
420.16 Prevention of air pollution emergency episodes.
420.17 Air quality surveillance.
420.18 Review of new sources and modifications.

Sec.
420.19 Source surveillance.
420.20 Resources.
420.21 Intergovernmental cooperation.
420.22 Rules and regulations.

Subpart C—Extensions

420.30 Request for 2-year extension.
420.31 Request for 18-month extension.
420.32 Request for 1-year postponement.
Appendix A—Air Quality Estimation.
Appendix B—Examples of Emission Limitations Attainable with Reasonably Available Technology.
Appendix C—Major Pollutant Sources.
Appendix D—Emissions Inventory Summary (Examples Regions).
Appendix E—Point Source Data.
Appendix F—Area Source Data.
Appendix G—Emmissions Inventory Summary (Other Regions).
Appendix H—Air Quality Data Summary.
Appendix I—Projected Motor Vehicle Emissions.
Appendix J—Required Hydrocarbon Emission Control as a Function of Photochemical Oxidant Concentrations.
Appendix K—Control Agency Functions.
Appendix L—Example Regulations for Prevention of Air Pollution Emergency Episodes.

AUTHORITY: The provisions of this Part 420 issued under section 301(a) of the Clean Air Act (42 U.S.C. 1857(a)), as amended by section 15(c)(2) of Public Law 91-604, 84 Stat. 1713.

Subpart A—General Provisions

§ 420.1 Definitions.

As used in this part, all terms not defined herein shall have the meaning given them in the Act:

(a) "Act" means the Clean Air Act (42 U.S.C. 1857–18571, as amended by Public Law 91-604, 84 Stat. 1676).

(b) "Administrator" means the Administrator of the Environmental Protection Agency (EPA) or his authorized representative.

(c) "Primary standard' means a national primary ambient air quality standard promulgated pursuant to section 109 of the Act.

(d) "Secondary standard' means a national secondary ambient air quality standard promulgated pursuant to section 109 of the Act.

(e) "National standard" means either a primary or a secondary standard.

(f) "Plan" means an implementation plan, under section 110 of the Act, to attain and maintain a national standard.

(g) "Applicable plan" means a plan or portion thereof, or the most recent revision of such plan or portion thereof, which has been approved or promulgated by the Administrator pursuant to section 110 of the Act.

(h) "Regional Office" means one of the ten (10) EPA Regional Offices.

(i) "State agency" means the air pollution control agency primarily responsible for development and implementation of a plan under the Act.

(j) "Local agency" means any air pollution control agency other than a State agency, which is charged with responsibility for carrying out a portion of a plan.

(k) "Point source" means:

(1) Any stationary source causing emissions in excess of 100 tons (90.7 metric tons) per year of any pollutant for which there is a national standard in a region containing an area whose 1970 "urban place" population, as defined by the Bureau of Census, was equal to or greater than 1 million or

(2) Any stationary source causing emissions in excess of 25 tons (22.7 metric tons) per year of any pollutant for which there is a national standard in a region containing an area whose 1970 "urban place" population, as defined by the U.S. Bureau of the Census, was less than 1 million and

(3) Without regard to amount of emissions, stationary sources such as those listed in Appendix C to this part.

(l) "Area source" means any small residential, governmental, institutional, commercial, or industrial fuel combustion operations: onsite waste disposal facility; motor vehicles, aircraft, vessels, or other transportation facilities; or other miscellaneous sources such as those listed in Appendix D to this part, as identified through inventory techniques similar to those described in: "A Rapid Survey Technique for Estimating Community Air Pollution Emissions," Public Health Service Publication No. 999-AP-29, October 1966.

(m) "Region" means (1) an air quality control region designated by the Secretary of Health, Education, and Welfare or the Administrator, (2) any area designated by a State agency as an air quality control region and approved by the Administrator, or (3) any area of a State not designated as an air quality control region under subparagraph (1) or (2) of this paragraph.

(n) "Control strategy" means a combination of measures designated to achieve the aggregate reduction of emissions necessary for attainment and maintenance of a national standard, including, but not limited to, measures such as:

(1) Emission limitations.

(2) Federal or State emission charges or taxes or other economic incentives or disincentives.

(3) Closing or relocation of residential, commercial, or industrial facilities.

(4) Changes in schedules or methods of operation of commercial or industrial facilities or transportation systems, including, but not limited to, short-term changes made in accordance with standby plans.

(5) Periodic inspection and testing of motor vehicle emission control systems, at such time as the Administrator determines that such programs are feasible and practicable.

(6) Emission control measures applicable to in-use motor vehicles, including, but not limited to, measures such as mandatory maintenance, installation of emission control devices, and conversion to gaseous fuels.

(7) Measures to reduce motor vehicle traffic, including, but not limited to, measures such as commuter taxes, gasoline rationing; parking restrictions, or staggered working hours.

(8) Expansion or promotion of the use of mass transportation facilities through measures such as increases in the frequency, convenience, and passenger-carrying capacity of mass transportation systems or providing for special bus lanes on major streets and highways.

(9) Any land use or transportation control measures not specifically delineated herein.

(10) Any variation of, or alternative to, any measure delineated herein.

(o) "Reasonably available control technology" means devices, systems, process modifications, or other apparatus or techniques, the application of which will permit attainment of the emission limitations set forth in Appendix B to this part, provided that Appendix B to this part is not intended, and shall not be construed, to require or encourage State agencies to adopt such emission limitations without due consideration of (1) the necessity of imposing such emission limitations in order to attain and maintain a national standard, (2) the social and economic impact of such emission limitations, and (3) alternative means of providing for attainment and maintenance of such national standard.

§ 420.2 Stipulations.

Nothing in this part shall be construed in any manner:

(a) To encourage a State to prepare, adopt, or submit a plan which does not provide for the protection and enhancement of air quality so as to promote the public health and welfare and productive capacity.

(b) To encourage a State to adopt any particular control strategy without taking into consideration the cost-effectiveness of such control strategy in relation to that of alternative control strategies.

(c) To preclude a State from employing techniques other than those specified in this part for purposes of estimating air quality or demonstrating the adequacy of a control strategy, provided that such other techniques are shown to be adequate and appropriate for such purposes.

(d) To encourage a State to prepare, adopt, or submit a plan without taking into consideration the social and economic impact of the control strategy set forth in such plan, including, but not limited to, impact on availability of fuels, energy, transportation, and employment.

(e) To preclude a State from preparing, adopting, or submitting a plan which provides for attainment and maintenance of a national standard through the application of a control strategy not specifically identified or described in this part.

(f) To preclude a State or political subdivision thereof from adopting or enforcing any emission limitations or other measures or combinations thereof to attain and maintain air quality better than that required by a national standard.

(g) To encourage a State to adopt a control strategy uniformly applicable throughout a region unless there is no satisfactory alternative way of providing for attainment and maintenance of a national standard throughout such region.

§ 420.3 Classification of regions.

This section establishes a classification system to categorize regions for purposes of plan development and evaluation. The requirements of this part vary according to the classification of each region, in order that the time and resources to be expended in developing the plan for that region, as well as the substantive content of the plan, will be commensurate with the complexity of the air pollution problem. The classification will be based upon measured ambient air quality, where known, or, where not known, estimated air quality in the area of maximum pollutant concentration. All regions will be classified by the Administrator after consultation with State agencies. Each region will be classified separately with respect to each of the following pollutants: Sulfur oxides, particulate matter, carbon monoxide, nitrogen dioxide, and photochemical oxidants.

(a) For sulfur oxides and particulate matter, each region will be classified into one of three categories, defined as Priority I, Priority II, or Priority III.

(1) (i) Ambient concentration limits, expressed as micrograms per cubic meter and parts per million by volume (p.p.m. in parentheses) which define the classification system for sulfur oxides and particulate matter are:

Pollutant	Priority		
	I	II	III
Sulfur oxides:	*Greater than*	*From—To*	*Less than*
Annual arithmetic mean	100 (0.04)	60-100 (0.02-0.04)	60 (0.02)
24-hour maximum	455 (0.17)	260-455 (0.10-0.17)	260 (0.10)
3-hour maximum		[1] -1,300 (0.50)	1,300 (0.50)
Particulate matter:			
Annual geometric mean	95	60-95	60
24-hour maximum	325	150-325	150

[1] Any concentration above 1,300 $\mu g/m^3$ (0.50 p.p.m.).

(ii) The more restrictive classification will be chosen where there is a difference between the maximum value(s) and the annual averages e.g., if a region is Priority I with respect to an annual average and Priority II with respect to a 24-hour maximum value, the classification will be Priority I.

(2) Procedures which may be used, where appropriate, to estimate air quality in regions where no measured data or inadequate data exist are described in Appendix A to this part.

(b) For carbon monoxide, nitrogen dioxide, and photochemical oxidants, each region will be classified into one of two categories defined as Priority I or Priority III.

(1) Ambient concentration limits which define the classification system are:

(i) Carbon monoxide: Priority I: Equal to or above 55 milligrams per cubic meter (48 p.p.m.), 1-hour maximum, or 14 milligrams per cubic meter (12 p.p.m.), 8-hour maximum; Priority III: Below such values.

(ii) Nitrogen dioxide: Priority I: Equal to or above 110 micrograms per cubic meter (0.06 p.p.m.); Priority III: Below such value.

(iii) Photochemical oxidants: Priority I: Equal to or above 195 micrograms per cubic meter (0.10 p.p.m.), 1-hour maximum; Priority III: Below such value.

(2) In the absence of measured data to the contrary, classification with respect to carbon monoxide, photochemical oxidants and nitrogen dioxide will be based on the following estimate of the relationship between these pollutants and population: Any region containing an area whose 1970 "urban place" population, as defined in the U.S. Bureau of Census, exceeds 200,000 will be classified Priority I. All other regions will be classified Priority III.

(3) Where a region is classified Priority I on the basis of population, the air quality data requirements of § 420.14 (e) (1) shall apply. If these data indicate the pollutant concentrations are below the values stipulated in subparagraph (1) of this paragraph, the region will be reclassified Priority III.

(4) Classifications with respect to hydrocarbons will be the same as the classifications with respect to photochemical oxidants.

(c) Where a region is classified Priority I on the basis of measured or estimated air quality levels reflecting emissions predominantly from a single point source, it shall be further classified Priority IA. The requirements applicable to Priority IA regions shall be the same as those for other Priority I regions, except that the requirements applicable to Priority II regions under §§ 420.16 and 420.17 shall apply. A procedure for estimating air quality levels reflecting emissions from a single point source is described in Appendix A to this part.

§ 420.4 Public hearings.

(a) The State shall, prior to adoption of a plan and after reasonable notice thereof, conduct one or more public hearings on each plan. Separate hearings may be held for plans to implement primary and secondary standards.

(b) For purposes of this part, "reasonable notice" shall be considered to include, at least 30 days prior to the date of such hearing(s):

(1) Notice given to the public by prominent advertisement announcing the date(s), time(s), and place(s) of such hearing(s) and the availability of the principal portions of the proposed plan, including, as a minimum, all rules and regulations which are proposed to be included in such plan, for public inspection in at least one location in each region to which the plan will apply.

(2) Notification to the Administrator (through the appropirate Regional Office).

(3) Notification to any local air pollution control agencies in each region to which the plan will apply.

(4) In the case of an interstate region, notification to any other States included, in whole or in part, in the region.

(c) The State shall prepare and retain, for submission to the Administrator upon his request, a record of the hearing(s). The record shall contain, as a minimum, a list of witnesses together with the text of each presentation.

(d) The State shall submit with its plan (1) a copy of any advertisement published, broadcast, or otherwise issued pursuant to this section; and (2) a certification that the hearing was held in accordance with the notice required by this section.

§ 420.5 Submission of plans; preliminary review of plans.

(a) Submission to the Administrator shall be accomplished by delivering five copies of the plan to the appropriate Regional Office and a letter to the Administrator notifying him of such action. Plans shall be adopted by the State and submitted to the Administrator by the Governor as follows:

(1) For any primary standard, within 9 months after promulgation of such standard.

(2) For any secondary standard, within 9 months after promulgation of such secondary standard or by such later date prescribed by the Administrator pursuant to Subpart C of this part.

(b) Plans for different regions within a State may be submitted as a single document or as separate documents.

(c) Upon request of a State, the Administrator will provide preliminary review of a plan or portion thereof submitted in advance of the date such plan is due. Such requests shall be made in writing to the appropriate Regional Office and shall be accompanied by five copies of the materials to be reviewed. Requests for preliminary review shall not operate to relieve a State of the responsibility of adopting and submitting plans in accordance with prescribed due dates.

§ 420.6 Revisions.

(a) The plan shall be revised from time to time, as may be necessary, to take account of:

(1) Revisions of national standards,

(2) The availability of improved or more expeditious methods of attaining such standards, such as improved technology or emission charges or taxes, or

(3) A finding by the Administrator that the plan is substantially inadequate to attain or maintain the national standard which it implements.

(b) The plan shall be revised within 60 days following notification by the Administrator under paragraph (a) of this section, or by such later date prescribed by the Administrator after consultation with the State.

(c) Revisions of rules and regulations included in an applicable plan shall be adopted after reasonable notice and public hearings, as prescribed in § 420.4.

(d) Any revision of rules and regulations and of compliance schedules shall be submitted to the Administrator in ac-

cordance with § 420.5 within 60 days following its adoption.

(e) Revisions other than those covered by paragraph (b) of this section shall be identified and described in the semiannual report required by § 420.7.

§ 420.7 Reports.

(a) On a quarterly basis commencing with the end of the first full quarter after approval of a plan, or any portion thereof, by the Administrator, the State shall submit to the Administrator (through the appropriate Regional Office) information on air quality. The quarters of the year are January 1–March 31, April 1–June 30, July 1–September 30, and October 1–December 31.

(b) On a semiannual basis commencing with the end of the first full semiannual period after approval of a plan, or any portion thereof, by the Administrator, the State shall submit to the Administrator (through the appropriate Regional Office) reports on progress in carrying out the applicable plan. The semiannual periods are January 1–June 30 and July 1–December 31.

(c) The reports required by this section shall be submitted within 45 days after the end of each reporting period in a manner which shall be prescribed by the Administrator.

§ 420.8 Approval of plans.

The Administrator shall approve any plan, or portion thereof, or any revision of such plan, or portion thereof, if he determines that it meets the requirements of the Act. Revisions of a plan, or any portion thereof, shall not be considered part of an applicable plan until such revisions have been approved by the Administrator in accordance with this part.

Subpart B—Plan Content and Requirements

§ 420.10 General requirements.

(a) During development of a plan, the State is encouraged to identify alternative control strategies, as well as the costs and benefits of each such alternative, for attainment and maintenance of the national standards.

(b) Each plan implementing a primary standard shall provide for the attainment of such standard as expeditiously as practicable, but in no case, except as otherwise provided by Subpart C of this part, later than 3 years after the date of the Administrator's approval of such plan or any revision thereof to take account of a revised primary standard. The projected date of attainment of such standard shall be specified in the plan.

(c) Each plan implementing a secondary standard shall provide for the attainment of such standard by a specified date, which shall be within a reasonable time after the date of the Administrator's approval of such plan.

(d) The plan for each region shall have adequate provisions to insure that pollutant emissions within such region will not interfere with attainment and maintenance of any national standard in any portion of an interstate region or in any other region.

(e) Each plan shall provide for public availability of emission data reported by source owners or operators or otherwise obtained by a State or local agency. Such emission data shall be correlated with applicable emission limitations or other measures. As used in this paragraph, "correlated" means presented in such a manner as to show the relationship between measured or estimated amounts of emissions and the amounts of such emissions allowable under the applicable emission limitations or other measures.

§ 420.11 Legal authority.

(a) Each plan shall show that the State has legal authority to carry out the plan, including authority to:

(1) Adopt emission standards and limitations and any other measures necessary for attainment and maintenance of national standards.

(2) Enforce applicable laws, regulations, and standards, and seek injunctive relief.

(3) Abate pollutant emissions on an emergency basis to prevent substantial endangerment to the health of persons, i.e., authority comparable to that available to the Administrator under section 303 of the Act.

(4) Prevent construction, modification, or operation of any stationary source at any location where emissions from such source will prevent the attainment or maintenance of a national standard.

(5) Obtain information necessary to determine whether air pollution sources are in compliance with applicable laws, regulations, and standards, including authority to require recordkeeping and to make inspections and conduct tests of air pollution sources.

(6) Require owners or operators of stationary sources to install, maintain, and use emission monitoring devices and to make periodic reports to the State on the nature and amounts of emissions from such stationary sources; also authority for the State to make such data available to the public as reported and as correlated with any applicable emission standards or limitations.

(b) Where a plan sets forth a control strategy that provides for application of (1) inspection and testing of motor vehicles and/or other transportation control measures or (2) land use measures other than those referred to in § 420.11(a)(4), such plan shall set forth the State's timetable for obtaining such legal authority as may be necessary to carry out such measures.

(c) The provisions of law or regulation which the State determines provide the authorities required under this section shall be specifically identified, and copies of such laws or regulations shall be submitted with the plan.

(d) (1) Except as otherwise provided by paragraph (b) of this section, the plan shall show that the legal authorities specified in this section are available to the State at the time of submission of the plan.

(2) Legal authority adequate to fulfill the requirements of paragraph (a) (5) and (6) of this section may be delegated the State pursuant to section 114 of the Act.

(e) A State governmental agency other than the State air pollution control agency may be assigned responsibility for carrying out a portion of a plan: *Provided*, That such plan demonstrates, to the Administrator's satisfaction, that such State governmental agency has the legal authority necessary to carry out such portion of the plan or, pursuant to paragraph (b) of this section, has a timetable for obtaining such authority.

(f) The State may authorize a local agency to carry out a plan, or portion thereof, within such local agency's jurisdiction: *Provided*, That such plan demonstrates, to the Administrator's satisfaction, that such local agency has the legal authority necessary to implement such plan, or portion thereof, and further: *Provided*, That such authorization shall not relieve the State of responsibility under the Act for carrying out such plan, or portion thereof.

§ 420.12 Control strategy: General.

(a) In any region where existing (measured or estimated) ambient levels of a pollutant exceed the levels specified by an applicable national standard, the plan shall set forth a control strategy which shall provide for the degree of emission reduction necessary for attainment and maintenance of such national standard, including the degree of emission reduction necessary to offset emission increases that can reasonably be expected to result from projected growth of population, industrial activity, motor vehicle traffic, or other factors that may cause or contribute to increase emissions.

(b) In any region where measured or estimated ambient levels of a pollutant are below the levels specified by an applicable secondary standard, the plan shall set forth a control strategy which shall be adequate to prevent such ambient pollution levels from exceeding such secondary standard.

(c) Portions of a control strategy applicable to area sources may differ from portions applicable to point sources.

(d) For purposes of developing a control strategy, data derived from measurements of existing ambient levels of a pollutant may be adjusted to reflect the extent to which occasional natural or accidental phenomena, e.g., dust storms, forest fires, industrial accidents, demonstrably affected such ambient levels during the measurement period.

§ 420.13 Control strategy: Sulfur oxides and particulate matter.

(a) In any region where emission reductions are necessary for attainment and maintenance of a primary standard for sulfur oxides or particulate matter, the plan shall set forth a control strategy which shall be adjusted for the attainment of such primary standard within the time prescribed by the Act.

(b) (1) In any region where the degree of emission reduction necessary for attainment and maintenance of a secondary standard for sulfur oxides can

be achieved through the application of reasonably available control technology, "reasonable time" for attainment of such secondary standard, pursuant to § 420.10 (c), shall be not more than 3 years unless the State shows that good cause exists for postponing application of such control technology.

(2) In any region where application of reasonably available control technology will not be sufficient for attainment and maintenance of such secondary standard, or where the State shows that good cause exists for postponing the application of such control technology, "reasonable time" shall depend on the degree of emission reduction needed for attainment of such secondary standard and on the social, economic, and technological problems involved in carrying out a control strategy adequate for attainment and maintenance of such secondary standard.

(c) For purposes of developing a control strategy, background concentration shall be taken into consideration with respect to particulate matter. As used in this subpart, "background concentration" is that portion of the measured ambient levels of particulate matter that cannot be reduced by controlling emissions from manmade sources; "background concentration" shall be determined by reference to measured ambient levels of particulate matter in nonurban areas.

(d) Example regions:

(1) A control strategy which provides for the attainment and maintenance of a national standard for sulfur oxides or particulate matter in any region in a State (excluding Priority IA regions) will be deemed by the Administrator to be adequate for attainment and maintenance of such standard in any or all other regions of the regions of the same Priority classification in which measured or estimated levels of the pollutant are lower than those in the region for which the control strategy was formulated: *Provided*, That such control strategy is sufficiently comprehensive to include adequate control of sulfur oxides or particulate emissions from sources listed in Appendix C to this part. Any region (i) for which the State formulates a control strategy which is applied to other regions or (ii) for which a control strategy is developed, without regard to whether such strategy is applied outside of the region, is referred to hereinafter as an "example region."

(2) The State shall obtain, through the appropriate Regional Office, the concurrence of the Administrator in the selection of an example region.

(3) Nothing in this section shall be construed in any manner to preclude a State from preparing, adopting, and submitting a separate plan for each region.

(e) Adequacy of control strategy:

(1) The plan shall demonstrate that the control strategy for each national standard for sulfur oxides or particulate matter is adequate for attainment and maintenance of such standard in the example region(s) to which it applies. The adequacy of a control strategy shall be demonstrated by means of a proportional model or diffusion model or other procedure which is shown to be adequate and appropriate for such purpose.

(2) (i) If such demonstration is made by use of a proportional model, such model shall be one in which the following equation is employed to calculate the degree of improvement in air quality needed for attainment of a national standard:

$$\frac{A-C}{A-B} \times 100 = \text{percent reduction needed}$$

Where:

A = Existing air quality at the location having the highest measured or estimated concentration in the region.
B = Background concentration.
C = National standard.

(ii) The above equation does not account for topography, spatial distribution of emissions, or stack height, but the significance of these parameters shall be considered in developing the control strategy.

(iii) The plan shall show that application of the control strategy will result in the degree of emission reduction indicated to be necessary by the above calculation, as modified by appropriate consideration of factors set forth in subdivision (ii) of this subparagraph. The plan shall contain a summary of the computations used to determine the emission reductions that will result from application of the control strategy to each point source and group of area sources; such summary shall be included in a table similar to that presented in Appendix D to this part. The detailed computations shall be retained and be made available for inspection by the Administrator.

(3) (i) If such demonstration is made by use of a diffusion model, such model shall be identified and described: *Provided, however*, That if either of the two diffusion models described in the following publications is used, it need only be identified:

Air Quality Implementation Planning Program (IPP), Volume I, Operator's Manual, National Air Pollution Control Administration, Environmental Protection Agency, Washington, D.C., November 1970.

Air Quality Display Model (AQDM), National Air Pollution Control Administration, Department of Health, Education, and Welfare, Washington, D.C., November 1969.

(ii) The plan shall contain a summary of emission levels expected to result from application of the control strategy, which summary shall be included in a table similar to that presented in Appendix D to this part.

(iii) The plan shall also show the air quality levels expected to result from application of the control strategy, presented either in tabular form or as an isopleth map showing maximum pollutant concentrations and expected concentration gradients. Computer printouts of the input and output data associated with use of a diffusion model shall be retained and made available for inspection by the Administrator.

(f) Emission data:

(1) Each plan shall include the following data on emissions of sulfur oxides and particulate matter:

(i) For each example region in the State, a detailed inventory of emissions from point sources and area sources in each county shall be summarized in a form similar to that shown in Appendix D, and the data described in Appendices E and F to this part shall be retained and made available for inspection by the Administrator.

(ii) For all regions, point-source and area-source data shall be submitted in summary form, as shown in Appendix G, except that for regions classified as Priority III, only point-source data and any existing area-source data shall be submitted. Data described in Appendices E and F to this part shall be retained and made available for inspection by the Administrator.

(g) Air quality data: Data showing existing air quality with respect to sulfur dioxide and particulate matter shall be submitted for each example region. Actual measurements shall be used where available if based on use of the measurement methods specified in § 420.17; sulfur dioxide measurements based on use of the continuous conductimetric method also will be acceptable for this purpose. If actual measurements are not available and cannot be made in time to be employed in the development of the control strategy, air quality may be estimated by the procedure described in Appendix A to this part. Air quality data, whether measured or estimated, shall be submitted in a form similar to that shown in Appendix H to this part.

§ 420.14 Control strategy: Carbon monoxide, hydrocarbons,, photochemical oxidants, and nitrogen dioxide.

(a) *Priority I Regions*. (1) Each plan for a region classified Priority I with respect to carbon monoxide, photochemical oxidants, or nitrogen dioxide shall set forth a control strategy which shall provide for the degree of emission reduction necessary for attainment and maintenance of the national standard for each such pollutant after consideration of the emission reductions that will result from the application of Federal motor vehicle emission standards promulgated pursuant to section 202 of the Act.

(2) Unless specific data are available for a region, a State shall assume that such Federal motor vehicle emission standards will result in the emission reductions shown in Appendix I to this part. If specific data are used, such data must be submitted in the plan for such region.

(b) *Control strategy development*. In a region in which attainment and maintenance of a national standard will require emission reductions in addition to those which will result from application of the Federal motor vehicle emission standards, the control strategy shall provide for application of such other measures as may be necesary for attainment and maintenance of such national standard.

(c) *Adequacy of control strategy*. (1) The plan shall demonstrate, by means of a proportional model or diffusion/photochemical model or other procedure which is adequate and appropriate, that the control strategy included in each plan for a region classified as Priority I

is adequate for attainment and maintenance of the national standard(s) to which such control strategy applies.

(2) With respect to control of carbon monoxide and nitrogen oxides, the proportional model which may be used for purposes of this paragraph is described in § 420.13(d)(2): *Provided*, With respect to the national standard for nitrogen dioxide, that the degree of air quality improvement indicated to be necessary by the proportional model will be achieved by a corresponding degree of reduction of total nitrogen oxides emissions from stationary and mobile sources.

(3) In any region where the degree of nitrogen oxides emission reduction necessary for attainment and maintenance of the national standard for nitrogen dioxide is greater than that which can be achieved by the application of (i) the Federal motor vehicle emission standards promulgated under section 202 of the Act, (ii) reasonably available control technology to nitrogen oxides sources, and (iii) any transportation control measures which may be necessary for attainment and maintenance of the national standards for carbon monoxide and photochemical oxidants, the plan shall provide for the degree of hydrocarbon emission reduction attainable through the application of reasonably available control technology. In any such region, a control strategy which provides for such hydrocarbon emission reduction shall be deemed adequate for attainment of the national standard for nitrogen dioxide.

(4) With respect to hydrocarbons and photochemical oxidants, it may be assumed that (i) there is no background concentration of photochemical oxidants and (ii) the degree of total hydrocarbon emission reduction necessary for attainment and maintenance of the national standard for photochemical oxidants will also be adequate for attainment of the national standard for hydrocarbons. The proportional model to be used to determine the necessary hydrocarbon emission reduction is set forth in Appendix J to this part.

(5) The plan shall show that the control strategy will result in the degree of emission reduction indicated to be necessary by the proportional model. The plan shall contain a summary of the computations used to determine the emission reductions that will result from application of the control strategy to each point source and each group of area sources. Such summary shall be included in a table similar to that presented in Appendix D to this part. The detailed computations shall be retained by the State agency and made available for inspection by the Administrator.

(6) If a diffusion/photochemical model is used, the plan shall include a description of such model.

(d) *Emission data*. Emission data on carbon monoxide, hydrocarbons, and nitrogen oxides shall be submitted in accordance with the requirements of § 420.13(e).

(e) *Air quality data*. Data showing existing air quality levels shall be presented in accordance with this section:

(1) For Priority I regions, data on carbon monoxide, nitrogen dioxide, and photochemical oxidants shall, as a minimum, include the results of measurements made during a period of approximately 3 months beginning on or about July 1, 1971, in accordance with the following procedures.

Pollutants	Measurement method [1]	Number of sites per region	Frequency of sampling
Carbon monoxide	Nondispersive infrared	One	Continuous.
Nitrogen dioxide	24-hour (gas bubbler) methods (Jacobs-Hochheiser).	do	One 24-hour sample, every 3 days.
Photochemical oxidants	Gas phase chemiluminescence	do	Continuous.

[1] Equivalent methods are specified in § 420.17.

(2) For Priority I regions, only available air quality data for hydrocarbons must be submitted.

(3) For Priority III regions, no air quality data for carbon monoxide, hydrocarbons, nitrogen dioxide, and photochemical oxidants need be submitted.

(4) Air quality data required by this subparagraph shall be submitted in the form similar to that shown in Appendix H to this part.

§ 420.15 Compliance schedules.

(a) (1) Except as otherwise provided in subparagraph (2) of this paragraph, each plan shall contain legally enforceable compliance schedules setting forth the dates by which all stationary and mobile sources or categories of such sources must be in compliance with any applicable portions of the control strategy set forth in such plan.

(2) A plan may provide that a legally enforceable compliance schedule will be negotiated with the owner or operator of an individual source following submittal of the plan. Such compliance schedule shall be submitted to the Administrator as early as possible but in no case later than the prescribed date for submittal of the first semiannual report required by § 420.7. Unless disapproved by the Administrator, such compliance schedule shall be part of the applicable plan.

(b) (1) Any compliance schedule designed to provide for attainment and maintenance of a primary standard shall provide for compliance with applicable portions of the control strategy as expeditiously as practicable and in no case, except as otherwise provided by Subpart C of this part, later than 3 years after the Administrator's approval of the plan, or portion thereof, which sets forth such control strategy.

(2) Any compliance schedule designed to provide for attainment and maintenance of a secondary standard shall provide for compliance with applicable portions of the control strategy in a reasonable time and in no case later than the date specified for attainment of such secondary standard pursuant to § 420.10(c).

(c) Any compliance schedule extending over a period of 18 or more months from the date of its adoption shall provide for periodic increments of progress toward compliance by any affected source(s) or categories of sources.

(d) Except as otherwise provided by Subpart C of this part, neither the State agency nor a local agency shall grant any variance of, or exception to, any compliance schedule included in an applicable plan if such variance or exception will prevent, or interfere with, attainment or maintenance of a national standard within the time(s) specified pursuant to § 420.10 (b) and (c).

§ 420.16 Prevention of air pollution emergency episodes.

(a) For the purpose of preventing air pollution emergency episodes, each plan for a Priority I region shall include a contingency plan which shall, as a minimum, provide for taking any emission control actions necessary to prevent ambient pollutant concentrations at any location in such region from reaching levels which would constitute imminent and substantial endangerment to the health of persons, which levels shall be prescribed by the Administrator.

(b) Each contingency plan shall (1) specify two or more stages of episode criteria such as those set forth in Appendix L to this part, or their equivalent (2) provide for public announcement whenever any episode stage has been determined to exist, and (3) specify emission control actions to be taken at each episode stage, including, but not necessarily limited to, actions such as those set forth in Appendix L to this part, or their equivalent.

(c) (1) For each stationary source emitting 100 tons (90.7 metric tons) per year or more, the contingency plan shall include, or provide for preparation of, a specific legally enforceable emission control action program and shall show that the owner and/or operator of such stationary source has been notified of the requirements of such emission control action program.

(2) Any emission control action programs required by subparagraph (1) of this paragraph which are not included in the contingency plan shall be submitted to the Administrator in the first semiannual report required under § 420.7. Unless disapproved by the Administrator, such emission control action programs shall be part of the applicable plan.

(d) To the maximum extent practicable, emission control actions taken pursuant to a contingency plan shall be consistent with the extent of any air pollution episode, e.g., if a single source is determined to be responsible for the occurrence of any episode stage, then the emission control action steps applicable to such source shall be taken.

(e) Each contingency plan for a Priority I region shall provide for:

(1) Daily acquisition of forecasts of atmospheric stagnation conditions or during any episode stage and updating of such forecasts at least every 12 hours.

(2) Inspection of sources to ascertain compliance with applicable emission control action requirements.

(3) Communications procedures for transmitting status reports and orders as to emission control actions to be taken during an episode stage, including procedures for contact with public officials, major emission sources, public health, safety, and emergency agencies and news media.

(f) In the event that the requirements of paragraphs (c) and (e) of this section have not been fully met by the prescribed date for submitting a plan, a description of the steps under consideration and a timetable for their completion shall be submitted with the plan. Such timetable shall provide for meeting all requirements of paragraphs (c) and (e) of this section within 1 year after such prescribed date. A description of interim actions that will be taken to control emissions during any episode stage which occurs during such 1-year period shall be included.

(g) Each plan for a Priority II region shall include a contingency plan meeting, as a minmum, the requirements of subparagraphs (1) and (2) or paragraph (b) of this section.

§ 420.17 Air quality surveillance.

(a) (1) The plan shall provide for the establishment of an air quality surveillance system which shall be completed and in operation as expeditiously as practicable, but not later than 2 years after the date of the Administrator's approval of the plan, and which shall meet, as a minimum, the following requirements:

Classification of region	Pollutant	Measurement method [i]	Minimum frequency of sampling	Region population	Minimum number of air quality monitoring sites [h]
I	Suspended particulates	High volume sampler	One 24-hour sample every 6 days [a]	Less than 100,000	4.
				100,000-1,000,000	4+0.6 per 100,000 population.[c]
				1,000,001-5,000,000	7.5+0.25 per 100,000 population.[c]
				Above 5,000,000	12+0.16 per 100,000 population.[c]
		Tape sampler	One sample every 2 hours		One per 250,000 population [c] up to eight sites.
	Sulfur dioxide	Pararosaniline or equivalent [d]	One 24-hour sample every 6 days (gas bubbler).[a]	Less than 100,000	3.
				100,000-1,000,000	2.5+0.5 per 100,000 population.[c]
				1,000,001-5,000,000	6+0.15 per 100,000 population.[c]
				Above 5,000,000	11+0.05 per 100,000 population.[c]
			Continuous	Less than 100,000	1.
				100,000-5,000,000	1+0.15 per 100,000 population.[c]
				Above 5,000,000	6+0.05 per 100,000 population.[c]
	Carbon monoxide	Nondispersive infrared or equivalent.[e]	Continuous	Less than 100,000	1.
				100,000-5,000,000	1+1.15 per 100,000 population.[c]
				Above 5,000,000	6+0.05 per 100,000 population.[c]
	Photochemical oxidants	Gas phase chemiluminesence or equivalent.[f]	Continuous	Less than 100,000	1.
				100,000-5,000,000	1+0.15 per 100,000 population.[c]
				Above 5,000,000	6+0.05 per 100,000 population.[c]
	Nitrogen dioxide	24-hour sampling method (Jacobs-Hochheiser method).	One 24-hour sample every 14 days (gas bubbler).[b]	Less than 100,000	3.
				100,000-1,000,000	4+0.6 per 100,000 population.[c]
				Above 1,000,000	10.
II	Suspended particulates	High volume sampler	One 24-hour sample every 6 days [a]		3.
		Tape sampler	One sample every 2 hours		1.
	Sulfur dioxide	Pararosaniline or equivalent [d]	One 24-hour sample every 6 days (gas bubbler).[a]		3.
			Continuous		1.
III[g]	Suspended particulates	High volume sampler	One 24-hour sample every 6days [a]		1.
	Sulfur dioxide	Pararosaniline or equivalent [d]	One 24-hour sample every 6 days (gas bubbler).[a]		1.

[a] Equivalent to 61 random samples per year.

[b] Equivalent to 26 random samples per year.

[c] Total population of a region. When required number of samplers includes a fraction, round-off to nearest whole number.

[d] Equivalent methods are (1) Gas Chromatographic Separation—Flame Photometric Detection (provided Teflon is used throughout the instrument system in parts exposed to the air stream), (2) Flame Photometric Detection (provided interfering sulfur compounds present in significant quantities are removed), (3) Coulometric Detection (provided oxidizing and reducing interferences such as O_3, NO_2, and H_2S are removed), and (4) the automated Pararosaniline Procedure.

[e] Equivalent method is Gas Chromatographic Separation—Catalytic Conversion—Flame Ionization Detection.

[f] Equivalent methods are (1) Potassium Iodide Colorimetric Detection (provided a correction is made for SO_2 and NO_2), (2) UV Photometric Detection of Ozone (provided compensation is made for interfering substances), and (3) Chemiluminesence Methods differing from that of the reference method.

[g] It is assumed that the Federal motor vehicle emission standards will achieve and maintain the national standards for carbon monoxide, nitrogen dioxide, and photochemical oxidants; therefore, no monitoring sites are required for these pollutants.

[h] In interstate regions, the number of sites required should be prorated to each State on a population basis.

[i] All measurement methods, except the Tape Sampler method, are described in the national primary and secondary ambient air quality standards published in the FEDERAL REGISTER on Apr. 30, 1971 (36 F.R. 8186). Other methods together with those specified under footnotes (d), (e), and (f) will be considered equivalent if they meet the following performance specifications:

Specification	Pollutants		
	Sulfur dioxide	Carbon monoxide	Photochemical oxidant (corrected for NO_2 and SO_2)
Range	0-2,620 μg./m.³ (0-1 p.p.m.)	0-58 mg./m.³ (0-50 p.p.m.)	0-880 μg./m.³ (0-0.5 p.p.m.).
Minimum detectable sensitivity	26 μg./m.³ (0.01 p.p.m.)	0.6 mg./m.³ (0.5 p.p.m.)	20 μg./m.³ (0.01 p.p.m.).
Rise time, 90 percent	5 minutes	5 minutes	5 minutes.
Fall time, 90 percent	5 minutes	5 minutes	5 minutes.
Zero drift	±1 percent per day and ±2 percent per 3 days.	±1 percent per day and ±2 percent per 3 days.	±1 percent per day and ±2 percent per 3 days.
Span drift	±1 percent per day and ±2 percent per 3 days.	±1 percent per day and ±2 percent per 3 days.	±1 percent per day and ±2 percent per 3 days.
Precision	±2 percent	±4 percent	±4 percent.
Operation period	3 days	3 days	3 days.
Noise	±0.5 percent (full scale)	±0.5 percent (full scale)	±0.5 percent (full scale).
Interference equivalent	26 μg./m.³ (0.01 p.p.m.)	1.1 mg./m.³ (1 p.p.m.)	20 μg./m.³ (0.01 p.p.m.).
Operating temperature fluctuation	±5° C.	±5° C.	±5° C.
Linearity	2 percent (full scale)	2 percent (full scale)	2 percent (full scale).

The various specifications are defined as follows:

Range: The minimum and maximum measurement limits.

Minimum detectable sensitivity: The smallest amount of input concentration which can be detected as concentration approaches zero.

Rise time 90 percent: The interval between initial response time and time to 90 percent response after a step increase in inlet concentration.

Fall time 90 percent: The interval between initial response time and time to 90 percent response after a step decrease in the inlet concentration.

Zero drift: The change in instrument output over a stated time period of unadjusted continuous operation, when the input concentration is zero.

Span drift: The change in instrument output over a stated period of unadjusted continuous operation, when the input concentration is a stated upscale value.

Precision: The degree of agreement between repeated measurements of the same concentration (which shall be the midpoint of the stated range) expressed as the average deviation of the single results from the mean.

Operation period: The period of time over which the instrument can be expected to operate unattended within specifications.

Noise: Spontaneous deviations from a mean output not caused by input concentration changes.

Interference equivalent: The portion of indicated concentration due to the total of the interferences commonly found in ambient air.

Operating temperature fluctuation: The ambient temperature fluctuation over which stated specifications will be met.

Linearity: The maximum deviation between an actual instrument reading and the reading predicted by a straight line drawn between upper and lower calibration points.

(2) At least one sampling site must be located in the area of estimated maximum pollutant concentrations.

(b) The plan shall include a description of the existing and proposed air quality surveillance system, which shall set forth:

(1) The basis for the design of the surveillance system, selection of samplers, and sampling sites.

(2) The locations of the samplers by Universal Transverse Mercator (UTM) grid coordinates or the equivalent. Any EPA monitoring station may be designated as a sampler location.

(3) The sampling schedules.

(4) The methods of sampling and analysis.

(5) The method of data handling and analysis procedures.

(6) The timetable for the installation of any additional equipment needed to complete the system.

(c) The plan shall provide for monitoring of air quality during any air pollution emergency episode stage. The stations selected for use during such periods must be in operation within 1 year after the date of the Administrator's approval of the plan and be capable of indicating when pollutant concentrations have reached, or are approaching, any episode criteria established pursuant to § 420.16.

§ 420.18 Review of new sources and modifications.

(a) Each plan shall set forth legally enforceable procedures that will be used to implement the authority described in § 420.11(a)(4), which procedures shall be adequate to enable the State to determine whether construction or modification of stationary sources will result in violations of applicable portions of the control strategy or will interfere with attainment or maintenance of a national standard.

(b) Such procedures shall provide for the submission, by the owner or operator of a new stationary source, or existing source which is to be modified, of such information on the nature and amounts of emissions, locations, design, construction, and operation of such sources as may be necessary to permit the State agency to make the determination referred to in paragraph (a) of this section.

(c) Such procedures shall also include means of disapproving such construction or modification if it will result in a violation of applicable portions of the control strategy or will interfere with attainment or maintenance of a national standard.

(d) Such procedures shall provide that approval of any construction or modification shall not affect the responsibility of the owner or operator to comply with applicable portions of the control strategy.

§ 420.19 Source surveillance.

(a) Each plan shall provide for monitoring the status of compliance with any rules and regulations which set forth any portion of the control strategy. Specifically, each plan shall, as a minimum, provide for:

(1) Legally enforceable procedures for requiring owners or operators of stationary sources to maintain records of, and periodically report to the State information on, the nature and amount of emissions from such stationary sources and/or such other information as may be necessary to enable the State to determine whether such sources are in compliance with applicable portions of the control strategy.

(2) Periodic testing and inspection of stationary sources.

(3) Establishment of a system for detecting violations of any rules and regulations through the enforcement of appropriate visible emission limitations and for investigating complaints.

(b) As used in this section, "stationary sources" means sources of a class or category which, for purposes of construction or modification, would be subject to procedures established pursuant to § 420.18.

§ 420.20 Resources.

Each plan shall include a description of the resources available to the State and local agencies at the date of submission of the plan and of any additional resources needed to carry out the plan during the 5-year period following its submission. Such description, which shall be provided in a form similar to that in Appendix K to this part, shall include projections of the extent to which resources will be acquired at 1-, 3-, and 5-year intervals.

§ 420.21 Intergovernmental cooperation.

(a) For the purpose of assisting in the development of a plan for any interstate region, the State agency responsible for implementing national standards in any portion of such an interstate region shall furnish any available data on emissions, air quality, and control strategy development, upon request, to any other State or local agency having such responsibility in any other portion of such interstate region.

(b) Each plan shall identify:

(1) The local agencies, by official title, which will participate in carrying out the plan.

(2) The responsibilities of such local agencies and the responsibilities of any State governmental agency involved in carrying out any portion of the plan.

(c) Each plan shall provide assurances that the State agency having primary responsibility for implementing national standards in any region, or portion thereof, will promptly transmit to other State agencies having similar or related responsibility in the same or other States, information on factors (e.g., construction of new industrial plants) which may significantly affect air quality in any portion of such region or in any adjoining region.

§ 420.22 Rules and regulations.

Emission limitations and other measures necessary for attainment and maintenance of any national standard, including any measures necessary to implement the requirements of § 420.11, shall be adopted as rules and regulations enforceable by the State agency. Copies of all such rules and regulations shall be submitted with the plan. Except as otherwise provided by § 420.11(b), submittal of a plan setting forth proposed rules and regulations will not satisfy the requirements of this section nor will it be considered a timely submittal.

Subpart C—Extensions

§ 420.30 Request for 2-year extension.

(a) The Governor of a State may, at the time of submission of a plan to implement a primary standard in a Priority I region, request the Administrator to extend, for a period not exceeding 2 years, the 3-year period prescribed by the Act for attainment of the primary standard in such region.

(b) Any such request regarding an interstate region shall be submitted jointly with the requests of Governors of all States in the region, or shall show that the Governor of each State in the region has been notified of such a request.

(c) Any such request regarding attainment of a primary standard shall be submitted together with a plan which shall:

(1) Set forth a control strategy adequate for attainment of such primary standard.

(2) Show that the necessary technology or alternatives will not be available soon enough to permit full implementation of such control strategy within such 3-year period, i.e., one or more emission sources or classes of sources will be unable to comply with applicable portions of the control strategy.

(3) Provide for attainment of such primary standard as expeditiously as practicable, but in no case later than 5 years after the date of the Administrator's approval of such plan.

(d) Any showing pursuant to paragraph (c) of this section shall include:

(1) A clear identification of stationary emission sources or classes of moving sources which will be unable to comply with the applicable portions of such control strategy within a 3-year period because the necessary technology or alternatives will not be available soon enough to permit such compliance.

(2) A clear identification and justification of any assumptions made with

the respect to the time at which the necessary technology or alternatives will be available.

(3) A clear identification of any alternative means of attainment of such primary standard which were considered and rejected.

(4) A showing that stationary emission sources or classes of moving sources other than those identified pursuant to subparagraph (1) of this paragraph will be required to comply, within such 3-year period, with any applicable portions of such control strategy.

(5) A showing that reasonable interim control measures are provided for in such plan with respect to emissions from the source(s) identified pursuant to subparagraph (1) of this paragraph.

§ 420.31 Request for 18-month extension.

(a) Upon request of the State made in accordance with this section, the Administrator may, whenever he determines necessary, extend, for a period not to exceed 18 months, the deadline for submitting that portion of a plan that implements a secondary standard.

(b) Any such request will be given consideration only in the case of Priority I and Priority II regions.

(c) Any such request shall show that attainment of the secondary standards will require emission reductions exceeding those which can be achieved through the application of reasonably available control technology.

(d) Any such request for extension of the deadline with respect to any State's portion of an interstate region shall be submitted jointly with requests for such extensions from all other States within the region or shall show that all such States have been notified of such request.

(e) Any such request shall be submitted sufficiently early to permit development of a plan prior to the deadline in the event that such request is denied.

§ 420.32 Request for 1-year postponement.

(a) Pursuant to section 110(f) of the Act, the Governor of a State may request, with respect to any stationary source or class of moving sources, a postponement for not more than 1 year of the applicability of any portion of the control strategy.

(b) Any such request regarding sources located in an interstate region shall show that the Governor of each State in the region has been notified of such request.

(c) Any such request shall clearly identify the source(s) and portion(s) of the control strategy which are the subject of such request and shall include information relevant to the determinations required by section 110(f) of the Act.

(d) A public hearing will be held, before the Administrator or his designee, on any such request. No such hearing will be held earlier than 1 year in advance of the prescribed date for compliance with any such portion(s) of the control strategy.

(e) No such request shall operate to stay the applicability of the portion(s) of the control strategy covered by such request.

(f) A State's determination to defer the applicability of any portion(s) of the control strategy with respect to such source(s) will not necessitate a request for postponement under this section unless such deferral will prevent attainment or maintenance of a national standard within the time specified in such plan: *Provided, however*, That any such determination will be deemed a revision of an applicable plan under § 420.6.

APPENDIX A—AIR QUALITY ESTIMATION

Ambient pollutant levels may be estimated through the application of atmospheric diffusion models. These estimates are based primarily upon the pollutant emissions, meteorology, and topography that prevails within a region. Several procedures are available for estimating air quality based on atmospheric dispersion. The complexity and sophistication of these procedures range from a few simple calculations that may be made manually to thousands of calculations that require a computer. The procedures presented here are simple and require a minimum of calculations. The two procedures presented are referred to as an area model and a point model. The area model was used to classify regions not having air quality data where the air quality levels are the result of several pollutant sources distributed throughout the region. The point model was used where the air quality results from a single point source of pollutant.

Area model. The relationship presented in figure 1 is based on the concepts of the model developed by Miller and Holzworth.[1] This model requires estimates of a region's average emission density, the "size" of the region, and the wind speed through the mixing layer. A summary and description of how to use the procedure are presented here.

For discussion purposes let:

- X = Estimate concentration, micrograms/cubic meter ($\mu g/m^3$)
- μ = Wind speed through mixing layer, meters/second (m/s)
- Q = Emission density, micrograms/square meter-second ($\mu g/m^2$-s)
- C = Urban size = $\frac{1}{2}\sqrt{\text{urban area}}$, kilometers (km.)

Figure 1 is a plot of "normalized concentration" (   ) as a function of urban size and is defined to be the product of predicted concentration and wind speed divided by emission density. Concentrations are an increasing function of urban size and are directly proportional to emission density. The wind serves as a diluting agent and reduces expected pollutant concentrations.

As an example, the Standard Metropolitan Statistical Area (SMSA) of Chicago is used to compute the expected concentration of SO_2 from 1967 emissions in the Chicago area. The urban area of Chicago for computational purposes is 2,500 square km. The urban size, as defined is consequently 25 km. and thus from figure 1:

$$\frac{X\mu}{Q} = 230$$

For Chicago:

$$Q = 17.8\ \frac{\mu g/\text{sec}}{\text{meter}^2}$$

$$\mu = 7.3\ \text{meters/sec}$$

and hence:

$$X = \frac{(230)(17.8)}{7.3} = 561\ \mu g/m^3$$

Using this procedure, concentration estimates for both SO_2 and particulate matter may be made on a regional basis. These predicted air quality concentrations may be used to establish region classification.

Point Model. The ambient air quality concentrations that result from the emissions of a single point source have a large degree of variability depending upon the meteorological conditions. Because of this, the short-term air quality concentrations are of more concern than the long-term. In many cases, the short-term maximum concentrations occur when the plume is trapped in a mixing layer of limited depth. In these cases, the 1-hour ground level concentration from a single point source may be estimated from the following equation:[2]

$$X = \frac{Q}{\sqrt{2\pi}\sigma_y L u} \exp\left[-\frac{1}{2}\left(\frac{y}{\sigma_y}\right)^2\right]$$

where:

- X = concentration, gm/meter ^{3}.
- Q = source emission rate, gm/sec.
- σ_y = the standard deviation in the cross-wind direction of the plume concentration distribution, meters.
- L = height of the mixing layer, meters.
- u = wind speed, meters/sec.
- y = cross wind distance, meters.

The values of the meteorological parameters must be based on the meteorological conditions in the vicinity of the source. Multiplying the estimated maximum 1-hour concentration by 0.25 may be used to estimate a maximum 24-hour concentration. This factor is deemed appropriate for the meteorological conditions to which the above equation applies. The factor implies that the meteorological conditions persist 6 hours of a 24-hour period. During the remaining 18 hours, wind direction and other meteorological parameters are such that the source has no impact upon the location subjected to contamination during the 6-hour period. The estimated maximum 24-hour concentration may be compared to the maximum 24-hour national standards. This procedure may be used in Priority 1A regions to estimate the existing air quality levels for developing a control strategy.

Under certain source and meteorological conditions, the above equation may not be appropriate; however, other equations[2] are available that may be used.

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[1] Miller, M.E., and Holzworth, G.C., "An Atmospheric Diffusion Model for Metropolitan Areas", Jour. Air Poll. Cont. Assoc., 17: 46-50; Jan. 1967.

[2] Turner, D. B., "Workbook of Atmospheric Dispersion Estimates", Public Health Service Publication No. 999-AP-26, U.S. Department of Health, Education, and Welfare, Public Health Service, Consumer Protection and Environmental Health Service, National Air Pollution Control Administration, Cincinnati, Ohio. Revised 1969.

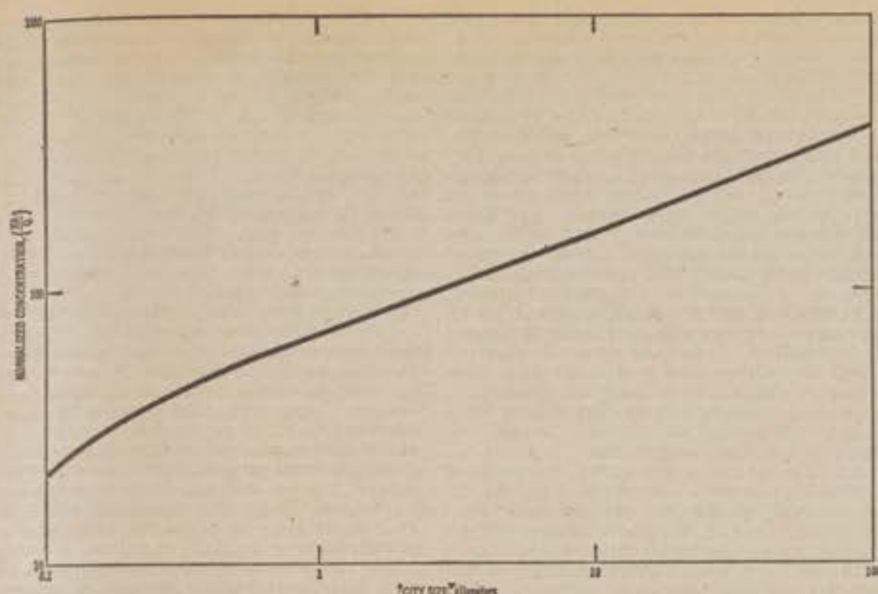

Figure 1. Relationship of normalized pollutant concentration and city size.

APPENDIX B—EXAMPLES OF EMISSION LIMITATIONS ATTAINABLE WITH REASONABLY AVAILABLE TECHNOLOGY

This appendix sets forth emission limitations which, in the Administrator's judgment, are attainable through the application of reasonable available emission control technology. The statements presented herein are not intended, and should not be construed, to require or encourage State agencies to adopt such emission limitations without consideration of (1) the necessity of imposing such emission limitations in order to attain and maintain a national standard, (2) the social and economic impact of such emission limitations, and (3) alternative means of providing for attainment and maintenance of a national standard. Failure of a State agency to adopt any or all of the emission limitations set forth herein will not be grounds for rejecting a State implementation plan if that implementation plan provides for attainment and maintenance of the National Ambient Air Quality Standards within the time prescribed by the Clean Air Act. Nor will State adoption of any or all of these emission limitations be grounds for approval of an implementation plan that does not provide for timely attainment and maintenance of the national standards. In preparing implementation plans, State agencies should tailor their control strategies to deal with the particular problems and meet the particular needs of their own States.

1.0 DEFINITIONS

"Air pollutant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substances, or any combination thereof.

"Effluent water separator" means any tank, box, sump, or other container in which any volatile organic compound floating on or entrained or contained in water entering such tank, box, sump, or other container is physically separated and removed from such water prior to outfall, drainage, or recovery of such water.

"Emission" means the act of releasing or discharging air pollutants into the ambient air from any source.

"Fuel-burning equipment" means any furnace, boiler, apparatus, stack, and all appurtenances thereto, used in the process of burning fuel for the primary purpose of producing heat or power by indirect heat transfer.

"Fugitive dust" means solid, airborne particulate matter emitted from any source other than through a stack.

"Opacity" means a state which renders material partially or wholly impervious to rays of light and causes obstruction of an observer's view.

"Particulate matter" means any material, except water in uncombined form, that is or has been airborne and exists as a liquid or a solid at standard conditions.

"Ringelmann chart" means the chart published and described in the U.S. Bureau of Mines Information Circular 8333.

"Source" means any property, real or personal, which emits or may emit any air pollutant.

"Stack" means any chimney, flue, conduit, or duct arranged to conduct emissions to the ambient air.

"Standard conditions" mean a dry gas temperature of 70° Fahrenheit and a gas pressure of 14.7 pounds per square inch absolute.

"Submerged fill pipe" means any fill pipe the discharge opening of which is entirely submerged when the liquid level is 6 inches (15 cm.) above the bottom of the tank; or when applied to a tank which is loaded from the side, means any fill pipe the discharge opening of which is entirely submerged when the liquid level is 18 inches (45 cm.) above the bottom of the tank.

"Volatile organic compounds" means any compound containing carbon and hydrogen or containing carbon and hydrogen in combination with any other element which has a vapor pressure of 1.5 pounds per square inch absolute (77.6 mm. Hg) or greater under actual storage conditions.

2.0 CONTROL OF PARTICULATE EMISSIONS

2.1 *Visible emissions*. The emission of visible air pollutants can be limited to a shade or density equal to but not darker than that designated as No. 1 on the Ringelmann chart or 20 percent opacity except for brief periods during such operations as soot blowing and startup. This limitation would generally eliminate visible pollutant emissions from stationary sources.

The emission of visible air pollutants from gasoline-powered motor vehicles can be eliminated except for periods not exceeding 5 consecutive seconds. The emission of visible air pollutants from diesel-powered motor vehicles can be limited to a shade or density equal to but not darker than that designated as No. 1 on the Ringelmann chart or 20 percent opacity except for periods not exceeding 5 consecutive seconds.

2.2 *Fugitive dust*. Reasonable precautions can be taken to prevent particulate matter from becoming airborne. Some of these reasonable precautions include the following:

(a) Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land;

(b) Application of asphalt, oil, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which can give rise to airborne dusts;

(c) Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials. Adequate containment methods can be employed during sandblasting or other similar operations;

(d) Covering, at all times when in motion, open bodied trucks, transporting materials likely to give rise to airborne dusts;

(e) Conduct of agricultural practices such as tilling of land, application of fertilizers, etc., in such manner as to prevent dust from becoming airborne;

(f) The paving of roadways and their maintenance in a clean condition;

(g) The prompt removal of earth or other material from paved streets onto which earth or other material has been transported by trucking or earth moving equipment, erosion by water, or other means.

2.3 *Incineration*. The emission of particulate matter from any incinerator can be limited to 0.20 pound per 100 pounds (2 gm./kg.) of refuse charged. This emission limitation is based on the source test method for stationary sources of particulate emissions which will be published by the Administrator. This method includes both a dry filter and wet impingers and represents particulate matter of 70° F. and 1.0 atmosphere pressure.

2.4 *Fuel burning equipment*. The emission of particulate matter from fuel burning equipment burning solid fuel can be limited to 0.30 pound per million B.t.u. (0.54 gm/10^6 gm-cal) of heat input. This emission limitation is based on the source test method for stationary sources of particulate emissions which will be published by the Administrator. This method includes both a dry filter and wet impingers and represents particulate matter of 70° F. and 1.0 atmosphere pressure.

2.5 *Process industries—general*. The emission of particulate matter for any process source can be limited in a manner such as in table I. Process weight per hour means the total weight of all materials introduced into any specific process that may cause any emission of particulate matter. Solid fuels charged are considered as part of the process weight, but liquid and gaseous fuels and combustion air are not. For a cyclical or batch operation, the process weight per hour is derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle. For a continuous operation, the process weight per hour is derived by dividing the process weight for a typical period of time.

TABLE I

Process weight rate (lbs./hr.)	Emission rate (lbs./hr.)
50	0.03
100	0.55
500	1.53
1,000	2.25
5,000	6.34
10,000	9.73
20,000	14.99
60,000	29.60
80,000	31.19
120,000	33.28
160,000	34.85
200,000	36.11
400,000	40.35
1,000,000	46.72

Interpolation of the data in table I for the process weight rates up to 60,000 lbs./hr. shall be accomplished by the use of the equation:

$$E=3.59\ P^{0.62}\quad P\leq 30 \text{ tons/hr.}$$

and interpolation and extrapolation of the data for process weight rates in excess of 60,000 lbs./hr. shall be accomplished by use of the equation:

$$E=17.31\ P^{0.16}\quad P>30 \text{ tons/hr.}$$

Where: E = Emissions in pounds per hour.
P = Process weight rate in tons per hour.

Application of mass emission limitations on the basis of all similar units at a plant is recommended in order to avoid unequal application of this type of limitation to plants with the same total emission potential but different size units.

3.0 CONTROL OF SULFUR COMPOUND EMISSIONS

3.1 *Fuel combustion*. It is not possible to make nationally applicable generalizations about attainable degrees of control of sulfur oxides emissions from combustion sources. Availability of low-sulfur fuels varies from one area to another. In some areas, severe restrictions on the sulfur content of fuels could have a significant impact on fuel-supply patterns; accordingly, where such restrictions are necessary for attainment of national ambient air quality standards, adoption of phased schedules of sulfur-in-fuel limitations is recommended. Stack gas cleaning is feasible at large industrial combustion sources and steam electric power plants. Technology has been demonstrated which will allow 70 percent removal of sulfur oxides from combustion gases of most existing fuel burning units.

Alternative means of meeting requirements for the control of sulfur oxides emissions from fuel combustion sources include: Use of natural gas, distillate oil, low-sulfur coal, and low-sulfur residual oil; desulfurization of oil or coal; stack gas desulfurization; and restricted use, shutdown, or relocation of large existing sources.

It is technically feasible to produce or desulfurize fuels to meet the following specifications: Distillate oil—0.1 percent sulfur (though it should be noted that distillate oil containing less than 0.2 percent sulfur is not generally available at this time); residual oil—0.3 percent sulfur; bituminous coal—0.7 percent sulfur. Availability of significant quantities of such low-sulfur fuels in any region where they do not naturally occur or have not been imported from other domestic or foreign sources will require planning for the timely development of new sources of such fuels. Because residual oil generally is obtained from overseas sources, its use ordinarily is restricted to areas accessible to waterborne transportation. There are limited tonnages of 0.7 percent sulfur coal produced at the present time, primarily in the western United States; large reserves of such coal exist but are not now being mined.

The flaring or combustion of any refinery process gas stream or any other process gas stream that contains sulfur compounds measured as hydrogen sulfide can be limited to a concentration of 10 grains per 100 standard cubic feet (23 gm/100scm) of gas. This limitation on combustion of process gas relates to the control of sulfur oxide emissions that would result from burning untreated process gas from refinery operations or coke ovens containing hydrogen sulfide and other sulfur compounds. Hydrogen sulfide emissions can be controlled by requiring incineration or other equally effective means for all process units. Approximately 95 to 99 percent of the sulfur compounds must be removed from the process gas stream to meet this emission limitation. It may be appropriate to consider exemption of very small units which economically may not be able to achieve this level of control.

3.2 *Sulfuric acid plants*. The emissions of sulfur dioxide from sulfuric acid plants can be limited to 6.5 pounds per ton (3.25 kg./metric ton) of 100 percent acid produced. This emission limitation is equivalent to an overall SO_2 to SO_3 conversion efficiency of 99.5 percent or a stack gas concentration of about 250 to 550 p.p.m. of sulfur dioxide, by volume, depending on the strength of the feed gas.

3.3 *Sulfur recovery plants*. The emission of sulfur oxides, calculated as sulfur dioxide, from a sulfur recovery plant can be limited to 0.01 pound (kg.) per pound (kg.) of sulfur processed. Approximately 99.5 percent of the sulfur processed must be recovered to meet this limitation. Existing plants typically recover 90 to 97 percent of the sulfur. This emission limitation corresponds to a sulfur dioxide concentration of about 1,300 p.p.m., by volume.

3.4 *Nonferrous smelters*. Technology is available to limit emission of sulfur oxides, calculated as sulfur dioxide, from primary nonferrous smelters according to the following equations:

Copper smelters: $Y=0.2X$.
Zinc smelters: $Y=0.564X^{0.85}$.
Lead smelters: $Y=0.98X^{0.77}$.

Where:

X = Total sulfur fed to smelter (lb./hr.).
Y = Sulfur Dioxide Emissions (lb./hr.).

These emission limitations are equivalent to removal of about 90 percent of the input-sulfur to the smelter for most copper smelters and somewhat higher for most lead and zinc smelters. Technology capable of achieving such emission limitations may not be applicable to all existing smelters. In such cases, less restrictive control can be coupled with restricted operations to achieve air quality standards.

3.5 *Sulfite pulp mills*. The total sulfite pulp mill emissions of sulfur oxides, calculated as sulfur dioxide, from blow pits, washer vents, storage tanks, digester relief, and recovery system, can be reduced to 9 pounds per air-dried ton (4.5 kg./metric ton) of pulp produced. This emission limitation has application only to those sulfite mills that install waste liquor recovery systems for water pollution control or other purposes. The installation of a recovery system can result in significant sulfur oxides emissions if not properly designed. For sulfite mills with existing recovery systems, a sulfur oxides emission limitation of 20 pounds per air-dried ton (9 kg./metric ton) of pulp may be more reasonable due to economic considerations.

4.0 CONTROL OF ORGANIC COMPOUNDS EMISSIONS

The following emission limitations are applicable to the principal stationary source of organic compound emissions. Reducing total organic compound emissions will reduce photochemical oxidant formation. Such control of organic compound emissions may appropriately be considered in areas where application of the Federal motor vehicle emission standards will not produce the emission reductions necessary for attainment and maintenance of the national ambient air quality standards for photochemical oxidants. These emission limitations emphasize reduction of total organic compound emissions, rather than substitution of "nonreactive" or "less reactive" organic compounds for those already in use, because there is evidence that very few organic compounds are photochemically nonreactive. Substitution may be useful, however, where it would result in a clearly evident decrease in reactivity and thus tend to reduce photochemical oxidant formation. The extent to which application of these emission limitations would reduce photochemical oxidant formation in a given air quality control region will depend on the "mix" of emission sources in the region. These limitations are separable, i.e., one or more portions can be considered, as necessary.

4.1 *Storage of volatile organic compounds*. The storage of volatile organic compounds in any stationary tank, reservoir or other container of more than 40,000 gallons (150,000 liters) can be in a pressure tank capable of maintaining working pressures sufficient at all times to prevent vapor or gas loss to the atmosphere. If this cannot be done, the tank can be equipped with a vapor loss control device such as:

(a) A floating roof, consisting of a pontoon type, double deck type roof or internal floating cover, which will rest on the surface of the liquid contents and be equipped with a closure seal or seals to close the space between the roof edge and tank wall. This control equipment may not be appropriate if the volatile organic compounds have a vapor pressure of 11 pounds per square inch absolute (568 mm. Hg) or greater under actual storage conditions. All tank gauging or sampling devices can be gas-tight except when tank gauging or sampling is taking place.

(b) A vapor recovery system, consisting of a vapor gathering system capable of collecting the volatile organic compound vapors and gases discharged, and a vapor disposal system capable of processing such volatile organic vapors and gases so as to prevent their emission to the atmosphere and all tank gauging and sampling devices can be gas-tight except when gauging or sampling is taking place.

The storage of any volatile organic compound in any stationary storage vessel more than 250-gallon (950 liter) capacity can be in a vessel equipped with a permanent submerged fill pipe or fitted with a vapor recovery system. This emission limitation will reduce volatile organic emissions 90 to 100 percent from uncontrolled sources of storage in vessels 40,000 gallon capacity or greater and approximately 40 percent from uncontrolled sources of storage in vessels 250 gallon capacity or greater.

4.2 *Volatile organic compounds loading facilities*. The loading of volatile organic compounds into any tank, truck, or trailer having a capacity in excess of 200 gallons (760 liters) can be from a loading facility equipped with a vapor collection and disposal system. Also, the loading facility can be equipped with a loading arm with a vapor collection adaptor, pneumatic, hydraulic or other mechanical means to force a vapor-tight seal between the adaptor and the hatch. A means can be provided to prevent drainage of liquid organic compounds from the loading device when it is removed from the hatch of any tank, truck, or trailer, or to accom-

plish complete drainage before the removal. When loading is effected through means other than hatches, all loading and vapor lines can be equipped with fittings which make vapor-tight connections and which close automatically when disconnected. This emission limitation will result in 55 to 60 percent reduction in volatile organic emissions from uncontrolled sources in gasoline marketing and other organic transfer operations.

4.3 *Volatile organic compounds water separation.* Single or multiple compartment volatile organic compounds water separators which receive effluent water containing 200 gallons (760 liters) a day or more of any volatile organic compound from any equipment processing, refining, treating, storing or handling volatile organic compounds having a Reid vapor pressure of 0.5 pound or greater can be equipped with one of the following vapor loss control devices, properly installed in good working order and in operation:

(a) A container having all openings sealed and totally enclosing the liquid contents. All gauging and sampling devices can be gas-tight except when gauging or sampling is taking place.

(b) A container equipped with a floating roof, consisting of a pontoon type, double deck type roof, or internal floating cover, which will rest on the surface of the contents and be equipped with a closure seal or seals to close the space between the roof edge and container wall. All gauging and sampling devices can be gas-tight except when gauging or sampling is taking place.

(c) A container equipped with a vapor recovery system consisting of a vapor gathering system capable of collecting the organic vapors and gases discharged and a vapor disposal system capable of processing such organic vapors and gases so as to prevent their emission to the atmosphere and with all container gauging and sampling devices gas-tight except when gauging or sampling is taking place. This emission limitation will reduce organic compound emissions from uncontrolled waste water separator units approximately 95 to 100 percent.

4.4 *Pumps and compressors.* All pumps and compressors handling volatile organic compounds can be equipped with mechanical seals or other equipment of equal efficiency.

4.5 *Waste gas disposal.* Any waste gas stream containing organic compounds from any ethylene producing plant or other ethylene emission source can be burned at 1,300° F. (704° C.) for 0.3 second or greater in a direct-flame afterburner or an equally effective device. This does not apply to emergency reliefs and vapor blowdown systems. The emission of organic compounds from a vapor blowdown system or emergency relief can be burned by smokeless flares, or an equally effective control device. This emission limitation will reduce organic compound emissions approximately 98 percent.

4.6 *Organic solvents.* The emission of organic compounds of more than 3 pounds (1.3 kg.) per hour or 15 pounds (6.8 kg.) per day from any equipment can be reduced by at least 85 percent. This can be accomplished by:

(a) Incineration, provided that 90 percent or more of the carbon in the organic compounds being incinerated is oxidized to carbon dioxide, or

(b) Carbon adsorption: This limitation can be applied to a variety of solvent users including industrial surface coatings, dry cleaning, degreasing and printing operations. Surface coating operations may appropriately be exempted from this limitation when the coating's solvent makeup is water-based and does not exceed 20 percent of organic compounds by volume. Organic solvents which have been shown to be virtually unreactive in the formation of oxidants, e.g., saturated halogenated hydrocarbons, perchloroethylene, benzene, acetone, and C_1-C_5 n-paraffins also may be considered for exemption. Other compounds which have been shown to have low reactivity include cyclohexanone, ethyl acetate, diethylamine, isobutyl acetate, isopropyl alcohol, methyl benzoate, 2-nitropropane, phenyl acetate and triethylamine. This emission limitation may impose an economic burden upon some paint spray booth installations. If such sources are not major contributors to hydrocarbon pollution levels, they may appropriately be considered for exemption.

4.7 *Architectural coatings for buildings.* The emission of organic compounds from architectural coatings can be reduced by requiring the use of water-base or other coatings having an organic solvent content of less than 20 percent by volume. The effectiveness of the limitations set forth in §§ 4.6 and 4.7 will vary, depending on the nature and amounts of emissions in an area; a rough estimate based on Los Angeles emission data indicates that application of the limitation would result in a 70 percent reduction in organic solvent emissions. In estimating the effectiveness, it should be assumed that all organic emissions are reactive; use of exempt solvents as substitutes for regulated solvents may be considered 100 percent effective in reducing reactive organic solvent emissions.

5.0 CONTROL OF CARBON MONOXIDE EMISSIONS

The emissions of carbon monoxide can be limited by requiring complete secondary combustion of waste gas generated in such operations as a grey iron cupola, blast furnace, basic oxygen steel furnace, catalyst regeneration of a petroleum cracking system, petroleum fluid coker or other petroleum process.

6.0 CONTROL OF NITROGEN OXIDES EMISSIONS

6.1 *Fuel burning equipment.* The emission of nitrogen oxides, calculated as nitrogen dioxide, from gas-fired fuel burning equipment can be limited to 0.2 pound per million B.t.u. (0.36 gm/10^6 gm-cal) of heat input. This emission limitation is about equivalent to a nitrogen dioxide concentration of 175 p.p.m., by volume, on a dry basis at 3 percent oxygen and represents about a 50 percent reduction in nitrogen oxide emissions from uncontrolled gas-fired equipment.

The emission of nitrogen oxides, calculated as nitrogen dioxide, from oil-fired fuel burning equipment can be limited to 0.30 pound per million B.t.u. (0.54 gm/10^6 gm-cal) of heat input. This emission limitation is about equivalent to a nitrogen dioxide concentration of 230 p.p.m., by volume, on a dry basis, at 3 percent oxygen and represents about a 50 percent reduction in nitrogen oxide emissions from uncontrolled oil-fired fuel burning equipment.

6.2 *Nitric acid manufacture.* The emission of nitrogen oxides, calculated as nitrogen dioxide, from nitric acid manufacturing plants can be limited to 5.5 pounds per ton (2.8 kg./metric ton) of 100 percent acid produced. This emission limitation is about equivalent to a nitrogen dioxide concentration of 400 p.p.m., by volume.

APPENDIX C—MAJOR POLLUTANT SOURCES

CHEMICAL PROCESS INDUSTRIES

Adipic acid.
Ammonia.
Ammonium nitrate.
Carbon black.[1]
Charcoal.[1]
Chlorine.
Detergent and soap.[1]
Explosives (TNT and nitrocellulose).[1]
Hydrofluoric acid.[1]
Nitric acid.
Paint and varnish manufacturing.[1]
Phosphoric acid.[1]
Phthalic anhydride.
Plastics manufacturing.[1]
Printing ink manufacturing.[1]
Sodium carbonate.[1]
Sulfuric acid.[1]
Synthetic fibers.
Synthetic rubber.
Terephthalic acid.

FOOD AND AGRICULTURAL INDUSTRIES

Alfalfa dehydrating.[1]
Ammonium nitrate.
Coffee roasting[1]
Cotton ginning.[1]
Feed and grain.[1]
Fermentation processes.
Fertilizers.[1]
Fish meal processing.
Meat smoke houses.[1]
Starch manufacturing.[1]
Sugar cane processing.[1]

METALLURGICAL INDUSTRIES

Primary metals industries:
- Aluminum ore reduction.[1]
- Copper Smelters.[1]
- Ferroalloy production.[1]
- Iron and steel mills.[1]
- Lead smelters.[1]
- Metallurgical coke manufacturing.[1]
- Zinc.[1]

Secondary metals industries:
- Aluminum operations.[1]
- Brass and bronze smelting.[1]
- Ferroalloys.[1]
- Gray iron foundries.[1]
- Lead smelting.[1]
- Magnesium smelting.[1]
- Steel foundries.[1]
- Zinc processes.[1]

MINERAL PRODUCTS INDUSTRIES

Asphalt roofing.[1]
Asphaltic concrete batching.[1]
Bricks and related clay refractories.[1]
Calcium carbide.[1]
Castable refractories.[1]
Cement.[1]
Ceramic and clay processes.[1]
Clay and fly ash sintering.[1]
Coal cleaning.[1]
Concrete batching.[1]
Fiberglass manufacturing.[1]
Frit manufacturing.[1]
Glass manufacturing.[1]
Gypsum manufacturing.[1]
Lime manufacturing.[1]
Mineral wool manufacturing.[1]
Paperboard manufacturing.[1]
Perlite manufacturing.[1]
Phosphate rock preparation.[1]
Rock, gravel, and sand quarrying and processing.[1]

PETROLEUM REFINING AND PETROCHEMICAL OPERATIONS [1]

WOOD PROCESSING [1]

PETROLEUM STORAGE (Storage tanks and bulk terminals)

MISCELLANEOUS

Fossil fuel steam electric powerplants.[1]
Municipal or equivalent incinerators.[1]
Open burning dumps.[1]

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[1] Major sources of sulfur oxides and/or particulate matter.

APPENDIX D—(POLLUTANT) EMISSIONS INVENTORY SUMMARY, TONS/YR. (OR METRIC TONS/YR.) (EXAMPLE REGIONS)

.... AIR QUALITY CONTROL REGION

DATA REPRESENTATIVE OF CALENDAR YEAR ....

Source category	State A						State B[1]				
	County 1		......	......	County N		State region total		Ditto	Region[1] total	
	tt	ttt	tt	ttt	tt	ttt	tt	ttt	Ditto	tt	ttt
I. Fuel combustion—stationary sources:											
A. Residential fuel:											
1. Anthracite coal:											
a. Area sources											
b. Point sources											
2. Bituminous coal:											
a. Area sources											
b. Point sources											
3. Distillate oil:											
a. Area sources											
b. Point sources											
4. Residual oil:											
a. Area sources											
b. Point sources											
5. Natural gas:											
a. Area sources											
b. Point sources											
6. Wood:											
a. Area sources											
b. Point sources											
7. Other (specify):											
a. Area sources											
b. Point sources											
8. Total											
B. Commercial and institutional fuel:											
1. Anthracite coal:											
a. Area sources											
b. Point sources											
2. Bituminous coal:											
a. Area sources											
b. Point sources											
3. Distillate oil:											
a. Area sources											
b. Point sources											
4. Residual oil:											
a. Area sources											
b. Point sources											
5. Natural Gas:											
a. Area sources											
b. Point sources											
6. Wood:											
a. Area sources											
b. Point sources											
7. Other (specify):											
a. Area sources											
b. Point sources											
8. Total											
C. Industrial fuel:											
1. Anthracite coal:											
a. Area sources											
b. Point sources											
2. Bituminous coal:											
a. Area sources											
b. Point sources											
3. Coke:											
a. Area sources											
b. Point sources											
4. Distillate oil:											
a. Area sources											
b. Point sources											
5. Residual oil:											
a. Area sources											
b. Point sources											

See footnotes at end of table.

APPENDIX D—(POLLUTANT) EMISSIONS INVENTORY SUMMARY, TONS/YR. (EXAMPLE REGIONS AND WHERE EMISSION LIMITATIONS ARE DEVELOPED)—Continued

Source category	State A						State B[1]				
	County 1		......	......	County N		State region total		Ditto	Region[1] total	
	tt	ttt	tt	ttt	tt	ttt	tt	ttt	Ditto	tt	ttt
I. Fuel combustion—stationary sources—Continued											
C. Industrial fuel—Continued											
6. Natural gas:											
a. Area sources											
b. Point sources											
7. Process gas:											
a. Area sources											
b. Point sources											
8. Other (specify):											
a. Area sources											
b. Point sources											
9. Total											
D. Steam-electric power plant fuel (point sources only):											
1. Anthracite coal											
2. Bituminous coal											
3. Coke											
4. Distillate oil											
5. Residual oil											
6. Natural gas											
7. Process gas											
8. Other (specify)											
9. Total											
E. Total stationary fuel combustion											
II. Process losses:											
A. Area sources[10]											
B. Point sources											
1. Chemical process industries											
2. Food and agricultural industries											
3. Metallurgical industries											
4. Mineral products industries											
5. Petroleum refining and petrochemical operations											
6. Wood processing											
7. Petroleum storage											
C. Total process losses											
III. Solid waste disposal:											
A. Incineration:											
1. On-site:											
a. Area sources											
b. Point sources											
2. Municipal, etc.:											
a. Area sources											
b. Point sources											
B. Open burning:											
1. On-site:											
a. Area sources											
b. Point sources											
2. Dumps:											
a. Area sources											
b. Point sources											
C. Other (specify):											
1. Area sources											
2. Point sources											
D. Total solid waste disposal											

APPENDIX D—(POLLUTANT) EMISSIONS INVENTORY SUMMARY, TONS/YR. (EXAMPLE REGIONS AND WHERE EMISSION LIMITATIONS ARE DEVELOPED)—Continued

Source category			State A				State B [1]				
	County 1		......	......	County N		State region total		Ditto	Region [1] total	
	ii	iii	ii	iii	ii	iii	ii	iii	Ditto	ii	iii
IV. Transportation (area sources only):											
A. Motor vehicles:											
1. Gasoline powered [v]											
2. Diesel powered											
B. Off-highway fuel usage											
C. Aircraft											
D. Railroads											
E. Vessels											
F. Gasoline handling evaporative losses [vi]											
G. Other (specify)											
H. Total transportation											
V. Miscellaneous (area sources only):											
A. Forest fires											
B. Structural fires											
C. Coal refuse burning											
D. Agricultural burning											
E. Other (specify)											
F. Total miscellaneous											
VI. Grand totals:											
A. Area sources											
B. Point sources											
C. Total											

[1] Included only if interstate region.
[ii] "Existing Emissions".
[iii] "Emissions Achieved" with control regulations of implementation plans. Must be submitted in example regions.
[iv] For hydrocarbons only, would include emissions or surface coating operations, dry cleaning, degreasing operations, etc., unless considered point sources.
[v] For hydrocarbons, would include vehicle evaporative losses.
[vi] For hydrocarbons only, would include losses from filling tank trucks, service station tanks, and automobile tanks.

APPENDIX E—POINT SOURCE DATA

(The following information is not required to be submitted with an implementation plan but must be available for inspection by the Administrator, EPA.)

I. GENERAL SOURCE INFORMATION

A. Establishment name and address.
B. Person to contact on air pollution matters and telephone number.
C. Operating schedule:
1. Percent of annual production by season.
2. Days of week normally in operation.
3. Shifts or hours of day normally in operation.
4. Number of days per year in operation.
D. Year in which data are recorded.
E. Future activities, if available (e.g., addition of new or expansion of existing facilities, changes in production rate, installation of control equipment, phasing out of equipment, fuel change, etc.).
F. Map or general layout of large complex plants showing locations of various facilities, if available.[1]

II. FUEL COMBUSTION

A. Number of boilers.
B. Type of fuel burning equipment for each boiler.
C. Rated and/or maximum capacity of each boiler, 10^6 B.t.u./hr. or kcal/hr.
D. Types of fuel burned, quantities, and characteristics:
1. Type of each fuel used and place of origin.
2. Maximum and average quantity per hour.
3. Quantity per year.
4. Sulfur content (as received), percent.
5. Ash content (as received), percent.
6. Heat content (as received), B.t.u. or kcal/unit of measure.
7. Estimate of future usage, if available.
E. Percent used for space heating and process heat.
F. Air pollution control equipment (existing and proposed):
1. Type.
2. Collection efficiency (design and actual), percent.
G. Stack data:
1. List stacks by boile. s served.
2. Location of stacks by grid coordinates (Universal Transverse Mercator, UTM, or equivalent).[1]
3. Stack height, feet or meters.
4. Stack diameter (inside, top), feet or meters.
5. Exit gas temperature, °F. or °C.
6. Exit g s velocity, feet/sec. or meters/sec.
H. Emission data:
1. Based on emission factors.
2. Estimate of emissions by the source.
3. Results of any stack tests conducted.

III. MANUFACTURING ACTIVITIES (PROCESS LOSSES)

A. Process name or description of each product.
B. Quantity of raw materials used and handled for each product, maximum quantity per hour, and average quantity per year.
C. Quantity of each product manufactured, maximum quantity per hour, and average quantity per year.
D. Description of annual, seasonal, monthly, weekly, and daily operating cycle including downtime for maintenance and repairs.
E. Air pollution control equipment in use (existing and proposed):
1. Type.
2. Collection efficiency (design and actual), percent.
F. Stack data:
1. List of stacks by equipment served.
2. Location of stacks by grid location (UTM or equivalent).[1]
3. Stack height, feet or meters.
4. Stack diameter (inside, top), feet or meters.
5. Exit gas temperature, °F. or °C.
6. Exit gas velocity, feet/sec. or meters/sec.
G. Emission data:
1. Based on emission factors.
2. Estimate of emissions by the source.
3. Results of any stack tests conducted.

IV. SOLID WASTE DISPOSAL

A. Amount and description of solid waste generated, quantity per year.
B. Percent of total that is combustible.
C. Method of disposal (on-site or off-site).
D. Description of on-site disposal method, if applicable (incineration, open burning, landfill, etc.) including maximum quantities disposed per hour and average quantities disposed per year and actual operating schedule.
1. Location of the source by a grid system (UTM or equivalent).[1]
2. If method of disposal is by an incinerator, include the following information:
a. Auxiliary fuel used.
b. Air pollution control equipment (existing and proposed):
(1) Type.
(2) Collection efficiency (actual and design), percent.
c. Stack data:
(1) List stacks by furnaces served.
(2) Stack height, feet or meters.
(3) Stack diameter (inside, top), feet or meters.
(4) Exit gas temperature, °F. or °C.
(5) Exit gas velocity, feet/sec. or meters/sec.
(6) Exit gas moisture content, percent if available.
3. Emission data:
a. Based on emission factors.
b. Estimate of emissions by the source.
c. Results of any stack tests conducted.

APPENDIX F—AREA SOURCE DATA [1]

(The following information is not required to be submitted with an implementation plan but must be available for inspection by the Administrator, EPA)

Grid Coordinate (lower left-hand corner) ______-______, UTM or equivalent.[2]

Average Stack Height of Sources— ______.[3]

I. FUEL COMBUSTION-STATIONARY SOURCES

Includes sulfur and ash content of fuels, if applicable).

A. Residential Fuel:
1. Anthracite Coal (plus type and size of unit)[4]—tons/year or metric tons/year.
2. Bituminous Coal (plus type and size of unit)—tons/year or metric tons/year.
3. Distillate Oil (plus type and size of unit)—10^3 gal./year or 10^3 liters/year.

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[1] Required only when diffusion modeling is utilized.

[1] Emissions data for all source categories and subcategories should be summarized in the implementation plans as is in Appendix D or G.

[2] Data is required on a grid basis only when diffusion modeling is utilized. For proportional model technique, data must be available on a county basis.

[3] Required only when diffusion modeling is utilized.

[4] Average type and size for each category. This is used as the basis for selection of average emission factor.

4. Residual Oil (plus type size of unit)—10^3 gal./year or 10^3 liters/year.

5. Natural Gas (plus type and size of unit)—10^6 cu.-ft./year or 10^6 cu.-meters/year.

6. Wood—tons/years or metric tons/year.

7. Other—please specify.

B. Commercial and Institutional Fuel:

1. Anthracite Coal (plus type and size of unit)—tons/year or metric tons/year.

2. Bituminous Coal (plus type and size of unit)—tons/year or metric tons/year.

3. Distillate Oil (plus type and size of unit)—10^3 gal./year or 10^3 liters/year.

4. Residual Oil (plus type and size of unit)—10^3 gal./year or 10^3 liters/year.

5. Natural Gas (plus type and size of unit)—10^6 cu.-ft./year or 10^6 cu.-meters/year.

6. Wood—tons/year or metric tons/year.

7. Other—please specify.

C. Industrial Fuel:

1. Anthracite Coal (plus type and size of unit)—tons/year or metric tons/year.

2. Bituminous coal (plus type and size of unit)—tons/year or metric tons/year.

3. Coke (plus type and size of unit)—tons/year or metric tons/year.

4. Distillate Oil (plus type and size of unit)—10^3 gal./year or 10^3 liters/year.

5. Residual Oil (plus type and size of unit)—10^3 gal./year or 10^3 liters/year.

6. Natural Gas (plus type and size of unit)—10^6 cu.-ft./year or 10^6 cu.-meters/year.

7. Wood—tons/year or metric tons/year.

8. Other—please specify.

II. PROCESS LOSSES (HYDROCARBONS ONLY)

A. Surface coating operations, dry cleaning, degreasing operations, etc., unless considered as point sources—appropriate basis for emission estimate.

III. SOLID WASTE DISPOSAL

A. On-site incineration (plus type of unit)—tons/year or metric tons/year.

B. Open burning—tons/year or metric tons/year.

C. Other—please specify.

IV. TRANSPORTATION

A. Gasoline-powered motor vehicles—appropriate basis for emission estimate, including hydrocarbon evaporative losses.

B. Diesel-powered motor vehicles—appropriate basis for emission estimate.

C. Off-highway fuel usage—10^3 gal./year or 10^3 liters/year.

D. Aircraft—number of flights per year per type of aircraft.

E. Railroads—10^3 gal. diesel oil/year or 10^3 liters/year.

F. Vessels—10^3 gal. or 10^3 liters of oil/year, tons or metric tons of coal/year, or tons or metric tons of wood/year.

G. Gasoline handling evaporative losses—appropriate basis for hydrocarbon emission estimate from filling tank trucks, service station tanks, and automobile tanks.

H. Other—please specify

V. MISCELLANEOUS

A. Forest fires—appropriate basis for emission estimate.

B. Structural fires—appropriate basis for emission estimate.

C. Coal refuse burning—appropriate basis for emission estimate.

D. Agricultural burning—appropriate basis for emission estimate.

E. Other—please specify.

APPENDIX G—(POLLUTANT) EMISSIONS INVENTORY SUMMARY, TONS/YR. (OR METRIC TONS/YR.) (REGIONS WHERE EMISSION LIMITATIONS ARE NOT DEVELOPED)

.... AIR QUALITY CONTROL REGION

DATA REPRESENTATIVE OF CALENDAR YEAR ....

Source category	State A			State B [i]		
	County 1	....	County N	State region total	Ditto	Regional [i] total
	ii	ii	ii	ii	Ditto	ii
I. Fuel combustion—Stationary sources:						
A. Area sources [iii]						
B. Point sources						
C. Total						
II. Process losses:						
A. Area sources [iii, iv]						
B. Point sources						
1. Chemical process industries.						
2. Food and agricultural industries.						
3. Metallurgical industries						
4. Mineral products industries.						
5. Petroleum refining and petrochemical operations.						
6. Wood processing						
7. Petroleum storage						
C. Total						
III. Solid waste disposal:						
A. Area sources [iii]						
B. Point sources						
C. Total						
IV. Transportation: (Area Sources only) [iii, v]						
V. Miscellaneous: (Area Sources only) [iii]						
VI. Grand totals:						
A. Area sources [iii]						
B. Point sources						
C. Total						

[i] Included only if interstate region.
[ii] Existing Emissions.
[iii] If not available, does not need to be submitted for Priority III regions.
[iv] For hydrocarbons only, would include emissions for surface coating operations, dry cleaning, degreasing operations, etc., unless considered point sources.
[v] For hydrocarbons would include vehicle evaporative losses and losses from filling trucks, service station tanks, and automobile tanks.

APPENDIX H—AIR QUALITY DATA SUMMARY

Pollutant	Sampling site location [1]	Sampling interval (months)	Start date	End date	Number of samples	Maximum 1-hour	Maximum 3 hours, 6-9 a.m.	Maximum 8 hours	Maximum 24 hours	Annual arith. mean	Std. dev.	Annual geo. mean	Geo. std. dev.
Particulate matter	X	X	X	X	X				X		X	X	X
Sulfur oxides (as SO_2)	X	X	X	X	X				X	X	X		X
Nitrogen dioxide	X	X	X	X	X					X	X		X
Photo-chemical oxidants	X	X	X	X	X	X				X	X		X
Carbon monoxide	X	X	X	X	X	X		X		X	X		X

X = Date or information required.
[1] UTM Grid coordinate or equivalent.

APPENDIX I—PROJECTED MOTOR VEHICLE EMISSIONS

The assumptions listed below were made in calculating the projected national urban emissions from motor vehicles as shown in Figures 1–3.

a. Emission factors are based on the new Federal test procedure (1), which has an average route speed of 18 miles per hour (29 kilometers per hour).

b. Emission control devices are assumed to just meet present and proposed standards when new, but deteriorate with age. Deterioration factors are adapted from data given in Reference 2.

c. Urban vehicle-mile projections adapted from Reference 3.

d. Distribution of automobiles by age from Reference 4.

e. Relative miles of travel for automobiles (i.e., new cars are driven more than older ones) from Reference 5.

Figures 1–3 can be used to approximate air quality levels resulting from the Federal Motor Vehicle Control Program. The following equation calculates the expected air quality concentration for any given year:

$$A.Q._1 = A.Q._0 \left[\frac{E_1}{E_0} F_T + (1-F_T)(GF)\right]$$

where:

Subscripts 0 and 1 denote the base year and future year of interest, respectively.

A.Q. = Air quality (measured or estimated) in region.
E = Normalized emissions from Figures 1–3.
F = Ratio of motor vehicle emissions to total emissions of each pollutant in region.
GF = Growth factor for emission increases from stationary sources.

This equation can be applied directly for carbon monoxide, nitrogen dioxide (if all nitrogen oxides emissions are assumed to be measured as nitrogen dioxide), and nonmethane hydrocarbons (assumes reduction in total hydrocarbon emissions will result in a proportion reduction of measured nonmethane hydrocarbons). The equation cannot directly be applied to determine the reduction in photochemical oxidant levels resulting from reductions in hydrocarbon emissions. The percent reduction in hydrocarbon emissions expected from the Federal Motor Vehicle Control Program can be estimated using that portion of the equation in brackets [ ]. By using Appendix J, it can be determined if this is sufficient to achieve the national standard for photochemical oxidants and if stationary source and/or transportation controls are required.

REFERENCES

1. FEDERAL REGISTER, Vol. 35, No. 219, Part II, Nov. 10, 1970.

2. "Exhaust Emissions from Privately Owned 1966–1970 California Automobiles—A Statistical Evaluation of Surveillance Data," Supplement to Progress Report No. 22 by Arthur J. Hocker, California Air Resources Board, Los Angeles, Calif., Apr. 19, 1971.

3. Landsberg, H. H., Fischman, L. L., and Fisher, J. L., "Resources in America's Future," Johns Hopkins Press, 1963.

4. "Automotive News—1968 Almanac Issue" Slocum Publishing, Detroit, Mich., Apr. 29, 1969.

5. Bostich, T. A., and Greenbalgh, H. J., "Relationship of Passenger Car Age and other Factors to Miles Driven," U.S. Department of Commerce, Bureau of Public Roads, Washington, D.C., Jan. 1967.

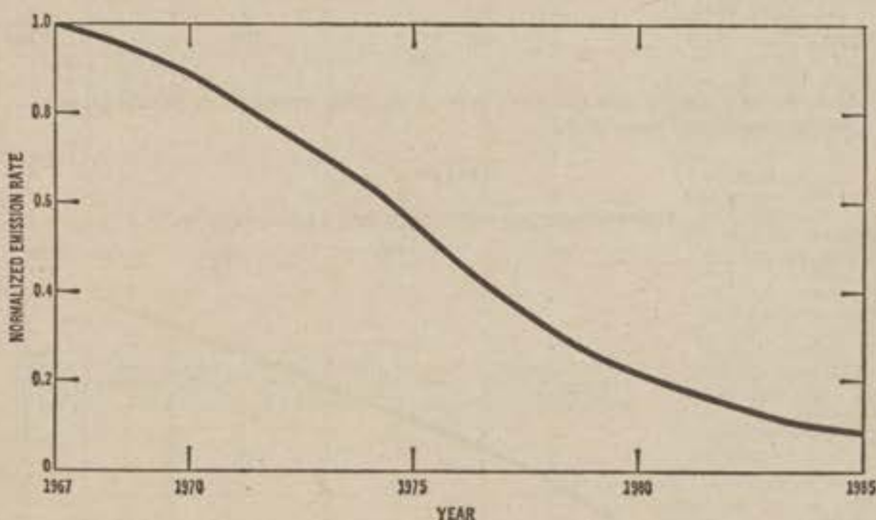


Figure 1. Hydrocarbon emission rates from urban vehicles in United States - projected from 1967 base of 1.

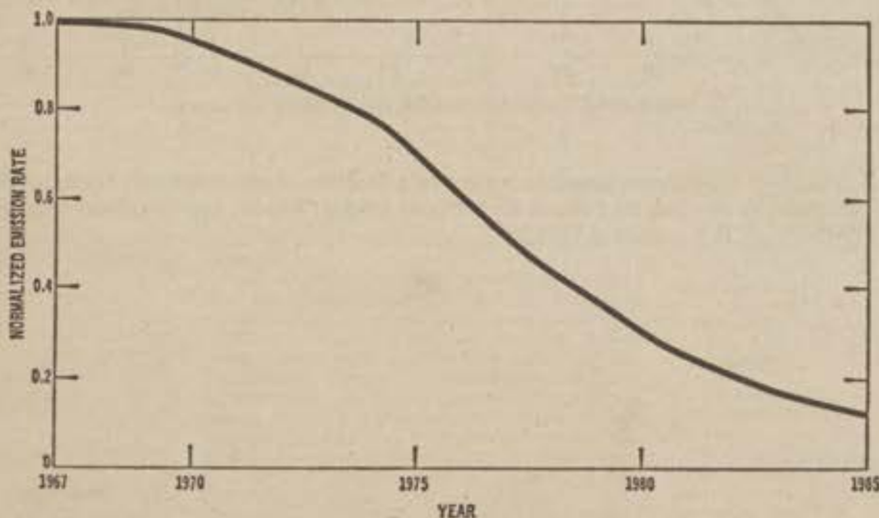


Figure 2. Carbon monoxide emission rates from urban vehicles in United States - projected from 1967 base of 1.

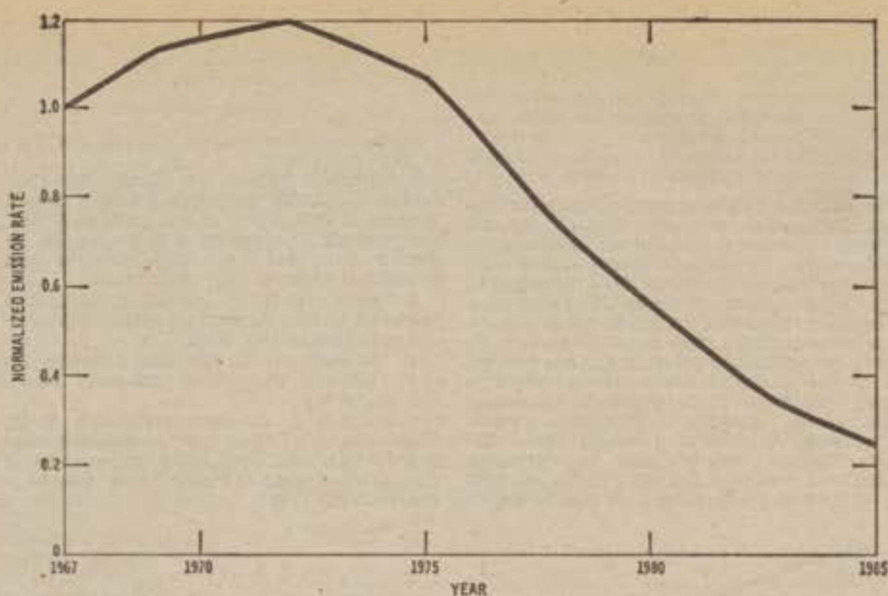


Figure 3. Nitrogen oxides emission rates from urban vehicles in United States - projected from 1967 base of 1.

APPENDIX J

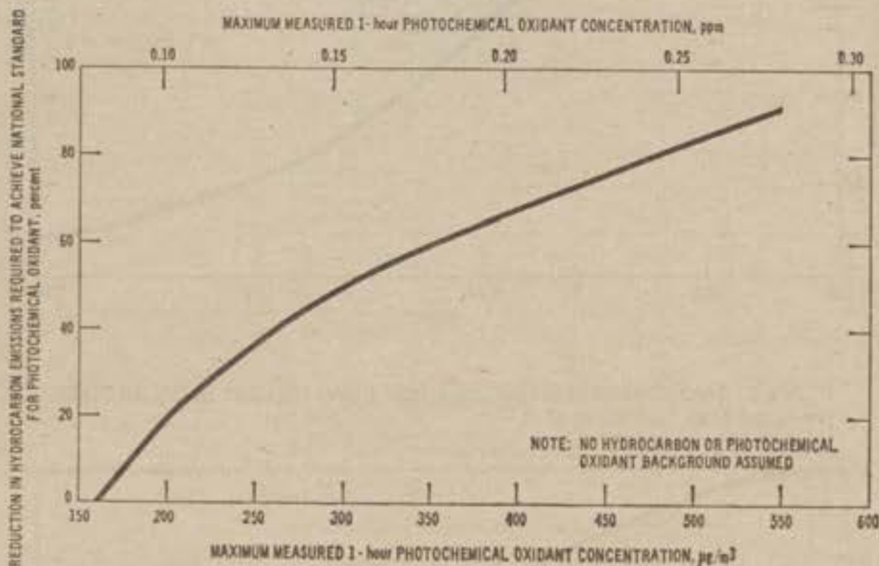


Figure 1. Required hydrocarbon emission control as a function of photochemical oxidant concentration. (Reference: Air Quality Criteria for Nitrogen Oxides, AP-84, Environmental Protection Agency, Washington, D.C., January 1971.)

APPENDIX K—CONTROL AGENCY FUNCTIONS

Man-year estimates by function for State of .... portion of .... AQCR.

Function	Year							
	Present							
	State agency	Local agencies	State agency	Local agencies	State agency	Local agencies	State agency	Local agencies
Enforcement services................								
(Subtotal)....................								
Scheduled inspections..........								
Complaints and field patrol....								
Engineering services................								
(Subtotal)....................								
Permit system..................								
Emission estimates.............								
Source testing.................								
Reports, new legislation, etc....								
Technical services................								
(Subtotal)....................								
Operation of monitoring network..................								
Special studies................								
Instrument Calibration and Maintenance..............								
Laboratory operations..........								
Data processing................								
Management services................								
(Subtotal)....................								
Policy, P/R, Strategies, etc.....								
Staff training.................								
Administrative and clerical support..................								
Totals........................								

Fund estimates by function for State of .... portion of .... AQCR.

Function	Year							
	Present							
	State agency	Local agencies	State agency	Local agencies	State agency	Local agencies	State agency	Local agencies
Enforcement services................								
Operating funds................								
Capital funds..................								
Contract funds.................								
Engineering services................								
Operating funds................								
Capital funds..................								
Contract funds.................								
Technical services................								
Operating funds................								
Capital funds..................								
Contract funds.................								
Management services................								
Operating funds................								
Capital funds..................								
Contract funds.................								
Total operating funds..............								
Total capital funds................								
Total contract funds...............								
Total funds....................								

NOTE: Report funds as $1,000.

APPENDIX L—EXAMPLE REGULATIONS FOR PREVENTION OF AIR POLLUTION EMERGENCY EPISODES

The example regulations presented herein reflect generally recognized ways of preventing air pollution from reaching levels that would cause imminent and substantial endangerment to the health of persons. States are required to have emergency episode plans for Priority I regions, but they are not required to adopt the regulations presented herein.

1.5 *Air pollution emergency.* This regulation is designed to prevent the excessive buildup of air pollutants during air pollution episodes, thereby preventing the occurrence of an emergency due to the effects of these pollutants on the health of persons.

1.5.1 *Episode criteria.* Conditions justifying the proclamation of an air pollution alert, air pollution warning, or air pollution emergency shall be deemed to exist whenever the Director determines that the accumulation of air pollutants in any place is attaining or has attained levels which could, if such levels are sustained or exceeded, lead to a substantial threat to the health of persons. In making this determination, the Director will be guided by the following criteria:

(a) "Air Pollution Forecast": An internal watch by the Department of Air Pollution Control shall be actuated by a National Weather Service advisory that Atmospheric Stagnation Advisory is in effect or the equivalent local forecast of stagnant atmospheric condition.

(b) "Alert": The Alert level is that concentration of pollutants at which first stage control actions is to begin. An Alert will be declared when any one of the following levels is reached at any monitoring site:

SO_2—800 μg./m³ (0.3 p.p.m.), 24-hour average.

Particulate—3.0 COHs or 375 μg./m³, 24-hour average.

SO_2 and particulate combined—product of SO_2 p.p.m., 24-hour average, and COHs equal to 0.2 or product of SO_2—μg/m³, 24-hour average, and particulate μg./m³, 24-hour average equal to 65×10^3.

CO—17 mg./m³ (15 p.p.m.), 8-hour average.

Oxidant (O_3)—200 μg./m³ (0.1 p.p.m.)—1-hour average.

NO_2—1130 μg/m³ (0.6 p.p.m.), 1-hour average, 282 μg./m³ (0.15 p.p.m.), 24-hour average.

and meteorological conditions are such the pollutant concentrations can be expected to remain at the above levels for twelve (12) or more hours or increase unless control actions are taken.

(c) "Warning": The warning level indicates that air quality is continuing to degrade and that addition control actions are necessary. A warning will be declared when any one of the following levels is reached at any monitoring site:

SO_2—1,000 μg./m³ (0.6 p.p.m.), 24-hour average.

Particulate—6.0 COHs or 750 μg./m³, 24-hour average.

SO_2 and particulate combined—product of SO_2 p.p.m., 24-hour average and COHs equal to 1.0 or product of SO_2 μg./m³, 24-hour average and particulate μg./m³, 24-hour average equal to 327×10^3.

CO—34 mg./m³ (30 p.p.m.), 8-hour average.

Oxidant (O_3)—800 μg./m³ (0.4 p.p.m.), 1-hour average.

NO_2—2,260 μg./m³ (1.2 p.p.m.)—1-hour average; 565 μg./m³ (0.3 p.p.m.), 24-hour average.

and meteorological conditions are such that pollutant concentrations can be expected to remain at the above levels for twelve (12) or more hours or increase unless control actions are taken.

(d) "Emergency": The emergency level indicates that air quality is continuing to degrade to a level that should never be reached and that the most stringent control actions are necessary. An emergency will be declared when any one of the following levels is reached at any monitoring site:

SO_2—2,100 μg./m³ (0.8 p.p.m.), 24-hour average.

Particulate—8.0 COHs or 1,000 μg./m³, 24-hour average.

SO_2 and particulate combined—product of SO_2 p.p.m., 24-hour average and COHs equal to 2.0 or product of SO_2 μg./m³, 24-hour average and particulate μg./m³, 24-hour average equal to 650×10^3.

CO—46 mg./m³ (40 p.p.m.), 8-hour average.

Oxidant (O_3)—1,200 μg./m³ (0.6 p.p.m.), 1-hour average.

NO_2—3,000 μg./m³ (1.6 p.p.m.), 1-hour average; 750 μg./m³ (0.4 p.p.m.), 24-hour average.

and meteorological conditions are such that this condition can be expected to continue for twelve (12) or more hours.

(e) "Termination": Once declared, any status reached by application of these criteria will remain in effect until the criteria for that level are no longer met. At such time, the next lower status will be assumed.

1.5.2 *Emission reduction plans.* (a) Air Pollution Alert—When the Director declares

an Air Pollution Alert, any person responsible for the operation of a source of air pollutants as set forth in Table I shall take all Air Pollution Alert actions as required for such source of air pollutants and shall put into effect the preplanned abatement strategy for an Air Pollution Alert.

(b) Air Pollution Warning—When the Director declares an Air Pollution Warning, any person responsible for the operation of a source of air pollutants as set forth in Table II shall take all Air Pollution Warning actions as required for such source of air pollutants and shall put into effect the preplanned abatement strategy for an Air Pollution Warning.

(c) Air Pollution Emergency—When the Director declares an Air Pollution Emergency, any person responsible for the operation of a source of air pollutants as described in Table III shall take all Air Pollution Emergency actions as required for such source of air pollutants and shall put into effect the preplanned abatement strategy for an Air Pollution Emergency.

(d) When the Director determines that a specified criteria level has been reached at one or more monitoring sites solely because of emissions from a limited number of sources, he shall notify such source(s) that the preplanned abatement strategies of Tables, I, II, and III or the standby plans are required, insofar as it applies to such source(s), and shall be put into effect until the criteria of the specified level are no longer met.

1.5.3 *Preplanned abatement strategies.* (a) Any person responsible for the operation of a source of air pollutants as set forth in Tables I–III shall prepare standby plans for reducing the emission of air pollutants during periods of an Air Pollution Alert, Air Pollution Warning, and Air Pollution Emergency. Standby plans shall be designed to reduce or eliminate emissions of air pollutants in accordance with the objectives set forth in Tables I–III which are made a part of this section.

(b) Any person responsible for the operation of a source of air pollutants not set forth under section 1.5.3(a) shall, when requested by the Director in writing, prepare standby plans for reducing the emission of air pollutants during periods of an Air Pollution Alert, Air Pollution Warning, and Air Pollution Emergency. Standby plans shall be designed to reduce or eliminate emissions of air pollutants in accordance with the objectives set forth in Tables I–III.

(c) Standby plans as required under sections 1.5.3(a) and 1.5.3(b) shall be in writing and identify the sources of air pollutants, the approximate amount of reduction of pollutants and a brief description of the manner in which the reduction will be achieved during an Air Pollution Alert, Air Pollution Warning, and Air Pollution Emergency.

(d) During a condition of Air Pollution Alert, Air Pollution Warning, and Air Pollution Emergency, standby plans as required by this section shall be made available on the premises to any person authorized to enforce the provisions of applicable rules and regulations.

(e) Standby plans as required by this section shall be submitted to the Director upon request within thirty (30) days of the receipt of such request; such standby plans shall be subject to review and approval by the Director. If, in the opinion of the Director, a standby plan does not effectively carry out the objectives as set forth in Table I–III, the Director may disapprove it, state his reason for disapproval and order the preparation of an amended standby plan within the time period specified in the order.

1.6 *Prohibition of air pollution.* No person shall permit or cause air pollution, as defined in section 1.02 of this part.

1.7 *Compliance schedule.* Except as otherwise specified, compliance with the provisions of applicable rules and regulations shall be according to the following schedule:

1.7.1 *Existing sources.* All existing sources not in compliance with applicable rules and regulations on the date of adoption of such rules and regulations shall be in compliance within 6 months of the date of adoption unless the owner or person responsible for the operation of the source shall have submitted to the Director a control plan and schedule for achieving compliance, such plan and schedule to contain a date on or before which compliance will be attained, and such other information as the Director may require. If approved by the Director, such date will be the date on which the person shall comply. The Director may require persons submitting such a plan to submit subsequent periodic reports on progress in achieving compliance. In no event shall the control plan and schedule prescribe a compliance date later than 3 years from the date of adoption of applicable rules and regulations.

1.8 *Circumvention.* No person shall install or cause the installation or use of any device or any means which, without resulting in reduction in the total amount of air pollutant emitted, conceals or dilutes an emission of air pollutant which would otherwise violate applicable rules and regulations.

1.9 *Severability.* If any provisions of these regulations or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or application of any other part of these regulations which can be given effect without the invalid provisions or application, and to this end the provisions of these regulations and the various applications thereof are declared to be severable.

NOTE: These example administrative procedures do not include examples for an administrative appeal procedure or for judicial review of decisions of the Director regarding permits and compliance schedules, since such procedures ordinarily are dependent on generally applicable provisions of State law.

TABLE I—ABATEMENT STRATEGIES EMISSION REDUCTION PLANS

ALERT LEVEL

Part A. General

1. There shall be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form.
2. The use of incinerators for the disposal of any form of solid waste shall be limited to the hours between 12 m. and 4 p.m.
3. Persons operating fuel-burning equipment which required boiler lancing or soot blowing shall perform such operations only between the hours of 12 m. and 4 p.m.
4. Persons operating motor vehicles should eliminate all unnecessary operations.

Part B. Source curtailment

Any person responsible for the operation of a source of air pollutants listed below shall take all required control actions for this Alert Level.

Source of air pollution	*Control action*
1. Coal or oil-fired electric power generating facilities.	a. Substantial reduction by utilization of fuels having low ash and sulfur content. b. Maximum utilization of mid-day (12 m. to 4 p.m.) atmospheric turbulence for boiler lancing and soot blowing. c. Substantial reduction by diverting electric power generation to facilities outside of Alert Area.
2. Coal and oil-fired process steam generating facilities.	a. Substantial reduction by utilization of fuels having low ash and sulfur content. b. Maximum utilization of mid-day (12 m. to 4 p.m.) atmospheric turbulence for boiler lancing and soot blowing. c. Substantial reduction of steam load demands consistent with continuing plant operations.
3. Manufacturing industries of the following classifications: Primary Metals Industry. Petroleum Refining Operations Chemical Industries. Mineral Processing Industries. Paper and Allied Products. Grain Industry.	a. Substantial reduction of air pollutants from manufacturing operations by curtailing, postponing, or deferring production and all operations. b. Maximum reduction by deferring trade waste disposal operations which emit solid particles, gas vapors or malodorous substances. c. Maximum reduction of heat load demands for processing. d. Maximum utilization of mid-day (12 m. to 4 p.m.) atmospheric turbulence for boiler lancing or soot blowing.

TABLE II—EMISSION REDUCTION PLANS

WARNING LEVEL

Part A. General

1. There shall be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form.
2. The use of incinerators for the disposal of any form of solid waste or liquid waste shall be prohibited.
3. Persons operating fuel-burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12 m. and 4 p.m.

4. Persons operating motor vehicles must reduce operations by the use of car pools and increased use of public transportation and elimination of unnecessary operation.

Part B. Source curtailment

Any person responsible for the operation of a source of air pollutants listed below shall take all required control actions for this Warning Level.

Source of air pollution	*Control action*
1. Coal or oil-fired electric power generating facilities.	a. Maximum reduction by utilization of fuels having lowest ash and sulfur content. b. Maximum utilization of mid-day (12 m. to 4 p.m.) atmospheric turbulence for boiler lancing and soot blowing. c. Maximum reduction by diverting electric power generation to facilities outside of Warning Area.
2. Oil and oil-fired process steam generating facilities.	a. Maximum reduction by utilization of fuels having the lowest available ash and sulfur content. b. Maximum utilization of mid-day (12 m. to 4 p.m.) atmospheric turbulence for boiler lancing and soot blowing. c. Making ready for use a plan of action to be taken if an emergency develops.
3. Manufacturing industries which require considerable lead time for shut-down including the following classifications. Petroleum Refining. Chemical Industries. Primary Metals Industries. Glass Industries. Paper and Allied Products.	a. Maximum reduction of air contaminants from manufacturing operations by, if necessary, assuming reasonable economic hardships by postponing production and allied operation. b. Maximum reduction by deferring trade waste disposal operations which emit solid particles, gases, vapors or malodorous substances. c. Maximum reduction of heat load demands for processing. d. Maximum utilization of mid-day (12 m. to 4 p.m.) atmospheric turbulence for boiler lancing or soot blowing.
4. Manufacturing industries require relatively short lead times for shut-down including the following classifications. Primary Metals Industries. Chemical Industries. Mineral Processing Industries. Grain Industry.	a. Elimination of air pollutants from manufacturing operations by ceasing, curtailing, postponing or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment. b. Elimination of air pollutants from trade waste disposal processes which emit solid particles, gases, vapors or malodorous substances. c. Maximum reduction of heat load demands for processing. d. Maximum utilization of mid-day (12 m. to 4 p.m.) atmospheric turbulence for boiler lancing or soot blowing.

TABLE III—EMISSION REDUCTION PLANS

EMERGENCY LEVEL

Part A. General

1. There shall be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form.

2. The use of incinerators for the disposal of any form of solid or liquid waste shall be prohibited.

3. All places of employment described below shall immediately cease operations.

a. Mining and quarrying of nonmetallic minerals.

b. All construction work except that which must proceed to avoid emergent physical harm.

c. All manufacturing establishments except those required to have in force an air pollution emergency plan.

d. All wholesale trade establishments; i.e., places of business primarily engaged in selling merchandise to retailers, or industrial, commercial, institutional or professional users, or to other wholesalers, or acting as agents in buying merchandise for or selling merchandise to such persons or companies, except those engaged in the distribution of drugs, surgical supplies and food.

e. All offices of local, county and State government including authorities, joint meetings, and other public bodies excepting such agencies which are determined by the chief administrative officer of local, county, or State government, authorities, joint meetings and other public bodies to be vital for public safety and welfare and the enforcement of the provisions of this order.

f. All retail trade establishments except pharmacies, surgical supply distributors, and stores primarily engaged in the sale of food.

g. Banks, credit agencies other than banks, securities and commodities brokers, dealers, exchanges and services; offices of insurance carriers, agents and brokers, real estate offices.

h. Wholesale and retail laundries, laundry services and cleaning and dyeing establishments; photographic studios; beauty shops, barber shops, shoe repair shops.

i. Advertising offices; consumer credit reporting, adjustment and collection agencies; duplicating, addressing, blueprinting; photocopying, mailing, mailing list and stenographic services; equipment rental services, commercial testing laboratories.

j. Automobile repair, automobile services, garages.

k. Establishments rendering amusement and recreational services including motion picture theaters.

l. Elementary and secondary schools, colleges, universities, professional schools, junior colleges, vocational schools, and public and private libraries.

4. All commercial and manufacturing establishments not included in this order will institute such actions as will result in maximum reduction of air pollutants from their operation by ceasing, curtailing, or postponing operations which emit air pollutants to the extent possible without causing injury to persons or damage to equipment.

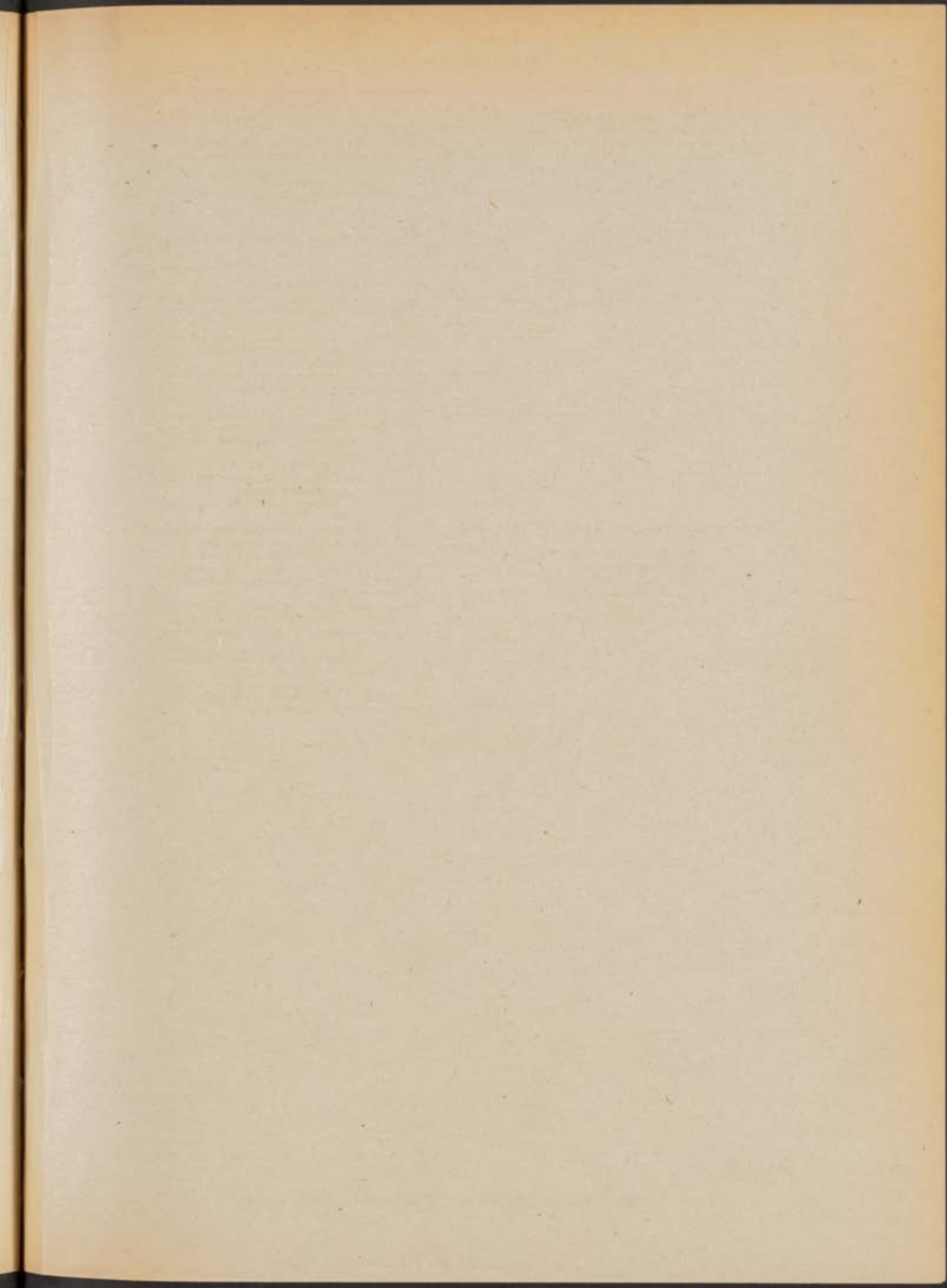
5. The use of motor vehicles is prohibited except in emergencies with the approval of local or State police.

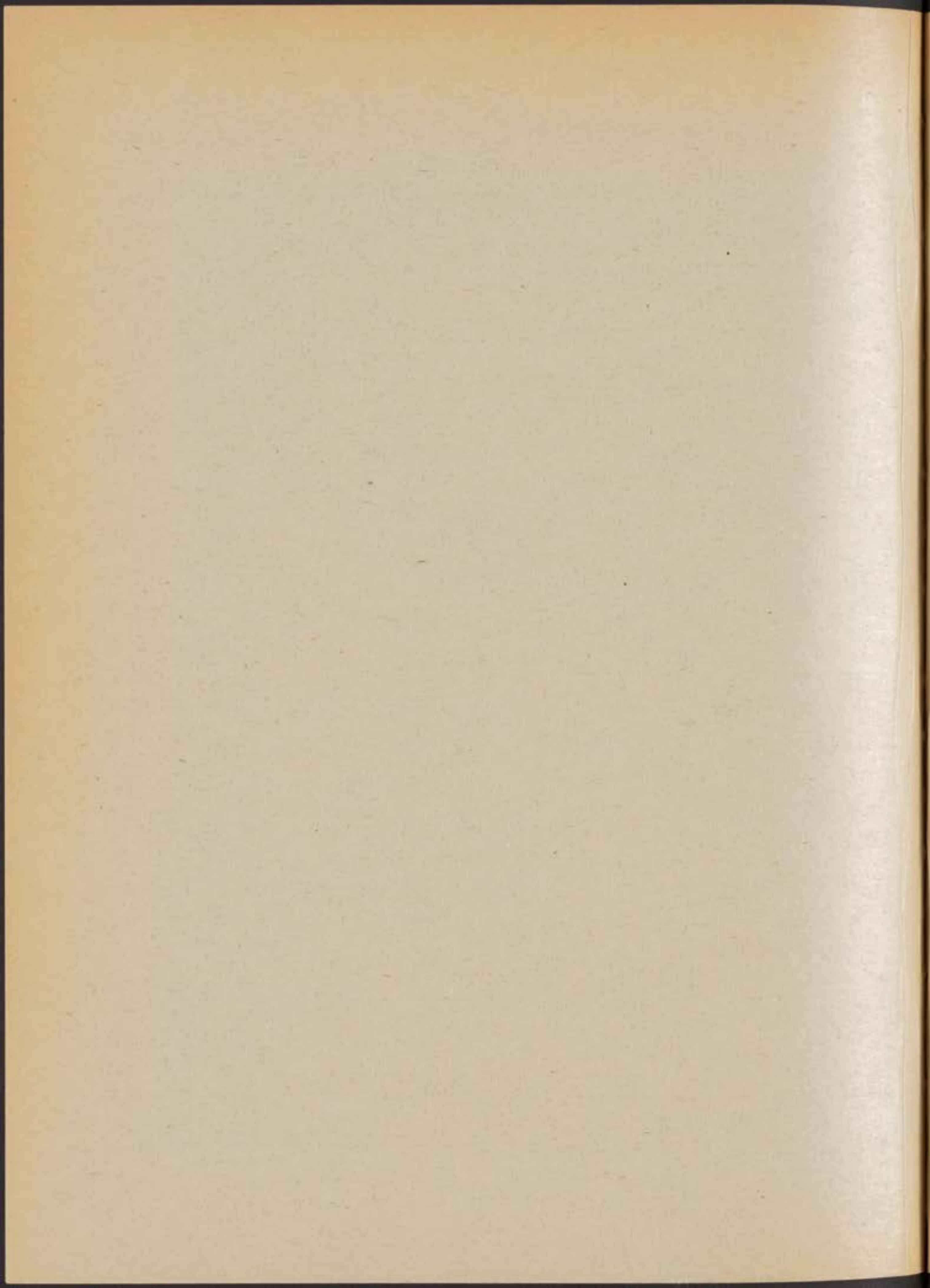
Part B. Source curtailment

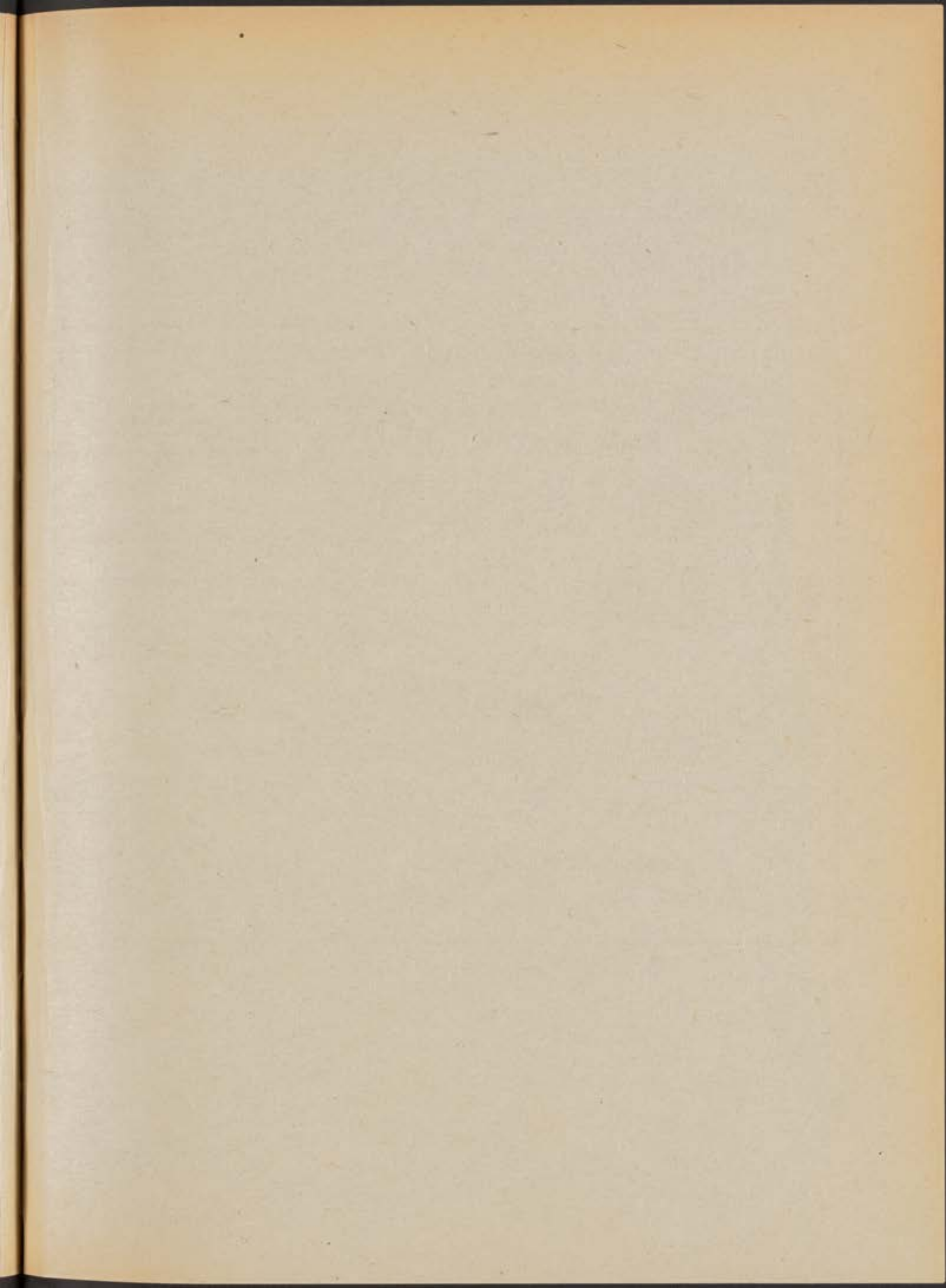
Any person responsible for the operation of a source of air pollutants listed below shall take all required control actions for this Emergency Level.

Source of air pollution	*Control action*
1. Coal or oil-fired electric power generating facilities.	a. Maximum reduction by utilization of fuels having lowest ash and sulfur content. b. Maximum utilization of mid-day (12 m. to 4 p.m.) atmospheric turbulence for boiler lancing or soot blowing. c. Maximum reduction by diverting electric power generation to facilities outside of Emergency Area.
2. Coal and oil-fired process steam generating facilities.	a. Maximum reduction by reducing heat and steam demands to absolute necessities consistent with preventing equipment damage. b. Maximum utilization of mid-day (12 m. to 4 p.m.) atmospheric turbulence for boiler lancing and soot blowing. c. Taking the action called for in the emergency plan.
3. Manufacturing industries of the following classifications. Primary Metals Industries. Petroleum Refining. Chemical Industries. Mineral Processing Industries. Grain Industry. Paper and Allied Products.	a. Elimination of air pollutants from manufacturing operations by ceasing, curtailing, postponing or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment. b. Elimination of air pollutants from trade waste disposal processes which emit solid particles, gases, vapors or malodorous substances. c. Maximum reduction of heat load demands for processing. d. Maximum utilization of mid-day (12 m. to 4 p.m.) atmospheric turbulence for boiler lancing or soot blowing.

[FR Doc.71-11387 Filed 8-13-71;8:45 am]







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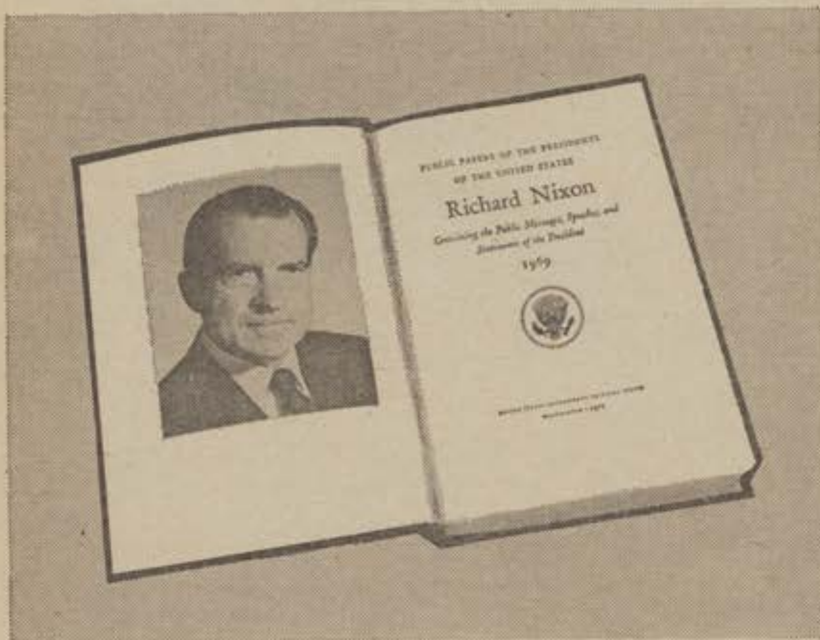

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